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Uttlesford District Council

Chief Executive: Peter Holt

Planning Committee

Date: Wednesday, 15th December, 2021

Time: 10.00 am

Venue: Council Chamber - Council Offices, London Road, Saffron Walden,
CB11 4ER

Chair: Councillor S Merifield

Members: Councillors G Bagnall, J Emanuel, P Fairhurst, R Freeman,
G LeCount, M Lemon (Vice-Chair), J Loughlin, R Pavitt, N Reeve
and M Sutton

Substitutes: Councillors M Caton, A Coote, N Gregory, V Isham, B Light, G Sell,
G Smith and J De Vries

Public Speaking and Attendance

At the start of each agenda item there will be an opportunity for members of the public to ask questions and make statements subject to having given notice by 2pm on the day before the meeting. Please register your intention to speak at this meeting by writing to committee@uttlesford.gov.uk

Public speakers will be offered the opportunity for an officer to read out their questions or statement at the meeting, and encouraged to attend the meeting via Zoom to read out their questions or statement themselves. There is capacity for four additional people to attend the Chamber in person and seats will be available on a first come first serve basis, so please do get in touch as soon as possible if this is of interest.

For further information, please see overleaf. Those who would like to watch the meeting live can do so virtually [here](#). The broadcast will be made available as soon as the meeting begins

AGENDA PART 1

Open to Public and Press

Session 1 (10.00 – 12.00)

1 Apologies for Absence and Declarations of Interest

To receive any apologies for absence and declarations of interest.

2 Minutes of the Previous Meeting 5 - 12

To consider the minutes of the previous meeting.

3 Current Performance Statistics for Development Management (Speed and Quality) 13

To consider the Current Performance Statistics.

4 UTT/21/1987/FUL - Land at Warish Hall Farm, Smiths Green, TAKELEY 14 - 98

To consider application UTT/21/1987/FUL.

5 UTT/21/2799/DFO - Land to The North West of Henham Road, ELSENHAM 99 - 119

To consider application UTT/21/2799/DFO.

The following items will not be taken before 1.00 pm. Session 2 (1.00 – 3.00)

6 UTT/21/0247/OP - The Rise, Brick End, BROXTED 120 - 140

To consider application UTT/21/0247/OP.

7 UTT/21/2697/OP - Land at Rickling Road, WICKEN BONHUNT 141 - 171

To consider application UTT/21/2697/OP.

8 UTT/21/1850/OP - 10 & 12 The Mead, THAXTED 172 - 181

To consider application UTT/21/1850/OP.

- 9 UTT/21/1853/OP - 22 Ravens Crescent, FELSTED 182 - 191**

To consider application UTT/21/1853/OP.

- 10 UTT/21/2376/FUL - Land to the West of High Lane, STANSTED 192 - 207

To consider application UTT/21/2376/FUL.

Please note there is facility for Session 3 (4.00 onwards) in the event of not all items being taken in Session 2.

MEETINGS AND THE PUBLIC

In light of the High Court judgement regarding the extension of remote meeting regulations, Council, Cabinet and Committee meetings will now be returning to in-person and will be held on-site from Thursday 6th May 2021. However, due to social distancing measures and capacity considerations in line with the Council's risk assessment, public access and participation will continue to be encouraged virtually until further notice. Members of the public are welcome to listen live to the debate of any of the Council's Cabinet or Committee meetings. All live broadcasts and meeting papers can be viewed on the Council's calendar of meetings webpage.

Members of the public and representatives of parish and town councils are permitted to speak at this meeting and will be encouraged to do so via the video conferencing platform Zoom. If you wish to make a statement via Zoom video link, you will need to register with Democratic Services by 2pm the day before the meeting. Those wishing to make a statement via video link will require an internet connection and a device with a microphone and video camera enabled. Those wishing to make a statement to the meeting who do not have internet access can do so via telephone.

Technical guidance on the practicalities of participating via Zoom will be given at the point of confirming your registration slot, but if you have any questions regarding the best way to participate in this meeting please call Democratic Services on 01799 510 369/410/548 who will advise on the options available.

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Agenda Item 2

**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 24
NOVEMBER 2021 at 10.00 am**

Present: Councillor S Merifield (Chair)
Councillors G Bagnall, J Emanuel, R Freeman, G LeCount,
M Lemon (Vice-Chair), B Light (substitute for Councillor
Fairhurst), J Loughlin, R Pavitt, N Reeve and M Sutton

Officers in attendance: W Allwood (Principal Planning Officer), N Brown (Development
Manager), C Edwards (Democratic Services Officer),
B Ferguson (Democratic Services Manager), C Gibson
(Democratic Services Officer), M Jones (Senior Planning
Officer), A Lockhart (Planning Lawyer and Legal Services
Manager), M Sawyers (Planning Officer), E Smith (Solicitor),
C Theobald (Senior Planning Officer), L Tevillian (Principal
Planner) and C Tyler (Senior Planning Officer)

Public Speakers: B Bradfield, G Brimmer, R Butler, B Craig, Councillor G Driscoll, J
Durbin, J Greenberg, Councillor N Gregory, Councillor D Hall, R
Houghton, C Houston, D Monk, P Purkiss, T West and Councillor
F Wilkinson.

PC67 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillor Fairhurst; Councillor Light substituted.

Councillor Reeve declared a non-pecuniary interest as Ward Member for Hatfield Broad Oak on Agenda Item 4.

Councillors Light and Freeman declared a non-pecuniary interest as members of Saffron Walden Town Council on Agenda Item 8.

The Chair declared a non-pecuniary interest as Ward Member for Felsted and Stebbing and as a member of Stebbing Parish Council on Agenda Item 9.

PC68 **MINUTES OF THE PREVIOUS MEETING**

Following the correction of a spelling mistake, the minutes of the previous meeting held on 27 October and 3 November 2021 were approved.

PC69 **UTT/20/3329/DFO - LAND TO THE SOUTH WEST OF LONDON ROAD, GREAT CHESTERFORD**

The Senior Planning Officer presented a Reserved Matters application, seeking approval of appearance, layout, scale and landscaping for 76 dwellings following approval of outline planning permission for UTT/19/0573/OP.

The application was recommended for approval subject to conditions.

A correction was made in respect of paragraph 6.2 of the report. The comments made were from Little Chesterford Parish Council.

Members discussed:

- The location of the Children's playground.
- The positioning of affordable housing on site.
- The situation in respect of no affordable bungalows along with available one storey developments and ground floor properties, together with wheelchair accessibility.
- Footpaths and cycle paths.
- Construction Management Plan and signage regime to ensure access from M11 direction.
- Re-wording Condition 4 in respect of the Electricity sub-station to ensure that independent measurements are taken.
- Inadequate water and sewage systems. Conservation of water and wildlife spaces.
- Safety "green fencing" at the rear of the development.
- Lack of a green buffer.
- Early planting of trees ahead of development.
- Highways Essex road safety issues and speed limits.
- An outline application from the same applicant to build 124 dwellings on an adjacent site.

Councillor Emanuel proposed approval of the application with five additional conditions:

- Amendments to the Electricity sub-station requirements in Condition 4 of the outline planning permission.
- Condition 22 of the outline planning permission in respect of the Construction Management Plan to cover routing, signage, instructions to suppliers and parking.
- Screening and the early planting of trees to be brought forward prior to the development of the site.
- Condition 8 of the outline planning permission to be varied to an additional line after trespass proof fence requirements to include consideration of carbon absorbing material.
- Ensure references to renewable solutions and water harvesting are captured and kept.

Councillor LeCount seconded the motion.

RESOLVED to approve the application, together with the additional five conditions detailed above.

Councillor N Gregory made a number of observations regarding the development. Councillor F Wilkinson (on behalf of Little Chesterford PC) and Councillor D Hall (on behalf of Great Chesterford) spoke against the application. C Houston (Agent) spoke in support.

PC70 **UTT/21/1685/FUL - OAKBOURNE, HAMMONDS ROAD, HATFIELD BROAD OAK**

The Senior Planning Officer presented an application for the proposed demolition of existing outbuildings, erection of a garage to serve existing dwelling and erection of 6 detached dwellings with associated private gardens and garages. In addition there would be a new access road from the existing public highway. This item had previously been deferred from the last meeting, pending a site visit.

The application was recommended for approval with conditions.

Members discussed:

- The increased footprint of two semi-detached dwellings and the proximity to the existing property of High Elms could be considered as overdevelopment.
- The pattern of developments in the area being different to this application.
- The positioning of the hammerhead turning.
- Lack of parking facilities.
- Street lighting.
- Backland development contrary to ULP Policy H4 .

Councillor Le Count proposed that the application be refused on the grounds of:

- Overdevelopment and the impact of the two semi-detached dwellings on High Elms, contrary to ULP Policy GEN2.
- Backland development contrary to ULP Policy H4.

Councillor Lemon seconded the motion.

RESOLVED to refuse the application on the grounds stated above.

Councillor G Driscoll and B Craig spoke against the application. J Durbin (Agent) spoke in support.

The Meeting adjourned at 12.05 pm and reconvened at 1.10 pm.

PC71 **UTT/21/2506/FUL - 77 HIGH STREET, GREAT DUNMOW**

The Senior Planning Officer presented an application to vary condition (approved plans) of planning application UTT/19/1437/FUL (added under UTT/21/2490/NMA). She corrected an error in paragraph 10.35 of her report and

said that the financial contribution in respect of health provision was actually £8,850.

The application was recommended for approval with conditions. It was explained that the matter had been brought to Committee because it was a variation of a major application.

Councillor Pavitt proposed that the application be approved with conditions. This was seconded by Councillor Lemon.

RESOLVED to approve the application with conditions.

R Butler (Agent) spoke in support of the application.

PC72 UTT/21/2584/FUL - LAND WEST OF WOODSIDE WAY, GREAT DUNMOW

The Principal Planning Officer presented an application to vary condition 4 (walking and cycling network) and 5 (Ecology and lighting), and approved plans condition as added by UTT/21/2324/NMA to UTT/20/2220/DFO – Development of the site to provide 326 residential dwellings and associated infrastructure works. He outlined the proposed minor amendments.

The application was recommended for approval, subject to conditions.

Members discussed:

- Public Rights of Way and all other foot/cycle paths on the development.
- The proposal to splitting the play area in two to provide play across the site and the proposed safety arrangements in place that were policy compliant.
- Landscape- the volume and size of trees and shrubs.
- The proposed rationalisation of the character areas across the development to provide a more logical and coherent approach to the design of new homes.
- The need to consult with Crime Prevention Officers in respect of safety issues.
- The need to ensure that rainwater harvesting arrangements were in place as a condition.

The Principal Planning Officer indicated that an informative could be included for secure by design accreditation across the site. This was supported. The Development Manager said that urban design was used and that there would be consultations with the Police.

The Chair proposed that the application be approved with additional conditions:

- To detail the required specification of Public Rights of Way and all other foot/cycle paths on the development.
- The size of trees to be heavy and extra heavy standards.
- A rainwater harvesting condition to be added, if not already in place.

Councillor Lemon seconded the proposal.

RESOLVED to approve the application with additional conditions as detailed above.

R Houghton (Applicant) spoke in support of the application.

PC73 UTT/20/2417/OP - BARNSTON WAREHOUSING, CHELMSFORD ROAD, GREAT DUNMOW

The Principal Planning Officer presented an outline application, with matters of landscaping and appearance reserved, for partial site redevelopment comprising erection of two industrial buildings together with associated engineering works access and landscaping.

The application was recommended for approval, subject to conditions.

Members discussed:

- The impact on the Mound.
- The height of the proposed development.
- The maximum car parking standard in place for commercial developments.
- Solar panning and the need for sensible metrics.
- Access arrangements.

Members welcomed the application for commercial development.

Councillor Emanuel proposed that the application be approved, subject to conditions and Councillor Reeve seconded the proposal.

RESOLVED to approve the application, subject to the detailed conditions.

PC74 UTT/21/2273/HHF - JALNA, 4 VICTORIA GARDENS, SAFFRON WALDEN

The Principal Planner presented an application for a replacement roof and alterations to allow rooms in loft space, two storey rear extension and enlargement of raised terrace. This item had been deferred from the previous meeting, pending a site visit.

The Principal Planner provided an update as to how concerned representations had been answered

The application was recommended for approval with conditions.

Councillor Freeman said that most houses in the area had already been extended and proposed that the application be approved with conditions. Councillor Light said that she thought that the development would fit in and seconded the proposal.

RESOLVED to approve the application with conditions.

P Purkiss (Agent) spoke in support of the application.

PC75 UTT/20/0930/FUL - PORTERS HALL, STEBBING

The Planning Officer presented an application for construction of manege and the erection of a stable block. This application had been deferred from Planning Committee on 29 September 2021 to allow for a site visit to take place.

The application was recommended for approval with conditions.

Members discussed:

- The protection of two ancient oak trees.
- Condition 7 relating to any proposed floodlighting, including the stable blocks.
- Placing hours of operation on the external lighting.
- The facility being used for personal as opposed to commercial use.
- The public right of way.
- The positioning of the stable block.

Councillor Sutton proposed that the application be approved with additional conditions:

- to ensure physical protection of two ancient oak trees,
- to ensure that the facility was for personal rather than commercial use,
- existing Condition 7 to include reference to the stable block and that Policy GEN5 and GEN7 be incorporated in addition to GEN2.
- The addition of a condition on the hours of operation for the external lighting.

Councillor Emanuel seconded the motion.

RESOLVED to approve the application with additional conditions.

A written statement was read out in support of the application on behalf of J Bell (Agent).

PC76 ESTABLISHMENT OF PLANNING COMMITTEE WORKING GROUP

The Development Manager summarised the report and the draft Terms of Reference. He said that there was a need to go across all pathways

The Chair said that all matters that were in the EELGA report would be examined by the Working Group and that the Group would look move forward following this.

Members discussed:

- The adequacy of the Terms of Reference.
- Training needs.
- Looking at past decisions and Appeal outcomes.
- The need for qualitative information to be fed back.
- The need for clear cross-fertilisation.

The Chair proposed to approve the recommendation. This proposal was seconded by Councillor Le Count.

RESOLVED that Planning Committee recommends that Full Council formally establishes a Planning Committee Working Group and approves the proposed Terms Of Reference as detailed in Appendix A of the report.

Councillor Light left the meeting at 2.45 pm.

The meeting adjourned at 2.45 pm and reconvened at 3.45 pm.

PC77 UTT/21/0245/FUL - VENN HOUSE, TENTERFIELDS, GREAT DUNMOW

The Senior Planning Officer presented an application for demolition of existing buildings and construction of 12 residential dwellings (Use Class C3) with associated landscaping, access and infrastructure.

The application was recommended for approval with S106 Heads of Terms.

Members discussed:

- The possible overdevelopment of the site.
- The likely increase in traffic movements.
- Parking difficulties and problems with manoeuvrability of vehicles.
- Difficult accessibility to the site and safety of pedestrians and cyclists.
- Consultations with Highways.
- The need for a strong Construction Management Plan as per condition 10.
- External lighting requirements as per condition 17.
- The wording in condition 14 in respect of the lifetime of the development.

Councillor Lemon proposed that the application be refused on the grounds of:

- Overdevelopment contrary to section ULP Policy GEN2.
- Design of access and safety concerns contrary to ULP Policy GEN1.

Councillor Freeman seconded the motion.

RESOLVED to refuse the application as detailed above.

D Monk and T West spoke against the application. J Greenberg, for the Applicant, spoke in support of the application.

PC78 UTT/21/2357/HHF - HOWE HALL, LITTLEBURY GREEN ROAD, LITTLEBURY

The Principal Planner presented an application for the conversion and extension to the Dovecote including restoration of oak frame, removal of cement render and addition of ply bracing, wood wool insulation and lime render.

The recommendation was recommended for refusal as the impact of the proposal on the heritage asset would be harmful to the historic fabric, form and character of the building.

Various issues were discussed by Members:

- The need to fully consider the views expressed in paragraph 6.3 of the report relating to historic buildings and conservation advice.
- The need to consider the views of Place Services Conservation Officers as expressed in paragraph 9.19 of the report.
- The risks of doing nothing against carrying out a sympathetic restoration.
- The quality of previous restoration works undertaken at Howe Hall.
- The fact that any works undertaken could be reversible.
- The merits of possibly approving the application weighed against a possible deferral.

Following various clarifications from the Development Manager, Councillor Bagnall proposed that this application, together with UTT/21/2358/LB as detailed in Agenda item 12 should be deferred in order that further advice could be sought from Place Services for a sympathetic solution to be considered.

The Chair seconded the motion.

RESOLVED to defer this application and UTT/21/2358/LB in order that further advice could be sought from Place Services for a sympathetic solution to be considered.

Councillor N Gregory, B Bradfield (Applicant) and G Brimmer all spoke in support of the application.

PC79 UTT/21/2358/LB - HOWE HALL, LITTLEBURY GREEN ROAD, LITTLEBURY

This item is covered in PC 78 above.

The meeting ended at 5.07 pm.

Criteria For Designation – Speed and Quality

Speed of planning decisions

Measure and type of Application	Threshold and assessment period. October 2018 - September 2020	Threshold and assessment period. October 2019 to September 2021	Live Table
Speed of major Development (District and County)	60% (70.27%)	60% (76.27%)	District - P151a
Speed of non-major Development	70% (74.43%)	70% (82.75%)	P153

UDC performance in red % greater than the threshold is good

Quality – Appeals

Measure and type of Application	Threshold and assessment period. April 2018 - March 2020	Threshold and assessment period. April 2019 to March 2021	Live Table
Quality of major Development (District and County)	10% (16.5%)	10% (17.65*)	District - P152a
Quality of non-major Development	10% (2.44%)	10% (2.8%*)	P154

**to 01/12/2021 with 1 Major appeal pending and 20 Non-Major appeals pending*

UDC performance in red 10% and above is a fail on the quality indicator

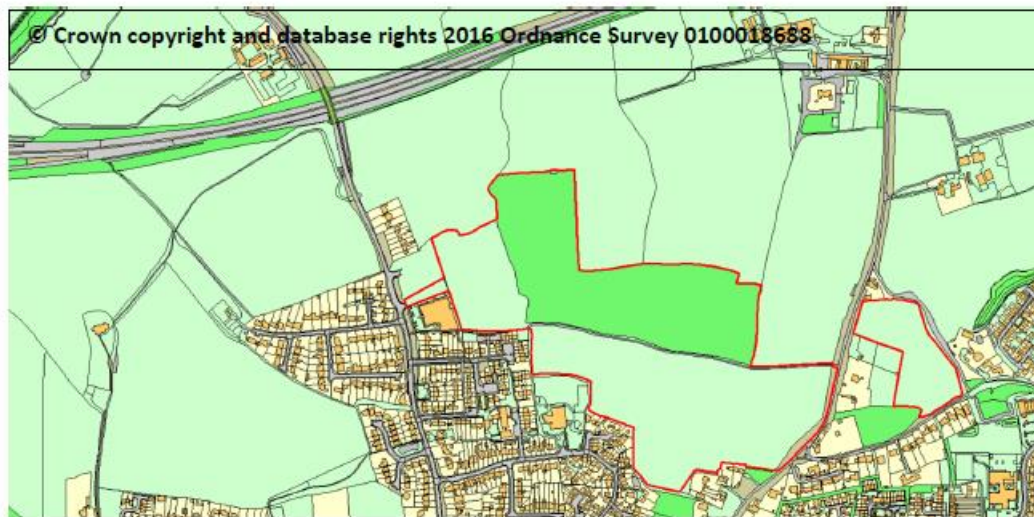
Agenda Item 4

ITEM NUMBER:

REFERENCE NUMBER: UTT/21/1987/FUL

LOCATION: LAND AT WARISH HALL FARM, SMITHS GREEN, TAKELEY

SITE LOCATION PLAN:



Organisation: Uttlesford District Council

Department: Planning

Date: 29 NOVEMBER 2021

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Organisation: Uttlesford District Council Date: 15th December 2021

PROPOSAL: Mixed use development including: revised access to/from Parsonage Road between Weston Group Business Centre and Innovation Centre buildings leading to: light industrial/flexible employment units (c.3568sqm) including health care medical facility/flexible employment building (Use Class E); 126 dwellings on Bulls Field, south of Prior's Wood; 24 dwellings west of and with access from Smiths Green Lane; 38 dwellings on land north of Jacks Lane, east of Smiths Green Lane including associated landscaping, woodland extension, public open space, pedestrian and cycle routes

APPLICANT: Mr M Pearce, Weston Homes PLC

AGENT: N/A

EXPIRY DATE: 21st December 2021 (Agreed Extension of Time)

CASE OFFICER: Madeleine Jones

NOTATION: Outside Development Limits. Countryside Protection Zone, Protected Lane (Warish Hall Road), within 250m of Ancient Woodland (Priors Wood) Grade 1, Grade II *, Grade II Listed buildings adjacent to site. Contaminated Land Historic Land Use Within 6km of Stansted Airport. Within 2KM of SSSI. County and Local Wildlife site (Priors Wood). Tree Preservation Order (Various) Scheduled Ancient Monument (Warish Hall)

1. RECOMMENDATION: CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION

1.1 S106 HEADS OF TERMS -

Provision of 40% affordable housing
 Provision of Medical/Health Care Facility
 Financial contribution for Health contributions
 Provision and long-term on-going maintenance of public open space (including LAP and LEAP)
 Payment of education financial contributions EY&C £273,525.12,
 Secondary financial contribution £836,880
 Transfer of 1 ha of agricultural land for educational use
 Monitoring cost
 Custom built dwellings 5% along Smiths Green Lane
 Financial contribution to mitigate on impact of Hatfield Forest
 Securing of an extension to Priors Wood and its long term management
 Upgrade of pedestrian link to Priors Green

Sustainable Transport contribution - to fund improvements to enhance bus services
Upgrading of the first to the signalised junction of B1256/B183 (Four Ashes)
Provision of bus stop – northern side of the B1256
Residential Travel Plans
Workplace Travel plan
Improvements to restricted Byway 48/25 (Jacks Lane from Burgattes Road)
Provision of SANG

- 1.2 The applicant be informed that the committee be minded to refuse planning permission for the reasons set out in paragraph (3) below unless by 15 June 2022 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 Head of Legal Services, in which case he shall be authorised to conclude an agreement to secure the following:

Provision of 40% affordable housing
Provision of Medical/Health Care Facility
Financial contribution for Health contributions
Provision and long-term on-going maintenance of public open space (including LAP and LEAP)
Payment of education financial contributions EY&C £273,525.12, Secondary financial contribution £836,880
Transfer of 1 ha of agricultural land for educational use
Monitoring cost
Custom built dwellings 5% along Smiths Green Lane
Financial contribution to mitigate on impact of Hatfield Forest
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Provision of bus stop – northern side of the B1256
Residential Travel Plans
Workplace Travel plan
Improvements to restricted Byway 48/25 (Jacks Lane from Burgattes Road)
Provision of SANG

- 1.3 In the event of such an agreement being made, the Director Public Services shall be authorised to grant permission subject to the conditions set out below.

- 1.4 If the freehold owner shall fail to enter into such an agreement, the Director of Public Services shall be authorised to refuse permission at his discretion at any time thereafter for the following reasons:
Lack of Provision of Medical/Health Care Facility
Lack of financial contribution for Health contributions

Lack of provision and long-term on-going maintenance of public open space (including LAP and LEAP)
Lack of payment of education financial contributions EY&C £273,525.12,
Lack of payment of Secondary financial contribution £836,880
Lack of Transfer of 1 ha of agricultural land for educational use
Lack of payment of Monitoring cost
Lack of provision of Custom-built dwellings 5% along Smiths Green Lane
Lack of Financial contribution to mitigate on impact of Hatfield Forest
Lack of Securing of an extension to Priors Wood and its long-term management
Lack of Upgrade of pedestrian link to Priors Green
Lack of Sustainable Transport contribution - to fund improvements to enhance bus services
Lack of Upgrading of the first to the signalised junction of B1256/B183 (Four Ashes)
Lack of Provision of bus stop – northern side of the B1256
Lack of provision of Residential Travel Plans
Lack of provision of Workplace Travel plan
Lack of Improvements to restricted Byway 48/25 (Jacks Lane from Burgattes Road
Lack of provision of SANG

CONDITIONS:

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. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment (Ecology Solutions, October 2021) and Bat Survey Report (Ecology Solutions, November 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g., an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with the adopted Uttlesford Local Plan 2005 - Policy GEN7.

3. Prior to commencement a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
 - a) Risk assessment of potentially damaging construction activities.

- b) Identification of “biodiversity protection zones.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with the adopted Uttlesford Local Plan 2005 - Policy GEN7.

4. Prior to commencement no development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the local planning authority. The Reptile Mitigation Strategy shall include the following.
 - a) Purpose and conservation objectives for the proposed works.
 - b) Review of site potential and constraints.
 - c) Detailed design(s) and/or working method(s) to achieve stated objectives.
 - d) Extent and location/area of proposed works on appropriate scale maps and plans.
 - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
 - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
 - g) Persons responsible for implementing the works.
 - h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
 - i) Details for monitoring and remedial measures.
 - j) Details for disposal of any wastes arising from works.

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

REASON: To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with the adopted Uttlesford Local Plan 2005 - Policy GEN7

5. Prior to any works above slab level a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.
The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - e) persons responsible for implementing the enhancement measures;
 - f) details of initial aftercare and long-term maintenance (where relevant).

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

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with the adopted Uttlesford Local Plan 2005 - Policy GEN7

6. Prior to occupation a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development.
The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organisation responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

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

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with the adopted Uttlesford Local Plan 2005 - Policy GEN7.

7. Prior to occupation a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.
All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with the adopted Uttlesford Local Plan 2005 - Policy GEN7.

8. If a phase of the development hereby approved does not commence within 18 months from the date of the planning consent, the approved ecological mitigation measures secured through condition shall be reviewed and, where necessary, amended and updated in line with CIEEM advice on lifespan of ecological reports and surveys (April 2019).
The review shall be informed by further ecological surveys commissioned to:
i establish if there have been any changes in the presence and/or abundance of protected species and
ii. identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development of an individual phase.

Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with the adopted Uttlesford Local Plan 2005 - Policy GEN7.

9. Development hereby approved shall not commence until an integrated water management strategy detailing what infrastructure is required, where it is required, when it is required (phasing) and how it will be delivered, has been

submitted to and approved by the Local Planning Authority in consultation with the sewerage undertaker. The development shall be occupied in line with the recommendations of the strategy.

REASON - An Integrated water management strategy is required to ensure that sufficient network and treatment capacity is made available to cater for the new development; and to avoid adverse environmental impact upon the community in the form of sewage flooding and or pollution of the environment, in accordance with the provisions of Policy ENV12 of the adopted Uttlesford Local Plan 2005.

10. During construction, robust measures must be taken to control dust and smoke clouds, and any loose material must be secured.

REASON: Flight safety – dust and smoke are hazardous to aircraft engines; dust and smoke clouds can present a visual hazard to pilots and air traffic controllers. Loose material can become airborne and present a significant risk to aircraft engines in accordance with the adopted Uttlesford Local Plan - Policies ENV13 and GEN4.

11. During construction and in perpetuity, robust measures to be taken to prevent birds being attracted to the site. No pools or ponds of water should occur/be created without permission. The Bird Hazard Management Plan is comprehensive and should be adhered to. The CEMP should ensure that no ponding or standing water is on site and earthworks are carried out on a 'just in time' basis. If necessary (subject to the design) the commercial unit roofs should be added to the BHMP.

REASON: Flight safety – Bird strike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Bird strike to aircraft using STN, in accordance with the adopted Uttlesford Local Plan 2005 - Policy GEN4.

12. No development to take place until final details of landscaping have been submitted to the Local Planning Authority in consultation with the aerodrome safeguarding authority for Stansted

REASON: In accordance with the adopted Uttlesford Local Plan 2005 - Policy ENV8.

13. No development to take place until conformation should be sought that the drainage calculations for the soakaway crate and infiltration basin include a suitable climate change uplift.

REASON: Flight safety – Bird strike Avoidance and in accordance with the adopted Uttlesford Local Plan 2005 - Policy GEN7.

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

REASON: Flight safety - to prevent distraction or confusion to pilots using Stansted, in accordance with the adopted Uttlesford Local Plan 2005 - Policy GEN7

15. No reflective materials to be used in the construction of these buildings

REASON: In accordance with the adopted Uttlesford Local Plan 2005 – Policy GEN5.

16. No solar photovoltaics to be used on site without first consulting with the aerodrome safeguarding authority for Stansted. An aviation perspective Glint & Glare assessment will be necessary.

REASON: Flight safety - to prevent ocular hazard and distraction to pilots using Stansted, in accordance with Uttlesford Local Plan 2005 - Policy GEN5.

17. The building envelope sound reduction measures including facade construction, glazing and ventilation hereby permitted shall be installed in strict accordance with the specification details provided in Section 8 of the acoustic report submitted by Stansted Environmental Services Ltd, ref ENV01-TAKE-068 dated 14th May 2021. The building envelope sound reduction measures shall thereafter be retained as approved.

REASON: To ensure an adequate level of amenity for residents of the new dwellings in accordance with Uttlesford Local Plan (adopted 2005) - Policy GEN4.

18. a) A noise impact assessment and report shall be submitted to and approved in writing by the local planning authority which demonstrates that the following noise design requirements for building services and mechanical plant can be complied with and shall thereafter be retained as approved
b) The cumulative measured or calculated rating level of noise emitted from the mechanical services plant including heating, ventilation and air conditioning (HVAC) and kitchen extraction plant to which the application refers, shall be 5dB(A) below the existing background noise level, at all times that the mechanical system etc operates. The measured or calculated noise levels shall be determined at the boundary of the nearest ground floor noise sensitive premises or 1 meter from the facade of the nearest first floor (or higher) noise sensitive premises, and in accordance to the latest British Standard 4142; An alternative position for assessment/measurement may be used to allow ease of access, this must be shown on a map and noise propagation calculations detailed to show how the design criteria is achieved.

REASON: To ensure an adequate level of amenity for residents of the new dwellings in accordance with Uttlesford Local Plan (adopted 2005) - Policy GEN4.

19. Contaminated Land – Phase 2 Assessment
a) A Site Investigation (Phase II environmental risk assessment) report shall be undertaken and submitted to and approved by the Local Planning Authority which includes.
(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and
(ii) The results from the application of an appropriate risk assessment methodology
b) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority

This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority. The verification report shall include disposal records, waste transfer receipts etc, to ensure that all waste disposal is traceable.

e) In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with Land contamination risk management published by the Environment Agency. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures, a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

REASON: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990 and in accordance with the adopted Uttlesford Local Plan 2005 - Policy ENV14.

20. Prior to the commencement of development, a Demolition and Construction Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the local planning authority. The DCEMP shall include the consideration of the following aspects of demolition and construction:

1. Demolition, construction, and phasing programme.
2. Contractor's access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures.
3. Construction/Demolition hours shall be carried out between 0800 hours to 1800 hours Monday to Friday, and 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless in accordance with agreed emergency procedures for deviation. Prior notice and agreement procedures for works outside agreed limits and hours.
4. Delivery times for construction/demolition purposes shall be carried out between 0730 to 1800 hours Monday to Friday, 0800 to 1300 hours on Saturdays and at no time on Sundays, bank or public holidays, unless otherwise agreed in writing by the local planning authority in advance.
5. Noise method, monitoring and recording statements in accordance with the provisions of BS 5228-1: 2009.
6. Maximum noise mitigation levels for construction equipment, plant and vehicles.
7. Dust management and wheel washing measures in accordance with the provisions of London Best Practice Guidance: The control of dust and emissions from construction and demolition.
8. Prohibition of the burning of waste on site during demolition/construction.
9. Site lighting.
10. Screening and hoarding details.
11. Access and protection arrangements around the site for pedestrians, cyclists, and other road users.

12. Procedures for interference with public highways, including permanent and temporary realignment, diversions, and road closures.
13. Prior notice and agreement procedures for works outside agreed limits.
14. Complaint's procedures, including complaints response procedures.
15. Membership of the Considerate Contractors Scheme.

The development shall then be undertaken in accordance with the agreed plan

REASON: In accordance with the provisions of Policy GEN2 of the adopted Uttlesford Local Plan 2005

21. Prior to occupation of the development, details of measures to maximise the use of low-emission transport modes (e.g. secure covered storage for motorised and non-motorised cycles, and electric vehicle charge points) must be submitted to and approved in writing by the local planning authority. The measures must be installed in accordance with the approved details prior to occupation.

REASON: To minimise any adverse effects on air quality, in accordance with Policy ENV13 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework 2021.

22. No development shall be occupied until confirmation has been provided that either:-
 1. Capacity exists off site to serve the development, or
 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan
 3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

REASON - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary to avoid sewage flooding and/or potential pollution incidents in accordance with the adopted Uttlesford Local Plan 2005 - Policy ENV12.

23. No development or preliminary groundworks of any kind shall take place until a programme of archaeological trial trenching has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

REASON: The Historic Environment Record has identified that the proposed development lies within an area of known archaeological potential. In the northern part of the site a moated enclosure is identified on early cartographic data. Other moats identified within the Takeley area have had an original construction date of 12th to 13th century. A Desk Based Assessment has been undertaken and has highlighted the potential for encountering the archaeological remains and that the likelihood is that these features would be a similar density to those identified in the surrounding area. The site lies to the south of the Scheduled Monument of Warish Hall, a moated site, with its origins in the medieval period. Evidence from Priors Green to the south would indicate the high potential for prehistoric through to post medieval

occupation within the area, and to accord with the adopted Uttlesford Local Plan 2005 - Policy ENV4

24. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in condition 23, and confirmed by the Local Authority archaeological advisors.

REASON: The Historic Environment Record has identified that the proposed development lies within an area of known archaeological potential. In the northern part of the site a moated enclosure is identified on early cartographic data. Other moats identified within the Takeley area have had an original construction date of 12th to 13th century. A Desk Based Assessment has been undertaken and has highlighted the potential for encountering the archaeological remains and that the likelihood is that these features would be a similar density to those identified in the surrounding area. The site lies to the south of the Scheduled Monument of Warish Hall, a moated site, with its origins in the medieval period. Evidence from Priors Green to the south would indicate the high potential for prehistoric through to post medieval occupation within the area, and to accord with the adopted Uttlesford Local Plan 2005 - Policy ENV4

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

REASON: The Historic Environment Record has identified that the proposed development lies within an area of known archaeological potential. In the northern part of the site a moated enclosure is identified on early cartographic data. Other moats identified within the Takeley area have had an original construction date of 12th to 13th century. A Desk Based Assessment has been undertaken and has highlighted the potential for encountering the archaeological remains and that the likelihood is that these features would be a similar density to those identified in the surrounding area. The site lies to the south of the Scheduled Monument of Warish Hall, a moated site, with its origins in the medieval period. Evidence from Priors Green to the south would indicate the high potential for prehistoric through to post medieval occupation within the area. To accord with the adopted Uttlesford Local Plan 2005 - Policy ENV4

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

REASON: The Historic Environment Record has identified that the proposed development lies within an area of known archaeological potential. In the northern part of the site a moated enclosure is identified on early cartographic data. Other moats identified within the Takeley area have had an original construction date of 12th to 13th century. A Desk Based Assessment has been undertaken and has highlighted the potential for encountering the archaeological remains and that the likelihood is that these features would be a similar density to those identified in the surrounding area. The site lies

to the south of the Scheduled Monument of Warish Hall, a moated site, with its origins in the medieval period. Evidence from Priors Green to the south would indicate the high potential for prehistoric through to post medieval occupation within the area, and to accord with the adopted Uttlesford Local Plan 2005 - Policy ENV4

27. Prior to the commencement of development, a fully detailed scheme of protective measures for existing trees and vegetation to be retained, shall be submitted to and agreed in writing by the Local Planning Authority. Further, Prior to the erection of the development hereby approved (not including footings and foundations) full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:-

- i. proposed finished levels or contours.
- ii. means of enclosure.
- iii. car parking layouts.
- iv. other vehicle and pedestrian access and circulation areas.
- v. hard surfacing materials.
- vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);
- vii. proposed and existing functional services above and below ground (e.g. drainage power,
- viii. communications cables, pipelines etc. indicating lines, manholes, supports.);
- ix. retained historic landscape features and proposals for restoration, where relevant.

Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme].

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

28. Details of path construction should be required to be submitted for approval.

REASON: To enable future or existing development to be linked to the pedestrian cycle network without any further permissions or payment and so as to prevent the creation of ransom strips at the point where the paths meet the site boundary to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

29. Prior to commencement a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.
The CEMP (Biodiversity) shall include the following.
1. Risk assessment of potentially damaging construction activities.
 2. Identification of “biodiversity protection zones”.
 3. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 4. The location and timing of sensitive works to avoid harm to biodiversity features.
 5. The times during construction when specialist ecologists need to be present on site to oversee works.
 6. Responsible persons and lines of communication.
 7. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 8. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with the adopted Uttlesford Local Plan 2005 - Policy GEN7

30. Prior to occupation a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development.
The content of the LEMP shall include the following:
1. Description and evaluation of features to be managed.
 2. Ecological trends and constraints on site that might influence management.
 3. Aims and objectives of management.
 4. Appropriate management options for achieving aims and objectives.
 5. Prescriptions for management actions.
 6. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 7. Details of the body or organisation responsible for implementation of the plan.
 8. Ongoing monitoring and remedial measures.

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

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with the adopted Uttlesford Local Plan 2005 - Policy GEN7

31. Prior to the commencement of the development, the air source heat pumps to be installed at all dwellings shall be specified and designed, enclosed or otherwise attenuated to ensure that noise resulting from their operation shall not exceed the existing background noise level inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014. This could be done as a revision to the Acoustic Design Statement submitted by Stansted Environmental Services Ltd, ref ENV01-TAKE-068 dated 14th May 2021.

REASON: To minimise any adverse effects on air quality, in accordance with Policy ENV13 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework 2021

32. Construction Management Plan: No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall cover all areas of the site identifying differences in operation as necessary and shall be adhered to throughout the construction period. The Plan shall provide for.

- I vehicle routing,
- II the parking of vehicles of site operatives and visitors,
- III loading and unloading of plant and materials,
- IV storage of plant and materials used in constructing the development,
- V wheel and underbody washing facilities.
- VI Treatment and protection of public rights of way during construction
- VII Before and after condition survey to identify defects to highway in the vicinity of the accesses to the site and where necessary ensure repairs are undertaken at the developer expense were caused by developer.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011 and in accordance with the adopted Uttlesford Local Plan 2005 - Policy GEN1

33. Prior to occupation of Areas 1 and 2 of the development, the access as shown in principle on submitted drawing 2007045-SK-11 A shall be provided, including a footway, a footway/cycleway and clear to ground visibility splays with dimensions of 2.4 metres by 120 metres in both directions, as measured from and along the nearside edge of the carriageway. The vehicular visibility splays shall always retain free of any obstruction thereafter. A crossing of the access road and an uncontrolled crossing point of Parsonage Road and shall be provided as part of the access works.

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

interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, to accord with the adopted Uttlesford Local Plan 2005 - Policy GEN1

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

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and in accordance with the adopted Uttlesford Local Plan 2005 – Policy GEN1

35. The footpath running north/south immediately east of the commercial building shall extend right up to the northern boundary of the site and the east-west footway/cycleway immediately south of the school extension land shall extend right up to the western boundary of the site, both shown in principle in drawing number WH202-10-P-20 Rev B.. The Owners and/or Developer shall not cause there to be any legal or physical barriers to impede the passage of pedestrians or cyclists along the footpath or footway/cycleway either at the boundaries of the of the Land or at any point on the Land within the ownership of the Owners and/or Developer. The developer shall submit details to the planning authority on a plan for approval prior to development and implement the approved scheme thereafter.

REASON: To enable future or existing development to be linked to the pedestrian cycle network without any further permissions or payment and so as to prevent the creation of ransom strips at the point where the paths meet the site boundary to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and the adopted Uttlesford Local Plan 2005 - Policy GEN1.

36. Vehicular Parking: Dwellings and commercial buildings shall not be occupied until such time as their associated vehicle parking area indicated on the approved plans, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be always retained in this form. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with the adopted Uttlesford Local Plan 2005 – Policy GEN1

37. Dwellings and commercial buildings shall not be occupied until such time as their associated cycle parking indicated on the approved plans, has been provided.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with the adopted Uttlesford Local Plan 2005 - Policy GEN1

38. The Walking and Cycling network to be delivered as shown in principle in submitted drawing number WH202-10-P-32 rev B, including the cycle crossing on Smith's Green shown in principle in drawing number 2007045-SK-25. Cycleways shall be a minimum width of 3.5m and surfacing shall conform with guidance in LTN1/20.

REASON: To ensure an appropriate walking and cycling network is provided in the interest of promoting sustainable travel in accordance with Policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with the adopted Uttlesford Local Plan 2005 – Policy GEN1

39. The Woodland Neighbourhood Character Area is located within the Bulls Field parcel - Public Rights of Way: Prior to first occupation a scheme shall be submitted to the highway authority to improve the public rights of way (PROWs) with any necessary work including surfacing, drainage, structures or signage for approval, the approved scheme shall be implemented for the following PROWs, were appropriate they will be adopted as part of the development road network:

48/40 between Parsonage Road and Smith's Green
48/41 between Leyfield and Smith's Green

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and in accordance with the adopted Uttlesford Local Plan 2005 - GEN1

40. Conditions or obligations relevant to Area 3 - The Rural Lane Character Area is located to the west of Smiths Green Lane to the east of Bulls Field

Accesses on west side Smiths Green: Prior to commencement of any dwelling in Area 3, the associated access, turning heads and footpaths to be provided as shown in principle on drawing number WH202-10-P-53 Rev B, the accesses to be a minimum of 5.5m width for the first 6m including clear to ground visibility splays on with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway and within public highway or land in control of the applicant. The vehicular visibility splays shall be always retained free of any obstruction thereafter.

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

Supplementary Guidance in February 2011 and in accordance with the adopted Uttlesford Local Plan 2005 == Policy GEN1

41. Relevant to Area 3 - The Rural Lane Character Area is located to the west of Smiths Green Lane to the east of Bulls Field

Unbound material: No unbound material shall be used in the surface treatment of any vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with Uttlesford Local Plan GEN1

42. Relevant to Area 4 - The Garden Village Character Area forms the majority of the Jack's Lane parcel

Access on the east side of Smiths Green: Prior to occupation of any dwelling in Area 4, the access and pedestrian/cycle crossing as shown in principle in drawing numbers 2007045-SK-13 and 2007045-SK-25, including appropriate signing, lighting and clear to ground visibility splays with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway shall be provided the visibility splays shall retained free of any obstruction at all times thereafter.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with the adopted Uttlesford Local Plan 2005 – Policy GEN1

43. Prior to the erection of the development hereby approved (not including footings and foundations) samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the development in accordance with Policy GEN2 and ENV2 of the Uttlesford Local Plan (adopted 2005)

44. Prior to the commencement of the development, the air source heat pumps to be installed shall be specified and designed, enclosed or otherwise attenuated to ensure that noise resulting from their operation shall not exceed the existing background noise level inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014. This could be done as a revision to the Acoustic Design Statement submitted by Stansted Environmental Services Ltd, ref ENV01-TAKE-068 dated 14th May 202

REASON: These are a potential source of noise that could impact on the proposed dwelling unless suitably designed, enclosed or otherwise

attenuated, in accordance with the provisions of Policies GEN4, ENV10 and ENV11 of the adopted Uttlesford Local Plan 2005.

2. DESCRIPTION OF THE SITE.

- 2.1 The site is located to the northeast of Takeley and comprises 25.15 ha of predominantly agricultural land. The application site is spread across from Parsonage Lane to Warish Hall Road, and continues to land north of Jacks Lane, east of Warish Hall Road (Smiths Green Lane). There is also an area of land to the east of Priors Wood (Maggots Field)
- 2.2 There is commercial development to the west of the site, with vehicular access onto Parsonage Road. To the north of the site between Parsonage Road and Warish Hall Road is Ancient Woodland (Priors Wood) and south of this is residential development and Roseacres school. To the east of this field is an area of common land and protected lane (running along the western boundary of Warish Hall Lane. The A120 is located beyond Priors Wood to the north
- 2.3 The area of land to the east of Warish Hall Lane and north of Jacks Lane is bounded by mature trees and hedges. The development along Warish Hall Road/Smiths Green Road is linear in nature and has several listed buildings along it. Two public rights of way run across the Bullfields site (north and south), the north leading into 7 acres. A further footpath runs along the eastern boundary of Jacks Lane.
- 2.4 Heritage assets are adjacent to the site and include several Grade II listed buildings, to the north of the site is the scheduled monument of Warish Hall moated site and the remains of Takeley Priory, sited within the Scheduled Monument is the Grade I listed Warish Hall and moat.
- 2.5 The site is found within Flood Zone 1, as indicated by the Environment Agency's on-line mapping
- 2.6 The application site is that of three parcels of undeveloped land set within the wider agrarian landscape adjacent to Takeley.

3. PROPOSAL

- 3.1 The application is a mixed-use development comprising the following:
- revised access to/from Parsonage Road between Weston Group Business Centre and Innovation Centre buildings leading to: light industrial/flexible employment units (c.3568sqm) including health care medical facility/flexible employment building (Use Class E);
 - 131 dwellings on Bulls Field, south of Prior's Wood;
 - 24 dwellings west of and with access from Smiths Green Lane;
 - 33 dwellings on land north of Jacks Lane, east of Smiths Green Lane including associated landscaping, woodland extension, public open space, pedestrian and cycle routes
- 3.2 The proposal is for the erection of 188 dwellings, the provision of 2.4 hectares of open space, employment space (3568 Sqm) medical/health hub building

(568 Sqm), car parking, new pedestrian and cycling links, 1 ha extension to Roseacres Primary School, and an extension to Priors Wood

- 3.3 The proposal includes the provision of 40% affordable housing (76). The affordable housing would be split into affordable rent and affordable shared ownership.
- 3.4 The proposal is split into four main areas:
7 acres – Commercial Area
Bull Fields West – Woodland Neighbourhood – 131 dwellings
Bull Fields East – Rural Lane- 24 dwellings
Jacks – Garden Village- 33 dwellings
- 3.5 The proposed residential mix comprises a mix of housing types, including bungalows, flats and houses. A table is attached at the end of the report with a breakdown of the mix. The development includes the provision of up to 5 no custom build dwellings.
- 3.6 In addition to the proposed housing, the proposal is for change of use of 1 ha of agricultural land for educational use.
- 3.7 All dwellings meet the recommended parking standards. There would be 47 visitor parking spaces provided. Vehicular access to the commercial area would be from Parsonage Road to the east, serving the commercial/employment area and leading through to residential development and the open space. Further five vehicular accesses would be from Warish Hall Lane to Bullfields East (rural lane) and also a new access on to the Jacks site (east of Warish Hall Lane)
- 3.8 No connection for vehicles is provided between Parsonage Road and Warish Hall Lane. New cycleway and pedestrian links and the provision of walking routes provided

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 3.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

5. APPLICANTS CASE

- 5.1 The application is supported by the following documents:

Design and Access Statement
Planning Statement
Air Quality Assessment
Arboricultural Impact Assessment
Archaeological Assessment
Built Heritage Assessment
Ecology Assessment
Bird Hazard Mitigation Plan
Flood Risk Assessment and Suds Report
Health Impact Assessment
Landscape and Visual Impact Assessment

Landscape Strategy
 Noise Assessment
 Affordable Housing Statement
 Transport Assessment
 Phase1 Desk Study and Preliminary Risk Assessments
 Sustainability Statement
 Biodiversity Checklist
 Suds Checklist
 Statement of Community Involvement.
 Biodiversity Net Gain Report
 Energy Statement
 Industrial Travel Plan
 Residential Travel Plan
 Woodland Management Plan
 Bat survey Report

6. RELEVANT SITE HISTORY

DUN/0229/49: Site for dwelling house. Approved with conditions.
 DUN/0449/65: Site for industrial development. Refused
 UTT/0327/82: Proposed new vehicular access. Approved with conditions
 UTT/0668/75: New access road. Approved with conditions.

PRE- APPLICATION DISCUSSIONS

UTT/20/2531/PA: Re-development of the following land parcels at Warish Hall Farm; Jacks - 2 Hectares Bull Field - 4 Hectares 7 Acres - 2.2 Hectares Initial proposal of up to 100 dwellings and 400 sqm of light industrial / commercial development.

7. CONSULTATIONS

7.1 Members may recall discussing this proposed application in January 2021, following a presentation by the applicant. Further, the pre- application proposals were presented by the applicant to the Essex Quality Review Panel (EQRP) on the 12th March 2021 - the comments of the EQRP are included within this report as Appendix 2

7.2 This summary of responses below generally only deals with the most up-to-date replies, to avoid any confusion. Full details of the consultation responses can be found in Public Access on the Uttlesford District Councils website.

Takeley Parish Council

7.3 Takeley Parish Council notes the number of revisions to the initial proposals as set out in the Planning Statement Addendum WH202, dated October 2021. Irrespective of all the mitigation measures expressed in this revised application the Parish Council is of the opinion that the resultant harms to this area will be immeasurably large to the local community. The harms would irreparably damage the setting, rural nature and heritage of this part of Takeley village. They would diminish the quality of life and amenity enjoyed by residents currently on the borders of the proposed green field sites enjoying the borrowed vista of the surrounding countryside. The Applicant's mitigation packages cannot outweigh the irreparable damage this

development would inflict on our village and on the quality of life and well-being of our residents.

It is interesting to note that in the conclusions made by the applicant's consultant who wrote the accompanying Energy Statement it says:

1. "The site is located in a suburban setting".

This is not true. These sites are in a largely rural setting with a distinctive rural character except for the huge complex owned by the company making this planning application. The sites are also within the Countryside Protection Zone under Policy S8 as detailed in our objections to the original application. This objection still stands and the CPZ policy, first adopted in the UDC 1995 Local Plan said, "The priority within this zone is to maintain a local belt of countryside around the airport that will not be eroded by coalescing developments". The CPZ is a well-established and longstanding UDC policy, designed to maintain a local belt of countryside around Stansted Airport that will not be eroded by coalescing development and clearly states that its objective is:

- To protect the open characteristics of the CPZ
- To restrict the spread of development from the airport
- To protect the rural character of the countryside (including settlements) around the airport; and
- To prevent changes to the rural settlement pattern of the area by restricting coalescence

This policy additionally reinforces the fact that the land at Warish Hall Farm and Smith's Green in Takeley is unspoilt pristine countryside.

Furthermore, Policy S7, which is to protect the countryside for its own sake, should be given due weight as the concept of protecting and enhancing the natural environment and is an important part of achieving the environmental component of sustainable development as expressed in the NPPF. More specifically the framework still requires recognition of the intrinsic beauty of the countryside. We feel the adverse impact resulting from the proposed development would irreparably harm the character and appearance of the area. These points were raised in the dismissal by the Inspector of Appeal Ref: APP/1570/W/20/3257122 (Land North of Canfield Drive), decision date 8 March 2021 and are directly relevant.

Uttlesford District Council's Landscape Officer said in his document dated the 30th September 2021:

The principal concern expressed is over the erosion of the CPZ and the issue of coalescence. It is not disputed that the proposed development would erode the integrity of the CPZ and that the development would have a significant impact on the character of the site and immediate surrounds including the setting of Priors Wood. With regard to visual coalescence with the airport the degree of separation resulting from the proposed development would be to some extent diminished."

The revisions in the amended planning statement have no relevance to this principal concern and our objection. Our position is that the CPZ should be given considerable weight when the Planning Committee considers the revised application. It is re-emphasised that the Uttlesford District Council CPZ policy states that "the priority within this zone is to maintain a local belt of countryside around Stansted Airport that will not be eroded by coalescing developments". It is also considered that this is open space which is greatly

valued by Takeley and Little Canfield residents and was used extensively during the recent lockdown. Walking on footpaths round an open field is more beneficial than walking in a suburban setting. Open spaces are very important for people's health and well-being. Takeley Parish Council totally agrees with the Woodland Trust and para 180(c) of the NPPF which states that development resulting in the loss or deterioration of irreplaceable habitats such as Ancient Woodland should be refused. Priors Wood is mentioned in the Domesday Book - 'Hundred of UTTLESFORD – St. Valery's holds TAKELEY which Thorkell, a free man, held before 1066.....Woodland then and later, 1000 pigs, now 600', St Valery being the Priory which became known as the Manor of Warish Hall. The woodland is Priors Wood. There are also documents from New College, Oxford showing medieval earthworks – woodbanks which were used to enclose livestock - in Priors Wood. These can still be seen today, and Takeley Parish Council is concerned that they have not been taken into consideration, indeed there is no mention of them.

2. Consultation with local residents

Just before the onset of the Covid-19 pandemic Takeley Parish Council initiated the process to consult with local residents about the sort of sustainable housing that might be considered in any future development in Takeley. The impact of the pandemic had an effect on the management of this but the overwhelming responses were:

- Only sustainable development relating to “affordable” homes for young people as well as for the elderly residents wishing to downsize and remain in the parish.
- The Countryside Protection Zone is a vital Planning Policy which seeks to ensure that there is rural separation between the airport and the residential areas of the parish.

3. Takeley Parish Neighbourhood Development Plan

Following the initial response from the survey undertaken in 2019 /20 the Parish Council has approved the process to undertake a Neighbourhood Development Plan. A Steering Group of residents and three Parish Councillors is currently working on the evidence gathering part of the process. Uttlesford District Council has approved the designation of the whole Parish as the Neighbourhood Plan Area. Although we are working towards separate Neighbourhood Plans the Steering Group will be working closely with Broxted Parish Council.

The Steering Group will be undertaking a detailed Housing Needs Survey through the Rural Community Council for Essex and it is planned that the results from this will be available in February/March 2022.

In addition, the Steering Group is in the process of commissioning the following studies:

A Heritage and Conservation Assessment

A Landscape Sensitivity and Capacity Statement

4. Conclusion

In his speech at the recent Conservative Party Conference the Prime Minister clearly stated that brown field is the first approach to new building.

He said that there was no reason that the countryside should be lost to new unaffordable homes, saying “ you can...see that young families

need...beautiful homes, on brown field sites in places where homes make sense.” This statement by the Prime Minister indicated the direction the Government intends to take in its new Planning Bill.

We note that Uttlesford District Council has just issued the GIS analysis of site options appraisal and methodology. We will be returning to this and submitting a further response specifically for this application when we have analysed the GIS analysis document.

The Applicant’s mitigation packages cannot outweigh the irreparable damage this development would inflict on our village and the quality of life and well-being of our residents.

Takeley Parish Council asks the Planning Committee to refuse this planning application based on our original set of objections and this further submission to the revised application.

Little Canfield Parish Council Comments

- 7.4 The development is within the Countryside Protection Zone (CPZ), the Access is inappropriate and insufficient for the size of the development, the resultant development would introduce coalescence with Priors Green, Smiths Green and Takeley. The parish council OBJECTS to the proposed development

Place Services Specialist Archaeological Advice

- 7.5 A targeted archaeological evaluation has been completed on specific areas of the development site which include a moated site and features identified in the geophysical survey. The trial trenching has identified the moat surviving in good condition abutting Smiths Lane with evidence of some medieval features surviving within the enclosed area. Those features that have been dated would suggest that the moat potentially has its origins in the medieval period although there are only limited features within the enclosed area recorded in the evaluation. Based on the results of the evaluation there are no nationally significant deposits identified, however, the proposed development will result in significant harm to the moated complex and as such this will require open area excavation in advance of the development.

Recommendation: an archaeological Programme of Trial Trenching followed by open area Excavation

ECC Place Services - Ecology

- 7.6 No objection subject to securing biodiversity mitigation and enhancement measures

ECC Green Infrastructure 11.11.2021

- 7.7 ECC currently provides advice on green infrastructure schemes (GI) for major developments. ECC have been consultees on GI since 2018. Although there are no statutory requirements for GI, the 25 Year Environment Plan and emerging Environment Bill will place significant importance on protecting and enhancing GI, accessibility and biodiversity net gain.
- In providing advice we look to ensure that adequate provision, protection and improvements of high-quality GI comply with the objectives and planning principles set out in the following documents:

- Uttlesford Infrastructure Delivery Plan and Local Development Plan policies regarding the Council's approach to green infrastructure provision in the local authority area.
- Essex Green Infrastructure Strategy, 2020 aims to enhance the urban and rural environment, through creating connected multi-functional GI that delivers multiple benefits to people and wildlife. It meets the County Council's aspirations to improve GI and green spaces in our towns, city and villages, especially close to areas of deprivation.

Having reviewed the revised Masterplan and the associated documents which accompanied the planning application, we do not object to the granting of UTT/21/1987/FUL subject to recommendations and conditions to improve the GI network and help achieve net environmental gains:

The scheme should include but not be limited to:

- To safeguard the woodland, it would be necessary for the public to be excluded from Priors Wood (Ancient Woodland). The woodland should not be treated as part of the open space provision serving the proposed development and therefore details of appropriate fencing/gating would need to be provided as part of the strategy.
- Bio-solar roofs should be considered across the site in order to provide multiple benefits.

Uttlesford District Council Housing Enabling Officer

7.8 Have advised that the delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 ha or 15 or more units. The revised application now ensures that the proposed housing provision reflects the need identified within the SHMA 2017 for West Essex and East Herts. The two-bedroom flats have also been amended from 2 bed 3 person to two bed 4 person and communal gardens/amenity space has now been incorporated into the proposed design for the flat blocks. All the proposed properties now meet or exceed the NDSS.

Nine affordable bungalows are proposed which equates to 5% of the total provision but no bungalows are proposed for market sale which prevents those seeking to purchase a bungalow and downsize to do so. Consideration could therefore be given to amending the provision so that both affordable and market bungalows are provided.

Place Services Built Heritage

7.9 The creation of a footpath within the proposed development (fronting the lane) is not a positive but wouldn't raise the level of harm previously identified (low-medium).

We would raise concerns to the proposed installation of a footpath, with harm identified to the wider countryside setting and the character of the protected lane (non-designated heritage asset).

The proposed addition of a footpath would have a formalising effect upon the open countryside setting and would exacerbate the impact from the proposed development. With regards to the protected lane this would be harmful (Paragraph 203) and I suggest that the recently dismissed appeal at Pennington Lane is referenced – where harm was identified to a protected lane.

The application site is that of three parcels of undeveloped land set within the wider agrarian landscape adjacent to Takeley and the development along Smiths Green Lane. Also known as and henceforth referred to as 7 Acres, Bull Field and Jacks (from west to east).

This advice follows on from previous as revised plans have been submitted including additional information that has been submitted by the applicant (RPS letter dated 06/10/2021).

I have reviewed the revised plans and additional information submitted and there is no change to our previous advice in the letter dated 04/08/2021.

Please may the local planning authority take into consideration all previous advice, that the proposals would result in less than substantial harm to a number of designated and non-designated heritage assets, Paragraph 202 and 203 being relevant.

4th August 2021

The application site is that of three parcels of undeveloped land set within the wider agrarian landscape adjacent to Takeley and the development along Smiths Green Lane. Also known as and henceforth referred to as 7 Acres, Bull Field and Jacks (from west to east). The hamlet of Smith's Green developed in a linear manner along the road with a fine grouping of listed buildings along it. The sites affected by this application have historically bounded the settlement. There are two public footpaths, to the north and south within the Bull Field site, the north leading into the 7 Acres site. A footpath runs along the eastern boundary of Jacks. The existing sites, being part of the wider agrarian and rural landscape positively contribute to setting of several designated and non-designated heritage assets, including:

- Goar Lodge, Grade II listed (list entry number: 1168972),
- Bull Cottages, non-designated heritage asset,
- Smiths and South Cottage, non-designated heritage asset,
- Beech Cottage, Grade II listed (list entry number: 1112212),
- The Cottage, Grade II listed (list entry number: 1306743),
- Moat Cottage, Grade II* listed (list entry number: 112211),
- The Croft, Grade II listed (list entry number: 1168964),
- White House, Grade II listed (list entry number: 1322592),
- The Gages, Grade II listed (list entry number: 1168954),
- Pump at Pippins, Grade II listed (list entry number 1112210)
- Cheerups cottage, Grade II listed (list entry number: 1112207)
- The Limes, non-designated heritage asset
- Hollow elm Cottage, Grade II listed (list entry number: 1112220)

Smith's Green Lane is identified as 'Warrish Hall Road' and 'Warrish Hall Road 1.' in the Uttlesford Protected Lanes Assessment and due consideration much be given to the protection of this non-designated heritage asset (Ref: UTTLANE156 and UTTLANE166). To the north of the site is the scheduled monument of Warish Hall moated site and the remains of Takeley Priory (list entry number: 1007834). Sited within the Scheduled Monument is the Grade I listed Warish Hall and Moat Bridge (list entry number: 1169063). The application site is also considered to positively contribute to the setting, experience, and appreciation of this highly sensitive heritage asset.

With regards to the 7 Acres site, it is considered that the proposals would result in no harm to the significance of any heritage assets therefore no further detailed discussion is required from a built heritage perspective.

For that of Bull Field, it is felt that the proposals will fundamentally have an impact upon the setting of several designated and non-designated heritage assets. The submitted Built Heritage Assessment identifies that a minor level of harm will affect the setting of the listed buildings along Smiths Green Lane. I agree that harm will arise however, for the assets immediately adjacent such as Goar Lodge and Beech Cottage, I suggest that the scale of harm is towards the low/mid end of the spectrum given the sensitivities of the site, intervisibility between the assets and the site, the historically uninterrupted views across the agrarian landscape and the impact upon rural character, Paragraph 202 of the NPPF (2021) being relevant. There is also a concern upon the impact to the setting and significance of the scheduled monument to the north as there also would be an impact, this agrees with comments from Historic England, in the letter dated 09/07/2021, however I suggest that this harm would be at the low end of the spectrum.

With regards to the application site known as Jacks to the east, development in this location will affect the setting of two designated heritage assets and the wider rural character of the locality. In particular, Hollow Elm Cottage, which has views onto the site from the rear will be impacted, and Cheerups Cottage also will be affected. For Hollow Elm Cottage, the existing undeveloped and agricultural usage of the land positively contributes to the setting of the heritage asset and preserves its sense of tranquillity. I suggest that the level of harm arising is at the low end of the spectrum, however the impact from the site of Bulls Field will further compound the issue, raising it towards the middle of the spectrum. Hollow Elm Cottage has historically been experienced and appreciated from an isolated and rural position will be between two new developments distinctly more urban in character. The impact upon the setting of Cheerups Cottage would be at the low end of the spectrum, environmental factors such as light pollution and noise should be of a consideration, and which could be mitigated through landscaping.

The proposals would also fundamentally result in harm to the character and experience of the protected lane, Paragraph 203 being relevant. In particular, the creation of a new urban development and driveways off the rural lane is of concern.

The proposals would, in my opinion, result in less than substantial harm to a number of designated and non-designated heritage assets, Paragraph 202 and 203 being relevant. Great weight should be afforded the asset's conservation under the NPPF.

Uttlesford District Council Environmental Health (28.10.2021)

7.10

Additional information has been supplied in support of this application which suggests that Air Source heat pumps will be installed. These are a potential source of noise that could impact on the proposed dwelling unless suitably designed, enclosed or otherwise attenuated. I would therefore recommend a condition to ensure this is achieved:

Noise.

The Acoustic Design Statement submitted by Stansted Environmental Services Ltd, ref ENV01-TAKE-068 dated 14th May 2021 indicates that local and national guideline internal noise levels can be achieved through traditional building construction, glazing and ventilation and that external amenity levels will be within guideline external limits. I have no objection to the methodology or the outcome of the report and consider that the site is suitable from an acoustic design perspective for residential development and noise mitigation measures can be secured through planning consent conditions.

Further assessment will be required to provide limiting criteria levels for fixed building services plant associated with the commercial element of the development if they are in proximity to new or existing residential dwellings. Noise from the construction phase of the development can be secured through a Construction Environmental Management Plan consent condition.

Air Quality.

The Air Quality assessment report submitted by Aether Stansted Environmental Services Ltd, ref Q assessment/2021/Warish_Hall_Farm dated 09/06/2021 concludes:

The ADMS-Roads dispersion model has been used to determine the impact of emissions from road traffic on sensitive receptors. Predicted concentrations have been compared with the air quality objectives. The results of the assessment indicate that annual mean NO₂ concentrations are substantially below the objective in the 'without' development scenario. Concentrations of particulate matter (PM₁₀) are also predicted to be below the annual mean objective in the 'without' development scenario. Based on the evidence it is estimated that there will be no exceedances of either short term objective for NO₂ or PM₁₀. The 'with' development scenario predicts that the development will cause NO₂ and PM₁₀ concentrations to increase by a maximum of 0.1 and < 0.1 µg/m³, respectively at the development and nearby residential receptors. Therefore, no mitigation is required as the air quality objectives are predicted to be met. In addition, the development already includes the provision of electric vehicle charging points and measures to protect the ancient woodland.

The impact of the development on the adjacent woodland is considered to fall below the level of significance (1 %), with NO_x concentrations increases of 0.8 % of the critical level. The development is therefore not considered to have a significant impact on ecological receptors.

I have no objection to the methodology or the outcome of the report and consider that the site is suitable from an AQ perspective for residential development without the need for further mitigation, subject to an Electric Vehicle Charging Point Condition and that dust control from the construction phase of the development can be secured through a Construction Environmental Management Plan consent condition

Contaminated land

The Phase I – Desk Study & Preliminary Risk Assessments submitted by Stansted Environmental Services Ltd, ref CON01-WARI-070 dated 29 January 2021 concludes:

The research has not identified evidence of potential sources of contamination on or which may impact on the site, and with no plausible pathways to the likely receptors, and therefore potential pollution linkages have not been suggested.

Although no significant pollutant linkages have been identified, an intrusive investigation should be undertaken to address the geohazard issues raised and to aid in foundation design

I have no objection to the methodology or the outcome of the report and consider that a Phase 2 contaminated land assessment is required which can be secured by way of consent condition.

Construction

Due to the scale of the development a Construction Environmental Management Plan (DCEMP) condition is also recommended.

Thames Water

- 7.11 No objections subject to conditions

Natural England

- 7.12 Summary of Natural England's advice: No objection subject to appropriate mitigation being secured.

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

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

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

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

In the absence of a strategic solution, Natural England would not want to see any permissions granted that would create a precedent of acceptability for additional housing developments close to Hatfield Forest SSSI, NNR. As these mitigations are in the process of being defined in a mitigation package,

we cannot comment further at this stage of the particulars of a future mitigation strategy.

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

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

More recently, the National Trust has undertaken visitor surveys to establish a Zone of Influence (ZOI) for recreational impacts to Hatfield Forest SSSI, NNR. To date, the results of the winter and summer surveys have indicated a zone of 14.6km radius from the site. Natural England regards this information as material and therefore would anticipate that the application be assessed in the context of these issues and the developing strategic solution. Please note Natural England's Impact Risk Zones have since been updated to reflect this ZOI. New residential housing within this ZOI therefore is likely to damage the interest features of Hatfield Forest SSSI/NNR and consequently requires further assessment in the context of this development. The evidence in relation to these joint concerns have been shared with your authority and we wrote to all Local Planning Authorities identified as falling within the ZOI to confirm Natural England's position via the letter dated 5th April 2019 and letter dated 24th September 2019. More recently, a joint letter from Natural England and the National Trust (dated 28th June 2021) has been sent to your Authority outlining the updated position and including the costed Mitigation Strategy prepared by the National Trust. We would direct you to these letters for further information on Natural England's recommended approach. Whilst we are working towards a strategic solution with the relevant Local Planning Authorities Natural England advises that for the purposes of addressing the interim situation, a bespoke mitigation package should be sought for this application, which we suggest is designed in consultation with the National Trust as site managers.

Where possible this should be designed in-line with the package of mitigation measures as drafted by the National Trust. It is noted that the applicant approached the National Trust for advice prior to submitting this application and reference is made in the submitted Ecological Statement to the need for mitigation for recreational impacts at Hatfield Forest. However, the Draft Heads of Terms for a proposed S106 agreement (referenced in the Planning Statement) are not available to view on the Uttlesford website so it is not clear whether any financial contribution towards such mitigation is being proposed at present.

We would take this opportunity to highlight your authority's duties under the Wildlife and Countryside Act 1981 (as amended), notably under section 28G

with respect of the SSSI. Appropriate measures, such as the mitigation outlined above, should therefore be taken to ensure the conservation and enhancement of the SSSI. This is further reflected within policies of the NPPF 170, 171, whereby authorities should seek to protect and enhance the natural environment, including sites of biodiversity value.

In terms of Local Policy, which in this case is the current adopted Uttlesford DC Local plan (2005), we note that policy ENV7 refers to the protection of the Natural Environment and designated sites

The policy states that “Development proposals that adversely affect areas of nationally important nature concerns, such as Sites of Special Scientific Interest and National Nature Reserves will not be permitted unless the need for development outweighs the particular importance of the nature conservation value of site or reserve...”.

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

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence

SITE SPECIFIC ASSESSMENT

We consider that the provision of ‘on-site’ measures, within the red line boundary of the site, can be important in helping to reduce the frequency of visits to sensitive designated sites if effectively designed in quantity and quality. We would advise that as the Local Planning Authority, an assessment is made as to whether the on-site provision, such as green infrastructure is sufficiently designated to provide mitigation, prior to the determination of this application.

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

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

It is noted that the applicant is proposing to open up Priors Wood to controlled public access and takes the view that the Wood offers a significant contribution towards the provision of Suitable Alternative Natural Greenspace (SANGs) within the application site boundary. Priors Wood is identified as Ancient Woodland and the risk of any loss or deterioration of the Ancient Woodland resulting from such an approach is clearly a material

consideration, in line with paragraph 175 of the National Planning Policy Framework. Natural England and the Forest Commission have produced standing advice for planning authorities in relation to ancient woodland and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland/veteran trees where they form part of a SSSI or in exceptional circumstances.

Notwithstanding the provision being made for SANGs within the red line site, the unique draw of the identified designated site means that even well-designated, 'on-site' provisions are unlikely to fully mitigate impacts. Natural England therefore agrees that it is appropriate to consider the agreement of 'off-site' mitigation measures (outside of the red line boundary). As stated, the development of a strategic solution is currently underway which will include a mitigation package. As per the 'on-site' measures, Natural England would therefore recommend in the interim period, until these strategic mitigation measures have been identified, that a suitably worded planning condition or obligation is attached to any planning permission. We would recommend discussion in correspondence with the National Trust as site managers to determine appropriate and proportionate mitigation for this application.

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

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

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species, or you may wish to consult your own ecology services for advice.

Other advice

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

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

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

Protected Species

Natural England has produced standing advice¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Environmental enhancement

Development provides opportunities to secure a net gain for nature and local communities, as outlined in paragraphs 8, 102, 118, 174 and 175 of the NPPF. We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you may wish to consider off site measures, including sites for biodiversity offsetting. Opportunities for enhancement might include:

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

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

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

Biodiversity duty

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available here [This concludes Natural England's advice at this stage which we hope you will find helpful.](#)

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

MAG London Stansted Airport

7.13

The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. Our comments made in response to the earlier consultation dated 8 July 2021 are largely unchanged and stand; we have the following additional comments:

- further details about the design of the commercial buildings, precise locations, dimensions, and materials are needed to enable a technical assessment.
- We will need to assess the soft landscape proposals when they become available; the use of fruit and berry bearing trees and shrubs should be limited at this location.
- the industrial/commercial units will need to be added to the bird management plan
- the construction management plan should ensure that no ponding or standing water is on site and earthworks are carried out on a 'just in time' basis.

It is important that any conditions or advice in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Stansted Airport, or not attach conditions which Stansted Airport has advised, it shall notify Stansted Airport, and the Civil Aviation Authority as specified in the Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. This is a holding objection because we need further details about the design of the commercial buildings, precise locations, dimensions, and materials. Please furnish these details so that we can carry out a technical survey.

Should we find that we have no aerodrome safeguarding objections to the proposal, we will need the following Conditions for flight safety:

- During construction, robust measures must be taken to control dust and smoke clouds, and any loose material must be secured.
Reason: Flight safety – dust and smoke are hazardous to aircraft engines; dust and smoke clouds can present a visual hazard to pilots and air traffic controllers. Loose material can become airborne and present a significant risk to aircraft engines.

- During construction and in perpetuity, robust measures to be taken to prevent birds being attracted to the site. No pools or ponds of water should occur/be created without permission. The Bird Hazard Management Plan is comprehensive and should be adhered to. The CEMP should ensure that no ponding or standing water is on site and earthworks are carried out on a 'just in time' basis. If necessary (subject to the design), the commercial unit roofs should be added to the BHMP.
Reason: Flight safety – Bird strike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Bird strike to aircraft using STN.
- No development to take place until final details of landscaping have been submitted to the LPA in consultation with the aerodrome safeguarding authority for STN.
- No development to take place until conformation should be sought that the drainage calculations for the soakaway crate and infiltration basin include a suitable climate change uplift.
Reason: Flight safety – Bird strike Avoidance
- All exterior lighting to be capped at the horizontal with no upward light spill.
Reason: Flight safety - to prevent distraction or confusion to pilots using STN.
- No reflective materials to be used in the construction of these buildings.
- No solar photovoltaics to be used on site without first consulting with the aerodrome safeguarding authority for STN. An aviation perspective Glint & Glare assessment will be necessary.
Reason: Flight safety - to prevent ocular hazard and distraction to pilots using Stansted.

National Highways

7.14

No objections. Our review of the Transport Assessment identified the proposed development will result in a material increase of trips to and from M11 Junction 8. Notwithstanding this, we have concluded that it would not be proportionate for this application to undertake a capacity assessment at the junction due to the scale of the development in isolation.

It has come to National Highways' attention that there has been a number of planning applications around Takeley and Stanstead Airport recently. Individually, each application is relatively small in scale, however, in combination all the developments will have a significant impact on the operation of the SRN and its capacity in the area. It should be acknowledged, any significant future development in this area of the network will be required to produce an up to date Transport Assessment including an assessment of the cumulative impact on the SRN and likely require mitigation measures to alleviate the impact on the network.

Notwithstanding the above, we are in a position to withdraw our existing holding recommendation, and now able to offer no objection to this application.

ECC Development and flood risk Environment and Climate Action

- 7.15 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission.

Woodland Trust

- 7.16 We have reviewed the additional information submitted to accompany this development, and we would like to maintain our objection to this application.

Whilst we acknowledge that the applicants have taken steps to reduce the impacts on Prior's Wood (such as removing play infrastructure and benches from within the woodland area), we still hold concerns regarding the use of the ancient woodland as an area of SANG, as per our previous consultation response. We note that Prior's Wood is already subject to informal access, and that a management plan has been submitted. The Trust is generally supportive of measures to introduce active management within ancient woodland, but this should be for the purposes of improving biodiversity, and not as a condition of development which will likely result in detrimental impact.

We have also reviewed the additional arboricultural information provided and note the findings within the Arboriculture Technical Note - Airspade Investigation. However, Natural England's Standing Advice recommends larger buffer zones are afforded where developments are likely to pose additional impacts outside of potential root impacts, such as noise and dust pollution. On this basis, the Trust maintains that a larger buffer zone of 50 metres should be afforded to Prior's Wood, in order to address the potential detrimental impacts associated with the siting of a large-scale housing development adjacent to its boundary.

ECC Urban Design Officer

- 7.17 The proposal has been the subject of several virtual meetings with the applicant.

The application has been assessed against the Building for a Healthy Life – Uttlesford Assessment tool was used and a copy of the most up to date assessment is attached as **Appendix 1** to this Report

Historic England 18.10.2021

- 7.18 Thank you for your letter of 8 October 2021 regarding the above application for planning permission, and the amended application and additional information that has been submitted by the applicant (RPS letter dated 4 October 2021, ref. JAC27188 Warish Hall Farm).

Based on the RPS letter, we offer the following advice to assist your authority in determining the application.

Historic England's position on the proposals

Historic England provided detailed comments in our consultation response of 9 July 2021. We do not have an in-principal objection to development of this type, and we recognise that there is likely to be a clear public benefit. We have no objection to that part of the application site tucked directly to the south of Prior's Wood. We recommended, however, that the proposed masterplan is revised in order to better respond to, and respect, the historic environment – and to ensure the long uninterrupted views southwards from the scheduled monument remains unaffected by the proposed development. In our view, the amended masterplan does not adequately address our concerns. In our opinion, the amended scheme would still result in an erosion of the rural character of highly graded designated heritage assets - the scheduled monument known as 'Warish Hall moated site and remains of Takeley Priory' and Grade I listed building 'Warish Hall and Moat Bridge'.

We note the information provided in the RPS letter of 4 October. We disagree with paragraph 17, which states the monument's setting 'has been greatly eroded' by the residential expansion of Takeley to the south. Photographs 2 – 4 in the RPS letter demonstrate that the landscape to the south of the scheduled monument is that of open, rural, agrarian character. In our opinion, the landscape to the south of the scheduled monument is essentially unchanged from the early historic maps (shown in the desk-based assessment, Figures 4 – 10).

We do not believe the current vegetation within the scheduled monument has had a key severing effect' between the scheduled monument and surrounding landscape (paragraphs 19 and 25). Although it is agreed that the boundary has become vegetated, this does not detract from the appreciation of the open wider setting of the scheduled monument.

The presence of the scheduled monument in the rural landscape is a rare survival, and the monument draws a considerable amount of significance from how it is experienced in the landscape, contra paragraph 18 of the RPS letter. In our opinion, the position of the RPS letter has not taken into consideration sufficiently how the monument is experienced, as set out in Historic Environment Good Practice Advice in Planning Note 3, The Setting of Heritage Assets.

In our view, residential development on this land, to the east of Prior's Wood and towards Smith's Green, would affect this isolated feel and draw the built environment closer to the monument. This impacts upon the significance of the highly graded designated heritage assets so we disagree with the assessment of the degree of harm, which is considered to be neutral, 'given that there would no impacts to the way in which the monument or listed building is understood, appreciated, or experienced'

As previously stated, we consider that the scheme has the potential to cause less than substantial harm, and moderate to high in scale to the significance of the heritage assets. We, therefore, consider that this should be given great weight in the planning balance required under paragraph 202 of the NPPF.
Recommendation

Historic England continues to have strong concerns relating to this application on heritage grounds.

We consider the amended application does not meet the requirements of the NPPF, paragraphs 199 and 202.

We consider that the issues and safeguards outlined in our advice still need to be addressed to ensure the application meets the requirements of the NPPF paragraphs set out above. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If, however, you propose to determine the application in its current form, please treat this as a letter of objection, inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

NATS Safeguarding

- 7.19 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

Crime Prevention Officer

- 7.20 UDC Local Plan Policy GEN2 - Design (d) states "It helps reduce the potential for crime". We refer to our comment of 22/6/21 in relation to bollard lighting not being suitable lighting for general use and also note that the on the boundary treatment plan although indicating the type of planned fencing it does not indicate the height.

We would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with this policy by achieving a Secured by Design Homes award. An SBD award is only achieved by compliance with the requirements of the relevant Design Guide ensuring that risk commensurate security is built into each property and the development as a whole.

NHS West Essex Clinical Commissioning Group

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

Existing Healthcare Position Proximate to the Planning Application Site

The proposed development is likely to have an impact on the service of 1 GP practice operating within the vicinity of the application site. The GP practice does not have capacity for the additional growth resulting from this development.

The proposed development will likely have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. West Essex CCG would therefore expect these impacts to be fully assessed and mitigated.

Review of Planning Application

3West Essex CCG acknowledge that the planning application does include a Health Impact Assessment (HIA), however this does not appear to recognise that a capital contribution may be required to mitigate the primary healthcare impacts arising from the proposed development.

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

Assessment of Development Impact on Existing Healthcare Provision

The existing GP practice does not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 475 residents and subsequently increase demand upon existing constrained services.

The primary healthcare service directly impacted by the proposed development and the current capacity position are shown in Table 1.

Table 1: Summary position for primary healthcare services within 2km catchment (or closest to) the proposed development Premises	Weighted List Size ¹	NIA (m ²) ²	Capacity ³	Spare Capacity (NIA m ²) ⁴
The Eden Surgeries	10,196	621.92	9,070	-77.23
Total	10,196	621.92	9,070	-77.23

The development would have an impact on primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

The intention of West Essex CCG is to promote Primary Healthcare Hubs with co-ordinated mixed professionals. This is encapsulated in the strategy document: The NHS Five Year Forward View.

The development would give rise to a need for improvements to capacity, in line with both the emerging CCG and ICS estates strategies, by way of extension, refurbishment or reconfiguration for the benefit of the patients at the Eden Surgeries, a proportion of the cost of which would need to be met by the developer.

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

Table 2: Capital Cost calculation of additional primary healthcare services arising from the development proposals Additional Population (190 dwellings) ⁵	Additional floorspace required to meet growth (m ²) ⁶	Spare Capacity (NIA) ⁷	Capital required to create additional floor space (£) ⁸
The Eden Surgeries	475	32.57 -77.23	97,710
Total	475	32.57 -77.23	97,710

A developer contribution will be required to mitigate the impacts of this proposal. West Essex CCG calculates the level of contribution required, in this instance to be £97,710. Payment should be made before the development commences.

West Essex CCG therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.

Conclusions

In its capacity as the primary healthcare commissioner with full delegation from NHS England, West Essex CCG has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.

The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.

Assuming the above is considered in conjunction with the current application process, West Essex CCG would not wish to raise an objection to the proposed development. Otherwise, the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

The terms set out above are those that West Essex CCG and NHS England deem appropriate having regard to the formulated needs arising from the development. West Essex CCG and NHS England are satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

With regards to the proposal of a new health centre in Takeley, our previous statement still applies in that the CCG would be looking for a contribution towards any new development in Takeley for existing practices rather than the development of a new health centre. So, the figures quoted are instead of the provision of a new health centre.

Sport England

7.22

The proposed development does not fall within either our statutory remit Sport England has no comment to make on this re-consultation. Please refer to our previous responses for our current position. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

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

help ensure the design and layout of development encourages and promotes participation in sport and physical activity.

Place Services Ecology

7.23 I'm of the view that the provision of footpaths within the buffer zone protecting Priors Wood is unlikely to have any significant impact on the wood. Details of path construction should be required to be submitted for approval.
ECC Green Infrastructure

To safeguard the woodland flora, I consider it is necessary for the public to be excluded from the greater part of Priors Wood. Details of appropriate fencing/gating would need to be required to be submitted for approval. The woodland should not be treated as part of the open space provision serving the proposed development. Any footpath routes through the wood and the proposed woodland extension would need to be fenced.

Arboricultural Impact Assessment

The submitted assessment carried by Barton Hyett recommends that a woodland management plan is prepared for the ancient semi-natural woodland (ASNW). Such a management plan should be submitted for approval. Also, a s106 agreement would be required to include provision for the funding of the implementation of the management programme.

The proposed development would result in the loss of 3 individual trees and part of 3 groups of trees, together with some 125m of existing hedgerow. These losses would be mitigated by proposed new tree and hedge planting. A fully detailed scheme of protective measures for existing vegetation to be retained would need to be conditioned as part of any approval.

National Trust

Whilst it is appreciated that there are increasing pressures on Hatfield Forest the control over footfall and its management is for the greater part in the hands of the NT.

8. REPRESENTATIONS.

149 representations have been received. Additionally, there is a 580 strong Stop the Warish Hall Development Facebook Protest Group opposing the plans along with protest placards in virtually every single house facing the affected fields and down Jacks Lane

Two online public consultation events were also carried out by Weston Homes.

Summary of comments:

- Takeley has already exceeded the previous UDC Local Plan allocation of 698 new dwellings.

- The harms would irreparably damage the village setting, its rural nature and heritage. The quality of life and amenity for residents bordering the green field sites would be diminished. UDC Policy S7 specifically addresses the countryside by protecting and enhancing the natural environment as an important component of sustainable development as set out in the National Planning Policy Framework (NPPF)
- The sites are within the Countryside Protection Zone under UDC Policy S8. This is a well-established and longstanding policy to maintain a local belt of countryside around Stansted Airport that will not be eroded by coalescing development
- The proposed substantial built development would detract from the setting of our local heritage assets and historic open countryside. Warish Hall road is a recognised 'Protected Lane'. The NPPF is clear that 'great weight should be given to asset's conservation
- In his speech at the recent Conservative Party Conference, the Prime Minister clearly stated that brown field is the first approach to new building not the green fields that this application will be ruining
- Unacceptable increase in traffic movements in the village, there is not enough infrastructure. health amenities, roads, schools, health amenities, shops and services
- Highway Safety
- Impact on wildlife – deer, red kites, swifts, Badgers, bats, yellow hammer birds, sparrows, grey partridge, kestrel, lesser spotted woodpecker, mistle thrush, skylark, song thrush, starling, tawny owl, willow warbler, hares, Great Crested Newts, buzzards, robins, Magpies etc.
- Loss of habitats.
- It has wonderful walking areas that we all so badly need. The countryside also adds to the historical character of the listed properties in and around the proposed site
- Listed buildings need to be protected
- Lack of health provision, water supply and sewage, school places
- Cumulative impact
- It has wonderful walking areas that we all so badly need. The countryside also adds to the historical character of the listed properties in and around the proposed site. This proposed development allows for another 54 houses to use Smith Green as access. A one-track land without streetlights?

- Takeley shouldn't be allowed to lose all its countryside and wildlife to accommodate more housing.
- Overdevelopment
- Health centre- unless the Health Authority also commits to this proposed facility, the proposal is meaningless and fails to address the lack of capacity
- Air pollution
- Loss of access to countryside; Impact on environment;
- Development is outside of Development Limits.
- Takeley and Little Canfield have provided a substantial number of new homes in recent years. However, a line needs to be drawn until such times as infrastructure and environmental issues are properly addressed.
- Traffic- Takeley has reached its limit to cope.
- Loss of arable land.
- Loss of views
- Houses are not for local people
- Construction – mud on roads and lorries speeding along country lanes
- Development should take place on brownfield sites
- Visual impact
- Impact on heritage
- Smith's Green has remained unchanged for over three hundred years.
- Light pollution.
- Loss of village community
- Takeley – Little Canfield has grown by 160% in under 12 years
- Low water pressure.
- Smith's Green Road is too narrow for increased traffic.
- The government has a policy on food security because of the unrest in different parts of the world and further insecurity due to Brexit and global warming is this a time to be turning over productive farmland to housing (land that has been farmed since the year 800!).

- Prior to their planning application Weston Homes carried out surveys conducted by SES a subsidiary of their own company how impartial will they prove to be. I question the validity of these surveys as they were carried out during the lockdown with reduced noise and traffic with the virtually dormant Airport, with ecological surveys carried out after Weston Homes had removed most of the hedgerows.
- As our local plan has been allowed to elapse so it seems open season on our area by developers despite this area being part of the CPZ and obvious open countryside
- Weston Homes carried out a poll of residents of the local area earlier in the Spring, to which they received hundreds of objections to their plans and resulted in the formation of a 600+ strong Facebook Protest Group opposing the plans along with protest placards in virtually every single house facing the affected fields and down the length of Jacks Lane
- The application, in our view, is nothing short of the cultural vandalism of a semi-rural area
- Invasion of our privacy
- Light and noise pollution
- Lack of parking provision
- Airport parking issues.
- Congestion and emissions
- Harm to character of countryside outweighs the lack of land supply in the district
- Need to protect against further coalescence between adjacent villages and the airport
- Impact on climate change
- Enough is enough
- Precedent for future development up to A120 and to east towards Priors Green.
- Not sustainable development
- Surrounded by the fields is the ancient woodland Priors Wood which covers 20 acres and was part of a much larger woodland in 1066 and reduced in 1350. It is the last ancient woodland remaining in the village of Takeley. It is referenced in Oliver Rackham's *The Last Forest*. Unfortunately, the local developer is planning to develop three fields adjacent to Priors Wood which will mean that it will be surrounded on at least two sides by nearly 200 new houses.

- According to the Woodland Trust, this wood is not protected. There are medieval earthworks in the north-west corner of the wood and there are many other earthworks dating from this time. The wood is a favourite recreational area, particularly for the many dog walkers living in the area. It is one of the very few areas of ancient woodland still standing in Takeley to the north of the B1256.
- Future development could see the wood surrounded on three sides by new housing and threatened with over-use.
- Road infrastructure is not suitable for commercial lorries.
- Any increase in commercial traffic will cause more damage in addition to the threat to pedestrian safety
- Smith's Green and environs comprise one the last remaining undeveloped areas reflecting the history of this area of Takeley, which has been under pressure from major airport development, increasing traffic densities and a seemingly un-ending period of new house building on green field sites.
- Let us preserve the little that is left of that which is historic in our village.
- There are no doctors in Takeley.
- Destruction of hedgerows.
- Uttlesford Council has stated aims that we will be Carbon Neutral by 2030. Farmland, trees and woodland all contribute to carbon sequestration, destruction of this land must therefore contribute to emissions. This effect will only be exacerbated by the increased traffic associated with this development. Climate change is at the heart of the government's environmental policy these plans are in direct contradiction to these aims, by way of an example gas boilers are proposed to be installed. The Committee on Climate Change report 2019 highlights the need for carbon neutral homes, which clearly these are not.
- This land should produce some 150 tonnes of wheat per annum. According to the office of the Secretary State for the Environment the UK is importing more than 50% of our food. The importance of UK food production has been highlighted during recent events, the Pandemic and Brexit, any loss to our ability to produce our own food increases the risk of food shortages these events also highlight how vulnerable food supply chains are. With the introduction of E10 fuels the demand for crops, including wheat and sugar beet that are used in the production of biofuels is only going to put greater demands on limited supplies of these crops.
- Impact on mental health.

- Secondary school pupils must travel to Great Dunmow or Bishops Stortford, such journeys can only be undertaken by road, further housing in the area can only lead to further road congestion. Developments in Bishops Stortford and Great Dunmow will put further pressure on school places.
- Unacceptable design out of keeping with the rest of the village
- Lack of suitable parking will encourage off-site parking
- The Developers Traffic census undertaken during lockdown cannot be reflective of the true volumes of traffic.
- The B1256 has already been identified as being at 136% capacity, whilst the A120 towards M11 junction 8 being at 130% capacity, traffic surveys by Dunmow Town Council and Takeley Parish Council. Parsonage Lane and the B1256 are used by sand and gravel lorries from Elsenham quarry and any increase in pedestrian or cycle traffic sharing these roads resulting from this development must exponentially increase risk to vulnerable users. The proposed industrial units will also use the same roads in particular Parsonage Lane and the 4 Ashes Junction which are already over capacity. Journeys to the north will be met by traffic queues on the A120 waiting for access to the M11.
- Junction 8 on the M11 is already at capacity, whilst improvements are planned these will benefit traffic from the West, in particular the new development at Stortford Fields. The alternative for drivers would be to travel through the villages of Hatfield Broad Oak, Hatfield Heath and Sheering to the new Harlow Junction, a route which is not suitable for any further traffic increase as this junction is for development at Harlow north. In the villages on this alternative route Primary Schools border this road and traffic congestion reflects these schools.
- Public Transport in Takeley is limited to local bus routes which share routes with lorries, delivery vans and private cars. New developments MUST provide rapid bus transport networks, with separate and independent routes linking to rail and other facilities, which is not practical for this site.
- Drainage and flooding- natural drainage will be lost.
- Properties in Smiths Green and Jacks Lane have private sewage systems, discharging the resulting grey water into the local environment, clearly this would not be sustainable if this development takes place. In the event this development does take place the developers MUST be required to connect ALL affected properties, at no cost to the homeowners, including any necessary making good to main drainage being installed for the development
- Loss of open countryside
- Lack of policing in the area.

- Creation of urban ghetto
- The only thing necessary for the triumph of evil is for good men to do nothing
- No provision has been made for alternative recycled water discharge from surrounding and abutting properties, including Jacks Lane where the existing drainage ditch and moat serves as drainage.
- Lack of entertainments such as cinema, leisure centre, swimming pools, shops etc
- Takeley is a small village community, I have to shop in Stortford or Dunmow, both of which are classed as towns, I regularly drive through other villages in the vicinity, such as Sheering, Hatfield Broad Oak, etc. These are villages, none have a high street, that is why people choose to live in villages. YOU ARE TAKING AWAY OUR FREEDOM OF CHOICE
- Impact on Priors Wood and its setting.
- Landscape and visual Part 1 doc is incorrect view is from Warish Hall cottages not Warish Hall.
- Warish Hall Road is a protected lane. Developers have incorrectly referred this as Smiths Green Lane.
- Loss of rural separation between Takeley and Little Canfield/Priors Green
- There are three properties on Smiths Green have legal discharge consent to both a filter bed located on the proposed site and soak away for wastewater under Bull Field as part of the sewerage system.
- History confirms that when William the Conqueror set out on his military expedition to force the submission of England, he left from St. Valery. In order to secure a safe journey he made an Oath to St. Valery. Following the victory in 1066 at Hastings, England, he donated to the monks of the Abbey of St. Valery-sur-Mer on 19th October 1068 certain possessions in England, one which became a priory with its seat in Takeley, in the County of Essex. The possessions included the land and ancient woodland including the four fields and Priors Wood now in the hands of developers.
- Manorial rights of commons of Smiths Green and Bambers Green and the verges adjoining them as 'commoners', none of the residents or property owners on Smiths Green and along 'Smiths Green Lane' have permission to lay a permanent concrete or tarmac drive to access their properties across Smiths Green or the verges of the commons. The developer faces such restrictions for any proposed access roads or bicycle routes to neighbouring communities. Such proposals seem prohibited.
- The increase in vehicles will cause damage to protected verges.

- The plans are at variance with “A Green Future: Our 25-year plan to Improve the Environment 2018” which sets out the government’s plan to improve the health of the environment by using natural resources more sustainably and efficiently by protecting the best agricultural land, putting a value on soils as part of the natural capital and managing soils in a sustainable way by 2030.
- The effect of building new homes in the countryside will have negative impact on climate change and reduce the nations capital to feed its inhabitants without the negative environmental impact of increased food importation.
- The burning of ancient hedgerows bordering Bull field and adjoining filed with Smiths Green Lane shows that the developer and owner of the proposed development have scant regards to the countryside code.
- Nearest hospital Harlow miles away stretched to max
- Crime rates will increase
- Takeley is a village made up of hamlets. This must be kept to keep the unique character of Smith’s Green and Warish Hall Road.
- Smiths Green/Warish Hall road is a very important buffer zone between Takeley village centre and the new development of Priors Green and the Island sites
- Smiths Green contains a large number of Listed Buildings and an extensive area of registered village greens. The green has hardly changed over several centuries and has only 2 new buildings from the 20th century. Warish Hall Farm (St. Valery) is mentioned in the records of New College Oxford who owned the land from the 14th Century and the Bishop of Winchester used the land to endow New College. The college retains hundreds of documents concerning the Priory and its farmland. Bull field and Priors Wood are mentioned in their documents, the earthworks and the keeping of swine in the wood. Jacks’ Lane and Jacks Green also are mentioned in these documents. Bull field has been farmed for over 1000 years and it would be a crime to use this land for housing development and would be against policy S7 protection of the countryside for its own sake
- The nearest supermarkets are at Dunmow and Bishops Stortford.
- The proposal contains facility for a 'health care medical facility' since is only Weston Home's proposal and not that of West Essex CCG it is unlikely this will materialise and will be replaced in later amendments to the proposal by more housing.
- On my original deeds to this listed cottage, it states this cottage has grazing rights on the Greens and Verges on the manorial ground as confirmed by the Lord of the Manor in recent years I use these rights

from time to time This development will affect the ancient rights of a Grade II Four-Hundred-year-old listed building

- The planned development would ruin the historical character of Smiths Green and the surrounding walks.

Following revised plans:

- This revised development does not address any of the fundamental problems with these proposals.
- Priors Wood, ancient woodland originally part of Hatfield Forest will be irrecoverably damaged by increased human interaction.
- It is not clear from the submissions how the significant number of extra pedestrians foreseen by this application can walk along the existing Smiths Green Lane. This was mentioned in our previous submission, but Weston Homes have seen fit to ignore this problem.
- Multiple documents submitted by Weston Homes show a new gravel path linking the enhanced bridleway stemming from Jacks Lane to the development to the north of Jacks Lane mentioned in 7, and other documents showing this proposed development. Previously no such path existed, and I object to its inclusion. Given the inadequate and inequitable distribution of visitor parking mentioned in point 7), it is certainly possible to foresee that Visitors could park at the easterly end of the road part of Jacks Lane (Jacks Green?) to visit nearby friends and relatives, to the detriment of homeowners in Jacks Lane. Existing residents of Jacks Lane should not be disadvantaged due to the poor planning of Weston Homes, especially due to on a development that should not be approved in the first place.
- It is still unclear how these houses will be heated with the phasing out of gas and oil, to meet the UK's Net Zero Strategy. Similarly, how will cars be charged once petrol cars and diesels give way to electrically charged vehicles - I previously mentioned that this did not seem to be considered in the distribution of electrical power to homes
- I object to the above revised planning application. The alterations to the planning application do nothing to change the disastrous effect the proposed development would have on Smith's Green, Warish Hall Road (called Smith's Green Lane in this application) and Takeley village in general.
- The development plans show new points of access to the development across the village green from Warish Hall Road. This would compromise the character of the Protected Lane, changing it from countryside to urban.
- The revised application proposes to remove two houses in order to give better views. This is laughable. Are we supposed to ignore the remaining new houses? This is to supposedly to reduce the harm that would be caused to Hollow Elm Cottage, which is Grade 2 listed. I live

next door to Hollow Elm and I will also suffer from the housing development. For the 51 years that I have lived here I have enjoyed looking out over open fields to Priors Wood to the west and fields to the north and east. The thought of being surrounded by and looking into housing estates fills me with horror.

- I note that Weston Homes say that water supply to each household will be restricted to 1100 litres per person per day. I don't know how this will be done and even if it will be adhered to. I do know that Affinity Water regularly ask me, as one of their customers, to limit my water usage as much as I possibly can as we are in a water-stressed area, so where will the water come from to supply another 188 houses? There are often water pressure problems in parts of Takeley – I cannot think adding another 188 houses is going to help this.
- The biodiversity report commissioned by Western Homes states that there would be a Biodiversity net gain. This may well be the case but the report also stated that this would only be possible if the area was properly managed to offset the increased human interaction and foot-fall. However, the current proposal does not provide any information on who will undertake this management work. Is Weston Homes going to do it, I think not! Is UDC going to pay for it? In all likelihood, we all know that this will end up being something that may be done for a couple of years at best before budget cuts for whoever has undertaken the work will ensure it stops. After that point the area would return to a more 'natural' state but due to the increased human interaction, the wildlife would almost certainly vanish over time, never to return, resulting in a Biodiversity net loss CAN WE DO THIS?
- The latest traffic survey appeared to be setup north of Jacks Lane so all vehicles accessing Smiths Green, Jacks Lane or Warren lose from/to the B1256 - the usual route for most - won't have driven over the counter. With the country only just exiting various covid procedures and an apparent fuel supply crisis the data must be questionable at best.
- The documents mention Air Heat Pumps for the industrial units but state that combi boilers will be fitted to the residential units. With gas boilers being phased out, and heat pumps being subsidised, this would seem a very short-sighted (or financially motivated?) plan.
- Recent research has found that the UK is one of the world's most nature – depleted countries and is in the bottom 10% globally and is last among G7 group of nations. It has about 50% of biodiversity left, far below the average of 75%. 90 % is considered to be the safe limit to prevent ecological melt down. The research suggests that the major reason is over development in the UK.
- With Cop 26 being held in Glasgow in the next few weeks, surely, it is time for us locally to consider the implications to environment and quality of life, before we allow further destructive development as proposed in this latest application.

9. POLICIES

- 9.1 S70(2) of The Town and Country Planning Act 1990 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.

S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

9.2 National Policies

National Planning Policy Framework 2021 (NPPF)
National Planning Policy Guidance (NPPG)

9.3 Uttlesford District Local Plan 2005

Policy S8 – The Countryside Protection Zone
Policy S7- The Countryside
Policy GEN1 - Access
Policy GEN3 – Flood Protection
Policy GEN6 – Infrastructure Provision to Support Development
Policy GEN7 – Nature Conservation
Policy ENV4 – Ancient Monuments and Sites of Archaeological Importance
Policy ENV7 –The Protection of the Natural Environment – Designated Sites
Policy ENV10 – Noise Sensitive Development and Disturbance from Aircraft
Policy ENV13 – Exposure to Poor Air Quality
Policy ENV14 – Contaminated Land
Policy ENV2 – Development affecting Listed Buildings
Policy H9 – Affordable Housing
Policy H10 – Housing Mix
Policy ENV3 – Trees and Open Spaces
Policy GEN2 – Design
Policy GEN4 – Good Neighbourliness
Policy GEN8 - Vehicle Parking Standards
Policy E3 – Access to workplaces
Policy ENV5 – protection of Agricultural Land
Policy ENV15- Renewable Energy

9.4 **Supplementary Planning Document/Guidance**

Essex Design Guide
ECC Parking Standards (2009)
Uttlesford Local Parking Standards (2013)
SPD2 – Accessible Homes and Playspace (2005)
Interim Climate change Planning Policy

10. CONSIDERATION AND ASSESSMENT:

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

- A The development of this site for residential and commercial purposes is appropriate (NPPF and Uttlesford Local Plan Policies S7, S8, E1);**
- B Design, scale and impact on neighbour's amenity (Uttlesford Local Plan Policies GEN2, S7, H10, & SPD: Accessible Homes and Playspace);**
- C Housing Mix (Uttlesford Local Plan Policy H10)**
- D Access, highway safety and parking provision (NPPF and Uttlesford Local Plan Policies GEN1 & GEN8 & SPD: Parking Standards: Design and Good Practice);**
- E Biodiversity (Uttlesford Local Plan policy GEN7)**
- F Affordable Housing, Education Contributions (Uttlesford Local Plan policies H9, GEN6)**
- G Flood risk and drainage (Uttlesford Local Plan policy GEN3)**
- H Air Quality (NPPF and Uttlesford Local Plan ENV13)**
- I Impact on Heritage Assets and Archaeology (NPPF and Uttlesford Local Plan Policies ENV4 and ENV2)**
- J Climate change (UDC Interim Policy and Local Plan Policy ENV13)**
- I Other Material considerations**

- A The development of this site for residential purposes and commercial purposes is appropriate (NPPF and Uttlesford Local Plan Policies S7, S8, E1);**

10.1 In policy terms, the site is located outside the development limits for Takeley as defined by the Uttlesford Local Plan. Consequently, for the purposes of planning, the site is within the countryside and subject to all national and local policies.

10.2 The site is therefore subject to the provisions of policy S7 of the adopted Local Plan 2005. Policy S7 is a policy of general restraint which seeks to restrict development to that which needs to take place there or is appropriate to a rural area to protect the character of the countryside. This includes infilling in accordance with paragraph 6.13. Development will only be permitted if its appearance protects or enhances the 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 or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the 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. This includes infilling in accordance to paragraph 6.13. A review of policy S7 for its compatibility with the NPPF has concluded that it is partially

compatible but has a more protective rather than positive approach towards development in rural areas. It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, therefore the proposal is contrary to that policy. The proposal does accord with the more up to date policy at paragraph 78 of the NPPF which supports the growth of existing settlements

- 10.3 S70 (2) of the Town and Country Planning Act 1990 states that "in dealing with a planning application the local planning authority shall have regard to the provisions of the Development Plan so far as is material to the application and to any other material considerations". S38 (6) of the Planning and Compulsory Purchase Act 2004 states that "if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 10.4 The National Planning Policy Framework 2021 describes the importance of maintaining a five-year supply of deliverable housing sites. The Council's housing land supply currently falls short of this and is only able to demonstrate a supply of 3.11years (Five Year Housing Land Supply update April 2020).
- 10.5 Paragraph 11 of the NPPF considers the presumption of sustainable development, this includes where there are no relevant development plan policies, or where policies which are most important for determining the application are out-of-date. This includes where the five-year housing supply cannot be delivered. As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11). The provision of 188 residential dwellings would make a valuable contribution to housing supply within the district.
- 10.6 As advised, this presumption in favour of sustainable development is increased where there is no 5-year land supply for housing. In this regard, the most recent housing trajectory for Uttlesford District Council identifies that the Council has a 3.11-year land supply. Therefore, contributions toward housing land supply must be regarded as a positive effect
- 10.7 It is therefore necessary to assess whether the application proposal is sustainable and a presumption in favour is engaged in accordance with the NPPF. There are three strands to sustainability outlined by the NPPF which should not be taken in isolation, because they are mutually dependent. These are all needed to achieve sustainable development, through economic, social, and environmental gains sought jointly and simultaneously through the planning system.
- 10.8 Social: The NPPF identifies this as supplying required housing and creating high quality-built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being The proposal would deliver social benefits by way 188 dwellings, including 40% affordable houses. The proposals also include areas of open space, medical/health building, the change of use of 1 ha of agricultural land for

educational use which would provide an extension to Roseacres Primary School in order to facilitate its expansion to 2 FE. The proposal would also create employment opportunities.

- 10.9 The site is well served by bus routes, providing access between Bishops Stortford to the west and Great Dunmow to the east to further facilities. The nearest rail station is Bishops Stortford which is located five miles from the site. This is accessible by bus and provided trains to London, Cambridge and Stansted. This would have some weight in favour of the positive contribution the proposal could make in these regards.
- 10.10 The proposal would have a negative impact by putting more strain on the local infrastructure and demand for school places and local surgeries. Takeley also does not have any doctors or dentists within the village. Whilst the facilities within the village and the public transport provision are unlikely to meet the demands of residents to fulfil their daily requirements, they do offer the opportunity for alternative means of accessing services and facilities. In terms of the rural nature of the district, the facilities and public transport options are relatively good.
- 10.11 The impact on local infrastructure could be mitigated by way of financial contributions as identified by the consultees and these could be secured by way of s106 Legal obligation. As such the social benefits have moderate weight in the planning balance, including contributions to an enhanced bus service locally.
- 10.12 Economic: The NPPF identifies this as contributing to building a strong, responsive and competitive economy, supporting growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure. In economic terms the proposal would have short term benefits to the local economy as a result of construction activity and additionally it would also support existing local services, as such there would be some positive economic benefit
- 10.13 Environmental: The environmental role seeks to protect and enhance the natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. Paragraph 174 of the NPPF requires that planning policies should contribute to and enhance the natural and local environment by, amongst other matters, recognising the intrinsic beauty and character of the countryside. The Framework therefore reflects the objective that protection of the countryside is an important principle in the planning system and is one that has been carried forward from previous guidance (and is unchanged from the way it was expressed in previous versions of the NPPF).
- 10.14 The site is outside of the development limits and currently undeveloped. It is considered that the dwellings on this site would be harmful to the character of the landscape. The NPPF recognises the intrinsic character and beauty of the countryside. This proposal would have an urbanising impact on the character of the rural countryside setting. This proposal is contrary to the aims of paragraph 174 of the NPPF. Policy S7 is therefore a very important consideration for the sites, as it applied strict control on new building. Ensuring that new development will only be permitted if its appearance

protects or enhances the character of the part of the countryside within which it is set or that there are special reasons why the development in the form proposed needs to be there. It is considered that the proposal would result in intensification in the built form within the immediate area that would in turn alter the character of the surrounding locality. effect that would be harmful to the setting and character of the countryside. Takeley has access to bus services to other nearby towns and centres of employment. The proposal would introduce an element of built form within the open countryside, which would have some impact on the character of the area. This impact would need to be weighed against the benefits.

- 10.15 The proposal would extend development into the open countryside beyond clearly defined limits, diminishing the sense of place and local distinctiveness of the settlement. The proposal has been designed to minimise the harm caused. This harm would need to be weighed against the benefits of the proposal. The proposal also includes the provision of an extension to Priors wood and the provision of new cycleway and pedestrian links. The site is also adjacent to listed buildings and a Scheduled monument (the impact on the Heritage assets are considered below) The proposal would have a detrimental impact on the character and setting of the Listed buildings and ancient Scheduled monument.
- 10.16 The site is also located within the Countryside Protection Zone for which Uttlesford Local Plan Policy S8 applies.
- 10.17 Policy S8 states that in the Countryside Protection Zone planning permission will only be granted for development that is required to be there or is appropriate to a rural area. There will be strict control on new development. In particular development will not be permitted if either of the following apply:
- a) New buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside
 - b) It would adversely affect the open characteristics of the zone.
- 10.18 The application sites are open fields with planting around their boundaries and they therefore contribute to the character and appearance of the countryside around the airport and the Countryside Protection Zone as a whole. However, it does adjoin development in Takeley and Priors Wood and the A120 creates a barrier between the proposed development and Stansted Airport
- 10.19 A material consideration si that there have been several recent planning appeals allowed which relate to development within the Countryside Protection Zone
- 10.20 Within the recent appeal decisions APP/C1570/W/19/3234530 AND APP/C1570/W/19/3234532 Land East of Parsonage Road Takeley, the Inspector stated:
- “ In terms of coalesce with the airport, I acknowledge that both appeals would reduce the open fields between the airport and Takeley, in a location where the gap between the airprot and surrounding development is less than in other areas of the CPZ.that would result in harm, however again that harm would be limited due to a number of factors. Significant separation distance between the areas of built development and the airport would remain, having regard to both the airport buildings and carparking areas. In relation to appeal*

A, the large area of open space referred to above, incorporating a woodland area would sit between the built up area of the site and the A120 and the airport. In relation to appeal B, a significant area of open countryside would remain adjacent to the A120. In relation to both appeals, the A120 carriageway would run between the proposed developments and the airport. That, together with its significant tree planting, and new tree planting, would further reduce the perception of any coalescence, even if decked parking were to come forward as part of the airport closest to the appeal sites. The A120 carriageway also has the potential to act as a barrier to any further coalescence between the airport and Takeley. All in all, whilst some harm to the character and appearance of the countryside around the airport and the CPZ as a whole would result, with regard to coalescence with the airport, that harm would again be limited.

- 10.21 As stated above, this application site is similar to the above appeal sites in that the A120 at this location, and Priors Wood would reduce the perception of any coalescence with the Airport and the A120 also acts as a barrier to any further coalescence between the airport and Takeley. The Bullfields site adjoins residential development to the south and commercial development to the west. The Jacks Lane site also abuts residential development., however it is enclosed by mature landscaping which is to be retained. It is considered that the proposal would result in harm to the character and appearance of the countryside around the airport and the CPZ, however, that harm would be limited. The proposal therefore fails to accord with Uttlesford Local Plan policy S8.
- 10.22 Within APP/C1570/W/21/3268990 Land east of the Old Elm, Tilekiln Green, the issue of Policy S8 was also considered. The development was found to be in conflict with Policy 8 of the Uttlesford Local Plan 2005. The Inspector however, when assessing the planning balance it is stated in paragraph 31 “policy 8 , in seeking to restrict development within the countryside, goes beyond paragraph 174 of the Framework as it seeks to protect land within the CPZ from housing, other than required for a rural area. Accordingly, although the appeal scheme conflicts with this policy, I only accord this conflict limited weight. It concluded that the benefits of allowing the appeal scheme, given the state of the Council's housing land supply position, outweigh potential harms which could arise.”
- 10.23 The introduction of built form in this location would result in some harm to the openness and character of the rural area and is therefore would be contrary to the aims of policy S7 and S8. The proposal is considered that there would be no significant coalescence between the airport and existing development in the surrounding countryside.
- 10.24 It is considered that the weight to be given to the requirement to provide a 5-year land supply and the housing provision which could be delivered by the proposal would outweigh the harm identified in relation to rural restraint set out in ULP Policies S7 and S8. Therefore, in balancing planning merits, it is considered that the social and economic benefits would outweigh the environmental harm identified within this report and taking into account the above appeal decisions, is therefore acceptable in principle.

B Design, scale and impact on neighbours amenity (Uttlesford Local Plan Policies GEN2, S7, H10, & SPD: Accessible Homes and Playspace);

- 10.25 Policy GEN2 sets out the design criteria for new development. In addition, section 12 of the NPPF sets out the national policy for achieving well-designed places and the need to achieve good design.
- 10.26 The proposal has been the subject of pre- application advice, several meetings with the Planning Officer, Uttlesford District Councils Urban Design Officer, Specialist Heritage officers and Highway Officers. The proposal has also engaged with the Essex Quality Review Panel and presented to members at the early stages of submission. These comments have informed the design of the proposal. The proposal has also been revised several times to reflect comments/advice received. The proposal has been evaluated by Uttlesford District Council against the Building for Healthy Life Assessment tool. This Tool identifies a set number of criteria against which the proposal is assessed on a Red/ Amber/Green (RAG) basis i.e., Green is an acceptable approach and Red requires significant attention.
- 10.27 Following discussions with the Uttlesford DC Principal Urban Design Officer, the proposed scheme layout has now reached the stage where there are no red matters identified, and most issues are now green. Please see **Appendix 1** attached to the report. However, the following issues are still at amber, i.e.
- There should be potential for a pedestrian connection to the north from the commercial area, should any development come forward to the north of the application site. (a plan has been now submitted and a condition would secure this if the application were to be approved.)
 - Pedestrian connection between site and Leyfield
 - Adoption of site boundaries – need to confirm no ransom strips (there is common land/village greens within the application site and the agents have confirmed that the owners are to be signatories to the s106) A separate application will be necessary to the Secretary of State for development over the village Green/common land)
 - Entrance space does not appear to take the opportunity to create a good design following good placemaking principles. This is an important entrance threshold and is currently defined by blank commercial unit walls and dense parking. The route through has large radii and no pedestrian crossings or raised tables. Space would benefit from using shared surfaces, changes in surfaces material, soft landscaping etc to define entrance square, defined by buildings and with parking hidden with buildings or landscaping as far as possible. (This has been addressed by a suitably worded condition requiring details of soft and hard landscaping.
 - Boundary treatments between existing and new development
 - Memorable spaces and building groupings- A variety of house types, character areas and successful landscaping do support this aim but there are missed opportunities for placemaking at the commercial/recreational entrance square and around apartment blocks where shared surfaces, surface material changes, benches, structural landscaping could be used to create a public square to this part of the scheme., this would help create character through social interaction. (This can be achieved by a suitably worded condition)
 - Streets with active frontages- mainly revised to address this, including raised tables. trees added in the garden village go some way to addressing this. Homes with active sides have now been included.

- The rural edge within the garden village is essentially a long block severed occasionally by pedestrian routes. Revised boundary treatments improve this.
 - Tree lined streets- some street trees shown however unclear if they are in private ownership. All street trees must not be conveyed to private ownership to ensure longevity (this will be controlled by condition and S106 agreement)
 - Places to sit, space to chat or play within the street. Benches have been specified but location not defined (other than woodland and recreational area) (This can be achieved by condition)
 - Biggest issues is lack of structural landscaping to secondary streets. This can be achieved by condition and s106 agreement)
- 10.28

During the application process, the comments of the Urban Design officer have for the most part been addressed, by amending the layout and can be achieved by conditions.

- 10.29
- The Essex Design Guide recommends that dwellings of 3 bedrooms or more should have private amenity spaces of 100sqm+ and 2-bedroom properties 50sqm+. The gardens of the dwellings accord with the requirements of the Essex Design Guide. Each plot has adequate private amenity space to accord with the requirements of the Essex Design Guide. The Essex design Guide states that space additional to balconies may be foregone for 1- beds (i.e 1-beds only have a balcony) if close to quality open space which they are.

- 10.30
- The Essex Design Guide states that exceptionally, apartments adjacent to and overlooking a park or other large public space of high amenity value could be provided with a smaller amount of communal space. In this instance, apartments should also have balconies with a floor area of at least 5 sq m. Development should provide at least 25sqm of private space for each of these plots as well as the balconies. Incorporating balconies into residential accommodation is encouraged and will be expected where the private communal space provision does not equate to 25 sq m per flat. Balconies contribute to the amenity of dwellings but are not always well-designed. They need to be positioned where they are comfortable to use and should be of sufficient size to enable use as an outside living space. All balconies should be large enough to accommodate a table and chairs to suit the occupancy of the apartment, as well as providing some additional space for planting. A gross floor area of 5 sq m per balcony should be provided for houses or apartments with more than one bedroom wherever communal or private garden size specifications cannot be met; preferably have a southerly aspect but, in any case, receive direct sunlight for part of the day; and be positioned away from sources of noise and poor-quality air that would make them unpleasant to use. The balconies provided for the flat blocks a and B are the recommended floor area useability and orientation. The amenity space provided is acceptable.

- 10.31
- The layout proposed densities of each of the parcels of land has been designed to reflect the existing patterns of development and designed for each separate character area. The design broadly reflects the advice of the Urban Design officer.

- 10.32
- The development has been designed to minimise the potential for overshadowing or overbearing impacts. In view of the distances between

neighbouring properties the proposal would not result in any material overlooking, overshadowing or overbearing impact. The proposal would provide a good and appropriate provision of public open space, including green corridors.

- 10.33 All properties will be conditioned to be Part M (2) compliant covering matters of accessibility, with an element being Part M (3) covering enhanced wheelchair accessibility
- 10.34 The design and scale of the proposed dwellings is now considered appropriate for this location. A landscape buffer has also been incorporated into the design to protect the ancient woodlands to the rear of the woodland parcel of land.
- 10.35 The site falls outside of the 57dB 16 hr LEQ of Stansted airport where Policy ENV10 would require appropriate noise mitigation
- 10.36 The site is located close to Stansted Airport therefore the proposal has the potential to present a bird strike hazard to Stansted Airport. Provided that the Suds does not result in the formation of regular open water and the berry bearing component of the landscape planting is kept to 10% or less of the total, which can be achieved by a relevant condition, the aerodrome Safeguarding team have no objections. They however have a holding objection relating to the commercial buildings, which will be addressed at the time of this Committee meeting.

C Housing Mix (Uttlesford Local Plan Policy H10)

- 10.37 Policy H10 states that all development on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. All developments on a site of three or more homes must include an element of small two and three bed homes, which must represent a significant proportion of the total.
- 10.38 The proposal relates to full application for the erection of 188 dwellings and are a mix of 1,2-,3-,4- and 5-bedroom properties. Affordable housing would be provided at 40%. In line with adopted Policy H10, and this would be a mix of shared equity dwellings and affordable rent. The proposals would provide an appropriate mix of housing and would comply with Policy H10.
- 10.39 The supplementary Planning Document Accessible Homes and Playspaces also requires that developments of 10 and over should provide bungalows, this application includes nine bungalows (9%).
- 10.40 The proposals would provide an appropriate mix of housing, and subject to appropriate conditions would be able to comply with PolicyH10.

D Access, Highway safety and parking provision (NPPF and Uttlesford Local Plan Policies GEN1 & GEN8 & SPD: Parking Standards: Design and Good Practice);

- 10.41 Policy GEN1 states: Development will only be permitted if it meets all of the following criteria:
- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.

- b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network
- c) The design of the site must not compromise road safety and must take account of the needs of cyclists.
- d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to access.

- 10.42 The development encourages movement by means other than driving a car. The site will be served by walking and cycling routes running from east to west, linking the site to the school, then to bus services on Parsonage Road and onto shops at Takeley, Four Ashes, the walking/cycle route also connects east through the garden village character area and along Jack's Lane to Priors Green where there are shops and a school primary school.
- 10.43 A Transport Statement has been submitted with the application and ECC Highways officers and Highways England officers consulted. Following ECC Highways comments, revised plans have been submitted.
- 10.44 Several comments regarding the timing of the traffic surveys during the Covid Pandemic and their reliability, however, the Highways Authority and National highways have dealt with recent applications in this location so are aware of the highway issues in particular the Four Ashes crossroads and Parsonage Road/Hall Road roundabout close to Stansted Airport. The assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework 2021 and in particular paragraphs 110 – 112, the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.
- 10.45 The transport work for the application was undertaken through the pandemic when traffic levels were erratic and often significantly below the usual levels. Therefore the transport assessment was based on traffic data collected in 2018 for other applications in the area. TEMPRO growth was then applied for each year since bringing it to expected normal levels for 2021 and more added to bring to a forecast year of 2060, trips from committed development were then added. This approach is considered robust. Some data for Smith's Green was collected in September 2021 when the fuel shortage was taking place so background traffic is lower than expected, however the number of additional trips generated on this road is low and not expected to create capacity issues.
- 10.46 The Four Ashes Junction was assessed and part of the mitigation is to improve the junction by upgrading it with MOVA which will provide additional capacity as the signals will respond to changes in queues allowing more traffic through on the busiest arms. This is the same mitigation for required from Land west of Parsonage Road and so may come forward with that development or this depending on progress of the schemes. This can be secured via a s106 agreement.
- 10.47 The rural lane character area located to the west of Smiths Green Lane (Warish Hall Lane) to the east of Bull Fields proposes five vehicular accesses onto Smiths Green Lane. The land along the eastern side of Bull Fields is however a designated village green and common land and is in separate private ownership.(as advised by ECC Highways). The applicant disagrees with this, informing UDC that the land has been deregistered, however no evidence of this has been provided.

- 10.48 In terms of common Land the relevant act is the Commons Act 2006 . There is a prohibition under s.38 of that Act for certain types of works being undertaken on Commons Land unless the consent of the Secretary of State/Planning Inspectorate has been obtained other than a very limited category of low level works that can be undertaken without consent.
- 10.49 Section 38 of the CA imposes a prohibition on certain works
- (1) A person may not, except with the consent of the appropriate national authority, carry out any restricted works on land to which this section applies.*
(2) In subsection (1) “restricted works” are—
(a) works which have the effect of preventing or impeding access to or over any land to which this section applies;
(b) works for the resurfacing of land.
(3) The reference to works in subsection (2)(a) includes in particular—
(a) the erection of fencing;
(b) the construction of buildings and other structures;
(c) the digging of ditches and trenches and the building of embankment
- 10.50 The restricted works set out above applies to (i) any land registered as common land or land which is not registered then that land which is subject to a Scheme under the Commons Act 1899. Therefore the prohibition of the restricted works (set out above) apply and no such works can take place unless with the consent of the national authority (Secretary of State – Planning Inspectorate).
- 10.51 As set out above, certain types of works on common land need the Secretary of State’s consent under Section 38 of CA, while other types of work can be carried out without consent because they are exempt. It is considered that the proposal would be for resurfacing of the land which would be private driveways and would prevent/impede access to and over the common and therefore would fall within the scope of restricted works
- 10.52 As such although the applicant has indicated that the owners of these sections of common land/village green have agreed to the proposals and would be signatories to the s106, even if the application is approved, it would be for the applicant’s to obtain the necessary consents from the Secretary of State via the planning Inspectorate, unless they provide evidence to show that the land has been deregistered.
- 10.53 Essex County Council as Local Highway Authority has recommended that access to the area 3(rural lane character area) is provided prior to the development of the rural Lane character Area. to ensure it is secured. This can be achieved via a s106 agreement.
- 10.54 Policy ENV9 states that proposals likely to harm protected lanes will not be permitted unless the need for the development outweighs the historic significance of the site. Warish Hall Road is a protected lane. It is not considered that the protected lane would be harmed to such an extent to warrant refusal of the scheme. Pedestrian and cycle links would be provided to reduce the impact of the proposal on the Protected Lane.
- 10.55 There is no footway proposed for Smiths Green and pedestrians will have to use the verge to get to the B1256 Dunmow Road. Footways are however,

provided to link the dwellings in the rural lane into the Bullfields site to the west and then link to Parsonage Lane beyond. Additionally link for pedestrians and cyclists along the PROW Jacks Lane between Priors Green and Jacks Lane would be enhanced to improve the surface and provide lighting so that it can be used all year round. This would need to be secured via a s106 agreement and should be provided prior to the development of the Garden Village character area (Jacks)

- 10.56 A contribution is proposed to enhance sustainable transport this is to be split between bus services and cycling infrastructure. During the processing of the application bus service 42A that serves Priors Green was withdrawn, the 133 and 509 still serve the site to the west and north, the contribution of £500,000 will be used to enhance services to the site through a public transport strategy for the area, an additional bus stop is being provided on the B1256 and real time information provided. £235,000 is to be used as a contribution to develop the cycle links to Stansted Airport, which is the largest employer in the area, this is a long-term project for which funding is being collected.
- 10.57 It is not considered that the impact on the network is severe, and mitigation is being provided to promote use of sustainable modes of transport therefore is acceptable subject to mitigation and conditions. The applicants have agreed to pay the above contributions, and these would be secured by a s106 Legal Obligation should the application be approved.
- 10.58 National Highways have stated that their review of the Transport Assessment identified the proposed development will result in a material increase of trips to and from M11 Junction 8. Notwithstanding this, we have concluded that it would not be proportionate for this application to undertake a capacity assessment at the junction due to the scale of the development in isolation. It has come to National Highways' attention that there has been a number of planning applications around Takeley and Stanstead Airport recently. Individually, each application is relatively small in scale, however, in combination all the developments will have a significant impact on the operation of the SRN (Strategic Road Network) and its capacity in the area. Any significant future development in the area will be required to produce an up to date Transport Assessment including an assessment of the cumulative impact on the SRN and likely require mitigation measures to alleviate the impact on the network. They have no objections to this proposal.
- 10.59 The proposed properties are a mixture of one, two-, three-, four- and five-bedroom dwellings. The adopted Essex County Council parking standards require the provision for one parking space for a one bedroomed dwelling, two parking spaces per dwelling for two- and three-bedroom dwellings and three parking spaces for three+ bedroomed properties and additional visitor parking spaces. The proposal meets these standards. There would also be 47 unallocated parking spaces within the development to provide visitor parking.
- 10.60 The proposal also contains 3568 sqm of employment space and 568sqm for medical/health hub. The car parking standards for commercial buildings is Class B1 (as here are no parking standards for Class E is a maximum standard of 1 space per 30 sqm and a minimum of 2 bays of disabled parking. Medical centres are required to provide a maximum of 1 space per fulltime equivalent full time equivalent staff and 3 per consulting room. 25 parking spaces are provided for the proposed medical centre building 127 parking

spaces for the commercial area and 139 parking spaces to replace those parking spaces lost as a result of the new access road from Parsonage Road.

10.61 All of the dwellings will be fitted with an electric vehicle charging points.

10.62 Essex County Council Highway Officers have assessed the plans and have no objections subject to conditions. The proposal would comply with the aims of Uttlesford Local Plan Policies GEN1 and GEN8 subject to conditions and s106 requirements.

D Biodiversity (Uttlesford Local Plan policy GEN7)

10.63 Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured. This policy is partially consistent with the NPPF but the NPPF strengthens the requirements, including the requirement for biodiversity enhancements. As such the policy has limited weight

10.64 Policy GEN7 and paragraph 180 of the NPPF require development proposals to aim to conserve or enhance biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species.

10.65 The site is currently agricultural fields which have been regularly cropped.. The application site is located adjacent to an Important and Ancient Woodland and a Local Wildlife Site (Prior's Wood). In addition, the site is within the Zone of Influence for development that could potentially adversely affect Hatfield Forest.

10.66 An Ecological Assessment report, a completed biodiversity checklist questionnaire, a biodiversity Net Gain Report, a Bat Survey Report, and tree survey has been submitted with the application. Essex County Council ecologists have been consulted and have no objections to the proposal subject to the mitigation and enhancement measures identified in the Ecological Assessment (Ecology solutions, October 2021) and Bat survey Report (Ecology solutions, November 2021) being secured and implemented in full. This can be achieved by a suitably worded condition

10.67 In addition, Policy ENV3 requires the protection of groups of trees unless the need for development outweighs their amenity value. Policy ENV8 requires the protection of hedgerows, linear tree belts, and semi-natural grasslands. Mitigation measures are required to compensate for the harm and reinstate the nature conservation value of the locality.

10.68 A population of Common Lizard and juvenile Grass Snake were identified on site, particularly in Jack's Field in the east of site. A Reptile Mitigation Strategy should therefore be submitted and secured by a condition of any consent. Information on which areas suitable for reptiles will be cleared and what areas will be retained as well as protection measures such as appropriate fencing should be included. A construction environmental Management Plan is also required to be submitted and secured by a suitable condition.

- 10.69 The proposal includes the installation of bird and bat boxes, habitat bat access tiles, enhancement of onsite ponds, the provision of native hedgerows, woodland, permeable fencing for hedgehog and the creation of an open flower meadow. A buffer of 15m would be provided to Priors Wood. There is a drainage ditch to the south of the existing Priors Wood and this would be retained providing protection for the woodland. Additionally at the request of the Councils Landscape officer at pre- application stage, Priors Wood is to be extended by approximately 10% in area (to the east of the existing woodland). The Councils landscape officer is of the view that the provision of footpaths within the buffer zone protecting Priors Wood is unlikely to have any significant impact on the wood. Details of path construction should be required to be submitted for approval.
- 10.70 To ensure proposed habitats are created and managed to benefit wildlife, it is recommended that a Landscape and Ecological Management Plan (LEMP) is submitted secured by a condition of any consent.
- 10.71 Subject to appropriate mitigation measures recommended no objection has been received, the application is considered therefore compliant with Policy GEN7, ENV7 and the specific requirements of the NPPF
- 10.72 Comments have been raised by Natural England and specifically the National Trust regards impact in terms of footfall onto the Hatfield Forest which is a designated SSSI. The National Trust through Natural England have requested a payment per dwelling through a tariff based similar to that engaged through the RAMSAR and Essex Estuary (RAMS) for parts of the County. The applicants have confirmed they are willing to pay a financial contribution to help mitigate impacts on Hatfield Forest if required.
- 10.73 For the largest, strategic housing sites (100+ units) such as this proposal, Natural England advises that recreational pressure impacts on this designated site are additionally mitigated via the provision of Suitable Accessible Natural Greenspace (SANG), a specific form of Green Infrastructure, to be provided within the red-line boundary of the proposed development. Natural England advise on using a distance of 2.7km for a daily walking route within attractive greenspace on the site and/or with links to surrounding public rights of way (PROW). ANG 'standard' accepted by Natural England is 8ha greenspace per 1000 population as per Thames Basin Heaths and this requires a commitment to its long-term maintenance and management to be secured by a Landscape and Ecological Management Plan to be secured by a condition of any consent. Such green infrastructure should be designed to absorb significant proportions of the day-to-day recreational needs of new residents, such as walking, dog walking, jogging / exercise, children's play facilities, and other informal recreation. It should also aim to provide a semi-natural character, with significant proportion of tree / woodland cover, and as may be appropriate, café / basic refreshment facilities.
- 10.74 The proposal does provide 2.4 hectares of formal and informal open space and would also provide a sufficient quantity and quality of on-site suitable Alternative Natural Greenspace (SANGS) to meet the criteria required by Natural England. Within the open spaces a network of walking routes is provided that exceed the 2.7km SANGS requirement.

10.75 Consultees have recommended that the Priors wood should be closed to the public, however as the woods are already open to the public this is considered to be unreasonable. The proposed development would result in the loss of 3 individual trees and part of 3 groups of trees, together with some 125m of existing hedgerow. These losses would be mitigated by proposed new tree and hedge planting. A fully detailed scheme of protective measures for existing vegetation to be retained would need to be conditioned as part of any approval.

10.76 As such it is considered that the proposal would not have any material detrimental impact in respect of protected species, subject to condition and s106 obligations accords with ULP policy GEN7.

E Affordable Housing, Education Contributions (Uttlesford Local Plan policies H9, GEN6)

10.77 Policy H9 states that the Council will seek to negotiate on a site for site basis an element of affordable housing of 40% of the total provision of housing. The Council commissioned a Strategic Housing Market Area Assessment which identified the need for affordable housing market type and tenure across the District. As a result of this, the Council will require a specific mix per development proposal. The Strategic Housing Market Area Assessment supports the provision of a range of affordable housing: Affordable housing provision (rounded up to the nearest whole number) is provided as 40% on sites of 15 or more dwellings or sites of 0.5ha or more;

10.78 Policy GEN6 seeks to ensure development proposals meet the infrastructure requirements arising from the impacts of the proposals. This policy is generally consistent with the NPPF and is given full weight.

10.79 The full application for 188 units does include 76 affordable units of (40%) The submitted plan shows the affordable housing is integrated across the development and the provision of 40% to be affordable housing would be secured through the S106. and have been designed to be tenure blind.

10.80 The proposal includes the provision of 40% affordable housing and given the need for the district this element of the proposals is given significant weight. The proposal also incorporates areas of public open space, including the provision of a local area of play. The public space includes the provision of recreational routes connecting to the existing public rights of way network. These provisions are partially to meet the requirements of the development and partially to form areas of softer development as mitigation for impacts on heritage assets. These contributions are considered to comply with the CIL Regulations.

10.81 Statutory consultees have identified the requirement for financial contributions should the development be approved to mitigate impacts. NHS England has stated a requirement for £97,710 to improve health facilities in Takeley. Education has identified that the proposals would increase the demand for Early Years and Childcare, Primary and Secondary Education provision in the area and as such are seeking financial contribution. These mitigation measures could be secured by way of a s106 Legal Obligation if planning permission were to be approved. These contributions are

considered to comply with the CIL Regulations. The proposal also commits the provision of 1 ha of education land for an extension to Roseacres School. The proposal also provides for a medical/health care facility. This was added to the proposal because of the public consultations carried out by the agent identified the lack of local GP facilities. The national direction of travel as outlined within the Long-Term Plan is for the establishment of Primary Care Networks based on existing neighbouring GP practices that work together typically covering 30-50,000 people and the West Essex CCG Estates Strategy reflects this approach. The result is the creation – for the first time since the NHS was set up in 1948 – of fully integrated community-based health care rather than the commissioning of small individual practices which can offer limited primary medical services and limited access to a wider range of services which a PCN can offer. Takeley falls within the South Uttlesford Primary Care Network (PCN) and they are currently proposing new infrastructure for the John Tasker House Branch surgery at Felsted and a new development in the Great Dunmow area which will provide services for patients in the Takeley area. There is also the Stansted Surgery 6.5 miles away which is a relatively new building with capacity for new patients.

10.82 The CCG will be looking for a contribution towards these new developments in Takeley for existing practices rather than the development of a new health centre. Although the CCG are looking for a contribution towards any new development for existing practices rather than the development of a new health centre, the health centre is still part of a S106 and should it not be required within the specified time, the building could be used for another public benefit.

10.83 ECC Highways has identified mitigation measures that would be required to improve the sustainability of the development site. These include improvements to enhance bus services, Upgrade of pedestrian link to Priors Green, Upgrading of the first to the signalised junction of B1256/B183 (Four Ashes), Provision of bus stop – northern side of the B1256, Residential Travel Plans, Workplace Travel plan and Improvements to restricted Byway 48/25 (Jacks Lane from Burgattes Road). These mitigation measures could be secured by way of a S106 Legal Obligation if planning permission were to be approved. These contributions are considered to comply with the CIL Regulations.

10.84 The applicant has indicated that they are prepared to enter a S106 legal agreement to provide the affordable housing. Subject to this agreement being completed, the proposal would comply with the requirements of Policy H9.

10.85 The application can therefore be considered totally compliant with Policy GEN6 of the Local Plan,

F Flood Risk and Drainage (Uttlesford Local Plan policy GEN3)

10.86 Policy GEN3 requires development outside flood risk areas to not increase the risk of flooding through surface water run-off. The NPPF requires development to be steered towards areas with the lowest probability of flooding. In addition, it should be ensured that flood risk is not increased elsewhere. The site is located within Flood Zone 1, therefore is a site with the lowest risk of flooding (more than 1 in 1000 years). The application has been submitted with a Flood Risk Assessment and this indicates that the site can be developed in such a manner that flooding would not result. The Lead Local

Flood Authority have been consulted and they have no objection to the proposal subject to conditions.

10.87 The proposal subject to conditions would comply with Uttlesford Local Plan Policy GEN3 and Paragraphs 163-170 of the NPPF.

G Air Quality (NPPF and Uttlesford Local Plan ENV13)

10.88 The application site is located in close proximity to the A120 but falls outside of the 35m zone identified as being the area where exposure to poor air quality will not be permitted. The application is accompanied by an Air Quality Assessment.

10.89 The Council's Environmental Health Officer has considered the proposals and consider that the site is suitable from an AQ perspective for residential development without the need for further mitigation, subject to an Electric Vehicle Charging Point Condition and that dust control from the construction phase of the development can be secured through a Construction Environmental Management Plan consent condition.
The proposals would comply with Uttlesford Local Plan Policy ENV13.

H Impact on Heritage Assets and Archaeology (NPPF and Uttlesford Local Plan Policies ENV4 and ENV2)

10.90 Policy ENV2 seeks to protect the setting of listed buildings, in line with the statutory duty set out in s66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Policy ENV2 does not require the level of harm to be identified and this is an additional exercise but one that does not fundamentally alter the basic requirements of the policy. Once the level of harm under paragraph 199 of the Framework is identified, then the balancing exercise required by the Framework (here paragraph 202) must be carried out., Policy ENV2 is broadly consistent with the Framework, and should be given moderate weight.

10.91 Policy ENV2 seeks to protect the fabric, character and setting of listed buildings from development which would adversely affect them

10.92 There are several listed buildings adjacent to the site including:

- • Goar Lodge, Grade II listed (list entry number: 1168972),
- • Bull Cottages, non-designated heritage asset,
- • Smiths and South Cottage, non-designated heritage asset,
- • Beech Cottage, Grade II listed (list entry number: 1112212),
- • The Cottage, Grade II listed (list entry number: 1306743),
- • Moat Cottage, Grade II* listed (list entry number: 112211),
- • The Croft, Grade II listed (list entry number: 1168964),
- • White House, Grade II listed (list entry number: 1322592),
- • The Gages, Grade II listed (list entry number: 1168954),
- • The Limes, non-designated heritage asset and
- • Hollow Elm Cottage, Grade II listed (list entry number: 1112220
- The pump at Pippins Grade II listed (list entry 1112210)
- Cheerups cottage Grade II listed

- 10.93 Smith's Green Lane is identified as 'Warrish Hall Road' and 'Warrish Hall Road 1.' in the Uttlesford Protected Lanes Assessment and due consideration must be given to the protection of this non-designated heritage asset (Ref: UTTLANE156 and UTTLANE166). To the north of the site is the scheduled monument of Warish Hall moated site and the remains of Takeley Priory (list entry number: 1007834). Sited within the Scheduled Monument is the Grade I listed Warish Hall and Moat Bridge (list entry number: 1169063). The application site is also considered to positively contribute to the setting, experience and appreciation of this highly sensitive heritage asset.
- 10.94 With regards to the 7 Acres site, it is considered that the proposals would result in no harm to the significance of any heritage assets therefore no further detailed discussion is required from a built heritage perspective. For that of Bull Field, it is felt that the proposals will fundamentally have an impact upon the setting of several designated and non-designated heritage assets.
- 10.95 There will be a minor level of harm to the setting of the listed buildings along Smiths Green Lane. The assets immediately adjacent to the site such as Goar Lodge and Beech Cottage, the scale of harm is towards the low/mid end of the spectrum given the sensitivities of the site, intervisibility between the assets and the site, the historically uninterrupted views across the agrarian landscape and the impact upon rural character, Paragraph 202 of the NPPF (2021) being relevant. There is also a concern upon the impact to the setting and significance of the scheduled monument to the north as there also would be an impact, this is in agreement with comments from Historic England, however specialist conservation advice is that this harm would be at the low end of the spectrum.
- 10.96 With regards to the application site known as Jacks to the east, development in this location will affect the setting of two designated heritage assets and the wider rural character of the locality. In particular, Hollow Elm Cottage, which has views onto the site from the rear will be impacted, and Cheerups Cottage also will be affected. With regards to the application site known as Jacks to the east, development in this location will affect the setting of two designated heritage assets and the wider rural character of the locality. In particular, Hollow Elm Cottage, which has views onto the site from the rear will be impacted, and Cheerups Cottage also will be affected. For Hollow Elm Cottage, the existing undeveloped and agricultural usage of the land positively contributes to the setting of the heritage asset and preserves its sense of tranquillity. I suggest that the level of harm arising is at the low end of the spectrum, however the impact from the site of Bulls Field will further compound the issue, raising it towards the middle of the spectrum. Hollow Elm Cottage has historically been experienced and appreciated from an isolated and rural position which will be between two new developments distinctly more urban in character. The impact upon the setting of Cheerups Cottage would be at the low end of the spectrum, environmental factors such as light pollution and noise should be of a consideration.
- 10.97 The proposals would also fundamentally result in harm to the character and experience of the protected lane, Paragraph 203 being relevant. In particular, the creation of a new urban development and driveways off the rural lane is of concern.

- 10.98 To conclude, the proposals would, result in less than substantial harm to a number of designated and non-designated heritage assets, Paragraph 202 and 203 being relevant. Great weight should be afforded the asset's conservation under the NPPF.
- 10.99 In response to the Heritage Officers' comments, revisions were made to the design to respond more positively to the views from those assets, particularly Hollow Elm cottage and Chirrup's Cottage. Two dwellings were omitted from the east of the rural lane parcel. The dwellings were repositioned to facilitate long views to open space. The roof pitches to the garages were reduced in height and house type 5B. Relocation of dwellings to the north of the rural lane to respond to the historical setting of the Farmstead and former moated site.
- 10.100 The removal of the dwelling opposite Hollow Elm reduces the built form and maintains the views into the public space as part of the development. The removal of the dwelling to the north of the rural lane reduces the built form and would reduce the impact on surrounding heritage assets by increasing the openness of the schematic would ensure that the built form of the development avoids the moat which used to surround a former building known as Maggotts.
- 10.101 A material consideration is that at pre- application stage the proposal was the subject of a review with the Essex Quality Review Panel. They stated that in particular, the Smiths Green area running along the inner centre of the existing community has been identified as 'rural settlement', where single houses – often listed buildings - are embedded within the landscape. Therefore, the Panel sees an opportunity to extend the character of this area to the north, thus providing a stronger vertical connection between the new and existing communities through a verdant link. This review informed the design.
- 10.102 Historic England were also consulted and do not have an in-principal objection to development of this type and recognise that there is likely to be a clear public benefit. They however recommend that the proposed masterplan is revised in order to better respond to, and respect, the historic environment – and to ensure the long uninterrupted views southwards from the scheduled monument remains unaffected by the proposed development. They state that in their view, the amended masterplan does not adequately address our concerns. In our opinion, the amended scheme would still result in an erosion of the rural character of highly graded designated heritage assets - the scheduled monument known as 'Warish Hall moated site and remains of Takeley Priory' and Grade I listed building at Warish Hall and Moat Bridge'.
- 10.103 The landscape to the south of the scheduled monument is essentially unchanged from the early historic maps. Historic England state further that In our view, residential development on this land, to the east of Prior's Wood and towards Smith's Green, would affect this isolated feel and draw the built environment closer to the monument. This impacts upon the significance of the highly graded designated heritage assets so we disagree with the assessment of the degree of harm, which is neutral, 'given that there would no impacts to the way in which the monument or listed building is understood, appreciated, or experienced. They consider that the scheme has the potential to cause less than substantial harm, and moderate to high in scale to the

significance of the heritage assets. We, therefore, consider that this should be given great weight in the planning balance required under paragraph 202 of the NPPF.

These proposals are therefore considered contrary to the implementation of Policy ENV2 of the adopted Uttlesford Local Plan 2005

10.104

Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

10.105

The proposal would provide several public benefits: including provision of 18 dwellings, affordable housing, an extension to the Primary school to facilitate its future expansion., enhancement to Priors Wood including 10% extension, new cycleway and pedestrian links, provision of over 4.5 ha of open space and employment benefits.

10.106

It is considered that the public benefits on balance outweigh the less than substantial harm to the Heritage Assets and their settings.

I

Climate Change

10.107

Uttlesford District Council has recently adopted an Interim Climate Change Planning Policy document.

10.108

The applicant has confirmed that all the new homes will be provided with at least one installed fast charging point for electric vehicle charging. The agent has stated that electric hook up points would be provided. These can be secured by a suitably worded condition.

10.109

The development would make the use of modern methods of construction to provide improved building performance, including air tightness.

10.110

The proposal includes extensive new woodland and tree planting and enhanced landscaping to further ecology and biodiversity benefits and biodiversity Net Gain of at least 10%

10.111

The proposed dwellings would also have air source pumps to heat them which is consistent with the Councils Interim Climate Change policy.

11.

EQUALITIES

11.1

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications.

11.2

In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between

persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

12. CONCLUSION

- A.** The submitted proposal would on balance, taking into account the Councils lack of five-year housing supply the benefits of the scheme outweigh the harm to the character and settings of the Listed Buildings and rural setting of the area. It is acknowledged that Uttlesford District Council cannot demonstrate a five-year supply of deliverable housing sites, and this development would contribute to this shortfall. At 3.11 years supply, the deficit is significant. In such circumstances, paragraph 11 of the National Planning Policy Framework 2021 indicates that housing policies should be regarded as out of date. However, paragraph 11d) makes it clear that the presumption in favour of sustainable development does not apply if the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. In this respect, Footnote 7 sets out that this includes, amongst others, designated heritage assets. It is considered that the harm caused to the significance of the Heritage assets would be outweighed by the public benefits of the scheme.
- B** The proposal is considered in total accordance with Policy GEN2 of the Local Plan in terms of layout, design, amenity space and separation distances
- C** The Housing Mix is in total accordance with Policy H10 of the Local Plan
- D** The proposal is considered acceptable in terms of highway safety, parking provision and appropriate mitigation has been secured
- E** There would not be any adverse impacts on biodiversity, subject to implementation of identified mitigation. The application provides sufficient information and evidence to demonstrate that the proposals (subject to conditions) would not adversely affect protected species, namely reptiles and great crested newts. As such the proposals Comply with Policy GEN7 and section 15 of the NPPF.
- F** Appropriate infrastructure and mitigation measures have been secured and complies with Policy GEN 6 of the Local Plan.
- G** There would be no increase in flood risk and the proposed drainage subject to conditions is acceptable and therefore is in total accordance with Policy GEN3 of the Local Plan
- H** The proposals would not comply with the aims of Uttlesford Local Plan policy ENV2.
- I** The proposal is compliant with the Uttlesford Councils adopted Interim Climate Change document.

Building for a Healthy Life - Uttlesford Assessment Tool

Land At Warish Hall Farm Smiths Green Takeley

UTT/21/1987/FUL

REV A - 19/10/2021 - Updates marked with yellow highlight

First issue - 16.07.21

Mixed use development including: revised access to/from Parsonage Road between Weston Group Business Centre and Innovation Centre buildings leading to: light industrial/flexible employment units (c.3568sqm) including health care medical facility/flexible employment building (Use Class E); 126 dwellings on Bulls Field, south of Prior's Wood; 26 dwellings west of and with access from Smiths Green Lane; 38 dwellings on land north of Jacks Lane, east of Smiths Green Lane including associated landscaping, woodland extension, public open space, pedestrian and cycle routes

Assessment by Jack Bennett - Principal Urban Design Officer

Integrated Neighbourhoods

Natural connections

What's needed (from Building for a Healthy Life)

Create places that are well integrated into the site and their wider natural and built surroundings. Avoid creating isolated and disconnected places that are not easy places to move through and around.
Look beyond the red line that marks the extent of your site. Ordnance Survey maps along with satellite mapping software such as Google Earth are useful tools to help you understand the wider context and how you can best stitch a new development into a place.
Identify the places, facilities and services you need to connect to.
Draw points of connection into and through your site - creating a strong and direct street, path and open space network.
Create well-connected street and path networks, providing opportunities for these to be extended beyond the site boundary in the future.
Research and respond to how water flows and nature moves across your site and the wider surroundings.

What 'green' looks like (from Building for a Healthy Life)

Edge to edge connectivity
Respond to pedestrian and cyclist desire lines.
Connected street patterns. These work best when they include straight or nearly straight streets to makes pedestrian routes as direct as possible.
Filtered permeability. A useful technique that designs out 'rat running' and creates a pleasant low traffic environment around people's homes whilst still allowing pedestrian and cycle movement.
Continuous streets (with public access) along the edges of a development. Private drives can frustrate pedestrian and cycle movement along the edges of a development.
Connecting existing and new habitats; safeguarding existing or creating new movement corridors for nature.
Where retained, keeping hedgerows within the public realm, safeguarding their future retention and management.
Streets and routes that can be extended in the future.
Adoption to site boundaries.

What 'red' looks like (from Building for a Healthy Life)

Single or limited points of access for pedestrians and cyclists.
Extensive use of private drives.
Pedestrian or cycle routes that are not well overlooked and lit after dark.
Failing to respond to existing (or anticipate future) pedestrian and cycle desire lines.
No opportunities to connect or extend streets and paths if required by later development.
Internal streets and paths that are not well connected or are indirect.
Retaining existing hedgerows between the back gardens of individual homes.
Ransom strips

Relationship of this section to policy:

National Planning Policy Framework: Clauses 91a; 102c and e; 104d; 127b; 127f
National Design Guide: Sections B3; M1; M2; N1; R3
Uttlesford Emerging Local Plan 2023: TBC
Essex Design Guide: Layout Details; Streets and Roads; Landscape and Greenspaces; Highways Technical Manual

Officer comments

There should be potential for a pedestrian connection to the north from the commercial area, should any development come forward to the north of the application site. Pedestrian connection marked as 'recreational' from school to north of site would actually be functional (depending on any development coming forward to the north) and should be treated as such with regards surfaces, detailing etc. Existing PROWs not shown on access diagram in DAS, these should be shown and retained. Not all connections to Leyfield are shown in DAS access diagram. Concern raised about quality of connection between site and Leyfield with regards to active overlooking, lighting, surface etc - what mitigation measures are included?
Routes generally respond to desire lines apart from route around amenity green in commercial area - the desire line is across the green and through the car park - suggest this is reflected in the layout - currently a car friendly space rather than pedestrian. East of woodland neighbourhood: short path connection from turning head/edge lane to woodland path needed.
Extensive private drives/culdesacs will need be clearly demarcated through detailing/layout etc as private to avoid being misunderstood as a through route.
Landscape officer to comment further
Hedgerow appears to be retained but existing PROW not marked on plans, also this hedgerow and PROW are addressed by rear garden walls which is not ideal
Most routes achieve this apart from car park at northern end of site.
Appears to be feasible but case officer/highways officer to confirm no ransom strips etc remain

Walking, cycling, and public transport

What's needed (from Building for a Healthy Life)

Short trips of up to three miles can be easily made on foot or bicycle if the right infrastructure is in place, helping to improve public health and air quality whilst also reducing local congestion and carbon emissions.
Cycle and walk the neighbourhood to understand where off-site interventions will be most useful. Local residents and councillors can help you understand where investment in improvements to pedestrian and cycle infrastructure might have most impact.
Invite people to cycle within the site and beyond to destinations within at least a three mile radius; with routes through green spaces, quiet streets alongside prioritised and protected routes on busy streets, junctions and roads.
If there is an existing protected cycle network, connect to it. Alternatively, begin a new one by building or funding routes to key destinations.
Ensure access for all and help make walking feel like an instinctive choice for everyone undertaking short journeys (such as the school run or older generations accessing local facilities and services).
Streets and paths that connect people to places and public transport services in the most direct way, making car-free travel more attractive, safe and convenient.
Make sure that all streets and routes pass in front of people's homes rather than to the back of them – creating a well overlooked public realm.
Exploit existing (or planned) public transport hubs, such as train stations and bus interchanges, to build at higher densities and channel a higher percentage of journeys to public transport.

What 'green' looks like (from Building for a Healthy Life)

Share street space fairly between pedestrians, cyclists and motor vehicles.
Cycle friendly streets (see Local Transport Note 1/12) with pedestrian and cycle priority (and protection) with across junctions and side streets.
Nudge people away from the car. Offer cycle (and cargo bike) parking closer to the entrance of commercial, leisure and community facilities than car parking spaces.
Provide scooter and cycle parking at schools. Scooters can encourage younger children to get active on the way to school.
Design out school runs dependent on cars.
Demand Responsive Transport car clubs and car shares.
Start or contribute to the delivery of a Local Cycle and Walking Strategy Infrastructure Plan.
Short and direct walking and cycling connections that make public transport an easy choice to make.
Zebra, parallel and signalised crossing.
New or improved Park and Ride schemes.
Tight corner radii (<3m) at street junctions and side streets.
20mph design speeds, designations and traffic calming.
Concentrate new development around existing or new transport hubs.
Protected cycle ways along busy streets.

What 'red' looks like (from Building for a Healthy Life)

Travel Packs that fail to influence people's travel choices.
White line or undivided shared pavement/cycle ways.
Pedestrians and cyclists losing priority at side junctions.
Oversized radii corners on streets that are principally residential that allow motor vehicles to travel around corners at high speeds.
Streets that twist and turn unnaturally in an effort to control vehicle speed but make walking and cycling routes longer than they need to be.
Streets principally designed around waste collection vehicles.
Overwide carriageways that reduce space for pedestrians and cyclists, making it more difficult for people to get around easily especially when social distancing restrictions are in place.
Serviced parcel developments where pedestrian and cycle connections between different phases of development are frustrated.

Relationship of this section to policy:

National Planning Policy Framework: Clauses 20c; 91a; 91c; 127e
National Design Guide: Sections B1; B3; M1; R3
Uttlesford Emerging Local Plan 2023: TBC
Essex Design Guide: Parking Design; Streets and Roads; Highways Technical Manual

Officer comments

g	
/	Highways officer to comment
g	
	n/a
g	Good pedestrian/cycle connectivity to existing school
/	Highways officer to comment
/	Highways officer to comment
g	Generally good
/	Highways officer to comment - noted that some pedestrian crossings on woodland boundary don't appear to have raised tables - raised tables now added in revised drawings
/	Highways officer to comment
g	Highways officer to confirm but there could be improvement in some areas to conform with general principle of minimising corner radii to slow vehicle speeds to create pedestrian friendly streets
g	Highways officer to comment - raised tables and road narrowing noted - suggested 10mph limit to 'garden village' area
g	Relatively good walking and cycling connectivity to buses, rail, primary school, local centre, employment, food retail
g	Good within development - highways officer to confirm if any provision made to improve wider routes

Facilities and services

What's needed (from Building for a Healthy Life)

Places that offer social, leisure and recreational opportunities a short walk or cycle from their homes.
Developments that provide community facilities, such as shops, schools, workplaces, health facilities, co-working spaces, parks, play spaces, cafés and other meeting places that respond to local community needs.
Locate any new facilities in the best location for those walking, cycling and using public transport.
Consider whether improving existing facilities will add more value to the local community than adding new ones.
Assess or identify what sport and leisure provision there is for people of all ages, paying particular attention to the needs of children, teenagers and older people.
Create places where people can meet each other such as public spaces, leisure facilities, community buildings, cafes and restaurants to provide opportunities for social interaction – helping to improve public health by encouraging physical activity and helping to tackle those affected by loneliness and isolation.
'Play on the way' can make car-free trips more fun for children making them want to walk or cycle to school.
Sustainable drainage schemes that contribute towards an attractive and accessible network of streets and public spaces.

What 'green' looks like (from Building for a Healthy Life)

Intensifying development in locations that benefit from good public transport accessibility, in particularly around public transport hubs such as train stations and bus interchanges.
Reserving land in the right locations for non-residential uses.
Active frontages.
Clear windows along the ground floor of non-residential buildings (avoid obscure windows).
Mixing compatible uses vertically, such as placing supported accommodation at the heart of new developments above active ground floor uses.
Giving places where routes meet a human scale and create public squares.
Frequent benches can help those with mobility difficulties to walk more easily between places.

What 'red' looks like (from Building for a Healthy Life)

Local centres that are not easily accessible and attractive to pedestrians and cyclists.
Non-residential developments that are delivered as a series of individual parcels with their own surface level car parks set back from the street.
Where routes converge, avoid creating places that are of an inhuman scale and that frustrate pedestrian and cycle movement.
Inactive street edges, dead elevations, service yards next to the street and obscure ground floor windows.
Play and other recreational facilities hidden away within developments rather than in located in more prominent locations that can help encourage new and existing residents to share a space.
Not anticipating and responding to desire lines, such as between public transport stops and the entrances to buildings and other facilities.

Relationship of this section to policy:

National Planning Policy Framework: Clauses 102; 103
National Design Guide: Sections B1; B3; N1; P3; U1; U3
Uttlesford Emerging Local Plan 2023: TBC
Essex Design Guide: Layout Details

Officer comments

g	Relatively good walking and cycling connectivity to buses, rail, primary school, local centre, employment, food retail
g	Non-residential uses are in a logical location adjacent to existing commercial. Landscape officer to comment on impact of proximity to woodland. Planning officer to confirm quantum and type of use are appropriate considering wider context.
a	Entrance space does not appear to take the opportunity to create a good design following good placemaking principles. This is an important entrance threshold and is currently defined by blank commercial unit walls and dense parking. The vehicle route through has large radii and no pedestrian crossings or raised tables are shown. Space would benefit from using shared surfaces, changes in surfaces material, soft landscaping etc to define a distinct entrance square, defined by buildings and with parking hidden with buildings or landscaping as far as possible - raised tables now shown
g	The medical building appears well designed from an urban design perspective with large windows addressing the public realm
	n/a
g	Generally done
g	Benches specified but locations not defined (other than woodland and 'recreational area') - locations now defined

Homes for Everyone

What's needed (from Building for a Healthy Life)

A range of homes that meet local community needs.
A mix of housing types and tenures that suit the needs of the local community. This may include first time buyer homes, family homes, homes for those downsizing and supported living.
Maximising the opportunities offered by supported accommodation, placing these homes at the heart of new developments above active ground floor uses such as shops, community facilities and pre-schools.
Offering people access to at least some private outdoor space. This is particularly important for people's mental health and wellbeing especially when social distancing and travel restrictions are in place.

What 'green' looks like (from Building for a Healthy Life)

Designing homes and streets where it is difficult to determine the tenure of properties through architectural, landscape or other differences.
Apartment buildings might separate tenure by core but each core must look exactly the same.
A range of housing typologies supported by local housing needs and policies to help create a broad-based community
Homes with the flexibility to meet changing needs.
Affordable homes that are distributed across a development.
Access to some outdoor space suitable for drying clothes for apartments and maisonettes.
Consider providing apartments and maisonettes with some private outdoor amenity space such as semi-private garden spaces for ground floor homes; balconies and terraces for homes above ground floor.

What 'red' looks like (from Building for a Healthy Life)

Grouping affordable homes in one place (except on smaller developments).
Dividing places and facilities such as play spaces by tenure.
Revealing the different tenure of homes through architecture, landscape, access, car parking, waste storage or other design features.
Not using the space around apartment buildings to best effect and where these could easily be used to create small, semi-private amenity spaces allocated to individual ground floor apartments.

Relationship of this section to policy:

National Planning Policy Framework: Clauses 60-62
National Design Guide: Sections B1; B2; U2; U3
Uttlesford Emerging Local Plan 2023: TBC
Essex Design Guide: Architectural Details; Internal Design Details; Layout Details

Officer comments

No obvious differences in architecture or detailing as same housetypes are used for affordable and market housing (apart from 2C bungalows)
n/a - apartments all affordable
Case officer to confirm housing needs and policies met - from a design point of view there are a good range of typologies however no evidence of innovative typologies that meet intergenerational/multigenerational needs, or live/work typologies etc
No evidence of this - housing typology document referred to in DAS but not found in submitted documentation - information now submitted
Affordable homes are grouped in a manner that could help to identify homes as affordable which is not in line with guidance - as same housetypes are used this should be straightforward to rectify - amended in revised drawings

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Distinctive Places

Making the most of what's there

What's needed (from Building for a Healthy Life)

Understand and respond.
Allow time for good design, walk the site and the surroundings with the local planning authority. Discuss, understand and agree opportunities and constraints building a shared vision that makes use of the topography and other existing assets on and beyond the site.
Explore conceptual ideas before settling on an agreed way forward and producing a site layout. For instance, if there are existing site features explore how these might be best integrated into a place.
Identify any visual connections into, out, through and beyond the site.
Work with the contours of the land.
Understand how water flows across and pools on the site. Explore how water can be used to enhance biodiversity, create character and improve people's sense of wellbeing.
Draw all these considerations together to get the street, block and open space structure right from the start (a framework or concept plan).
Consider opportunities for natural lighting, cooling and ventilation. Take care not to compromise important urban design principles such as perimeter block structure.
Identify opportunities to integrate and reuse existing features of value, these might be natural or manmade, on or beyond the site.
Be careful that hedges are not simply retained and prevent a sensible and practical new development layout. It may be more effective to create and plant new hedgerows and tree belts into development proposals than work around existing hedges. A well thought out approach may even increase habitat and biodiversity.
Be sensitive to existing development but avoid creating buffer spaces between existing and new back gardens.
Using the landform and ground conditions (soil) in a considered way. For instance, low-nutrient subsoils are ideal to put to one side if you wish to establish wildflower meadows rather than importing new topsoil.

What 'green' looks like (from Building for a Healthy Life)

Taking a walk to really understand the place where a new development is proposed and understand how any distinctive characteristics can be incorporated as features.
Using existing assets as anchor features, such as mature trees and other existing features.
Positive characteristics such as street types, landscape character, grain, plot shapes and sizes, building forms and materials being used to reflect local character.
Sensitive transitions between existing and new development so that building heights, typologies and tenures sit comfortably next to each other.
Remember the 'four pillars' of sustainable drainage systems.
Protecting and enhancing existing habitats; creating new habitats.
Interlocking back gardens between existing and new development (where existing back gardens adjoin a site boundary).

What 'red' looks like (from Building for a Healthy Life)

Designing without walking the site first.
Funnelling rainwater away in underground pipes as the default water management strategy.
Unmanaged gaps between development used as privacy buffers to existing residents.
Placing retained hedges between rear garden boundaries or into private ownership.
Building orientations and designs that fail to capitalise on features such as open views.
Not being sensitive to existing neighbouring properties by responding to layout arrangements, housing typologies and building heights.

Relationship of this section to policy:

National Planning Policy Framework: Clauses 122d; 127c; 127d; 153b; 184
National Design Guide: Sections C1; C2; I1; B2; R3
Uttlesford Emerging Local Plan 2023: TBC
Essex Design Guide: Understanding Context; Layout Details; Landscape and Greenspaces

Officer comments

a	Concern has been raised about the development along Smiths Green and the impact on heritage buildings and landscaped verges. Priors Wood is respected with appropriate distances (with pinch point due to site constraints) and wood is enhanced with addition - Landscape officer to provide further comments.
g	
g	Notwithstanding heritage concerns, proposals along Smiths Green do reflect local character to some degree, although double the density with 2 rows of houses rather than 1. Opportunity for these rear homes to address POS is not taken, and rear garden fences are shown which is not acceptable. Density generally deemed appropriate balance between providing new homes and reflect existing character.
g	
	Landscape officer to comment
	Landscape officer to comment
a	Generally acceptable however some concerns about northern edge of 'garden village' could these homes work harder to address the PROW to the north rather than turn their back. General lack of clarity around southern boundary of 'woodland neighbourhood' with some boundaries formed by walls, others open, others timber fencing, strips of left over land shown as meaningless open space - requires detailed plan showing ownerships, access, uses etc.

A Memorable Character

What's needed (from Building for a Healthy Life)

Create places that are memorable
Create a place with a locally inspired or otherwise distinctive character.
Review the wider area for sources of inspiration. If distinctive local characteristics exist, delve deeper than architectural style and details. Where the local context is poor or generic, do not use this as a justification for more of the same. Inspiration may be found in local history and culture.
Understand where positive local character comes from: streets, blocks and plots (urban grain), green and blue infrastructure, land uses, building form, massing and materials often underpin the essence of the distinctive character of settlements rather than architectural style and details.
Using a local materials palette (where appropriate) can be a particularly effective way to connect a development to a place. This is often more achievable and credible than mimicking traditional architectural detailing which can be dependent on lost crafts.
Brownfield sites can offer sources of inspiration for new development. Greenfield and edge of settlement locations often require more creativity and inspiration to avoid creating places that lack a sense of local or otherwise distinctive character.
Character can also be created through the social life of public spaces. Create the physical conditions for activity to happen and bring places to life.

What 'green' looks like (from Building for a Healthy Life)

A strong, hand drawn design concept. To find the right solution a number of different ideas and options might need to be explored.
Drawing inspiration from local architectural and/or landscape character.
Reflecting character in either a traditional or contemporary style.
Structural landscaping as a way to create places with a memorable character.
Memorable spaces and building groupings.
Place names that have a connection to the locality can help stimulate ideas and design thought. A place name like 'Valley View' will always be more helpful on larger, multi-developer developments than generic terms such as 'Parcel R5.1'.

What 'red' looks like (from Building for a Healthy Life)

Using a predetermined sequence of house types to dictate a layout.
Attempting to create character through poor replication of architectural features or details
Arranging buildings next to each other in a way that does not create a cohesive street scene.
Referencing generic or forgettable development nearby to justify more of the same.

Relationship of this section to policy:

National Planning Policy Framework: Clauses 122d; 127c; 127d
National Design Guide: Sections C2; I1; I2; I3; B3
Uttlesford Emerging Local Plan 2023: TBC
Essex Design Guide: Architectural Details; Internal Design Details; Layout Details; Parking Design; Streets and Roads; Landscape and Greenspaces

Officer comments

g	A process has evidently been followed.
g	A thorough analysis of local architecture has been undertaken which references quality examples and draws inspiration from them. Poor quality examples are also shown (for context) but it is important inspiration is not drawn from them e.g. UPVC windows will not be allowed.
g	Housetypes successfully create distinct character in a contemporary style. Windows shown are generous and would help create good quality of internal spaces. Detailing shown is restrained, neat, and appropriate for materials shown. Would suggest pitched porches shown to housetypes 3B, 3C, and 3D are incongruous with successful contemporary aesthetic. More details required on material specification particularly windows and weatherboarding - no plastic or UPVC allowed. Pale brick is not evidently drawn from local precedent however is supported as contributes to variety and distinct character using quality materials. Overall reviewing local precedent and responding with a variety of bespoke housetypes over a number of logical character areas is a process which is strongly supported.
g	Central open space and linear park well considered, recreational space has issues as outlined in earlier comments. Garden village open space is compromised by blank garden walls addressing it in some locations. Trees and verges as shown to pedestrian and cycle routes would help create character. Landscape officer to provide further comments
a	Variety of housetypes, character areas, and successful landscaping do support this aim, but there are missed opportunities for placemaking at the commercial/recreational entrance square as outlined previously, and around apartment blocks where shared surfaces, surface material changes, benches, structural landscaping etc could be used to create a public square central to this part of the scheme - this would help create character through social interaction, especially as on key route to school - raised tables in revised drawings go some way to addressing this
g	

Well defined streets and spaces

What's needed (from Building for a Healthy Life)

Create a network of streets and spaces that are well enclosed by buildings and/or structural landscaping, taking care to ensure that front doors and the principal facades of buildings face streets and public spaces.
A strong framework of connected and well overlooked streets and spaces.
Look beyond the plan and illustrative street scenes; what will you actually see and experience walking along the street?
Perimeter blocks with clearly defined public fronts and private backs.
Active frontages. Front doors, balconies, terraces, front gardens and bay windows are a good way to enliven and add interest to the street and create a more human scale to larger buildings such as apartments and supported living accommodation.
Carefully considered street corners.
Three dimensional models (physical or computer generated) and simple, hand drawn street cross sections can be particularly useful tools to understand and test the spatial qualities of a place.

What 'green' looks like (from Building for a Healthy Life)

Streets with active frontages.
Well defined streets and spaces, using buildings, landscaping and/or water to enclose and define space
Cohesive building compositions and building lines.
Front doors that face streets and public spaces.
Apartments that offer frequent front doors to the street.
Dual aspect homes on street corners with windows serving habitable rooms.
Perimeter blocks.
Well resolved internal vistas.
Building typologies that are designed to straddle narrow depth blocks.

What 'red' looks like (from Building for a Healthy Life)

Distributor roads and restricted frontage access.
Broken or fragmented perimeter block structure.
Presenting blank or largely blank elevations to streets and public spaces.
Lack of front boundaries, street planting and trees.
Apartment buildings with single or limited points of access.
Apartment buildings accessed away from the street.
Staggered and haphazard building lines that are often created by placing homes with a mix of front and side parking arrangements next to each other.
Street corners with blank or largely blank sided buildings and/or driveways. Street edges with garages, back garden spaces enclosed by long stretches of fencing or wall.
Buffers between new and existing development that create channels of movement between back gardens whether access is permitted or not.
Single aspect homes on street corners.

Relationship of this section to policy:

National Planning Policy Framework: Clauses 91a
National Design Guide: Sections B2; M2; N2; N3; P1; P2; H2; L3
Uttlesford Emerging Local Plan 2023: TBC
Essex Design Guide: Layout Details; Parking Design; Streets and Roads; Highways Technical Manual

Officer comments

a	Woodland neighbourhood streets are generally well defined apart from key areas of concern which are NS street lined with FOGs and rear garden walls which also has issues with poorly defined corners, and would generally create a lonely atmosphere in this part of the plan. Timber boundary fences of rear gardens to 'rural lane' would not be acceptable (now revised to softer more permeable boundaries) suggest homes that address the POS or lower level soft landscaping forming boundary and secured in planning condition. FOG located in apartment car park is unfortunate. Terraces and apartments do not take the opportunity to create defined public spaces see previous point about memorable places (raised tables in revised drawings improve this). There are issues with street corners defined with meaningless green space, kinked rear garden boundaries, or car parking spaces which should be addressed - this is particularly problematic in the 'garden village' area (quality trees in revised drawings go some way to addressing this) There are many instances where this is dealt with well, the approach just needs to be consistent. Rural edge is essentially a long block severed occasionally by pedestrian routes which it does not properly address (revised boundary treatments improve this) homes with active sides have now been included which also improve the situation overall
a	See above
a	See above
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g	
g	No evidence of this - some housetypes do show small windows to side elevations but not evident that these are used to turn corners 'Housing Typology Document' not found - this needs to be addressed (not clear if house type 3B or 3C used in key locations) - updated in revised drawings
g	Generally used
a	Some views are terminated well with landscaping, principal elevations, or considered corners of buildings. Others are unsuccessful as terminated with blank garden walls, blank gables. Entrance to scheme dominated by parking and commercial units is a missed opportunity. View along eastern edge of woodlands neighbourhood addressing park is successful.
g	Homes along Jack's Lane

Bits of left over land between the blank flank walls of buildings.

Easy to find your way around

What's needed (from Building for a Healthy Life)

Use legible features to help people find their way around a place.
Streets that connect with one another .
Streets that are as straight and as direct as possible.
Use street types, buildings, spaces, non-residential uses, landscape, water and other features to help people create a 'mental map' of a place.
Streets with clearly different characters are more effective than 'character areas' in helping people grasp whether they are on a principal or secondary street.
For larger sites, it will be necessary to use streets and spaces with different characters to help people to find their way around.

What 'green' looks like (from Building for a Healthy Life)

Designing for legibility when creating a concept plan for a place.
Using streets as the main way to help people find their way around a place. For instance, principal streets can be made different to more minor streets through the use of different spatial characteristics, building typologies, building to street relationships, landscape strategies and boundary treatments.
Navigable features for those with visual, mobility or other limitations.
Frame views of features on or beyond a site.
Create new legible elements or features on larger developments – further reinforce legible features where necessary through the landscape strategy, building and layout design, hard landscaping and boundaries.
Simple street patterns based on formal or more relaxed grid patterns.

What 'red' looks like (from Building for a Healthy Life)

No meaningful variation between street types.
Disorientating curvilinear street patterns.
Disconnected streets, paths and routes.
Building typologies, uses, densities, landscaping or other features are not used to create places that are different to one another.
Cul de sac based street patterns

Relationship of this section to policy:

National Planning Policy Framework: Clauses 91b; 127b
National Design Guide: Sections I1; M1; M2; U1
Uttlesford Emerging Local Plan 2023: TBC
Essex Design Guide: Layout Details; Parking Design; Streets and Roads; Highways Technical Manual

Officer comments

Not specifically referenced but generally legible in constraints of site
Streets do have general hierarchy but issues outlined in 'well defined streets and spaces' section undermine legibility of the place overall. Variety and character of houstypes and landscaping generally aids legibility and distinctive areas.
Not referenced specifically but site not overly monotonous with different character of homes and open spaces including woodland
Not referenced specifically - see other comment about views
See above.
Street patterns are generally simple and well connected. Extensive private drives/culdesacs will need be clearly demarcated through detailing/layout etc as private to avoid being misunderstood as a through route.

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Streets for All

Healthy streets

What's needed (from Building for a Healthy Life)

Streets are different to roads. Streets are places where the need to accommodate the movement of motor vehicles is balanced alongside the need for people to move along and cross streets with ease. Activity in the street is an essential part of a successful public realm.
Low-speed streets and neighbourhoods with pedestrian and cycle priority.
The right balance between movement and place functions.
Rethinking the way we distribute street space. At times of more relaxed social distancing, demand for better quality cycle provision is expected to increase as public transport capacity reduces. Congestion caused by motor vehicles will make it unattractive for people to switch from public transport to cars creating a unique opportunity to change the way we move around our cities, towns and villages.
Healthy streets improve people's physical and mental health. Encouraging walking, cycling, outdoor play and streets where it is safe for younger children to cycle (or scooter) to school can create opportunities for social interaction and street life bringing wider social benefits.
Street trees.
Avoid streets that are just designed as routes for motor vehicles to pass through and for cars to park within.
Boulevards and streets with active edges rather than distributor roads and bypasses with no (or limited) frontage access.
Streets that are easy to cross; providing priority for pedestrians and cyclists across junctions and accesses.
Well overlooked streets with front doors facing streets and public spaces.
Provide conditions for cycling appropriate to the speed and volume of motor traffic.
Inclusive design: think about how people with visual, mobility or other limitations will be able to use the street confidently and safely.

What 'green' looks like (from Building for a Healthy Life)

Streets for people.
20mph (or lower) design speeds; 20mph designations.
Tree lined streets. Make sure that trees have sufficient space to grow above and below ground, with long term management arrangements in place.
Tight corner radii (3m or less).
Places to sit, space to chat or play within the street.
Pavements and cycleways that continue across side streets.
Anticipating and responding to pedestrian and cycle 'desire lines' (the most direct routes between the places people will want to travel between).
Landscape layers that add sensory richness to a place – visual, scent and sound (including SUDs)

What 'red' looks like (from Building for a Healthy Life)

Roads for cars.
Failure to adhere to the user hierarchy set out in Manual for Streets.
Wide and sweeping corner radii (6m or more). 6m+ wide carriageways.

Relationship of this section to policy:

National Planning Policy Framework: Clauses 91b; 102c and e; 110a-d
National Design Guide: Sections M1; M2; N3; P1; P2; P3; H1; H2
Uttlesford Emerging Local Plan 2023: TBC
Essex Design Guide: Layout Details; Parking Design; Streets and Roads; Highways Technical Manual; Landscape and Greenspaces

Officer comments

g	Generally good measures have been taken to create streets for people including tight corners, pedestrian and cycle lanes, desire lines, raised tables, continuous paths, shared surfaces, hidden parking, low speeds, play on they way, wider connections. Re. shared surface edge lanes: 6m width is only required to enable manoeuvring into car parking spaces, in other locations roads can be narrowed to enable more soft landscaping and reduce vehicle speeds (this must be confirmed with highways officer).
g	Streets should be designated as such
a	Some street trees shown however unclear if they are in private ownership. All street trees must not be conveyed to private ownership to ensure longevity. Must be covered by management company or adopted. Missed opportunity for streets trees along entrance street adjacent to woodland - streets adjacent to open space enjoy trees this way however
g	Highways officer to confirm but there could be improvement in some areas to conform with general principle of minimising corner radii to slow vehicle speeds to create pedestrian friendly streets
g	Benches specified but locations not defined (other than woodland and 'recreational area') good opportunities for play provided including potential LAPs, LEAPS, and play on the way. Confirm LAPs within 100m of homes
g	Achieved in some locations, whereas only indicated in others but needs to be confirmed with raised tables shown or similar more localised solution - tables now shown
g	Routes generally respond to desire lines apart from route around amenity green in commercial area - the desire line is across the green and through the car park - suggest this is reflected in the layout - currently a car friendly space rather than pedestrian. East of woodland neighbourhood: short path connection from turning head/edge lane to woodland path needed.
a	Many homes benefit from aspect over green open space/woodland. Unclear if pedestrianised route to school has any landscaping, currently shown as front gardens which would result in a lack of control of landscape quality along this route - rain garden shown as 'potential' - this would be a good addition if confirmed. Soft landscaping shown to parking courts which is good, but more trees would be beneficial (now included) - could be included in soft landscaping zones already shown. Turning arm of turning heads provided for refuse - suggest grasscrete (highways to confirm if acceptable) to reduce visual impact of turning head on open green space. Collection day refuse storage surface to be grasscrete or similar to reduce visual impact. Biggest issue is lack of structural landscaping to secondary streets - this could easily be resolved by reducing size of front gardens to provide managed verge with soft landscaping and tree planting - the management arrangements for this are still being resolved

Highways engineering details that make pedestrian and cycle movements more complex and difficult.
Street trees conveyed to individual occupiers.
Distributor roads with limited frontage access, served by private drives.
Painted white line cycle routes on pavements or on carriageways.
Speed control measures that rely on significant shifts in street alignment that contribute towards wasting land whilst also creating disorientating places.

Cycle and car parking

What's needed (from Building for a Healthy Life)

Well-designed developments will make it more attractive for people to choose to walk or cycle for short trips helping to improve levels of physical activity, air quality, local congestion and the quality of the street scene. Well-designed streets will also provide sufficient and well-integrated car parking.
Provide secure cycle storage close to people's front doors so that cycles are as convenient to choose as a car for short trips.
Integration of car parking into the street environment.
Anticipate realistic levels of car parking demand, guarding against displaced and anti-social parking; thinking about the availability and frequency of public transport
Avoid confusing car ownership with car usage.
Creative solutions for attractive, convenient and safe cycle parking or higher density developments (such as apartment buildings).
Generous landscaping to settle frontage car parking into the street.
Shared and unallocated parking.

What 'green' looks like (from Building for a Healthy Life)

At least storage for one cycle where it is as easy to access as the car.
Secure and overlooked cycle parking that is as close to (if not closer) than car parking spaces (or car drop off bays) to the entrances of schools, shops and other services and facilities.
Shared and unallocated on street car parking. Landscaping to help settle parked cars into the street.
Frontage parking where the space equivalent to a parking space is given over to green relief every four bays or so.
Anticipating and designing out (or controlling) anti-social car parking.
A range of parking solutions.
Small and overlooked parking courtyards, with properties within courtyard spaces with ground floor habitable rooms.
Staying up to date with rapidly advancing electric car technology.
More creative cycle and car parking solutions.

What 'red' looks like (from Building for a Healthy Life)

Providing all cycle storage in garages and sheds.
Over reliance on integral garages with frontage driveways.
Frontage car parking with little or no softening landscaping.
Parking courtyards enclosed by fencing; poorly overlooked, poorly lit and poorly detailed.
Over-reliance on tandem parking arrangements.
Failing to anticipate and respond to displaced and other anti-social parking
Views along streets that are dominated by parked cars, driveways or garages.

Relationship of this section to policy:

National Planning Policy Framework: Clauses 101e; 127f; 105d
National Design Guide: Sections B2; M1; M3
Uttlesford Emerging Local Plan 2023: TBC
Essex Design Guide: Layout Details; Parking Design; Streets and Roads; Highways Technical Manual

Officer comments

g	
g	
g	Some houses have 3 parking spaces facing the public realm which is undesirable as creates wide gaps between houses degrading street scene and creates car domination. Could 4 spaces at entry pinchpoint align with house in this location and be tucked behind landscaping. Would suggest that visitor parking shown in apartment car park is not placed in an intuitive location, this may be better on the NS street in a parallel arrangement as elsewhere as this would also reduce anti-social parking pressure (highways to confirm) this also create an opportunity to include a green verge to liven this otherwise fairly inactive street. Visitor car parking to be hidden with soft landscaping as far as possible. (visitor parking now included in more on-street locations)
g	This rule is generally adhered to but needs reviewing in some areas particularly the area currently shown as affordable (more trees added in revision)
g	Low-timber bollards specified to 'linear park' are supported. Rear parked homes whilst creating pleasant pedestrianised route create problems with anti-social parking. NS route through 'woodland neighbourhood' would need strong anti-social parking controls due to high level of rear parked homes - applicant to make proposals - timber bollards and visitor parking placed in intuitive and obvious places has been included
g	
a	Rear courts are overlooked by FOGs but not ground floor rooms. It is recognised that the rear parking courts create pedestrianised frontages to the school route but the courts rely on FOGs which deaden the street scene, and some surrounding streets are defined by FOGs, parking, and rear garden walls. Rear parking courts also create anti-social parking problems see point above. Rear parking courts also tend to be wasteful of space as two movement corridors are required per run of houses rather than one. On balance the benefits of the rear parking courts don't appear to outweigh the disbenefits and conventional streets could enable better placemaking however it is recognised that bollards to prevent antisocial parking are included, trees and quality boundary treatments are included, and visitor parking spaces are well placed to work towards preventing anti social parking.
a	Electric vehicle charging included for all dwellings but more technical detail required particularly in relation to on-street and rear parking courts.
a	Standard approaches shown

Car parking spaces that are too narrow making it difficult for people to use them.
Cycle parking that is located further away to the entrances to shops, schools and other facilities than car parking spaces and car drop off bays.
Relying on garages being used for everyday car parking.

Green and blue infrastructure

What's needed (from Building for a Healthy Life)

Creative surface water management such as rills, brooks and ponds enrich the public realm and help improve a sense of wellbeing and offer an interaction with nature. As the richest habitat for a range of flora and fauna, they are also a key play in achieving the net gain in biodiversity sought by the 2020 Environment Bill.
Create a strong landscape strategy that has impact from 'day one'. Don't 'layer' landscape onto a scheme at the end of the process. Landscape changes can offer opportunities to reintroduce lost habitats and species.
Create a network of different types of spaces.
Weave opportunities for habitat creation throughout the development. Plan these as movement corridors to support biodiversity.
Create food growing opportunities such as allotments and orchards on larger developments.
Have a sustainable drainage 'treatment train' thinking about the 'four pillars'. Capture water as close as possible to where it falls. Be creative with rain gardens, ponds and swales and avoid steeply-sided or fenced holes in the ground.
Well-designed multi-functional sustainable drainage will incorporate play and recreational opportunities.
Well-overlooked public open spaces with strong levels of natural surveillance.
Robust management and long term stewardship

What 'green' looks like (from Building for a Healthy Life)

Biodiversity net gain.
Movement and feeding corridors for wildlife, such as hedgehog highways. Bird boxes, swift nesting bricks and bat bricks may be appropriate.
Plans that identify the character of new spaces, such as 'parks', 'woodland', 'allotments', 'wildflower meadows' rather than 'P.O.S.' Be more specific about the function and character of public open spaces.
Create Park Run ready routes on larger developments and other ways to encourage physical activity and social interaction.
Capturing and managing water creatively and close to where it falls using features such as rain gardens and permeable surfaces. Allow people to connect with water.
Create a habitat network providing residents with opportunities to interact with nature on a day to day basis. Wildlife does not flourish within disconnected back gardens, artificial lawns and tightly mown grass.
Provide natural surveillance opportunities.
A connected and accessible network of public open spaces with paths and other routes into and through.
Sports and play facilities
Well considered management arrangements whether public or privately managed.

What 'red' looks like (from Building for a Healthy Life)

Surface water management by way of a large, steep sided and fenced holes in the ground.
Small pieces of land (typically grassed over) that offer little or no public, private or biodiversity value that over time become neglected and forgotten.
Large expanses of impervious surfaces.
Not designing paths and routes through open spaces where it is difficult for people to create distance between themselves and other people when social distancing restrictions are in place.
Buildings that turn away from open spaces.
Poor quality finishing, detailing and maintenance

Relationship of this section to policy:

National Planning Policy Framework: Clauses 20d; 91b; 91c; 127f; 155; 170d; 174
National Design Guide: Sections C1; B3; M1; N1; N2, N3; P1; P3; H1; R3; L1
Uttlesford Emerging Local Plan 2023: TBC
Essex Design Guide: Layout Details; Flood Management; Landscape and Greenspace

Officer comments

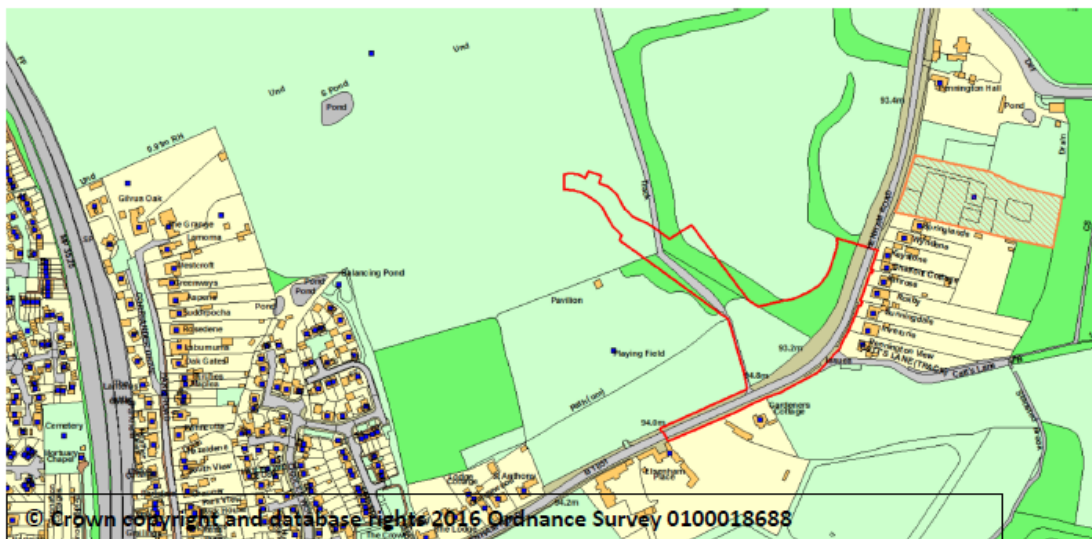
	Landscape officer to comment - plans appear to have good potential to achieve this
a	Landscape officer to comment - again plans do appear to have good potential to achieve this but couldn't find specification
g	Community allotments shown as hard-standing on coloured masterplan please confirm treatment specified here. Overall public open spaces have individual, considered, and appropriate characters/functions
g	Landscape officer to comment - 2 laps of SANG route would technically enable Park Run ready 5km route depending on suitable running surface
a	Landscape officer to comment - SUDs are shown as dry ponds also functioning as public open space which is potentially a good approach but the technical detail of how this would work needs to be secured in the planning permission and confirmed with Essex
a	Landscape officer to comment - would suggest more habitat and vegetation secured within street network with managed/planted verges and ensure private front gardens are not solely relied upon for street greenery
g	Notwithstanding previous points about lack of active frontages in some areas
g	
g	Facilities appear to have potential to be in accordance with Fields in Trust guidance pending confirmation of LAP locations
a	Adopted/private/managed plan not found

ITEM NUMBER:

REFERENCE NUMBER: UTT/21/2799/DFO

**LOCATION: Land To The North West Of
Henham Road, Elsenham**

SITE LOCATION PLAN:



Organisation: Uttlesford District Council

Department: Planning

Date: 29NOVEMBER 2021

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Organisation: Uttlesford District Council Date: 29 November 2021

PROPOSAL: Details following outline approval UTT/17/3573/OP (approved under appeal reference APP/C1570/W/19/3243744) for access road infrastructure to serve up to 350 new homes and associated uses - details of appearance, landscaping, layout and scale

APPLICANT: Bloor Homes

AGENT: C/o Pegasus Group

EXPIRY DATE: 08.12.2021 (Extension of time agreed until 20.12.2021)

CASE OFFICER: Clive Theobald

NOTATION: Outside Development Limits

1.0 RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS:

- 1.1 All hard and soft landscape works shall be carried out in accordance with the approved details submitted with the application, including drwg. ref. EA177-LS-001 dated September 2021 (Phase 1 Infrastructure Landscaping) and the Phase 1 'Infrastructure Landscape And Ecological Management Plan' dated September 2021. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

- 1.2 All ecological mitigation and enhancement measures and/or works where these measures are not previously controlled by Condition 4 (CEMP), Condition 5 (LEMP) or Condition 6 (IMMP) of outline planning permission UTT/17/3573/OP shall be carried out in accordance with the details contained in the Ecological Impact Assessment (SES, October 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

REASON: To conserve and enhance protected and Priority species and allow

the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

2.0 SITE DESCRIPTION

- 2.1. The site lies on the north-west side of the B1051 Henham Road to the immediate north-east of the existing built up area for Elsenham village and comprises for the purposes of the land edged in red part of undeveloped amenity land / parkland running parallel with the Henham Road frontage and part of open arable agricultural land lying to the rear. The site slopes up from the B1051 towards the rear (northern) site boundary as edged in red. A listed residential property lies opposite the site on the south side of Henham Road, whilst further residential properties line the south-eastern side of the road just past the site after a gradual bend. Public footpath PROW 13_21 traverses the site north-east/south-west and leads across an existing field track leading from Henham Road to the northern end of the site.

3.0 PROPOSAL

- 3.1 This Reserved Matters application relates to the submission of details in respect of Scale, Layout, Appearance and Landscaping (the reserved matters) to provide commencement of access road infrastructure to serve up to 350 new homes and associated uses following the grant of outline planning permission at appeal under ref; UTT/17/3573/OP.
- 3.2 The extent and remit of the Reserved Matters application as submitted relates to the inclusion of the proposed access point from Henham Road, and then part of the proposed access road leading from it, only relating to the above outline approved development, but additionally provides detailed information of the proposed access road beyond that approved by the outline permission to extend up to the boundary of the residential part of the site and provides full Reserved Matters information, notwithstanding that Access itself was granted full planning permission along with the principle of development under outline application UTT/17/3573/OP.
- 3.3 It is proposed by the current Reserved Matters application for the proposed access road identified as 'phase 1' road construction works to be implemented ahead of the wider site for approved housing at this location and as identified as 'phase 2' in order to provide a safe and secure access road into the site and to enable construction traffic to be provided at the site before work commences on the wider site scheme itself so as to reduce the disruption of the work on the wider site for the local community. It is stated that it is considered likely that construction of the section of the 'phase 1' roadway works from Henham Road into the site will commence in late 2021 subject to the grant of planning permission for the current Reserved Matters application and s278 highways technical approval, comprising first stage enabling works and then the road construction phase itself.
- 3.4 The submitted details also include minor amendments to the approved vehicular access as included under outline ref; UTT/17/3573/OP to reflect detailed design feedback from ECC Highways through the separate s278 highway process and information gained through initial public engagement. It is stated that this matter is intended to be regularised by the applicant through a

variation of condition request that will be submitted by way of a subsequent planning application. The separate Reserved Matters application for the larger remainder of the site for up to 350 dwellings and associated uses is proceeding separately to the current Reserved Matters application for the proposed road access works the subject of this Committee Report (this separate application has now been submitted to the Council for formal consideration under ref; UTT/21/3269/DFO).

4.0 ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The proposed access road infrastructure works the subject of the current application do not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, notwithstanding that the proposal for residential development at this site location under outline application UTT/17/3573/OP did constitute EIA development for the purposes of the EIA Regulations.

5.0 APPLICANTS CASE

- 5.1 The application is accompanied by the following statements and reports to inform the application proposal:

- Planning Statement
- Access Road Drainage Strategy
- Arboricultural Impact Assessment
- Revised Ecological Impact Assessment
- Landscape and Ecological Management Plan (LEMP)
- Construction and Environmental Management Plan (CEMP) (S278 & Enabling Works)
- Bird Hazard Management Plan

- 5.2 The application is also accompanied by various drawings of a technical nature to further inform the proposal, including a vehicular access arrangements plan, tracking and swept path analysis details, road construction details, road materials finishes, access road drainage strategy details, road lighting design and tree protection measures (some drawings have been taken from the outline approved application referenced above).

- 5.3 The submitted planning statement (Pegasus Group, September 2021) provides the following conclusion with regard to the planning merits of the proposed road infrastructure works the subject of the current Reserved Matters application:

- This Reserved Matters submission provides details relating to the access and road infrastructure which will comprise the first phase in the delivery of a wider development. As is evident through the explanation of the scheme provided within this Planning Statement, the scheme has been carefully designed to ensure impacts are limited during construction. The access road that is to be created will form an attractive and well-landscaped gateway to the rest of the residential development. Measures have been put in place to make travelling by foot and cycle as attractive as possible, which will benefit both existing residents in the vicinity of the site and future occupants of the new homes that are to be created. This early promotion of walking and cycling will ensure these modes of travel are promoted in the design of the wider scheme,

ensuring a permeable and well-connected housing development is created.

- This Planning Statement demonstrates that the proposed development is consistent with the relevant policies of the development plan and relevant material considerations (as required by the NPPF). As such, it is respectfully requested that the submitted details are approved without delay so this first stage in delivering a much-needed development can be commenced as soon as possible.

6.0 RELEVANT SITE HISTORY

6.1 Outline planning permission with all matters reserved except for access for the erection of up to 350 dwellings, 1 no. primary school (including early years and childcare setting for up to 56 places), open spaces and landscaping (including junior football pitch and changing rooms), access from B1051 Henham Road with associated street lighting and street furniture, pedestrian, cycle and vehicle routes. pedestrian and cycles link to Elsenham Station and potential link to Hailes Wood, vehicular and cycle parking, provision and/or upgrade/ diversion of services (including water, sewerage, telecommunications. electricity, gas and services, media and apparatus, on-plot renewable energy measures, including photo-voltaics, solar heating and ground source heat pumps), drainage works, sustainable drainage systems and ground and surface water attenuation features, associated ground works, boundary treatments and construction hoardings at 'Land To The North West Of Henham Road, Elsenham' was granted on appeal on 22 December 2020 under ref; UTT/17/3573/FUL following non-determination of the application by Uttlesford District Council.

6.2 Details relating to site access design, provision of dropped kerbs, tactile paving to assist pedestrian movement across the junction with Henham Road, together with street lighting and proposed locations of bus stops along Henham Road were all accommodated within the final junction design for consideration of Access at outline stage along with consideration of the principle of development for the proposed residential scheme. In considering the matter of Access, the Planning Inspector in issuing his appeal decision for outline application UTT/17/3573/FUL commented that the indicated junction layout arrangements were acceptable whereby he was satisfied that the arrangements as designed and proposed would be safe and fit for purpose and found no conflict with the relevant provisions of the Framework or under Policy GEN1 of the Uttlesford Local Plan 2005. Highway related planning conditions relating to the proposed development, including for the proposed access road from Henham Road, were imposed on the grant of planning permission by the Inspector.

Pre-application discussions

6.3 Various discussions have taken place between the applicant and both Officers of Uttlesford District Council and members of Elsenham Parish Council regarding this 'phase 1' Reserved Matters application as part of the wider approved housing scheme in principle for this undeveloped site. It is understood that Henham Parish Council has been approached by the applicant to discuss this 'phase 1' proposal, but that they have confirmed that they do not wish to discuss the proposal. Discussions have also previously taken place between the applicant and Officers from the Local Highways Authority.

6.4 The initial public consultation for this proposal has revealed the following of

relevance to this reserved matters application:

- General agreement to the logic of allowing the access road to be implemented ahead of the remainder of the site.
- The importance of ensuring adequate measures are in place to ensure the effective prevention of mud on the highway.
- A request for bulb planting at the entrance of the site.
- Concerns raised by surface water run-off flooding in the local area.
- The need for safety measures to be in place to ensure that the users of the Public Right of Way crossing the site are protected during and after construction is completed across the entire site.
- The importance of ensuring appropriate off-road provision is made for construction vehicles.
- The need to ensure that construction traffic does not cause harm to the fabric of nearby buildings.

7.0 CONSULTATION RESPONSES:

Natural England

- 7.1 Natural England has no comments to make on this application.

Highways England

- 7.2 The proposed development site is located north of Henham Road (B1051) on the eastern side of M11 (part of the SRN). This Reserved Matters application, (for appearance, landscaping, layout, and scale) is unlikely to have a severe impact upon the Strategic Road Network (SRN). Therefore, we offer no objection.

NATS

- 7.3 The proposed development has been examined from a technical safeguarding aspect and does not conflict with its safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

MAG Stansted Airport

- 7.4 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. It has no aerodrome safeguarding objections to the proposal subject to conditions.

Cadent Gas

- 7.5 No objections.

ECC Local Lead Flood Authority

- 7.6 Thank you for your email received on 14/09/2021 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS

schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position:

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission.

We have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.

<https://www.essex.gov.uk/protecting-environment>

ECC Highways

- 7.7 This application is for the access road into the proposed development only and connects with the approved access onto Henham Road agreed as part of the outline application. The access and the access road are being developed together and reviewed by the Essex Highways Engineers that will be supervising the construction. The drawings for the approved access have been submitted for information, but do not form part of this application.

The impact of the proposal outlined in the submitted drawing numbers is acceptable to the Highway Authority from a highway and transportation perspective subject to mitigation conditions.

ECC Minerals and Waste Planning

- 7.8 The MWPA previously entered a representation in relation to Application Reference UTT/17/3573/OP on 7th August 2019. This stated that having reviewed the Mineral Resource Assessment (MRA) Addendum 2019, the MWPA accepts the overarching conclusion that the prior extraction of mineral underlying the application site is not practicable.

No waste safeguarding implications were identified in relation to this application.

On the basis of the above, the MWPA have no comments to make with regards to this application.

ECC Place Services (Heritage)

7.9 The application is for a new access road leading from Henham Road to serve a new housing development. There are several Grade II listed buildings along the south side of Henham Road directly by the proposed turn-off for the new road:

- Gardeners Cottage, (list entry no: 1171192)
- Thatched outbuildings and Barn to west of Gardeners Cottage, (list entry no: 1112339)
- Elsenham Place, (list entry no: 1112337)
- Barns to the west of Elsenham Place, (list entry no: 1171188)
- Dovecote to south west of Elsenham Place, (list entry no: 1112338)

The principal considerations are the indirect effects to heritage assets due to change within their setting.

The proposed bus stops are located directly outside the Barn to the west of Gardeners Cottage and opposite to Elsenham Place. I am unclear whether physical bus shelters are being proposed as part of the scheme. It is considered that any waiting buses and physical bus shelter would have a negative impact on the setting of the listed buildings and affect the ability to appreciate their architecture. It is therefore recommended that the locations of the bus stops are revised to move them away from the immediate settings of the listed buildings.

ECC Place Services (Ecology)

7.10 (revised comments dated 10 November 2021):

No objection subject to securing biodiversity mitigation and enhancement measures.

Summary:

We have reviewed the Tree Protection Plan, Drawing No. 1618-KC-IP-YTREE-TPP01Rev0 (Keen Consultants, August 2021), Phase 1 Infrastructure Landscaping Plan, Drawing No. EA177-LS-001 (Bloor Homes Ltd., September 2021), Road Lighting Design, Drawing No. MMA1653/001 (MMA Lighting Consultancy, February 2021), Landscape and Ecological Management Plan (Bloor Homes, Ltd., September 2021) and Ecological Impact Assessment (SES, October 2021) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats.

Ecological conditions attached to application UTT/17/3573/OP (approved under appeal reference APP/C1570/W/19/3243744) included Mitigation for Hatfield Forest Special Site of Scientific Interest (SSSI)/National Nature Reserve (NNR), a Construction Environmental Management Plan (CEMP), Invertebrate Mitigation and Management Plan, Wildlife Sensitive Lighting Design Scheme, Landscape and Ecological Management Plan (LEMP), Biodiversity Enhancement Strategy and Skylark Mitigation Strategy.

We note that a CEMP is yet to be provided for this phase of the development and that the offsite Skylark mitigation will need to be in place prior to commencement of construction for the access road infrastructure.

We are now satisfied that there is sufficient ecological information available for determination.

Invertebrate mitigation for the access track, where no species of conservation concern were recorded during surveys, has been provided within the Ecological Impact Assessment (SES, October 2021).

We note that the Road Lighting Design, Drawing No. MMA1653/001 (MMA Lighting Consultancy, February 2021) does not cover the whole area of the access track, merely the junction at Henham Road. Further details of proposed lighting along the whole stretch of access road covered in this application should be provided.

The LEMP (Bloor Homes, Ltd., September 2021) considers all necessary points in the given condition; however, tree works, including pruning of hedgerows, has been recommended for March, which is inside the breeding bird season. These timings (shown within Section 5.1.3 Maintenance Schedule) should be timed for outside the nesting bird season, generally March to August, unless a nesting bird check is undertaken in the 48 hours prior to removal and confirms no active bird nests present.

This provides certainty for the LPA of the likely impacts on protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Ecological Impact Assessment (SES, October 2021) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly bats, Badger, nesting birds, reptiles, invertebrates and Hedgehog.

Enhancements for biodiversity within this application have been provided in the Ecological Impact Assessment (SES, October 2021) and includes hedgerow enhancement and creation of an attenuation basin with south-facing slopes and flower-rich areas. These enhancements can be seen in the Phase 1 Infrastructure Landscaping Plan, Drawing No. EA177-LS-001 (Bloor Homes Ltd., September 2021).

We recommend that the mitigation and enhancement measures in the Ecological Impact Assessment (SES, October 2021) are secured for delivery in full by a condition of any consent. This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

UDC Landscape Officer

- 7.11 I have studied the submitted Phase 1 Infrastructure Landscaping Plan, drwg. ref. EA 177-LS-001 (Sept 2021) and consider the soft landscaping proposals shown for the front of the site and for the perimeters of the proposed access road to be acceptable. Whilst I would have preferred to have seen more hedge planting and less ornamental planting for the scheme, I consider that the absence/presence of these soft landscaping features are insufficient to warrant arriving at a different recommendation.

UDC Environmental Health Officer

- 7.12 (revised comments received 18 November 2021):

This response refers to additional information supplied by the applicant in response to earlier comments from this service regarding the Construction Management Plan prepared by RSK reference 422533 dated 1st September. This document has been updated to a revised version dated 5th November 2021. I consider that in view of the amendments that have been made I am now in a position to recommend that the condition relating to the CEMP can be discharged.

It should be noted that this comment relates solely to the CEMP titled "Land North of Henham Road, Elsenham – S278 & Enabling Works" which relates to the construction of the access road and infrastructure. There is another CEMP relating to the overall development construction phase with the same reference no. 422533 but dated 1st November 2020 and titled "Land North of Henham Road, Elsenham"; this will be considered separately in the response to the consultation under planning ref. UTT/21/3269/DFO.

Elsenham Parish Council

7.13 Elsenham Parish Council wishes to make the following objections.

1. Crossing of PROW 13/21

Public footpath 13/21 is well used and crosses the new access road at right angles. The route of the footpath which has become established is at some little distance from the true line, the difference being approximately 25 metres at the crossing of the new access road. At a meeting of members of Elsenham Parish Council and representatives of Bloor Homes on 1 October 2021, an undertaking was given by Bloor Homes that the access road would be constructed in two stages in order that the PROW would remain open to the public at all times. During one stage, the crossing point of the established footpath route would remain open while the crossing at the true line is constructed; during the other stage, the crossing point at the true line would be open while the access road including the established crossing point is constructed. The Parish Council considers it essential that this undertaking should be respected. *See the Appendix for the minutes of the meeting on 1 October 2021.*

2. Speed limit

The provisions whereby a new gateway feature on Henham Road shall be provided and the extension of the 30 mph limit are noted. The Parish Council requests that the 30 mph limit should be moved so that it is to the east of the junction of Henham Road and Mill Road, that is, the junction of the B1051 and the road to Henham. It is important that the speed limit is moved before construction works commence in view of the increased use of the B1051 by slow-moving construction vehicles turning into the site.

3. Hours of operation

The Parish Council agrees with the Environmental Health response to the effect that operations should start at 08:00 rather than 07:30, in view of the proximity of residential properties.

4. Access route for construction vehicles

The application must include a provision stipulating that the only permitted route for construction vehicles is via Takeley and Hall Road, Elsenham, which is the established permitted route for construction vehicles in both directions. The constrained and difficult route via Stansted Mountfitchet, which includes a weight restriction on Grove Hill, should be explicitly banned to all construction vehicles.

- 7.14 **NOTE: APPENDIX 1 - Minutes of the meeting between Elsenham Parish Council and Bloor Homes dated 1 October 2021 as referred to above is attached to the rear of this committee report for Members' information.**

8.0 REPRESENTATIONS

- 8.1 1 representation has been received from neighbouring residents and the following observations have been made:

- Concern about the construction of the new layout of the attenuation basin which will be in front of our property. If it ever overflows then our house could be flooded;
- Where is surface water run-off going to go? Henham Road does not drain quickly after heavy rain. At present there is a deep earth bank which will have to be removed to make the path; this bank and hedge at present absorbs large amounts of water from the cricket field and the fields beyond which will be covered by the new housing estate;
- What type of paving will be used? I hope it can absorb some of the water. The drainage on Henham Road needs to be sorted out during construction of the pathway;
- Loss of hedging and trees;
- The proposed bus stops are situated between Elsenham Place and Lilac Cottage. The construction of any bus shelters would spoil the historic appearance of the Grade II listed properties. Also, the one on the left-hand side of the road travelling towards Elsenham will be situated very close to a listed brick wall and if people are waiting there it could get damaged. This bus stop/shelter is very close to our drive entrance and will obscure sight lines when turning in and out, especially when the bus is picking up or dropping off. At present the bus stops are at 'The Crown', so there will be two bus stops very close together.
- Henham Road has a speed limit of 40 mph. The residents of Henham Road have all thought for a long time that this should be made 30 mph to be in keeping with the rest of Elsenham and Henham Villages. With the new access road there will be more traffic, and more people will be walking along the road, and school children will be walking to attend Elsenham Primary School in the High Street. We need to have a speed limit in place of at least 30 mph, but ideally 20mph with signage warning that cars will be turning and construction works are working along the road when construction starts on the access road and footpath.

9. POLICIES

9.1 National Policies

National Planning Policy Framework (NPPF) (rev. July 2021)

9.2 Uttlesford District Local Plan (adopted 2005)

Policy GEN1 – Access
Policy GEN2 – Design
Policy GEN3 – Flood Protection
Policy GEN7 – Nature Conservation
Policy ENV2 – Development Listed Buildings
Policy ENV3 – Open Space and Trees

9.5 **Other material planning considerations**

Outline planning permission UTT/17/3573/OP granted on appeal for up to 350 dwellings etc. at this large housing scheme site is a material consideration for the current Reserved Matters application for the proposed 'phase 1' access road works as this permission establishes the principle of residential development on the site.

10 **CONSIDERATION AND ASSESSMENT**

10.1 The issues to consider in the determination of this Reserved Matters application are:

- A Scale (NPPF, Policy GEN2);**
- B Layout (NPPF, Policies GEN1 and GEN2);**
- C Appearance (NPPF, Policy GEN2);**
- D Landscaping (NPPF, Policy GEN2);**
- E Trees (Policy ENV3);**
- F Drainage (NPPF, Policies GEN2 and GEN3);**
- G Other matters: CEMP details (Policies GEN1 and GEN2).**

A Scale (NPPF, Policy GEN2)

10.2 The application site boundary for this reserved matters application comprises a total area of 1.27 ha. This red line boundary aligns with that shown on the approved outline Site Location Plan (FFP012/151 Rev B) under ref; UTT/17/3573/OP and includes an area along the Henham Road frontage. As previously referenced in this report, the current reserved matters submission relates to infrastructure works that will be carried out to allow the implementation of vehicular and pedestrian access to the wider development site. The works include the provision of the access road itself taken from Henham Road, the provision of a pedestrian footpath heading west along the north side of Henham Road as required by Condition 10 of the outline permission, together with pedestrian crossing points, associated signage for PROW 13_21, two bus stops to ECC standard and the provision of landscaping and drainage features.

10.3 The submitted drawings show a proposed access road that is 6.5m wide at the site entrance with Henham Road, narrowing to 6m wide along the access road itself with 'build-outs' in key locations along the access road to reduce traffic speeds. The proposed works covered by this submission will all be at ground level. The submission does not relate to any dwellings or other built development approved in principle by outline permission UTT/17/3573/OP as these would be covered by the subsequent 'phase 2' Reserved Matters scheme (UTT/21/3269/DFO refers).

10.4 Essex County Council as Local Highway Authority (Highways) have reviewed

the proposed access road details insofar as they relate to the scale parameters of the site and in terms of highway safety having previously been involved in discussions with the applicant and have not raised any highway objections. No objections are therefore raised to Scale under Policy GEN1 of the adopted Local Plan.

B Layout (NPPF, Policies GEN1 and GEN2)

- 10.5 The proposed access road would lead from the point of proposed vehicular access into the site from Henham Road to subsequently connect to the wider development site beyond as previously shown on the indicative site layout and road layout drawings for approved outline application UTT/17/3573/OP. The submitted details for the current Reserved Matters application relate to the first section of a main street that would run through and serve the wider development. The vehicular access onto Henham Road and the access road leading from it have been designed to adoptable standards, as required by the Local Highways Authority in line with the guidance set out in the Essex Design Guide.
- 10.6 A Phase 1 Infrastructure Plan (P21-0259_13A) has been submitted with the application which illustrates the layout of the access road. This road layout demonstrates that safe access and egress would be able to be achieved by all vehicles, with the submitted plan denoting 4.5m x 120m visibility splays in both directions along Henham Road as required by Condition 9 of outline planning permission UTT/17/3573/OP. The submitted s278 General Arrangement Plan (2100700-100) further illustrates that all vehicles, to include refuse collection vehicles and emergency services vehicles, would be able to enter the site in a safe manner without impeding the movement of other vehicles.
- 10.7 The proposed layout would ensure that the safety and accessibility for pedestrians and cyclists would be prioritised as required by Policy GEN1 of the Uttlesford Local Plan 2005. In this respect, a shared footpath and cycleway are shown to be provided on one side of the access road, whilst a footpath solely for pedestrian use is shown to be provided on the other side in accordance with the requirements of Conditions 9 and 10 of outline planning permission UTT/17/3573/OP. The public footpath crossing point across the proposed access road would be provided with a dropped kerb and tactile paving to help make the road infrastructure accessible for all users. It is intended for signage to be incorporated at this point to highlight that pedestrians should be given the right of way to cross the road in accordance with the requirement of Condition 10 of UTT/17/3573/OP.
- 10.8 To enhance pedestrian safety further, vehicular speeds would be reduced by both the curvature of the road and through the use of 'build-outs' which would introduce pinch points within the road, as well as a raised table at the public right of way crossing point which would force speed reduction. The raised table has been provided at the point PROW 13_21 would cross the road with the 'build-outs' placed before and after the raised table which would also serve the purpose of allowing pedestrians to easily cross the road at this point. These safety measures would be carried through to the wider housing scheme as 'phase 2' highway works.
- 10.9 The footpath and cycleway which is to be provided would link into future pedestrian/cycle accessibility provision within the wider development scheme, leading through the site and connecting to Old Mead Road and Elsenham train

station and thereby maximising connectivity and permeability of the site in this regard in line with the requirements of paragraph 112 of the NPPF.

- 10.10 Highways have reviewed the proposed access road details insofar as they relate to the layout parameters of the site and in terms of highway safety and performance and have not raised any highway objections. No objections are therefore raised under Policy GEN1 relating to Layout. It should be noted that the bus stop locations shown on the submitted drawings are provided to maintain consistency with approved outline permission UTT/17/3573/OP where their locations are identified on the approved outline plans, although the details of these is for a separate application submission and does not form part of the current Reserved Matters application. The issue of the speed limit along Henham Road is also not relevant to the determination of the current Reserved Matters application as again this matter was addressed under the outline approved application for this site scheme.

C Appearance (NPPF, Policy GEN2)

- 10.11 It is proposed that a variety of appropriate materials would be utilised in the construction of the road as illustrated on the submitted Phase 1 Infrastructure Material Colour Plan (P21-0295_11A). The road itself would have a surface built to adoptable standards, with the 'build-outs' to be grassed and the raised table to be of a different material to visibly distinguish the structures from the rest of the road. The footpaths and cycleway will also be surfaced to adoptable standards with appropriate tactile surfacing utilised at crossing points.
- 10.12 It is considered that the proposed appearance of the road scheme would be of appropriate design that meets the needs of all people and would comply with the design requirements of Policy GEN2. No objections are therefore raised relating to Appearance.

D Landscaping (NPPF, Policy GEN2)

- 10.13 A 'phase 1' Infrastructure Landscaping Plan has been submitted for the current Reserved Matters application along with a landscape and ecological management plan. The landscaping scheme would comprise of new tree planting within the open space along the side of the proposed access road leading into the main site as well as along the verge of the road itself whereby this new planting would mitigate the loss of existing trees and provide a new landscaped entrance to the site whereby it is understood that verge planting has been provided at the request of Elsenham Parish Council. The attenuation basin located in the south-west corner of the site adjacent to the new road would also be landscaped to increase its contribution as a visual amenity feature within the front green space area
- 10.14 The submitted landscaping scheme has been reviewed by the Council's Landscape Officer who has confirmed that the soft planting treatment proposed for this frontage area of the site is acceptable in landscape terms and has not raised any landscaping objections to the landscaping scheme. Accordingly, no objections are raised under Policy GEN2 of the adopted Local Plan relating to Appearance.

E Trees (Policy ENV3)

- 10.15 The proposed formation point of the vehicular access along Henham Road and

the proposed access road leading from it into the proposed development site beyond has been fixed by outline planning application UTT/17/3573/OP which considered the removal of a limited number of trees and areas of hedgerow as being acceptable to facilitate the proposal. A further tree survey has since been undertaken by the applicant for the current reserved matters application to ensure that the most recent tree condition data is available (Tree Constraints Plan – drwg. no. 1618-KC-IP-YTREE-TCP01 Rev 0). The proposed access road would not require the removal of any trees that are the subject of a TPO or that make an important contribution to the character of the local area, whilst there are certain trees that are proposed to be removed due to their being in poor condition as identified in the submitted Tree Constraints Plan. Accordingly, no tree objections are raised to the proposal under Policy ENV3 of the adopted Local Plan.

F Drainage (NPPF, Policies GEN2 and GEN3)

- 10.16 The Reserved Matters proposal includes the provision of a surface water attenuation basin to be located in the south-west corner of the site adjacent to the proposed access road. It is noted that the outline approved scheme did not illustrate an attenuation basin in this site location, with the basins being indicatively located within the wider development site as illustrated on approved Parameters Plan ref; FFP012/132 Rev J. The intention of the applicant is to still provide attenuation basins within the rest of the site as shown on the Parameters Plan whereby details of these are shown within the Reserved Matters application for the wider site scheme under ref; UTT/21/3269/DFO. The attenuation basin that is proposed within the current Reserved Matters application is proposed as part of the surface water drainage strategy for this section of the road only, which is intended to help manage surface water run-off in an appropriate manner. This basin would be self-contained and would not affect the surface water drainage proposals for the wider development site.
- 10.17 The Local Lead Flood Authority (LLFA) has been consulted on the Access Road Surface Water Drainage Strategy and associated drawings, including drwg. no. 2101-522 ST002A submitted for the current Reserved Matters application and have not raised any drainage objections to the surface water drainage strategy in their consultation response dated 6 October 2021. Accordingly, no drainage objections are raised to the proposal under the National Planning Policy Framework 2021 or Policies GEN2 and GEN3 of the adopted Uttlesford Local Plan 2005, where no specific drainage conditions have been imposed by the LLFA.

G Other matters: Construction Environmental Management Plan (CEMP) (Policies GEN1 and GEN2)

- 10.18 A detailed Construction Environmental Management Plan (CEMP) (RSK, ref; 422533 dated 5 November 2021) has been prepared to accompany the current Reserved Matters application which sets out the highway safety measures and best practices that would be put into place during the construction phase of the new vehicular access onto Henham Road and the access road itself as required by Condition 4 of outline permission UTT/17/3573/OP.
- 10.19 The submitted CEMP states as follows:

“All construction vehicles will park within the development site itself. In the early stages while the enabling works for the access are being carried out, a

temporary compound will be set up in the south-west of the site (where the attenuation basin will later be located). An area will be designated for the storage of materials and waste, and there will also be a designated parking area for all construction personnel. The construction compound and parking area will be moved further within the site once the initial enabling works are complete. To ensure there is a limited impact on neighbours in the form of dust and mud tracking onto Henham Road from the site, wheel washing facilities will be put in place. This will be in the form of a 'Rumble Bath', which will thoroughly clean and jet wash the chassis and wheels of all vehicles before they leave the site. The construction work itself will take place during working hours only to minimise noise disturbances, and hoarding will be placed around the site to reduce noise and dust dispersal. If work is taking place close to existing properties, additional measures will be put in place as specified in the CEMP. All reasonable efforts will therefore be taken to limit disturbance caused to nearby occupiers, who will have the opportunity to raise complaints if any issues arise".

- 10.20 The submitted CEMP (as subsequently updated from the original document submission) has been reviewed by a Council Environmental Health Officer who has stated in his revised consultation response dated 18 November 2021 that he is now in a position to recommend that Condition 4 of outline permission UTT/17/3573/OP relating to the submission of a CEMP for LPA approval can be discharged in view of the wording amendments that have since been made to it at his request and also that of Elsenham Parish Council insofar as it relates to environmental health/ residential amenity matters whereby the CEMP has now been adjusted notably requiring that construction work on site shall not commence before 0800 hours Mondays to Fridays rather than the previously stated start time of 0730 hours in the interests of residential amenity protection.
- 10.21 Additionally, the updated CEMP now contains a section in response to comments received from Elsenham Parish Council that the existing PROW across the site which would cross the new access road would be kept open during construction with Health & Safety Management on site and also a Construction Traffic Route Plan (Annexe E) which confirms that the route that construction vehicles would take to and from the site would be via Takeley (Hall Road) to avoid the weight restriction and pinch-point on Grove Hill.
- 10.22 It should be noted and emphasised that Condition 4 imposed under outline permission UTT/17/3573/OP requires CEMP details to be submitted to and approved in writing by the LPA prior to implementation, which should provide further comfort to the Parish Council in this regard. Therefore, there is no additional requirement for a new CEMP condition to be placed on any grant of planning permission for the currently submitted Reserved Matters application.

11. CONCLUSION

- 11.1 The proposed access road for this Reserved Matters application identified as 'phase 1' works for this 'up to' 350 dwellings scheme with associated uses intended by the applicant to be implemented ahead of the wider site approved for housing ('phase 2') to provide a safe and secure access road into the site and to enable construction traffic to be provided at the site before work commences on the wider site scheme itself so as to reduce the disruption of the wider construction work on the wider site for the local community is acceptable in terms of consideration of Scale, Layout, Appearance and Landscaping (the 'reserved matters') and also in terms of drainage details and would be

consistent with the relevant policies of the development plan and relevant material considerations as required by the NPPF.

11.2 It is therefore recommended that the application be approved.

11.3 It should be noted that Condition 1 as recommended by ECC Highways in their consultation response relating to construction traffic routing (CMP) is covered by the updated CEMP condition as referenced above as required by Condition 4 of outline planning permission UTT/17/3573/OP and does not therefore need to be conditioned again for this Reserved Matters application. Similarly, Condition 2 relating to recommended construction measures to protect users of the PROW across the site when the proposed access road is constructed would again be secured through the updated CEMP and does not therefore need to be conditioned again. The measures in respect of providing signage for the PROW are secured by Condition 10 of UTT/17/3573/OP and do not therefore need to be conditioned for the current Reserved Matters application. Again, similarly, the conditions recommended by MAG Stansted Airport are either covered by the submitted CEMP or by Condition 7 of UTT/17/3573/OP requiring lighting details to be submitted to the LPA for prior approval, or otherwise relate to the wider housing scheme for this site for the separate Reserved Matters application now submitted to the Council under UTT/21/3269/DFO and not for the construction of an access road only the subject of the current Reserved Matters application.

12. EQUALITIES

12.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation.

It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers, including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular, the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

APPENDIX A

**Minutes of the meeting between
Elsenham Parish Council and Bloor Homes, 1 October 2021**

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**Onsite meeting with Bloor Homes
held on 1 October 2021 at 10am**

Present

Elsenham Parish Council:

Cllr. Graham Mott (GM), Cllr. Sue Waite (SW) and Mrs Louise Johnson (Parish Clerk)

Bloor Homes (BH):

Mr. Craig Attmer (Architectural Technician), Mr. Alex Clarke (Design and Technical Director), and Mr. Andrew Bond (Engineering Manager).

Pegasus Group (PG):

Mrs. Nicky Parsons (Executive Director) and Mr. Anas Makda (Senior Planner).

BECG:

Mr. Dan Fryd (Associate Director).

Outline planning permission on land east of Elsenham for 350 homes including a new primary school, sports pitches and open spaces.

Bus stops

As part of the Section 106 agreement Bloor Homes (BH) will make a £935,200 contribution to Essex County Council (ECC) towards public transport improvements.

GM asked about part of the Fairfield application to erect two extra bus stops on the High Street even though there was nowhere suitable for them to be installed.

BH were unaware of this proposal. BH are installing two bus stops on Henham Road, whatever BH do as part of the Section 278 has to be for the direct impact that their site will have on Elsenham. BH must contribute to ECC, but it is up to ECC what that money is used for.

Footpath along Henham Road

The footpath along Henham Road leading into the High Street is to be improved, and a new footpath installed on the other side. GM asked if BH would install a new flower box to match the one on the other side of the road.

Lilac Cottage

A constructive meeting had taken place between the owners of Lilac Cottage and BH.

Speed Limit

There is a provision in the Section 106 agreement, for Bloor Homes to move the 30mph speed limit back towards Henham, this was agreed with Essex Highways. A possibility of a 20mph speed limit was raised at the meeting, but Bloor said this would be up to Essex Highways, it would however be unlikely as the guidelines for a 20mph could not be fulfilled for this limit to be installed on this road.

Footpath to the east along Henham Road

BH will not be making improvements further than a short distance from their site entrance. Any application for improvements should be made to Essex Highways.

Access Road

The new pond is to serve just the entrance road, so it is all self-contained.

The first stage is the access and road infrastructure of the development. A separate planning application has been made for the access road. The iron gate will be used in the initial stages so that all construction traffic and material can be accommodated off the public road. The trees along the road will be cut down and then all the earth will be pushed back on to the site. Ecologists will be involved at this stage.

The trodden public footpath will link up to the true right of way when crossing the entrance road. There will be a raised table across the road for walkers to use. This will have good visibility up and down and control the traffic, there will also be an additional two build outs slowing the traffic, plus a wheel washing facility near the top of the road. All these will go towards slowing the traffic down to make it safe for pedestrians to walk across the road while the construction is ongoing.

The construction of the access road will proceed in two stages, with a diversion to the public footpath as required, in order to ensure that the public footpath is kept open at all times.

FP21

The public footpath across the cricket field continues to the east down a steep bank which is a short distance outside BH's landholding. The bank will be much used by new residents, and would benefit from improvement. This cannot be done as part of the planning application, but BH may be able to sponsor a community group to improve it.

Attenuation Basin

The attenuation basin protrudes out from the development site to the east into a field not owned by BH. So there had, in the past, been dealings with this landowner. BH inherited the site from Fairfield and were not party to the talks with the adjacent landowners.

BH shows a walkway around the attenuation basin. The base of the attenuation basin is at the current ground level, to create the sides of a basin the levels are raised around it.

Green Heart

There is a mostly dry pond in the middle of the site. The trees have deteriorated through lack of maintenance. BH are going to open it up to let the sun in, and address the issues of biodiversity. This will be made into a pond for enhancement of wildlife. Once it is complete BH will have it inspected by RoSPA.

Football Pitches

There are going to be 2 football pitches, under 12s and under 8s, plus changing rooms, a carpark for 27 cars and one coach. There will also be a neighbourhood equipped areas for play (NEAP)

Primary School and Early Years provision

BH are providing a site for a new primary school and early years provision.

There are various trigger points relating to the sites' availability. PG agreed to check on these and forward the details.

Gapping in hedge

PRoW 15 is on ECC's cutting list; however, it has not been cut this year. The gaps in the hedge are used by walkers to weave in and out of the path as part of it is very overgrown and impassable. If BH fills in the gaps in the hedge, ECC will need to cut the footpath.

Walkway to Station

It has been agreed that the walkway will be lit.

A pathway between the development leading straight onto the station platform could be established as a short cut for commuters. BH does not own this land and it would have to be agreed with British Rail, which could take a long time.

Attenuation basin in the north-west of the site

Surface water from the north-west will drain into the ditch in Old Mead Road, on the principle that the flow after the development will not exceed the existing flow.

Access to Hailes Wood

There will be no formal access from the south-west corner of the site into Hailes Wood. The landowner could block the informal access at any time.

Playground equipment

BH confirmed that they would like to liaise with the Parish Council over the equipment provided, so that it is complementary to the provision made on the main playing field. BH will be looking to complete the NEAP and LEAP as early as possible, in order to make the site more attractive to prospective purchasers.

Housing mix

BH confirmed that the application will include at least 5% bungalows.

Community Hall

BH acknowledge the value of the provision of a new Community Hall in the village, but no provision for a contribution was included in the S106, and it would not be appropriate for it to be considered at this stage. However, BH might be prepared to consider further when a detailed application has been approved.

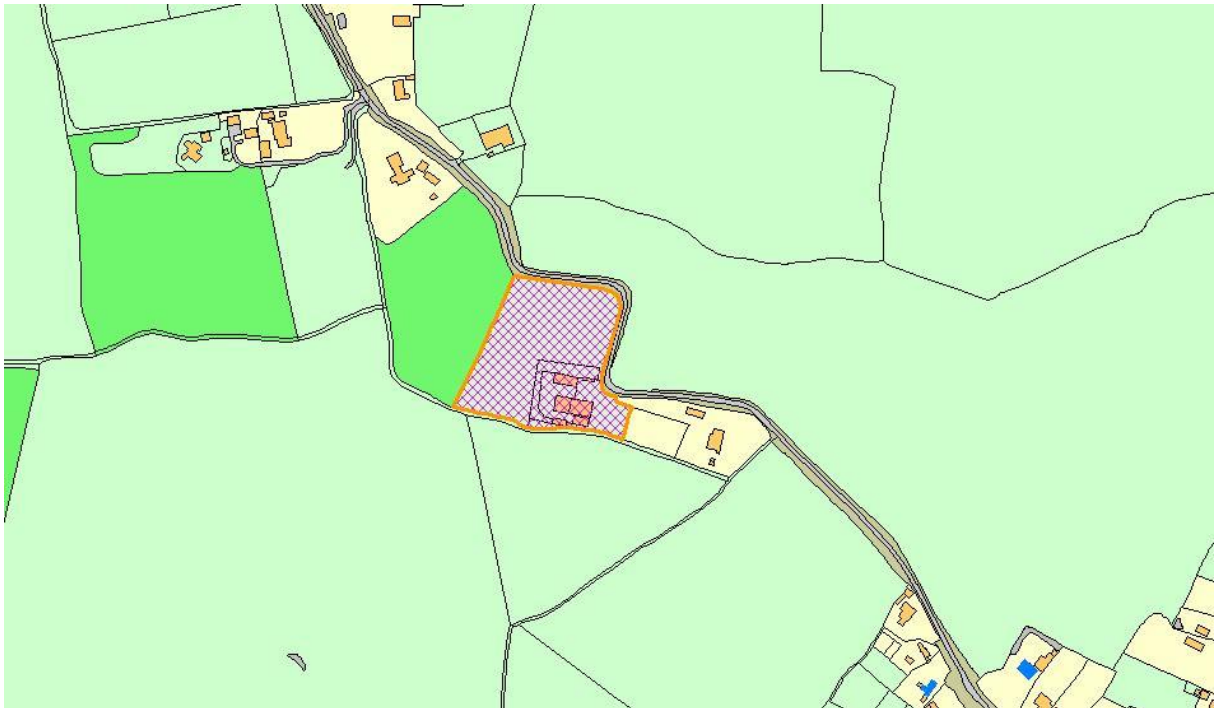
Agenda Item 6

ITEM NUMBER:

REFERENCE NUMBER: UTT/21/0247/OP

**LOCATION: The Rise Brick End
Broxted**

SITE LOCATION PLAN:



© Crown copyright and database rights 2021 ordnance Survey 0100018688
Organisation: Uttlesford District Council Date: 29.11.2021

PROPOSAL: Outline application with all matters reserved except access, layout and scale for the demolition of two existing buildings and erection of 3 new buildings, together with creation of a Craft Hub and re-formation of existing parking areas with associated landscaping

APPLICANT: Amanda & Daren Bye

AGENT: Mr Alan Gunne-Jones

EXPIRY DATE: Extension of time agreed to 17.12.2021

CASE OFFICER: Rachel Beale

NOTATION: Outside Development Limits. Countryside Protection Zone. Protected Lane.

1. RECOMMENDATION: APPROVAL WITH CONDITIONS

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

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

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

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

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

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

- 4). Prior to occupation of the development, details of the following hard and soft landscaping works must be submitted to and approved in writing by the local planning authority:

- Retained features

- New planting
- Hard surfaces
- Boundary treatment

All hard and soft landscape works must be carried out in accordance with the approved details.

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping must be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works must be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure compatibility with the character of the area, in accordance with Policy S1 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework 2021.

- 5). Prior to commencement of development, samples of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity and heritage protection in accordance with Policies S7, ENV2 and GEN2 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: To ensure that the resulting development does not prejudice the visual qualities of the area or the setting of nearby designated heritage assets.

- 6). No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for;
- I. vehicle routing,
 - II. the parking of vehicles of site operatives and visitors,
 - III. loading and unloading of plant and materials,
 - IV. storage of plant and materials used in constructing the development,
 - V. wheel and underbody washing facilities.
 - VI. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not

brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011 to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and the adopted Uttlesford Local Plan 2005 - Policy GEN1.

- 7). Prior to implementation, the developer to provide a scheme of passing places as shown in principle in submitted drawings IT2082/TA/003/A, IT2082/SK/010, IT2082/SK011, IT2082/SK/012. All necessary works including any relocation or provision of signage, utilities, drainage, associated resurfacing or works to the existing carriageway to facilitate widening to be carried out entirely at the developer's expense.

Reason: In the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and the adopted Uttlesford Local Plan 2005 - Policy GEN1.

- 8). Prior to occupation of the development, the access, turning and vehicle parking provision as shown in principle on submitted drawings IT2082/TA/002 and autotrack swept paths shall be provided, including a clear to ground visibility splays with dimensions of 2.4 metres by 31 metres to the north and 2.4m by 45m to the east directions, as measured from and along the nearside edge of the carriageway. The turning, parking and access with associated vehicular visibility splays shall always retained free of any obstruction thereafter.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and the adopted Uttlesford Local Plan 2005 - Policy GEN1.

- 9). Prior to occupation, signing to be provided within the site to direct all traffic to the east. All businesses within the site be required to sign a Traffic Routeing Management Agreement to ensure HGVs use the agreed routing to the east and south as shown on drawing number IT2082/TA/004 and that deliveries are provided with this information.

Reason: To ensure that businesses are aware of the appropriate route for vehicles to use in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and the adopted Uttlesford Local Plan 2005 - Policy GEN1.

- 10). Prior to occupation, the cycle parking facilities as shown in principle on the submitted plans shall be provided. Such facilities shall be secure and covered and always retained.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and the adopted Uttlesford Local Plan 2005 - Policy GEN1.

- 11). Prior to first occupation of the proposed development, the Developer shall submit a workplace travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall include the offer and provision of a sustainable transport link (for example a minibus) for employees to Stansted Airport bus and coach station, the plan shall be actively implemented for a minimum period of 5 years. It shall be accompanied by a monitoring fee of £6,132 (plus the relevant sustainable travel indexation) to be paid before occupation to cover the 5-year period.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and the adopted Uttlesford Local Plan 2005 - Policy GEN1.

- 12). No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to 1l/s for all storm events up to and including the 1 in 100-year rate plus 40% allowance for climate change subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Rainwater harvesting should be utilised wherever possible in line with the preliminary design.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

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

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site. This condition is in accordance with the Uttlesford Local Plan Policy GEN3 (adopted 2005) and the National Planning Policy Framework 2021.

- 13). No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoil's during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed. This condition is in accordance with the Uttlesford Local Plan Policy GEN3 (adopted 2005) and the National Planning Policy Framework 2021.

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

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk, in accordance with the Uttlesford Local Plan Policy GEN3 (adopted 2005) and the National Planning Policy Framework 2021.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

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

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk. This condition is in accordance with the Uttlesford Local Plan Policy GEN3 (adopted 2005) and the National Planning Policy Framework 2021

- 16). Prior to slab level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Impact Assessment (Hybrid Ecology, April 2021), shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

REASON: To enhance protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species), in accordance with the adopted Uttlesford Local Plan (2005) - Policy GEN7.

- 17). Prior to occupation, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), in accordance with adopted Uttlesford Local Plan (2005) - Policy GEN7.

- 18). Concurrent with reserved matters, all mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Brindle and Green, November 2020), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g., an ecological clerk of works (ECoW,) to implement the Reasonable Avoidance Measures recommended for amphibians and mammals and to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Policy GEN7 of the adopted Uttlesford Local Plan (2005).

- 19). Concurrent with reserved matters, a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the local planning authority following the recommendations made within the Ecological Impact Assessment (Brindle and Green, November 2020). The content of the Biodiversity and Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures.
 - b) detailed designs to achieve stated objectives.
 - c) locations of proposed enhancement measures by appropriate maps and plans.
 - d) persons responsible for implementing the enhancement measures.
 - e) details of initial aftercare and long-term maintenance.
- The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.”

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Policy GEN7 of the adopted Uttlesford Local Plan (2005).

- 20). Concurrent with reserved matters a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Policy GEN7 of the adopted Uttlesford Local Plan (2005).

- 21). No development shall take place until an aviation perspective Glint and Glare assessment is provided to the LPA in consultation with the aerodrome safeguarding authority for Stansted Airport. The assessment will need to demonstrate that there will be no ocular hazard to pilots using Stansted.

Reason: the site is located on the approach to Runway 22 and the large areas of metallic roofs and glazing have the potential present a hazard to flight. Condition in accordance with Policy GEN2 and GEN4 of the adopted Uttlesford Local Plan (2005).

- 22). No development to take place until a detailed lighting scheme (with specifications) is provided to the Local Planning Authority in consultation with the aerodrome safeguarding authority for Stansted Airport.

Reason: The site is located just 2.7km northeast from the 22 threshold at STN, it is imperative that any exterior lights do not confuse or distract pilots using Stansted Airport. This condition in accordance with Policy GEN2 and GEN4 of the adopted Uttlesford Local Plan (2005).

2. DESCRIPTION OF THE SITE:

- 2.1 The site is in the Essex countryside, an area characterised by small irregular fields interspersed with commons, woods and a generally dispersed settlement pattern. It is between Brick End and Pledgdon Green and is comprised of existing commercial premises containing a corrugated and block work constructed workshops facing onto a large concrete hardstanding area and various smaller storage sheds and containers located within the site. The site includes a large open area, used previously for storage and car parking and serving as additional storage space under the current use. The current business, Shaw Building Group (SBG), on site is a joinery workshop and construction & facilities management company which has been trading locally for the past 14 years.
- 2.2 The site has been used as light industry for about 27 years. It started as a series of chicken sheds and expanded into larger units. The previous occupier of the site was Weld Air which serviced the airport and required HGV's (Heavy Goods Vehicles) on site with ad hoc storage around the boundary of the site.
- 2.3 The site is entered from a protected lane. The current boundary with the lane and surrounding fields is screened by an existing bund, created by the previous owner of the site around mature trees and hedges (blackthorn, Hawthorn, Elder, and Hazel) and allowed by the planning department.

3. PROPOSALS

- 3.1 The proposal is to remove the existing unsightly sheds and replace them with 3 new buildings, 2 of which will re-house the existing services of SBG and the 3rd will function as an office and administration building for SBG, as well as creating additional storage space for materials on site. In addition, on the adjacent brown field area, previously used for airport parking, the proposal is to create a Craft Hub (CH), where small business can locate and grow whilst servicing the local area and community. The hard standing area will be repaved with drainage, grasscrete and porous paving providing a sustainable surface water drainage system and defined, ordered parking areas.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

5. APPLICANTS CASE

5.1 The application is accompanied by a detailed Design & Access Statement which refers to the planning history of the site, and how design principles have informed the current scheme.

5.2 To inform Members of the concept behind the proposal, the following section of the statement is extracted:

5.3 *“The proposal is to remove the existing unsightly sheds and replace them with 3 new buildings, 2 of which will re-house the existing services of SBG and the 3rd will function as an office and administration building for SBG, as well as creating additional storage space for materials on site. In addition, on the adjacent brown field area, previously used for airport parking, the proposal is to create a Craft Hub (CH), where small business can locate and grow whilst servicing the local area and community.*

The existing buildings on site are an eyesore and do not blend well with the surrounding environment. In addition, they are not well insulated and surrounded by concrete landscaping with no drainage. The new buildings will be designed with sympathetic materials and updated construction methods being well insulated, reducing noise emissions and improve the overall energy usage and consumption of the site, as well as providing a much better level of employment space and security. This would preserve and enhance the amenity to the neighbours and the setting of the listed land and surrounding countryside.

Travel to and from the site will not be increased when compared to the current use and the proposals will encourage movement by means other than driving a car. The parking and landscaping would be improved to encourage biodiversity and sustainable drainage.

There has been considerable residential growth in Takeley, Elsenham and Stanstead, all within 5 miles of the site (easy cycling distance) but little commercial development which has resulted in the increase of population needing to travel to existing commercial areas in larger towns such as Bishops Stortford, Harlow, Chelmsford, as well as commuting to London. The proposed Craft Hub would not only give potential employment opportunities but also will provide space to small craft industries that can serve the increasing population, reducing the need to travel and benefiting the local economy.”.

6. RELEVANT SITE HISTORY

UTT/1010/12/FUL - Erection of extension to existing workshop - Refused and appealed.

APP/C1570/A/12/2183989 - Allowed on 15/02/2012.

UTT/1791/02/FUL - Extension to workshop to provide new offices and welfare facilities - Approved with Conditions on 21/03/2003

UTT/0375/02/FUL - Extension to workshop to create new offices and welfare facility – Refused 24/06/2002

UTT/1147/90 - Change of use from redundant poultry house to craft workshop - assembly and storage light industrial use - Approved with Conditions 10/09/1990.

7. CONSULTATION RESPONSES:

7.1 Broxted Parish Council

The parish council does not see this development as sustainable or acceptable under local and national planning policies. The effect on the protected lane past the site is particularly concerning. The development is likely to have an adverse effect on highway safety, the environment and local amenity. Any benefits of allowing the development are in the council's view outweighed by its adverse effects on the quality of life and safety of local residents, neighbours and road users. The parish council therefore objects to this proposal.

The parish council has been contacted by many residents, including neighbours of the proposed development and others who are likely to be directly affected by it, with full details of their concerns. We ask you also to note the large numbers of objections and comments already submitted to you by local residents about these plans.

Material considerations

The Parish Council wishes to bring the following to the attention of Uttlesford District Council as local planning authority:

1.The application is not acceptable under the existing (2005) approved Local Plan in relation to the "quality of life" issues below:

1.GEN1 – Access.

The access to the main road network is not capable of safely carrying the traffic generated by the development. This is clear from the detailed comments supplied to you by local residents and evidence of accidents which have occurred in the past two years (GEN1 (a)).

The design of the site compromises road safety by using access onto a single-track lane which has "Protected Lane" status. The site access is near two blind bends. There have been accidents on the lane in normal times (e.g., Monday 15 March 2021) and when the lane was used as a diversion in 2019 (GEN1 (c)).

The applicant's proposal to prevent traffic approaching the site from the north is unlikely to succeed in preventing an increase in traffic from that direction. The applicant acknowledges that the development will create additional traffic movements which he quantifies as 62 journeys twice a day, from the south. Even such an increase would conflict with the needs of cyclists, pedestrians and horse riders using the lane (GEN1 (c)). It is suspected that the development would generate more journeys than estimated by the applicant.

1.2 GEN2 – Design

The design does not seem to meet all the criteria specified. For example:

The height of the buildings is not compatible with the surrounding buildings, which are residential houses. At least one building is described as 7m high (GEN2 (a)).

Its visual and environmental impact would be significant, as it seems the development would overshadow the lane itself and be taller than neighbouring houses. There is no information on how this impact would be reduced as required by the Local Plan (GEN2 (b)).

It would have a materially adverse effect on the occupation and enjoyment of residential properties, because of a loss of privacy and daylight and its likely overbearing impact and/or overshadowing (GEN2 (h) and (i)).

Since it does not appear to meet all the criteria, it should not be permitted under Policy GEN2.

1.3 GEN4 – Good neighbourliness

The application is for commercial and/or industrial use. It is understood that several buildings would be let to companies or individuals but that the terms of the leases and the nature of those businesses cannot yet be known.

Under GEN4, uses which generate noise or vibrations, smell, dust, and other pollutants will not be permitted if these would cause material disturbance or nuisance to occupiers of surrounding properties. Since the site is surrounded by residential properties, there is a significant risk that any such use will cause disturbance or nuisance. Without knowing what type of tenants will be offered leases, the LPA cannot be sure that these types of uses will be prevented.

1.4 GEN7 – Nature conservation

Under the above policy, unless the need for the development outweighs the importance of wildlife features which would be harmed by it, the development will not be permitted. Please refer to the comments relating to this application submitted by Mr W O'Connor in his letter dated 10 March 2021 for a detailed analysis of the likely harm to wildlife including protected species. In particular he concludes, as an expert in the field, that there would be a 58% net loss of biodiversity as a result of the development.

1.5 GEN8 – Vehicle Parking Standards

Unless the number, design and layout of vehicle parking places proposed is appropriate for the location, development will not be permitted under this policy. The aim of discouraging parking and thereby car use, set out at paragraph 3.18 of the policy, does not seem likely to be achieved by providing more than 70 parking spaces for 7 buildings. This is likely to cause traffic congestion on a lane which cannot accommodate any additional traffic, which has inadequate passing places and where there is no public transport.

It is understood that many of the applicant's business clients travel from London, and it seems unlikely that many will be local and/or encouraged to use alternatives to a car. We welcome the applicant's plans to meet client and provide minibus transport to the site. However, this does not remove local concerns that providing parking spaces on this scale will attract illegal parking relating to the airport. The Local Plan provides that the level of parking on new developments should not create problems (with parking) where they do not presently exist.

2.The development does not appear to comply with other aspects of local planning policy as follows:

2.1 Policy ENV3 – open spaces and trees

The natural environment is to be protected for its own sake, particularly for its biodiversity, but also for its cultural and visual qualities. This development risks:

- Changing the character of a rural lane which has Protected Lane status, by overshadowing it with tall buildings.
- Affecting the view from surrounding lanes adversely
- Reducing the attractive rural and agricultural visual and cultural environment which is currently part of the experience of travelling along the lane. This is especially true for cyclists, walkers, and riders.

It does not safeguard the character of the historic settlement of Pledgdon Green and Broxton, since it would more than double the size of an existing small commercial development and add tall buildings between two-storey houses. Many houses in Pledgdon Green and along Brick End Road are very old and/or listed buildings.

The development would be in an area subject to high levels of noise from aircraft, and tenants using office space or workshops on the site would be affected by this.

The open space which is now around the existing buildings seems to be intended for use as parking spaces in the applicant's plans. Policy ENV3 makes it clear that even if a patch of open space is untidy, its existence may be important, and the policy promises that "smaller spaces of importance will be protected where development would be inappropriate."

2.2 Policy ENV7 – local areas of nature conservation significance

It appears from Mr O'Connor's analysis (referred to at 1.4 above) that wildlife habitats are very likely to be affected. Under the above policy, development proposals will not be permitted unless the need for the development outweighs the local significance of the site to the biodiversity of the District. It seems unlikely that the loss of habitats would be outweighed by the need for the development. See 2.4 and 2.5 below.

2.3 Policy ENV8 – other landscape elements of importance for nature conservation

Developments which may adversely affect landscape elements including semi-natural grasslands and hedgerows will only be permitted under certain conditions, such as where the need for the development outweighs the need to retain the elements for their importance to wild fauna and flora.

Mr O'Connor's submission explains how and why the proposed development would affect landscape elements and how these are important to local flora and fauna.

2.4 General policy S7 – The countryside

This site is in the countryside which is to be protected for its own sake under this policy. Permission will only be given for development that needs to take place there or is appropriate for a rural area.

There seem to be no special reasons why this development, in the form proposed, needs to be there, and nothing to suggest it will enhance the character of the part of the countryside within which it is set. Unfortunately, an element which might have helped to meet this requirement, a "green roof", has been removed from the proposal.

There is a small undeveloped commercial site in Brick End, Broxton which already has planning permission, so it is not clear why commercial buildings need to be constructed at The Rise.

2.5 General Policy S8 – the Countryside Protection Zone

In this Zone, planning permission will only be granted for development that is required to be there or which is appropriate to a rural area. Please see comments at 2.4 above.

There is concern that allowing a commercial development with 72 parking places will encourage businesses related to the airport to take up the tenancies. This has the potential for an urbanising influence on the open countryside around the site, as well as creating a risk of the use of parking spaces by air passengers. The purpose of the CPZ is to prevent airport-related activity filtering into surrounding villages and reducing the distinction between airport and countryside.

3. The National Planning Policy Framework (NPPF): Sustainability:

We note and are glad to hear about the applicant's plans to promote sustainable transport by running a minibus to collect visitors to the premises from a railway station. However, it is still likely that nearly all journeys to the site will be by car or van, taking account of delivery vehicles and employees travelling to the site on a daily basis. On other similar commercial and industrial sites in the district the increased traffic has proved to be a constant problem on narrow country lanes (for example in the neighbouring parish of Great Easton and Tilty at Cherry Street).

Problems with safe and suitable access to the site have been described by many residents in their comments on this proposal and we endorse these concerns.

It does not seem that the significant impact on highway safety can be cost-effectively mitigated to an acceptable degree, as required by the NPPF. Adding hard surfaces to the existing informal passing places in the lane would make the damage to the verges permanent. The lane has blind bends and the access from the north, past Pledgdon Green itself, is acknowledged by the applicant to be completely unsuitable.

Priority should be given first to pedestrian and cycle movements. The development will create conflict between different types of road user. The protected lane is not suited to any increase in the volume of traffic, but the applicant acknowledges that the increase in business and carparking spaces – from two buildings to seven buildings - will result in more vehicle journeys along UTTLANE98.

Overall, it cannot be said that this is a sustainable development.

7.2 Henham Parish Council

The site is located on the protected lane UTTLANE98. This lane is single carriageway with no passing points. It is very dangerous with poor viability. The lane is frequented by pedestrians and horses from the local area and any increase in vehicular movement would increase the risk of danger to individuals and livestock.

The location is totally unsuitable for a venture of this type. The only access is via the lane by car and so is unsustainable.

The detrimental effect of increased vehicle movements to the site on the lane, environment and the increased hazard to pedestrians makes the site un-viable and so the application should be refused.

We trust Officers will support the objection of the Parish Council and local residents and refuse the application.

7.3 ECC Highways

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

7.4 ECC SUDS

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission, subject to conditions.

7.5 ECC Ecology

No objection subject to biodiversity mitigation and enhancement measures.

7.6 MAG Aerodrome Safeguarding

The Safeguarding Authority for Stansted Airport (STN) has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. This proposal does give rise to concern and therefore we request conditions are applied if permission is granted.

7.7 **UDC Landscape Officer**

I'm happy with the passing bay treatment, although I'd rather not see any channel drains installed. A soft edge to the carriageway is important to retain and certainly no kerbing.

8. **REPRESENTATIONS**

Several representations were received from residents, a third of which were in support, and the following observations have been made:

- Unsuitable access road
- Inappropriate in rural area
- Might lead to shops
- Impact on protected lane
- Increase danger to road users
- Increase flooding
- Too big
- Ecological impacts
- Good employment opportunities
- Rural employment opportunities
- Well designed
- Replaces existing development

9. **POLICIES**

9.1 **National Policies**

National Planning Policy Framework 2021 (NPPF)
Planning Practice Guidance

9.2 **Uttlesford District Local Plan 2005**

ULP Policy S7 – The Countryside
ULP Policy S8 – Countryside Protection Zone
ULP Policy GEN1 – Access
ULP Policy GEN2 – Design
ULP Policy GEN3 – Flood Protection
ULP Policy GEN7 – Nature Conservation
ULP Policy ENV9 – Historic Landscapes

9.4 **Other Material Considerations**

Essex Design Guide
Essex County Council Parking Standards – “Design and Good Practice”
(September 2009)
Uttlesford District Council Parking Standards (February 2013)
Uttlesford District Council Interim Climate Change Planning Policy (February 2021)

10. CONSIDERATION AND ASSESSMENT:

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

- A. Principle of development (S7, S8, GEN1, GEN3, GEN7, NPPF)**
- B. Whether proposed access arrangements would be acceptable (GEN1, NPPF)**
- C. Design in terms of Layout and Scale (GEN2, GEN8, NPPF)**
- D. Ecological Impacts (GEN7, NPPF).**
- E. Impact on Protected Lane (ENV9)**

A Principle of development (S7, S8, GEN1, GEN3, GEN7, NPPF)

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the planning policies set out in the Adopted Development Plan unless material considerations indicate otherwise. The planning policies contained within the National Planning Policy Framework 2021 (the NPPF) are also a material planning consideration, particularly where the policies in the Adopted Development Plan are out of date, whereby the revised NPPF provides the statutory guidance for determining planning applications at a national level. The adopted development plan for Uttlesford comprises the Uttlesford Local Plan which was adopted in January 2005 and is therefore now over 16 years old and pre-dates both the original NPPF (2012) and the latest version (2021). A Neighbourhood Plan does not currently exist for Broxted.

10.2 The NPPF emphasises that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF confirms the 'presumption in favour of sustainable development' and explains that there are three dimensions to sustainable development, namely, economic; social; and environmental.

10.3 Paragraph 11d) of the NPPF states that where there are no relevant development plan policies, or the policies which are the most important for determining the application are out of date, the LPA should grant planning permission unless (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development (see Footnote 7); or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.

Countryside protection:

10.4 Paragraph 170 of the NPPF seeks to protect and enhance 'valued landscapes' in a 'manner commensurate with their statutory status or identified quality in the development plan' whereby the Framework requires recognition to be given to the intrinsic character and beauty of the countryside. ULP Policy S7 states that the countryside will be protected for its own sake and that planning permission will only be given for development that needs to take place there or is appropriate to a rural area, adding that

there will be strict controls on new building. Policy S7 also states that development will only be permitted if its appearance protects or enhances the 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. Policy S7 has been found, however, to be partially consistent with the provisions of the NPPF following an independent policy review of the adopted local plan against the NPPF (Ann Skippers). Policy S7, however, is still a saved local plan policy and carries moderate weight.

- 10.5 The site is not covered by any statutory or local landscape designation or identified within the development plan for its landscape quality. Therefore, the site is not a 'valued landscape' in the context of the Framework and its location means that it is generally representative of the wider countryside in the area.
- 10.6 It is recognised that the proposal would have some environmental impacts as it would introduce built form into the countryside, however the site comprises previously developed and undeveloped land that features an expanse of hard standing, several buildings and unused open land. The site is well screened from the street scene and this screening would be retained as part of the proposals. The contained nature of the site ensures the immediate countryside character would be protected and as the site is not considered to significantly contribute to the character of the wider settlement, its development is not considered to have a detrimental impact.
- 10.7 The Adopted Local Plan also places the site within the Countryside Protection Zone. Policy S8 has a similar countryside constraint approach to Policy S7, but states specifically that development will not be permitted if (a) new buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside or (b) would adversely affect the open characteristics of the zone. It cannot be said that the development would promote airport coalescence given the location of the site and due to the site being very well screened and partially previously developed it is considered there would be no adverse effect on the open characteristics of the zone.
- 10.8 As such, it is considered that the environmental objectives of the NPPF (2021) is met in terms of assessing wider environmental impacts.

Economic contribution:

- 10.9 Paragraph 84 of the NPPF encourages supporting a prosperous rural economy and states planning policies and decisions should enable "the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings" Paragraph 85 then goes on to say that decisions should recognise that sites to meet local and community needs in rural areas may have to be found beyond existing settlements and in locations that are not well served by public transport. It also states that the use of previously developed land should be encouraged.
- 10.10 The proposed development would provide much needed employment uses within the district, ensure the improvement and longevity of an existing and established local business and provide positive opportunity for new local businesses to locate and grow in a suitable setting. The proposal would

create a number of opportunities for local residents in terms of jobs and provide quality commercial development in a rural area.

- 10.11 As such, it is considered that the economic objective of the NPPF is met.

Flood risk:

- 10.12 The application is accompanied by a Flood Risk Assessment, (March 2021), a SUDS Report (March 2021) and Percolation Test Report (March 2021). The submitted reports have been examined by the Lead Local Drainage Authority who have not objected in their revised comments dated 16.03.2021 subject to conditions. No drainage objections are therefore raised on this basis under the relevant provisions of the NPPF and ULP Policy GEN3.

Accessibility to local services:

- 10.13 Paragraph 110 of the NPPF states that in assessing specific applications for development it should be ensured that (a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location, whilst paragraph 113 advises that all developments that will generate significant amounts of movement should be required to provide a travel plan. Paragraph 105 does acknowledge that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be considered in decision-making.

- 10.14 The site is in Broxted which contains no local services or amenities except for a public house. The larger settlements of Thaxted and Great Dunmow are 5 and 7 miles respectively from the site, both of which contain several services including shops, primary and secondary schools, and doctors. The site is located just over 3 miles from Elsenham which contains a train station. The applicant states that employees of the existing business on the site cycle to and from here. The site is within walking distance of a bus stop however this would mean pedestrians would be walking down an unlit country lane.

- 10.15 The submission includes a travel plan which will encourage car sharing and proposes the provision of a hopper minibus to link to Stansted Airport and the train and bus station there, to be secured by condition.

B Whether means of access would be satisfactory / sustainable transport measures (GEN1, NPPF)

- 10.16 The site is located on an unclassified road to the northwest of Brick End; the road is narrow with limited places for passing. The site has an existing use and a previous use as a metal fabricating works which is likely to have attracted HGVs. The road currently carries very low numbers of vehicles, and this proposal is forecast to generate traffic of approximately 67 vehicles in the am peak and 65 in the pm peak, this traffic would be generally travel in the same direction to the site in the morning and away from it in the evening. The application states that the nature of the development is unlikely to generate HGV movements, however an estimate based on TRICS (a database based on surveys of developments of different land use classes in different location types) a has been undertaken, this estimates a possible 6 HGV movements a day for this quantum of land, this is likely to be a robust estimate.

- 10.17 As part of the submission the applicant has proposed a number of passing places. The highway authority visited the site with Essex Highways engineers to assess the locations of the proposed passing places and the deliverability. They have confirmed that they are satisfied that the passing places can be delivered within the highway and would be of benefit in allowing vehicles to pass each other safely.
- 10.18 It is recognised the road to the north is not suitable for HGVs and no mitigation is provided, therefore signing will be required within the site to direct all traffic south, and can be secured by condition. The development will also have a travel plan which will encourage car sharing and proposes the provision of a hopper minibus to link to Stansted Airport and the train and bus station there. The access to the site is being improved to provide adequate visibility and turning for vehicles.
- 10.19 It is therefore considered that, from a highway and transportation perspective the impact of the proposal is acceptable, subject to conditions, in accordance with Policy GEN1 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework (2021).

C Layout and scale (GEN2, GEN8. NPPF)

- 10.20 Paragraph 130 of the NPPF states that all new developments should “optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development” and be “visually attractive as a result of good architecture, layout and appropriate and effective landscaping”. Policy GEN2 of the adopted Local Plan states that development will only be permitted if its design meets the design criteria contained within the policy and has regard to Supplementary Design Guidance.
- 10.21 This outline application is for the consideration of layout and scale only, and not the individual design of the buildings.
- 10.22 The layout of the development maximises the usable space on the site and provides sufficient space for parking and manoeuvring of vehicles within the site. The Craft Hub buildings are organised in a traditional courtyard form referencing the Essex farm typology. The proposed development leaves sufficient gaps between the buildings to ensure they do not appear squashed into the site. The proposed scale is considered appropriate for the nature of the development and, taking the existing development into consideration, would not appear overly dominant within the site and its surrounding context.
- 10.23 The proposed development by reason of its layout and scale would not give rise to any significant residential amenity issues in terms of overbearing effect, loss of privacy, overshadowing or loss of light for neighbouring dwellings.
- 10.24 It is considered that the scale and layout of the development as shown would be acceptable and no objections are raised under Policy GEN2 of the adopted Local Plan in this regard whereby it is considered that the scheme would align with the requirements of the NPPF.

D Ecological impacts (GEN7, NPPF)

10.25 A detailed Ecological Impact Assessment was submitted as part of the proposals. ECC Place Services have advised in their consultation response that they are satisfied that there is sufficient ecological information available for determination of the application, adding that with appropriate mitigation measures secured that the development can be made acceptable.

10.26 No ecology objections are therefore raised under Policy GEN7 of the adopted Local Plan subject to the recommended conditions.

E Impact on the Protected Lane (ENV9)

10.27 The Landscape Officer has been consulted on the proposals and, following amendments and clarification by the applicant, has confirmed that he does not object to the proposals and that the protected lane would not be harmed. No objections are therefore raised under Policy ENV7 of the adopted Local Plan subject to the conditions.

PLANNING BALANCE

10.28 It is considered when taking the Framework as a whole that the benefits of the proposal, where mitigation has been offered to make the development acceptable, are considered not to outweigh the harm from the development in the countryside. The tilted balance in favour of the proposal, including a presumption in favour of sustainable development, is therefore engaged.

11. EQUALITIES

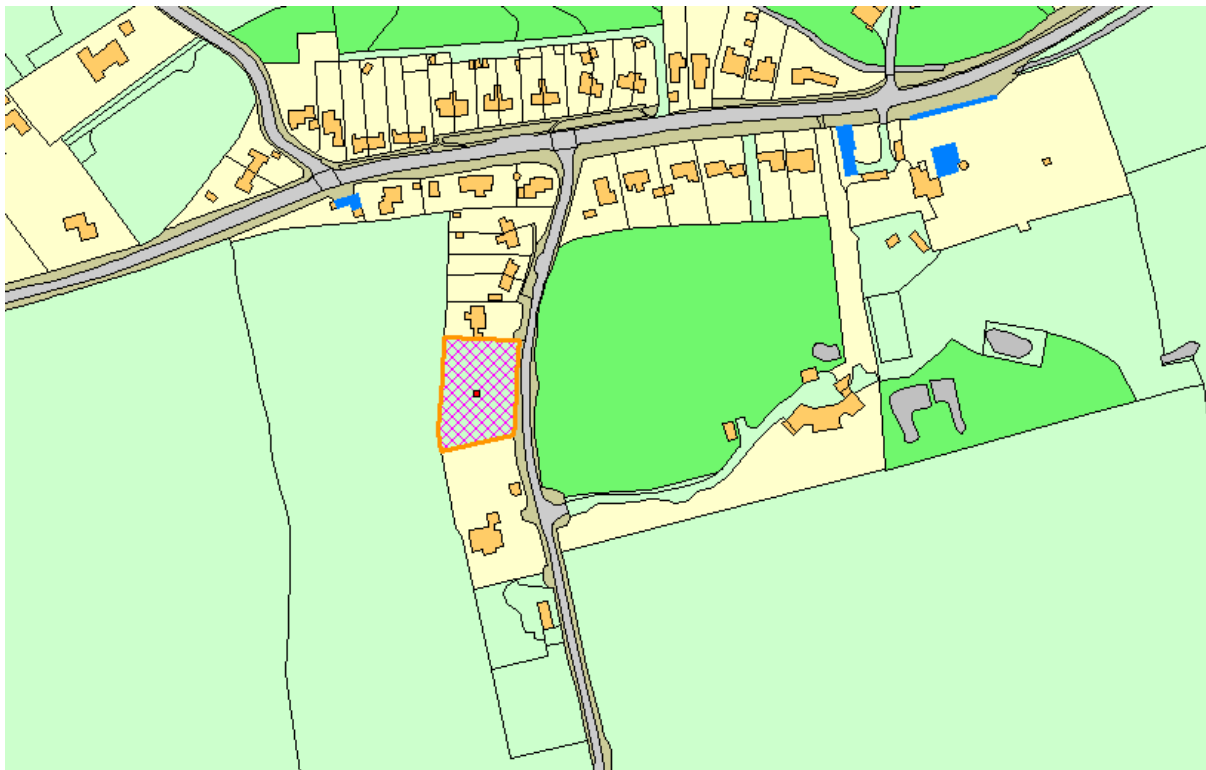
11.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

ITEM NUMBER:

REFERENCE NUMBER: UTT/21/2697/OP

**LOCATION: Land At Rickling Road
Rickling Road
Wicken Bonhunt
CB11 3UH**

SITE LOCATION PLAN:



© Crown copyright and database rights 2021 ordnance Survey 0100018688
Organisation: Uttlesford District Council Date: 29 Nov 2021

PROPOSAL: Outline Application with all matters reserved except for access, for development comprising 3 no. residential units with associated amenity space and parking.

APPLICANT: Mr J Sumpton

AGENT: Mr K Lilley

EXPIRY DATE: 27 Oct 2021 (Extension of Time: 14 Dec 2021).

CASE OFFICER: Mr Avgerinos Vlachos

NOTATION: Adjacent to Development Limits.
Protected Lane (Quendon & Rickling/Wicken Bonhunt – Rickling Road).
Road Classification (Rickling Road – Class III).

1. RECOMMENDATION: APPROVAL WITH CONDITIONS

1.1 CONDITIONS:

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

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

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

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

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

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

- 1.1.4** Prior to first occupation of the dwellings hereby approved, details of the comprehensive Sustainable Urban Drainage Scheme (SUDs) and measures referred to in the Planning, Design and Access Statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the Sustainable Urban Drainage Scheme (SUDs) measures shall then be installed in accordance with the approved details and shall be retained as such in perpetuity.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective operation of SUDs features over the lifetime of the development, in accordance with the adopted Uttlesford Local Plan Policy GEN3, and the National Planning Policy Framework (2021).

- 1.1.5** Prior to commencement of the development hereby approved, details indicating the foul drainage works' exact position and course, manufacturer's specifications, type and discharge of final effluent into a specified watercourse, shall be submitted to and approved in writing by the local planning authority. Thereafter, the approved treatment plant shall be installed in line with manufacturer's instructions and maintained and retained as such in perpetuity.

REASON: To protect the surrounding countryside and prevent pollution of the water environment, in accordance with the adopted Uttlesford Local Plan Policy ENV12, and the National Planning Policy Framework (2021).

- 1.1.6** Prior to occupation of the development hereby approved, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 56 metres to the north and 2.4 metres by 54 metres to the south, as measured from and along the nearside edge of the carriageway, as shown in principle on the approved drawing (reference no. DR1 – Proposed Access and Visibility Splays). Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction in perpetuity.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interests of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2021).

- 1.1.7** Prior to occupation of the development hereby approved, the proposed private drive(s) shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of the carriageway and shall be provided with an appropriate dropped kerb vehicular crossing of the verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway in the interest of highway safety, in accordance with ULP Policies GEN1, GEN8 and with the Uttlesford Local Residential Parking Standards (2013), the Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2021).

- 1.1.8** No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2021).

- 1.1.9** Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway. Thereafter, the gates shall be retained as such in perpetuity.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interests of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2021).

- 1.1.10** All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (T4 Ecology Ltd, Aug 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. Thereafter, the enhancement measures and/or works shall be carried out by the appointed person strictly in accordance with the approved details and shall be maintained as such in perpetuity.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species), s17 of the Crime and Disorder Act 1998, in

accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2021).

1.1.11

Prior to commencement of the development hereby approved, a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include details regarding pollutants on the neighbouring woodland, as well as species-specific method statements for reducing impacts on Bats, Nesting Birds, Badger, Great Crested Newt, Reptiles and Dormouse. No tree removal shall take place unless first approved by the local planning authority and a bat roost assessment has been undertaken.

The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities, particularly in relation to site clearance on Bats, Nesting Birds, Badger, Great Crested Newt, Reptiles and Dormouse and on pollutants to the neighbouring woodland.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (to be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present found on site i.e. cherry laurel to be replaced with native species of wildlife benefit.

Thereafter, the approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species), s17 of the Crime and Disorder Act 1998, in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2021).

1.1.12 Prior to slab level, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, enhancements shall include: 1 no. integral bird box per dwelling, 1 no. integral bat box per dwelling, planting of new native trees and hedgerows, installation of 1 no. invertebrate box per dwelling, new tree planting, low impact lighting including no lighting of the boundaries, wildlife friendly planting scheme, boundaries which allow continued movement of species post-development i.e. badger and hedgehog, log piles and/or hibernacula.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures (as above);
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) persons responsible for implementing the enhancement measures;
 - e) details of initial aftercare and long-term maintenance (where relevant).
- Thereafter, the enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner in perpetuity.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species), s17 of the Crime and Disorder Act 1998, in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2021).

1.11.13 If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify in writing the Local Planning Authority without delay and work must be halted on the part of the site affected by the unexpected contamination. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with Land contamination risk management published by the Environment Agency. A written Report of the findings shall be submitted to and agreed in writing by the Local Planning Authority. Following completion of remedial measures, a Verification Report shall be prepared that demonstrates the effectiveness of the remediation carried out. Any land contamination identified, shall be remediated and verified to the satisfaction of the local planning authority to ensure that the site is made suitable for its end use.

REASON: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act

1990, in accordance with the adopted Uttlesford Local Plan Policy ENV14, and the National Planning Policy Framework (2021).

- 1.11.14** Prior to occupation of the dwelling hereby approved, an electric vehicle charging point shall be provided on site. Thereafter, the charging point shall be fully wired and connected, ready to use and shall be maintained as such in perpetuity. Any potential changes in the future shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To encourage the use of electric vehicles for better air quality, in accordance with paragraph 107 of the National Planning Policy Framework (2021).

- 1.11.15** The development hereby permitted must be built in accordance with Optional Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition. Thereafter, the dwelling(s) shall be maintained as such in perpetuity unless otherwise agreed in writing by the local planning authority.

REASON: To ensure compliance with the adopted Uttlesford Local Plan Policy GEN2, and the adopted Supplementary Planning Document 'Accessible Homes and Playspace'.

2. DESCRIPTION OF SITE:

- 2.1** The application site comprises grassland, located to the south of Wicken Bonhunt, immediately adjacent to the development limits to the north. The site is bounded by mature trees and hedging on all site boundaries, plus a steep verge on the front boundary, and is part of the village with neighbouring dwellings to the north and a Farmhouse to the south. There are very limited open views/vistas into the site from the public realm and no views to the wider open landscape further to the west that includes agricultural fields. Across the street to the east, there is dense woodland and further to the south-east a dwelling that was built under the excellent design exception policy (currently known as paragraph 80 of the NPPF). The overall area along the southern part of the village contains a distinct rural countryside character with dwellings in a linear development pattern on the western side of the lane. The road is classified and a Protected Lane (roughly until the north-eastern corner of the site).

PROPOSAL

- 2.2** Outline Application for development of 3 no. residential units with associated amenity space and parking, with all matters reserved except for access.

3. ENVIRONMENTAL IMPACT ASSESSMENT

- 3.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

4. **APPLICANTS CASE**

- 4.1 The application includes the following documents:
- Planning, design and access statement including transport
 - Preliminary ecological appraisal
 - Covering letter
 - Drawing register
 - Schedule of documents
 - Ecology response to place services comments
 - Speed survey
 - Biodiversity checklist.

5. **RELEVANT SITE HISTORY**

- 5.1
- **UTT/21/0197/OP** – Outline application with all matters reserved except access, for 4 no. dwellings.

Withdrawn (08.03.2021).

- **UTT/12/5644/FUL** – Proposed new dwelling.
Refused (20.12.2012) and appeal dismissed (30.10.2013):
The application site is located outside development limits in the countryside which is to be protected for its own sake. Planning permission will only be granted for development that protects or enhances the particular character of the part of the countryside in which it is set or there are special reasons why the development in the form proposed needs to be there. It is considered that a dwelling located on this site would have a detrimental impact on the character and appearance of the countryside. Furthermore, in the countryside, planning permission will only be granted for development that needs to take place there. It is recognised that the Council has a five-year housing land supply shortfall, however, the application site fails the tests in the National Planning Policy Framework in so far as this environmental harm and the unsustainable nature of the scheme. Therefore, there are no exceptions that would outweigh the presumption in favour of sustainable development and the protection of the countryside for its own sake. The development is contrary to the National Planning Policy Framework, as well as saved Policy S7 of the Uttlesford Local Plan adopted 2005.

6. **CONSULTATION RESPONSES:**

Wicken Bonhunt Parish Council

- 6.1 On behalf of the residents of Wicken Bonhunt, I wish to object to the above Planning Application to the Land at Rickling Road Wicken Bonhunt.

This application follows the planning application REF: UTT/21/0197/OP submitted in February 2021 which was withdrawn, and yet the criteria put forward by me and my residents still remains the same:
AS FOLLOWS-

An application to build a single retirement dwelling on this land was refused in 2012 as the plans “were outside the village envelope and the detrimental impact on the character and appearance of the countryside failed the criteria of the NPPF”

This land also has a sewage line right through this land and according to Thames Water “no new builds are allowed to build over these lines” 2012

Again, those criteria have NOT changed since that application, including the position of 2 very large oak trees that still grow on this land.

In fact many other factors are apparent in 2021 that might not have been observed in 2012. Since the building of Bradbury House was approved in 2013, the natural water drainage that ran through a gully on the right of Rickling Road leading to the Wicken Road cannot proceed. The excess water from extensive rainfall in recent years now cascades down the left of Rickling Road across the paths of 1- 4 Rickling Road and Howlands Farm Cottage, causing a mud and stones rivulet leading onto the Wicken Road. ECC Highways recently repaired a dangerous pothole in this part of Rickling Road that had been washed away by the excessive rain.

It is assumed that the application for 3 new properties with associated amenity space and parking, would indicate that the purchasers would either be working couples or indeed young family occupants. It would be expected that the huge movement of vehicles coming and going onto the single track lane that is 60+MPH outside the proposed dwellings, would join the presently careering vehicles that travel down towards the Wicken Road at great speed. The danger to children and new residents unfamiliar to the single track road use outside the properties is undeniable,

There is no infrastructure for more young families in Wicken Bonhunt. There are no shops, schools, public transport, lighting or footpaths leading from these proposed properties into the village of Wicken Bonhunt.

In the light of environmentally awareness of new property buildings observed by Uttlesford District Council and the hope of reducing vehicle movements as expressed by ECC Highways, I cannot see how these proposed dwellings can meet any of the criteria for both Councils. Vehicular use would be the expected transport activity unless cycling was an option for the new residents, and the disruption to the existing countryside and paddock environment would cause unnecessary unsustainability to an already beautiful village.

I trust you will take these considerations into account, together with the objections expressed by the residents of Wicken Bonhunt, when reviewing this application.

ECC Ecology

6.2

On 12 Oct 2021:

No objection subject to securing biodiversity mitigation and enhancement measures

Thank you for the ecological response dated 6th October 2021 regarding the above site, in relation to the holding objection by Place Services dated 27th September 2021, with regard to further information required for Priority Habitat, Bats, Badger, Reptiles, GCN and Dormice to provide the LPA with the certainty required to ensure their compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 and prevent wildlife crime under s17 Crime and Disorder Act 1998. We have reviewed the additional information provided which is now sufficient for determination and can provide the following response:

Priority Habitats

The additional information provided regarding the habitat value of both the grassland and woodlands on site is now sufficient for determination. This new information has clarified that the grassland would not be classed as Priority Habitat due to the lack of management having only occurred recently, which resulted in a meadow looking grassland in the photos provided. In addition, the new information provided has shown that the two hedgerows on the East and West boundaries would be classed as Priority habitat, but would not be classed as 'Important' under the Hedgerow Regulations 1997, as is the same with the two hedgerows to the North and South which would not be classed as 'Important' due to their association with the neighbouring residential dwellings. This new information has provided the LPA with the certainty required that impacts on Priority habitat will not be incurred due to the proposed development. As Priority Habitat is present on site, mitigation for any loss or damage would be required should they be impacted by the proposals, but it is considered this can be dealt with by condition and at reserved matters once access has been proposed and it is clear how much hedgerow will be lost to the development if granted.

Assessment of potential impacts on the neighbouring woodland are still required, although it is considered unlikely there would be any direct effects on this Priority Habitat. Impacts would be limited to indirect effects i.e. from air pollution caused during construction which can be dealt with by condition for a Construction Environment Management Plan (CEMP) – Biodiversity.

Bats

Alongside comments from the Landscape Officer, the additional information provided regarding potential roosting features in trees, providing these trees are not affected by the proposals, there is sufficient information provided for determination of this outline application. Should this change at reserved matters, results of the Preliminary Roost Inspection for trees should be provided with surveys undertaken as necessary dependent on findings. This should form a condition of any consent.

Great Crested Newt

The information that has now been provided, details the ponds within the wider area and although we do not agree that residential gardens would create a dispersal barrier to GCN (particularly given the high association of GCN with golf courses which are heavily managed landscapes), the Natural England Rapid Risk Assessment which has now been provided, shows risk of an offence is Green: Offence Highly Unlikely. This information now provides the LPA with certainty of impacts and that appropriate mitigation can be secured. As risk of an offence is low, it is considered a species-specific method statement within the CEMP: Biodiversity will alleviate any residual risks of an offence and provides the LPA with the certainty required to comply with their statutory duties.

Reptiles

We do not agree with comments that residential gardens provide a barrier to reptiles, nor that they do not constitute reptile habitat. Reptiles are strongly associated with mature residential gardens, in particular slow worms where they often inhabit compost heaps / bins. The same is true for arable fields which have arable field margins and hedgerows, as with the neighbouring field. Aerial maps of the site show the arable field adjacent the proposed development has arable field margins, it is not possible to state from these images what condition these are in or should they be suitable for reptiles. Information on this potential feature would have aided the LPA in considering the information supplied. Woodland habitats have the opportunity to provide habitat in the rides and glades as well as through shelter / hibernation opportunities. The new information provided that the neighbouring woodland is dense and overshadowed (information which was not previously provided, and which could not be ascertained from aerial images) and as such would not be suitable for reptiles is noted. Given the potential colonisation from bounding properties and arable fields, as well as the road embankments and connecting hedgerows, it is still not considered the site can be classed as being isolated. Furthermore, the site itself is considered to contain suitable habitat, having long-sward grassland, mature trees and hedgerows. The limited records stand as lack of survey as much as absence of the species

and as such is arbitrary in the argument against their likely absence from site. The most robust argument provided against reptiles being likely absent from site is in the management, which is not clear from the information provided to date and has therefore had to be extrapolated from different aspects of the PEA report and letter dated 6th October 2021. The PEA states within the habitat assessment the site has “previously been subject to grazing and management” and that the sward is “commensurate with approximately 1 year of growth”. Furthermore, the additional information provided regarding the value of the grassland states the site is “colonised by fast growing common species and would be defined as ‘Modified Grassland’” and that management is “likely strimming/mowing/grazing”. In which case, it is now understood how the ecologist has concluded it would be difficult for a significant population of reptiles to have colonised the small site. Given this information, presence / absence survey is not considered proportionate to the possible impacts of the proposals on a likely small population of reptiles on site, if any. As such, a species-specific method statement within the CEMP: Biodiversity should be provided to ensure no killing / injury of reptiles during site clearance. In addition, proposed mitigation within the PEA to retain boundary habitats and enhancement measures to include native / wildlife friendly planting in the landscape scheme should be secured by condition of any consent. In addition, enhancements should also include provision of reptile shelter habitats including log piles and / or hibernacula to ensure the continued/future use of reptiles on this site post-development.

Badger

The additional information stating that ‘all reasonable efforts have been made to check the site and surrounds for badger’ is now considered sufficient for determination. The LPA has to have certainty of impacts on protected species and given an active Badger sett would be impacted by the proposals should one fall within 30m of the site boundary it is entirely reasonable to ask for additional information that provides the LPA with certainty that efforts have been made to assess the impact risk zone for this species if that information has not been provided upfront. Now this information has been clarified, we can advise the LPA that this information is sufficient for determination. Precautionary measures identified in the PEA should be secured by condition of any granted consent and a walkover undertaken prior to works commencing on site.

Dormice

The additional information provided regarding dormice, and the general lack of suitability of the hedgerows on the site for this protected species is now considered sufficient for determination. Whilst it is acknowledged there is a lack of records in the area, the lack of records are just as likely to be due to lack of survey than absence of the species. Therefore, due to the proximity of the woodland and some suitable habitat on site, the extent

of which will be impacted to provide access is as yet unknown, it is advised a precautionary method statement for any hedgerow removal required will be sufficient to provide the LPA with certainty of impacts on this protected species and that appropriate mitigation can be secured. This can be secured by condition of any granted consent through a specific method statement within a CEMP: Biodiversity.

Summary

The additional information provided was required to provide the LPA with certainty of impacts on legally protected and Priority species and habitats, and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. Now this missing information has been clarified, the LPA can demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 and prevent wildlife crime under s17 Crime and Disorder Act 1998.

This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

Submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

“All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (T4ecology Ltd., August 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

2. PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

“A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include details regarding pollutants on the neighbouring woodland, as well as species-specific method statements for reducing impacts on Bats, Nesting Birds, Badger, Great Crested Newt, Reptiles and Dormouse. No tree removal shall take place unless first approved by the LPA and a bat roost assessment has been undertaken.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities, particularly in relation to site clearance on Bats, Nesting Birds, Badger, Great Crested Newt, Reptiles and Dormouse and on pollutants to the neighbouring woodland.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (to be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present found on site i.e. cherry laurel to be replaced with native species of wildlife benefit.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority”

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

3. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

“A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. As a minimum, enhancements shall include: 1 integral bird box per dwelling, 1 integral bat box per dwelling, planting of new native trees and hedgerows, installation of 1 invertebrate box per dwelling, new tree planting, low impact lighting including no lighting of the boundaries, wildlife friendly planting scheme, boundaries which allow continued movement of species post-development i.e. badger and hedgehog, log piles and / or hibernacula.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures (as above);
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

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

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

On 29 Sep 2021:

Some of the further surveys required can be undertaken at any time of year such as the Preliminary Roost Assessment of the trees for bats, a survey to determine if the hedgerows are ‘important’ (although it’s easier when they’re in leaf), Badger survey and an impact assessment on the neighbouring woodland. However, some of the surveys including the reptile and Great Crested Newt survey (if this is chosen over District Level Licensing) can only be undertaken at certain times of year i.e. spring and/or summer, which we have now passed.

On 27 Sep 2021:

Holding objection due to insufficient ecological information

We have reviewed the documents supplied by the applicant including the Preliminary Ecological Appraisal (T4 Ecology Ltd, August 2021) relating to the likely impacts of development on protected & Priority habitats and species and identification of proportionate mitigation.

We are not satisfied that there is sufficient ecological information available for determination of this application in respect of Priority Habitats, bats, badger, reptiles, GCN and dormice.

The ecology report significantly downplays the ecological value of this semi-improved grassland, which is likely to provide habitat for protected and Priority species as well as providing an important habitat in its own right. The report needs to assess the value of the habitats on site. The photographs show a long-sward semi-natural grassland habitat and mature hedgerow habitats, which could both be classed as Priority habitat with the hedgerows also potentially being ‘Important’ under the hedgerow regulations 1997, and information should be provided to this effect with impacts assessed to the loss of the grassland habitats. In addition, an Arboricultural report has not been provided so although it has been assessed the hedgerow and mature trees will not be affected, this has not

been shown by an Arboricultural assessment to be practical at this site. Furthermore, potential impacts on the neighbouring woodland also require assessment.

The report states there are no trees with roosting potential that would be lost to the proposal, however access has not been agreed or proposed in this application and an Arboricultural survey has not been undertaken. As access could contribute a significant loss of hedgerow and trees to produce a safe visibility splay on this site. As such it not known whether trees will be lost to development or not, and therefore results of the Preliminary Roost Inspection for trees should be provided with surveys undertaken as necessary dependent on findings of the Arboricultural report or in lieu of should assume significant loss of trees and hedgerow.

The report attempts to state the site is not suitable for reptiles and GCN, however the site is a semi-natural grassland, with a long-sward height and mature hedgerows with mature trees and a shallow ditch which is understood to be at least occasionally wet. The site also sits opposite a mature woodland. All of which are suitable for reptiles and GCN. The site cannot be classed as being isolated as it is a rural location, with no dropped kerbs and the road between the site and woodland is a single track which could not be classed as a dispersal barrier. Furthermore, the site is within 250m of 4 ponds and within 500m of 8 ponds. The site partly site in an Amber Risk Zone for GCN.

The site appears to have suitable habitat for reptiles, is in a rural location with links to off-site habitats and as such a seven visit presence / absence survey following standard guidance (i.e. surveys undertaken during suitable weather, less than 17C in April, May and September). These will be required prior to determination.

The site also has suitable terrestrial habitat for Great Crested Newt, is partly within an Amber Risk Zone for GCN and within 500m of eight ponds with the only potential major barrier to dispersal within those 500m being Wicken Water. As such further survey for GCN is required, or the scheme should be submitted for District Level Licencing.

The site has a clear mammal path on site and suitable habitat for sett building within the immediate vicinity of site, the survey should extend to at least 30m around the site boundary to check for badger setts and that they will not be impacted by any proposed works.

The PEA report states there is no suitable habitat on site or within the vicinity for dormice, however the site sits opposite a woodland and surrounded by hedgerow habitats, all of which are known to be used by Dormice. Clarification is required as to the potential likelihood of dormice being present and affected on site by the proposed works.

The results of these surveys and further requested information are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."

This information is therefore required to provide the LPA with certainty of impacts on legally protected and Priority species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 and prevent wildlife crime under s17 Crime and Disorder Act 1998.

Once further survey and assessment has been completed and submitted to the LPA, tailored biodiversity enhancements can be submitted. This will ensure measurable net gain for biodiversity, which will meet the requirements of Paragraph 170d of the National Planning Policy Framework 2019.

This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

We look forward to working with the LPA and the applicant to receive the additional information required to support a lawful decision and overcome our holding objection.

ECC Highways

6.3

On 18 Nov 2021:

SUPERSEDES PREVIOUS RECOMMENDATION DATED 14TH SEPTEMBER 2021

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

1. Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 56 metres to the north and 2.4 metres by 54 metres to the south, as measured from and along the nearside edge of the carriageway, as shown in principle on DWG no. DR1 (Proposed Access and Visibility Splays). Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times. Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

2. Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate dropped kerb crossing of the verge. Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.

3. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

4. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway. Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety.

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

On 06 Oct 2021:

The speed limit 30mph/60mph changes immediately adjacent to the site access.

A visibility splay of 2.4 metres by 70 metres to the north of the access is acceptable, as this visibility splay is completely within the 30mph. A drawing would need to be submitted to demonstrate the full extent of the visibility splay can be achieved within highway and/or land of the applicant's control.

However, to the south, vehicles could be approaching the site up to 60mph, and without evidence of actual vehicle speeds, the Highway Authority is unable to determine if a 2.4 metre by 70 metre visibility is appropriate. A speed survey, to establish the 85th percentile speed of the road, could be undertaken by the applicant at the maximum extent of the achievable visibility splay from the site access. This will establish whether the visibility splay suggested is appropriate for actual speed of the road.

The Highway boundary can be obtained from Highway.Status@essexhighways.org and shall be overlaid onto the plans.

On 14 Sep 2021:

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

1. The applicant has failed to demonstrate adequate visibility splays are to be provided in accordance with the speed of the road, to the satisfaction of the Highway Authority. The lack of such visibility would result in an unacceptable degree of hazard to all highway users on Rickling Road to the detriment of highway safety. Therefore, this proposal is contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and Uttlesford Local Plan Policy GEN1.

UDC Landscape Officer

- 6.4** The oak large mature oak trees on the road frontage of the site are considered to be of amenity value and should be retained and protected by conditions if approval for the proposed development is granted. Also, a detailed scheme of landscaping should be sorted by condition.

With regard to the access the proposed widening of the existing access to 5.7m is acceptable. We would need confirmation that Highways are satisfied with the sightlines. If the sightline requirements were to necessitate the felling of either of the oak trees this would be unacceptable. The proposed access would have minimal impact on the character and fabric of the Protected Lane.

BAA Aerodrome Safeguarding

- 6.5** The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no aerodrome safeguarding objections to the proposal.

7. REPRESENTATIONS

Representations were received from neighbouring residents, and the following observations have been made:

- **Objections:**
 - No change since last time.
 - Highway safety concerns / Traffic increase on small road and access issues.
 - Blind bend that changes from 60 to 30mph.
 - Busy road – heavy farm lorries and machinery.
 - Flooding concerns.
 - 2 no. large oak trees on site.
 - Paddock land, natural habitat for wildlife.
 - Sewage line runs through this land – Thames Water says no new builds are allowed.
 - Rickling Road is a country lane / No passing bays.
 - Construction traffic – damage to verges and hedgerows.

- Outside development limits.
- Lack of infrastructure and services in Wicken Bonhunt.
- Noise and amenity concerns.

8. POLICIES

8.1 National Policies

National Planning Policy Framework (NPPF)
Planning Practice Guidance

8.2 Uttlesford District Local Plan 2005

ULP Policy S7 – The Countryside
ULP Policy ENV3 – Open Spaces and Trees
ULP Policy ENV5 – Protection of agricultural land
ULP Policy ENV8 – Other landscape elements of importance for nature conservation
ULP Policy ENV10 – Noise sensitive development and disturbance from aircraft
ULP Policy ENV12 – Groundwater protection
ULP Policy ENV13 – Exposure to poor air quality
ULP Policy ENV14 – Contaminated land
ULP Policy H9 – Affordable Housing
ULP Policy H10 – Housing Mix
ULP Policy GEN1 – Access
ULP Policy GEN2 – Design
ULP Policy GEN3 – Flood Protection
ULP Policy GEN4 – Good neighbourliness
ULP Policy GEN6 – Infrastructure Provision to Support Development
ULP Policy GEN7 – Nature Conservation
ULP Policy GEN8 – Vehicle Parking Standards

8.3 Supplementary Planning Document/Guidance

SPD Accessible Homes and Playspace (adopted Nov 2005)

8.4 Other Material Considerations

Essex Design Guide
Essex County Council Parking Standards: Design and Good Practice (Sep 2009)
Uttlesford Local Residential Parking Standards (Feb 2013)
Uttlesford District Council Interim Climate Change Planning Policy (Feb 2021)

9 CONSIDERATION AND ASSESSMENT:

9.1

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

- i) **Principle (S7, GEN1, ENV5, and the NPPF);**
- ii) **Design, scale, layout, landscaping (S7, GEN2, ENV3, ENV5, SPD Accessible Homes and Playspace, Essex Design Guide, and the NPPF);**
- iii) **Amenity (GEN2, GEN4, ENV10, ENV13, and Essex Design Guide);**
- iv) **Access and parking (GEN1, GEN8, parking standards, and the NPPF);**
- v) **Ecology (GEN7, ENV8, and the NPPF);**
- vi) **Contamination (ENV14, and the NPPF);**
- vii) **Flood risk (GEN3, ENV12, and the NPPF);**
- viii) **Housing mix and affordable housing (H9, H10).**

- i) **Principle (S7, GEN1, ENV5, and the NPPF);**

9.2

The Case Officer visited the site on 03 Dec 2021. Also, a site notice was erected on site and expired on 01 Oct 2021 and the neighbours were consulted.

9.3

The proposal includes:

- Outline application with all matters reserved except for access for 3 no. dwellings with associated amenity space and parking;
- Materials (indicative).

9.4

The proposal is located outside development limits, within the countryside, with Policies S7, ENV5, GEN1 being relevant. These were subject to a Compatibility Assessment (Jul 2012), concluding they are consistent with the NPPF:

- Policy GEN1(e) prerequisites that development encourages movement by means other than driving a car.
- Policy ENV5 allows development of the best and most versatile agricultural land only where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. Where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.
- Policy S7 takes a more protective approach to countryside development, unlike NPPF's positive stance, but the aim to protect the countryside for its own sake remains entirely relevant and consistent with the NPPF in recognising the intrinsic character and beauty of the countryside (para 174(b)) while identifying opportunities for villages to grow where this would support local services (para 79). Development will be strictly controlled, and isolated houses will need exceptional justification (para 80). S7 states development will only be permitted if its appearance protects or enhances the 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. If there are opportunities for sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements these will be acceptable if development would be in character with the surroundings and have limited impact on the countryside. The test would be about:

- (1) 'isolation' (i.e. spatial/physical separation from a settlement);
- (2) 'proximity to services';
- (3) 'impact on the countryside and local character'.

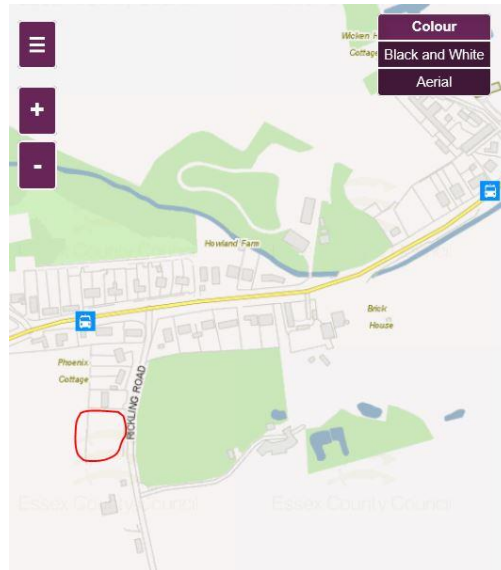
9.5 Applying policy S7 tests in conjunction with paragraph 8 of the NPPF

In economic terms, the proposal will potentially provide a small contribution towards the wider local economy during construction, via employment for local builders and suppliers of materials, and post-construction via reasonable use of local services.

9.6 In social and environmental terms:

For the 'isolation' issue, recent case law (Braintree DC v SSCLG [2018] EWCA Civ. 610) defined 'isolation' as the spatial/physical separation from a settlement or hamlet, meaning that a site within or adjacent to a housing group is not isolated. The site is adjacent to the development limits of Wicken Bonhunt to the north and another dwelling to the south, comprising an infill opportunity, and as such, it is not isolated. Paragraph 80 of the NPPF discourages new isolated homes in the countryside unless there are special circumstances to justify that location. Therefore, paragraph 80 is not applicable on this occasion.

9.7 For the 'proximity to services' issue, the site location is not ideal because access to key services and facilities (e.g. supermarkets), sustainable public transport, employment and leisure opportunities is limited, which means that for the majority of journeys the only practical option would be the use of cars. Although 3 no. new dwellings would support local services in nearby villages, complying with paragraph 79 of the NPPF, this contribution would be modest, and as such, it would hold some weight in decision-making. There is a bus stop within a 200m-radius from the site (see image), with a service twice every weekday. Therefore, the proposal fails to accord with paragraphs 104(c), 110(a) of the NPPF and Policy GEN1(e).



- 9.8** In terms of housing supply, the Council lacks a 5-year housing land supply (3.11 years, Jan 2021). The Local Plan is out-of-date in terms of housing delivery, but it does not necessarily follow that the housing policies per se are out of date. In an Inspector's words *"the implications of an absence of a 5YHLS would not apply more generally to the Council's approach to regulating development in the countryside"* (14/2220272 et al., 13) or in other words *"Policy S7 is the only policy within the LP reflecting the Framework provisions for the recognition of the landscape qualities of the countryside. The element of Policy S7 valuing countryside character and beauty has been identified as consistent with the Framework in most of the other appeal decisions"* (19/3223694, 72-3). Therefore, the proposed dwellings would contribute to the social strand of sustainable development and the housing figure to a modest degree.
- 9.9** Due to the 5YHLS shortfall, paragraph 11(d) of the NPPF is engaged to make sure harm is outweighed by benefits under 11(d)(ii).
- 9.10** For the 'impact on the countryside and local character' issue:
The local character contains a distinct rural feel and countryside setting (see photographs), comprising grassland, bounded by mature trees and hedging on all site boundaries, plus a steep verge on the front boundary. The site is adjacent to the development limits of the village to the north. There are very limited open views/vistas into the site from the public realm and no views to the wider open landscape further to the west. Across the street to the east, there is dense woodland, so there are no direct views through the site. The development will introduce new built form, encroaching into the countryside but it will be seen as a continuation of the existing linear pattern of development in the area (continuing the development envelope) and the natural screening will mitigate any urbanising effects, leading to minimal countryside harm.



- 9.11** The site's history revealed an appeal (13/2199064 – UTT/12/5644/FUL) for 1 no. dwelling, which was dismissed on countryside harm and an unsustainable location. The Inspector noted the site falls within open countryside (3) and car reliance is unavoidable (7) but emphasized the visual intrusion into the open countryside will depend on the scale and height of the proposed dwelling, concluding "*the proposal would materially harm the character and appearance of the countryside*" (13).
- 9.12** A more recent appeal was allowed (19/3241983 – UTT/19/1381/FUL) for 3 no. dwellings in a site 160m to the north-west of the application site, despite conflicts with Policy S7. The Inspector concluded countryside harm would be minimal because that appeal site is not within open countryside, it "*is surrounded by houses and their gardens and two roads*", it is "*seen as a continuation of the existing pattern of development in the immediate area*", and, finally, it reflects the local character of large houses within large plots.
- 9.13** Another appeal on 01 Dec 2021 (21/3277218 – UTT/21/2697/OP) for 3 no. dwellings in a site 340m to the north-east of the application site, was

9.17

Applying policy ENV5 tests

The site comprises agricultural land of 'Very Good' quality (see images, Agricultural Land Classification 2010, Natural England), and thus it is part of the best and most versatile agricultural land in the district (BMV).

Despite the loss of BMV land, contrary to policy ENV5, the plot has not been used for farming purposes since at least 1999, and although there are no reasons why agricultural activities could not resume on site, good quality agricultural land is clearly plentiful within the locality, which means that this policy conflict would hold limited weight.



9.18

Therefore, on balance, the harm does not outweigh the benefits of the development, complying with 11(d)(ii) of the NPPF, and the location is appropriate for new housing.

9.19

Overall, the principle of the development is acceptable, and thus the proposal accords with the NPPF.

ii) Design, scale, layout, landscaping (S7, GEN2, ENV3, ENV5, SPD Accessible Homes and Playspace, Essex Design Guide, and the NPPF);

9.20

In terms of heritage impacts, there are no heritage assets in the vicinity, except for the Protected Lane (see Landscape Officer's comments below).

9.21

Design, scale, layout and landscaping are reserved matters but some preliminary comments can be made here using the indicative details.

9.22

In terms of size and scale, the proposed dwellings will be single storey to 1.5-storey (PDA Statement, 4.9) but no Elevation drawings have been submitted. The dwellings would be expected to respect the neighbouring dwellings and the streetscene, without exceeding their heights and footprints to avoid being visually obtrusive within the streetscene and to minimise countryside impacts. Bedroom numbers are unknown at this

stage. In terms of design, form and layout, the indicative layout is considered acceptable given the retention of trees and hedging to all site boundaries (except for the necessary visibility for highway safety purposes), the addition of new planting and the 'green corridor' to the front boundary that will retain and enhance the green screening of the site. The front drive will lead to the front entrances of the dwellings with parking being to their sides, in compliance with the Essex Design Guide principles. The form of the dwellings of traditional rectangular shape, and the roof gables, are in keeping with the local character.

9.23 In terms of landscape, the existing tree lines and hedging will be retained inasmuch as possible to accommodate appropriate access and visibility (PDA Statement, 3.7, 4.14, 4.21) but landscape is one of the reserved matters. The Landscape Officer wrote "*The large mature oak trees on the road frontage of the site are considered to be of amenity value and should be retained and protected by conditions if approval for the proposed development is granted. Also, a detailed scheme of landscaping should be sorted by condition. With regard to the access the proposed widening of the existing access to 5.7m is acceptable. We would need confirmation that Highways are satisfied with the sightlines. If the sightline requirements were to necessitate the felling of either of the oak trees this would be unacceptable. The proposed access would have minimal impact on the character and fabric of the Protected Lane*".

9.24 The materials will be scrutinised at the reserved matters stage.

9.25 The following conditions are necessary should planning permission be granted:

- Landscaping condition (pre-commencement), to minimise countryside impacts and impacts on the Protected Lane, and to safeguard privacy.
- Construction with Optional Requirement M4(2) of the Building Regs 2010 Doc M, Vol 1 (2015 edition), for all potential users.

9.26 The applicant agreed in writing to all pre-commencement conditions on 30 Nov 2021.

9.27 Overall, the above matters will be further scrutinised at the reserved matters stage.

iii) Amenity (GEN2, GEN4, ENV10, ENV13, and Essex Design Guide);

9.28 Design and layout are among the reserved matters, and as such the following comments are only preliminary at this stage.

9.29 In terms of the residential amenity of the occupants, the dwellings would be up to 1.5-storey with unknown bedroom/persons occupancies; their gross internal areas should be of more than the minimum standards (see

Technical Housing Standards – Nationally Described Space Standard). In terms of private amenity space (garden), the proposed dwellings will have adequate amenity spaces (100m² threshold, see Essex Design Guide).

9.30 In terms of noise, odours, dust and other disturbances, there will be no material increase on site that could harm the amenity of neighbouring occupiers. The Environmental Health Officer may be consulted in the reserved matters stage to confirm this. The Airport Safeguarding Authority raised **no objections** unconditionally.

9.31 In terms of the amenity of neighbouring occupiers, application of the design and remoteness tests (see Essex Design Guide) and the 45-degree tests (see SPD Home Extensions) will be conducted at the reserved matters stage to see whether there is material overshadowing, overlooking (actual or perceived) and overbearing effects, to the detriment of the residential amenity of any neighbouring or prospective occupants.

9.32 Overall, a reserved matters application would establish whether the development would materially harm residential amenities, and thus accord with ULP Policies GEN2, GEN4, ENV10, ENV13, and the Essex Design Guide.

iv) Access and parking (GEN1, GEN8, parking standards, and the NPPF);

9.33 The access is not a reserved matter, and therefore is for consideration under this application.

9.34 From a highway and transportation perspective, following submission of a Speed Survey conducted upon request from ECC Highways, the Highway Authority raised **no objections** subject to conditions in the interests of highway safety, as the proposal accords with ECC Supplementary Guidance – DM Policies (Feb 2011) and policy GEN1. The conditions refer to visibility splays, the dimensions of the drives, surface treatments of the access and inward opening gates.

9.35 As shown in the drawing Relationship Between Retained Oak Trees and Visibility Splays, the 2 no. oak trees that are of amenity value will be behind the visibility splays, and as such, the Landscape Officer's recommendation to retain those trees is adhered to. In other words, there will be no requirement to cut down the trees to provide appropriate visibility, and therefore will be sought to be retained within any future reserved matters application.

9.36 Parking arrangements will be agreed in the reserved matters application. The proposed dwellings will have known bedroom numbers at that time. Under local parking standards, there is a requirement for 2 no. or 3 no. parking spaces for each dwelling depending on number of bedrooms

proposed to meet parking standards. The indicative Proposed Site Access contains 2 no. parking spaces of appropriate dimensions for each dwelling, but visitors' spaces are not of appropriate dimensions (less than 5.5m x 2.9m). This, nonetheless, will be further considered in the reserved matters stage.

- 9.37** Overall, the proposal is acceptable in terms of access, and thus it accords with ULP Policies GEN1, GEN8, and the NPPF.

v) Ecology (GEN7, ENV8, and the NPPF);

- 9.38** Following additional ecological information from the applicant on 06 Oct 2021, the Ecology Officer raised **no objections** subject to securing biodiversity mitigation and enhancement measures, as per paragraph 174(d) of the NPPF. The conditions refer to action in accordance with the appraisal recommendations, a Construction Environmental Management Plan (pre-commencement), and a Biodiversity Enhancement Strategy.

- 9.39** The applicant agreed in writing to all pre-commencement conditions on 30 Nov 2021.

- 9.40** Overall, the proposal is acceptable in nature conservation and biodiversity terms, and thus it accords with ULP Policies GEN7, ENV8, and the NPPF.

vi) Contamination (ENV14, and the NPPF);

- 9.41** In terms of land contamination, the Environmental Health Officer may be consulted in the reserved matters stage to protect human health and the environment. A condition to notify the LPA if any evidence of land contamination is identified is necessary.

- 9.42** A condition is necessary for electric charging points to minimise air quality impacts, in accordance with paragraph 107 of the NPPF.

- 9.43** Overall, the above matters will be further scrutinised at the reserved matters stage.

vii) Flood risk (GEN3, ENV12, and the NPPF);

- 9.44** The site falls within Flood Risk Zone 1, and as such a Flood Risk Assessment (FRA) is not required. Policy GEN3 for flooding has effectively been superseded by the more detailed and up-to-date flood risk policies in the NPPF.

- 9.45** Representations from the Parish Council and local residents raised concerns in relation to potential increase in flood risk. Although there is no evidence to suggest the proposed development would have an adverse effect on flood protection in the area, plus there is no policy requirement to

consult the Environment Agency or SUDS, the applicant has stated that “*It is anticipated that the proposal will incorporate a comprehensive SUDS scheme to deal with surface water runoff from the site*” (PDA Statement, 3.12). As such, a condition is necessary to ensure the applicant complies with their statement to protect the area from surface water drainage issues in compliance with Policy GEN3 and the NPPF. A (pre-commencement) condition for the details of the treatment plant for foul water is also necessary to prevent any potential pollution of water courses.

9.46 The applicant agreed in writing to all pre-commencement conditions on 30 Nov 2021.

9.47 Overall, the proposal is acceptable in terms of flood protection, and thus it accords with ULP Policy GEN3, and the NPPF.

viii) Housing mix and affordable housing (H9, H10).

9.48 Policy H10 states that on sites above 0.1ha or of 3+ dwellings, developments will be required to provide a significant proportion of market housing comprising small properties. In paragraph 6.30 of the Local Plan, it is stated that all developments on a site of 3+ dwellings must include an element of small 2 and 3 bed homes, which must represent a significant proportion of the total, for those households who are able to meet their needs in the market and would like to live in a new home. Notwithstanding the above and considering the latest UDC Housing Study, more sizeable dwellings are needed than smaller ones.

9.49 However, the proposed housing mix is yet unknown, and this matter will be considered at the reserved matters stage when the internal layout of the proposed dwellings will be brought forward.

9.50 In terms of affordable housing, the 40% contribution is not triggered on this occasion, as the development is for less than 0.5 hectares and for less than 10 no. new units.

9.51 Overall, the housing mix issue will be further scrutinised at the reserved matters stage, and the proposal is acceptable in terms of affordable housing, and thus it complies with ULP Policy H9.

10. EQUALITIES

10.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the

Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

11. CONCLUSION

11.1 The submitted would:

- (i) Be acceptable in principle.
- (ii) Have design, scale, layout and landscaping as reserved matters.
- (iii) Have no effect on visual or residential amenities of neighbouring occupiers subject to scrutiny of the reserved matters.
- (iv) Have an acceptable access with appropriate visibility splays that would not compromise highway safety.
- (v) Protect and enhance protected and priority species and habitats, providing net biodiversity gains.
- (vi) Not lead to land contamination.
- (vii) Not increase flood risk.
- (viii) Not provide, by nature, information for bedroom numbers; housing mix to be scrutinised at the reserved matters stage. No affordable housing requirement triggered.

11.2 It is therefore recommended that the application be approved subject to conditions.

Agenda Item 8

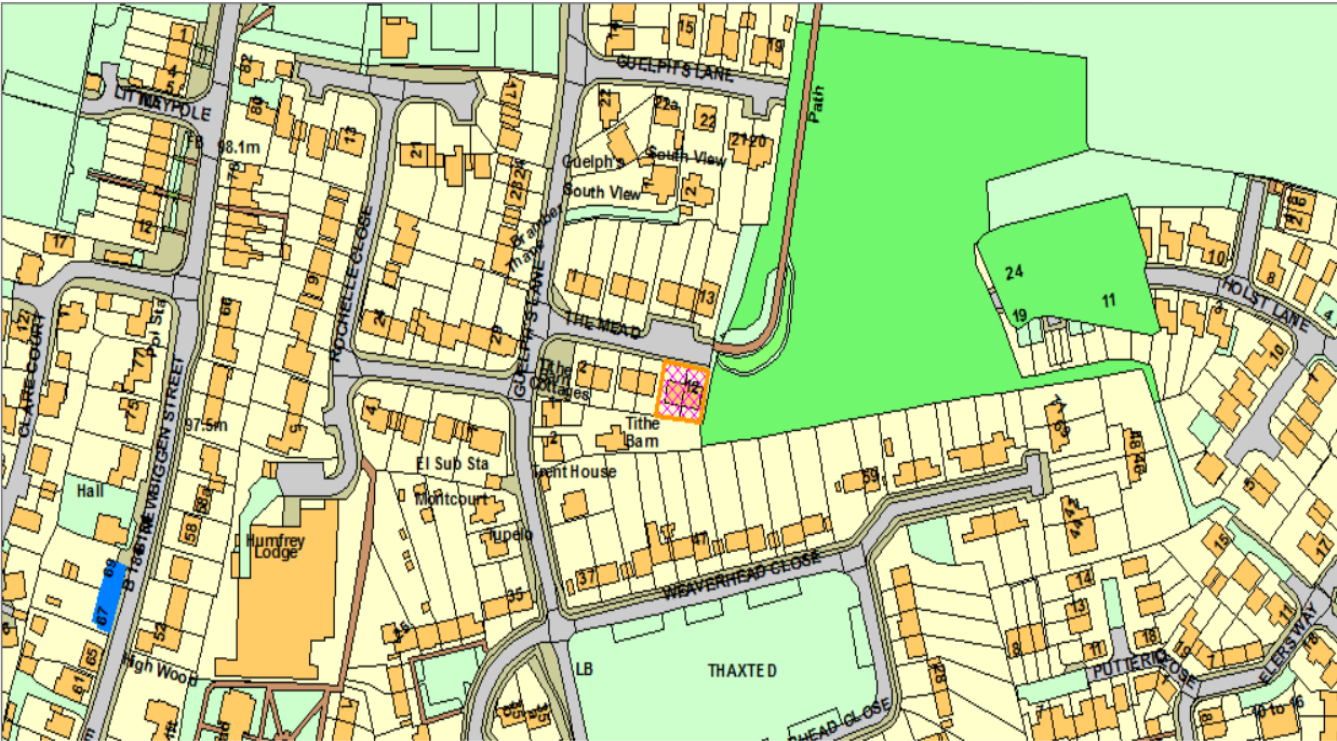
Agenda Item Number:

REFERENCE NUMBER: UTT/21/1850/OP

LOCATION: 10 AND 12 THE MEAD

THAXTED CM6 2PU

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 11th November 2021

PROPOSAL: Outline application with all matters reserved for the demolition of a pair of defective bungalows and the erection of 1 no. bungalow together with new vehicular parking and associated external works

LOCATION: 10 And 12 The Mead Thaxted CM6 2PU

APPLICANT: Mr P Lock

AGENT: The Design Partnership (Ely) Ltd

EXPIRY DATE: 17th December 2021 (Extension of Time Agreed)

CASE OFFICER: William Allwood

1. RECOMMENDATION: APPROVE, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) Approval of the details of layout, scale, appearance, and landscaping (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: In accordance with Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

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

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

- 5) Prior to the first occupation of the development the access arrangements and vehicle parking as indicated on DWG no. UDC-916-P01 (dated, 03-02-2021) shall be provided. The access and parking area shall be retained in perpetuity for their intended purpose.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the adopted Uttlesford Local Plan 2005 and the National Planning Policy Framework 2021.

- 6) Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and always retained.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).⁷⁾ Vehicle parking shall be in accordance with the EPOA Parking Standards and as shown in principle in drawing number 5390/03/A.

- 7) No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 8) Prior to any works on site, a full Ecological Survey and Assessment shall be agreed in writing with the local planning authority. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details

REASON: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), in accordance with the provisions of Policy GEN7 of the adopted Uttlesford Local Plan 2005, Policies NE1 and NE4 of the Made Thaxted Neighbourhood Plan 2019, and the National Planning Policy Framework 2021.

- 9) Concurrent with the Reserved Matters submission, Biodiversity, with reference to the mitigation outlined within the Ecological Survey and Assessment, shall be submitted to and approved in writing by the local planning authority. This should include the protection of adjacent habitats during construction; implementation of pollution prevention measures; retention of existing boundary features and semi-mature/mature trees; best practice for lighting, trenching, materials and waste management during the construction phase. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

REASON: To conserve Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species), in accordance with the provisions of Policy GEN7 of the adopted Uttlesford Local Plan 2005, Policies NE1 and NE4 of the Made Thaxted Neighbourhood Plan 2019, and the National Planning Policy Framework 2021.

- 10) Concurrent with the Reserved Matters submission, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Survey and Assessment (Essex Mammal Surveys, February 2020), shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

REASON: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species), in accordance with the provisions of Policy GEN7 of the adopted Uttlesford Local Plan 2005, Policies NE1 and NE4 of the Made Thaxted Neighbourhood Plan 2019, and the National Planning Policy Framework 2021.

- 11) Concurrent with the Reserved Matters submission, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate technical specification) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species), in accordance with the provisions of Policy GEN7 of the adopted Uttlesford Local Plan 2005, Policies NE1 and NE4 of the Made Thaxted Neighbourhood Plan 2019, and the National Planning Policy Framework 2021.

- 12) In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with Land contamination risk management published by the Environment Agency. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures, a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

REASON: In the interests of safety, residential amenity, and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 13) Prior to dwelling occupation, the dwelling shall be provided with electric vehicle charging points. The charging points shall be fully wired and connected, ready for first use and retained for occupant use thereafter.

REASON: To encourage/support cleaner vehicle usage in accordance with the NPPF and Policies ENV13 and GEN2 of the Uttlesford Local Plan (adopted 2005).

2. DESCRIPTION OF SITE

- 2.1 The application site comprises an area of 0.031 hectares and is characterised as vacant residential plot which currently has two semi-detached single storey bungalows on it. The site is within the development limits of Thaxted, with the main town centre facilities approximately 0.5 km away.
- 2.2 The site is within a residential area of similar single storey dwellings and adjoins open space to the east.

3. PROPOSAL

- 3.1 Outline approval is sought with all matters reserved for the demolition of a pair of defective bungalows, and the erection of 1 no. bungalow together with new vehicular parking and associated external works
- 3.2 The proposed dwelling is indicated to be of single storey scale, with a new cross over which will serve the car parking spaces. A rear garden is provided and will have electric charging point, air source heat pump and photovoltaic panels.
- 3.3 No elevation drawings have been submitted.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

5. APPLICANTS CASE

- 5.1 The following documents have been submitted in support of the outline planning application:
- Biodiversity
 - SUDS
 - Transport Statement

6. RELEVANT SITE HISTORY

- 6.1 The only applications relevant to the site are:
- DUN/0186/56: Erection of housing on 3.880 acres: Approved
 - DUN/0184/57: Site for housing (Details approved 03-06-1959 & 04-07-1963) Approved
- 6.2 The site has been subject to pre-application advice prior to submission.

7. CONSULTATIONS

Thaxted Parish Council

- 7.1 The Town Council objects to this application. They consider that a special scientific interest survey was not done and only one unit is being provided. In addition, this will be for market housing rather than social housing.

Essex County Council as Local Highway Authority

- 7.2 No objections, subject to conditions and mitigation.

Uttlesford DC Environmental Health

- 7.3 No adverse comments, subject to conditions.

8. REPRESENTATIONS

Representation was received from neighbouring residents, and the following observations have been made:

- Loss of social housing
- Commercial gain
- Increase in traffic and therefore highway safety
- Biodiversity survey should be done

9. POLICIES

- 9.1 S70(2) of The Town and Country Planning Act 1990 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.

- 9.2 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 9.3 National Policies

National Planning Policy Framework (NPPF) (2021)
National Planning Policy Guidance (NPPG)

- 9.4 Uttlesford District Local Plan Adopted 2005

- ULP Policy S3 - Other Development Limits
- ULP Policy H3 – New Houses within Development Limits
- ULP Policy H4 – Backland Development

- ULP Policy ENV14 – Contaminated Land
- ULP Policy ENV15 – Renewable Energy
- ULP Policy GEN1 – Access
- ULP Policy GEN2 – Design
- ULP Policy GEN3 – Flood Risk
- ULP Policy GEN4 - Good neighbourliness
- ULP Policy GEN7 – Nature Conservation
- ULP Policy GEN8 – Vehicle Parking Standards Policy
- ENV10 – Noise Sensitive Development

9.5 Supplementary Planning Documents/Guidance

SPD – Accessible Homes and Playspace (2005)
 The Essex Design Guide
 Parking Standards: Design and Good Practice (2009)
 Uttlesford Local Residential Parking Standards (2013)
 Interim Climate Change Policy (2021)

9.6 Thaxted Neighbourhood Plan 2017 - 2033

The application site is within the Thaxted Neighbourhood Plan Area. The Neighbourhood Plan was made in February 2019. The following policies of the Neighbourhood Plan are relevant to the proposed development.

- TX HD1 - Scale and Location of New Development
- TX HD2 - Local Housing Needs
- TX HD10 - Design Principles
- TX LSC3 – Wildlife Habitats and landscape features

10. APPRAISAL

10.1 The issues to consider in the determination of this Outline Application are:

- I. Principle of Development (S1, H3, H4, NPPF);**
 - II. Highways and Access (ULP Policy GEN1);**
 - III. Character and Design (indicative scheme) (ULP Policies GEN2, GEN8 and ENV10);**
 - IV. Contaminated Land (ULP Policy ENV14).**
 - V. Biodiversity (ULP GEN7, NPPF, TX LSC3)**
- Principle of development**

- 10.2 The NPPF encourages sustainable development in Paragraph 11 of the NPPF. This presumption is increased where there is no 5-year land supply for housing. In this regard, the most recent housing trajectory, 'Housing Trajectory and 5-Year Land Supply Statement (January 2021)', identifies that the Council has a 3.11-year land supply. Therefore, contributions towards housing land supply must be regarded as a positive effect.
- 10.3 ULP Policy S3 states that the boundaries of Thaxted is defined on the Proposals Map. Development compatible with the settlement's character and countryside setting will be permitted within these boundaries.
- 10.4 ULP Policy H3 states that infilling with new houses will be permitted on land in each of the following settlements if the development would be compatible with the character of the settlement and, depending on the location of the site, its countryside setting. This will be

in addition to the sites specifically allocated as urban extensions and settlement expansions. Windfall sites will be permitted if they meet all the following relevant criteria:

- a) The site comprises previously developed land.
- b) The site has reasonable accessibility to jobs, shops and services by modes other than the car, or there is potential for improving such accessibility.
- c) Existing infrastructure has the capacity to absorb further development, or there is potential for its capacity to be increased as necessary.
- d) Development would support local services and facilities; and
- e) The site is not a key employment site.
- f) Avoid development which makes inefficient use of land.

- 10.5 As the site is located within the development limits of Thaxted, the principle of development is acceptable, subject to all other material considerations, specifically those relating to design and residential amenity. The proposal therefore complies with ULP Policies S3 and H3 of the Uttlesford Local Plan 2005 and the National Planning Policy Framework 2021.

Highways and Access

- 10.6 The site would be accessed from The Mead. Comments regarding access and highway safety have been received from third parties.
- 10.7 Policy GEN1 of the Uttlesford Local Plan requires that access must be capable of carrying the traffic generated by the development safely and that it can be accommodated on the surrounding road network. It is considered that the amount of traffic generated from the development could be accommodated and that there would be no impact upon the surrounding road network.
- 10.8 Essex County Council as Local Planning Authority have no objections to the scheme, subject to conditions and informatives.
- 10.9 The proposal is therefore deemed to be consistent with Policy GEN1 of the adopted Uttlesford Local Plan 2005, and the National Planning Policy Framework (NPPF) (2021), subject to the above

Character and Design (indicative scheme)

- 10.10 The proposal is to demolish the existing bungalow. The existing bungalows are not considered to be fit for human occupation as there are structural problems. Comments have been received that there is subsidence to these dwellings.
- 10.11 The proposal is to replace the single storey building with a larger single storey building. It is noted that the site does have two one-bedroom bungalows and the proposal is for a three-bedroom bungalow. This will increase the amount of bedroom space. The garden size is consistent with guidance contained in the Essex Design Guide.
- 10.12 No elevational details have been provided but an indicative floor plan and roof plan has been shown. The area is characterised by single storey dwellings and therefore the proposed bungalow would be fit in with the character of the area. It is noted that the bungalow will be larger than the current bungalow on site, but in overall terms, the bungalow will be sited over two existing plots, and in terms of urban grain, would sit well within this character.
- 10.13 There are no details of the heights and considering that the other properties are uniform in this matter the overall height of the bungalow should not be higher than these and a full

detailed street scene and elevations will be required at reserved matters stage. Matters of appearance would be assessed at the detailed design stage.

- 10.14 Comments regarding the loss of a unit have been received. However, the Local Plan is silent on this form of development and would be unreasonable to refuse the application on this ground. In addition, the loss of a social housing has also been raised. The Local Plan does not protect this tenure of housing, but it is noted that there will be an increase in the number of overall bedrooms from 2 to 3 and would be considered beneficial, as the existing bungalows are described as being unfit for human habitation.
- 10.15 The proposal will be single storey in height. The indicative plans show that the building will be set in from the boundary with the adjoining property to the west and have a hipped roof. The proposed bungalow would be aligned with the rear of the neighbouring property and therefore would have no significant impact upon these neighbouring properties above the existing situation.
- 10.16 The new access would be to the side of the plot and near the neighbouring occupier of 23. The proposal is for an indicative 2 bed unit for a single family. Although there would be an increase in vehicular movement at the site in this location, this would be minimal compared to other uses, and therefore the slight increase in movements would not create noise and disturbance to a level that would be harmful to the neighbouring occupier. In addition to this, Uttlesford DC Environmental Health Officers have raised no objection on regards to noise. However, they have requested a condition regarding contaminated land watching brief.
- 10.17 On balance, it is considered that the proposed bungalow, subject to full design and details, would provide the necessary high-quality development and would ensure that a habitable dwelling is provided which would benefit a larger family. This would be in accordance with the policy TX HD1, TX HD2, TX HD10 of the Thaxted Neighbourhood Plan, Policies H3, ENV15, GEN1, GEN2, GEN4 AND GEN8 of the Uttlesford Local Plan and NPPF.

Contaminated Land (ULP Policy ENV14).

- 10.18 The Uttlesford DC Environmental Health have raised no objection to the proposal but have recommended a condition. Subject to condition the proposal is acceptable in terms of Policy ENV14 of the adopted Local Plan.

Biodiversity

- 10.19 Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.
- 10.20 In addition to biodiversity and protected species being a material planning consideration, there are statutory duties imposed on local planning authorities. Section 40(1) of the Natural Environment and Rural Communities Act 2006 states "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." This includes local authorities carrying out their consideration of planning applications. Similar requirements are set out in Regulation 3(4) of the Conservation (Natural Habitats &c) Regulations 1994, Section 74 of the Countryside and Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010
- 10.21 The application is supported by a Biodiversity Checklist. The proposal within a residential

area. However, the site adjoins open fields to the east and there is mature planting close to the site which could accommodate wildlife and therefore a biodiversity appraisal would be needed, however this can be conditioned.

- 10.22 No objection to the proposal subject to conditions securing biodiversity mitigation and enhancement. The proposal is therefore consistent with the implementation of Policy GEN7 of the adopted Uttlesford Local Plan, and the NPPF.

Equality Act 2010

- 10.23 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

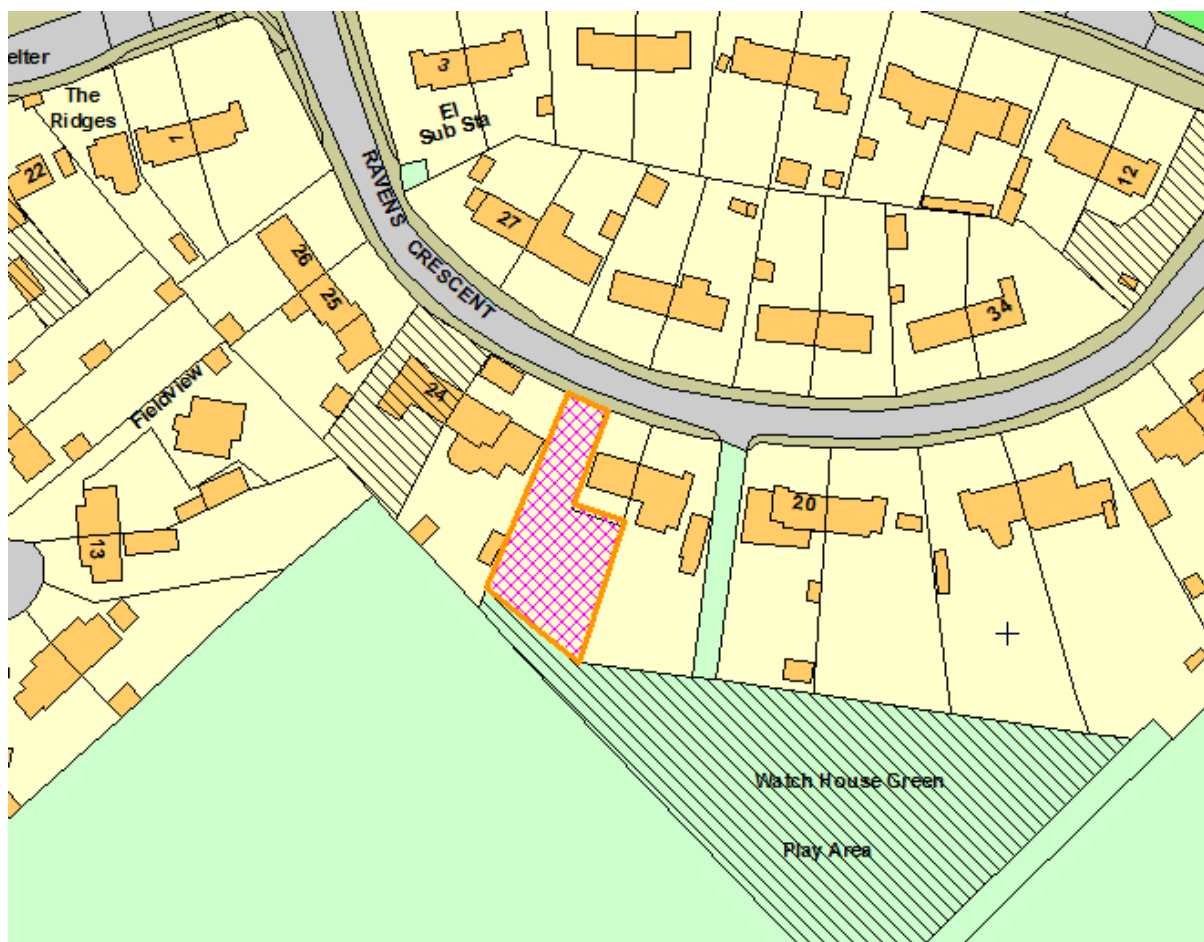
Agenda Item 9

Agenda Item Number:

REFERENCE NUMBER: UTT/21/1853/OP

**LOCATION: 22 RAVENS CRESCENT FELSTED
CM6 3EH**

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 15th December 2021

PROPOSAL: Outline application with all matters reserved for the erection of 1 no. bungalow together with new access including replacement vehicular parking for no. 22 and associated external works

LOCATION: 22 Ravens Crescent Felsted CM6 3EH

APPLICANT: Mr P Lock

AGENT: The Design Partnership (Ely) Ltd

EXPIRY DATE: 17th December 2021 (Extension of Time Agreed)

CASE OFFICER: William Allwood

1 RECOMMENDATION: APPROVE, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) Approval of the details of layout, scale, appearance, and landscaping (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) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.

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.

- 3) The development hereby permitted shall be begun no later than the expiration of 2 years 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.

- 4) Prior to occupation of the development, the existing dwelling (22 Ravens Crescent) shall be provided with an appropriate dropped kerb vehicle crossover

of the footway.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 5) Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and always retained.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 6) The proposed development shall not be occupied until such time as the vehicle parking area, for the existing dwelling (22 Ravens Crescent) and the proposed dwelling, as indicated on the approved plans has been provided. The vehicle parking area and associated turning area shall be always retained in this form.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 7) No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 8) Prior to dwelling occupation, the dwelling shall be provided with electric vehicle charging points. The charging points shall be fully wired and connected, ready for first use and retained for occupant use thereafter.

REASON: To encourage/support cleaner vehicle usage in accordance with the National Planning Policy Framework 2021, and Policies ENV13 and GEN2 of the Uttlesford Local Plan (adopted 2005).

- 9) If contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with Land contamination risk management published by the Environment Agency. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures, a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

REASON: In the interests of safety, residential amenity, and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

2. DESCRIPTION OF SITE:

- 2.1 The site comprises a tiled and red brick two storey three bedroomed semi-detached dwelling and rear garden plot which lies within a 1960's residential crescent off Braintree Road. The dwelling has not been previously extended, but a single storey building exists on site.

3. PROPOSAL

- 3.1 An indicative site layout has been submitted with the application which shows how the proposed bungalow could be accommodated on the site, with vehicular access and car parking. No elevations are shown but a floor plan has been provided which shows that the dwelling would be a 2 bed, 4 person dwelling which will have 80m² floor area.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

5. APPLICANT'S CASE:

- 5.1 The applicants have submitted the following:
- Biodiversity Checklist
 - SUDS
 - Transport Statement

6. RELEVANT SITE HISTORY:

- 6.1 None

7. PARISH COUNCIL COMMENTS

- 7.1 Felsted Parish Council have made the following observations:
- Impact upon neighbouring properties
 - Not in accordance with Felsted Neighbourhood Plan or Uttlesford Local Plan
 - Overdevelopment

8. CONSULTATIONS

Local Highway Authority

- 8.1 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to conditions.

Environmental Health

- 8.2 The application site is outside aircraft and outside other transportation noise significance contours. The site is also outside the Air Quality Management Zone. It is considered that due to the limited scope of the development it will not negatively impact neighbouring properties. It is considered that the land contamination risk is low, a watching brief condition is recommended to ensure any discovered land contamination is reported to the LPA.
- 8.3 I therefore have no in principal objections to the development subject to the following condition being attached to any consent that maybe granted.

9. REPRESENTATIONS:

The comments raise the following issues:

- Out of keeping
- Loss of garden space
- Loss of outlook and privacy
- Noise and disturbance
- Highway safety

10. POLICIES:

Uttlesford Local Plan (2005)

ULP Policy S3 - Other Development Limits
ULP Policy H3 – New Houses within Development Limits
ULP Policy H4 – Backland Development
ULP Policy ENV14 – Contaminated Land
ULP Policy GEN1 – Access
ULP Policy GEN2 – Design
ULP Policy GEN3 – Flood Risk
ULP Policy GEN4 - Good neighbourliness
ULP Policy GEN7 – Nature Conservation
ULP Policy GEN8 – Vehicle Parking Standards

S70(2) of The Town and Country Planning Act 1990 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.

S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

A full list of policies taken into account whilst reviewing this application are listed above.

Other Material Considerations:

Supplementary Planning Documents/Guidance

SPD – Accessible Homes and Playspace (2005)

The Essex Design Guide

Parking Standards: Design and Good Practice (2009)

Uttlesford Local Residential Parking Standards (2013)

Interim Climate Change Policy (2021)

National Policies:

National Planning Policy Framework (NPPF) (2021)

PPG – Design

Felsted Neighbourhood Plan (2018 - 2033):

FEL/HN1 Meeting Housing Needs

FEL/HN4 Residential Development within Development Limits

FEL/HN7 – Housing Mix

FEL/ICH 1 – High Quality Design

FEL/INF1 – Flood Risk

11. APPRAISAL:

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

1. **Principle of Development (S1, H3, H4, NPPF);**
2. **Character and Design (indicative scheme) (ULP Policies GEN2, GEN8 and ENV10);**
3. **Access (ULP Policy GEN1);**
4. **Contaminated Land (ULP Policy ENV14).**

Principle of Development (S1, H3, H4, NPPF)

- 11.2 The NPPF encourages sustainable development in Paragraph 11 of the NPPF. This presumption is increased where there is no 5-year land supply for housing. In this regard, the most recent housing trajectory, 'Housing Trajectory and 5-Year Land Supply Statement (January 2021)', identifies that the Council as a 3.11-year land supply. Therefore, contributions towards housing land supply must be regarded as a positive effect.
- 11.3 Policy S3 of the adopted Local Plan states that the boundaries of Felsted is defined on the Proposals Map. Development compatible with the settlement's character and countryside setting will be permitted within these boundaries. Policy H3 states that infilling with new houses will be permitted on land in each of the following settlements if the development would be compatible with the character of the settlement and, depending on the location of the site, its countryside setting. This will be in addition to the sites specifically allocated as urban extensions and settlement expansions. Windfall sites will be permitted if they meet all the following relevant criteria:
- a) The site comprises previously developed land.
 - b) The site has reasonable accessibility to jobs, shops and services by modes other than the car, or there is potential for improving such accessibility.
 - c) Existing infrastructure has the capacity to absorb further development, or there is potential for its capacity to be increased as necessary.
 - d) Development would support local services and facilities; and
 - e) The site is not a key employment site.
 - f) Avoid development which makes inefficient use of land.
- 11.4 As the site is located within the development limits of Felsted, the principal of further housing development is considered acceptable . The site location is to the rear and would be considered garden land. Although this would not be considered previously developed land the proposal would also be within residential use and subject to final reserved matters would be considered acceptable and compatibility with policy H4. The site is accessible to jobs, services and shops as there are amenities such as shops and schools be within a settlement of Felstead. The proposal is for a single dwelling house and therefore will have limited impact upon infrastructure and discussed further below. By adding a new dwelling, it would be envisaged that the future occupiers would utilise the facilities in the local area and therefore provide some limited support to the local services. The proposal is for a single dwelling and considering the plot of land and its size it can accommodate a new dwelling, subject to all other material considerations, specifically those relating to design and residential amenity. The proposal therefore complies with Policies S3 and

H3 of the adopted Uttlesford Local Plan 2005, and the National Planning Policy Framework 2019.

- 11.5 Policy H4– Backland Development - states that development of a parcel of land that does not have a road frontage will be permitted, if all the following criteria are met:
- a) There is significant under-use of land and development would make more effective use of it.
 - b) There would be no material overlooking or overshadowing of nearby properties.
 - c) Development would not have an overbearing effect on neighbouring properties.
 - d) Access would not cause disturbance to nearby properties.
- 11.6 The site is within the development limits of Felsted. The proposal is an outline application to provide a single dwelling. The Local Plan encourages development to be within existing development boundaries.
- 11.7 It is considered that the benefits of the development outweigh the harm and subject to other criteria, discussed below that proposal is considered acceptable in principle.

Character and Design (indicative scheme) (ULP Policies S3, H3, H4, GEN2, GEN8 and ENV14).

- 11.8 Matters concerning design are reserved matters and do not fall to be considered for the current renewal outline application. Furthermore, it should be noted that the application proposal is submitted for a single dwelling. As such, any assessment at this outline stage would be to show whether the site in indicative form can accommodate one dwelling against adopted parking standards and advisory garden amenity standards where the indicative site layout shows this maximum number for consideration.
- 11.9 In addition to this policy H4 states that:
- Development of a parcel of land that does not have a road frontage will be permitted, if all the following criteria are met:
 - a) There is significant under-use of land and development would make more effective use of it.
 - b) There would be no material overlooking or overshadowing of nearby properties.
 - c) Development would not have an overbearing effect on neighbouring properties.
 - d) Access would not cause disturbance to nearby properties.
- 11.10 The Felsted Neighbourhood Plan policy FEL/HN4 is also relevant. This policy seeks those developments within development limits seek to have developments that respect the character of the area.

- 11.12 The site is to the rear of the site and therefore considered to be backland development. This is garden land and therefore not considered to be previously developed land as per the definition in the NPPF. The design of the building will be single storey in form, as provided by the indicative plans. There is room to the side and to the rear of the site. The plot size is larger than other adjoining properties and therefore it is considered that there is an underutilisation of the land.
- 11.13 Comments have been received regarding the character of the area. However, this is an outline application, and the proposal is seeking whether a single storey dwelling house can be accommodated on site and policy H4 does not require backland developments to have a frontage to the street.
- 11.14 The proposal is for a single storey dwelling. There is an indicative plan showing a layout of the dwelling. These windows will be at ground floor level. The site is bounded by boundary treatment and due to the intervening boundary treatment and the proposed bungalow, it is not considered that the proposal will have any significant overlooking to the neighbouring properties.
- 11.15 The dwelling is positioned to the rear of the site. There are no elevational details as this is an outline application. The proposal will come close to the adjoining neighbours and therefore the design and height of the dwelling will need to be carefully considered at reserved matters stage as the neighbouring occupiers are positioned to the north, east and west of the development site. It is noted that the proposal being towards the rear would mitigate some impact of overshadowing to the neighbours, but this will need to be considered fully in the design stage at the reserved matters stage of the development.
- 11.16 The proposed development would be towards the rear part of the plot. Being single storey in form it is considered that a single storey building would not have an overbearing impact upon the adjoining neighbours.
- 11.17 The new access would be to the side of the plot and near the neighbouring occupier of 23. The proposal is for an indicative 2 bed unit for a single family. Although there would be an increase in comings and goings, this would be minimal compared to other uses and therefore the slight increase in movements would not create noise and disturbance to a level that would be harmful to the neighbouring occupier. In addition to this Environmental Health have raised no objection on regards to noise. However, they have requested a condition regarding contaminated land watching brief.
- 11.18 From the plans it should be noted that a 2-bed unit will require to provide 50sqm of amenity space and the existing dwelling will require 100sqm of amenity space. The indicative plans show that the existing house would have a reduced garden to around 60sq.m., with the proposed bungalow being policy compliant. Whilst the reduction in useable garden space for the host dwelling at 22 Ravens Crescent is less than ideal, this in itself is not considered a reason for refusal.
- 11.19 In balancing the need for housing, pushing development to existing urban areas and the lack of smaller housing, it is considered that the two-bedroom bungalow

would be acceptable subject to final design and size, but it is considered that at this outline stage the site can accommodate a new dwelling.

Access (ULP Policy GEN1)

- 11.20 Comments have been received locally regarding the proposal will have a detrimental impact upon the highway. The submitted outline scheme shows the new access for the bungalow and new car parking spaces for the existing dwelling. Essex County Council as Local Highway Authority have been consulted and have raised no objections, subject to conditions. It is considered that the proposal is acceptable regarding Policy GEN1 of the adopted Uttlesford Local Plan 2005.

Contaminated Land (ULP Policy ENV14).

- 11.21 The Environmental Health have raised no objection to the proposal but have recommended a condition. Subject to condition the proposal is acceptable in terms of Policy ENV14 of the Local Plan.

Equality Act 2010

- 11.22 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy, and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Agenda Item 10

REFERENCE NUMBER: UTT/21/2376/FUL

**LOCATION: Land To The West Of, High Lane,
Stansted**

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 1st November 2021

PROPOSAL: Variation of condition 18 (footpaths) of planning permission UTT/18/1993/FUL - condition 18 to read "The pedestrian links, as indicated on drawing no. BRD/19/045/052 as Footpath 1 and Footpath 4, shall be constructed to a minimum width of 2 metres"

APPLICANT: Amherst Homes

AGENT: Tayla Morhall (Amherst Homes)

EXPIRY DATE: 17/12/2021

CASE OFFICER: Chris Tyler

NOTATION: Outside Development Limits

1. RECOMMENDATION: APPROVE VARIATION OF CONDITION 18 - SUBJECT TO CONDITIONS

1.2 CONDITIONS:

1.2.1 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

1.2.2 The development hereby approved shall be full accordance with the remediation details approved under condition 2 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: To protect human health and the environment and in accordance with ULP Policy ENV14.

1.2.3 The development hereby approved shall be full accordance with the validation report approved under condition 3 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: To protect human health and the environment and in accordance with ULP Policy ENV14.

1.2.4 The development hereby approved shall be full accordance with the noise protection details approved under condition 4 of planning application

UTT/18/1993/FUL and formally discharged under application
UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local
planning authority.

REASON: To protect the proposed residential dwelling in regards to noise
generators and in accordance with ENV11.

- 1.2.5 The development hereby approved shall be full accordance with the
construction management plan approved under condition 5 of planning
application UTT/18/1993/FUL and formally discharged under application
UTT/19/2727/DOC (12/8/2020) unless otherwise agreed in writing by the local
planning authority.

REASON: This pre-commencement condition is required to ensure there is a
sufficient scheme for the appropriate loading/unloading facilities are available
so that the highway is not obstructed during the construction period in the
interest of highway safety, also to ensure there is not any significant impact or
loss of amenity to neighbouring properties in accordance with ULP Policies
GEN1, GEN4

- 1.2.6 The development hereby approved shall be full accordance with the surface
water drainage details approved under condition 6 of planning application
UTT/18/1993/FUL and formally discharged under application
UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local
planning authority.

REASON: To ensure the has a sufficient drainage scheme and to reduce the
impact of flooding on the proposed development, future occupants and third
party properties during extreme events in accordance with Uttlesford Local
Plan Policy GEN3, adopted 2005.

- 1.2.7 The development hereby approved shall be full accordance with scheme of off-
site flooding details approved under condition 7 of planning application
UTT/18/1993/FUL and formally discharged under application
UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local
planning authority.

REASON: To ensure the has a sufficient drainage scheme and to reduce the
impact of flooding on the proposed development, future occupants and third
party properties during extreme events in accordance with Uttlesford Local
Plan Policy GEN3, adopted 2005.

- 1.2.8 The development hereby approved shall be full accordance with the
maintenance plan approved under condition 8 of planning application
UTT/18/1993/FUL and formally discharged under application
UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local
planning authority.

REASON: To ensure the has a sufficient drainage scheme and to reduce the impact of flooding on the proposed development, future occupants and third party properties during extreme events in accordance with Uttlesford Local Plan Policy GEN3, adopted 2005.

- 1.2.9 All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report sections 5 and 6 (Southern Ecological Solutions, July 2018) and the Badger Survey (Southern Ecological Solutions, August 2018) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This includes bat sensitive lighting, planting which enhances the environment for bats, installation of bat boxes, due diligence regarding nesting birds, due diligence for hedgehogs when undertaking vegetation clearance, creation of hedgehog habitat, permeable boundaries for hedgehogs, retain boundary trees and hedgerows, covering of trenches at night, storing of chemicals in sealed compounds, demarcation of a 20m exclusion zone around sets prior to closure, plantings to include grassland and fruiting trees to increase forage for badgers.

REASON: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998 and in accordance with ULP Policy GEN7.

- 1.2.10 The development hereby approved shall be full accordance with the ecology details submitted under condition 10 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and S17 Crime & Disorder Act 1998 and in accordance with ULP Policy GEN7) and S17 Crime & Disorder Act 1998 and in accordance with ULP Policy GEN7

- 1.2.11 The development hereby approved shall be full accordance with the Biodiversity Enhancement Layout, submitted under condition 11 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/3075/DOC (27/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998 and in accordance with ULP Policy GEN7.

- 1.2.12 The development hereby approved shall be full accordance with the archaeological programme of trial trenching and excavation submitted under condition 12 of planning application UTT/18/1993/FUL and formally discharged under application UTT19/2586/FUL (30/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: The historic environmental record indicates that the proposed development site lies on the opposite side of the road from sensitive area of archaeological assets in accordance with ULP Policy ENV4.

- 1.2.13 The development hereby approved shall be full accordance with the hard and soft landscaping details as approved under condition 13 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/3075/DOC (27/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: The use of such pre commencement condition is required to ensure compatibility with the character of the area in accordance with ULP Policies S7 and GEN2 of the Uttlesford Local Plan (adopted 2005), and to prevent highway safety issues relating to surface water runoff and loose materials in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 1.2.14 The development hereby approved shall be full accordance with the tree protection plan as approved under condition 14 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2727/DOC (12/8/2020) unless otherwise agreed in writing by the local planning authority.

REASON: The use of this condition is required to ensure the protection of the existing trees during the construction of the development in accordance with Local Plan Policies ENV3 of the Uttlesford Local Plan (adopted 2005).

- 1.2.15 The development hereby approved shall be full accordance with the materials approved under condition 15 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Uttlesford Local Plan Policies GEN2 and ENV1

- 1.2.16 First and second floor flank windows serving en-suites, landings, bathroom and dual secondary dual aspect windows shall be obscurely glazed with glass of obscuration level 4 or 5 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the

local planning authority. Glazing of that obscuration level shall thereafter be retained in that/those window(s).

REASON: To avoid overlooking of the adjacent property in the interests of residential amenity in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 1.2.17 Prior to occupation of any dwelling, the provision of an access formed at right angles to High Lane, as shown in principle on drawing no. E3724/100/C (dated 27/02/2017) to include but not limited to: minimum 5.5 metre carriageway width with minimum radii of 6 metres, two 2 metre footways, pedestrian crossing points, relocation of footway and guard railing to the north of the access and clear to ground visibility splays with dimensions of 2.4 metres by 70 metres to the north and 2.4 metres by 133 metres to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall retained free of any obstruction at all times.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to provide adequate inter-visibility between and in accordance with ULP Policy GEN1

- 1.2.18 The pedestrian links, as indicated on drawing no. BRD/19/045/052 as Footpath 1 and Footpath 4, shall be constructed to a minimum width of 2 metres.

REASON: In the interests of accessibility and in accordance with ULP Policy GEN1

- 1.2.19 The internal visibility splays and layout shall be provided as indicated on DWG no. P18-0133_01 Rev N. The visibility splays shall remain free from obstruction at all times.

REASON: To ensure adequate visibility is provided, in this interest of highway safety and efficiency and in accordance with ULP Policy GEN1

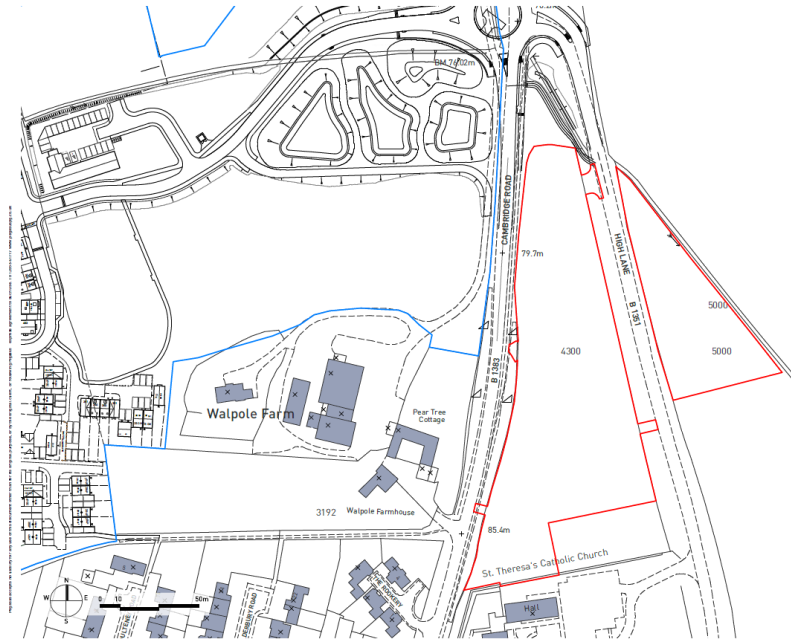
- 1.2.20 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety and in accordance with ULP policy GEN1,

2. DESCRIPTION OF THE SITE :

- 2.1 The application site is to the west of High lane in the parish of Stansted Mountfitchet. The application site has recently been constructed and includes a development of 35 dwellings and associated works. As set in plan 1 (below) the overall site is bound by High Lane to the east and the B1383 Cambridge Road to the west. To the south of the site is a Catholic Church.

2.2



Plan 1- Location Plan

2.3 PROPOSAL

2.4 The application is to variation the wording of condition 18 (footpaths) of planning permission UTT/18/1993/FUL.

The current condition includes;

The pedestrian links, as indicated on drawing no. P18-0133_01 (Rev N) as Path 1, Path 2 and Path 3, shall be constructed to a minimum width of 2 metres. REASON: In the interests of accessibility and in accordance with ULP Policy GEN1.

This application proposes to vary the condition to state:

"The pedestrian links, as indicated on drawing no. BRD/19/045/052 as Footpath 1 and Footpath 4, shall be constructed to a minimum width of 2 metres REASON: In the interests of accessibility and in accordance with ULP Policy GEN1. "

2.5 The variation of the condition will result in the removal of two of the approved pedestrian access points to the site, as demonstrated on plan 2 (below).

2.6



Plan 2 - Originally Approved Scheme

■ = Foot path to be removed under a separate Deed of Variation of the S106 Agreement that formed part of UTT/18/1993/FUL

2.7

It is also noted that the provision of the foot paths were secured in the S106 agreement as part of the original planning approval for the development (UTT/18/1993/FUL). As such a subsequent application (UTT/21/2399/DOV) requests for deed of variation relating to Section 106 agreement dated 24 May 2019 relating to UTT/18/1993/FUL to remove footpath "2" and "3" due to their public safety issues and non-policy compliance. However this aspect is not being considered under this application.

3

ENVIRONMENTAL IMPACT ASSESSMENT

3.1

Town and Country Planning (Environmental Assessment):

The proposal has been previously screened and is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

And

Human Rights Act considerations:

There may be implications under Article 1 and Article 8 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application

4.

APPLICANTS CASE

4.1

The applicant has provided a planning statement in support of the planning application to illustrate the process that has led to the development proposal and to explain and justify the proposal in a structured way.

Points raised;

- Extensive excavation works will be required to accommodate the access,
- The lack of adoption of the footpath steps requires the construction to be 5m from the existing highway foot path.
- Loss of trees and width clearance of around 8-10m to accommodate the footpaths,
- A significant steep angle will compromise the users of the footpath,
- Footpaths 2 and 3 do not meet the design specification in manual for Streets (2007),
- The tunnelling enclosure will not encourage crime prevention,
- The verge will need to be excavated to allow for 3.5m (h) and 5m (L) retaining walls,

5. RELEVANT SITE HISTORY

5.1 UTT/18/1993/FUL- Redevelopment of site to provide 35 no. dwellings with associated garages, drainage infrastructure, landscaping and parking including the creation of new vehicular access from High Lane and additional footpath access points from Cambridge Road and High Lane.
Approved - 30/5/2019

5.2 UTT/19/2586/DOC- Application to discharge conditions 2 (remediation strategy), 3 (validation report) 4 (noise protection) 6 (surface water drainage) 7 (offsite flooding) 8 (maintenance plan) 10 (Natural England licence) 12 (archaeological programme) 15(material samples) attached to UTT/18/1993/FUL.
Approved 30/3/2020

5.3 UTT/19/3075/DOC- Application to discharge conditions 11 (Biodiversity) and 13 (Landscaping) of planning application UTT/18/1993/FUL.
Approved- 27/3/2020

5.4 UTT/20/0562/FUL-Single storey rear extensions to plots 8 and 9 approved under UTT/18/1993/FUL.
Approved- 23/4/2020

5.5 UTT/21/2399/DOV- Request for deed of variation relating to Section 106 agreement dated 24 May 2019 relating to UTT/18/1993/FUL to remove footpath "2" and "3" due to their public safety issues and non-policy compliance, leaving footpath "1" and the emergency access footpath "4" for access.

Currently being considered.

6. CONSULTATION RESPONSES:

Stansted Mountfitchet Parish Council

6.1 Objection on Health and Safety grounds and conflict with UDC policy on Active Travel.

The removal of the variation forces residents to 'travel' away from the facilities/services of the village, walk in the road to reach a safe route, as well as along a footway which Highways recommended should be improved.

Condition 17 states "Prior to occupation - provision of an access formed at right angles to High Lane to include but not limited to:

a - Min 5m carriage way width, min radii of 6m (this is King Charles Drive)

b - 2 no 2m footways

There are no walkways/footways on the site - removing the footpaths creates risks to pedestrians who will be forced to walk on the road, known as King Charles Drive.

The only retained footpath forces pedestrians to use the unimproved footway along the Cambridge Road, rather than the new footway into the centre of Stansted along High Lane.

The footpaths should be retained. The natural screen has deteriorated, traffic noise is obvious. Some trees have been cut down or are in poor health (possibly Highways), UDC should also discuss with Highways the need to plant trees along the verges to mitigate the volume of traffic noise.

The Highways Authority

6.2 It is regrettable the applicant/developer cannot provide path '2' (onto High Lane) and path '3' (onto Cambridge Road), as this will in part reduce the accessibility of the site by means of active travel. It was previously noted by the Highway Authority that the private pathways were constrained in nature, and may not accessible to all dependent upon the developers design (i.e. due to the level difference).

Ultimately it is considered that the loss of the two paths does not preclude pedestrian access to and from the site, and therefore, from a highway and transportation perspective the Highway Authority has no adverse objections to the variation of condition no. 18 of planning permission UTT/18/1993/FUL.

In lieu of the loss of the paths, it may be suitable for local improvements to be undertaken by the developer. The Highway Authority would seek all other highway related conditions to be applied to the planning permission UTT/21/2376/FUL, as per UTT/18/1993/FUL.

UDC Landscape Officer

6.3 No Objection,

From a landscape perspective the removal of the foot paths will reduce the impact to the landscape and boundary of the site.

7. REPRESENTATIONS:

None received

8. POLICIES

8.1 S70(2) of The Town and Country Planning Act 1990 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, (a) 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.

8.2 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

8.3 National Policies

National Planning Framework (2021)

8.4 Uttlesford District Local Plan 2005

S7 -The Countryside
GEN1 – Access
GEN2 – Design

8.5 Supplementary Planning Document/Guidance

Essex Design Guide- Urban Place supplement planning document (2007)
Manual for Streets (2007)

8.6 Stansted Mountfitchet Neighbourhood Plan

Pre regulation 14 consultation.
Not adopted.
No weight given

9 CONSIDERATION AND ASSESSMENT:

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

A Accessibility to the development (ULP Policy GEN1 and the NPPF)

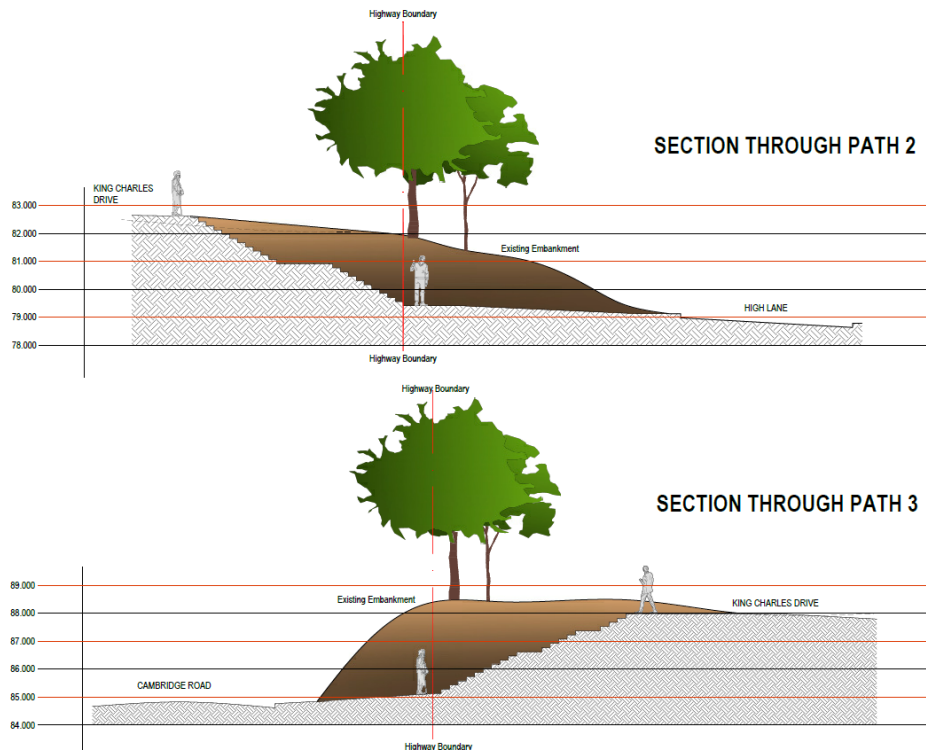
- B Design (ULP Policy GEN2 and the NPPF)**
- C Landscaping (ULP Policies S7, ENV3 and the NPPF)**
- A Accessibility to the development (ULP Policy GEN1 and the NPPF)**
- 9.2 Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within the NPPF. Local plan policy GEN1 advised development will only be permitted if it meets the following criteria:
- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
 - b) The traffic generated by the development must be capable of being accommodated on the surrounding transport networks.
 - c) The design of the site must not compromise road safety and must take account of the needs of other users of their highway.
 - d) It must be designed to meet the needs of people with disabilities
 - e) The development encourages movement by other means other than driving car
- 9.3 Paragraph 100 of the NPPF (2021) states 'planning decisions should protect and enhance rights of ways and access including taking opportunities to provide better facilities.
- 9.4 The approved pedestrian links as approved under planning application UTT/18/1993/FUL would require extensive excavation works. Footpaths 3 and 4 will require a steep angle to accommodate the access to the site. Part c and d of ULP Policy GEN1 considers the safety implications of proposed accesses within development. Also the Essex Design Guide and Urban Place Supplement Planning Document (2007) advises development should meet the needs of all users across their lifetime with ranging abilities. The design of the footpaths would only be appropriately accessible for a minority of the residents and not in accordance with ULP Policy GEN1.
- 9.5 Footpaths 2 and 3 do not meet the design specification set out in the Manual for Streets (2007) where longitudinal gradients should not exceed 5% (1:20 fall) and as such the proposal is likely to compromise public safety.
- 9.6 The Highway Authority have been consulted and is considered although regrettable to loss the approved access points it was previously noted by the Highway Authority that due to the constraints of the site it may not of been possible to provide the foot paths. Therefore no objections are raised in regards to the loss of the footpaths.
- 9.7 It is noted the Parish Council have objected to the proposal in regard that the loss of the footpaths would result in the occupiers of the residential development to have further to travel to get to High Lane or Cambridge Road. It is agreed this is the case, but in the retention of these foot paths will result introduction of foot path/ steps that may compromise public health and safety, which is not considered to be outweighed by requirement to travel further to access the Highway network.

- 9.8 As such it is considered the footpaths will not meet all the needs of the potential users and as approved will not be in accordance with ULP Policy GEN1. Therefore the variation of the condition to only include footpaths 1 and 4 is considered acceptable.

B Design and Appearance (ULP Policies S7 and GEN2 and the NPPF)

- 9.9 From access and movement perspective footpath to be removed from the scheme are situated to the rear of the site and provide an isolated route in and out of the site. The Essex Design Guide advises there should be no need for segregated spine footpaths within development and instead pedestrian routes should be mainly along residential roads
- 9.10 The location of the proposed foot paths to the rear of plots 13 and 27 and surrounded by vegetation along the embanked verges. Both High Lane and Cambridge Road do not include streetlights along this section of the highway, as such the 3.5m high retaining walls will create a tunnel like enclosure. The dark environment will create blind spots with limited natural surveillance. The use of the footpaths would not have the potential to reduce the potential of crime as set out in ULP Policy GEN2 (d), The Manual for Streets Guide (2007) and the paragraph 92 (C) of the NPPF.
- 9.11 The large section of steep angles steps and surrounding retaining wall detailing (as shown in Plan 3 below) will result in the introduction of instructive feature in the existing boundary of the site. This additional built form along the boundaries of the site will have urban affect to the existing rural appearance of the highway verge. This is considered out of place and not compatible with the rural appearance of the site and will have harmful impact to the character of the site and its surroundings. This is in conflict with the aims of ULP Policies S7 and GEN2 (b) which safeguards the rural appearance of the site and advises development will only be permitted if it protect or enhances the particular character of the part of the countryside.

9.12



Plan 3 - Site Sections.

C Landscaping (ULP Policies S7, ENV3 and the NPPF)

- 9.13 ULP Policy ENV3 considers the loss of trees in development and advises the loss of trees through development proposals will not be permitted unless the need for the development outweigh their amenity value. The introduction of the footpaths will require significant of trees and the existing boundary vegetation of the site of a minimum of 10m per footpath.
- 9.14 ULP Policy S7 considered development in the countryside and advised development will only be permitted if it protect or enhances the particular character of the part of the countryside
- 9.15 The retention of the trees and boundary vegetation has been a positive contribution to the character of the development and has provided some appropriate level of mitigation. The loss the trees and vegetation of this will detrimentally impact the rural setting and local distinctiveness of the site. The loss of these trees cannot be replicated by new planting.
- 9.16 The Parish have objected to the removal of the condition and not building the footpaths, however the introduction of the footpaths will result in the loss of a significant section of trees and boundary treatment adjacent both High Lane and Cambridge Road. Some sections have already had to be removed to accommodate the existing development, as such the loss of further existing soft landscaping is not considered to be outweighed by requirement to travel further to access the Highway network.

- 9.17 The significant loss of the mature trees and existing boundary treatment to the site will have harmful impact to the character of the site and is not considered to be outweighed by the need of the footpaths. Although the foot paths were previously approved under planning application UTT/18/1993/FUL the developer has since been advised by the Highways Authority that they will not enter into an adoption agreement and the foot paths and construction of the stairwell would have to be set back 5m from the highway verge. This will result in significant excavation to allow for the works that would not necessarily protect or enhance the particular character of the part of the countryside. As such it considered the proposed variation of the condition is in accordance with ULP Policies S7, ENV3 and the NPPF.

10. EQUALITIES

- 10.1 Equality Act 2010
- 10.2 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.
- 10.3 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.4 Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised.

11. CONCLUSION

- 11.1 The variation of condition 18 of planning permission UTT/18/1993/FUL to include "*The pedestrian links, as indicated on drawing no. BRD/19/045/052 as Footpath 1 and Footpath 4, shall be constructed to a minimum width of 2 metres*" is considered acceptable and in accordance with Local and National Planning Policies.
- 11.2 Footpath 2 and 3 will result the introduction of urbanising features that are not compatible with the character of the site, in conflict with ULP Policies S7 and GEN2 and the NPPF.

- 11.3 The introduction of footpaths 2 and 3 will result in the loss of two sections of trees and boundary vegetation which actively soften the views of built form. The loss of the trees will result in a harmful impact due to the established boundary features and the proposed amendment would preserve this. This is in conflict with ULP Policies S7, ENV3 and the NPPF.
- 11.4 The design of the footpaths as approved would not have the potential to reduce the potential of crime as set out in ULP Policy GEN2 (d), the manual for Streets (2007) and paragraph 92 (c) of the NPPF.
- 11.5 Due to the gradient and steep layout of the site, footpaths 2 and 3 will not meet all the needs of the potential users and as approved will not be in accordance with ULP Policy GEN1.
- 11.6 No objections have been raised by the Highways Authority.
- 11.7 All previous conditions imposed on planning approval UTT/18/1993/FUL will be included and any formally discharge will still apply.
- 11.8 RECOMMENDATION- APPROVE VARIATION OF CONDITION
SUBJECT TO CONDITIONS