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# Uttlesford District Council

Chief Executive: Peter Holt

## Planning Committee

**Date:** Wednesday, 8th June, 2022

**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 and M Sutton

**Substitutes:** Councillors M Caton, A Coote, C Criscione, N Gregory, B Light and  
J De Vries

### Public Speaking

At the start of each agenda item there will be an opportunity for members of the public to ask questions and make statements relating to applications being determined by the District Council, 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](mailto:committee@uttlesford.gov.uk). Speakers can either attend the Council Chamber or speak through Zoom.

When an application is determined by the Planning Inspectorate the purpose of the report to Planning Committee is not to determine the application but to provide the Planning Inspectorate (PINS) with the Council's view of the planning application. The role of the District Council is solely as a consultee on the planning application, its consultation runs parallel with other statutory and non-statutory consultees.

The Planning Committee is not the opportunity to make representations directly to the decision maker and as such no public speaking on this matter will be afforded to either third parties or the applicant. Please find further information [here](#) regarding submitting representations directly with PINS.

There is a capacity limit for attendance in person in the Chamber 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**

- 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 - 9  
To consider the minutes of the previous meeting.
- 3 S62A Applications** 10  
To note applications which have been submitted direct to the Planning Inspectorate.
- 4 Quality of Major Applications Report** 11 - 25  
To note the report.
- 5 Speed and Quality Report** 26  
To note the Speed and Quality report.
- 6 Planning Enforcement Team Update** 27 - 31  
To note the report.
- 7 PINS S62A/2022/0002/S62A/22/0000004 - Land East of Parsonage Road, and South of Hall Road, Stansted, Essex, CM22 6PL (Withdrawn)**  
  
This application has yet to be validated by PINS and is therefore withdrawn from this Agenda.
- 8 UTT/19/3173/FUL - Lea Hall, HATFIELD HEATH** 32 - 71  
To consider application UTT/19/3173/FUL.

- |           |   |           |
|-----------|---|-----------|
| <b>9</b>  | <b>UTT/21/3272/OP - Land South of Stortford Road, LITTLE CANFIELD</b>   | 72 - 155  |
|           | To consider application UTT/21/3272/OP.   |           |
| <b>10</b> | <b>UTT/20/2908/OP - Land South of Bedwell Road, UGLEY</b>   | 156 - 211 |
|           | To consider application UTT/20/2908/OP.   |           |
| <b>11</b> | <b>UTT/22/1174/TCA - Notification of intent to carry out tree works within a conservation area at Saffron Walden Castle</b>   | 212 - 217 |
|           | To consider the proposed tree works.  |           |
| <b>12</b> | <b>Late List</b>  | 218 - 222 |
|           | This document contains late submissions, updates or addendums to existing agenda items which are received up to and including the end of business on the Friday before Planning Committee. The Late List is circulated after 3.00 pm and before 5.00 pm on the Monday prior to Planning Committee. This is a public document and it is published with the agenda papers on the UDC website. |           |

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Members of the public and representatives of parish and town councils are permitted to speak at this meeting, either in person or through Zoom. 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. 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 510 369/410/467/548 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, 25 MAY 2022 at 10.00 am**

Present: Councillor R Freeman (Chair)  
Councillors J Emanuel, P Fairhurst, G LeCount, J Loughlin, R Pavitt and M Sutton.

Officers in attendance: N Brown (Development Manager), C Edwards (Democratic Services Officer), C Gibson (Democratic Services Officer), M Jones (Senior Planning Officer), E Smith (Solicitor) and L Trevillian (Principal Planning Officer).

Public Speakers: A Clark and Councillor G Mott (Elsenham PC).

## PC145 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

In the absence of both the Chair and Vice-Chair, Councillor Freeman was nominated and seconded for the Chair. Members supported the nomination and Councillor Freeman took the Chair.

Apologies for absence were received from Councillors Merifield, Lemon and Bagnall.

A non-pecuniary declaration of interest was made by Councillor Emanuel as Ward Councillor for Newport, including Widdington (Item 8).

## PC146 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting held on 11 May 2022 were approved.

## PC147 **S62A APPLICATIONS**

The Development Manager presented the S62A Applications report. He confirmed that the approved Minutes of the Planning Committee held on 11 May 2022, that included a PINS item, would be forwarded to the Planning Inspectorate. He confirmed that with reference to that item there would be a request included to recheck the measurements relating to the Vacant Building credit calculations.

The report was noted.

## PC148 **QUALITY OF MAJOR PLANNING APPLICATIONS**

The Development Manager presented the Quality of Major Applications report.

He confirmed that Appeals had generally become more expensive and that 2021/22 had seen a catch up of Appeals from PINS. He said that the next critical date would be the end of the calendar year.

The Committee noted the report for information.

**PC149 LONGFIELD SOLAR FARM DEVELOPMENT CONSENT ORDER**

The Development Manager presented the notification of an application for a Development Consent Order for the Longfield Solar Farm between Boreham and Hatfield Peverel, in the Districts of Braintree and Chelmsford. The proposal exceeded 50 megawatts.

The Committee noted the notification of this application.

**PC150 UTT/21/3269/DFO - LAND TO THE NORTH WEST OF HENHAM ROAD, ELSENHAM**

The Development Manager presented an application for approval of reserved matters relating to outline application UTT/17/3573/OP for the erection of 350 dwellings, internal roads, open space, sports pitch provision and other associated infrastructure. This matter had been deferred by the Planning Committee on 27 April 2022.

The application was recommended for approval subject to conditions as set out in section 17 of the report.

Members raised questions in respect of:

- The football pitch.
- Water capacity issues.
- Community facilities and schooling provision.
- The possibility of a Grampian condition being included. The Development Manager indicated that this condition failed the test for necessity. However, Mr Clark (Applicant) said that he would be willing to accept a Grampian condition.

Members discussed:

- Garden sizes, particularly relating to affordable housing.
- Concerns in respect of tandem parking. The Development Manager said that this was an emerging policy that would be picked up within the Local Plan.
- Urban design issues in respect of future energy efficiency.
- The Grampian condition that had been accepted in principle by the applicant with specific wording to be agreed.

Councillor Fairhurst proposed that the development be approved, in line with the recommendation and with an added Grampian condition.

Councillor Sutton seconded the proposal.

RESOLVED that the development be approved, in line with the recommendation and with an added Grampian condition.

*A statement was read out from Councillor P Lees that detailed progress that had been made since Planning Committee on 27 April 2022.*

*Councillor G Mott (Elsenham PC Chair) spoke and highlighted that he considered that three important issues had not been resolved.*

*A Clark (Applicant) spoke in support.*

*There was a brief adjournment between 11.10 am and 11.15 am.*

PC151 **UTT/20/3354/FUL - LAND AT AUTON CROFT, SAFFRON WALDEN (WITHDRAWN)**

This item had been withdrawn.

PC152 **UTT/21/2649/FUL - MALT PLACE, WIDDINGTON**

The Principal Planning Officer presented an application for the demolition of five existing buildings and the erection of three new buildings forming ten residential dwellings. This application had been deferred at Planning Committee on 13 April 2022. He outlined progress made since the previous committee meeting and said that the additional offer of £25,000 as an offsite contribution toward affordable housing was considered to be a fair and reasonable offer.

The application was recommended to approval subject to conditions.

Councillor Emanuel stated that she was the Ward Member for the area but that she had had no involvement previously in this application.

Members raised questions in respect of:

- Differences from previous extant cases.
- Independent viability assessments.
- Sewerage issues. The Chair suggested that there be an informative on this.
- How the buildings would look.
- The meadowland.

Members discussed:

- The lack of an independent viability assessment. The Development Manager said that the applicant was not claiming viability.
- The principles around whether or not the site would be sold on.

Councillor Sutton proposed that the application be approved in line with the recommendations.

Councillor LeCount seconded the proposal.

RESOLVED to approve the development in line with the recommendations.

**PC153 UTT/22/0391/OP - HIGHWOOD FARM, GREAT DUNMOW**

The Senior Planning Officer presented an outline application with all matters reserved except for access for a residential development comprising 14 self-build dwellings together with access from and improvements to Buttleys Lane.

The application was recommended for refusal for the reasons as set out in section 17 of the report.

Members raised questions in respect of:

- Access arrangements and passing places.
- Water and sewerage issues.
- The layout.
- The possible need for a site visit.
- The objections made by Essex CC Highways.
- The NPPF implications.

Members discussed:

- Access arrangements to Buttleys Lane.
- The Listed Building implications.

Councillor Emanuel proposed that the application be refused.

Councillor Fairhurst seconded the proposal.

RESOLVED to refuse permission for the development for the reasons set out in section 17 of the report.

**PC154 UTT/21/3626/FUL - LAND TO THE EAST OF CHELMSFORD ROAD, GREAT DUNMOW**

The Senior Planning Officer presented an application for the installation and operational of a standby gas generation plant and ancillary infrastructure to provide backup generation to the National Grid

The application was recommended for approval with conditions as set out in section 17 of the report.

Members raised questions in respect of:

- The three containers that would be generating electricity from gas.
- How much electricity could be generated.
- The possible alternative of batteries.
- How much noise there could be.



- A cooling solution.
- Smoke and pollution implications.
- The fact that initially gas could be turned into electricity but subsequently hydrogen could replace gas.

The Senior Planning Officer provided information in respect of energy generation and noise levels. She said that 10,350,000 Kwh could be generated.

Members discussed:

- The possible alternative of batteries as a back-up.
- Sustainability.
- The need to focus on planning issues.

Councillor LeCount proposed that the application be approved as per the recommendation.

Councillor Loughlin seconded the proposal.

RESOLVED to approve the application with conditions as per the recommendation.

*The meeting ended at 12.23 pm.*

The Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013

Applications which have been submitted direct to the Planning Inspectorate.

Date Notified:	Planning Inspectorate Reference:	Uttlesford District Council reference:	Site address:	Proposal:	Local Planning Authority Role:
26 April 2022	S62A/22/5000001	N/A	Land southeast of Stansted Airport, near Takeley	Requested a Screening Opinion for a solar farm including battery storage units, with approximately 14.3MW total maximum capacity.	Notified of outcome
26 April 2022	S62A/22/0000002	UTT/22/1040/PINS	Former Friends' School, Mount Pleasant Rd, Saffron Walden CB11 3EB	Conversion of buildings and demolition of buildings to allow redevelopment to provide 96 dwellings, swimming pool and changing facilities, associated recreation facilities, access and landscaping.	Consultee
24 May 2022 (waiting start date)	S62A/2022/0002/S62A/22/0000004	UTT/22/474/PINS	Land east of Parsonage Road, and south of Hall Road, Stansted, Essex, CM22 6PL	The erection of a 14.3 MW solar photovoltaic farm with associated access tracks, landscaping, supplementary battery storage, and associated infrastructure.	Consultee

**Committee:** Planning Committee  
**Date:** 8 June 2022  
**Title:** Quality of Major Applications  
**Author:** Tracey Coleman

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## **Purpose**

1. To report to Planning Committee the applications that have been considered both as Delegated and at Planning Committee which contribute to the data considered by DHLUC as to whether a Local Planning Authority falls within the criteria to be designated.
2. There are four criteria where a Local Planning Authority may be designated - Quality Major; Quality Speed; Quality Non-Major and Speed Non-Major.
3. This report specifically considers the Quality of Major Applications and covers the period 2017 - 2022. The Quality of Major Applications is for decisions made within a two year period with appeal decisions up to and including the 31 December of the two year period.
4. Therefore, the periods covered in this report are as follows:
  - April 2017 - March 2019 (*appeal decisions made by 31/12/2019*)
  - April 2018 - March 2020 (*appeal decisions made by 31/12/2020*)
  - April 2019 - March 2021 (*appeal decisions made by 31/12/2021*)
  - April 2020 - March 2022 (*appeal decisions made by 31/12/2019*)
5. The Planning Advisory Service provided each Local Authority with a 'Crystal Ball' (basically a spreadsheet) where the data can be added each month/quarter to monitor whether there is any risk of designation.
6. Below shows the periods 2017 - 2019; 2018 - 2020 and 2019 - 2021 annually with the overall two-year period % - as per the DHLUC monitoring periods.

Criteria: Quality	District matter Majors						
	All Major Decisions	Refusals	Appeals	Dismissed	Allowed	Pending	Result
Apr 2017 - Mar 2018	37	9	1	0	1	0	2.7%
Apr 2018- Mar 2019	39	20	16	8	6	2*	15.38%
<b>Total for 2017 - 2019</b>							<b>9.21%</b>
Apr 2018 - Mar 2019	39	20	16	9	7	0	17.95%
Apr 2019- Mar 2020	40	26	18	8	6	4**	15%
<b>Total for 2018 - 2020</b>							<b>16.5%</b>
Apr 2019 - Mar 2020	40	26	18	9	9	0	22.50%
Apr 2020- Mar 2021	34	12	9	4	4	1***	11.76%
<b>Total for 2019 - 2021</b>	<b>74</b>	<b>38</b>	<b>27</b>	<b>13</b>	<b>13</b>	<b>1*</b>	<b>17.57%</b>
	Minimum level required						<b>10.00%</b>

*\*Pending decision falls outside of the criteria window of appeal decision made by 31/12/2019.*

*\*\*Pending decisions fell outside of the criteria window of appeal decisions made by 31/12/2020.*

*\*\*\*Pending decisions fell outside of the criteria window of appeal decisions made by 31/12/2021.*

7. Below shows the period 2020 - 2022 quarterly. This is on-going and will be monitored and updated.

		Incomplete Data						
		All Major Decisions	Refusals	Appeals	Dismissed	Allowed	Pending	Result
Quarter 01	Apr - Jun 2020	11	2	1	1	0	0	0.00%
Quarter 02	July - Sept 2020	8	2	2	0	2	0	25.00%
Quarter 03	Oct - Dec 2020	4	3	2	1	1	0	25.00%
Quarter 04	Jan - Mar 2021	11	5	4	2	2	0	18.18%
Quarter 05	Apr - Jun 2021	5	4	2	1	0	1	0.00%
Quarter 06	July - Sept 2021	5	2	1		1	0	20.00%
Quarter 07	Oct - Dec 2021	16	9	5			5	0.00%
Quarter 08	Jan - Mar 2022	8	4	1			1	0.00%
	total	68	31	18	5	6	7	8.82%
		Minimum level required						10.00%

*Note data checked 24/05/2022 - no updates*

8. Cost of appeals per year\*

Year	Legal including Awards of Costs	Consultants
2017 - 2018	£102,660	£33,697
2018 - 2019	£ 21,325	£10,241
2019 - 2020	£182,013	£78,776
2020 - 2021	£144,117	£70,481
2021 - 2022	£129,453	£152,057
2022 - 2023		

*\*Not including the Stansted Airport Inquiry.*

*Please note that Inquiry cost may not be held in the same financial year as the application decision.*

9. Appendix 1 shows the breakdown of the applications including the reference number, whether considered at committee or delegated, the officer recommendation along with the decision, appeal decision and the date of the appeal decision.

The date of the appeal decision is a key factor - if it is after 31 December at the end of the 2-year period then it is not included in that round of monitoring by DHLUC.

## Recommendation

10. It is recommended that the Committee notes this report for information.

## Impact

Communication/Consultation	Planning Committee
Community Safety	None
Equalities	None
Health & Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

## Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
3	3	3	Action Plan & Pathway work

1 = Little or no risk or impact

2 = Some risk or impact - action may be necessary

3 = Significant risk or impact - action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project

MAJOR APPLICATION DECISIONS (QUALITY)  
April 2017 - March 2019

REFERENCE	ADDRESS	PROPOSAL	DECISION TYPE	DATE OF COMMITTEE	OFFICER RECOMMENDATION	DECISION	APPEAL STATUS	DATE OF APPEAL DECISION
UTT/15/1086/OP	Site 500 Coopers End Road Takeley Hertfordshire	Outline application for the erection of a multi-deck car park with all matters reserved	Committee	25-Aug-15	Approve	Approved		
UTT/15/3562/OP	Gresham Court Station Road Wendens Ambo Essex CB11 4LB	Outline application with all matters reserved except access and scale for the demolition of existing buildings and the erection of up to 11 two-storey residential dwelling units	Committee	10-Feb-16	Approve	Refused		
UTT/15/3809/DFO	Land North Of Ongar Road Dunmow Essex	Details following outline application UTT/1147/12/OP for the erection of 73 dwellings together with new vehicle and pedestrian access from Ongar Road - details of appearance, landscaping, layout and scale.	Delegated		Refuse	Refused		
UTT/16/0716/FUL	Fedex Cargo Warehouse Pincey Road Takeley Essex CM24 1FE	Extension to existing warehouse (Class B8), creation of a partially covered hardstanding staging area, extension to existing common use airside road, drainage, lighting and other ancillary works	Delegated		Approve	Approved		
UTT/16/1206/FUL	Shire Hill Garage Thaxted Road Saffron Walden CB11 3BJ	Erection of a mixed use building for flats and office / retail use with associated car parking and landscaping	Committee	21-Sep-16	Refuse	Refused		
UTT/16/2024/FUL	Land South Of Bury Grove Whiteditch Lane Newport CB11 3UD	Development of 20 no. dwellings including access road, cartlodges and associated landscaping	Committee	05-Jul-17	Approve	Approved		
UTT/16/3392/FUL	Land West Of Cambridge Road Newport	Variation of condition 13 on planning consent UTT/15/2364/FUL to 5% of the dwellings hereby permitted shall be wheelchair accessible dwellings in accordance with Policy GEN2 (c) and the subsequent SPD on Accessible Homes and Playspace. The remaining dwell	Committee	08-Feb-17	Approve	Approved		

UTT/16/3549/FUL	Whitehall Hotel Church End Broxted Dunmow Essex CM6 2BZ	Demolition of sections of former hotel and outbuildings. Conversion of former barn and modern extension to 3 no. dwellings. Restoration and conversion of Church Hall and Brewhouse to 3 no. dwellings with new cartlodge. Extension to western section of form	Committee	08-Mar-17	Approve	Approved		
UTT/16/3566/FUL	Proposed Terminal At Gorefield RoadStansted Airport	A dedicated terminal facility for arriving passengers (34,384sqm); an associated forecourt; and altered access and service roads.	Committee	05-Apr-17	Approve	Approved		
UTT/16/3669/OP	Land South East Of Great Hallingbury Manor Bedlars Green Road Tilekiln Green Great Hallingbury		Committee	10-May-17	Approve	Approved		
UTT/16/3696/FUL	Land East Of Field Farm Drive Great Chesterford CB10 1RP	New Crematorium together with associated landscaping and access. Revised scheme to that approved under UTT/15/3782/FUL	Delegated		Approve	Approved		
UTT/17/0255/FUL	Land To The West Of Lime Avenue Saffron Walden Essex	Erection of 31 no. Dwellings with associated roads, car parking and landscaping	Committee	14-Jun-17	Approve	Approved		
UTT/17/0335/DFO	Elsenham Nurseries Stansted Road Elsenham CM22 6LJ	Application for the approval of the details of layout, scale, landscaping and appearance reserved under condition 1 of outline planning permission reference UTT/14/2991/OP for the construction of 40 dwellings	Committee	05-Jul-17	Approve	Approved		
UTT/17/0355/OP	Land To The West Of Mill Hill Farnham	Outline application for the erection of approximately 26 to 30 residential dwellings, of which 40% will be affordable, with all matters reserved except for access	Delegated		Refuse	Refused		



UTT/17/0522/OP	Land At Little Walden Road Saffron Walden	Outline planning permission for up to 85 residential dwellings (including 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, v	Committee	10-May-17	Approve	Refused		
UTT/17/0712/DFO	Land At Thorpe Lea Walden Road Great Chesterford Saffron Walden Essex CB10 1PS	Details following outline application UTT/15/2310/OP for 31 dwellings. Details of the layout, scale, landscaping and appearance.	Committee	05-Jul-17	Approve	Approved		
UTT/17/0924/FUL	Castle Maltings Lower Street Stansted CM24 8LP	Variation of condition 15 (Contamination) of UTT/1522/12/FUL and condition 12 (Contamination) of UTT/16/1242/FUL from pre-commencement to be discharged post completion	Committee	05-Jul-17	Approve	Approved		
UTT/17/1087/FUL	Site At Waltham Hall Farm Bambers Green Road Takeley	Change of use to a Coach Depot (Sui Generis) comprising: Change of use agricultural grain store to coach maintenance workshop, and associated land for access and parking forecourt; refurbishment works to Network House, a curtilage listed building; demoli	Committee	17-Jan-18	Approve	Refused	Allowed	30-Oct-19
UTT/17/1387/FUL	Land To The South East Of Round Coppice Road Stansted Essex	Construction of a two storey Professional and Technical Skills Centre (2,281 sqm GEA) to provide up to 10 classrooms, workshop, skills kitchen and ancillary facilities. Construction of a single storey storage building (150 sqm GEA). The provision of an ex	Committee	02-Aug-17	Approve	Approved		
UTT/17/1444/FUL	Former Molecular Products Ltd Mill End Thaxted Dunmow Essex CM6 2LT	Demolition of all structures on site (except designated Listed Buildings), demolition of 1.5m of the Listed brick wall. Redevelopment for 22 new dwellings and the conversion of the Listed Buildings to 7 dwellings with associated public open space, roads,	Committee	22-Nov-17	Approve	Approved		
UTT/17/1452/DFO	Land North Of Bartholomew Close Great Chesterford CB10 1QA	Details following outline application UTT/14/0425/OP for residential development of up to 14 dwellings - Details of access	Committee	30-Aug-17	Approve	Approved		

UTT/17/1533/FUL	Elsenham Golf And Leisure Limited Hall Road Henham CM22 6FL	Variation of condition 14 ("No waste other than those waste materials defined in the application details shall enter the site") of planning permission UTT/16/1066/FUL (modernisation of Elsenham Golf and Leisure to include the creation of a chipping green	Committee	11-Apr-18	Approve	Approved		
UTT/17/1561/DFO	Land At Bury Water Nurseries Whiteditch Lane Newport Essex	Reserved Matters (appearance, landscaping, layout and scale) pursuant to UTT/16/0459/OP for a 40 bed care home facility and 81 extra care units plus associated communal facilities; vehicular parking; internal roads and footpaths; and ancillary works and s	Delegated		Approve	Approved		
UTT/17/1652/FUL	Sector 3 Woodland Park Great Dunmow Woodside Way Dunmow	Erection of 20 no. two bedroom apartments, layout parking, amenity space and landscaping.	Committee	20-Dec-17	Approve	Approved		
UTT/17/1673/FUL	Elsenham Golf And Leisure Limited Hall Road Elsenham CM22 6FL	Application to vary Condition Number(s): 2(Netting of reservoir and ponds), 3(Bird Hazard Management Plan), 9(Site Contamination Investigation), and 10 (Remediation Scheme) of planning permission UTT/16/1066/FUL to exclude the construction of the adventu	Committee	20-Dec-17	Approve	Approved		
UTT/17/1782/FUL	Site At Thaxted Road Former Civic Amenity And Granite Site Thaxted Road Saffron Walden Essex CB10 2UR	Amendment to application UTT/13/0268/FUL in terms of design and layout, variation of conditions 8 and 27 to amend the control over retail space details relating to materials, landscaping, cycle parking energy efficiency , lighting, drainage and remediatio	Committee	22-Nov-17	Approve	Approved		
UTT/17/1852/FUL	Land Adj To Coppice Close Dunmow Road Takeley Hertfordshire	Residential development of 20 dwellings with associated vehicular access points off Dunmow Road, open space, car parking and associated infrastructure.	Committee	09-May-18	Approve	Approved		
UTT/17/1854/FUL	Skyways House Parsonage Road Takeley	Demolition of Skyway House and erection of a two storey office building for use within Class B1a, provision and reconfiguration of car parking, and alterations to vehicular accesses	Delegated		Approve	Approved		

UTT/17/1951/FUL	Land To The South Of Bowling Lane Great Hallingbury	Construction of grassed playing pitches, drainage works, pedestrian footpath link and other related development including land grading works	Committee	27-Sep-17	Approve	Approved		
UTT/17/2075/FUL	Pelham Substation Park Green Lane Berden Hertfordshire	Amendments to design of scheme for a 49.99MW Battery Storage Facility connected to Pelham Substation approved under planning permission UTT/16/2316/FUL incorporating reduced site area, improved landscaping and additional equipment. Additional information	Committee	27-Sep-17	Approve	Approved		
UTT/17/2120/FUL	14 Cambridge Road Stansted CM24 8BZ	Removal of condition 10 (requirement for CCTV) from planning permission UTT/16/2632/FUL for mixed use development of 10 no. dwellings, retail unit and commercial building	Committee	27-Sep-17	Approve	Approved		
UTT/17/2238/FUL	Oaklands Ongar Road Dunmow Essex CM6 1EX	Demolition of Oaklands and erection of 25 no. dwellings and associated infrastructure	Committee	11-Apr-18	Approve	Approved		
UTT/17/2334/FUL	New World Timber Frame And Graveldene Nurseries London Road Great Chesterford CB10 1NY	Variation of conditions 2 and 14 of approved application UTT/14/0174/FUL. Variation of condition 2 to amend drawing to all plots and increase the total units from 42 to 45. Variation of condition 14 to change wording to 'The 2 m wide footway shown on Draw	Committee	22-Nov-17	Approve	Refused		
UTT/17/2336/OP	Gresham Court Station Road Wendens Ambo CB11 4LB	Outline application with all matters reserved except access and layout for the erection of up to 11 two-storey residential dwelling units	Committee	20-Dec-17	Refuse	Refused		
UTT/17/2542/DFO	Land North Of Leigh Drive Stansted Road Elsenham	Details of layout, scale, appearance and landscaping, following outline application UTT/15/3090/OP, for the provision of 20 dwellings with associated works including garages, open space and services	Committee	20-Dec-17	Approve	Approved		
UTT/17/2607/OP	Land To The South Of B1256 Little Canfield	1. Detailed application for Construction of a new Council Depot comprising vehicle workshop, office building, external storage, grounds maintenance storage, parking, landscaping, vehicular access and all	Committee	06-Jun-18	Approve	Refused		

		supporting infrastructure 2. Outline proposals for						
UTT/17/2745/DFO	Land North Of Bartholomew Close Bartholomew Close Great Chesterford CB10 1QA	The reserved matters application for the construction of 11 new dwellings covering access, layout, scale, landscaping and appearance following outline approval UTT/14/0425/OP	Committee	20-Dec-17	Approve	Approved		
UTT/17/2822/FUL	Sector 3 Woodland Park Great Dunmow Woodside Way Dunmow	Removal of conditions C.8.29 (Code for sustainable homes) and C.8.32 (Renewable or low-carbon energy technologies) on planning application UTT/0406/08/FUL and Variation of Condition C28.1 of planning permission UTT/0406/08/FUL for the removal of lift rela	Committee	14-Feb-18	Refuse	Refused		
UTT/17/2868/OP	Land To The South Of Wicken Road Newport Essex	Outline planning application for the development of up to 150 dwellings (Use Class C3), provision of land for community allotments, associated strategic landscaping, open space, and associated highways, drainage and other infrastructure works, with all ma	Committee	09-May-18	Approve	Refused	Dismissed	30-Aug-19
UTT/17/2887/FUL	New Kestrel House Parsonage Lane Stansted Essex CM24 8GF	Variation of conditions C.3.1, C.4.1, C.4.2 and C.10.17 on planning permission UTT/0581/07/FUL (demolition of existing buildings and development of 15,424 Sq.m of B1 space, new access road and new drainage lagoons and electricity substations) in order to	Committee	20-Dec-17	Approve	Approved		
UTT/17/3038/DFO	Land BehindThe Old Cement WorksThaxted RoadSaffron WaldenEssex	Details following outline approval UTT/16/1444/OP for 35 no. dwellings comprising 21 market homes and 14 affordable homes. Details of appearance, landscaping, layout and scale.	Committee	14-Feb-18	Approve	Approved		
UTT/17/3111/FUL	Building 60 Chesterford Park Little Chesterford Great Chesterford Essex CB10 1XJ	Extensions, alterations and refurbishment to the existing building with car and cycle parking, landscaping and associated works. Construction of reservoir.	Committee	14-Feb-18	Approve	Approved		

UTT/17/3197/FUL	Land South Of School Lane Henham	Residential development for 36 dwellings and associated roads and parking, together with public open space, play area and associated Sustainable Drainage along with infrastructure improvements to Henham and Ugley Primary School including car parking, drop	Committee	14-Mar-18	Approve	Refused		
UTT/17/3323/FUL	De Salis Hotel Green Street Elsenham CM22 6DR	Expansion of DeSalis Hotel by raising the existing pitched roof to allow conversion of the roof space to accommodate 31 additional bedrooms, construction of a new two storey building within central courtyard to accommodate new conference room, laundry and	Delegated		Approve	Approved		
UTT/17/3334/FUL	Land Adj M11 Motorway Goose Lane Little Hallingbury Hertfordshire	Change of use of arable land to equestrian use and erection of stables	Delegated		Approve	Approved		
UTT/17/3413/OP	Commercial Centre Ashdon Road Saffron Walden Essex CB10 2NH	Outline permission with all matters other than access reserved for the erection of up to 55 dwellings, up to 3,650m2 of B1, B2 and or D2 floorspace in the alternative, (with the maximum GIA of the D2 floorspace not to exceed 940m2) and the erection of up	Delegated		Refuse	Refused	Allowed	10-Oct-19
UTT/17/3426/OP	Land South Of Radwinter Road Saffron Walden Essex	Outline application, with all matters reserved except for access, for Extra Care Housing (Use Class C2) together with associated infrastructure including road, drainage and access	Committee	09-May-18	Approve	Refused	Allowed	29-Nov-19
UTT/17/3429/OP	Land To The East Of Shire Hill Saffron Walden Essex	Outline planning application, with all matters reserved except for access, for Business Use (Use Class B1) together with associated infrastructure including roads, drainage, access details from Shire Hill.	Committee	09-May-18	Approve	Refused	Allowed	29-Nov-19
UTT/17/3538/DFO	Land To The North Of Stebbing Primary School And Rear Of Garden Fields And ParksideGarden FieldsStebbingEssex	Reserved matters application consisting of layout, scale, landscape & appearance following Outline Planning Consent UTT/14/1069/OP. Residential development comprising 30 dwellings, public open space, landscaping, new access and highways, associated and an	Committee	11-Apr-18	Approve	Approved		

UTT/17/3623/DFO	Land East Of St Edmunds Lane Dunmow	Details following outline application UTT/14/0472/OP (allowed on appeal under reference APP/C1570/A/14/2223280) for the construction of 22 no.custom/ self build dwellings. Details of access, appearance, landscaping, layout and scale	Committee	09-May-18	Approve	Approved		
UTT/17/3751/OP	Hft Bradley Resource Centre Pound Lane Ugley Bishops Stortford CM22 6HP	Hybrid application - full planning permission for the erection of a new residential autism facility comprising of 8 no. 1 bedroom flats, staff accommodation, parking and associated works on land at "The Orchard" including part demolition of the northern b	Committee	06-Jun-18	Approve	Approved		
UTT/18/0308/FUL	Land To The North Of Birchanger Lane Birchanger	Change of use of land to equestrian use. Erection of stables, creation of hardstanding and erection of fencing. New vehicular gated access off Birchanger Lane.	Delegated		Approve	Approved		
UTT/18/0313/FUL	New World Timber Frame And Graveldene Nurseries London Road Great Chesterford CB10 1NY	Variation of condition 2 on planning permission UTT/14/0174/FUL (Demolition of commercial buildings and erection of 42 no. dwellings) in order to incorporate general minor amendments to site plan	Committee	11-Apr-18	Approve	Approved		
UTT/18/0318/OP	Land West Of Canfield Road Great Canfield Essex	Outline planning permission for the erection of up to 135 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Great Canfield Road. All matters reserved except for means of access.	Committee	24-Sep-18	Approve	Refused	Dismissed	08-Aug-19
UTT/18/0440/OP	Land At Pound Hill Little Dunmow	Outline application, with all matters reserved except for accesses and structural landscaping, for a residential development comprising up to 18 dwellings (use class C3), vehicular accesses, public open space, sustainable drainage systems and all other as	Delegated		Refuse	Refused	Allowed	06-Dec-19
UTT/18/0691/OP	Land To The West Of Stortford Road Farnham Hertfordshire	Outline application, with all matters reserved except for access and layout, for the erection of 15 no. dwellings, including 6 affordable dwelling, with associated infrastructure including access, parking and pumping station. Provision of area of public o	Delegated		Refuse	Refused	Dismissed	11-Feb-19
UTT/18/0733/FUL	Skyways House Parsonage RoadTakeleyCM22 6PU	Variation of conditions 12 (hours of illumination) and 14 (hours of operation) of planning permission 17/1854/FUL(demolition of Skyway House and erection of two storey office building) to read - No lights hereby permitted shall be illuminated between the	Delegated		Approve	Approved		

UTT/18/0739/FUL	The Joyce Frankland Academy Cambridge Road Newport CB11 3TR	The erection of 24 dwellings with associated access, car and cycle parking and landscaping, drainage and acoustic fencing, construction of a new multi-use games area (MUGA) and floodlights, replacement floodlighting to existing artificial turf pitch, cons	Committee	21-Nov-18	Approve	Refused	Allowed	27-Mar-20
UTT/18/0750/OP	Land At Claypits Farm Bardfield Road Thaxted Dunmow CM6 3PU	Outline application for demolition of existing buildings and erection of up to 15 dwellings with all matters reserved except access and layout	Committee	26-Sep-18	Approve	Approved		
UTT/18/0784/OP	Land East And North Of Clifford Smith Drive Watch House Green Felsted	Outline application with all matters reserved, except for access, for the erection of up to 30 no. dwellings served via new access from Clifford Smith Drive, complete with related infrastructure, open space and landscaping	Committee	01-Aug-18	Approve	Refused	Allowed	20-Jun-19
UTT/18/0885/FUL	Land To The North Of Cornells Lane Widdington Essex	Construction of 20 new dwellings, including 8 affordable homes, formation of new vehicular and pedestrian access, associated open space, parking and landscaping	Delegated		Refuse	Refused	Dismissed	30-Jan-20
UTT/18/0911/FUL	Sector 3 Woodland Park Great Dunmow Woodside Way Dunmow	Removal of conditions C 8.29 (The development as designed specified and built shall achieve a 'Code for Sustainable Homes' rating of 'Level 3') and C 8.32 (The applicant shall incorporate on-site renewable or low-carbon energy technologies to provide 10%	Delegated		Approve	Approved		
UTT/18/1011/OP	Land West Of Maranello Watch House Green Felsted Essex	Outline application, with appearance, landscaping and scale reserved, for the construction of 28 new dwellings, including 11 affordable homes, formation of new vehicular access, associated local area for play, parking and landscaping	Committee	01-Aug-18	Approve	Refused	Allowed	30-May-19
UTT/18/1026/OP	Land North Of Wicken Road And West Of School Lane Newport	Outline planning application for up to 74 dwellings including access, open space and landscaping with all matters reserved save for access	Delegated		Refuse	Refused	Dismissed	13-Dec-19
UTT/18/1303/FUL	Site At Thaxted Road Former Civic Amenity And Granite Site Thaxted Road Saffron Walden Essex	Application to vary condition 7 of planning permission UTT/17/1782/FUL (Amendment to application UTT/13/0268/FUL in terms of design and layout, variation of conditions 8 and 27 to amend the control over retail space details relating to materials, landscap	Committee	29-Aug-18	Approve	Approved		

UTT/18/1467/FUL	Homebase Limited Elizabeth Close Saffron Walden Essex CB10 2NL	Application to vary condition 2 from planning permission UTT/14/3763/FUL (from permitting only the sale of 'items which are required for repair and maintenance, alterations or improvement of premises...' to 'DIY goods, furniture, floor coverings, leisure	Committee	21-Nov-18	Approve	Approved		
UTT/18/1708/FUL	Land To The West Of Thaxted Road Debden Essex	Proposed development of 36 no. new dwellings ranging from 1-bed, 2-person, up to 5-bed, 7-person houses with a mix of tenure, including 14 no. affordable housing units. With associated garages, landscaping and new access.	Committee	20-Feb-19	Approve	Refused	Dismissed	09-Sep-19
UTT/18/1730/OP	Land South Of Sampford Road B1051 Thaxted	The development of up to 104 dwellings, provision of land for a primary school, with associated landscaping, open space and highways, drainage and other infrastructure works, with all matters reserved for subsequent approval apart from the primary means o	Delegated		Refuse	Refused		
UTT/18/1775/FUL	Units 4 & 5 Brices Yard Butts Green Valance Road Clavering Saffron Walden CB11 4RT	Extension to existing industrial unit (unit 4) and erection of new industrial unit (unit 5). (amended scheme to that approved under planning permission UTT/12/5009/FUL)	Delegated		Approve	Approved		
UTT/18/1826/DFO	Land West Of Woodside Way Woodside Way Dunmow	Details following outline approval UTT/13/2107/OP for up to 790 homes, including primary school, community buildings, open space including playing fields and allotments and associated infrastructure - details of access into the site (amendments to the acc	Committee	21-Nov-18	Approve	Approved		
UTT/18/2366/FUL	Site At Thaxted Road Former Civic Amenity And Granite Site Thaxted Road Saffron Walden Essex	Construction of Use Class C1 hotel with ancillary restaurant; provision of car parking; landscaping; relocation of substation; and associated development.	Committee	19-Dec-18	Approve	Approved		
UTT/18/2400/OP	Land East And North Of Clifford Smith Drive Felsted	Outline application with all matters reserved, except for access, for the erection of up to 30 no. dwellings served via new access from Clifford Smith Drive, complete with related infrastructure, open space and landscaping	Committee	21-Nov-18	Refuse	Refused		



UTT/18/2420/FUL	Land South Of 2 To 7 Freshwell Gardens Saffron Walden Essex	Construction of 10 apartments with associated parking and access driveway including the creation of a public amenity area.	Delegated		Refuse	Refused	Dismissed	08-Nov-19
UTT/18/2609/FUL	Bumpstead Hill Land West Of A120 Chelmsford Road Dunmow CM6 1LL	Application to vary condition 2 (archaeology) from planning permission UTT/15/2318/FUL to revise layout to remove area of archaeological interest to enable development to take place.	Delegated		Approve	Approved		
UTT/18/3298/OP	Land South Of Whitehall Hotel Church End Broxted Essex	Outline application with all matters reserved for a residential development of 11 dwelling houses	Delegated		Refuse	Refused	Dismissed	29-Aug-19
UTT/18/3424/OP	Land East Of Station Road Little Dunmow Essex	Outline planning application for the erection of up to 240 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Station Road. All matters reserved except for means of access	Delegated		Refuse	Refused	Dismissed	23-Sep-19

## Criteria For Designation – Speed and Quality

### Speed of planning decisions

Measure and type of Application	Threshold and assessment period.	Threshold and assessment period.	Latest figures Published by DLUHC	Threshold and assessment period.	Live Table
	October 2018 - September 2020	October 2019 to September 2021	January 2020- December 2021	October 2020 to September 2022 <i>To end March 22</i>	
Speed of major Development	60% (70.27%)	60% (76.27%)	60% (86.4%)	60% (83.33%)	District - P151a
Speed of non-major Development	70% (74.43%)	70% (82.75%)	70% (85.1%)	70% (86.6%)	P153

*UDC performance in red % greater than the threshold is good*

### Quality – Appeals

Measure and type of Application	Threshold and assessment period.	Threshold and assessment period.	Latest figures Published by DLUHC	Latest figures Published by DLUHC	Threshold and assessment period.	Live Table
	April 2018 - March 2020 (appeal decisions to end December 2020)	April 2019 to March 2021 (appeal decisions to end December 2021)	July 2018 - June 2020 (appeal decisions to end March 2021)	October 2018 - September 2020 (appeal decisions to end June 2021)	April 2020 to March 2022 (appeal decisions to end December 2022)	
Quality of major Development	10% (16.5*%)	10% (17.57*)	10% (18.5%)	10% (16.5%)	10% (8.82%)	District - P152a
Quality of non-major Development	10% (2.44%)	10% (2.91%)	10% (2.7%)	10% (2.7%)	10% (2.15%)	P154

*UDC performance in red - less than 10% is good.*

**Committee:** Planning  
**Date:** 8 June 2022  
**Title:** Planning Enforcement Team Update  
**Author:** Sarah Marshall, Planning Enforcement Team Leader

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## Purpose

1. The Planning Committee will recall receiving an information item at Planning Committee on 27 October 2021. That item drew attention to the PEER Review of Planning carried out by The East of England Local Government Association (EELGA) and the implementation plan that accompanied it.
2. The report recommends actions under themes called pathways. One of these pathways relates to Planning Enforcement. Monitoring of progress with the pathways is taking place regularly with the Interim Director of Planning in consultation with the portfolio Holder for Planning. Formal reports on progress go to Scrutiny and Cabinet.
3. The overarching objective in the Enforcement Theme/Pathway is to promote greater public understanding of the roles and responsibilities, powers and procedures of the planning enforcement service. There are also actions around streamlining internal processes which are currently in progress.
4. The Planning Committee were advised of the Council's Planning Enforcement Policy in March, training for both officers and Members on Planning Enforcement were also undertaken in March along with a Parish Forum where the main topic was the Planning Enforcement Policy. This is to provide the Planning Committee with information regarding the structure of the team, the average number of investigations a year, project work that is being undertaken and the current number of open investigations.
5. Below are the numbers of cases investigated and closed in financial years 17-18, 18-19, 19-20, 20-21, 21-22, 22-23.

<b>Year</b>	<b>Number of cases opened in the year</b>	<b>Number of cases closed in the year (those received in the same year)</b>
2017-2018	403	408 (278)
2018-2019	331	368 (230)
2019-2020	329	318 (263)

2020-2021	298	274 (179)
2021-2022	292	209 (135)
2022-2023	44	31 (5)

6. Planning Enforcement prioritise the investigations into 4 categories as set out in the Planning Enforcement Policy. These categories are A - Top Priority, B - High Priority, C - Normal Priority and D – Other Priority.

Year	Priority				
	A	B	C	D	High Hedge
2017-2018	6	52	336	9	
2018-2019	9	49	273		
2019-2020	3	66	259		1
2020-2021	3	61	198	35	1
2021-2022	3	41	192	55	1
2022-2023		7	37		

7. Before an investigation is opened the information submitted to the Council is reviewed and there is a 'triage' process which means that not all referrals that we receive are logged as formal enforcement investigations. This happens when it is clear that it is not a breach of planning control or where we can identify that planning permission has been granted, the alleged breach is de-minimus that it is not expedient to pursue, is clearly outside the remit of planning enforcement or the referral is from an anonymous source and does not fall within our criteria set out in the Planning Enforcement Policy.
8. We currently have 280 open files which are at various stages of investigation, there are 5 with extant enforcement notices, 10 with pending planning applications.
9. There reasons for closing a file off are that there is no breach, that compliance has been achieved and the breach has ceased either through formal enforcement action or through negotiation; that planning permission has been granted or that it is assessed as not being expedient to pursue, either because planning permission is likely to be granted or the breach is a technical or minor

breach. Below is a table showing the reasons in percentage of why a file has been closed in that period.

Year file was closed	Reason to close case in %				
	No breach	Compliant	Planning permission granted	No further action-Not expedient to pursue	Other
2017-2018	50	38	1	10	1
2018-2019	42	38	3	16	1
2019-2020	34	27	6	32	1
2020-2021	45	22	20	12	1
2021-2022	38	27	24	11	
2022-2023	100				

10. The purpose of Planning Enforcement is to regularise the breach of planning control and formal action should only be taken where negotiations have failed, or the breach is so significant it is appropriate to do so. A good example of an investigation which was closed due to compliance without the need for formal enforcement action was an unauthorised change of use of land for airport parking at the rear of a residential property. When the council were made aware of the alleged breach there were in excess of 300 vehicles parked on the land. The owner of the land was made aware that this change of use was in breach of planning control and was advised to cease the use or the Council would consider taking formal enforcement action. The owner of the land ceased the unauthorised use and a compliance check by an officer confirmed that the use has ceased and the breach remedied.

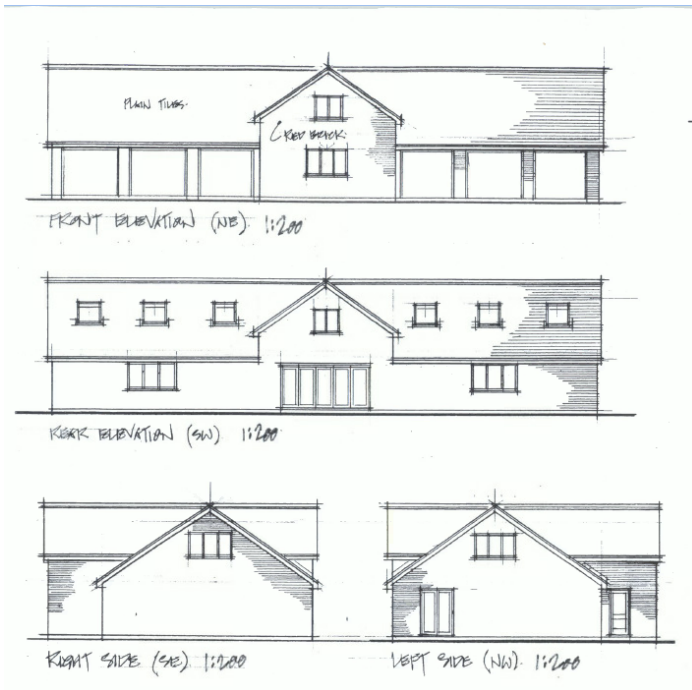


Before



After

11. A good example of a breach being remedied through formal enforcement action is the erection of a large garage block in the countryside. The owners sought retrospective planning permission to retain the building which was refused and the appeal against the refusal was dismissed. The owners then sought planning permission in a modified form which also was refused, and the Council took formal enforcement action. An appeal against the planning enforcement notice that the compliance period specified in the notice is insufficient to carry out the requirements of the notice was dismissed. The building has now been demolished in its entirety by the owners of the land and the breach has been remedied.



Before



During demolition

## Recommendations

12. It is recommended that the Committee notes this report for information.

# Agenda Item 8



**ITEM NUMBER:** 8

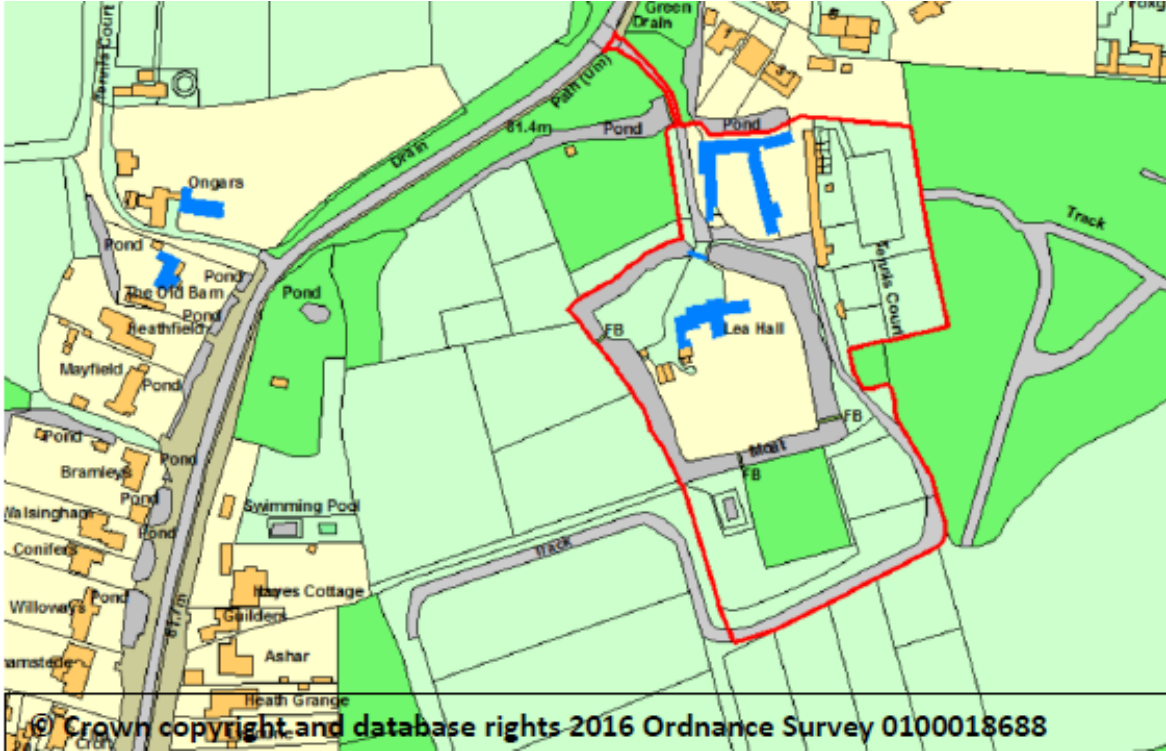
**PLANNING COMMITTEE DATE:** 8 June 2022

**REFERENCE NUMBER:** UTT/19/3173/FUL

**LOCATION:** Lea Hall, Hatfield Heath,



**SITE LOCATION PLAN:**



**PROPOSAL:** Proposed refurbishment of Lea Hall including the addition of new detached garage and detached swimming pool building. Conversion of barns and cottage to 8 no. Dwellings. Demolition of existing stables to be replaced by 5 no. Dwellings with cart lodges and associated landscaping.

**APPLICANT:** Mark Jones

**AGENT:** Stuart Wighton

**EXPIRY DATE:** 14 April 2022

**EOT Expiry Date** 03 June 2022

**CASE OFFICER:** Madeleine Jones

**NOTATION:** Outside Development Limits, Metropolitan Green Belt, Ancient Monument, Grade II\* Listed Buildings, Tree Preservation Orders, Archaeological Site, within 2km of SSSI, Within 6km of Stansted Airport

**REASON THIS APPLICATION IS ON THE AGENDA:** Referred from committee meeting 16<sup>th</sup> March 2022

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**1. EXECUTIVE SUMMARY**

- 1.1** The above planning application was reported to Planning committee on 16<sup>th</sup> March 2022. The application report (appended) recommended the matter for approval with conditions subject to s106 Legal Obligation.
- 1.2** Members resolved to approve the application with conditions subject to a s106 Legal Obligation with the s106 to be brought back to the Committee for consideration.
- 1.3** The specification of the works are captured within the Section 106 and cover two elements (i) works to Lea Hall (Grade II\*) and works to the barns at Lea Hall (Grade II).
- 1.4** The definition of commencement is formally defined.
- 1.4** There are two triggers defined within the Section 106

- (i) No Commencement of works to new builds plots 9 10 and 11 until Lea Hall works in accordance with specification of works submitted are complete; and
- (ii) No occupation of new build plots 9,10 and 11 until completion of the listed barns plots 1-7 in accordance with the specification of work.

**1.4** The purpose of this report is not to re-open discussions on the matter but to agree the Section 106.

**1.5** It is considered that all the requirements of the proposed Section 106 are appropriate and reasonable for securing the enabling development to Lea Hall and the Listed Barns.

**2. RECOMMENDATION**

That the Interim Director of Planning and Building Control be authorised to **GRANT** permission for the development subject to those items set out in section 1 of the report appended-

- A) Completion of a s106 Obligation Agreement in accordance with the Heads of Terms as set out
- B) Conditions

**And**

If the freehold owner shall fail to enter into such an agreement, the Interim Director Planning & Building Control shall be authorised to **REFUSE** permission following the expiration of a 6 month period from the date of Planning Committee.

**2.1 Appendices:**

**2.1.1 Appendices1:** Agenda Item 10: UTT/19/3173/FUL Officers report as submitted to planning committee on 16<sup>th</sup> March 2022

## **Appendices 1:**

### **UTT/19/3173/FUL Officers report as submitted to planning committee on 16<sup>th</sup> March 2022**

#### Agenda Item 10

**PROPOSAL:** Proposed refurbishment of Lea Hall including the addition of new detached garage and detached swimming pool building.

Conversion of barns and cottage to 8 no. Dwellings.

Demolition of existing stables to be replaced by 3 no.

Dwellings with cart lodges and associated landscaping.

**APPLICANT:** Mark Jones

**AGENT:** Stuart Wighton

**EXPIRY DATE:** EOT: 5<sup>th</sup> March 2022

**CASE OFFICER:** Madeleine Jones

**NOTATION:** Outside Development Limits, Metropolitan Green Belt, Ancient Monument, Grade II\* Listed Buildings, Tree Preservation Orders, Archaeological Site, within 2km of SSSI, Within 6km of Stansted Airport

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#### **1 RECOMMENDATION: APPROVAL WITH CONDITIONS SUBJECT TO S106 LEGAL OBLIGATION**

##### **1.1 S106 HEADS OF TERMS;**

- (i) Secure enabling works
- (ii) Monitoring Cost

**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:

- (i) Secure enabling works
- (ii) Monitoring cost**

**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:

Failure to secure enabling works

#### **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** No development shall take place, including any ground works or demolition, until such time as the visibility splays shown on DWG no. 1176- 01-CIV-XX-00-DR-T-1009 Rev. P01 (Titled - Junction Visibility Splays) and 1176-01-CIV-CC-00-DR-T-1007 REV. P02 (Titled - Forwards Visibility Splays) have been physically provided and an associated maintenance regime secured in perpetuity. Such vehicular visibility splays shall be provided clear to ground and retained free of any obstruction for the life of the development.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety, in accordance with Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1

**3** 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 and shall provide for the following all clear of the highway:

- i. Safe access into the site.
- 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.

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, in accordance with Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1

**4** Prior to the occupation of the development, the improvement of the existing access as shown on DWG no. 1176-01-CIV-XX-00-DR-T-1008 REV. P02 to include but not limited to, resurfacing, kerbing, any associated drainage works. Details to be agreed with the Local Planning Authority and implemented.

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, in accordance with Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1

**5** No unbound material shall be used in the surface treatment of the vehicular access within 10 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety, in accordance with Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1

**6** Prior to occupation of the development, a dropped kerb pedestrian crossing point both sides of the site access, including appropriate tactile paving, reconstruction/resurfacing, kerbing, drainage (as required), shall be provided.

Reason: In the interest of highway safety and accessibility, in accordance with Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1

**7** No dwelling shall be occupied until the associated parking and/or turning head indicated on the approved plans has been provided. The vehicle parking and turning heads shall be retained in this form at all times.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interest of highway safety and that appropriate parking is provided, in accordance with Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1

**8.** 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 retained at all times.

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

**9** 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 Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1

**10** All mitigation measures and/or works shall be carried out in accordance with the details contained in Herpetofauna Assessment (Herpetologic, Sept 2017) Great Crested Newt HSI & eDNA Survey, Bat Survey, Reptile Survey, Badger Survey (all The Ecology Consultancy, July 2020) and Updated Ecological Conditions Report (Geosphere Environmental, September 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination, including but not limited to a pre-commencement survey for badgers and Barn Owls.

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 Uttlesford Local Plan Policy GEN7

**11** Prior to commencement, the following works to Lea Hall, its barns, cottage and other outbuildings shall not in any circumstances commence unless the local planning authority has been provided with either:

a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or

b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

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 and s17 Crime & Disorder Act 1998) and in accordance with Uttlesford Local Plan Policy GEN7

**12** Prior to commencement, the proposals shall not in in any circumstances commence unless the local planning authority has been provided with either:

a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or

b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

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 and s17 Crime & Disorder Act 1998 and in accordance with Uttlesford Local Plan Policy GEN7

**13** 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.

i) Containment, control and removal of any Invasive non-native species present on site (Variegated Archangel).

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 Uttlesford Local Plan Policy GEN7

**14** Prior to slab level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Bat Survey, Great Crested Newt HIS & eDNA Survey, Reptile Survey, Badger Survey (all The Ecology Consultancy, July 2020) and Updated Ecological Conditions Report (Geosphere Environmental, September 2019) 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/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Uttlesford Local Plan Policy GEN7

**15** 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 Uttlesford Local Plan Policy GEN7

**16** 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 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 Uttlesford Local Plan Policy GEN7

**17** If the development hereby approved does not commence within 12 months from the date of the survey results in Bat Survey, Great Crested Newt HIS & eDNA Survey, the approved ecological mitigation measures secured through condition shall be reviewed and, where necessary, amended and updated.

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 the development. 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 Uttlesford Local Plan Policy GEN7

**18** Historic England should be consulted to obtain Scheduled Monument consent. No work either in the house or outside can commence until Scheduled Monument consent has been obtained.

Reason: In the interest of the historical importance of the site in accordance with Policies ENV2 and ENV4 of the Uttlesford Local Plan (adopted 2005).

**19** Building Record

No conversion of any kind shall take place until the applicant has secured and implemented a programme of archaeological building recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

Reason: In the interests of the historical importance of the building in accordance with Policies ENV2 and ENV4 of the Uttlesford Local Plan (adopted 2005).

**20** Phased programme of archaeological investigation.

No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority prior to reserved matters applications being submitted.

Reason: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005)

**21** No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

Reason: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005)

**22** The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within three months of the completion of 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: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005)

**23** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without

modification), no development within Classes A to F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order shall take place in respect of the proposed dwellings, without the prior written permission of the local planning authority.

Reason: To prevent the site becoming overdeveloped and in the interests of the amenity of the occupiers of adjoining dwellings and buildings in accordance with the National Planning Policy Framework 2021 and the adopted Uttlesford Local Plan 2005 - Policy GEN2.

**24** Petrol / oil interceptors shall be fitted in all car parking/washing/repair facilities.

Reason: Failure to enforce the effective use of petrol / oil interceptors could result in oil - polluted discharges entering local watercourses to accord with Uttlesford Local Plan Policy ENV12

**25** Additional drawings of new windows, doors, rooflights, glazed panels, balustrades, eaves and verges, in section and elevation at a scale between 1:1 and 1:20 as appropriate, shall be submitted to and agreed in writing by the Local Planning Authority prior to their construction or installation on site.

Reason: In the interests of preserving the historic character and appearance of the Listed Building and its setting in accordance with the adopted Uttlesford Local Plan 2005 - Policy ENV2

**26** Details of the types, colours and finishes of all boundary treatments and hard landscaping shall be submitted to and agreed in writing by the Local Planning Authority prior to their first installation on site.

Reason: In the interests of preserving the historic character and appearance of the Listed Building and its setting in accordance with the adopted Uttlesford Local Plan 2005 - Policy ENV2

**27** No development other than that required as part of further investigation or that required to be carried out as part of an approved scheme of remediation should be undertaken without prior approval from the Local planning Authority. Further site investigation should be undertaken to quantify the risk outlined within the Preliminary Risk Assessment contained in the Stanstead Environmental Service report ref. CON21-HATF-003 which is outlined in their annex F.

Reason: To protect human health and the environment in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

**28** If found to be necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to receptors shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To protect human health and the environment in accordance with ULP Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

**29** The remediation scheme shall be implemented in accordance with the approved timetable of works prior to the commencement of development (other than that required to carry out

the remediation) unless otherwise agreed by the local planning authority. Within 2 months of the completion of measures identified in the approved remediation scheme, a validation report to demonstrate the effectiveness of the remediation carried out must be to and approved in writing by the Local Planning Authority.

Reason: To protect human health and the environment in accordance with ULP Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

**30** If, during development, contamination not previously identified is found to be present at the site, it must be reported immediately to the Local Planning Authority and work halted on the part of the site affected by the unexpected contamination. No further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has carried out a full assessment of the extent of the contamination. Where remediation is necessary, a remediation scheme shall be provided detailing how this unsuspected contamination shall be dealt with. The details shall be submitted to and approved in writing by the local planning authority Following completion of measures identified in the approved remediation scheme, a validation report must be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect human health and the environment in accordance with ULP Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

**31** Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

- a) The construction programme and phasing
  - b) Hours of operation, delivery and storage of materials
  - c) Details of any highway works necessary to enable construction to take place
  - d) Parking and loading arrangements
  - e) Details of hoarding
  - f) Management of traffic to reduce congestion
  - g) Control of dust and dirt on the public highway
  - h) Details of consultation and complaint management with local businesses and neighbours
  - i) Waste management proposals
  - j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
  - k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.
- All works shall be carried out in accordance with the approved CEMP thereafter.

Reason: to ensure that construction impacts on adjacent residential occupiers are suitably controlled and mitigated in accordance with ULP Policy GEN4

## **2. DESCRIPTION OF THE SITE:**

**2.1** The site is located to the east of Dunmow Road in Hatfield Heath. It is approximately 2.7 hectares in size and is bound to the south and west by agricultural fields and grassland. The surrounding area is predominately rural; however, the site is bounded by housing to the north and linear development along the main roads that lead into Hatfield Heath to the south and west of the site.

**2.2** Access to the site is to the east Dunmow Road. The site is located to the northeast of the village of Hatfield Heath which in turn is located approximately 5 miles south east of Bishop's Stortford. The M11 is approximately 5 miles away, providing access to Stansted Airport and Cambridge to the north, and London to the south.

The nearest train station is located in Sawbridgeworth and provides direct train links to London Liverpool Street within 1 hour, and the north. The site is also served by bus routes with stops on Chelmsford Road (A1060), approximately an 8 minute walk from the site.

**2.3** Lea Hall itself is a Grade II\* Listed building (List number (1334062), it is a substantial detached dwelling dating from the 15th century with 17th century additions. It is set within a Scheduled Ancient Monument (SAM) (number 1012093) relating to the moated site, which is likely to pre-date the current Lea Hall. Within the landscaped garden of Lea Hall are 3 separately designated edifices, each at Grade II. Beyond the moat and the SAM, but within the curtilage of Lea Hall is a range of Grade II Listed farm buildings (List number 1107936), which range in date between the 17th, 18th and 19th centuries.

**2.4** There is a menage and tennis courts to the east of the site, to the south of Lea Hall in an adjoining field is an open-air swimming pool. There are further outbuildings including stables and storage buildings.

**2.5** To the north of Lea Hall are a group of Grade II Listed derelict barns.

**2.6** Within the grounds of Lea Hall (39m north) is an arch which is located over the carriageway of a small bridge over the moat of Lea Hall. This is Grade II Listed. There is a further archway to the rear of Lea Hall that is also Grade II listed. In addition, there is an ornament (former window tracery of the church of St Augustine) which again is Grade II listed

### **3 PROPOSAL**

**3.1** The proposal has been revised and is now for the refurbishment of Lea Hall including the addition of a new detached garage and detached swimming pool building and for conversion of barns to 8 no. dwellings. The refurbishment of the single storey cottage and demolition of existing stables and farm stores. Erection of 3 no. new dwellings (This has been reduced from 5) and associated landscaping.

**3.2** The development would create 2 x 1 bedroom, 5 x two bedroom, 3 x four bedroom and 1x 5-bedroom dwellings.

**3.3** Of these, three would be new build within the Metropolitan Green Belt.

**3.4** Access would be using the existing access onto the Dunmow Road.

**3.5** The development would include the erection of a new replacement swimming pool to be located south of Lea Hall in the adjacent field beyond the moat. A new footpath would connect the main house to the swimming pool. The existing timber pump house would be demolished.

**3.6** The existing detached garaging serving Lea Hall would be demolished and a new two bay cart lodge erected on the footprint of the existing garages. A car port block would be built to serve the converted barns.

**3.7** A further garage would be constructed to the south of Lea Hall on the footprint of the existing garage.

**3.8** The existing tennis courts and associated fences would be retained.

**3.9** All new dwellings would have private amenity space.

### **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 supported by the following documents:

Design and Access Statement  
Environmental Statement  
Flood Risk Assessment  
Heritage Statement  
Historic England Pre- application advice  
Land contamination Assessment  
Non – Technical Ecological Summary  
Protected Species survey Report  
Place Services Survey Report  
Structural survey  
Suds Checklist  
Surface Water Drainage Strategy  
Transport Assessment  
Arboricultural Implication Report  
Enabling Assessment (updated 20<sup>th</sup> January 2022)  
Built Heritage Statement  
Planning Statement  
Tree Survey  
Phase 1 Habitat Survey  
Phase 1 Preliminary Risk Assessment  
Herpetofauna Assessment  
Bat survey  
Great Crested Newt survey  
Water vole Survey

## **6. RELEVANT SITE HISTORY**

**6.1** DUN/0268/61: Additions and alterations. Permitted Development

### **6.2** UTT/023

0/84: Outline application for erection of an agricultural dwelling.  
Refused.

**6.3** UTT/0700/93/FUL: Renewal of erection of agricultural dwelling and garage (previously approved under UTT/1506/89) Approved with conditions.

**6.4** UTT/0876/89: Outline application for erection of an agricultural dwelling. Approved with conditions.

**6.5** UTT/1321/88: Proposed reconstruction of chimney stacks. Approved with conditions.

**6.6** UTT/1504/88: Proposed conversion and alterations of tack room and cottage. Approved with conditions

**6.7** UTT/1505/88/LB: Proposed conversion and alterations of tack room and cottage. Approved with conditions.

**6.8** UTT/1765/87: Proposed conversion of existing tack room and outbuilding to form gardeners/ caretaker's cottage. Refused.

**6.9** UTT/1766/87/LB: Proposed conversion of existing tack room and outbuilding to form gardeners/ caretaker's cottage. Refused.

**6.10** UTT/19/3163/LB: Proposed renovation works to Lea Hall including the demolition of existing modern extensions, reinstatement of external render to match original, removal of section of ceiling to entry hall, replacement of modern internal floor finishes, minor alterations to internal walls and minor repairs to match existing. Pending

**6.11** UTT/19/3164/LB: Proposed renovation works to Lea Hall including the demolition of existing modern extensions, reinstatement of external render to match original, removal of section of ceiling to entry hall, replacement of modern internal floor finishes, minor alterations to internal walls and minor repairs to match existing. Pending

**6.12** UTT/18/3379/PA: Refurbishment of Lea Hall and farm cottage. Conversion of existing barns and stables into 7no new dwellings. Construction of 5 new dwellings.

## **7. CONSULTATION RESPONSES:**

### **Hatfield Heath Parish Council**

**7.1** The Parish Council object strongly to this application on the grounds that it is within the Metropolitan Green Belt, outside the village envelope, includes a designated ancient monument, is a designated site of architectural importance, in a minerals safeguarding area which is ecologically sensitive.

Further, it is a clear attempt to build a full estate of houses in an inappropriate and remote location, with limited/dangerous access on a dangerous bend in the Dunmow Road and with a clear detrimental effect on an historical site presently designated as farmland. The development including Lea Hall itself would comprise 14 dwellings none of which appear to be designated as affordable, with only Lea Hall and the cottage being present dwellings (to which it does not object).

### **ECC Place Services – Ecology**

**7.2** No objection subject to securing biodiversity enhancement measures

#### **Summary**

We have reviewed the new documents provided with this application including, the Bat Survey, Great Crested Newt HSI & eDNA Survey, Reptile Survey, Water Vole Survey, and Badger Survey (The Ecology Consultancy, July 2020), Herpetofauna Assessment (Herpetologic, Sept 2017) and reviewed the Updated Ecological Conditions Report (Geosphere Environmental, September 2019); Magic Maps and aerial photographs, relating to the likely impacts of the development on designated sites, protected & Priority species and habitats, and identification of proportionate mitigation and enhancement.

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

We note that the development site is situated within the Impact Risk Zone for Hatfield Forest Site of Special Scientific Interest (SSSI)/National Nature Reserve (NNR) as shown on MAGIC map ([www.magic.gov.uk](http://www.magic.gov.uk)). Therefore, Natural England's revised interim advice to Uttlesford DC (ref: HatFor Strategic Interim LPA, 5 April 2019) should be followed to ensure that impacts are minimised to this site from new residential development. As this application is less than 50 or more units, Natural England do not, at this time, consider that is necessary for the LPA to secure a developer contribution towards a package of funded Strategic Access Management Measures (SAMMs) at Hatfield Forest.

The Bat Survey (The Ecology Consultancy, July 2020) confirms bat roosts in the main house, cottage, central barn and barn complex and a European Protected Species (EPS) Mitigation

Licence for the development will be required. The trees with potential roosting features that are due to be felled did not hold active roosts at the time of the surveys, but due to their potential, soft felling under the supervision of a suitably qualified ecologist is required. The report also states that all works should be undertaken outside the bird nesting season (March to August inclusive) or within 48 hours of a nesting bird check undertaken by an ecologist. We recommend that a copy of the EPS mitigation licence for bats is secured by a condition of any consent.

The Great Crested Newt HSI & eDNA Survey (The Ecology Consultancy, July 2020) confirmed the presence of GCN in one waterbody on site and one adjacent to the site and that terrestrial commuting, foraging and hibernating habitat exists across the site. Due to the time of year and the timescale for development it was not possible to establish a population size assessment of GCN. We note that habitats on-site which are to be affected by the work include the moat, short semi-improved grassland (mown and rabbit grazed), small areas of longer semi-improved grassland, garden shrubs (unmaintained) and stored materials such as rubble piles which offer a range of breeding, foraging and refuge opportunities for great crested newts.

At the time of writing the reports, confirmation of the extent of works affecting the moat and surrounding habitats was also not determined and further information about the works would be required to inform the licensing application with suitable mitigation and enhancements required.

We note that, given that the proposed works will directly, albeit temporarily, affect Pond 1 and will result in the loss of terrestrial foraging and refuge habitats a European Protected Species (EPS) mitigation licence will need to be obtained from Natural England prior to the start of works, in order to avoid an offence under the Conservation of Habitats and Species Regulations 2017 (as amended). We recommend that a copy of the EPS mitigation licence for bats is secured by a condition of any consent.

We have reviewed the outline GCN mitigation strategy (Herpetologic, Sept 2017) and supported by which includes;

- Ecological supervision of works – to rescue any amphibians or reptiles prior to destructive activities
- Habitat management, pond creation and enhancements
- Follow up monitoring of water bodies

We therefore consider that, as indicated in the Great Crested Newt HSI & eDNA Survey (The Ecology Consultancy, July 2020), the LPA has certainty on likely impacts on GCN and that the initial mitigation strategy is appropriate and will ensure that the licensed activity does not detrimentally affect the conservation status of the local population of GCN in line with Natural England's licencing Policy 4. Given the varied habitats present and the complex nature of the site, the applicant's ecologists also consider that attempting a trapping and translocation programme on site would be inefficient and largely ineffective.

We agree that use of Natural England's new licencing Policy 1 would be reasonable in this situation. Use of Policy 1 would require a significant and demonstrable enhancement to the current habitats on site and would include measures such as creation of refugia and hibernacula, creation of new ponds, improvements to existing ponds and management / creation of beneficial terrestrial habitats such as hedgerows, woodland and grassland habitats.

These habitat enhancement measures need to substantially outweigh any losses in order to satisfy Natural England that the proposals demonstrate a significant enhancement otherwise trapping and translocation would have to be considered.

Further details regarding the works to the moat will be required to inform the final GCN mitigation strategy which will need to be approved by Natural

England. If Natural England are not satisfied that the three licencing tests can be met, it may be necessary to undertake further surveys to determine population size of newts within the ponds. The Reptile Survey (The Ecology Consultancy, July 2020) followed previous surveys including those undertaken as part of the Updated Ecological Conditions Report (Geosphere Environmental, September 2019). The surveys undertaken for both reports were in the sub-optimal period for reptile surveys (June and July) and found only one grass snake on site. However, the mitigation and enhancement measures outlined for Great Crested Newts were felt to provide suitable protection for reptiles during the construction phase and enhancements post development, including the timing of works, phased habitat clearance under an Ecological Clerk of Works. The Badger Survey (The Ecology Consultancy, July 2020) did not confirm the existence of setts on site or within 30m of the site, in contrast to a previous survey. However, it does recommend a further pre-commencement survey a maximum of 3 months prior to the start of any works. The dense scrub on the western side of the moat was not surveyed and an ecologist needs to be present during the clearance of this area. Other mammals are using the site, including rabbits, foxes and moles, and precautionary measures are required during construction to avoid breaching the Wild Mammals (Protection) Act (1996).

The Water Vole Survey (The Ecology Consultancy, July 2020) found no evidence of Water Voles on site and that the waterbody is isolated from any other potential populations and unlikely to benefit from enhancements for this species.

The Updated Ecological Conditions Report (Geosphere Environmental, September 2019) recommended a precautionary Barn Owl survey before works commence as some of the barns held roosting potential, although no evidence of current activity was found.

All the reports highlight the need for boundary habitats to be retained, enhanced and protected as part of this development, including the retention of wide grassland boundaries. Due to the number of protected and Priority species and habitats affected by this scheme and the complex and diverse nature of the site, an Construction Environmental Management Plan: Biodiversity and an Ecological Management Plan should be secured by conditions of any consent to ensure that appropriate mitigation and enhancement measures are brought together from the various ecological reports submitted as part of this application.

Given the presence of confirmed bat roosts and boundary features that could provide commuting and foraging opportunities for bats and other wildlife on site, it is also recommend that a wildlife sensitive lighting design strategy is secured for submission to the LPA as a condition of any consent. This should identify areas that are sensitive to wildlife and how light spill to these areas will be avoided.

The Bat Survey, Great Crested Newt HSI & eDNA Survey, Reptile Survey, Badger Survey (The Ecology Consultancy, July 2020) and Updated Ecological Conditions Report (Geosphere Environmental, September 2019) outline enhancement measures that should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority species and secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. These reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Layout and should be secured prior to slab level.

This will enable 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 above based on BS42020:2013.

### **Specialist Archaeological advice**

**7.3** Historic England should be consulted to obtain Scheduled Monument consent. No work either in the house or outside can commence until Scheduled Monument consent has been obtained.

No conversion of any kind shall take place until the applicant has secured and implemented a programme of archaeological building recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

A) No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority prior to reserved matters applications being submitted.

B) A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

C) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

D) The applicant will submit to the local planning authority a postexcavation assessment (to be submitted within three months of the completion of 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 for Archaeological condition

The Historic Environment Record identifies the proposed area for development as being within an area of highly sensitive structures and archaeological deposits. Elements of the proposed development is located within and adjacent to the Scheduled Monument of Lea Hall, a double moated site occupied by the seventeenth century Grade II\* listed house of Lea Hall (LUID: 1012093 and 1334062). The peak period during which moated sites were built was between about 1250 and 1350 and the moated site in this case is well preserved. Therefore, there is the potential for archaeological deposits being encountered from the medieval period onwards. The proposed conversion of the important adjacent farm buildings will have a significant impact on an important range of buildings, altering their present function. There is the potential of further archaeological deposits, either related to the farm complex or earlier occupation in the area of the new builds.

Trial trenching will therefore be required before the construction of any proposed new structures within the development including the detached garage and 8 new dwellings following the demolition of the existing stables. Details regarding the archaeological investigation on the scheduled site will require discussions with Historic England and any work will need scheduled monument consent.

The buildings proposed for alterations comprise the Grade II listed farm buildings which exist 50 metres north of Lea Hall (LUID 1107936).

The farm buildings date to the seventeenth, eighteenth and nineteenth centuries and retain much of their historic fabric and layout. It is recommended that prior to the alteration of the buildings they will be 'preserved by record' through an archaeological building recording survey. This will record both the external and internal structure identifying features that relate to their original functions and the phasing. This will include full frame surveys for all buildings

All archaeological work and development within the Scheduled Monument can only take place following approved Scheduled Monument Consent.

## **UKPN**

**7.4** Should the excavation affect our Extra high voltage equipment, the applicant should obtain a copy of the primary route drawings and associated cross sections.

## **Thames Water**

**7.5** No objection

## **Environmental Health**

**7.6** No objections subject to conditions in respect of contamination and construction noise

## **National Amenity Society**

**7.7** Summary :

Many aspects of the proposals within these 3 separate applications at Lea Hall will undoubtedly cause harm to the significance and the significance of the setting of Lea Hall and the other designated heritage assets within and adjacent to the proposal site. It is therefore a matter of clear and convincing justification for the degree of harm to significance, which rests on an accurate assessment of the conservation deficit and a reasonable quantum, and no more, of enabling development. The CBA urge your Authority, with the expert support of Historic England, to fully scrutinise and assess whether the quantum of works proposed is indeed justified, as required by paragraph 194 of the NPPF.

Significance:

Lea Hall itself is a Grade II\* Listed building (List number 1334062), dating from the 15th century. It is set within a Scheduled Ancient Monument (SAM) (number 1012093) relating to the moated site, which is likely to predate the current Lea Hall. Within the landscaped garden of Lea Hall are 3 separately designated edifices, each at Grade II. Beyond the moat and the SAM, but within the curtilage of Lea Hall is a range of Grade II Listed farm buildings (List number 1107936), which range in date between the 17th, 18th and 19th centuries.

The time depth and continued evolution of Lea Hall and its setting creates complex layers of historical and evidential value and inter-relationships between the different buildings that all contribute to the significance of the overall site. Weighing the harm to significance against conservation works on site, as required by these 3 applications, will be a fine balance.

Paragraphs 189 and 190 of the National Planning Policy Framework

(NPPF) require that a comprehensive assessment and understanding of the significance of the site must inform any proposals for change. Beyond this paragraph 194 states that “clear and convincing justification” for any harm to, or loss of significance must be evidenced. Given the enabling development component of this application, much of the justification for development within the sensitive setting of Lea Hall, and its designated agricultural building range, rests on a viability assessment which The Council for British Archaeology are not in a position to scrutinise. We therefore advise your Local Planning Authority to work closely with Historic England to assess whether the number of new domestic units and subdivision and conversion of the Grade II barns is justified by the conservation deficit on site. The CBA defer to the specialist expertise of Historic England on these applications at Lea Hall in order to ensure that the requirements of section 16 of the NPPF are met.

### **Aerodrome Safeguarding**

#### **7.8 No aerodrome safeguarding objections to the proposal**

### **SPAB (Society for the Protection of Ancient Buildings)**

**7.9** In considering the impact of the proposals we have focussed on those buildings that fall within our date remit (pre - 1720). We note that the applications have been the subject of detailed pre - application advice by Historic England and your Conservation Officer and support the advice offered by them. We also note that, for the most part, the proposals have evolved positively in response to pre - application advice.

Nevertheless, we remain extremely concerned about one aspect of the proposals, namely, to remove one of the three bays in the entrance hall ceiling to create a double height space at the main entrance. It is clear from the application documentation that this is the original C15 ceiling ‘a double height space ceiling is unlikely to have previously formed part of the entrance hall’. We would therefore STRONGLY OBJECT to its removal as this would adversely affect the character and special architectural and historic interest of the listed building.

The applicant has not provided a robust justification for this aspect of the proposals. This is currently limited to a brief reference to the benefit to the occupant in terms of letting in more light, which we would not consider to be sufficient justification for an intervention that would result in the destruction of a significant portion of the historic fabric. It would also compromise both the legibility of the building’s primary 15th century phase and the understanding of the building’s historic plan form, adding to the level of harm caused. In this context we would bring to your attention paragraph 194 of the NPPF which states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.

The proposed works by virtue of their detrimental impact and the loss of historic fabric would adversely affect the character and special architectural and historic interest of the listed building. The works would, therefore, cause harm to the significance of the heritage asset contrary to paragraph 195/196 of Chapter 16 of the National Planning Policy Framework 2019. In line with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals, special regard

should be given to the desirability of preserving the listed building, its setting and any of its features of special architectural or historic interest. As a result, consent should not be given until the above point has been adequately addressed.

## **Essex Police**

**7.10** Whilst there are no apparent concerns with the layout however to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.

We would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" at the same time as achieving a Secured by Design award.

From experience pre-planning consultation is always preferable in order that security, landscaping and lighting considerations for the benefit of the intended residents and those neighbouring the development are agreed prior to a planning application.

## **Historic England**

### **7.11 Summary:**

The application seeks consent for the refurbishment of Lea Hall and the addition of a detached garage and swimming pool together with the demolition of barns and stables and their replacement with 13 dwellings. It is a site with a long history and an important group of highly designated heritage assets: the moated site, later medieval timber framed hall and its later farm buildings. We have already provided advice on the associated listed building consent applications and do not wish to offer advice on the demolition of the farm buildings and new dwellings. We have concerns regarding the impact of the new pool building and garage and recommend amendments are made to address these.

Lea Hall is a historic site with a well-preserved double moat, which is relatively rare within Essex, on which stands a fifteenth century timber framed house which was subsequently altered in the seventeenth century. To the north of the house lie a collection of farm buildings dating from the seventeenth century with later alterations. The site is located on the edge of Hatfield Heath with a landscape setting to the south and west. The moated site is a scheduled monument, the Hall is listed grade II\* and the farm buildings listed grade II.

Historic England visited the site and provided pre application advice in a letter dated 19 September 2019. We wish to offer advice on the proposals for the new garage and swimming pool building.

As we identified at the pre application stage, the moated site clearly has considerable archaeological potential. There is an existing double garage to the southwest of the Hall. It is proposed to demolish this and replace it with a larger, triple garage in the same area but on a different alignment. The construction of the new garage would cause some disturbance to the ground and, although we have no objection to the replacement of the garage, we recommend this is on the same footprint as the existing. Any works to the scheduled monument will of course require scheduled monument consent. The applicant should be advised that the granting of planning permission does not constitute Scheduled Monument Consent. In light of the archaeological potential of the moat island, we advised that the swimming pool was relocated away from the scheduled area,

potentially on the site of the existing pool. We therefore welcome the decision to locate the pool off the moat island. However, it is proposed directly on the opposite side of the moat on axis with the formal garden layout to the south of the hall. The existing pool is uncovered whereas in contrast the new pool is enclosed in a large structure. While the weather boarded design seems appropriate and the glazed elements face south away from the moat and the Hall, it remains a large building, set apart from the former farm buildings and proposed new dwellings and we have concerns this would detract from the landscape setting to the south and west of the moat island. This would cause harm to the setting and significance of the moat and Hall.

The National Planning Policy Framework sets out the desirability of sustaining and enhancing the significance of heritage assets, paragraph 193. It continues that great weight should be given to their conservation and that any harm requires clear and convincing justification, paragraphs 193 and 194. Where a proposal will lead to less than substantial harm, this should be weighed against the public benefits of the proposal, paragraph 196.

Historic England has concerns regarding the construction of a larger garage on the moated site and the potential harm to the archaeology here. We also have concerns regarding the impact of the large new pool building on the setting and significance of the moat and Hall. Given the highly designated status of the moat and Hall, great weight should be given to their conservation in line with policy. This also requires that any harm must be clearly and convincingly justified. There are a number of existing buildings outside of the moat and we suggest that any additional parking is provided in the area of these farm buildings. We recommend the garage on the moat island is replaced on the same footprint. With regard to the swimming pool, we suggest this is re-orientated to north - south and potentially set further to the west (assuming it cannot be accommodated with the group of farm buildings), this would reduce the visual impact and mass of the building in views from the moated site and Hall.

#### Recommendation

Historic England has concerns regarding the application on heritage grounds due to the disturbance to the moat and the impact of the swimming pool on the significance of the Hall and moat. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 193 and 194 of the NPPF.

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**7.12** The moated site clearly has considerable archaeological potential. We therefore advised the existing garage was replaced on the same footprint. The proposal has been amended in line with our advice to replace the existing garage with a cart lodge garage. It is also proposed to replace the attached garage with a new timber framed garage. Both new buildings would be on the footprint of existing structures and we welcome this approach.

Our earlier advice explained our concerns that the new swimming pool building would detract from the landscape setting to the south and west of the moat island resulting in harm to the setting and significance of the moat and Hall. We advised the building was re-orientated to north - south and potentially set further to the west (assuming it cannot be accommodated with the group of farm buildings). Again, the proposal has been amended in response to this with the re-orientation of the building to a north – south alignment. This would help to reduce the visual impact and mass of the

building in views from the moated site and Hall.

Recommendation

Historic England has no objection to the application on heritage grounds

## **ECC Highways**

**7.13** The Highway Authority has reviewed the application and a key element is securing improved forward visibility and visibility from the site access, given the proposed intensification of use of the access.

The applicant has confirmed that a legal agreement will be entered into with the landowner to secure the required visibility splays, both from the site access and forward visibility along B183 Dunmow Road. However, as the content of this agreement has not been agreed with the Highway Authority, and is not currently in place, the Highway Authority would require a pre-commencement Grampian condition to ensure that the required visibility can be satisfactorily provided.

The applicant must be fully aware that should the proposal receive consent from the planning authority and the visibility splays are not secured in perpetuity by the development, then the Highway Authority would not support the proposal.

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to conditions:

## **Place Services Conservation**

**7.14** The applications pertain to the refurbishment of Lea Hall, the conversion of the associated farm buildings to 8 no. residential units and the erection of 5 no. new dwellings.

Lea Hall is a Grade II\* listed house (list entry no. 1334062) of fifteenth century origin with seventeenth century additions and later alterations. It is positioned in the centre of the Lea Hall Moated Site, a Scheduled Monument (list entry no. 1012093). Within the grounds of the house are three grade II listed garden ornaments: an arch 30 meters north of Lea Hall (list entry no. 1236863); some ornamental window tracery 40 meters west of the house (list entry no. 1325204); and an ornamental spire 35 meters to the south (list entry no. 1325204). To the north of the house, and outside the boundary of the scheduled monument, are a group of farm buildings of various dates (seventieth through to the nineteenth centuries).

The proposals have been subject to pre-application advice including a site meeting with Historic England and a letter dated 22/05/2019. The principle of sensitively restoring Lea Hall and converting the dilapidated farm buildings is supported. The construction of new dwellings to off-set the conservation deficit is more contentious but if they are fundamental to the viability of the scheme and secure the future of the listed buildings then there would be no objection. An independent assessment of the submitted Enabling Development Assessment would confirm this.

The proposals concerning the refurbishment of Lea Hall and the conversion of the farm buildings are addressed below in reference to the applications for Listed Building Consent.

With regards to the proposed garages and swimming pool building serving Lea Hall, the size and position of these have been revised following comments by Historic England. The garaging and cart lodge replace existing buildings and are appropriate in design and scale. The proposed swimming pool building is located to the south of the moated site in the position of a pre-existing pool. The building is large and the expanse of glazing on the south and east elevations further add to its visual prominence, however, it is located at a reasonable distance from the listed house and the simple form and weatherboard cladding help to integrate it into the site. Its revised north-south orientation also helps to lessen its visual impact when viewed from the house.

The conversion and extension of the existing cottage is uncontentious. The alterations are sympathetically designed. The proposed new cart lodge to serve the barns replaces an existing structure and its design references traditional agricultural buildings.

The proposed new builds were discussed at pre-application stage and are intended to off-set the conservation deficit of refurbishing Lea Hall and converting the farm buildings. An Enabling Development Assessment has been provided and this should be properly scrutinised by a relevant expert. If five new dwellings are required to eliminate the conservation deficit, as concluded by the Enabling Development Assessment, then the heritage benefits of refurbishing Lea Hall and the farm buildings (some of which are in a particularly poor structural condition) is considered to go some way to outweighing the less than substantial harm caused by five new dwellings within the settings of the listed buildings and scheduled monument.

The new builds will have an adverse impact on the setting of Lea Hall and the listed farm buildings by introducing additional built form into their settings and resulting in a more 'suburban' setting. However, efforts have been made to address this impact through design and the location of the new dwellings. Plots 12 and 13 are one and a half storey L-shaped houses of a modest scale and simple form. The use of simple, modern details and traditional materials is a sympathetic approach and the uninterrupted roof planes (other than rooflights) lessen their visual impact when viewed from Lea Hall.

The three larger houses to the east of the farm buildings (Plots 9, 10 and 11) will be more prominent additions to the site but are located further from Lea Hall, reducing some of their impact on its setting. The proposed houses are modern in design but reference elements of Essex vernacular architecture. Comments made during pre-application discussions have been taken into account. These three houses are large in scale (two four bed and one 5 bed) so this also needs to be considered in reference to the Enabling Development Assessment as smaller houses would be preferable and have less of an impact.

The proposed new dwellings are considered to result 'less than substantial harm' under the provisions of the NPPF and paragraph 196 should be considered in which the harm should be balanced against any public benefits arising from the scheme. There are some heritage benefits arising from the scheme including the sensitive refurbishment of Lea Hall and the sympathetic conversion of the farm buildings to provide the currently redundant buildings with a new use. It is suggested that the Enabling Development Assessment is scrutinised to ensure five new dwellings is the minimum required to off-set any conservation deficit.

If planning permission is granted, it is recommended that the following conditions are attached:

Samples of all external materials shall be submitted to and agreed in writing by the Local Planning Authority prior to their first use on site. Additional drawings of new windows, doors, rooflights, glazed panels, balustrades, cills, eaves and verges, in section and elevation at a scale between 1:1 and 1:20 as appropriate, shall be submitted to and agreed in writing by the Local Planning Authority prior to their construction or installation on site.

Additional details of the types, colours and finishes of all boundary treatments and hard landscaping shall be submitted to and agreed in writing by the Local Planning Authority prior to their first installation on site.

#### Summary

Considering the scheme as a whole (application nos. UTT/19/3173/FUL, UTT/19/3164/LB & UTT/19/3163/LB), the proposals will result in some 'less than substantial' harm primarily through the construction of new dwellings (adversely impacting the settings of Lea Hall and the farm buildings) and the conversion of the farm buildings (due to a change in their character and impact on their special interest). Paragraph 196 of the NPPF should therefore be considered. However, there are considered to be heritage benefits to the scheme including securing the long-term viable future of the listed buildings and, in the case of Lea Hall, ensuring it remains in its optimum viable use (as a single dwelling). The need for five (now reduced to three) new houses is only considered acceptable if they are required to off-set the conservation deficit, however, efforts have been made to mitigate harm through design. Paragraph 193 of the NPPF should also be considered as this affords great weight to the conservation of heritage assets. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are also relevant.

## SUDS

**7.15** Holding objection, based on the following

- • A detailed drainage plan is required which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features
- • Drainage modelling is required for all events up to 1 in 100 years plus 40% climate change.
- • Discharge rates should be limited to the greenfield 1 in 1 year rate or 1l/s, whichever is greater.
- • 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. Indices tables should be provided.
- • Engineering drawings should be provided detailing the SuDS components used within the drainage system
- • Maintenance plan - Prior to first occupation a maintenance plan detailing the maintenance arrangements should be submitted including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies

We also 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>

In the event that more information was supplied by the applicants then the



County Council may be in a position to withdraw its objection to the proposal once it has considered the additional clarification/details that are required.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless, these are all very important considerations for managing flood risk for this development and determining the safety and acceptability of the proposal. Prior to deciding this application, you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

Sequential Test in relation to fluvial flood risk.

- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

## **8. REPRESENTATIONS.**

Two representations were received from neighbouring residents, (Expiry date 14<sup>th</sup> February 2020 and the following objections have been made:

- This proposed development is situated outside the village development area and is in green belt.
- The number of homes proposed (additional 13) is clearly a serious over development of a rural site.
- The impact on what is already a dangerous rural road will be significant
- Lee Hall itself as clearly everyone is aware is a 2\* star listed building. Apart from Down Hall which is some way from the village it is the only 2\* listed building in Hatfield Heath. The moat surrounding the house is a scheduled ancient monument.
- The group of farm buildings form yet another important listing.
- and in addition, some very interesting monuments within the grounds have their own listings.

This site therefore contains 5 separate listings in a village which in total has a mere 43.

Much loud work ongoing for last few weeks incl. with large 'digger'. Also, noise from frequent motorsport on what was paddocks on agricultural land.

## **9. POLICIES**

### **9.1 National Policies**

National Planning Policy Framework 2021

## **9.2 Uttlesford District Local Plan 2005**

ULP Policy S7 - The Countryside  
ULP Policy S6 - Metropolitan Green Belt  
ULP Policy GEN2 - Design  
ULP Policy GEN8 - Vehicle Parking Standards  
ULP Policy GEN7 – Nature Conservation  
ULP Policy GEN1 - Access  
ULP Policy GEN4 - Good Neighbourliness  
ULP Policy GEN6 - Infrastructure Provision  
ULP Policy ENV5 – Protection of Agricultural Land  
ULP Policy GEN10 - Housing Mix  
ULP Policy GEN3 – Flood Protection  
ULP Policy H9 – Affordable Housing  
ULP Policy ENV4 – Ancient Monuments/sites of Archaeological Importance.  
ULP Policy ENV3 – Open Spaces and Trees  
ULP Policy ENV14 – Contaminated Land  
ULP Policy ENV2 – Listed Buildings  
ULP policy ENV12- Groundwater Protection

## **9.3 Supplementary Planning Document/Guidance**

Essex County Council Parking Standards (2009).  
Accessible homes and Playspace  
Uttlesford Local Residential Parking Standards (Feb2013)  
Interim Climate Change Policy  
National Planning Policy Guidance (NPPG)  
Essex Design Guide

## **10 CONSIDERATION AND ASSESSMENT:**

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

- A. Principle of the development (ULP policies S7, S6, H6, E5) and NPPF)
- B. Design, scale and impact on neighbour's amenity, impact on openness and character of the Metropolitan Green Belt (ULP policies GEN2, GEN4, S6 & NPPF)
- C. Impact on Listed buildings and their setting (ULP policies ENV2 ENV4 & NPPF)
- D. Mix of housing and Affordable housing (Uttlesford Local Plan policies H9, H10 and NPPF)
- E. Access/Parking and highway safety (Uttlesford Local Plan policies GEN1 and GEN8 and NPPF)
- F. Biodiversity (Uttlesford Local Plan policy GEN7, ENV7, ENV8 and NPPF,)
- G. Drainage and Flood Risk (ULP policies GEN3, GEN6 and NPPF)
- H. Climate change (Interim Climate Change Planning Policy)

### **A Principle of the development (ULP policies S7, S6, H6, E5 and NPPF)**

**10.2** The site is located outside the development limits for Hatfield Heath and is therefore located with the Countryside where Uttlesford Local Plan policy S7 applies.

Policy S7 specifies that the countryside will be protected for its own sake

and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there

**10.3** The development would be contrary to the aims of Uttlesford Local Plan Policy S7 as the development would include three new dwellings in the countryside, however there are special reasons why the development in the form proposed needs to be there (please see below).

**10.4** The site is located within the Metropolitan Green Belt where Uttlesford Local Plan Policy S6 applies. This states: Infilling, limited development compatible with the character of the settlement and its setting will be permitted within Hatfield Heath village. This development is not within the settlement limits of Hatfield Heath.

**10.5** The National Planning Policy Framework (2021) attaches great importance to Green Belts whereby a fundamental aim is to prevent urban sprawl by keeping land permanently open.

The essential characteristics of Green Belts are their openness and their permanence (Paragraph 137). Paragraph 148 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the green belt. Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances

The proposed erection of dwellings in this location is by definition harmful to the Green Belt.

The NPPF confirms that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, is clearly outweighed by other considerations.

The proposed erection of dwellings in this location is by definition harmful to the Green Belt.

Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are.

- o Buildings for agriculture and forestry.
- o Provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation and for cemeteries and burial grounds and allotments, as long as the facilities preserves the openness of the Green Belt and does not conflict with the purpose of including land within it;
- o the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
- o the replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces.

o Limited infilling in villages

Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites) and

o Limited infilling or the partial or complete redevelopment of previously

developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development or not cause substantial harm on the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

**10.6** The development would result in three new dwellings within the Metropolitan Green Belt which would have a detrimental harm to the character and appearance of the area by urbanising the site and its setting and by detracting from the visual openness of Metropolitan Green Belt land. The proposal is not one of the criteria above to be considered as very special circumstances.

**10.7** This development would not comply with the aims of the NPPF or Uttlesford Local Plan policy S6 in respect of impact on the Metropolitan Green Belt..

**10.8** The proposed works to refurbish Lea Hall and the adjacent barns and cottage would result in a conservation deficit.  
As such an element of new development would be required in order to reduce the conservation deficit.  
As such this application is for Enabling Development.

**10.9** Enabling development is development that would not be in compliance with local and/or national planning policies, and not normally be given planning permission, except for the fact that it would secure the future conservation of a heritage asset.

**10.10** Paragraph 208 of the NPPF , states that Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

**10.11** Heritage assets are an irreplaceable resource, to be conserved in a manner appropriate to their significance. When considering the impacts of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and any harm to, or loss of, the significance of a designated heritage asset should requires clear and convincing justification.

**10.12** The case for enabling development rests on there being a conservation deficit, i.e, the amount by which the cost of repair (and conversion to optimum viable use) of a heritage asset exceeds its market value on completion of repair or conversion, allowing for appropriate development costs.

**10.13** Enabling development is a planning mechanism which permits departure from planning policies in appropriate cases and so enables conservation of a relevant heritage asset in cases where otherwise the future of the asset would not be secured

**10.14** The harm done by enabling development contrary to other planning policies is likely to be permanent and irreversible.

**10.15** The sums of money generated through enabling development are provided to directly solve the conservation needs of the place, not to solve the financial needs of the present owner, to support/finance a business or to compensate for the purchase price paid for the site. The amount of enabling development that can be justified will be the minimum amount necessary in order to address the conservation deficit and to secure the long-term future of the assets.

**10.16** Lea Hall itself is a Grade II\* Listed building (List number (1334062), it is a substantial detached dwelling dating from the 15th century with 17th century additions. It is set within a Scheduled Ancient Monument (SAM) (number 1012093) relating to the moated site, which is likely to pre-date the current Lea Hall. Within the landscaped garden of Lea Hall are 3 separately designated edifices, each at Grade II. Beyond the moat and the SAM, but within the curtilage of Lea Hall is a range of Grade II Listed farm buildings (List number 1107936), which range in date between the 17th, 18th and 19th centuries.

**10.17** In view of the above an Enabling Development Assessment has been submitted in support of the application.

**10.18** The Enabling Development Assessment has been the subject of an Independent Assessment and subsequently revised.

**10.19** The assessments all found that the proposed rehabilitation works to Lea Hall, including the barns and the cottage resulted in a Conservation Deficit. The estimated costs for the proposed development have been agreed by the independent assessor.

Following the independent assessment, the swimming pool/leisure building has been excluded from the Enabling Development Assessment and the proposal has been revised to reduce the number of newbuilds in the green belt to three. (Two of the new builds have been removed from the scheme),

It has been agreed that to enable the repair and alterations to both the listed main house and the listed barns, the new buildings in plots 9,10,11 are required which will give a return to the applicant of 12 %

It is considered that the minimum level of development required to bring the viability of the scheme up to a deliverable level and to eliminate the conservation deficit, are three new dwellings.

Any development below the level proposed would result in a conservation deficit and lead to the site being commercially unattractive to prospective developers.

**10.20** The benefits of the proposals are considered sufficient to outweigh the significant and demonstrable harm arising from the proposals.

**10.21** As such the principle of the proposal is now on balance acceptable and the three new dwellings within the Metropolitan Green Belt are considered to be acceptable in these exceptional circumstances.

**B Design, scale and impact on neighbour's amenity, impact on openness and character of the Metropolitan Green Belt (ULP Policies GEN2, GEN4, S6 & NPPF)**

**10.22** Local Plan Policy GEN2 requires that development does not cause an unacceptable loss of privacy, loss of daylight, overbearing impact or overshadowing to neighbouring residential properties. The proposal would not result in a material detrimental impact on neighbour's amenity by way of overlooking, overshadowing or overbearing impact. The proposed development would accord with the separation distances contained within the Essex Design Guide.

**10.23** The new dwellings have been designed to minimise the visual impact on the Metropolitan Green belt by their location, close to the existing built form and screened by mature trees and shrubs from the wider open fields. The new dwellings would, however, be out of keeping with the form and layout of surrounding properties. Following pre-application advice, efforts have been made to mitigate harm through design. The three larger houses to the east of the farm buildings (Plots 9, 10 and 11) will be more prominent additions to the site but are located further from Lea Hall, reducing some of their impact on its setting. This location is considered to be the most appropriate in terms of minimising their impact on the setting of Lea Hall, its scheduled moat and the three garden follies. The proposed houses are modern in design but reference elements of Essex vernacular architecture. The new builds will have an adverse impact on the setting of Lea Hall and the listed farm buildings by introducing additional built form into their settings and resulting in a more 'suburban' setting. However, efforts have been made to address this impact through design and the location of the new dwellings. The new dwellings are positioned adjacent to the small cluster of dwellings to the north of the site. Views of the houses from the barns are shielded by the proposed cart lodge that is to be built in the location of the existing modern stable block.

**10.24** All the units would have private amenity spaces. The Essex Design Guide recommends that dwellings or 3 bedrooms or more should have private amenity spaces of 100m<sup>2</sup> and dwellings with 2 bedrooms should have private amenity space of 50m<sup>2</sup>. The gardens shown in the plans show that each plot would have adequate private amenity space to accord with the requirements of the Essex Design Guide.

**10.25** Local Plan policy GEN2 sets out general design criteria for new development and in particular requires that development is compatible with the scale, form, layout, appearance and materials of surrounding buildings. The Essex Design Guide supplements this policy and the section 12 of the NPPF also relates to achieving well-designed places.

**10.26** The proposal has been the subject of pre-application advice and the design reflects the advice given.

**10.27** The three new houses share a common vernacular. All roofs are peg tiled and generally have a 47° pitch: this matches existing roofs to the barns. All three houses have an articulated gabled feature to entrance midstreys and rear jetty on Plots 9 & 10, and to the gable ends of Plot 11. The inner returns of these features are to be timber clad, with large areas of glazing to the main walls, especially above entrances. Window openings set in render will have an angled reveal to one side; adding visual interest to the elevations and emphasising the horizontality of the buildings. In plan, Plots 9 & 10 are simple rectangles, with midstreys to the front entrances; this is similar to many agricultural buildings in the area. They

have brick to the ground floor, with white render to the first floor and the gable ends. Brickwork chimneys provide a solid end to each of these houses.

The front façade of Plot 10 has a small overhang to the first floor. Plot 11 comprises two masses: the north part is brick and the south is white render. The roof to the north part is a parallel range, similar to the principle façade of Lea Hall. To the rear of all three of these houses, window openings are large and there is a triple sliding door to all living spaces, to create a good link with the gardens and permit plenty of daylight to enter the rooms. The ridge of the highest house is at the same level as the highest barn.

The proposed location of these new houses will minimise their impact on the setting of Lea Hall and the Scheduled moat.

The aim when designing the dwellings was to give the overall appearance of a dispersed group of former farm buildings that are traditional in form and materials, but with a contemporary approach to design.

**10.28** The scale and design of the proposed dwellings are considered to be appropriate for this site and that the proposal would comply with the aims of ULP policy GEN2

### **C Impact on Listed buildings and their setting (ULP policies ENV2, ENV4 & NPPF)**

**10.29** In considering a proposal for listed building consent, the duty imposed by section 16 (2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

**10.30** The National Planning Policy Framework sets out the desirability of sustaining and enhancing the significance of heritage assets, paragraph 199. It continues that great weight should be given to their conservation and that any harm requires clear and convincing justification, paragraphs 199 and 200. Where a proposal will lead to less than substantial harm, this should be weighed against the public benefits of the proposal, paragraph 202.

**10.31** The NPPF states that proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably (Paragraph 206). In this instance Paragraph 202 of the NPPF is relevant, which 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 including, where appropriate, securing its optimum viable use.

**10.32** The moated site is a scheduled monument, the Hall is listed grade II\* and the farm buildings listed grade II. A separate Scheduled monument application has been submitted and two further applications for Listed building consent have been submitted for the works to the Listed buildings..

**10.33** Lea Hall is a Grade II\* listed house (list entry no. 1334062) of fifteenth century origin with seventeenth century additions and later alterations. It is positioned in the centre of the Lea Hall Moated Site, a Scheduled

Monument (list entry no. 1012093). Within the grounds of the house are three grade II listed garden ornaments: an arch 30 meters north of Lea Hall (list entry no. 1236863); some ornamental window tracery 40 meters west of the house (list entry no. 1325204); and an ornamental spire 35 meters to the south (list entry no. 1325204). To the north of the house, and outside the boundary of the scheduled monument, are a group of farm buildings of various dates (seventieth through to the nineteenth centuries).

**10.34** The application has been the subject of pre-application advice with Historic England and Conservation Officers. The principle of sensitively restoring Lea Hall and converting the dilapidated farm buildings is supported. The application submitted broadly reflected the advice given. Concerns were raised regarding the impact of the large new pool building on the setting and significance of the moat and Hall. Given the highly designated status of the moat and Hall, great weight should be given to their conservation in line with policy

**10.35** With regards to the proposed garages and swimming pool building serving Lea Hall, the size and position of these have been revised following comments by Historic England. The garaging and cart lodge replace existing buildings and are appropriate in design and scale. Parking for the dwellings are provided outside the moat and the swimming pool is located on the site of the existing swimming pool and has been reorientated to north-south in order to reduce the visual impact and mass of the building in views from the moated site and Lea Hall. The building is large and the expanse of glazing on the south and east elevations further add to its visual prominence, however, it is located at a reasonable distance from the listed house and the simple form and weatherboard cladding help to integrate it into the site. Its revised north-south orientation also helps to lessen its visual impact when viewed from the house.

**10.36** The proposal has also been amended to replace the existing garage with a cart lodge garage, it is also now proposed to replace the attached garage with a new timber framed garage. Both new buildings would be on the footprint of existing structures. The conversion and extension of the existing cottage is uncontentious. The alterations are sympathetically designed. The proposed new cart lodge to serve the barns replaces an existing structure and its design references traditional agricultural buildings.

**10.37** Specialist conservation officers state that “The construction of new dwellings to off-set the conservation deficit is more contentious but if they are fundamental to the viability of the scheme and secure the future of the listed buildings then there would be no objection. An independent assessment of the submitted Enabling Development Assessment would confirm this”

**10.38** As stated above an independent assessment of the submitted Enabling Development Assessment has been carried out and the number of new dwellings to off set the conservation deficit has been carried out and as a result the scheme revised and the new dwellings reduced to three. The new builds will have an adverse impact on the setting of Lea Hall and the listed farm buildings by introducing additional built form into their settings and resulting in a more ‘suburban’ setting. The proposed new dwellings are considered to result ‘less than substantial



harm' under the provisions of the NPPF and paragraph 196 should be considered in which the harm should be balanced against any public benefits arising from the scheme.

There are heritage benefits arising from the scheme including the sensitive refurbishment of Lea Hall and the sympathetic conversion of the farm buildings to provide the currently redundant buildings with a new use. The independent assessment advised that three dwellings is the minimum required to off- set the conservation deficit.

**10.39** With regards to the renovation of the barns to 7 dwellings specialist conservation advice is that it will result in some 'less than substantial' harm as the buildings will take on a more domestic appearance and will lose some of their intrinsic agricultural character. However, the heritage benefits of the scheme include providing the redundant farm buildings with a longterm, viable future use ensuring their future maintenance and conservation. The proposed conversion scheme is largely sympathetic to the existing buildings. An approach of minimal intervention is proposed: reusing existing openings where possible; using existing divisions within the buildings; retaining historic finishes where they survive; and retaining the internal farmyard as an open space.

**10.40** The refurbishment of Lea Hall is fully supported. Overall, an approach of minimal intervention has been taken in order to best preserve the special interest of the house and leave historic fabric intact. Most of the alterations proposed are uncontentious and will not be harmful to significance. The proposed demolition of the existing garage and outbuildings to the rear/side of the building raises no objections as they are of little interest. The initial proposal to remove the ceiling in the hallway has been omitted from the scheme; this proposal was harmful and would not have been supported. As noted within the Heritage Statement, the works will disturb some elements of historic fabric but, through design revisions, this has been minimised.

It is evident that the refurbishment will be extensive. The Building Survey Report highlights many areas requiring repair, refurbishment or replacement. One of the most visually dramatic alterations will be the rerendering of the elevations to conceal the exposed timber frame, however, this is based on evidence from historic photos (and archaeological evidence in the building fabric itself) showing the once fully rendered elevations. It will also better preserve the historic timber frame.

**10.41** The proposals will result in some 'less than substantial' harm primarily through the construction of new dwellings (adversely impacting the settings of Lea Hall and the farm buildings) and the conversion of the farm buildings (due to a change in their character and impact on their special interest). There are considered to be heritage benefits to the scheme including securing the long-term viable future of the listed buildings and, in the case of Lea Hall, ensuring it remains in its optimum viable use (as a single dwelling). The need for three new houses is considered acceptable to off-set the conservation deficit, however, efforts have been made to mitigate harm through design.

**10.42** The Historic Environment Record identifies the proposed area for development as being within an area of highly sensitive structures and archaeological deposits. Elements of the proposed development is located within and adjacent to the Scheduled Monument of Lea Hall, a double

moated site occupied by the seventeenth century Grade II\* listed house of Lea Hall (LUID: 1012093 and 1334062). The peak period during which moated sites were built was between about 1250 and 1350 and the moated site in this case is well preserved. Therefore, there is the potential for archaeological deposits being encountered from the medieval period onwards. The proposed conversion of the important adjacent farm buildings will have a significant impact on an important range of buildings, altering their present function. There is the potential of further archaeological deposits, either related to the farm complex or earlier occupation in the area of the new builds.

Trial trenching will therefore be required before the construction of any proposed new structures within the development including the detached garage and 8 new dwellings following the demolition of the existing stables. Details regarding the archaeological investigation on the scheduled site will require discussions with Historic England and any work will need scheduled monument consent.

**10.43** The buildings proposed for alterations comprise the Grade II listed farm buildings which exist 50 metres north of Lea Hall (LUID 1107936). The farm buildings date to the seventeenth, eighteenth and nineteenth centuries and retain much of their historic fabric and layout. Specialist archaeological advice is that prior to the alteration of the buildings they will be 'preserved by record' through an archaeological building recording survey. This will record both the external and internal structure identifying features that relate to their original functions and the phasing. This will include full frame surveys for all buildings. This can be secured by a suitably worded condition.

**10.44** Further conditions should be secured in relation to trial trenching and open area excavation.

**10.45** Subject to conditions, the proposal would comply with Uttlesford Local Plan policies ENV2 and ENV4.

#### **D Mix of housing and Affordable housing (Uttlesford Local Plan policies H9, H10 and NPPF)**

**10.46** Uttlesford Local plan 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.

The housing mix is considered to comply with the aims of policy H10.

**10.47** Uttlesford Local Plan 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

**10.48** 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) 40% on sites of 15 or more dwellings or sites of 0.5ha or more. The proposal does not include any affordable housing provision and is therefore contrary to Uttlesford Local plan policy H9.

**10.49** This application is for enabling development for which Paragraph 208 of the NPPF , states that Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies, as such in view of the enabling viability assessment, it is considered to be acceptable that no affordable housing is provided.

### **E Access/Parking and highway safety (Uttlesford Local Plan Polices GEN1 and GEN8 and NPPF)**

**10.50** Policy GEN1 seeks to ensure development proposals would not adversely affect the local highway network and encourage sustainable transport options.

**10.51** The proposal would use the existing access onto Dunmow Road. The proposal would intensify the use of this access and therefore Highway officers require the visibility through the existing access point should be improved to meet current standards. The area required for the forward visibility splay is common land, not highway , therefore an appropriate legal agreement is required to ensure that the applicant has control over the land and can provide the required visibility splays in perpetuity.

**10.52** The applicant has confirmed that a legal agreement will be entered into with the landowner to secure the required visibility splays, both from the site access and forward visibility along B183 Dunmow Road. However, as the content of this agreement has not been agreed with the Highway Authority, and is not currently in place, the Highway Authority would require a pre-commencement Grampian condition to ensure that the required visibility can be satisfactorily provided.

**10.53** In view of the above it is considered that the proposal, subject to conditions and a legal agreement, would comply with the aims of Policy GEN1

**10.54** The proposed properties are a mixture of one, two, and four and five bedroom dwellings. The adopted Essex County Council parking standards require the provision for two parking spaces per dwelling for two- and three-bedroom dwellings and three parking spaces for three+ bedroomed properties and additional visitor parking spaces.

**10.56** In accordance with Supplementary Planning Document – Accessible Homes and Playspace the proposed dwellings would need to be accessible and designed to Lifetime Homes Standards. In new housing developments, the dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition and 2016 amendments. In this respect Part M4 (2) paragraph 2.12 relating to car parking, in order to comply with the building regulations, it states:  
Where a parking space is provided for the dwelling, it should comply with all the following.

- a) Where the parking is within the private curtilage of the dwelling (but not within a carport or garage) at least one space is a standard parking bay that can be widened to 3.3m
- b) Where communal parking is provided to blocks of flats, at least one standard parking bay is provided close to the communal entrance of

each core of the block (or to the lift core where the parking bay is internal) The parking bay should have a minimum clear access zone of 900mm to one side and a dropped kerb in accordance with paragraph 2.13d

c) Access between the parking bay and the principal private entrance or where necessary, the alternative private entrance to the dwelling is step free.

d) The parking space is level or, where unavoidable, gently sloping

e) The gradient is as shallow as the site permits.

f) The parking space has a suitable ground surface.

**10.57** Each property would be able to meet or exceed the required parking standards. Two visitor parking spaces would also be provided. Therefore, the proposals comply with Policy GEN8 of the adopted Uttlesford Local Plan 2005

### **F Biodiversity (Uttlesford Local Plan policy GEN7, ENV7, ENV8 and NPPF)**

**10.58** 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.

A Biodiversity Questionnaire has to be submitted by the applicant with any application to assess the likely presence of protected species within or in close proximity to the application site. The questionnaire allows the Council to assess whether further information is required in respect of protected species and their habitats. A Bat Survey, Great Crested Newt Survey, Reptile Survey, Water Vole Survey, Badger Survey, a Herpetofauna survey, have been submitted with the application.

Essex County Council, Place Services, Ecology have been consulted and has confirmed in writing that it has no objection subject to securing biodiversity mitigation and enhancement measures, which if the application is approved can be secured by condition.

**10.59** The Bat Survey (The Ecology Consultancy, July 2020) confirms bat roosts in the main house, cottage, central barn and barn complex and a European Protected Species (EPS) Mitigation Licence for the development will be required.

**10.60** The Great Crested Newt HSI & eDNA Survey (The Ecology Consultancy, July 2020) confirmed the presence of GCN in one waterbody on site and one adjacent to the site and that terrestrial commuting, foraging and hibernating habitat exists across the site

**10.61** Given that the proposed works will directly, albeit temporarily, affect Pond 1 and will result in the loss of terrestrial foraging and refuge habitats a European Protected Species (EPS) mitigation licence will need to be obtained from Natural England prior to the start of works, in order to avoid an offence under the Conservation of Habitats and Species Regulations 2017 (as amended).

**10.62** Due to the number of protected and Priority species and habitats affected by this scheme and the complex and diverse nature of the site, an Construction Environmental Management Plan: Biodiversity and an Ecological Management Plan should be secured by conditions of any consent to ensure that appropriate mitigation and enhancement measures are brought together from the various ecological reports submitted as part of this application.

Given the presence of confirmed bat roosts and boundary features that could provide commuting and foraging opportunities for bats and other wildlife on site, it is also recommend that a wildlife sensitive lighting design strategy is secured for submission to the LPA as a condition of any consent. This should identify areas that are sensitive to wildlife and how light spill to these areas will be avoided.

The Bat Survey, Great Crested Newt HSI & eDNA Survey, Reptile Survey, Badger Survey (The Ecology Consultancy, July 2020) and Updated Ecological Conditions Report (Geosphere Environmental, September 2019) outline enhancement measures that should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority species and secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. These reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Layout and should be secured prior to slab level. These measures can be secured by a suitably worded condition.

**10.63** As such it is not considered that the proposal, subject to appropriate conditions would have any material detrimental impact in respect of protected species to warrant refusal of the proposal and accords with ULP policy GEN7.

### **G Drainage and Flood Risk (ULP policies GEN3 and GEN6 and NPPF)**

**10.64** Policy GEN3 requires development outside 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 it is a site with the lowest risk of flooding (more than 1 in 1000 years).

A flood risk assessment has been submitted with the application and the Local Lead flood Authority has been consulted.

**10.65** A holding objection has been received requiring further information to be submitted.

### **H Contamination (ULP policy ENV14)**

**10.66** The site will involve the conversion of existing barns to residential purposes, which have a history of agricultural use including livestock husbandry and storage. The existing stables will be demolished to make way for 3 new detached dwellings. There are areas of made ground on site (including the tennis courts and ménage) that may be given over to amenity space and soft landscaping for the proposed residential dwellings, together with a number of watercourses which may be vulnerable to any contamination that may be present on site.

A land contamination assessment has been submitted in support of the

application.

In view of the above considerations and the contamination-sensitive proposed end residential use with gardens over the whole site, it is essential to ensure that any contamination risks (both on-site and off-site) are identified and assessed, and where necessary remediated, to render the site suitable for its intended use. At the very least, a Phase I Desk Study to identify any potential contamination risks, and the need or otherwise for further site investigations, needs to be undertaken. If the application is approved these can be achieved by suitably worded conditions.

It is recommended that a Construction Environmental Management Plan is attached to any consent granted to ensure that construction impacts on adjacent residential occupiers are suitably controlled and mitigated.

### **I Climate Change (Interim Climate Change Planning Policy)**

**10.67** In order to comply with the Interim Climate Change Policy, a minimum of 23% of all the car parking spaces are to be provided with electric vehicle fast charging points. The remaining parking spaces will all have ducting provided for future installation of fast charging points.

**10.68** The refurbishment of Lea Hall itself would use minimal new materials. Where new materials are to be used, such as the garage and swimming pool sustainable materials are to be used. The proposed swimming pool is to use locally sourced natural clay bricks and timber boarding sourced from sustainable forests

**10.69** The conversion of the existing barns looks to also retain as much existing historic fabric with any new materials being locally sourced due to the historic nature of the buildings and the need for any remedial work to be sympathetic and contextual and looks to work within the existing footprint minimising excessive increases in built footprint  
The three new dwellings are to be highly insulated dwellings which also look to reference the immediate context through the use of traditional sustainable materials where possible but in a contemporary form. Due to their location adjacent a Scheduled Ancient Monument care has been taken to use materials which sit comfortably with the existing and are contextual. This will mean materials are sustainable without the need for excessive placement or unsustainable maintenance

**10.70** local materials such as clay bricks, native timber, lime render, plaster and mortar, flint and local gravel /hoggin are to be used throughout the development. Although the site is listed and a Scheduled Ancient Monument where possible the applicant will look to source materials in line with such schemes as the BRE BES 6001:2008 Responsible Sourcing Standard.

**10.71** The new dwellings are to be constructed using timber frame. This will result in significant construction works being completed within a factory with panels delivered to site for erection. This will reduce waste on site, reduces construction time on site minimising pollution, HGV movements, travel for employees who are likely to be located near factories and overall better quality due to factory conditions.

**10.72** All new dwellings are to be highly insulated in order to produce favourable

internal temperatures. The new dwellings have been designed with study areas to promote home working reducing the need for travel by car

**10.73** Energy efficiency is to be introduced in the form of LED's, low water usage fittings, low ambient UFH

All new dwellings are to benefit from ground source heat pumps reducing the requirement for fossil fuels and have a low environmental impact  
Emissions are to be kept to a minimum through well insulated and airtight Properties

## **11. 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.

## **12. CONCLUSION**

**A** The submitted proposal would constitute enabling development and is therefore on balance considered to be acceptable.

**B** The design and scale of the proposals is acceptable. The proposal would have a detrimental impact on the openness of the Metropolitan Green Belt.

**C** The proposed location of the new houses will minimise their impact on the setting of Lea Hall and the Scheduled moat.

The proposal represents the minimum amount of enabling development that can be justified necessary in order to address the conservation deficit and to secure the long-term future of the assets.

**D** The housing mix is acceptable and lack of affordable housing justified.

**E** The access subject to compliance with a Grampian condition requiring an unilateral undertaking is acceptable. Sufficient parking provision would be accommodated on the site to comply with ULP policy GEN8

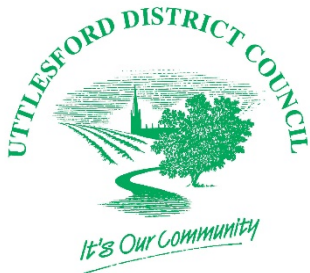
**F** The application provides sufficient information and evidence to demonstrate that the proposals (subject to condition and licences being obtained) would not adversely affect protected species, subject to planning conditions. As such the proposal complies with policy GEN7

**G** The site is at low risk of flooding

**H** The proposal would comply with the aims of the Councils Interim Climate Change Policy

**13.** It is therefore recommended that the application be approved subject to conditions and a S106 .

# Agenda Item 9



**ITEM NUMBER:** 9

**PLANNING COMMITTEE** 8 June 2022

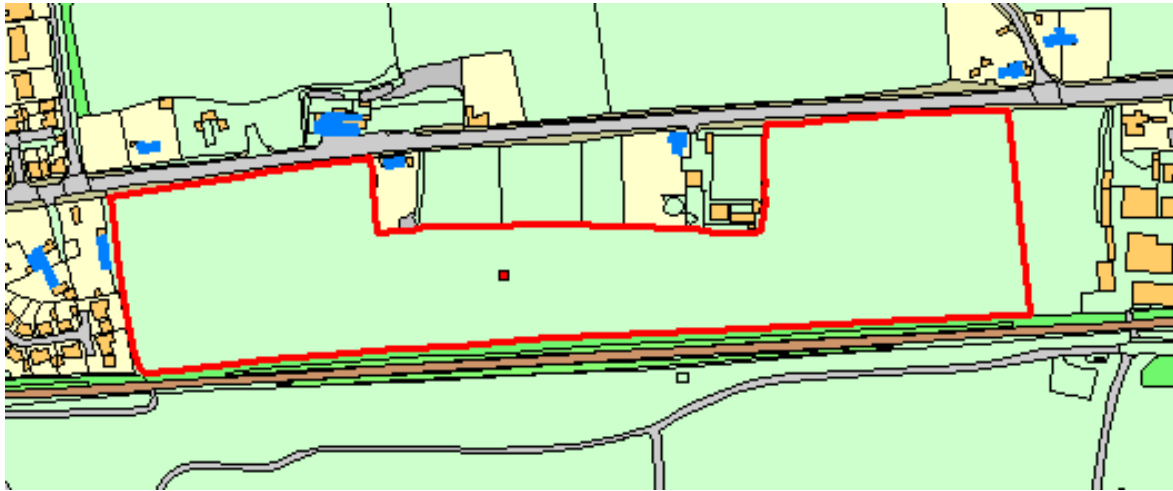
**DATE:**

**REFERENCE NUMBER:** UTT/21/3272/OP

**LOCATION:** LAND SOUTH OF STORTFORD ROAD, LITTLE  
CANFIELD



**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: 25 May 2022

**PROPOSAL:** Outline application with all matters reserved except for access for the erection of up to 90 dwellings, including affordable housing, together with access from B1256 Stortford Road, sustainable drainage scheme with an outfall to the River Roding, Green Infrastructure including play areas and ancillary infrastructure

**APPLICANT:** Welbeck Strategic Land IV LLP & Others

**AGENT:** Star Planning and Development

**EXPIRY DATE:** 7<sup>th</sup> February 2022

**EOT Expiry Date:** 8<sup>th</sup> June 2022

**CASE OFFICER:** Mr Lindsay Trevillian

**NOTATION:** Outside Development Limits, Countryside Protection Zone, Adjacent Public Rights of Way, Adjacent Arachnological Site, Adjacent Local Nature Reserve (Flitch Way) and Adjacent to Listed Buildings.

**REASON THIS APPLICATION IS ON THE AGENDA:** Major Application

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## **1. EXECUTIVE SUMMARY**

**1.1** Outline planning permission is sought by the applicant (Welbeck Strategic Land IV LLP & Others) for the erection of up to 90 dwellings alongside associated works with all matters reserved apart from Access at the site known as 'Land South of Stortford Road, Little Canfield, Essex'.

**1.2** The application site lies outside the defined settlement boundary limits and is thereby located within the countryside. The site also lies within the Countryside Protection Zone. Thereby the proposals are contrary to Policies S7 and S8 of the Adopted Local Plan. However, as the proposals cannot be tested against a fully up-to-date Development Plan, and the Council are currently unable to demonstrate a 5-year housing land supply and thereby paragraph 11 of the NPPF is engaged. As such, a detailed "Planning Balance" has been undertaken of the proposals against all relevant considerations.

- 1.3** The development would provide social and economic benefits in terms of the construction of the dwellings and the investment into the local economy. The proposals would result in significantly boosting the Councils housing supply including affordable. Furthermore, weight has been given in respect to the biodiversity net gain, improve transport infrastructure, on-site energy generation from low-carbon sources and the provision of public open spaces. Thus, taken together, significant weight to the benefits of the development have been considered.
- 1.4** Turning to the adverse impacts of development, the negative environmental effect of the development would be limited and localised landscape character and visual effects on the character and appearance of the countryside and limited harm to the role of the countryside protection zone arising from the extension of built form. This would have limited to modest negative environmental effects. Furthermore, the proposals would inevitably result in an adverse impact to the setting and experience of the designated heritage assets of the adjoining listed building.
- 1.5** Therefore, and taken together, weight to the adverse impacts have been considered in respect of development and the conflict with development plan policies. The benefits of granting planning permission would significantly and demonstrably outweigh the identified adverse impacts of development.

**2. RECOMMENDATION**

That the Interim Director of Planning and Building Control be authorised to **GRANT** permission for the development subject to those items set out in Section 17 of this report -

- A) Completion of a s106 Obligation Agreement in accordance with the Heads of Terms as set out
- B) Conditions

**And**

If the freehold owner shall fail to enter into such an agreement, the Interim Director Planning & Building Control shall be authorised to **REFUSE** permission following the expiration of a 6 month period from the date of Planning Committee.

**3. SITE LOCATION AND DESCRIPTION:**

- 3.1** The area of land subject to this outline planning application relates to the land known as 'Land South of Stortford Road, Little Canfield, Essex.' The extent of the application site is as shown by the land edged in red on the site location plan submitted in support of this application.

- 3.2** The site is located on the southern side of Stortford Road on the eastern edge of the village of Little Canfield. The site is relatively level and is approximately 5.12 hectares in size. It is irregular in shape as it wraps around the residential curtilages of Baileys and Squires Cottage Farm, together with associated small paddocks, encroach into the area.
- 3.3** There is no established built form contained on the site and its primary consists of a single large arable field. Apart from mature vegetation in the form of modest size trees and hedgerows located along a large proportion of the boundaries, the site is free of any established vegetation. No vegetation is covered by tree preservation orders.
- 3.4** Abutting the southern boundary of the site is the 'Flitch Way' which was a former rail line between Bishops Stortford and Braintree and is now public right of way used by many pedestrians, horse riders and pedestrians. The Flitch Way is of local biodiversity interest a Local Wildlife Site. Further beyond the Flitch Way to the south is 'Crumps Farm Quarry' which is a large parcel of land subject to mineral extraction which is still in operation.
- 3.5** Located along the northern side of Stortford Road opposite the site are a couple of small dwellings and the public house known as the 'Lion and the Lamb'. Beyond these properties are large arable fields used for agriculture. The site abuts the main built form of residential dwellings to the west which consists of a mixture of built forms and styles. To the east lies Crumps Farm which contains several large unitarian buildings and farmhouse. Within the Site and adjacent to the western boundary is a public right of way (a footpath) linking Stortford Road to Flitch Way.
- 3.6** The site does not fall within or abuts a conservation area. There are several listed buildings that abut the site. These buildings are all Grade II Listed. These include
- Baileys
  - Squires Cottage Farm
  - Lion and Lamb Public House
  - Warren Farm
  - Warren Yard
  - 1 The Warren
  - Hawthorns
  - West Cott
  - East Cottage
- 3.7** The site is not adjacent to any statutory or non-statutory landscape designations and the Environmental Agency Flood Risk Maps identifies the whole of the site lying within 'Flood Zone 1'. The site is not located within any national landscape designations. It does form part of the 'Countryside Protection Zone' (CPZ) which surrounds Stansted Airport. The nearest Site of Special Scientific Interest (SSSI) is Hatfield Forest. This is located to the west of the site (approximately 3km).

#### **4. PROPOSAL**

- 4.1 This planning application is submitted in outline with matters relating to scale, layout, appearance, and landscaping reserved. The applicant is seeking approval in principle to develop the site for up to 90 dwellings be and for the details of access to be granted consent. This will leave the approval of the scale, layout, appearance, and landscaping to be decided at a later date when further applications (the reserved matters) will be submitted to the Council if this outline permission is granted.
- 4.2 Although this application seeks outline planning permission, the application is accompanied by indicative parameter plans, which given an indication of how such a quantum of development could be achieved on the site including in respect of layout.
- 4.3 Access to the site would be from Stortford Road via a priority junction located close to the northwestern corner. The indicative parameter plans show the internal access will consist of a main trunk road extending into the site and along the southern rear boundary with smaller cul-de-sacs leading off this road.
- 4.4 The height of residential development will generally be 2 and 2 ½ storeys, with a development density of 33.5 dwellings per hectare.
- 4.5 The applicant has suggested that the proposals would be made up of a mix of housing types, forms and styles. Up to 90 new dwellings are proposed, of which up to 36, or 40% of the total, are to be affordable housing units.
- 4.6 The applicant has indicated that there will be 2 hectares (4.9 acres), including a children's play area, orchard and paddocks proposed throughout the site as indicative on the submitted illustrative plan.

#### **5. ENVIRONMENTAL IMPACT ASSESSMENT**

- 5.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. No Screening Opinion was submitted by the Applicant.

#### **6. RELEVANT SITE HISTORY**

- 6.1 A search of Council's records indicates that there is no relevant recorded planning history for the site that is of relevance to the proposals.

#### **7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

- 7.1 Paragraph 39 of the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning

application system for all parties and that good quality pre-application discussions enable better coordination between public and private resources, and improved results for the community. The Applicant has entered into a Planning Performance Agreement (PPA) with the Council.

**7.2** The Applicant has engaged in pre-application discussions about the Proposed Development with officers of Uttlesford District Council. The applicant indicates in their submission that they have undertaken separate pre-application discussions were held with Essex County Council (ECC) related to highways, minerals and waste matters.

**7.3** The applicant has also undertaken a consultation with the local community. This has involved a leaflet drop, website and community meeting via Zoom. The consultation process ran throughout late summer 2021 in which the public were given the opportunity to respond to the consultation via email, phone or freepost letter.

**7.4** A members briefing was held with members of Uttlesford's Planning Committee with the case officer present to discuss the scheme and answer any questions they may have. This was held remotely via Teams on 10th September 2021. The applicant also indicate that they made contact with ward members and the Parish Council seeking a meeting to discuss the proposals further however, ward members and the Parish Council did not take up the opportunity.

**7.5** Full details of the consultation exercise conducted is discussed within the supporting Consultation Report. The applicant submits that they listened to all views expressed throughout the duration of the consultation and has made appropriate changes to the proposed development to address and mitigate concerns raised where possible.

## **8. SUMMARY OF STATUTORY CONSULTEE RESPONSES**

### **8.1 Highway Authority**

**8.1.1** This application was accompanied by a Transport Assessment which has been reviewed by the highway authority in conjunction with a site visit and internal consultations.

**8.1.2** The application is on the eastern edge of Takeley therefore the highway mitigation seeks to link it to the village by providing a Toucan Crossing that will serve pedestrians and cyclists and also provided a link to the Flitch Way for current residents. The proposed highway infrastructure has been subject to a stage 1 safety audit. In addition, contributions are required to improve the local bus services and help construct the proposed cycle link to Stansted Airport, this contribution is being asked of all applications coming forward in Takeley.

**8.1.3** From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the suggested mitigation and conditions as per the formal response.

## **8.2 Local Flood Authority – No Objection**

**8.2.1** 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 imposing conditions to minimise the chances of flood risk and providing appropriate surface water drainage facilities.

## **8.3 Environment Agency**

**8.3.1** No Comments received at the time of assessment.

## **8.4 Essex Minerals & Waste – No Objection**

**8.4.1** It is not considered that the rWIA has fully considered or assessed the planning permission at Crumps Farm (ref: ESS/46/08/UTT). It is considered that reference to current Environmental Permits issued by the Environment Agency and the operator's Environmental Risk Assessment (2012) is inappropriate as this does not take into account the facility/operations which have planning permission but are not operational.

**8.4.2** The MWPA have concerns as to the robustness of the rWIA submitted and accordingly the supporting noise rebuttal. Accordingly, without prejudice, it is considered that further assessment as to the potential impacts from the activities approved as part of ESS/46/08/UTT is needed and should be secured.

**8.4.3** The MWPA are unsure as to what, if any mitigation measures, may need to be included as part of the residential development to ensure compatibility between the sites/uses. In the event UDC are content with the principle of residential development on this site, and accordingly seek to secure these additional assessments by way of condition, it is considered essential that such assessments are submitted and approved prior to the approval of any reserved matters, given such provisions will likely impact the layout and density of the development.

## **8.5 Natural England – No Objection**

**8.5.1** Natural England confirm that they have no objections to the proposals subject to securing appropriate mitigation to offset the harm the proposals may have upon Hatfield Forest which is a Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR). Natural England therefore advises that permission should not be granted until such time as these 'on-site' and 'off-site' mitigation measures have been

assessed and secured through the appropriate means either by way of an appropriate planning condition or S106 Agreement.

## **8.6 ECC Infrastructure**

**8.6.1** A development of this size can be expected to generate the need for up to 8.10 Early Years, and Childcare (EY&C) places; 27.00 primary school and 18.00 secondary school places. In view of the above, I request on behalf of Essex County Council that if planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on childcare, primary education, secondary education, and libraries.

## **8.7 NHS West Essex**

**8.7.1** The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 225 residents and subsequently increase demand upon existing constrained services.

**8.7.2** 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. 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 £46,290.00. 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.

## **8.8 National Trust – No Objection**

**8.8.1** The proposed development is approximately 3km from the SSSI, National Nature Reserve areas and ancient woodland of Hatfield Forest which extends over 424 hectares, including Wall Wood and Woodside Green. The forest is experiencing rapid and unsustainable growth in visitor numbers which is putting it under considerable pressure and there are signs that the SSSI, NNR and other designated/protected features there are being damaged.

**8.8.2** The view of the National Trust is that without mitigation the proposal would fail to accord with the NPPF, most notably para's 174 and 180 which seek to conserve and enhance the natural environment. For the proposed development we consider that both on and off site mitigation is necessary to allow for the proposals to be considered appropriate. Further details of the mitigation is provided in the main assessment of this report.

## **9. PARISH COUNCIL COMMENTS**



9.1.1 Little Canfield Parish Council - The Parish Council objects to this application on the following grounds:

9.1.2 Countryside Protection: - The development proposal is within the Countryside Protection Zone (CPZ), a zone already under threat from development proposals.

Constraints: - The development proposal is adjacent to a protected Linear Country Park. It encloses the Flich Way with the neighbouring waste site which is within 200 yards of the proposed development.

Biodiversity: - The proposal contravenes the parish council's published Biodiversity Policy.

Infrastructure: - The lack of infrastructure, including school spaces, GP provision and lack of public transport renders a proposal to add such a significant number of properties with the resultant increased number of people to an already overwhelmed and under-serviced neighbourhood completely unsustainable.

9.2.1 Great Canfield Parish Council - The Parish Council objects to this application on the following grounds:

9.2.2 Flooding and Drainage: - The applicant confirms a sustainable drainage scheme with an outfall to the River Roding, and in the application confirms the scheme will not increase flood risk elsewhere. Great Canfield Parish Council challenges this statement.

In the last few years, the parish has seen a significant increase in highway flooding as well as more frequent and higher levels of flooding to resident's outbuildings and gardens.

The parish council is concerned that further concreting of the countryside such as in this application which include direct outfalls will increase the volume of water entering the River Roding and further add to the flooding issues in Great Canfield impacting its residents.

## 10. CONSULTEE RESPONSES

### 10.1 **UDC Housing Enabling Officer – No Objection**

10.1.1 The affordable housing provision on this site will attract the 40% policy requirement as the site is for up to 90 units. This amounts to up to 36 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers. It is also the Council's policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). The Council's Housing Strategy also aims for 5% of all units to be bungalows delivered as 1- and 2-bedroom units. This

would amount to 5 bungalows across the whole site delivered as 2 affordable units and 3 for open market.

## **10.2 UDC Environmental Health**

**10.2.1** No objection subject to imposing appropriately worded planning conditions if permission is approved in respect to contamination, air quality, noise, external lighting and construction.

## **10.3 UDC Landscape Officer/Arborist**

**10.3.1** No Comments Received at the time of assessment.

## **10.4 Place Services (Conservation and Heritage) – Concerns Raised**

**10.4.1** The officer confirmed that that they have review all relevant supporting documentation and conclude the proposals would fail to preserve the special interest of several listed buildings, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, through change in their setting. In particular, the proposals shall result in a level of less than substantial harm at a medium level for Warren Yard and at the lowest end of the spectrum for several other designated heritage assets, Paragraph 202 of the NPPF (2021) being relevant.

## **10.5 Place Services (Ecology) – No Objection**

**10.5.1** Place Services confirmed that they have reviewed all the supporting documentation relating to the likely impacts of development on designated sites, protected species and Priority species & habitats and identification of appropriate mitigation measures.

**10.5.2** They concluded that the mitigation measures identified in Preliminary Ecological Appraisal (Wardell Armstrong, June 2021), Bat Survey Report (Wardell Armstrong, October 2021), Great Crested Newt Environmental DNA Survey Report (Wardell Armstrong, July 2021), Otter and Water Vole Survey Report (Wardell Armstrong, September 2021), Hatfield Forest Impact Assessment (Wardell Armstrong, October 2021) and a confidential report (Wardell Armstrong, July 2021), relating to the likely impacts of development was appropriate and should be secured by a condition of any consent and implemented in full.

**10.5.3** It was also concluded that they support the proposed biodiversity enhancements including the provision of wildlife-friendly, native landscaping and the incorporation of integrated bat and bird boxes, which have been recommended to secure net gains for biodiversity.

## **10.6 Place Services (Archaeology) – No Objection**

**10.6.1** The Historic Environment Advisor of Essex County Council has identified the above application on the weekly list as having potential

archaeological implications on the site and suggest to imposed relevant conditions if permission is granted seeking a programme of archaeological investigation to be secured prior to works commencing on the site.

**10.7 Crime Prevention Officer – No Objection**

**10.7.1** UDC Local Plan Policy GEN2 - Design (d) states" It helps reduce the potential for crime" Whilst there are no apparent concerns with the layout to comment further, we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures. 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.

**10.8 Cadent Gas Ltd – No Objection**

**10.8.1** After receiving the details of your planning application, we have completed our assessment. We have no objection to your proposal from a planning in general area, but we do have high pressure assets in the vicinity.

**10.9 Gigaclear Ltd – No Objection**

**10.9.1** Having examined our records, I can confirm that whilst Gigaclear Ltd may have assets in the wider vicinity, there are no records of any owned apparatus within the specific search area of your enquiry detailed in the reference/location provided.

**10.10 ESP Utilities Group Limited – No Objection**

**10.10.1** Requires that the applicant to undertake early consultation with ESP Utilities Group prior to excavation of the site to obtain the location of plant and precautions to be taken when working nearby.

**10.11 National Grid – No Objection**

**10.11.1** An assessment has been carried out with respect to National Grid Gas Transmission plc's apparatus and the proposed work location. Based on the location entered into the system for assessment the area has been found to not affect any of National Grid Gas Transmission plc's apparatus.

**10.12 UK Power Networks – No Objection**

**10.12.1** Advised that the applicant should make contact if any excavation affects their Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV),

to obtain a copy of the primary route drawings and associated cross sections.

**10.13 NATS Safeguarding – No Objection**

**10.13.1** 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.

**10.14 London Stansted Airport – No Objection**

**10.14.1** The Safeguarding Authority for Stansted Airport (STN) has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no aerodrome safeguarding objections to the proposal subject to conditions imposed on the consent in respect to mitigation measures to be taken to prevent birds being attracted to the site, prevention of light spillage and no reflective materials to be used in the construction.

**10.15 Thames Water – No Objection**

**10.15.1** We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required".

**10.15.2** With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework.

**11. REPRESENTATIONS**

**11.1** The application was publicised by sending letters to adjoining and adjacent occupiers, displaying a site notice and advertising it within the local newspaper.

**11.3 Object**

**11.3.1** Water Pressure: The village is constantly affected by poor water pressure and in some instances left without water entirely with issues from the local pumping station for one reason or another.

Facilities: There is not enough basic amenities locally such as education and health services to support a new development of this size.

Neighbouring Amenity: The proposals particularly during construction will result in unwanted noise and dust.

Highway Traffic & Safety: The proposals by way of adding much more traffic on the road, would increase noise, pollution, and dangerous driving that already exists on Stortford Road.

Condition of the B1256 is already not good with pot holes and a crumbling road service.

The plans bring all the traffic through one access point onto the site, this will mean approximately 180 cars trying to get in and out of one access point on a daily basis, onto a busy main road.

Construction traffic and heavy vehicles will further damage this surface. The travel plan submitted fails to consider the impact of REDUCED bus services announced by bus companies. Further reliance on resident's private car usage.

Flooding: Additional housing would lead to the increase in potential flood risk which is already a problem in the area.

Parking: The parking for these dwellings is limited to each property and visitor spaces are not enough.

Biodiversity: The local area has a number of animals and birds, the proposal will have a negative effect on their environments.

Character: The proposal is said to be sympathetic to the local area but all the properties in the direct vicinity are detached houses, 90 dwellings is not in keeping with the local area and heritage.

There are too many developments currently either underway or awaiting planning approval to the west of Great Dunmow e.g. Little Easton, Warish Hall, Takeley Street. These are spoiling the appearance of the area; it is becoming suburban rather than a country landscape.

Countryside: The proposals would cause harm to the character and opens on the rural locality and the countryside protection zone.

Sustainability: The proposals do represent a sustainable form of development.

## **11.4 Comment**

**11.4.1** The above concerns have been fully assessed in detail within the main assessment of this report.

## **12. MATERIAL CONSIDERATIONS**

**12.1** In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

**12.2** Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

(a) The provisions of the development plan, so far as material to the application,;

(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.

**12.3** Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation Area.

### **12.4 The Development Plan**

**12.4.1** Essex Minerals Local Plan (adopted July 2014)  
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)  
Uttlesford District Local Plan (adopted 2005)  
Felsted Neighbourhood Plan (made Feb 2020)  
Great Dunmow Neighbourhood Plan (made December 2016)  
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)  
Thaxted Neighbourhood Plan (made February 2019)

## **13. POLICY**

### **13.1 National Policies**

**The National Planning Policy Framework** (hereafter “the NPPF”) was first published in 2012 and was revised in July 2021. It sets out the

Government's national planning policies for England. It identifies the Government's vision, objectives and goals for the planning system and provides a series of aids in the determination of planning applications.

### **13.2 Uttlesford District Plan 2005**

S7 – The Countryside  
S8 – The Countryside Protection Zone  
GEN1 – Access  
GEN2 – Design  
GEN3 – Flood Protection  
GEN4 – Good Neighbourliness  
GEN5 – Light Pollution  
GEN6 – Infrastructure Provision  
GEN7 – Nature Conservation  
GEN8 – Vehicle Parking Standards  
ENV2 – Development Affecting Listed Buildings  
ENV3 – Open Spaces and Trees  
ENV4 – Ancient Monuments and Sites of Archaeological Interest  
ENV5 – Protection of Agricultural Land  
ENV7 – Protection of the Natural Environment  
ENV8 – Other Landscape Elements of Importance  
ENV10 – Noise Sensitive Developments  
ENV12 – Groundwater Protection  
ENV14 – Contaminated Land  
H9 – Affordable Housing  
H10 – Housing Mix

### **13.3 Supplementary Planning Document or Guidance**

13.4 Local Residential Parking Standards (2013)  
Essex County Council Parking Standards (2009)  
Supplementary Planning Document- Accessible homes and play space  
homes Essex Design Guide  
Uttlesford Interim Climate Change Policy (2021)

## **14. CONSIDERATIONS AND ASSESSMENT**

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

- 14.2
- A) Principle of Development**
  - B) Suitability and Location**
  - C) Countryside Impact**
  - D) Character and Design**
  - E) Heritage**
  - F) Archaeological**
  - G) Loss of Agricultural Land**
  - H) Housing Mix and Tenure**
  - I) Neighbouring Amenity**
  - J) Parking and Access**

- K) Landscaping, Open Space**
- L) Nature Conservation**
- M) Contamination**
- N) Flooding**
- O) Planning Obligations**
- P) Other Issues**

**14.3. A) Principle of Development**

**14.3.1** The application site is located outside the development limits of Little Canfield within open countryside and is therefore located within the Countryside where policy S7 applies.

**14.3.2** This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. 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, as a consequence the proposal is contrary to that policy.

**14.3.3** The site is also located within the Countryside Protection Zone for which Uttlesford Local Plan Policy S8 applies.

**14.3.4** 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.

**14.3.5** The proposal cannot be tested against a fully up-to-date Development Plan, and the Council are currently unable to demonstrate a 5-year housing land supply. In either scenario or both, in this case, paragraph 11 is fully engaged along with the "tilted balance" in favour of the proposals.

**14.3.6** Paragraph 11 requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.



**14.3.7** The “Planning Balance” is undertaken further below, but before doing so we have undertaken a wider assessment of the proposal against all relevant considerations to determine if there are impacts, before moving to consider if these impacts are adverse and would ‘significantly and demonstrably’ outweigh the benefits of the proposal in the planning balance.

**14.4 B) Suitability and Location**

**14.4.1** The Applicant submits that the proposals would represent a sustainable form of development. Takeley lies to the east Little Canfield which is identified within the Local Plan settlement hierarchy as being “Key Rural Settlement” that is located on main transport link between the towns of Great Dunmow and Bishop’s Stortford and the intention is to protect or strengthen the role of these communities where there is potential to encourage people to live and work locally.

**14.4.2** Although outside the development limits of the village of Little Canfield, the new built would be located adjacent to the main urban boundary of the village and would therefore be generally contained within the established structure, backdrop and fabric of the village. The proposal, therefore, provides a strong and logical relationship with the existing village.

**14.4.3** The village of Little Canfield and Takeley has a wide variety of local facilities and services that are within walking/cycling distance from the application site, including local shops, restaurants and public houses, schools, playing fields and cultural and religious buildings. Furthermore, the larger towns of Bishop’s Stortford and Great Dunmow are just a short 5-10 min drive where other larger amenities can be found.

**14.4.4** The application site is situated within an accessible and sustainable location, close to local amenities and facilities including local transport (bus & rail) links. A regular bus service runs along Stortford Road connecting the site to the nearby towns of Bishop’s Stortford, Great Dunmow and further beyond. In addition, buses also provide connections to Stansted Airport and Bishop’s Stortford Train Station, which provides further links for commuters working in London. Full details of the site’s accessibility are provided within the supporting Transport Assessment.

**14.4.5** As such, it is regarded that the application site would not be significantly divorced or isolated and that it would be capable of accommodating the development proposed in that it could be planned in a comprehensive and inclusive manner in relation to the wider area of Little Canfield.

**14.4.6** This is a case to which paragraph 78 of the NPPF applies. The purpose of paragraph 78 is to support new development in rural areas, in recognition of the benefits it can bring to rural communities. New homes create additional population, and rural populations support rural services

through spending (helping to sustain economic activity) and through participation (in clubs and societies for example). There is no reason to suppose that the additional occupants of the properties on the application site would not use local facilities and participate in village life in the same way that other residents do.

**14.4.7** Therefore, the development will contribute to sustainable development by providing exactly the sort of social and economic benefits to the local community that paragraph 78 envisages. Through the additional population and activity generated, the application scheme contributes to the social and economic objectives of sustainable development.

**14.4.8** In addition to the local beneficial impact, because the application scheme would provide additional residential homes in a context where the Council is in short housing supply, and because it is widely accepted that construction activity contributes to the economy, the application scheme also contributes, in its own way, to wider social and economic sustainability objectives. These are additional material considerations that weigh in favour of the application scheme.

**14.4.9** This is also a case to which paragraphs 103 and 108 of the NPPF apply. When one takes account of the semi-rural context, the application site is actually in a relatively sustainable location because it offers options for accessing local facilities by non-car modes (particularly walking & cycling). Where car trips are required (which is common for rural areas), local facilities mean this can be short trips. In the context of development in the rural areas, the application scheme will also contribute to the environmental 'limb' of sustainability.

**14.4.10** The proposal would have a negative impact by putting more strain on the local infrastructure and demand for school places and local surgeries. Little Canfield including Takeley does not have any doctors or dentists within the village. 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.

**14.4.11** For all of the above reasons, it is submitted that the application scheme accords with national policy relating to support for rural communities as set out in the NPPF and contributes to sustainable development.

## **14.5 C) Countryside Impact**

**14.5.1** A core principle of the NPPF is to recognise the intrinsic and beauty of the countryside. Paragraph 174 of the Framework further states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

**14.5.2** The proposed scheme is for up to 90 residential units which will optimise the use of an underutilised parcel of land whilst at the same time taking careful consideration to its locality. A modest density (33.5dph) scheme

such as this scheme in this location would not be significantly out of place with the surrounding character due to its design concept taking into account the wider natural, historic and built environment.

- 14.5.3** It is acknowledged that there are some open views over the existing countryside from the Flitch Way, Stortford Road and further beyond. In outlying views from the countryside towards the site, are in many cases interrupted by buildings and vegetation that are located on the boundaries and adjacent to the site. The visual envelope, i.e. the area from which the site can be seen, is relatively modest due to the position of the built form to the rear of the site and setback off Stortford Road.
- 14.5.4** The proposed indicative illustrated masterplan presents a loose knit and spacious layout with significant areas of soft landscaping interspersed and on the perimeter of the site. The area of housing would be sited away from the B1256 Stortford Road, and public right of way by the creation of new paddocks, community orchard, areas of wildflower meadow and an entrance green towards the front of the site. The density of the site would be become lower towards the eastern end of the site towards Crumps Farm. The housing would be set back from Flitch Way by approximately 25 metres.
- 14.5.5** This will help to maintain a green collar that presents visual relief to the development and filters views into the application site public vantage points. The relatively modest density of the site similar the adjoining new and existing residential development within the locality, and the allowance for visual separation and buffer zones is such that the proposed development would not be a prominent addition in the local area and the effect on the local landscape.
- 14.5.6** It would nestle into a largely contained and framed site next to existing and new housing and the established vegetation on the boundaries would have limited influence beyond the site itself and its immediate setting.
- 14.5.7** The proposed indicative layout will preserve and enhance the existing boundaries through the retention of the existing trees and hedgerows along all boundaries and would provide a detailed landscape scheme of proposed enhancements where required to fill in missing gaps.
- 14.5.8** Apart from the loss of approximately 25 metres of existing hedgerow fronting Stortford Road for the access, there would be enhanced and new hedgerow planting, new tree planting and scrub planting around the attenuation pond and a woodland belt adjacent to Flitch Way.
- 14.5.9** The development seeks to protect important landscape elements for nature conservation and provide additional soft screening along the boundaries of the site. The application sites boundaries will, therefore, provide substantive containment and concealment of the application site

and help reduce the prominence of any built form outside its immediate boundaries.

- 14.5.10** In outlying views from the countryside towards the site, the development would form part of the backdrop of the existing buildings and the settlement of Little Canfield resulting in only low to medium level of visual effect. The landscape and visual implications of this proposed development are considered to be of a low level and modest nature for a development such as this.
- 14.5.11** The development proposal would have a limited visual influence on the surroundings and that the appearance of the settlement in its semi-rural landscape context would not be notably altered or harmed. The new built form would be partly screened and contained within the established structure and fabric of the settlement when seen from outlying countryside locations. The development would not be a prominent or discordant element and would appear as an unobtrusive addition to the settlement set behind the established boundary treatments and adjacent to existing properties.
- 14.5.12** With regards the site's role within the Countryside Protection Zone, given that the site is generally divorced from the wider countryside and adjacent to the village development boundaries, weight should be given to the role it plays within the Countryside Protection Zone.
- 14.5.13** Uttlesford District Council undertook a Countryside Protection Zone Study, published in June 2016. The overall aim of the study was to assess the extent to which the land within the CPZ is meeting its purposes, as set out in Policy S8 of the Uttlesford Local Plan (2005). This study only provides guidance and is not a formal supplementary planning document. However, this Study was undertaken approximately 6 years ago and has not been formally adopted as a supplementary document and was prepared as evidence for the previous now withdrawn Local Plan. Thereby it is considered that little weight should be given to this document.
- 14.5.14** The application site contains no built development and has a sense of openness backing onto existing residential development. The B1256 Stortford Road, which links the Little Canfield to Great Dunmow, lies to the north, the Flicht Way abuts the boundary to the south and Crumps Farm to the east. The site is therefore considered to be contained on all boundaries limiting the spread of further built development beyond.
- 14.5.15** Although it has been determined that little weight should be given to the Countryside Protection Zone Study for the reasons given above, reference to the four purposes of the Countryside Protection Zone as per the guidance set in the Countryside Protection Zone Study is considered as per below:

**14.5.16** To protect the open characteristics of the CPZ – development on the application site would not compromise further the open characteristics of the CPZ, given its isolation from the wider area of countryside and that further development will not be able to come forward due to the constraints of the Stortford Road to the north, Flich Way to the South and existing built form to both the east and west of the site. It is acknowledged that the site will result in an extension of built form and some loss of open land. However, the site itself exhibits a relatively modest relationship with Little Canfield.

To restrict the spread of development from the airport – it is acknowledged that the proposed development will extend the built form of Little Canfield along the southern side of Stortford Road. However, this plot of land is considered not to play a strong role in preventing the spread of development from the airport which clearly limits development that can come forward in close proximity.

To protect the rural character of the countryside (including settlement) around the airport – the character of the site cannot be said to be rural given its relationship adjacent and adjoining to existing and new residential development. Although an open field, the size of the site is modest in size further reducing any sense of rural character on the application site and one of which is most likely not suitable for agricultural production; and

To prevent changes to the rural settlement pattern of the area by restricting coalescence – development on the application site will not merge the airport with the settlement of Little Canfield.

**14.5.17** A material consideration is that there has been recent planning decision allowed in the vicinity of this application site which relates to development within the Countryside Protection Zone. These applications are located closer to the airport than that of the proposals and it is regarded that the proposals would result in less of an impact in respect to coalesce compared to those that have recently been granted consent. These applications include UTT/21/2488/OP Land East Of Parsonage Road, Takeley (88 dwellings) & UTT/21/3311/OP Land West Of Garnetts, Dunmow Road, Takeley (155 dwellings).

**14.5.18** The application site makes a limited contribution to the purposes of the CPZ and development on the application site will not lead to a significant harm to the wider CPZ should Uttlesford District Council grant permission for residential development. It is important to add that the development of such well-located sites to meet the Council's accepted chronic housing supply shortfall locally are far more likely to have a reduced impact on the locality overall than more sensitive undeveloped parcels on the periphery of such settlements. These locations are far more likely to be exposed and be set within an open countryside setting as well as being generally less accessible.

**14.5.19** Furthermore, the site-specific circumstances indicate that the proposal would result in little harm to the character and openness of the countryside and CPZ as required by Policies S7 and S8 of the Plan, and the provision of up to 90 new homes, weighs significantly and decisively in favour of the proposal. Development will boost the supply of housing and will enhance and maintain the vitality of rural communities as required by the NPPF.

## **14.6 D) Character and Design**

**14.6.1** In terms of design policy, good design is central to the objectives of both National and Local planning policies. The NPPF requires policies to plan positively for the achievement of high quality and inclusive design for the wider area and development schemes. Section 12 of the NPPF highlights that the Government attaches great importance to the design of the built development, adding at Paragraph 124 'The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve'. These criteria are reflected in policy GEN2 of the adopted Local Plan.

**14.6.2** This is an outline application where appearance, layout, scale, and landscaping are reserved matters. The application includes a number of indicative plans that indicate the key aspects of the design and layout such as access, position of housing, open space and landscape features. The density of the site would be 33.5 dwellings/hectare and there would be a mixture of housing types.

**14.6.3** Whilst the layout of the development is a matter reserved for consideration at a later date, the Council has to be satisfied that the site is capable as accommodating the number of dwellings proposed along with suitable space for policy compliant level of car parking, garden and open space areas and SuD's etc.

**14.6.4** The challenge for designers is to design new characterful buildings which reconcile the requirements of a modern lifestyle with the need for integration into their context. Successful and appropriate new development often has simple proportions and details, based on those of their traditional rural equivalent.

**14.6.5** It is worth noting that unpretentious new designs which are sensitively integrated with their landscape setting often have steeper symmetrically pitched roofs and strong simple roof shapes together with a simple long narrow plan form with minimally articulated facades are typical of most semi-rural locations.

**14.6.6** The applicant submits that the design of the dwellings would reflect the local vernacular in terms of style, form, size, height and materials. They would be traditional in design to reflect the patterns and characteristics of the surrounding area and the street scene. There is no reason to suggest the design of the buildings would not be appropriately designed,

however the final design, layout of the proposals would need to be assessed at reserve matter stage.

## **14.7 E) Heritage**

**14.7.1** Policy ENV 2 (Development affecting Listed Buildings) seeks to protect the historical significance, preserve and enhance the setting of heritage assets. The guidance contained within Section 16 of the NPPF, 'Conserving and enhancing the historic environment', relates to the historic environment, and developments which may have an effect upon it.

**14.7.2** The application site also lies within the setting of several listed buildings and non-designated heritage assets including:

Warren Yard, Grade II (list entry number 1097454)  
Warren Farmhouse, Grade II (list entry number 1097450)  
Lion and Lamb Public House, Grade II listed (list entry number: 1054810),  
Baileys, Grade II listed (list entry number: 1334090),  
Squires Cottage, Grade II listed (list entry number: 1367097),  
Hawthorns, Grade II listed (list entry number: 1334088) and  
West Cottage and East Cottage, Grade II listed (list entry number: 1054815).

**14.7.3** The application was formally consulted to Place Services conservation officer who confirmed within their formal response 22<sup>nd</sup> December 2021 that they would not be able to support the proposals.

**14.7.4** Within their response, the conservation officer acknowledges that both Warren Yard and Warren Farmhouse share a functional link to the application site, historically being the farmstead that the site was associated with, now farmed by Crumps Farm. It is also confirmed that the application site through being open arable land makes a positive contribution to the setting to all of the above identified heritage assets, contributing to their rural character and significance.

**14.7.5** The conservation officer provides advice as to what harm and the level of harm that they consider to each of the heritage assets.

Warren Yard - The proposals would sever the last link between the asset and its original setting, thus the proposals would result in a level of less than substantial harm, which is considered to be at the middle of the spectrum.

Warren Farmhouse - due to the function link of the application site to the designated heritage asset and close proximity, the conservation officer considers there would be a level of less than substantial harm to be at the lowest end of the scale.

Hawthorns, West Cottage and East Cottage - the proposed development would have an impact upon the heritage assets through the fundamental change in land use and the clear intervisibility between the sites, thus there would be a level of less than substantial harm, through change in their setting. This is considered to be at the lower end of the spectrum.

Lion and Lamb Public House - the proposals would not result in harm to its significance.

- 14.7.6** In summary, the conservation officer concludes that the intervisibility between the site and the heritage assets, including the impact upon the historically uninterrupted views across the agrarian landscape, result in a level of less than substantial harm to the setting and therefore the significance of the assets, Paragraph 202 of the NPPF (2021) being relevant.
- 14.7.7** Where any development may have a direct or indirect effect on designated heritage assets, there is a legislative framework to ensure the proposals are considered with due regard for their impact on the historic environment.
- 14.7.8** The NPPF defines significance as *'the value of a heritage asset to this and future generations because of its heritage interest'*. Such interest may be archaeological, architectural, artistic or historic'.
- 14.7.9** The 'Setting of a heritage asset' is defined as *'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'*
- 14.7.10** Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 14.7.11** Paragraphs 201 and 202 address the balancing of harm against public benefits. If a balancing exercise is necessary (i.e. if there is any harm to the asset), considerable weight should be applied to the statutory duty where it arises. Proposals that would result in substantial harm or total loss of significance should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (as per Paragraph 201). Whereas Paragraph 202 emphasises that where less than substantial harm will arise as a result of a proposed development, this harm should be weighed against the public benefits of a proposal, including securing its optimum viable use.
- 14.7.12** It has been found that the proposals will result in 'less than substantial harm' at the lower to medium spectrum to the setting and significance of



the heritage assets as identified by Place Services conservation officer. It is recognised that the proposals would result in up to 90 additional dwelling houses including the provision of 40% affordable units in a time where the Council are in need of housing which can be regarded to be of significant weight in respect to public benefits.

**14.7.13** It is concluded that this significant benefit would overcome the identified harm upon the heritage assets identified as above. The proposals thereby comply with policy ENV2 of the adopted Local Plan and the NPPF.

## **14.8 F) Archaeological**

**14.8.1** In accordance with policy ENV4 of the adopted local plan, the preservation of locally important archaeological remains will be sought unless the need for development outweighs the importance of the archaeology. It further highlights that in situations where there are grounds for believing that a site would be affected, applicants would be required to provide an archaeological field assessment to be carried out before a planning application can be determined, thus allowing and enabling informed and reasonable planning decisions to be made.

**14.8.2** A desk-based assessment has been submitted with the above application and has assessed the potential for archaeological remains. The assessment considers Priors Green in its discussion; a watching brief undertaken at Priors Green identified Bronze Age activity along with two Iron Age cremations (EHER46301). It is therefore considered that there is the potential for prehistoric features and deposits within the development area. The geophysical survey, submitted as part of the desk-based assessment, identifies a number of potential archaeological features; the report highlights the existence of 'clearly defined linear and curvilinear ditch-like anomalies'. The development also fronts onto the main Roman Road (Stane Street) from Braughing to Colchester. There is therefore the potential for prehistoric and Roman archaeological features and deposits within the proposed development area.

**14.8.3** As such, the County's archaeological team suggest that further archaeological work is required prior to any works commencing on site and would comprise initial trial trenching to identify the extent and depth of archaeological deposits followed by open area excavation if archaeological deposits are identified. This will cover both the residential development and any associated landscaping work.

**14.8.4** To secure the necessary archaeological evaluation as required above, suitable planning conditions as per those recommended by the County's archaeological shall be imposed. The development of the site is therefore unlikely to have any direct impact on archaeological remains of significance. It is therefore considered that the proposed development complies with policy ENV4.

## **14.9 G) Loss of Agricultural Land**

**14.9.1** Paragraph 174(b) of the Framework states “Planning policies and decision should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland’.

**14.9.2** Annex 2 of The Framework defines “best and most versatile land” as land in grades 1, 2 and 3a of the Agricultural Land Classification”.

**14.9.3** Local Policy ENV5 states that where agricultural land is required, developers should seek to use areas of poorer quality except where other sustainable considerations suggest otherwise.

**14.9.4** Most of the land in Uttlesford District Council is classified as best and most versatile land. Indeed, most of the sites that are being identified for development within the emerging Local Plan are on such land. The Council accepts that it is inevitable that future development will probably have to use such land as the supply of previously developed land within the district is very restrictive. Virtually all agricultural land in the district is classified as Grade 2 or 3a with some areas of Grade 1.

**14.9.5** Defra’s mapping indicates that the application site is within Grade 2, and thus the proposed site is best and most versatile land.

**14.9.6** There are no defined thresholds for assessing the effects of non-agricultural developments on agricultural land, however, one measure that can be considered as a threshold is that local authorities should consult Natural England where possible proposed developments would lead to the loss of 20 hectares or more of BMV agricultural land.

**14.9.7** The application site represents a comparatively small amount of arable land that is currently not in use for agricultural, but is generally an open field. As such the loss of agricultural land in this location is not considered to give rise to significant conflict with policy ENV5 or paragraph 174b of the Framework.

## **14.10 H) Housing mix and Tenure**

**14.10.1** In accordance with Policy H9 of the Local Plan, the Council has adopted a housing strategy which sets out Council’s approach to housing provisions. The Council commissioned a Strategic Housing Market Assessment (SHMA) which identified the need for affordable housing market type and tenure across the District. Section 5 of the Framework requires that developments deliver a wide choice of high-quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

- 14.10.2** 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 properties. The affordable housing provision on this site will attract the 40% policy requirement as the site is for up to 90 properties. This amounts to up to 36 affordable housing properties. The application was submitted prior to 28/12/21 so First Homes are not required unless the developer chooses to include them.
- 14.10.3** Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2- and 3-bedroom market dwellings. However, since the policy was adopted, the Council in joint partnership with Braintree District Council have issued the 'Housing for New Communities in Uttlesford and Braintree (ARK Consultancy, June 2020)'.
- 14.10.4** The study recommends appropriate housing options and delivery approaches for the district. It identifies that the market housing need for 1 bed units is 11%, 2-bedunits 50%, 3-bed units 35.6% and 4 or more bed units being 3.4%. Although the applicant has expressed that there would be mixture of dwellings, no accommodation schedule has been provided. As this is an outline application with layout reserved, the accommodation mix would be assessed at reserved matter stage if permission were to be consented for this outline application and it is advised that the applicant refer to the above accommodate needs.
- 14.10.5** It is also the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). This will be secured by way of a planning conditions.
- 14.11 I) Neighbouring Amenity**
- 14.11.1** The NPPF requires a good standard of amenity for existing and future occupiers of land and buildings. Policies GEN2 and GEN4 of the Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.
- 14.11.2** The application is seeking outline permission and layout is a matter for reserve consideration at a later date and therefore it is not possible to fully assess the impact it would have on the amenity of neighbouring occupiers.
- 14.11.3** However, the site is well distanced from neighbouring properties adjacent and adjoining site and could be designed appropriately such that it is not anticipated that the proposed development would give rise to any unacceptable impact on the amenities enjoyed of these neighbouring properties.
- 14.12 J) Parking and Access**

- 14.12.1** Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must compromise road safety and take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than a vehicle.
- 14.12.2** Drawing number 20153-MA-XX-XX-DR-C-0001 indicates the provision of a single priority junction from Stortford Road within the western part of the site will provide the main vehicle ingress point in and out of the site. This is an outline application and therefore the internal road layout and further detail will also be provided as part of the Reserved Matters.
- 14.12.3** In addition to the proposed access, a number of other highway works are proposed within and outside the site which include:
- New bus stop and shelter to the west of the proposed access.  
New toucan signalled pedestrian crossing to the west of the bus stop.  
A new 2m footpath extending from the existing and leading towards the bus shelter.  
It is proposed to provide a 3m wide footway/cycleway along the western edge of the site access, which aligns east/west toward the PROW, within the site to the rear of the existing hedgerow.  
The existing public right of way between Stortford Road and Flitch Way would be retained and the surface improved within the Site. Parallel to this footpath a cycleway is proposed to enable cyclists to access the Flitch Way.
- 14.12.4** The application was consulted to the lead local highway authority who confirmed that they have reviewed the supporting Transport Assessment in conjunction with a site visit and internal consultations.
- 14.12.5** The highway authority confirmed that there is a committed scheme to provide additional capacity at the Four Ashes junction. It is recommended that this scheme is also included as a condition in this application to ensure it is still delivered if the other applications do not come forward. This has been recommended for all applications in the area.
- 14.12.6** Furthermore, the application is on the eastern edge of Takeley therefore the highway mitigation seeks to link it to the village by providing a Toucan Crossing that will serve pedestrians and cyclists and also provided a link to the Flitch Way for current residents. The proposed highway infrastructure has been subject to a stage 1 safety audit. In addition, contributions are required to improve the local bus services and help construct the proposed cycle link to Stansted Airport, this contribution is being asked of all applications coming forward in Takeley.
- 14.12.7** The highway authority concluded that from a highway and transportation perspective the impact of the proposal is acceptable to the Highway

Authority subject to the appropriate mitigation and conditions as outlined in Section 17 of this report.

- 14.12.8** Policy GEN8 of the Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning guidance 'Vehicle Parking Standards'.
- 14.12.9** The adopted Council parking standards recommended for at least 1 vehicle space for each 1-bedroom unit and at least 2 vehicle spaces for dwellings consisting of two- or three-bedroom dwellings and three spaces for a four or more bedroom dwelling house along with additional visitor parking. In addition, each dwelling should be provided with at least 1 secure cycle covered space.
- 14.12.10** As the final mix of housing has not been refined to date, the number of required vehicle spaces cannot be fully assessed at this time, however, the applicant should be advised of the above requirements. Notwithstanding this, it is regarded that the proposals and the site itself would be able to provide sufficient off-street parking in accordance with the standards to meet the needs of future residents.
- 14.12.11** The applicant states that the proposals will include the provision of Electric Vehicle charging infrastructure on plot for each residential unit.

**14.13 K) Landscaping, open space**

- 14.13.1** Landscaping is set as a reserve matter; however, all larger developments should be designed around a landscape structure. The landscape structure should encompass the public open space system but should also provide visual contrast to the built environment and constitute a legible network based, where appropriate, on existing trees and hedgerows. The layout and design of the development, including landscaping, should seek to reflect the rural vernacular of the locality. Native species should be provided for structural planting and linked to existing vegetation to be retained.
- 14.13.2** In good landscape design, both soft landscaping and hard landscaping are essential elements, and both need consideration. The principal aims of a good quality landscape plan are to secure a coordinated and high standard of landscape management for the landscape areas within the site, to ensure the successful integration of the residential development with the surrounding landscape and to protect and enhance nature conservation interests in accordance with the design objectives. It is suggested that a high-quality landscape plan be supported in support of the proposals.
- 14.13.3** It is understood that the proposals would include the retention of hedgerows and trees along the boundaries of the site and individual and groups of trees are proposed to be planted within the development to

help define spaces and soften the building forms. Furthermore, new native planting is proposed to strengthen the existing hedgerow adjacent to the Flitch Way. This will help to provide natural screening of the development and enhance the public realm in order to enrich the public open spaces to achieve a better sense of wellbeing and place making for future residents.

**14.13.4** Open space areas should be suitably located and have appropriate proportions to their use and setting. Narrow or peripheral areas, which are difficult to access or maintain will not be considered appropriate. Open space provisions should form an integral part of the design and layout and meet the need generated by the development.

**14.13.5** The indicative illustrative masterplan indicates a site entrance green as public open space in the northwestern corner of the site. Furthermore, paddock style open space is provided along Stortford Road, however whether this space is to be incorporated as formal public open space or an orchard has yet to be defined by the Applicant. This should be considered in respect to the final design of the layout.

**14.13.6** Residential developments should normally be required to meet the need for play provision generated by the development on site, as an integral part of the design. Play areas must be sited within an open space sufficient to accommodate the provision and its required buffer zone to ensure residential amenity is maintained.

**14.13.7** It is acknowledged that a children's play space is to be potentially situated in the centre of the residential development along the southern boundary. Although the size of this area is currently unknown and there are no details as to the type of equipment or activities at this stage, this should be designed into the scheme up front and not as an afterthought, be of a sufficient size and provide reasonable recreation facilities. The design and layout of future play space should accord with the guidance set out in the 'Fields of Trust'.

#### **14.14 L) Nature Conservation**

**14.14.1** Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.

**14.14.2** The application site itself is not subject of any statutory nature conservation designation being largely used as an arable field. However, the site is reasonably close to at Hatfield Forest which is a Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR). It also backs onto the Flitch Way which is of local biodiversity interest a Local Wildlife Site.

- 14.14.3** Both Natural England and Place Services ecologist have reviewed the supporting documentation submitted in support of the proposals in detail and have assessed the likely impacts on protected and priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.
- 14.14.4** Natural England and the ecologist confirmed that they have reviewed the supporting Preliminary Ecological Appraisal (Wardell Armstrong, June 2021), Bat Survey Report (Wardell Armstrong, October 2021), Great Crested Newt Environmental DNA Survey Report (Wardell Armstrong, July 2021), Otter and Water Vole Survey Report (Wardell Armstrong, September 2021), Hatfield Forest Impact Assessment (Wardell Armstrong, October 2021) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats.
- 14.14.5** Natural England state that the proposed scheme will be expected to contribute towards mitigating the potential increase in recreational pressure on Hatfield Forest SSSI and that this will be achieved through a financial contribution. However, Natural England and the National Trust are still currently working towards a strategic solution to manage the impact of visitors and their recreational impact on Hatfield Forest (e.g. walking). However, at the time of drafting this assessment, there are no confirmed Strategic Access Management Measures in respect to what constitutes a suitable financial contribution.
- 14.14.6** A financial contribution of **£30,900.00** towards Hatfield Forest has been proposed within the Hatfield Forest Impact Assessment (Wardell Armstrong, October 2021). This financial contribution will be secured by a legal agreement. The payment would be used to fund enhancements / management measures identified by the National Trust (such as path surfacing, signage) to mitigate against the impacts of recreational pressure on the site.
- 14.14.7** Place Services ecologist confirm that the mitigation measures identified in the Environmental Statement should be secured and implemented in full. This is necessary to conserve and enhance protected and priority species. They also confirm that they support the proposed reasonable biodiversity enhancements which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. Net gain and mitigation measures would be secured by way of imposing conditions on the decision if permission were to be approved.
- 14.15** **M) Contamination**
- 14.15.1** Although the Council has no reason to believe the proposed site is contaminated and is not aware of any potentially contaminative past use on the site in question. It is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site in accordance

with policy ENV14 of the adopted Local Plan. The application was consulted to Council's environmental health officer who suggested that if permission is approved, conditions regarding that 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.

**14.16 N) Flooding & Drainage**

**14.16.1** The NPPF states that inappropriate development in areas of high-risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

**14.16.2** A check of the Environmental Agency's website and the Councils policy maps has identified the site is within a fluvial Flood Zone 1.

**14.16.3** New major development for housing need to include a flood risk assessment as part of their planning application, to ensure that the required form of agreed flood protection takes place. Additionally, all major developments are required to include sustainable drainage to ensure that the risk of flooding is not increased to those outside of the development and that the new development is future proofed to allow for increased instances of flooding expected to result from climate change.

**14.16.4** In respect to flooding and drainage, the application is supported by a Flood Risk Assessment & Drainage Strategy. This concludes that the proposed development incorporates a sustainable drainage system which includes an attenuation basin located in the east of the site.

**14.16.5** The Flood Risk Assessment & Drainage Strategy confirms that it is proposed to utilise Sustainable Drainage Systems to manage surface water runoff from the proposed development in line with current best practice. The development will utilise an attenuation pond to reduce runoff to the greenfield runoff rate of 4.9l/s for all events up to and including the 1 in 100 yr + climate change event. Foul drainage will discharge to the existing Thames Water network located within B1256 Stortford Road.

**14.16.6** Essex County Council who are the lead local flooding authority who stipulate that having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, that they do not object to the granting of planning permission subject to imposing appropriately worded conditions on the decision.

**14.16.7** The proposals, for this reason is thereby comply with to policy GEN3 of the adopted Local Plan and the NPPF.

**14.17 O) Planning Obligations**



**14.17.1** Paragraph 56 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matter that the Council would seek to secure through a planning obligation, if it were proposing to grant it permission.

**14.17.2** Early Years Education: if required the provision of an appropriate contributions towards Early Years education facilities as agreed with the County Council. Financial contribution of **£139,870.80**

Primary Education: if required the provision of an appropriate contributions towards Early Years education facilities as agreed with the County Council. Financial contribution of **£466,236.00**

Secondary Education: if required the provision of an appropriate contributions towards Secondary Education facilities as agreed with the County Council. Financial contribution of **£427,950.00**

Libraries contributions: if required the provision of an appropriate contributions towards library facilities as agreed with the County Council. Financial contribution of £77.80 per unit, total contribution = **£7,002.00**)

Open Space: the provision of an appropriate amount of open space, which provides a significant area of open space for recreation for all age ranges. The open space will be subject to an appropriate management regime. Play facilities: the provision of play equipment which will be subject to an appropriate management regime.

Healthcare contributions: if required the provision of an appropriate contributions towards healthcare facilities as agreed with the CCG. (Financial contribution of **£46,290.00**).

Hatfield Forest: if required the provision of an appropriate per dwelling contribution towards botanical and visitor monitoring and mitigation works at Hatfield Forest. Financial contribution of **£30,900.00**.

A financial contribution of **£346,500.00** (£3850 per dwelling) (indexed from the date of this recommendation) shall be paid to fund improvements to enhance bus services between the development, Bishops Stortford, local amenities and/or Stansted Airport improving the frequency, quality and/or geographical cover of bus routes that serve the site. In addition the funding will contribute to the design and implementation of a cycle route between Takeley and Stansted Airport.

Bus stops prior to any occupation the provision of bus stops to the east and west of Parsonage Road, facilities to include but not be limited to raised kerbs, bus shelters, pole, flag and timetable information.

A sum of **£56,150.00** (indexed from the 1st of April 2022) to be paid to the highway authority to provide appropriate surfacing and drainage, signage and information boards from section of the Flitch in the vicinity of the site

The signalised junction of the B1256/B183 (known as the Four Ashes) shall be upgraded to include MOVA (Microprocessor Optimised Vehicle Actuation) to provide optimisation of the signals to increase capacity. The upgrade works shall also include any necessary refurbishment or renewal of equipment and signing and lining including that required to provide prioritisation for cyclists at the junction as appropriate, in a scheme to be agreed with the local planning authority in consultation with the Highway Authority.

Residential Travel Plans (It shall be accompanied by an annual monitoring fee **£1596.00** per annum)

Payment of the council's reasonable legal costs.

Payment of monitoring fee.

#### **14.18 P) Other Issues**

##### **14.18.1 Noise and Disturbance**

**14.18.2** Policies ENV10 aims to ensure that wherever practicable, noise sensitive developments such as residential housing should be separated from major sources of noise such as roads, rail and air transportation.

**14.18.3** The proposed development is accompanied by a Noise Assessment informed by data taken from the site and modelling of noise impacts upon the development.

**14.18.4** Council's Environmental Health Officer was consulted and confirmed they have reviewed the Noise Impact Report compiled by Wardell-Armstrong ref – LO10946, dated October 2021 and the supplementary report ref NA/SU/LO10946/008 dated 25th February 2022. The officer concluded that in broad terms they agree with the overall conclusions in the report, however there are areas of clarity and detail that will need to be sought but these can be conditioned at the reserve matters stage.

**14.18.5** The supporting Noise Impact Report concludes the predominate noise source is road traffic noise from the B1256 and to a lesser extent the quarry to the south of the site.

**14.18.6** The report shows that the guidance levels for outdoor amenity and indoor areas are not likely to be met in some areas of the proposed site without sound mitigation measures. It suggests various options and proposes that these could be confirmed on a plot-by-plot basis once the

detailed site layout becomes available. This is a pragmatic approach but as the reserved matters stage has yet to be finalised, this impacts on the ability to calculate the effectiveness of the proposed sound mitigation measures. It may also be the case that the site may not be suitable for the proposed 90 dwellings. For this reason, a revised report will be necessary at the reserved matters application to take consider the above points in more detail.

- 14.18.7** In addition to the above, Essex Minerals & Waste raised concerns as to the robustness of the Waste Impact Assessment submitted and accordingly the supporting noise rebuttal. It was considered that further assessment as to the potential impacts from the activities approved as part of ESS/46/08/UTT is needed and should be secured.
- 14.18.8** As such, it is recommended that a condition is imposed if consent is granted that prior to the commencement of the development hereby permitted, a further revised Noise Impact Report is prepared to address the details that are still outstanding as identified within the supporting Noise Impact Report compiled by Wardell- Armstrong ref – LO10946 to ensure appropriate mitigation is provided to protect the amenities of future occupiers in respect to noise and disturbance.
- 14.18.9** It is acknowledged that during the construction phases, there will be periods when works are likely to be audible to at nearby receptors. A Construction Management Plan be required to minimise against these temporary impacts. The proposed development therefore complies with policy ENV10 and the Framework in this regard.
- 14.18.10** Odour:
- 14.18.11** The odour assessment submitted with ESS/46/08/UTT did not predict significant odour/air quality impacts to nearby sensitive properties, as existing at the time of permission, subject to mitigation. This assessment was however undertaken in 2008 and accordingly it is recommended that should planning outline permission be granted, a further odour assessment is needed to establish the likely baseline from the operations approved at Crumps and the odour concentrations likely to be experienced by occupiers as part of the reserved matters stage. It is thereby suggested that a condition be imposed requesting an odour assessment be carried out prior to the construction of the development to protect the amenities of future occupiers.
- 14.18.12** Air Quality and Pollution
- 14.18.13** Policy ENV13 of the adopted local plan states that new development that would involve users being exposed on an extended long-term basis to poor air quality outdoor near ground level will be refused.
- 14.18.14** The application was consulted to the Councils Environmental Health Officer to assess the potential impact upon Air Quality. They confirmed

that they have reviewed Air Quality Assessment undertaken by Wardell-Armstrong dated 12th October 2021 provided by the applicant and broadly agree with the findings in that the proposed development will not lead to an unacceptable risk from air pollution, nor will it lead to any breach of national objectives as required by national policy.

- 14.18.15** The proposed development will not materially impact on queuing traffic or congestion. It is therefore concluded that the residual effects of the proposed development in relation to air quality are negligible and the proposed development complies with national and local policy for air quality subject to imposing conditions if permission is granted for the development to provide appropriate mitigation measures as provided within the Air Quality Assessment.
- 14.18.16** Energy and Sustainability
- 14.18.17** Council's supplementary planning document 'Uttlesford Interim Climate Change Policy (2021)' seeks new development proposals to demonstrate the optimum use of energy conservation and incorporate energy conservation and efficiency measure. The applicant has provided a Sustainability Statement which outlines potential technologies and strategies to achieve and met the targets in the SPD. The applicant has also confirmed that they are committed to securing the installation of on-plot electric vehicle charging infrastructure as part of the strategy to reduce carbon emissions and promote sustainable travel.
- 14.18.18** The proposals are supported by an Energy Strategy for the site which identifies that the proposals may incorporate measures including enhanced fabric efficiency, low carbon and renewable energy technologies and minimal use of natural gas throughout the proposed development.
- 14.18.19** The energy strategy concludes that it is expected that the proposed development will primarily make use of: roof mounted solar PV, solar thermal systems and ASHP. The detail of the energy strategy will be determined in the reserved matters application. The Strategy continues to conclude that with the implementation of increased fabric efficiency measures and renewable and low carbon technologies, the proposed development will achieve an 31% reduction in emissions compared to current building regulations as defined Part L (2013).
- 14.18.20** The potential methods and techniques incorporated into the final design and layout of the proposals will help deliver a development that would reduce fuel use and greenhouse gas emissions, minimise energy use and input of raw materials and incorporates principles of energy conservation in relation to the design, siting and orientation of the buildings. It is suggested that suitable techniques by way of minimise energy use and cutting greenhouse gases will be imposed by way of conditions if this outline permission is granted consent.

**15. ADDITIONAL DUTIES**

**15.1 Public Sector Equalities Duties**

**15.1.1** 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.

**15.1.2** 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.

**15.1.3** Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised

**15.2 Human Rights**

**15.2.1** There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) 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

**16. PLANNING BALANCE AND CONCLUSION**

**16.1** With Uttlesford District Council unable to demonstrate a 5 YHLS as a consequence paragraph 11d of the NPPF therefore applies which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.

**16.2** The amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. Being out of date does not mean that a policy carries no weight. A review of Policy S7 and S8 concluded that this takes a more restrictive approach to development in the countryside compared to the NPPF which takes a more positive approach, and this could affect the delivery of housing. However, it is broadly consistent with the NPPF in terms of seeking to protect the

character and appearance of the countryside and thereby they still carry reasonable weight.

- 16.3** In respect to addressing the benefits of the proposed development, the provision of up to 90 dwellings including up to 36 of these being affordable housing would represent a significant boost to the district's housing supply, mindful of the housing land supply situation and the need for housing in the district. The Dwellings will be of a higher energy efficiency and lower carbon emissions in respect to the current building regulations.
- 16.4** The development would provide economic and social benefits in terms of the construction of the dwellings and supporting local services and amenities providing investment into the local economy. Further consideration has also been given in respect to the net gains for biodiversity.
- 16.5** The proposals would also provide upgraded highway works including the provision of new bus infrastructure adjacent to the site, a new cycle link and upgrade works to the PROW between Stortford Road and Flitch Way, and a new pedestrian crossing along Stortford Road to improve safety and access for the existing community to Flitch Way.
- 16.6** Thus, taken these together, significant weight to the benefits of the development have been considered.
- 16.7** Turning to the adverse impacts of development, the negative environmental effect of the development would be limited and localised landscape character and visual effects on the character and appearance of the countryside and limited harm to the role of the countryside protection zone arising from the extension of built form. This would have limited to modest negative environmental effects.
- 16.8** It has been found that the proposals will result in 'less than substantial harm' at the lower to medium spectrum to the setting and significance of the heritage assets as identified by Place Services conservation officer.
- 16.9** All other factors relating to the proposed development have been carefully considered and are capable of being satisfactorily mitigated, such that they weigh neutrally within the planning balance. These factors include biodiversity, highways, noise, air quality, ground conditions and arboriculture.
- 16.10** Therefore, and taken together, weight to the adverse impacts have been considered in respect of development and the conflict with development plan policies. The benefits of granting planning permission would significantly and demonstrably outweigh the identified adverse impacts of development. In the circumstances, the proposal would represent sustainable development in accordance with the NPPF.

**16.11** Overall, the proposals are in conformity with relevant local and national planning policies and the scheme results in a positive and sustainable form of development that is of planning merit.

**16.12** It is therefore recommended that the application be approved subject to the suggested conditions and section 106 agreement as per below.

**17. S106 / CONDITIONS**

**17.1 S106 HEADS OF TERMS**

- 17.2**
- (i) Provision of 40% affordable housing
  - (ii) Payment of education financial contributions; Early Years, Primary and Secondary
  - (iii) Libraries' contribution
  - (iv) Financial contribution for Health contributions
  - (v) Provision and long-term on-going maintenance of public open space (including LAP and LEAP)
  - (vi) Financial contribution to provide sustainable highway improvements.
  - (vii) Financial contribution to mitigate on impact of Hatfield Forest
  - (viii) Monitoring cost
  - (ix) Payment of the council's reasonable legal costs.

**17.8 Conditions**

**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.

**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** The development shall be carried out in accordance with the following approved plan: Site Location Plan Dwg Ref: TOR-SK004 and Footway and Access Plan Dwg Ref 21084-Ma-XX-XX-DR-C-0002-P02 unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the development reflects and maintains the character of the surrounding locality and the street scene in accordance with Policies S7, S8, GEN2, ENV2 of the Adopted Local Plan and the NPPF.

- 5** The location of the built development shall be carried out in general accordance with Parameter Plan Dwg Ref: TOR004 and the Illustrative Masterplan Dwg Ref: 230206/URB/SK003/IP unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the development reflects and maintains the character of the surrounding locality and the street scene in accordance with Policies S7, S8, GEN2, ENV2 of the Adopted Local Plan and the NPPF.

- 6** No works except demolition shall takes 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:

Provide the inclusion of 10% urban creep. In any storage calculations, we would also want to see 'urban creep' included in line with the Document 'BS 8582:2013 Code of practice for surface water management for development sites' which states: "To allow for future urban expansion within the development (urban creep), an increase in the paved surface area of 10% should be used, unless this would produce a percentage impermeability greater than 100%, or unless specified differently by the drainage approval body or planning authority'.

Attenuation storage and conveyance network should be modelled with critical 1yr, 30r and 100 plus 40percent climate change allowance. Attenuation storage should not flood in any event. The network should not predict surcharge in 1yr events and should not predict flooding in 30year events. During 100 year plus 40pc cc event if any marginal flooding is predicted then it should be directed away from the building using appropriate site grading.

Demonstrate 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.



Provide layout of the proposed drainage network at the site.

Provide a drainage plan which details exceedance and conveyance routes, FFL and ground levels.

Provide an updated 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 ensure an adequate level of surface water and drainage scheme is provided to minimise the risk of on and off-site flooding in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

- 7** No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority prior to reserved matters applications being submitted.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 8** A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 9** No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 10** The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within three months of the completion of 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: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

**11** Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

- a) The construction programme and phasing
- b) Hours of operation, delivery and storage of plant and materials used in constructing the development
- c) Details of any highway works necessary to enable construction to take place
- d) the parking of vehicles of site operatives and visitors,
- e) Details of hoarding
- f) Management of traffic to reduce congestion
- g) Control of dust and dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light, and odour.
- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.
- l) wheel and underbody washing facilities.
- M) routing strategy for construction vehicles

All works shall be carried out in accordance with the approved CEMP 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: In the interests of highway safety and the control of environmental impacts on existing residential properties in accordance with Policies GEN1, ENV10 of the Adopted Local Plan and the NPPF.

**12** The air source heat pumps to be installed at the 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

REASON: To ensure future occupiers enjoy a good acoustic environment, in accordance with policy ENV10 which requires appropriate noise mitigation and sound proofing to noise sensitive development.

- 13** A minimum of a single electric vehicle charging point shall be installed at each of the houses. These shall be provided, fully wired and connected, ready to use before first occupation.

REASON: The requirement of the charging points are required to mitigate the harm for poor air quality due to the increase in vehicle in accordance with Policy ENV13 of the Adopted Local Plan and the NPPF.

- 14** 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 'Model Procedures for the Management of Land Contamination, CLR 11'. 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 the interest of human health in accordance with Policy ENV14 of the Adopted Local Plan and the NPPF.

- 15** Prior to occupation of the development, the access, a minimum of 5.5m width carriageway, 2m footway and footway/cycleway minimum effective width 3m shall be provided as shown in principle on submitted drawing 21084-MA-XX-XX-DR-C-0004 – P01 shall be provided, including a clear to ground visibility splays with dimensions of 2.4m by 103m to the west and 2.4 by 112m to the east measured from and along the nearside edge of the carriageway but offset by 1m on the western splay. The vehicular 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, GEN1 of the Adopted Local Plan and the NPPF.

- 16** Prior to first occupation the highway infrastructure as shown in principle in submitted drawing 21084-MA-XX-XX-DR-C-0004 – P01 shall be provided, works shall include all necessary works including any relocation

or provision of signage, lighting, associated resurfacing or works to the existing carriageway to facilitate widening and Traffic Regulation Orders to be carried out entirely at the developer's expense. Works shall comprise:

Toucan crossing and associated footway/cycle minimum effective width 3.5m

Footway/cycle link from the toucan crossing to the Flich Way including surfacing of PROW 33/8

Provision/enhancement of bus stops on the north and south sides of the B1256 which shall comprise (but not be limited to) the following facilities: shelters; seating; raised kerbs; bus stop markings; poles and flag type signs, timetable casings.

Internal footway to serve the bus stops in the most direct manner from all parts of the site.

Relocation of the 30mph speed limit to the east to incorporate the access and bus stop at a location agreed with the highway authority.

REASON: In the interests of reducing the need to travel by car and highway safety in accordance with policies DM1 and DM9 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, GEN1 of the Adopted Local Plan and the NPPF.

- 17** Prior to the occupation of the first unit the signalised junction of the B1256/B183 (known as the Four Ashes) shall be upgraded to include MOVA (Microprocessor Optimised Vehicle Actuation) to provide optimisation of the signals to increase capacity. The upgrade works shall also include any necessary refurbishment or renewal of equipment and signing and lining including that required to provide prioritisation for cyclists at the junction as appropriate, in a scheme to be agreed with the local planning authority in consultation with the Highway Authority.

REASON: to mitigate against impact of the development on signalised junction by helping increase capacity and providing facilities for cyclists in the interest of highway efficiency 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 Local Plan and the NPPF.

- 18** 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, GEN1 of the Adopted Local Plan and the NPPF.

- 19** The number of parking spaces shall be in accordance with those standards set down within Essex County Council's Parking Standards Design and Good Practice, September 2009 and Uttlesford Local Residential Parking Standards February 2013.

REASON: To ensure that appropriate parking is provided in the interests of highway safety and efficiency in accordance with Policy DM8 of the Adopted Local Plan and the NPPF.

- 20** Prior to first occupation the developer to provide a single access to the Flitch Way as shown in principle on the Illustrative Masterplan and provide appropriate fencing and planting between the development and the Flitch Way. No other accesses shall be provided unless agreed in writing with the planning authority in conjunction with ECC.

REASON: to provide controlled access to the Flitch Way and improve the accessibility of the site by walking and cycling and protect it from uncontrolled use and damage in accordance with Policy ENV7, ENV8 and GEN1 of the Adopted Local Plan and the NPPF.

- 21** The layout of the development will be such that no gardens back on to Flitch Way and/or an appropriate buffer is provided between the Flitch Way and the development.

REASON: to protect the Flitch Way from uncontrolled use, littering and damage in accordance with Policy ENV7, ENV8 and GEN1 of the Adopted Local Plan and the NPPF.

- 22** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Wardell Armstrong, June 2021), Bat Survey Report (Wardell Armstrong, October 2021), Great Crested Newt Environmental DNA Survey Report (Wardell Armstrong, July 2021), Otter and Water Vole Survey Report (Wardell Armstrong, September 2021), Hatfield Forest Impact Assessment (Wardell Armstrong, October 2021) and confidential report (Wardell Armstrong, July 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).

**23** 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).

**24** Prior to the commencement of the works hereby approved a copy of the mitigations licence for badgers shall be submitted and approved in writing by the Local Planning Authority. “The following sett closure shall not in in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant Badger Protection Act 1992 authorizing the specified activity/development to go ahead; or
- b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

REASON: To conserve protected species and allow the LPA to discharge its duties under and Badger Protection Act 1992 and s17 Crime & Disorder Act 1998 and Policy GEN7 of the Adopted Local Plan and NPPF.

**25** Concurrent with reserved matters, prior to the commencement, a Great Crested Newt and Otter Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain

precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newt and Otter during the construction phase.

The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

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) as updated by the Environment Act 2021 and Policy GEN7 of the Adopted Local Plan and NPPF.

**26** Concurrent with reserved matters, 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;
- 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) as updated by the Environment Act 2021 and Policy GEN7 of the Adopted Local Plan and NPPF.

**27** Concurrent with reserved matters, prior to the occupation of the dwellings, 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) as updated by the Environment Act 2021 and Policy GEN7 of the Adopted Local Plan and NPPF.



## Appendix

### Local Highway Authority

Your Ref: UTT/21/3272  
Our Ref:HT/TPD /SD/KW/34973/4B  
Date:- 05/05/2022



**Essex County Council**

Paul Crick  
Director for Highways and Transportation

CC: Cllr S Barker  
Essex Highways DM  
Essex Travel Plan Team

To: Uttlesford District Council  
Assistant Director Planning & Building Control  
Council Offices  
London Road  
SAFFRON WALDEN  
Essex CB11 4ER

County Hall  
Chelmsford  
Essex CM1 1QH

#### Recommendation

Application No. UTT/21/3272/OP

Applicant Welbeck Strategic Land IV LLP

Site Location Land South Of Stortford Road Little Canfield

Proposal Outline application with all matters reserved except for access for the erection of up-to 90 dwellings, including affordable housing, together with access from B1256 Stortford Road, sustainable drainage scheme with an outfall to the River Roding, Green Infrastructure including play areas and ancillary infrastructure

#### Note

This application was accompanied by a Transport Assessment which has been reviewed by the highway authority in conjunction with a site visit and internal consultations. 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.

Junctions have been assessed with background growth and committed development. There is a committed scheme to provide additional capacity at the Four Ashes junction. It is recommended that this scheme is also included as a condition in this application to ensure it is still delivered if the other applications do not come forward. This has been recommended for all applications in the area.

The application is on the eastern edge of Takeley therefore the highway mitigation seeks to link it to the village by providing a Toucan Crossing that will serve pedestrians and cyclists and also provided a link to the Flitch Way for current residents. The proposed highway infrastructure has been subject to a stage 1 safety audit. In addition, contributions are required to improve the local bus services and help construct the proposed cycle link to Stansted Airport, this contribution is being asked of all applications coming forward in Takeley.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following mitigation and conditions:

1. 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. the parking of vehicles of site operatives and visitors,
  - II. loading and unloading of plant and materials,
  - III. storage of plant and materials used in constructing the development,
  - IV. wheel and underbody washing facilities.
  - V. Routing strategy for construction vehicles
  - 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.

2. **Access:** Prior to occupation of the development, the access, a minimum of 5.5m width carriageway, 2m footway and footway/cycleway minimum effective width 3m shall be provided as shown in principle on submitted drawing 21084-MA-XX-XX-DR-C-0004 – P01 shall be provided, including a clear to ground visibility splays with dimensions of 2.4m by 103m to the west and 2.4 by 112m to the east measured from and along the nearside edge of the carriageway but offset by 1m on the western splay. The vehicular 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.
3. **Highway Infrastructure:** Prior to first occupation the highway infrastructure as shown in principle in submitted drawing 21084-MA-XX-XX-DR-C-0004 – P01 shall be provided, works shall include all necessary works including any relocation or provision of signage, lighting, associated resurfacing or works to the existing carriageway to facilitate widening and Traffic Regulation Orders to be carried out entirely at the developer's expense. Works shall comprise:

- 3.1. Toucan crossing and associated footway/cycle minimum effective width 3.5m
- 3.2. Footway/cycle link from the toucan crossing to the Flich Way including surfacing of PROW 33/8
- 3.3. Provision/enhancement of bus stops on the north and south sides of the B1256 which shall comprise (but not be limited to) the following facilities: shelters; seating; raised kerbs; bus stop markings; poles and flag type signs, timetable casings.
- 3.4. Internal footway to serve the bus stops in the most direct manner from all parts of the site.
- 3.5. Relocation of the 30mph speed limit to the east to incorporate the access and bus stop at a location agreed with the highway authority.

*Reason:* In the interests of reducing the need to travel by car and highway safety in accordance with policies DM1 and DM9 of the Highway Authority's Development

Management Policies, adopted as County Council Supplementary Guidance in February 2011

4. **Sustainable Transport Contribution:** Prior to any occupation, payment of a financial contribution of £346,500 (£3850 per dwelling) indexed from the 1<sup>st</sup> of April 2022 shall be paid to fund improvements to enhance bus services between the development, Bishops Stortford, local amenities and/or Stansted Airport improving the frequency, extending time period, quality and/or geographical cover of bus routes that serve the site. In addition the funding will contribute to the design and implementation of a cycle route between Takeley and Stansted Airport. Reason: to improve the accessibility of the of the development by bus in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011
5. **Flitch Way contribution:** Prior to commencement a sum of £ 56,150 (indexed from the 1<sup>st</sup> of April 2022) to be paid to the highway authority to provide appropriate surfacing and drainage, signage and information boards from section of the Flitch in the vicinity of the site. Reason: to mitigate the increased use of the Flitch Way by the residents of the development and improve the accessibility of the site by walking and cycling
6. **Flitch Way Access:** Prior to first occupation the developer to provide a single access to the Flitch Way as shown in principle on the Illustrative Masterplan and provide appropriate fencing and planting between the development and the Flitch Way. No other accesses shall be provided unless agreed in writing with the planning authority in conjunction with ECC. Reason: to provide controlled access to the Flitch Way and improve the accessibility of the site by walking and cycling and protect it from uncontrolled use and damage.
7. **Flitch Way:** The layout of the development will be such that no gardens back on to Flitch Way and/or an appropriate buffer is provided between the Flitch Way and the development. Reason: to protect the Flitch Way from uncontrolled use, littering and damage
8. **Travel Packs:** 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
9. **Residential Travel Plan:** Prior to first occupation of the proposed development, the Developer shall submit a residential travel plan to the Local Planning Authority for approval in consultation with Essex County Council, the travel plan should include support (including car parking space) of any existing or committed car clubs. Such approved travel plan shall then be actively implemented for a minimum period from first occupation of the development until 1 year after final occupation. It shall be accompanied by an annual monitoring fee £1596 per annum (index linked), to be paid to Essex County Council. 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
10. **Parking:** The number of parking spaces shall be in accordance with those standards set down within Essex County Council's Parking Standards Design and Good Practice,

September 2009 and Uttlesford Local Residential Parking Standards February 2013.  
Reason: To ensure that appropriate parking is provided in the interests of highway safety and efficiency in accordance with policy DM8

*Unless already provided by developments that come forward prior to this application the following will be required*

**11.B1256/B183 Junction:** Prior to the occupation of the first unit the signalised junction of the B1256/B183 (known as the Four Ashes) shall be upgraded to include MOVA (Microprocessor Optimised Vehicle Actuation) to provide optimisation of the signals to increase capacity. The upgrade works shall also include any necessary refurbishment or renewal of equipment and signing and lining including that required to provide prioritisation for cyclists at the junction as appropriate, in a scheme to be agreed with the local planning authority in consultation with the Highway Authority. Reason: to mitigate against impact of the development on signalised junction by helping increase capacity and providing facilities for cyclists in the interest of highway efficiency in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

**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.**

**Informatives:**

- (i) In making this recommendation the Highway Authority has treated all planning application drawings relating to the internal layout of the proposal site as illustrative only.
- (ii) Electric vehicle charging infrastructure should be provided in accordance with UDC emerging local plan.
- (iii) Any signal equipment, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction. To be provided prior to the issue of the works licence.
- (iv) All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.
- (v) Any signal equipment, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction. To be provided prior to the issue of the works licence.

- (vi) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.
- (vii) Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- (viii) The Applicant should provide for agreement, information regarding their drainage proposals i.e. draining by gravity/soakaways/pump assisted or a combination thereof. If it is intended to drain the new highway into an existing highway drainage system, the Developer will have to prove that the existing system is able to accommodate the additional water.
- (ix) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.
- (x) The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over the public footpath no 33/8 and the Flitch Way (48/47) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

- (xi) **Note on the submitted drawings**
  - a. The zig-zags may extend across the mouth of the minor access on the north side of the road to the west of the crossing – Thornton Road. Traffic Signs Manual Chapter 6 Clause 15.8.11 covers this. This is a matter for the more detailed stages of design, though if the zigzag extents affect any Traffic Regulation Orders, it should be clarified as soon as possible.
  - b. The overhead services will need to be recorded in the Safety Health Environmental Information box on subsequent design drawings and in the Residual Risk Register or similar document
  - c. The tactile paving should extend across the width of the crossing.
  - d. Ladder and tram-line tactile paving will be required to define the extents of the shared use areas, assuming they meet pedestrian only areas.

- e. The link from the PROW to the crossing can be made more direct and the PROW should be upgraded to accommodate cyclists and included in the S38 if more appropriate.

*Katherine Wilkinson*

pp. Director for Highways and Transportation  
Enquiries to Katherine Wilkinson  
Internet: [www.essex.gov.uk](http://www.essex.gov.uk)  
Email: [Katherine.wilkinson@essex.gov.uk](mailto:Katherine.wilkinson@essex.gov.uk)

**Local Flood Authority**

Essex County Council  
Development and Flood Risk  
Environment and Climate Action,  
C426 County Hall  
Chelmsford  
Essex CM1 1QH



William Allwood  
Uttlesford District Council  
Planning Services

Date: 10<sup>th</sup> Dec 2021  
Our Ref: SUDS-005633  
Your Ref: UTT/21/3272/OP

Dear William Allwood,

**Consultation Response – UTT/21/3272/OP– Land South Of Stortford Road Little Canfield**

Thank you for your email received on 8/11/2021 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 15<sup>th</sup> 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 wish to issue a **holding objection** to the granting of planning permission based on the following:

- Provide the inclusion of 10% urban creep. In any storage calculations, we would also want to see 'urban creep' included in line with the Document 'BS 8582:2013 Code of practice for surface water management for development sites' which states: "To allow for future urban expansion within the development (urban creep), an increase in the paved surface area of 10% should be used, unless this would produce a percentage impermeability greater than 100%, or unless specified differently by the drainage approval body or planning authority' (page 32).
- Attenuation storage and conveyance network should be modelled with critical 1yr, 30r and 100 plus 40percent climate change allowance. Attenuation storage should not flood in any event. The network should not predict surcharge in 1yr events, and should not predict flooding in 30year events. During 100 year plus 40pc cc



event if any marginal flooding is predicted then it should be directed away from the building using appropriate site grading.

- Demonstrate 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.
- Provide layout of the proposed drainage network at the site.
- Provide a drainage plan which details exceedance and conveyance routes, FFL and ground levels.
- Provide an updated written report summarising the final strategy and highlighting any minor changes to the approved strategy.

We also 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>

In the event that more information was supplied by the applicants then the County Council may be in a position to withdraw its objection to the proposal once it has considered the additional clarification/details that are required.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

#### **Summary of Flood Risk Responsibilities for your Council**

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

**INFORMATIVES:**

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15<sup>th</sup> of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Yours sincerely,

**Rohit Singh, Development and Flood Risk Officer**  
Team: Green Infrastructure and Sustainable Drainage  
Service: Climate Action and Mitigation  
Essex County Council

Internet: [www.essex.gov.uk](http://www.essex.gov.uk)

Email: [suds@essex.gov.uk](mailto:suds@essex.gov.uk)

**Appendix 1 - Flood Risk responsibilities for your Council**

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

- Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements)

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.

- Flood recovery measures (including flood proofing and other building level resistance and resilience measures)

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Further information can be found in the Department for Communities and Local Government publications '[Preparing for Floods](#)' and '[Improving the flood performance of new buildings](#)'.

- Sustainability of the development

The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.

## Natural England

Date: 29 November 2021  
Our ref: 374460  
Your ref: UTT/21/3272/OP



William Allwood, c/o [planning@uttlesford.gov.uk](mailto:planning@uttlesford.gov.uk)

**BY EMAIL ONLY**

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

Dear Mr Allwood

**Planning consultation:** UTT/21/3272/OP | Outline application with all matters reserved except for access for the erection of up-to 90 dwellings.

**Location:** Land South Of Stortford Road Little Canfield Essex

Thank you for your consultation on the above dated 08 November 2021 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**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 this 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 mitigation 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 these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured.

#### **Further advice on mitigation**

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 has 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 24<sup>th</sup> September 2019. More recently, a joint letter from Natural England and the National Trust (dated 28<sup>th</sup> 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.

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 paragraphs 174 and 180 of the NPPF, 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 (draft) 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 281 (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. In this instance, due to the 'outline' nature of the application, Natural England would anticipate that an assessment is made as to the capacity of the site to provide adequate mitigation and that confirmation of these details is sought through the appropriate method, such as an appropriately worded planning condition or obligation.

Notwithstanding this, 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, though this has not yet been developed. 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 advice](#)<sup>1</sup> 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 gains**

Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Development also provides opportunities to secure wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 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 should consider off site measures. 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.

Natural England's [Biodiversity Metric 3.0](#) may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites the [Small Sites Metric](#) may be used. This is a simplified version of [Biodiversity Metric 3.0](#) and is designed for use where certain criteria are met. It is available as a beta test version.

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).

Natural England's [Environmental Benefits from Nature tool](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside [Biodiversity Metric 3.0](#) and is available as a beta test version.

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<sup>1</sup> <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

***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](#).

If you have any queries relating to the advice in this letter please contact me at:  
[tessa.lambert@naturalengland.or.uk](mailto:tessa.lambert@naturalengland.or.uk)

Please consult us again once the information requested above, has been provided.

Yours sincerely

Tessa Lambert  
Lead Advisor – Sustainable Development, West Anglia Team



## ECC Infrastructure

Essex County Council  
Planning and Development  
CG05, County Hall  
Chelmsford  
Essex CM1 1QH



Uttlesford District Council  
Old Hospital Building, London Road  
Saffron Walden  
Essex  
CB11 4ER

Our ref: 34973  
Your ref: UTT/21/3272  
Date: 14/03/2022

Dear Sir or Madam

**Stortford Road (Land To The South Of), Little Canfield  
Without Prejudice - UTT/21/3272**

Thank you for providing details of the above planning application for up to 90 new homes. From the information I have received, I have assessed the application on the basis of 90 houses. Assuming all of these units are homes with two or more bedrooms, a development of this size can be expected to generate the need for up to 8.10 Early Years and Childcare (EY&C) places; 27.00 primary school and 18.00 secondary school places.

Please note that any developer contribution figures referred to in this letter are calculations only, and that final payments will be based on the actual dwelling unit mix and the inclusion of indexation.

**Early Years and Childcare:**

Although there is some EY&C capacity in the area, the data shows insufficient places to meet demand from this proposal.

Based on the demand generated by this proposal as set out above, a developer contribution of £139,870.80, index linked to January 2020, is sought to mitigate its impact on local EY&C provision.

**Primary Education:**

Based on the demand generated by this proposal set out above, a developer contribution of £466,236.00, index linked to January 2020, is sought to mitigate its impact on local primary school provision.

**Secondary Education:**

This development would sit within the Priority Admissions Area of the Helena Romanes School in Great Dunmow. There is a significant amount of housing development, already with permission, planned for this area. Demand for school places is, therefore, expected to grow. Forecasts, set out in the Essex School Organisation Service's 10 Year Plan, suggest that each cohort from 2024/25 onwards will exceed the size that would leave 5% unfilled capacity (as recommended by the National Audit Office). Even without maintaining an 'operational surplus', up to 26 extra Year Seven places (the first year of

secondary education) will be required to meet the anticipated peak demand.

Based on the demand generated by this proposal as set out above, a developer contribution of £427,950.00, index linked to January 2020, is sought to mitigate its impact on local secondary school provision.

#### School Transport:

Having reviewed the proximity of the site to the nearest primary and secondary schools, Essex County Council will not be seeking a school transport contribution; however, the developer should ensure that safe direct walking and cycling routes to local schools are available.

#### Libraries:

Essex County Council may seek contributions to support the expansion of the library service to meet customer needs generated by residential developments of 20+ homes.

The provision of a Library Service is a statutory duty under the 1964 Public Libraries and Museums Act and it's increasingly become a shared gateway for other services such as for accessing digital information and communications.

In this case the suggested population increase brought about by the proposed development is expected to create additional usage at the local library. In accordance with the Essex County Council Developers' Guide to Infrastructure Contributions (Revised 2020), a contribution is therefore considered necessary to improve, enhance and extend the facilities and services provided, at a cost of £77.80 per unit, respectively. Improvements could include, but is not limited to, additional facilities, additional furniture, provision of learning equipment / play equipment for younger children, improved access, external works such as parking and bike racks and IT.

In this case, and taking the above into account, it is calculated that a contribution of £7,002.00 is requested and should be included in any Section 106 Agreement should the Council be minded to grant permission.

In view of the above, I request on behalf of Essex County Council that if planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on childcare, primary education, secondary education, and libraries. Our standard formula s106 agreement clauses that ensure the contribution would be fairly and reasonably related in scale and kind to the development are available from Essex Legal Services.

If your council were minded to turn down the application, I would be grateful if the lack of surplus childcare, primary education, secondary education, and library provision in the area to accommodate the proposed new homes can be noted as an additional reason for refusal, and that we are automatically consulted on any appeal or further application relating to the site.

Thank you for consulting this authority in respect of this application.

Yours faithfully

Our Ref: WECCG/UTT/21/3272/GR  
Your Ref: UTT/21/3272/OP

Building 4  
Spencer Close  
St Margaret's Hospital  
The Plain  
Epping  
Essex  
CM16 6TN

Uttlesford District Council  
Council Offices  
London Road  
Saffron Walden  
Essex  
CB11 4ER

Tel: 01992 566140

10 March 2022

Dear Sir/Madam

**Address:** Land South Of Stortford Road Little Canfield Essex

**Proposal:** Outline application with all matters reserved except for access for the erection of up to 90 dwellings, including affordable housing, together with access from B1256 Stortford Road, sustainable drainage scheme with an outfall to the River Roding, Green Infrastructure including play areas and ancillary infrastructure

**1.0 Introduction**

- 1.1 Thank you for consulting West Essex Clinical Commissioning Group (CCG) on the above planning application.
- 1.2 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).

**2.0 Existing Healthcare Position Proximate to the Planning Application Site**

- 2.1 The proposed development is likely to have an impact on the services of 2 GP practices operating within the vicinity of the application site. The GP practices do not have capacity for the additional growth resulting from this development.
- 2.2 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.

**3.0 Review of Planning Application**

- 3.1 The planning application does not appear to include a Health Impact Assessment (HIA) or propose any mitigation of the healthcare impacts arising from the proposed development.

- 3.2 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.

**4.0 Assessment of Development Impact on Existing Healthcare Provision**

- 4.1 The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 225 residents and subsequently increase demand upon existing constrained services.
- 4.2 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 <sup>1</sup>	NIA (m <sup>2</sup> ) <sup>2</sup>	Capacity <sup>3</sup>	Spare Capacity (NIA m <sup>2</sup> ) <sup>4</sup>
John Tasker House Surgery	15,178	702.91	10,251	-337.73
Angel Lane Surgery	11,674	408.40	5,956	-392.10
<b>Total</b>	<b>26,850</b>	<b>1,111.31</b>	<b>16,207</b>	<b>-729.83</b>

**Notes:**

1. The weighted list size of the GP Practice based on the Carr-Hill formula, this figure more accurately reflects the need of a practice in terms of resource and space and may be slightly lower or higher than the actual patient list.
  2. Current Net Internal Area occupied by the Practice
  3. Based on 120m<sup>2</sup> per 1750 patients (this is considered the current optimal list size for a single GP within the East DCO). Space requirement aligned to DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services"
  4. Based on existing weighted list size
- 4.3 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.

**5.0 Healthcare Needs Arising From the Proposed Development**

- 5.1 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.

- 5.2 The development would give rise to a need for improvements to capacity, in line with both the emerging CCG and ICB estates strategies, by way of extension, refurbishment, reconfiguration or potential relocation for the benefit of the patients at Angel Lane Surgery, a proportion of the cost of which would need to be met by the developer.
- 5.3 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**

Premises	Additional Population Growth (90 dwellings) <sup>5</sup>	Additional floorspace required to meet growth (m <sup>2</sup> ) <sup>6</sup>	Spare Capacity (NIA) <sup>7</sup>	Capital required to create additional floor space (£) <sup>8</sup>
Angel Lane Surgery	225	15.43	-392.10	46,290
<b>Total</b>	<b>225</b>	<b>15.43</b>	<b>-392.10</b>	<b>46,290</b>

**Notes:**

5. Calculated using the Uttlesford District average household size of 2.5 taken from the 2011 Census.
  6. Based on 120m<sup>2</sup> per 1750 patients (this is considered the current optimal list size for a single GP within the East DCO). Space requirement aligned to DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services"
  7. Existing capacity within premises as shown in Table 1
  8. Based on standard m<sup>2</sup> cost multiplier for primary healthcare in the East Anglia Region from the BCIS Public Sector Q3 2015 price & cost index, adjusted for professional fees, fit out and contingencies budget (£3,000/m<sup>2</sup>).
- 5.4 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 **£46,290**. Payment should be made before the development commences.
- 5.5 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.
- 6.0 Conclusions**
- 6.1 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.
- 6.2 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.

- 6.3 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.
- 6.4 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.
- 6.5 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.
- 6.6 West Essex CCG and NHS England look forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response and would appreciate acknowledgement of the safe receipt of this letter.

Yours faithfully



**Geoff Roberts**  
Assistant Director - Estates and IT Development  
West Essex Clinical Commissioning Group

## **Comments for Planning Application UTT/21/3272/OP**

### **Application Summary**

Application Number: UTT/21/3272/OP

Address: Land South Of Stortford Road Little Canfield Essex

Proposal: Outline application with all matters reserved except for access for the erection of up-to 90 dwellings, including affordable housing, together with access from B1256 Stortford Road, sustainable drainage scheme with an outfall to the River Roding, Green Infrastructure including play areas and ancillary infrastructure

Case Officer: William Allwood

### **Customer Details**

Name: Mrs Nina Crabb

Address: National Trust East of England Regional Office, Westley Bottom, Bury St Edmunds IP33 3WD

### **Comment Details**

Commenter Type: Member of Public

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: The proposed development is approximately 3km from the SSSI, National Nature Reserve areas and ancient woodland of Hatfield Forest which extends over 424 hectares, including Wall Wood and Woodside Green. The area has been owned and managed by the National Trust since 1924. Of greatest significance is that Hatfield Forest is the finest surviving example of a small Medieval Royal Hunting Forest. The Forest's ecological and historic importance is reflected in its designations - for its considerable ecological significance and especially for its veteran trees and old growth woodland on undisturbed soils.

The forest is experiencing rapid and unsustainable growth in visitor numbers which is putting it under considerable pressure and there are signs that the SSSI, NNR and other designated/protected features there are being damaged. In order to advance its understanding of these issues as well as an understanding of visitor numbers, origin and behaviour when visiting the Forest, the Trust, with support from Natural England (NE), commissioned consultants Footprint Ecology to undertake visitor surveys and prepare an impact management report to help build a practical strategy for the Forest going forward. This established a 'Zone of Influence' (ZOI), within which this site falls. The Footprint Ecology report describes the issues arising from recreational pressure on the SSSI/NNR in more detail and recommends the development of a strategy to mitigate these impacts. A copy of this report (the Hatfield Forest 'Visitor Survey and Impact Management Report 2018') has been sent to Uttlesford District Council. Natural England also wrote to your planning department in April and September last year to alert you to this evidence and advise that where relevant, planning decisions are informed by this.

The National Trust supports a plan led approach to new development. Where a Local Plan is out of date and/or the local planning authority is unable to demonstrate a 5-year supply of housing land then we acknowledge that decisions should apply a presumption in favour of sustainable development as set out in Para.11 of the NPPF. However, Para.11 is clear that where there is not an up-to-date development plan or relevant policies are out of date then the application of policies in the NPPF that protect areas or assets of particular importance may provide a clear reason for refusal. These policies are listed in Footnote 7 and relate to, inter alia, habitats sites and/or designated Sites of Special Scientific Interest and irreplaceable habitats.

The view of the National Trust is that without mitigation the proposal would fail to accord with the NPPF, most notably para's 174 and 180 which seek to conserve and enhance the natural environment. There are also duties on LPA's under section 28G(2) of the Wildlife and Countryside Act 1981 to take reasonable steps as part of the authority's functions to further the conservation and enhancement of SSSI's. Furthermore, there is a specific obligation on an authority under section 28I where it is proposing to permit an operation likely to damage a SSSI, to give Natural England prior notice.

Having regard to the evidence and in accordance with the above requirements and the advice of Natural England, it is considered that the impacts of the development on Hatfield Forest should be mitigated. New housing development within the ZOI will contribute further (both individually and cumulatively) towards recreational pressure on the Forest. Whilst it is acknowledged that this was not an issue when the current Local Plan was adopted, there is nonetheless evidence now available which identifies an issue at a SSSI which Natural England has identified as warranting mitigation. This evidence formed part of discussions with the LPA, Natural England and the Planning Inspectorate in respect of the previously withdrawn Local Plan. The Post Stage 1 Hearings letter from PINS to the LPA (dated 10th January 2020) acknowledged that the Inspector's shared the concerns raised by NE about a lack of mitigation measures to address recreational impacts of new housing development on Hatfield Forest and stated that the matter needed resolving. Although the submission Local Plan was withdrawn, the issue remains and on the advice of Natural England a bespoke solution should be sought on a case-by-case basis in the absence of an up-to-date Plan.

Based on recommendations set out in the 'Visitor Survey and Impact Management Report', and as referred to in Natural England's letter, the National Trust, in consultation with Natural England, has prepared a costed Mitigation Strategy. This includes a costed package of mitigation measures.

For the proposed development we consider the following mitigation would be appropriate:

#### On-Site Mitigation

On-site measures which would help relieve the pressure on Hatfield Forest should be provided.



These should take the form of:

- High-quality, informal, semi-natural areas, to be provided prior to first occupation of the dwellings (including a dog walking circuit and dogs off lead area);
- Any other on-site mitigation as advised by Natural England.

However, this alone would not mitigate the impacts of increased recreational pressure on Hatfield Forest arising from the development. Hatfield Forest offers other visitor experiences which could not be replicated on a new site. It is used for a range of recreational activities including jogging, cycling, wildlife watching, family outings and photography. It also includes visitor infrastructure such as a café, toilet, shop and education building. This makes it vulnerable to current and future demand. Even if on-site mitigation is proposed, it is considered that there will still be a residual recreational impact on Hatfield Forest which needs to be mitigated.

#### Off-Site Mitigation

- A financial contribution to the National Trust for use at Hatfield Forest towards visitor and botanical monitoring and mitigation works.

The Hatfield Forest Mitigation Strategy is being used by the property team to address recreational impacts at Hatfield Forest. A copy of this can be provided if required. The Strategy seeks a proportion of costs to be met through developer contributions, the rest would met by the National Trust.

As an indication of some costs, the Mitigation Strategy sets out that independent Visitor Surveys will take place every 5 years at a cost of £30,900, annual Impact Surveys will take place at a cost of £2522 and soil compaction analysis will take place annually at a cost of £3090.

On the basis of contributions secured for other developments (including at appeal), a contribution of £13,500 is requested.

It is acknowledged that the applicant has submitted a 'Hatfield Forest Impact Assessment' and that a contribution towards mitigation at Hatfield Forest is proposed.

We would be happy to discuss this in more detail if required.

## Essex Minerals & Waste

**Essex County Council**  
**County Planning**  
County Hall  
Market Road  
Chelmsford, Essex  
CM1 1QH



Uttlesford District Council  
FAO: Lindsay Trevillian

Your ref: UTT/21/3272/OP  
Our ref:  
Date: 24 May 2022

BY EMAIL ONLY

Dear Mr Trevillian

**Nature of Response:** To address minerals and waste safeguarding implications arising through Application UTT/21/3272/OP

**Proposal:** Outline application with all matters reserved except for access for the erection of up-to 90 dwellings, including affordable housing, together with access from B1256 Stortford Road, sustainable drainage scheme with an outfall to the River Roding, Green Infrastructure including play areas and ancillary infrastructure

**Location:** Land South Of Stortford Road Little Canfield Essex

Thank you for re-consulting the Minerals and Waste Planning Authority on the above proposals.

This response acts to update the Mineral and Waste Planning Authority's (MWPA) position as previously set out in its response submitted 1<sup>st</sup> February 2022 in relation to Application Reference UTT/21/3272/OP. Please note that this response primarily concerns itself with 'Point 3' of the MWPA's holding objection. It must therefore be read in conjunction with the MWPA's response dated 1<sup>st</sup> February 2022 which considers Point 1 and Point 2.

By way of background, the MPWA previously responded to this application in December 2020. Three issues were raised by the MWPA which resulted in the need for the MWPA to issue a holding objection in relation to this application. These are agreed as being:

- Point 1 – Insufficient information in the MIIA to satisfy the MWPA that the proposed development would not impact on the delivery of MLP Site Allocation A23
- Point 2 – Insufficient information in the WIIA to satisfy the MWPA that the proposed development would not impact on the delivery of WLP Site Allocation L(n)8R
- Point 3 – Insufficient information in the WIIA to satisfy the MWPA that the proposed development would not impact on the permitted waste activities at Crumps Farm within 250m of the proposed application namely in-vessel composting, recycling, sorting and landraising

Additional information was submitted to the MWPA to address Point 1 and Point 2. This additional information noted that Point 3 was to be addressed through an additional study to be submitted in due course.

In its response to the receipt of this additional information dated February 2022, the MWPA, removed its holding objection as it related to Point 1 and Point 2. It was however requested, *inter-alia*, that should planning permission for the proposed development be granted, a condition be duly considered seeking to ensure that as the site layout progresses through reserved matters either no part of any residential building is allowed to be situated within the 250m buffer or any such building is orientated so that neither the front or rear elevation directly faces south, to limit the potential for significant impacts on future residents.

This response primarily considers new information submitted as additional evidence to address the outstanding concerns of the MWPA in relation to Point 3. This additional information supports the May 2022 re-consultation on this application and includes a revised Waste Infrastructure Impact Assessment (rWIIA) and a report entitled The Squires, Little Canfield – Noise Rebuttal (NB).

The outstanding concerns of the MWPA which have yet to be addressed are the potential impacts on permitted waste activities at Crumps Farm within 250m of the proposed application, namely in-vessel composting, recycling, sorting and landraising. These are re-considered below in context of the additional information submitted.

#### Revised Waste Impact Assessment

The rWIIA seeks to draw information from the Environment Agency's public register. Whilst this has sought to identify relevant permits and exemptions issued by the Agency it has failed to fully consider the planning context and exactly what the extant permission (ref: ESS/46/08/UTT) allows.

The extant planning permission for the site allows: "Continuation of mineral extraction and development of waste recycling and composting facility, including demolition of existing mineral processing plant, construction of waste reception and sorting building enclosing sorting of domestic and commercial and industrial waste to recover recyclables, construction of in-vessel composting units for composting of sorted waste, reprofiling of levels of restored landfill site utilising on site materials, with restoration to parkland, landfilling of mineral void with composted material with progressive restoration to agriculture, widening of access road to allow 2 way traffic, installation of landfill gas and leachate management systems".

The development approved, and the various elements of the permission, were summarised within the officer's report, produced to accompany the decision, as below:

*"While there is an existing permission for mineral extraction in the southern half of the application site, this application seeks the continuation of the sand and gravel extraction (60,000 tonnes) over 3 years and clay (1.154 million tonnes or 577,000m<sup>3</sup>) extraction over 15 years in 3 main phases from west to east over an area of 11.1 ha. However the mineral extraction would not be subject to the conditions of the ROMP, in particular more than 6 acres of the site could be open at one time.*

*The application proposes utilisation of on-site overburden (which includes clay) from the mineral working to raise levels by 2 metres on the completed landfill to the north, to enable this part of the site to blend with proposed levels of the proposed landfill to the south. This northern area would be restored to an area of public open space within approx 5 years of commencement of the development.*

*The application includes construction of a waste reception, sorting and treatment building (3420 square metres), proposed to be a steel portal frame building. The maximum height of the building to ridge would be 10.5m. The building would be divided into 2 parts; an area for reception and sorting of waste a pitched roof building (approx. 114m x 31m x eaves height 8.5m) and then a transfer area (114m x 16m x maximum height 8.5m), a single pitch building attached to the ridge building. Adjacent to this building would be the composting vessels (114m x 40m x Maximum height not including turning machinery). The building and vessels would be located in the north-east part of the site upon demolition of the existing mineral processing area.*

*Within the building the following would take place:*

- receive, screen and shred green waste, prior to transfer to composting vessels;*
- receive and bale pre-sorted plastics and paper;*
- receive sort and process a combination of pre-sorted and mixed Municipal Solid Waste (MSW) and/or Commercial and Industrial waste (C&I).*

*The application proposes importation of 110,000 tonnes pa of either MSW and/or C & I waste and 10,000 tonnes pa of green waste. All waste would be received within the Waste Reception building. This waste would include "black bag" waste from both household collections, collections from businesses and industry, mixed dry recyclables (from doorstep recycling collections) and green waste. The unsorted MSW and C & I waste would then be shredded and passed through a Materials Recycling Facility to enable removal of recyclates such as glass, plastic and metals. The residual waste would then be placed in enclosed composting vessels of which there would be 20 in total, a process called in-vessel composting. The material would be retained in the vessels for approximately 5 to 6 weeks, a turning machine would run along the tops of the vessels turning the material and moving it down each vessel. During the composting process the waste would loose much water and any bio-degradable waste would have broken done leaving a largely biological stable residue for disposal into the landfill.*

*It is anticipated 50,000 tonnes per annum (50,000m<sup>3</sup>) of biologically stable residue would be deposited into the void created by mineral extraction. The void capacity is approx 1.3 million m<sup>3</sup> and is anticipated to take approx 26 years to landfill. It is proposed that only waste materials that had gone through sorting and composting would be disposed of in the void. The void would be infilled in 3 phases within engineered containment cells within the clay. As each cell is completed the site would be progressively restored from west to east.*

*Recyclate such as glass, plastic and metals recovered from the waste or sorted from the imported dry comingled recyclate would be baled within the building and then exported from the site for reprocessing.*

*In addition to importation of MSW and C & I it is proposed to import green waste, this green waste would be composted within 2 of the in-vessel composting chambers that would be dedicated to this purpose. The green waste would be composted to generate a soil improver not dissimilar to the output of the existing windrow composting facility on site. The compost would be exported for use as a soil improver.*

*The proposal is for the importation of waste from west Essex and East Herts due to the proximity of the site to the Hertfordshire administrative boundary. It has also been proposed that biologically stable residues from other waste management facilities could be imported to the site for landfilling direct into the void.*

*The proposal also includes excavation of the location of the building such that the building would be constructed at 80.5mAOD. In addition it is proposed to extend and raise the already permitted screening bund along the eastern side of the site to a height of 90mAOD, using on site overburden and soils. This bund would be planted with trees. As such the maximum height of the building would be 91mAOD, such that no more than 1m of the ridge of the building would be visible above the bund. Planting is proposed on the bund itself.*

*The buildings and eastern bund would be removed upon completion of the landfilling and the soils from the bund used to restore the final areas of the site.*

*The application also proposes, widening of the existing access road to allow 2 way traffic, expansion of existing infrastructure for dealing with landfill gas and installation of infrastructure to treat leachate.*

*The proposed hours of operation for mineral extraction and waste reception, sorting and treatment are*

*Monday to Friday 0700 - 1800  
Saturdays 0700 - 1300*

*In terms of traffic generation the site currently has planning permission for sand and gravel and clay extraction and green waste composting which generates approx 48 movements per day.*

*The proposals would generate 76 additional movements per day as follows:*

- Importation of MSW and C & I waste. It is anticipated that there would be 50,000 tonnes pa of MSW generating 46 movements per day and 60,000 C & I (combination of unsorted 55,000 tonnes per annum in 22 tonne loads and sorted 5,000 tonnes pa in 4 tonne loads) and export of recovered materials (plastics, metals) would generate a total of 30 movements per day.*
- Export of recovered/uncompostable material within the domestic waste including plastic, metal and material requiring specialist treatment. Plastic and residuals would be back-loaded on vehicles delivering waste. Metals would generate 50 movements per annum and hard core would be used on site roads thus no additional movements would be generated.*

*Therefore the proposed total vehicle movements would be 124 movements a day (62 in 62 out).*

*Traffic movements would decrease by 10 to 12 movements a day upon completion of the sand and gravel extraction after 3 years and would decrease by a further 30 movements per day after 15 years when clay extraction is completed."*

The rWIIA makes no reference to the aforementioned permission, and development approved, which is a concern. This failure in terms of understanding of the permission and stage of implementation has according led to some statements in the rWIIA which are either incorrect or considered by the MWPA to be misleading.

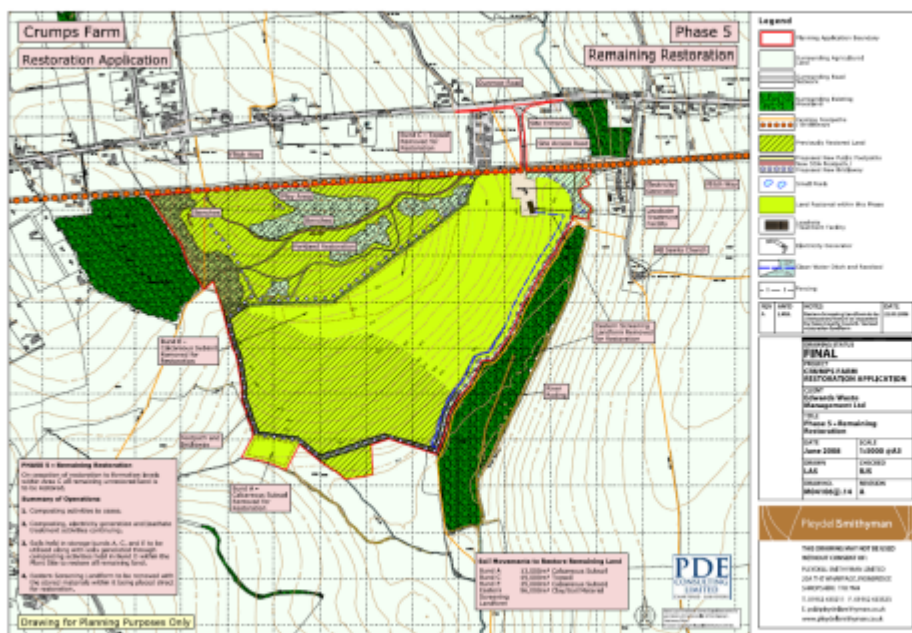
In respect of the above, the rWIIA details that the site stopped accepting waste in 2005 and that landfilling operations are no longer undertaken at this site. This is considered misleading, as ESS/46/08/UTT allows construction of a waste recycling and composting facility, further mineral extraction and landfilling of voids created together with the reprofiling of the land levels of the restored landfill site and the wider site.

*Operations currently being undertaken on-site, as part of ESS/46/08/UTT*

ESS/46/08/UTT, as a permission, has been commenced. However, commencement of the permission on-site is limited with the waste recycling and composting facility still not constructed.

The below is the approved initial works / phase 1 drawing of the development approved. This shows the location of the composting facility approved - to the east of the site (on the area of the former processing area), the composting pad to the south of this and the proposed new areas of excavation/landfill to the south, south-west. To the north of the composting facility is a large circulation and storage area, also encompassing a lorry park, workshop,





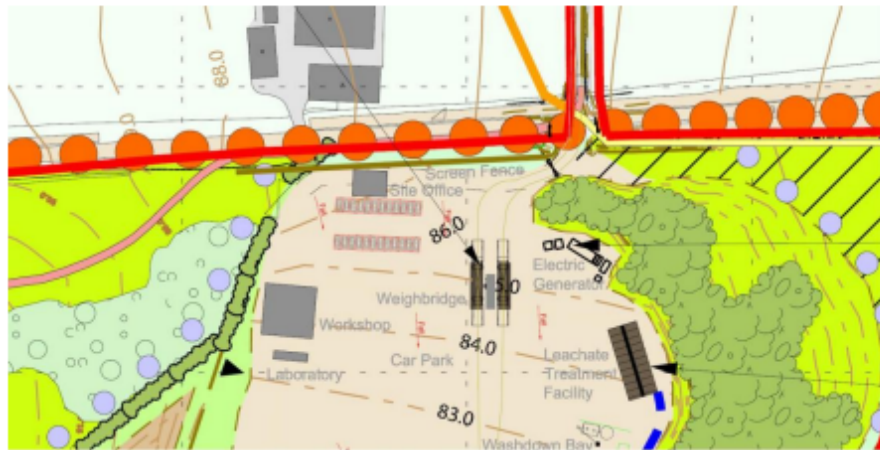
It is noted that Uttlesford District Council's Environmental Health Officer has raised no objection in principle to the development coming forward, subject to conditions. The condition recommended in terms of a noise assessment and requirement for an appropriate scheme of noise mitigation is supported. It is noted that the EHO has set a target daytime noise limit of 50dB LAeqT to be achieved at all properties. Condition 37 attached to ESS/46/08/UTT sets various noise limits for working at Crumps Farm which for Crumps Farm (the property) and Warren Cottages, which are most representative of the conditions likely to be experienced by properties with this proposed development, is above 50dB LAeq 1hr.

Unlike the rWIA, the noise rebuttal does seek to make reference to ESS/46/08/UTT. However, this primarily seeks to suggest the limits set by condition 37 and 38 (for temporary operations) and mitigation proposed or installed by the operator of Crumps Farm will be sufficient to ensure no undue impact or conflict.

The Council, as suggested above, raises concerns about this conclusion and considers it important that the condition proposed by the EHO is secured, should determination be progressed now. The noise assessment should be required to fully consider all what ESS/46/08/UTT permits and in the event that noise levels above 50dB LAeq, T are predicted (as a result of activities occurring as part of ESS/46/08/UTT – either as part of temporary or permanent operations) there should be a requirement for mitigation as part of the residential development.



In this regard, it is clarified that whilst the Crumps Farm site is completely fenced along its northern boundary (the boundary with the Flitch Way and this development) it is only a small part of this that is required to have specific noise attenuation qualities. The noise barrier required to be installed/maintained covers just a 150 metres west from the Flitch Way / site access road junction and is principally to afford mitigation to Crumps Farm (the property) and allow operations to meet the 55dB LAeq,1hr limit.



As the rest of the fencing is not specifically for noise attenuation, its mitigation qualities are not known. The fencing along this boundary, with the exception of the noise attenuation fence/barrier, is furthermore required to be removed in its entirety upon completion of phase 1 – when the former landfill is opened as parkland. Post phase 1, the waste recycling and composting facility, mineral extraction and landfilling to the south of the site will however be continuing.

As the residential development is the Agent of Change, any mitigation needed to comply with more stringent noise requirements to that set in ESS/46/08/UTT would need to be proposed and brought forward as part of the residential development. Without the securing of mitigation, it is considered unlikely that the noise levels requested from the EHO would be achievable and it is considered complaints are likely to result – a failing of the principle of the Agent of Change.

In terms of odour, whilst it is accepted that odour is unlikely to be an issue for the reprofiling/engineering works itself, the MWPA do occasionally still receive odour complaints about the former landfill, when existing on-site infrastructure has failed. As suggested in the rWIA such issues and accordingly periods of odour nuisance may be infrequent but should be fully considered given the proposal would introduce additional sensitive receptors within close proximity of the site. The MWPA recommends Uttlesford District Council either consults or seeks input from the Environment Agency to satisfy themselves of the probability or likelihood of nuisance from the existing landfill and associated infrastructure.

### Composting

The composting facility considered as part of the rWIIA is not the composting facility approved as part of ESS/46/08/UTT. The composting operation shown in the pictures and assessed was only approved as a temporary operation (until 31/03/2019) as part of planning permission ref: ESS/25/17/UTT. The composting use ceased in accordance with the above date, and no further material has been added to the windrows, however some windrows of material do remain – currently as a breach of planning control.

ESS/46/08/UTT as detailed previously in this response, allows the importation of 110,000tpa of municipal solid waste and/or construction and industrial waste and 10,000tpa of green waste. The imported waste will be sorted through the Materials Recycling Facility removing the recyclates before the residual waste is placed in enclosed composting vessels, a process called in-vessel composting. The material would be retained in the vessels for approximately 5 to 6 weeks, with a turning machine running along the tops of the vessels turning the material and moving it down each vessel. During the composting process the waste would lose much water and any bio-degradable waste would have broken down leaving a largely biological stable residue for disposal into the landfill.

The odour assessment submitted with ESS/46/08/UTT did not predict significant odour/air quality impacts to nearby sensitive properties, as existing at the time of permission, subject to mitigation. This assessment was however undertaken in 2008 and accordingly it is recommended that should planning outline permission be granted Uttlesford DC should duly consider whether a further odour assessment is needed to establish the likely baseline from the operations approved at Crumps and the odour concentrations likely to be experienced by occupiers as part of the reserved matters stage.

### Groundwater monitoring boreholes

Groundwater monitoring required as part of the existing Permit and condition 13 of ESS/46/08/UTT includes boreholes within the area to which this application relates. It is considered that the layout of the development will need to ensure that these are left accessible, unless confirmation can be provided from the Agency that these are no longer needed and/or a schedule of alternative boreholes can be suggested and agreed with both the operator of Crumps Farm, the Agency and MWPA.

### Conclusion

It is not considered that the rWIIA has fully considered or assessed the planning permission at Crumps Farm (ref: ESS/46/08/UTT). It is considered that reference to current Environmental Permits issued by the Environment Agency and the operator's Environmental Risk Assessment (2012) is inappropriate as this does not take into account the facility/operations which have planning permission but are not operational.

NPPF Paragraph 187 states that '*existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established*' and in this case, the Agent of Change is clearly the emerging residential development.

The MWPA have concerns as to the robustness of the rWIA submitted and accordingly the supporting noise rebuttal. Accordingly, without prejudice, it is considered that further assessment as to the potential impacts from the activities approved as part of ESS/46/08/UTT is needed and should be secured.

The MWPA are unsure as to what, if any mitigation measures, may need to be included as part of the residential development to ensure compatibility between the sites/uses. In the event UDC are content with the principle of residential development on this site, and accordingly seek to secure these additional assessments by way of condition, it is considered essential that such assessments are submitted and approved prior to the approval of any reserved matters, given such provisions will likely impact the layout and density of the development.

Yours sincerely,

**Tom McCarthy**  
Principal Planner  
Email: [tom.mccarthy@essex.gov.uk](mailto:tom.mccarthy@essex.gov.uk)

# Agenda Item 10



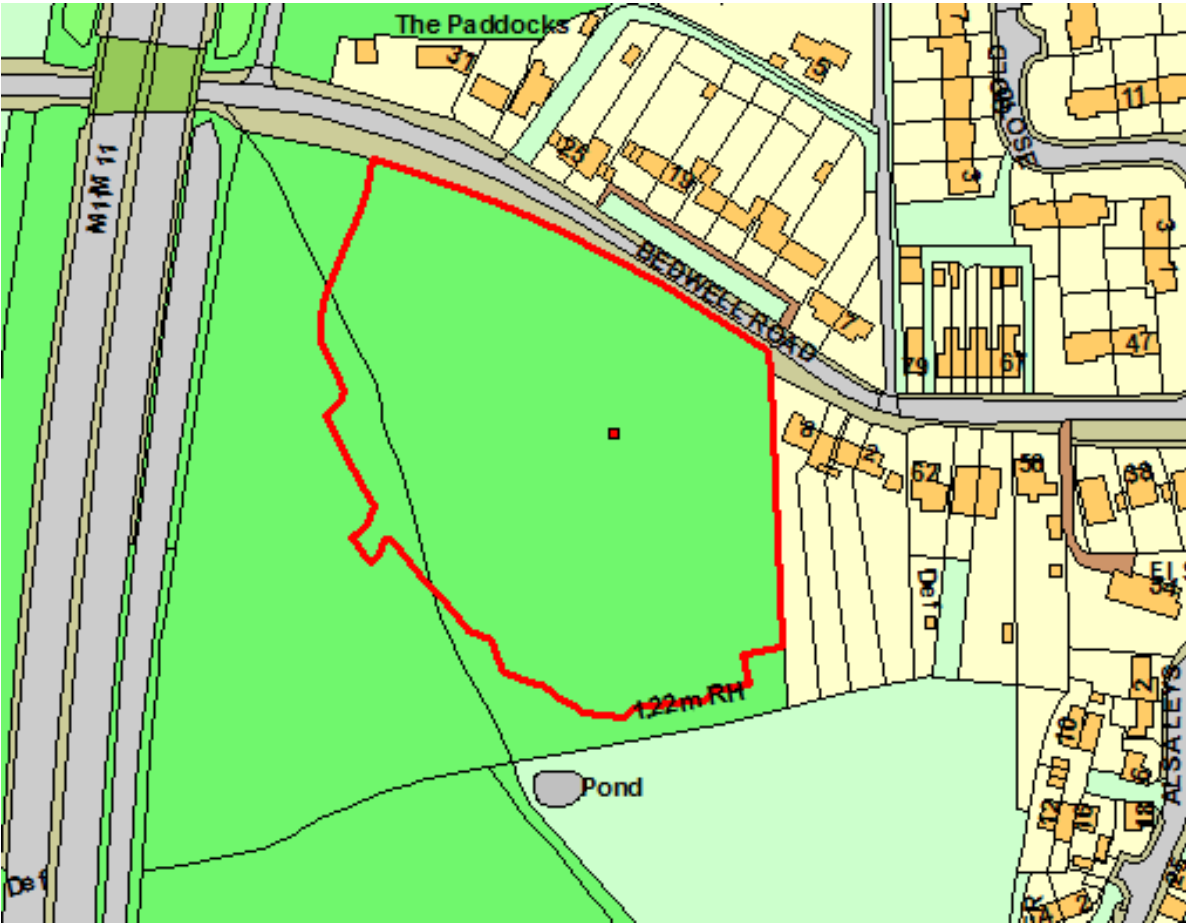
**ITEM NUMBER:** 10

**PLANNING COMMITTEE DATE:** 8 June 2022

**REFERENCE NUMBER:** UTT/20/2908/OP

**LOCATION:** LAND SOUTH OF BEDWELL ROAD, UGLEY

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: 14 April 2022

**PROPOSAL:** Outline application for up to 50 market and affordable dwellings, public open space and associated highways and drainage infrastructure - all matters reserved except access.

**APPLICANT:** Rochester Properties Ltd, J F C Sergeant and J F M Anderson

**AGENT:** Pegasus Group

**EXPIRY DATE:** 16 February 2021

**EOT Expiry  
Date:**

**CASE  
OFFICER:** Patricia Coyle

**NOTATION:** Outside Development Limits; Minerals Safeguarding Area; Archaeological Area; M11 Consultation Zone; SSSI Consultation Zone

**REASON THIS  
APPLICATION  
IS ON THE  
AGENDA:** Major Development

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**1. EXECUTIVE SUMMARY**

**1.1** Planning permission is sought for an outline application for up to 50 market and affordable units within a former agricultural field which abuts the M11.

**1.2** It is considered that on balance there are no significant adverse impacts that would outweigh the benefits of development. Furthermore, the titled balance is engaged in favour of housing.

**2. RECOMMENDATION**

That the Interim Director of Planning and Building Control be authorised to **GRANT** permission for the development subject to those items set out in section 17 of this report -

- A) Legal agreement
- B) Conditions

**And**

If the freehold owner shall fail to enter into such an agreement, the Interim Director Planning & Building Control shall be authorised to **REFUSE** permission following the expiration of a 6 month period from the date of Planning Committee.

**3. SITE LOCATION AND DESCRIPTION:**

- 3.1** The application site measures approximately 1.4ha and is located on the southern side of Bedwell Road, to the west with the M11. Elsenham train station is located to the far east of the site. Further north of the site is the Gladman scheme which was recently refused planning permission.
- 3.2** The site is a former agricultural field now comprising scrub. The site falls towards the north-eastern part of the site. A Public right of way (PROW) is located along the western boundary running north to south. part of the PROW and beyond lies Alsa Wood.
- 3.3** The site slopes gently from east to north-west. The site constitutes two fields in arable use located on the western side of Parsonage Road and to the south of the A120. To the east are gardens of existing residential properties.
- 3.4** The application site is located outside the development limits, within a minerals safeguarding area and is an archaeological site. It is also observed that the site falls within the M11 consultation area, the SSSI consultation area and is adjacent to Also Wood which is Important Woodland.

**4. PROPOSAL**

- 4.1** Outline Planning permission is sought for up to 50 market and affordable dwellings, public open space and associated highways and drainage infrastructure - all matters reserved except access.

**5. ENVIRONMENTAL IMPACT ASSESSMENT**

- 5.1** The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017; as such the outline application did not require an Environmental Impact Assessment.

**6. RELEVANT SITE HISTORY**

- 6.1** None.

**7. PRE-APPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

- 7.1** The Localism Act requires pre-application consultation on certain types of planning applications made in England. As such the following consultation events have been held by the applicants:

18th September 2021 a leaflet setting out the development proposals was delivered to properties in the immediate vicinity of the site. The leaflet directed the public to the developers website.

18th September 2021 details sent to the clerk of the parish councils at Elsenham and Ugley

- 7.2** No Pre-application discussions with officers from Uttlesford District Council were held.

## **8. SUMMARY OF STATUTORY CONSULTEE RESPONSES**

### **8.1 Highway Authority**

- 8.1.1** This application was accompanied by a Transport Assessment which has been reviewed by the highway authority in conjunction with a site visit and internal consultations. The assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework 2019 and in particular paragraphs 108 – 109, the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.

- 8.1.2** The location of the site to the north of the village is such that the journey to Stansted Mountfitchet quicker via the Pound Lane and the B1383 route than Stansted Road and Grove Hill so the impact on this junction will be very limited. There will be an impact to the west of the site on Pound Lane, but this is also limited. This is estimated as an additional 5 trips eastbound and 14 westbound in the morning peak and 12 trips eastbound and 5 westbound in the evening peak hour which will not have a significant impact on the road.

- 8.1.3** A contribution to the bus service and bus infrastructure is being sought to improve the bus service between Elsenham, Stansted Mountfitchet, Stansted Airport and Bishops Stortford. This is part of the developing strategy for Elsenham to improve the service to half hourly and extend morning and evening services. There is the opportunity to extend the service along Bedwell Road down the B1383 to Stansted Mountfitchet, a possible variant of the current service, providing Bedwell Road with an hourly service (2 hourly on Sundays) and collectively providing the village with a half hourly day time service. If this is taken forward a bus stop will be provided on Bedwell Road to decrease walking distances.

- 8.1.4** In order to facilitate walking a contribution to mitigate the impact on the footpath network has been sought as a link into the developments below is made via footpaths 13/31 and a condition to improve 51/29 within the site.



## **8.2 Health and Safety Executive**

**8.2.1** HSE is a statutory consultee for certain developments within the consultation distance of major hazard sites and major accident hazard pipelines and has provided planning authorities with access to the HSE Planning Advice Web App - <https://pa.hsl.gov.uk/> - for them to use to consult HSE and obtain our advice. As the proposed development does not lie within the consultation distance of a major hazard site or major accident hazard pipeline, there is no need to consult HSE on this application, and HSE therefore has no comments to make.

## **8.3 National Highways**

**8.3.1** No objection

## **8.4 Local Flood Authority**

**8.4.1** 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 based on the following:

## **8.5 Environment Agency**

**8.5.1** No response.

## **8.6 Natural England**

**8.6.1** 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 this 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.

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 this mitigation 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 these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured

## **8.7 Sport England**

### **8.7.1 Out of Remit.**

Thank you for consulting Sport England on the above application.

The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG)

Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case but would wish to give the following advice to aid the assessment of this application.

General guidance and advice can however be found on our website:

[https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-forsport#planning\\_applications](https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-forsport#planning_applications)

## **9. PARISH COUNCIL COMMENTS**

### **9.1 Elsenham Parish Council have objected on the following grounds:**

1. Introduction
2. Housing Volume
3. Public Open Spaces
4. Affordable Housing Units
5. Height, Massing and Noise Mitigation
6. Housing Mix
7. Housing Commitments in Elsenham from 2011
8. Parking
9. Economic Benefit
10. Environmental Benefit
11. Landscape
12. Woodland
13. Footpaths
14. Poor Air Quality
15. Archaeological Site
16. The Needs of the Local Community
17. Section 106

## 10. CONSULTEE RESPONSES

### 10.1 UDC Housing Enabling Officer

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 affordable housing provision on this site will attract the 40% policy requirement as the site is for 50 units. This amounts to 20 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

It is also the Councils' policy to require 5% of the whole scheme to be delivered as wheelchair adaptable (building regulations, Part M, Category 3 homes) as well as 5% of all units to be fully wheelchair accessible bungalows delivered as 1- and 2-bedroom units. This would amount to 3 bungalows across the whole site delivered as 1 affordable one-bedroom bungalow and 2 market sale bungalows.

The mix and tenure split of the affordable properties are given below; this mix should be indistinguishable from the market housing, with good integration within the scheme and be predominately houses with parking spaces.

Homes should meet the following standards: 1 bed property house 2 people, 2 bed properties house 4 persons and 3 bed properties house 5 persons.

	1 bed	1 bed bungalow	2 bed	3 bed	total
Total affordable properties (number)	3	1	9	7	20
Affordable rent	2	1	6	5	14
Shared ownership	1	0	3	2	6

The affordable housing provision proposed within the application would predominantly provide flats rather than houses and would be clustered in one corner of the development, is not well integrated and given that 3 storeys are proposed a lift would be required as it exceeds 2 storeys. A service charge for maintenance and servicing of the lift would therefore be likely to be required.

The affordable housing provision proposed does not include any bungalow provision which is disappointing. Undercroft and courtyard parking is proposed for much of the affordable housing which in the case of the undercroft parking in particular is not particularly favourable.

I request that these matters are taken into account when deciding upon this application

#### **10.1.1 ECC Minerals and Waste**

Thank you for your email received 18 November 2020 consulting the Mineral and Waste Planning Authority on the above application.

The Mineral Planning Authority has no comment to make in relation to this application as the area of the proposed development site located within the sand and gravel Mineral Safeguarding Area is below the minimum Minerals Local Plan 2014: Policy S8 threshold of 5ha.

#### **10.2 UDC Environmental Health**

**10.2.1** There are no material reasons in relation to noise why the proposed scheme should not receive outline approval. However, given that the development site is currently within the outline stage, and considering the detail contained within the supporting documentation, it is recommended that the principles of good acoustic design be adopted within the final masterplan to include the positioning of buildings and fences to maximise the screening effects, internal layout design, glazing and ventilation specifications.

Therefore, an additional noise report should be submitted as part of any subsequent planning application, including full and detailed plans, specifications, and noise mitigation measures, to demonstrate how the internal and external noise target levels given in BS 8233: 2014. We would expect the approach to have regard to the guidance contained in ProPG; Planning and Noise guidance, furthermore we would expect any internal noise calculations to be done in accordance with the more rigorous approach detailed in Annex G2.1 of BS 8223;2014.

It should be noted that it may be necessary to amend the overall proposed layout and or number of properties if the noise target values cannot be achieved, particularly in the garden areas.

#### **10.4 ECC Infrastructure**

**10.4.1** Thank you for providing details of the above planning application. From the information I have received, a development of this size can be expected to generate the need for up to 4.50 Early Years and Childcare (EY&C) places; 15.0 primary school, and 10.00 secondary school places. Please note that any developer contribution figures referred to in this letter are calculations only, and that final payments will be based on the actual dwelling unit mix and the inclusion of indexation.

Early Years and Childcare:

The proposed development is located within the Stort Valley Ward. According to Essex County Council's childcare sufficiency data, there is one provider of early years and childcare in the area. For Essex County

Council to meet its statutory duties it must both facilitate sufficient places to meet free childcare entitlement demand and also ensure a diverse range of provision so that different needs can be met. The data shows insufficient places to meet the demand from this proposal.

An additional 4.50 places would be provided at an estimated total cost of £77,706.00 at January 2020 prices. This equates to £17,268.00 per place and so, based on the demand generated by this proposal as set out above, a developer contribution of £77,706.00, index linked to January 2020, is sought to mitigate its impact on local EY&C provision.

#### Primary Education:

This development sits within the priority admissions area of Henham and Ugley Primary School but, since it is on the edge of Elsenham, Elsenham CE Primary School would be more accessible to residents. Both schools currently have some surplus capacity but I am cognisant of the proposal for 130 homes west of Hall Road (UTT/19/0462/FUL) which, if approved, would also put pressure on these schools. According to our latest forecasts, schools in Uttlesford Primary Group 2 (Stansted) can be expected to be full in Reception by 2030.

A project to provide sufficient school capacity is proposed that would add 15 places. The estimated cost of the project is £259,020.00 at January 2020 costs. This equates to £17,268.00 per place and so, based on the demand generated by this proposal as set out above, a developer contribution of £259,020.00, index linked to January 2020, is sought to mitigate its impact on local primary school provision.

#### Secondary Education:

With regards to secondary education, the Priority Admissions Area school for the development would be the Forest Hall School. Although the school is not currently full, there are already more Essex children for whom this is their closest option than there are places. The school has recently increased its Published Admission Number from 112 to 132 but our latest forecasts suggest that action may be required, around 2026, to add further capacity.

A project to provide sufficient school capacity is proposed that would add 10 places. The estimated cost of the project is £237,750.00 at January 2020 costs. This equates to £23,775.00 per place and so, based on the demand generated by this proposal as set out above, a developer contribution of £237,750.00, index linked to January 2020, is sought to mitigate its impact on local secondary school provision.

Having reviewed the proximity of the site to the nearest primary and secondary schools, Essex County Council will not be seeking a school transport contribution, however, the developer should ensure that safe direct walking and cycling routes to local schools are available.

#### Libraries:

Essex County Council may seek contributions to support the expansion of the library service to meet customer needs generated by residential developments of 20+ homes.

The provision of a Library Service is a statutory duty under the 1964 Public Libraries and Museums Act and it's increasingly become a shared gateway for other services such as for accessing digital information and communications.

In this case the suggested population increase brought about by the proposed development is expected to create additional library usage. In accordance with the Essex County Council Developers' Guide to Infrastructure Contributions (Revised 2020), a contribution is therefore considered necessary to improve, enhance and extend the facilities and services provided, at a cost of £244.92 and £77.80 per unit, respectively. Improvements could include, but is not limited to, additional facilities, additional furniture, provision of learning equipment / play equipment for younger children, improved access, external works such as parking and bike racks and IT.

In this case, and taking the above into account, it is calculated that a contribution of £12,246.00 or £3,890.00 is requested and should be included in any Section 106.

## **10.5 Place Services (Ecology)**

### **10.5.1 No objection subject to securing biodiversity mitigation and enhancement measures**

#### Summary

We have reviewed the Preliminary Ecological Appraisal (Southern Ecological Solutions, July 2020), Updated Invertebrate Survey and Assessment (Hopkins Ecology, August 2021), Breeding Bird, Foraging Bat & Reptile Survey report (Geosphere, September 2021) and Outline Mitigation and Enhancement Strategy (Geosphere, September 2021) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats.

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

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.

We note that the development site is situated within the 14.6km evidenced Zone of Influence for recreational impacts at Hatfield Forest Site of Special Scientific Interest (SSSI)/National Nature Reserve (NNR) as shown on MAGIC map ([www.magic.gov.uk](http://www.magic.gov.uk)). Therefore, Natural England's letter to Uttlesford DC relating to Strategic Access Management and Monitoring Strategy (SAMM) – Hatfield Forest

Mitigation Strategy (28 June 2021) should be followed to ensure that impacts are minimised to this site from new residential development.

As a first step towards a comprehensive mitigation package, the visitor management measures required within Hatfield Forest SSSI / NNR have been finalised in a Hatfield Forest Mitigation Strategy. Natural England are now working with the LPA to consider what level of developer contribution towards a package of funded Strategic Access Management Measures (SAMMs) at Hatfield Forest is appropriate for all residential development within the evidenced Zone of Influence. Natural England's advice is that during this interim period before a co-ordinated strategic solution has been established by all authorities, housing projects of 50 units or greater should provide a proportionate mitigation contribution to be agreed with the National Trust.

As this application contains 50 units, a financial contribution should be provided towards the delivery of off-site SAMM for Hatfield Forest SSS/LNR, which will need to be secured via a legal agreement.

The mitigation measures identified in a final version of the Mitigation and Enhancement Strategy (based on Geosphere, September 2021) should be secured by a condition of any consent and implemented in full. The presence of Barbastelle bats on site will require details to ensure connectivity of habitat for this Appendix II and European Protected Species is maintained for foraging and commuting.

This is necessary to conserve and enhance protected and Priority species particularly bats, Badger, nesting birds, reptiles, invertebrates and Priority species (Hedgehog, Harvest Mouse, Common Toad etc.).

It is noted that Biodiversity net gain calculations resulted in a net loss of habitat units (-7.17) and that off site mitigation will be required to achieve a biodiversity net gain at the site.

We also support the proposed reasonable biodiversity enhancements including the inclusion of bat and bird boxes, log piles, reptile hibernacula as well as wildlife-friendly planting within the development and a woodland management plan for the retained woodland, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021). The reasonable biodiversity enhancement should be outlined within a Biodiversity Enhancement Strategy and should be secured 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.

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.

## **10.6 Place Services (Archaeology)**

10.6.1 The proposed development lies within an area of known archaeological remains. The following recommendation is in line with the new National Planning Policy Framework. RECOMMENDATION: An Archaeological Programme of Trial Trenching followed by Open Area Excavation

1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation 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.

2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above.

3. 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 for Archaeological Recommendations The Historic Environment Record shows that recent excavations to the south of the proposed development found evidence of a medieval settlement, and indications of Late Iron Age and Roman occupation with features including pits and ditches (EHER 48393). Within the area of the proposed development fieldwalking has identified prehistoric artefacts and medieval pottery (EHER 4694). There is therefore the potential for the presence of prehistoric, Roman and medieval remains within the proposed development area. The archaeological work would comprise initial trial trenching to identify the extent and depth of archaeological deposits followed by open area excavation if archaeological deposits are identified. All archaeological work should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by this officer.

## **10.7 Crime Prevention Officer**

10.7.1 Whilst there are no apparent concerns with the layout to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.

We do note that within the Design and Access Statement there is a reference to 'Secured by Design Principles' an intention that could be reinforced by a desire to achieve a Secured by Design award.

We would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy at the same time as achieving a Secured by Design award.



## **10.8 NATS Safeguarding**

**10.8.1** 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.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

## **10.9 National Trust East of England**

**10.9.1** The proposed development is approximately 5.6km from the SSSI, National Nature Reserve areas and ancient woodland of Hatfield Forest which extends over 424 hectares, including Wall Wood and Woodside Green. The area has been owned and managed by the National Trust since 1924. Of greatest significance is that Hatfield Forest is the finest surviving example of a small Medieval Royal Hunting Forest. The Forest's ecological and historic importance is reflected in its designations - for its considerable ecological significance and especially for its veteran trees and old growth woodland on undisturbed soils.

### On-Site Mitigation

On-site measures which would help relieve the pressure on Hatfield Forest should be provided.

These should take the form of:

- High-quality, informal, semi-natural areas, to be provided prior to first occupation of the dwellings;
- Any other on-site mitigation as advised by Natural England.

### Off-Site Mitigation

- A financial contribution of £7575 to the National Trust for use at Hatfield Forest towards visitor and botanical monitoring and mitigation works.

## **10.10 MAG**

**10.10.1** 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 subject to the following Conditions:

During construction, robust measures must be taken to control dust and smoke clouds.

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.

During construction, robust measures to be taken to prevent birds being attracted to the site. No pools of water should occur and prevent scavenging of any detritus.

The drainage swales must be designed to be generally dry (with an underdrain if necessary) and hold water only during and immediately after an extreme rainfall event. Any changes to the drainage scheme must be discussed with the aerodrome safeguarding authority prior to construction.

Reason: Flight safety – Birdstrike 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 Birdstrike to aircraft using STN.

No lighting directly beneath any installed roof lights that will emit light upwards – only downward facing ambient lighting to spill from the roof lights upwards – ideally, automatic blinds to be fitted that close at dusk.

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. (\*please liaise with STN to check).

Reason: Flight safety - to prevent ocular hazard and distraction to pilots using STN.

No solar photovoltaics to be used on site without first consulting with the aerodrome safeguarding authority for STN.

Reason: Flight safety - to prevent ocular hazard and distraction to pilots using STN.

## **11. REPRESENTATIONS**

- 11.1 Site notice/s were displayed on site and 203 notifications letters were sent to nearby properties. A press notice was also issued.
- 11.3 **Objections:**
- 11.3.1 Unacceptable level of growth that would turn the village into a town
- 11.3.2 Unacceptable increase in traffic on narrow country lanes resulting in likely traffic congestion, accidents and danger to other road users including horses, cyclists and pedestrians
- 11.3.3 There is no need for housing here as sufficient housing has already been provided
- 11.3.4 There would be a loss of countryside/rural character/wildlife/trees/green space etc contrary to policy
- 11.3.5 There is inadequate public transport, infrastructure, services, community provision etc. such that the proposal cannot currently be supported
- 11.3.6 The development would be unsustainable and would not meet CO2 emissions reduction requirements
- 11.3.7 Increase in likely flooding and concerns raised that sustainable drainage cannot be provided
- 11.3.8 The proposal will result in air quality issues arising
- 11.3.9 Other, brownfield, sites are available and should be used first
- 11.3.10 The proposal would have an adverse impact on the ancient woodland, Alma Wood
- 11.3.11 Contrary to Policy S7/not an allocated site in 2016 draft Local Plan

**12. MATERIAL CONSIDERATIONS**

- 12.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 12.2 Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to
  - (a)The provisions of the development plan, so far as material to the application,;

- (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

**12.3** Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation Area

## **12.4 The Development Plan**

- 12.4.1** Essex Minerals Local Plan (adopted July 2014)  
 Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)  
 Uttlesford District Local Plan (adopted 2005)  
 Felsted Neighbourhood Plan (made Feb 2020)  
 Great Dunmow Neighbourhood Plan (made December 2016)  
 Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)  
 Thaxted Neighbourhood Plan (made February 2019)

## **13. POLICY**

### **13.1 National Policies**

- 13.1.1** National Planning Policy Framework (2021)

### **13.2 Uttlesford District Plan 2005**

- 13.2.1** S7 – The Countryside Policy  
 GEN1- Access Policy  
 GEN2 – Design Policy  
 GEN3 -Flood Protection Policy  
 GEN4 - Good Neighbourliness Policy  
 GEN5 –Light Pollution Policy  
 GEN6 - Infrastructure Provision Policy  
 GEN7 - Nature Conservation Policy  
 GEN8 - Vehicle Parking Standards Policy  
 H9 - Affordable Housing,  
 Policy H10 - Housing Mix Policy  
 ENV3 - Open Space and Trees, Policy  
 Policy - ENV5 - Protection of Agricultural Land Policy  
 ENV10 -Noise Sensitive Development, Policy  
 ENV13 - Exposure to Poor Air Quality Policy

**13.3 Supplementary Planning Document or Guidance**

- 13.3.1** Uttlesford Local Residential Parking Standards (2013)  
Essex County Council Parking Standards (2009)  
Supplementary Planning Document- Accessible homes and play space  
homes Essex Design Guide  
Uttlesford Interim Climate Change Policy (2021)

**14. CONSIDERATIONS AND ASSESSMENT**

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

- 14.2**
- A) Principle of Development**
  - B) Housing Supply**
  - C) Housing Mix**
  - D) Design & Character**
  - E) Climate Change**
  - F) Trees & Landscaping**
  - G) Highways**
  - H) Environmental health**
  - I) Flooding**
  - J) Infrastructure**
  - K) Planning Balance**

**14.3 A) Principle of development**

**14.3.1** Planning history

**14.3.2** The nearby Gladman scheme was dismissed on appeal, however it is noted that this site was between a railway on one side and the M11 on the other side. The Inspector did not consider that the harm to the countryside and lack of connectivity significantly impacted on the scheme. However, the impact of noise on the amenity of future occupiers was the main reason the appeal was dismissed.

**14.3.3** Loss of agricultural land  
The proposed development would result in the loss of an agricultural field. Policy ENV5 states that where development of agricultural land is required, developers should seek to use areas of poorer quality unless sustainability considerations suggest otherwise.

**14.3.4** The site comprises principally of two agricultural fields which includes 3.8ha of grade 2 quality agricultural land and 13.1ha of subgrade 3a land as demonstrated in the submitted application. Annex 2 (glossary) of the NPPF describes Best and Most versatile land as 'land in grades 1, 3 and 3a of the Agricultural Land Classification'.

Most of the agricultural land within Uttlesford District is classified as best and most versatile land. Indeed, most of the sites that are being identified for development within the emerging Local Plan are on such land. The Council accepts that it is inevitable that future development will probably have to use such land as the supply of brownfield land within the district is very restricted. Virtually all the agricultural land within the district is classified as Grade 2 or 3 with some small areas of Grade 1.

**14.3.5** The site is outside the development limits as defined by the Proposals Map and is therefore located within the countryside where ULP Policy S7 applies. This 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 the rural area, with development only being permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

**14.3.6** The National Planning Policy Framework (NPPF 2021) applies a presumption in favour of sustainable development. Development will only be permitted if the appearance of the development protects or enhances the particular character of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. In any case, paragraph 80 of the NPPF seeks to avoid isolated homes in the countryside unless there are special circumstances. In this regard, housing site should be within or adjacent to existing settlements to prevent sporadic development in the countryside.

**14.3.7** As such the development should be assessed against the three strands of sustainable development (social, economic and environmental).

**14.3.8** Social: The site as proposed is in close proximity to Elsenham Station.

Economic: The development will deliver an economic role by the creation of employment during the construction phase and the occupier(s) of the houses would contribute to the local economy in the long term, as such there would be a positive economic benefit.

Environmental: The site is outside of the development limits and currently comprises agricultural land. The proposed development would result in a built-up form which could be minimised to limit harm to the countryside.

Therefore, a balanced approach should be applied in the assessment of the proposed development and whether the potential harm the development might cause 'significantly and demonstrably' outweighs the potential positive outcomes of the development as a whole. It is considered that the poor connectivity of the site would render the scheme unsustainable.

#### **14.4 B) HOUSING SUPPLY**

**14.4.1** The NPPF describes the importance of maintaining a 5 YHLS of deliverable housing sites. The Council's housing land supply currently falls short of this and is only able to demonstrate a supply of 3.52 years (5 YHLS update April 2021).

**14.4.2** 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 5 YHLS cannot be delivered. As the council is currently unable to demonstrate a 5 YHLS, 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).

**14.4.3** The proposed development would contribute to the provision of housing in the district where there is an evident need, and the balance is tilted in favour of the provision of housing.

#### **14.5 C) HOUSING MIX**

**14.5.1** Policy H10 Housing Mix of the adopted Local Plan requires new developments to provide a mix of dwelling types.

The housing mix is not clear from the plans; however it is indicated that the housing mix is as follows:

1 x one bed

31 x Two bed

18 three bed

**14.5.2** 95% of the properties will be M4(2) and 6 units will be M4(3) bungalows. All of the houses across the site are Nationally Described Space Standard compliant and changes have been made as requested by the Housing and Enabling Officer to enable the affordable and market housing mix to meet the need identified within the SHMA 2017 and the inclusion of both market and affordable bungalows is welcomed.

**14.5.3** Policy H9 states that the Council will seek to negotiate on a site-to-site basis an element of affordable housing of 40%. Policy H9 states that the Council will seek to negotiate on a site-to-site basis an element of affordable housing of 40%. The applicant has proposed 40% affordable housing, however there is concern raised by the Housing and Enabling Officer that the offer would be concentrated within a particular area and would wholly comprise flatted units. It is considered that the affordable housing should be tenure blind and distributed evenly thorough the site. Furthermore, a mix of units should be provided to meet the immediate need. Should the scheme be recommended for approval, this would form part of a S106 legal agreement.

## **14.6 DESIGN AND CHARACTER**

**14.6.1** National and local policies seek to secure good quality design which respects general townscape and the setting of heritage assets and is a key aspect of sustainable development.

**14.6.2** Policy GEN2 of the Local Plan states seeks to ensure that design of all new development is compatible with the scale, form, layout, appearance and materials of surrounding buildings. Policy GEN2 of the Local Plan states seeks to ensure that design of new development would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.

Amenity space is provided in accordance with the Essex Design Guide.

**14.6.3** It is considered that there is sufficient space on site to accommodate the dwellings whilst meeting the provisions of the Essex Design Guide and providing sufficient separation and spacing between dwellings within the site and outside of the site. However, this matter is for further consideration under any future reserved matters application.

Scale, layout, detailing

**14.6.4** The proposed development will comprise two-character areas: the 'formal centre' and the 'park edge'. The formal centre comprises the heart of the development formed around the main street. The park edge is located on the outer edges of the development.

The height of the buildings would be predominately two-storeys with some 3-storey terraced to the rear. It is considered that the terraced layout and 3-storey height would not impact on the streetscene given its rear location and it would provide a dual role in mitigating noise from the M11 and forming a barrier.

**14.6.5** The properties proposed comprise semi-detached, detached and short terraces extending two-stories and the three-storey element would have a continuous form.

**14.6.6** Details of the elevations and treatment have been proposed however given that this is an outline application, this will be dealt with by means of access.

**14.6.7** The separation distances afforded between facing habitable room windows within the proposed development itself are satisfactory in and would prevent a loss of privacy and provide suitable daylighting.

**14.6.8** Units will have access to amenity space which is secure and useable.



**14.6.9** Therefore, it is unlikely that the proposed development would directly detract from the amenities of the neighbouring occupiers. Overall, the scheme complies with Policies GEN2 and GEN4.

## **14.7 E) CLIMATE CHANGE**

**14.7.1** Policy GEN2 of the Local Plan seeks to ensure that the design of new development It helps to minimise water and energy consumption.

Uttlesford Interim Climate Change Policy sets out a list of Policies of note a demonstration of how developments demonstrate the path towards carbon zero.

The NPPF seeks to ensure that new development should avoid increased vulnerability arising from climate change. More so, developments should help to reduce greenhouse gas emissions.

**14.7.2** The applicant has proposed the following sustainability measures: fabric first principles, energy efficient appliances and lighting, water efficiency measures. It is observed that no renewable energy sources are proposed however it is expected that the proposal will meet minimum building regulation requirements.

## **14.8 F) TREES AND LANDSCAPING**

**14.8.1** Policy ENV3 (open spaces and trees) seeks to ensure that trees and open spaces are not lost unless the need for development outweighs their amenity value.

**14.8.2** 100m<sup>2</sup> of natural play space has been proposed on periphery of the site adjacent to the woodland. This will be along a trim trail path. The PROW will be enhanced and provides a direct like to Alsa Woods.

**14.8.3** It is considered that the play areas and open space are limited on the site, albeit the site is in close proximity to Alsa Woods and communal and private amenity space provision is compliant with the Essex Design Guide.

**14.8.4** Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 states that: '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'

**14.8.5** Natural England raised no objection subject to providing sufficient mitigation. However, they state "... *notwithstanding the current (draft) 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*". An offsite contribution towards Hatfield Forest SSSI/NNR would need to be calculated and included within the S106 legal agreement.

- 14.8.6** The applicant proposes the following biodiversity measures: habitat retention; new boundary hedgerow and tree planting; the provision of bird boxes; woodland and hedgerow planting.
- 14.8.7** Subject to the recommended conditions, the application proposal is considered to accord with ULP Policy GEN7 and the NPPF.
- 14.8.8** Paragraph 126 of the NPPF states that "*the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*". As such, the design quality of the proposal should be duly considered in the overall planning balance.
- 14.8.9** The design ethos is centred on interpreting local patterns to create a *simple minimalistic architectural language*. Symmetry and regularity are main features in the design. Articulation is proposed through the use of canopy's, porches, gables, bays and dormers.
- 14.8.10** In general terms, the appearance of the development would enhance the setting of the development. The proposals are therefore considered to be consistent with the provisions of Policies GEN2 of the adopted Uttlesford Local Plan 2005.

## **14.9 G) HIGHWAYS**

- 14.9.1** Policy GEN1 seeks to ensure that development is only permitted if the access is appropriate, traffic generation does not have a detrimental impact on the surrounding road network, it is designed to meet the needs of people with disabilities and it encourages sustainable modes of transport.
- 14.9.2** The Highways Authority consider the site to be sustainable on the basis that mitigation is provided. On this basis the parking provide is considered to be adequate. In addition, the following
- 14.9.3** The main access if provided on Bedwell Road. The Highway Authority state "*The location of the site to the north of the village is such that the journey to Stansted Mountfitchet quicker via the Pound Lane and the B1383 route than Stansted Road and Grove Hill so the impact on this junction is will be very limited. There will be an impact to the west of the site on Pound Lane but this is also limited. This is estimated as an additional 5 trips eastbound and 14 westbound in the morning peak and 12 trips eastbound and 5 westbound in the evening peak hour which will not have a significant impact on the road*".

The Highways Authority consider that the impact of the proposed development would have a limited impact on the highway as such the development meets the requirements of GEN1.

**14.9.4** In order to facilitate walking a contribution to mitigate the impact on the footpath network has been sought as a link into the developments below is made via footpaths 13/31 and a condition to improve 51/29 within the site. In addition a contribution to the bus service and bus infrastructure is being sought to improve the bus service between Elsenham, Stansted Mountfitchet, Stansted Airport and Bishops Stortford.

**14.9.5** Policy GEN 8 applies appropriate car parking standards which include minimum cycle spaces and maximum vehicle spaces. The applicant complies with these standards through the provision of 1 parking space and cycle space for one-bedroom units; 2 parking spaces for two and three bedroom units and two cycle spaces; and three parking spaces and three cycle spaces for four bedrooms plus

**14.9.7** The parking provision is considered acceptable given the sustainable location of the site, including the enhancement and provision of pedestrian links and enhanced public transport.

## **14.10 H) ENVIRONMENTAL HEALTH**

### **14.10.1** Noise

**14.10.2** Policy ENV10 of the Local Plan seeks to ensure that residential development will not be permitted if the occupants would experience significant noise disturbance.

Policy ENV10 of the Local Plan seeks to ensure that residential development will not be permitted if the occupants would experience significant noise disturbance. The Noise Impact Assessment found that the site as subject to environmental noise from the nearby M11 motorway.

The environmental Health Officer has no objection on noise grounds on the basis that the mitigation measures are adhered with, and further details are submitted to demonstrate this at reserved matters stage. Suitable conditions can be attached to any planning approval.

### **14.10.3** Air Quality

**14.10.4** Policy ENV13 (Exposures to Poor Air Quality) and seeks to protect users of residential properties from exposure to poor level air quality. The application is supported by an Air Quality Assessment which concludes that in respect of end use no additional mitigation techniques are required to meet relevant air quality objectives. The applicant has proposed electrical charging points for each new dwelling.

## **14.11. I) FLOODING**

**14.11.1** Policy GEN3 contains the Local Plan policy for flooding, although this has effectively been superseded by the more detailed and up-to-date flood risk policies in the NPPF and the accompanying PPG. The outline consent included conditions to ensure the flood risk is minimised and drainage is sufficient.

**14.11.2** Policy ENV12 (Surface water flooding) seeks to ensure all development will incorporate Sustainable Urban Drainage Systems (SUDs).

The proposed Sustainable Urban Drainage Strategy (SUDs) is based on infiltration due to the permeability of the chalk geology this will comprise:

## **14.12. J) INFRASTRUCTURE**

**14.12.1** Taking into account the nature and scale of the development it is considered that there would be requirement for improvements to off-site infrastructure A number of financial contributions have been secured to mitigate the impact of development with regards to education. No feedback from the NHS has been provided despite chasing several times therefore an NHS contribution has not been sought. Mitigation towards Hatfield Forest has been sought, however UDC has not adopted this mitigation strategy.

Overall, it is considered that the proposals comply with GEN3 and ENV12 of the Local Plan.

## **14.13 K) PLANNING BALANCE**

**14.13.1** The LPA are unable to demonstrate a 5 YHLS, therefore paragraph 11d of the NPPF is engaged, and the titled balance should be in favour of housing.

**14.13.2** The nearby Gladman scheme was dismissed on appeal, however it is noted that this site was between a railway on one side and the M11 on the other side. The Inspector did not consider that the harm to the countryside and lack of connectivity, significantly impacted on the scheme. However, the impact of noise on the amenity of future occupiers was the main reason the appeal was dismissed. The applicant has liaised with the Council's Environmental Health Officer and has provided information to demonstrate that future occupiers would have a reasonable quality of accommodation. As this is a material consideration, on balance the proposed development would not warrant a refusal.

**14.13.3** The planning benefits of the site includes the provision of provision of 50 new homes and tenures including 40% affordable units. Although it is acknowledged that the housing mix is limited, and the affordable housing is not distributed within the site. Nevertheless, the housing provision hold

significant weight. The provision of public open space and new habitat is limited, however given the improvements to connect to nearby woodland this is given moderate weight.

- 14.13.4** It is considered that the public benefits of the scheme as a whole which includes the provision of a significant amount of housing are such that they outweigh the harm identified.

## **15. ADDITIONAL DUTIES**

### **15.1 Public Sector Equalities Duties**

- 15.1.1** 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.

- 15.1.2** 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.

- 15.1.3** Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised

### **15.2 Human Rights**

- 15.2.1** There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) 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

## **16. CONCLUSION**

- 16.1** The proposal would result in the loss of agricultural land in the countryside. There are issues relating to noise and biodiversity net gain nonetheless, there are no objections from relevant expert consultees, subject to the imposition of suitable conditions.

- 16.2** The application would make an important contribution to housing land supply position and on balance, it is recommended that approval be

granted subject to the signing of a S106 legal agreement and planning conditions.

**17 106/Conditions**

**17.1 S106 HEADS OF TERMS**

- (i) Provision of 40% affordable housing
- (ii) Payment of education financial contributions; Early Years, Primary and Secondary
- (iii) Libraries' contribution
- (iv) Financial contribution for Health contributions
- (v) Provision and long-term on-going maintenance of public open space (including LAP and LEAP)
- (vi) Financial contribution to provide sustainable highway improvements.
- (vii) Financial contribution to mitigate on impact of Hatfield Forest
- (viii) Monitoring cost
- (ix) Payment of the council's reasonable legal costs.

- 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.

- 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 The development hereby permitted shall be carried out in accordance with the approved plans as follows:

Plan Ref	Version	Received
BEE.SLP.000		17th November 2020
BEE.IPL.001		17th November 2020

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

- 5 Prior to the construction of any dwelling's samples of the colours and details of the materials to be used for the construction of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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

- 6 Prior to the construction of any dwelling's 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 and thereafter be retained as such. These details shall include: -

- i. means of enclosure including details of the proposed walls and fencing
- ii. a scheme for the erection of fencing adjacent to the recreation ground to protect residents from cricket balls.
- iii. vehicle and pedestrian access and circulation areas.
- iv. hard surfacing materials.
- v. details of the safety measures proposed
- vi. minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, street lighting, etc.);

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].

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) and the NPPF.

- 7 All hard and soft landscape works shall be carried out in accordance with the approved details shall thereafter be retained as such. 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: In the interests of the appearance of the site and area and for the safety of all residents and visitors in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

- 8 Prior to the commencement of development, a management plan for the site shall be submitted to and approved in writing by the local planning authority to detail arrangements for the provision, maintenance and retention of:

- i. All roads and footpaths.
- ii. All common areas; and
- iii. Lighting.

Thereafter, the development shall be implemented and retained in accordance with the management plan.

REASON: To ensure an acceptable standard of development is provided and maintained in compliance with Policies GEN2 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

- 9 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace.

- 10 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 DM1 of the Highway Authority's Development Management Policies February 2011 and Policy GEN1 of the Uttlesford Local Plan 2005.

- 11 AS PART of the Reserved matters applications, an additional noise report shall be submitted, including full and detailed plans, specifications, and noise mitigation measures, to demonstrate how the internal and external noise target levels given in in BS 8233: 2014. The approach shall have regard to the guidance contained in ProPG; Planning and Noise guidance, with any internal noise calculations to be done in accordance with the more rigorous approach detailed in Annex G2.1 of BS 8223;2014.

REASON: In to ensure that future occupiers of the proposed development are protected from noise nuisance from the M11 Motorway in accordance with Policy GEN2 of the ULP (2005) and the NPPF (2021)

- 12 Prior to the occupation of any building electric vehicle charging points shall be provided for all the dwellings these shall be incorporated within the residential garage(s) or accessible from any on plot parking space associated with that dwelling. Thereafter these charging points shall be maintained and retained as provided.

REASON: To provide residents with access to more sustainable forms of transport in accordance with DM9 of the Essex Development Management Policies (2011) Policy GEN1 of the Uttlesford Local Plan 2005 and the NPPF

- 13 The development hereby approved shall not be implemented other than in accordance with the recommended acoustic mitigation measures outlined in the acoustic report by Ensaf Noise Impact Assessment reference x and shall thereafter be retained as approved.

REASON: To safeguard the amenities of the occupiers on the site, the neighbourhood and to comply with policy GEN4 Uttlesford Local Plan (adopted 2005) and the NPPF.

- 14 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:

- i. the parking of vehicles of contractors, site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction;
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works;
- viii. details of measures that will be applied to control the emission of noise and including working hours. This should follow Best Practice detailed within BS5288:2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites;

REASON: To protect the amenities of adjoining occupiers during construction.

- 15 No extension, enlargement, alteration or provision within the curtilage of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A - F of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

REASON: The Local Planning Authority considers that given the sensitive location of the site, permitted development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and to comply with Policy GEN2 of the Uttlesford Local Plan 2005.

- 16 During construction robust measures must be taken to control dust and smoke clouds.

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 in accordance with Policy GEN2 of the Uttlesford Local Plan 2005.

- 17 During construction, robust measures to be taken to prevent birds being attracted to the site. No pools of water should occur and prevent scavenging of any detritus.

Reason: Flight safety – Birdstrike 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 Birdstrike to aircraft using MAN in accordance with Policy GEN2 of the Uttlesford Local Plan 2005.

- 18 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 in accordance with Policy GEN2 of the Uttlesford Local Plan 2005.

- 19 No solar photovoltaics to be used on site without first consulting with the aerodrome safeguarding authority for STN.

REASON: Flight safety - to prevent ocular hazard and distraction to pilots using STN in accordance with Policy GEN2 of the Uttlesford Local Plan 2005.

- 20 The development hereby permitted shall not be commenced (including demolition and all preparatory work) until a pre-commencement meeting in relation to that parcel is held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.

REASON: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

- 21 No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority. Any trees or plants which within a period of 5 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.

REASON: To avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

- 22 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 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 Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

23 CONCURRENT WITH RESERVED MATTERS 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 Final Mitigation and Enhancement Strategy (based on Geosphere, September 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).

24 CONCURRENT WITH RESERVED MATTERS 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 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) to include: protection of Badger, nesting birds, Bluebell and retained habitat as well as sensitive lighting during the construction phase.

- 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).

25                    CONCURRENT WITH RESERVED MATTERS PRIOR TO COMMENCEMENT: REPTILE MITIGATION STRATEGY

“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).

26

CONCURRENT WITH RESERVED MATTERS PRIOR TO COMMENCEMENT: BIODIVERSITY NET GAIN DESIGN STAGE REPORT

“A Biodiversity Net Gain Design Stage Report, in line with Table 2 of CIEEM Biodiversity Net Gain report & audit templates (July 2021) shall be submitted to and approved in writing by the local planning authority which provides biodiversity net gain, using the DEFRA Biodiversity Metric 3.0 or any successor.

The content of the Biodiversity Net Gain Design Stage Report should include the following:

Baseline data collection and assessment of current conditions on site;  
A commitment to measures in line with the Mitigation Hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity;  
Provision of the full BNG calculations, with detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality;  
Details of the implementation measures and management of proposals;  
Details of any off-site provision to be secured by a planning obligation;  
Details of the monitoring and auditing measures.

The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.”

REASON: In order to demonstrate measurable net gains and allow the LPA to discharge its duties under the NPPF (2021).

27

CONCURRENT WITH RESERVED MATTERS 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.

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;
- 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).

28            CONCURRENT WITH RESERVED MATTERS PRIOR TO  
OCCUPATION: LANDSCAPE AND ECOLOGICAL MANAGEMENT  
PLAN

“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 including the retained woodland and grassland habitats.
- 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).

29            CONCURRENT WITH RESERVED MATTERS: PRIOR TO  
OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

“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, 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).

30 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:

Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.

Limiting discharge rates to 2.07l/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.

Demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change.

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.

- 31 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 topsoils 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.

- 32 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.

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.

- 33 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.

- 34 No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation 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 proposed development lies within an area of known archaeological remains.

- 35 No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation 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 proposed development lies within an area of known archaeological remains.

- 36 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 proposed development lies within an area of known archaeological remains.

- 37 During construction, robust measures must be taken to control dust and smoke clouds.

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.

- 38 During construction, robust measures to be taken to prevent birds being attracted to the site. No pools of water should occur and prevent scavenging of any detritus.

The drainage swales must be designed to be generally dry (with an underdrain if necessary) and hold water only during and immediately after an extreme rainfall event. Any changes to the drainage scheme must be discussed with the aerodrome safeguarding authority prior to construction.

REASON: Flight safety – Birdstrike 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 Birdstrike to aircraft using STN.

- 39 No lighting directly beneath any installed roof lights that will emit light upwards – only downward facing ambient lighting to spill from the roof lights upwards – ideally, automatic blinds to be fitted that close at dusk.

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.

- 40 No reflective materials to be used in the construction of these buildings. (\*please liaise with STN to check).

REASON: Flight safety - to prevent ocular hazard and distraction to pilots using STN.

- 41 No solar photovoltaics to be used on site without first consulting with the aerodrome safeguarding authority for STN.

REASON: Flight safety - to prevent ocular hazard and distraction to pilots using STN.

## Appendices:

Your Ref: UTT/20/2908/OP  
Our Ref:HT/TPD /SD/KW/ 47880  
Date:-29 March 2021



**Essex County Council**

Andrew Cook  
Director for Highways and Transportation

CC: Essex Highways DM  
Cllr Gooding

To: Uttlesford District Council  
Assistant Director Planning & Building Control  
Council Offices  
London Road  
SAFFRON WALDEN  
Essex CB11 4ER

County Hall  
Chelmsford  
Essex CM1 1QH

### Recommendation

Application No. UTT/20/2908/OP

Applicant Rochester Properties Ltd, J F C Sergeant And J F M Anderson C/o Pegasus Group

Site Location Land South Of Bedwell Road Ugley

Proposal Outline application for 50 market and affordable dwellings, public open space and associated highways and drainage infrastructure - all matters reserved except access.

### Note

This application was accompanied by a Transport Assessment which has been reviewed by the highway authority in conjunction with a site visit and internal consultations. The assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework 2019 and in particular paragraphs 108 – 109, the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.

The location of the site to the north of the village is such that the journey to Stansted Mountfitchet quicker via the Pound Lane and the B1383 route than Stansted Road and Grove Hill so the impact on this junction is will be very limited. There will be an impact to the west of the site on Pound Lane but this is also limited. This is estimated as an additional 5 trips eastbound and 14 westbound in the morning peak and 12 trips eastbound and 5 westbound in the evening peak hour which will not have a significant impact on the road.

A contribution to the bus service and bus infrastructure is being sought to improve the bus service between Elsenham, Stansted Mountfitchet, Stansted Airport and Bishops Stortford. This is part of the developing strategy for Elsenham to improve the service to half hourly and extend morning and evening services. There is the opportunity to extend the service along Bedwell Road down the B1383 to Stansted Mountfitchet, a possible variant of the current service, providing Bedwell Road with an hourly service (2 hourly on Sundays) and collectively providing the village with a half hourly day time service. If this is taken forward a bus stop will be provided on Bedwell Road to decrease walking distances.


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In order to facilitate walking a contribution to mitigate the impact on the footpath network has been sought as a link into the developments below is made via footpaths 13/31 and a condition to improve 51/29 within the site.

**From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following mitigation and conditions:**

1. 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.

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2. **Access:** Prior to first occupation of the development, the access as shown in principle on submitted drawing 2774/SK10 shall be provided, including a clear to ground visibility splays with dimensions of 2.4 metres by 59 metres to the north west and 2.4 metres by 43m in both directions, as measured from and along the nearside edge of the carriageway. The vehicular visibility splays shall retained free of any obstruction at all times thereafter. Works shall include any necessary Traffic Regulations Order being sought to control parking and keep the vicinity of the access clear. **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.
  3. **Footway:** Prior to first occupation of the development provision of the footway improvements to the east and west of the access shown in principle in drawing number SK03 REV C minimum width 2m where sufficient highway is available, footway to the east to have suitable connection to existing footway on Bedwell/New Road and leave the site entirely in land in control of the applicant and tie into the existing footway. **Reason:** To ensure safe and suitable access for pedestrians 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
  4. **Public Right of Way within the site:** Prior to occupation of the development the enhancement of the public right of way 51/29 with surfacing works including but not limited to provision of semi-hard, semi-permeable surface and any associated drainage work, signage and appropriate adoption to be carried the satisfaction of the Local Planning Authority. **Reason:** In the interests of reducing the need to travel by car and

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promoting sustainable development and transport in accordance with policies DM9 and DM11 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

5. **Footpath contribution** Prior to the occupation of the development, pay a contribution of £21,735, (index linked from the date of this contribution) for the enhancement of the public right of way 13/31 with surfacing works including but not limited to provision of semi-hard, semi-permeable surface and any associated drainage work and signage to be carried to the satisfaction of the Local Planning Authority, subject to these works not already being undertaken to the satisfaction of the highway authority . **Reason:** In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM11 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011
6. **Passenger Transport:** Prior to first occupation the payment of a contribution of £133,588 (index linked from the date of this recommendation) to support or enhance a bus service to provide an improved service between Elsenham and Stansted Mountfitchet, Bishops Stortford and the airport, improvements to include a half hourly weekday service and extended morning and evening services and/or sustainable transport infrastructure within the vicinity of the site and local amenities. **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
7. **Travel Packs:** 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

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.

**Informatives:**

- (i) In making this recommendation the Highway Authority has treated all planning application drawings relating to the internal layout of the proposal site as illustrative only.
- (ii) Any signal equipment, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction. To be provided prior to the issue of the works licence.
- (iii) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by

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email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.

- (iv) Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- (v) The Applicant should provide for agreement, information regarding their drainage proposals i.e. draining by gravity/soakaways/pump assisted or a combination thereof. If it is intended to drain the new highway into an existing highway drainage system, the Developer will have to prove that the existing system is able to accommodate the additional water.
- (vi) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.



required.

- (vii) The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public right of way no 51/29 shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

Thank you for your email of 18 November 2020 seeking HSE's comments on planning application UTT/20/2908/OP.

HSE is a statutory consultee for certain developments within the consultation distance of major hazard sites and major accident hazard pipelines, and has provided planning authorities with access to the HSE Planning Advice Web App - <https://pa.hsl.gov.uk/> - for them to use to consult HSE and obtain our advice.

As the proposed development does not lie within the consultation distance of a major hazard site or major accident hazard pipeline, there is no need to consult HSE on this application, and HSE therefore has no comments to make.

I should be grateful if you would arrange for the HSE Planning Advice Web App to be used to consult HSE for advice on all future proposals for developments which do lie within the consultation distance of a major hazard site or major accident hazard pipeline.

Should you or your colleagues need any additional help in using HSE Planning Advice Web App to obtain HSE's advice on a proposed development, a central support service is available at [lupenquiries@hsl.gsi.gov.uk](mailto:lupenquiries@hsl.gsi.gov.uk) or by telephone on 02030 0283708.

**Developments Affecting Trunk Roads and Special Roads  
Highways England Planning Response (HEPR 16-01)  
Formal Recommendation to an Application for Planning Permission**

From: Martin Fellows  
Operations (East)  
[planningee@highwaysengland.co.uk](mailto:planningee@highwaysengland.co.uk)

To: Uttlesford District Council

CC: [growthandplanning@highwaysengland.co.uk](mailto:growthandplanning@highwaysengland.co.uk)

Council's Reference: UTT/20/2908/OP

Referring to the planning application referenced above, dated 25 August 2020, planning application for 50 market and affordable dwellings, public open space and associated highways and drainage infrastructure, Land south of Bedwell Road, Ugley, notice is hereby given that Highways England's formal recommendation is that we:

- a) offer no objection;
- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions);~~
- ~~c) recommend that planning permission not be granted for a specified period (see Annex A – further assessment required);~~
- ~~d) recommend that the application be refused (see Annex A – Reasons for recommending Refusal).~~

Highways Act Section 175B ~~is~~ is not relevant to this application.<sup>1</sup>

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<sup>1</sup> Where relevant, further information will be provided within Annex A.

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**Annex A     Highways England recommendation no objection**

HIGHWAYS ENGLAND has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regards to UTT/20/2908/OP and has been prepared by Mark Norman.

Given the size and location of the development, it is unlikely to result in a severe impact upon the strategic road network.

It is expected that there will be a noise barrier erected to protect the new dwellings, although there are no details in the application, this will not be allowed on Highways England land.

We also take the opportunity to point out that Highways England will not allow third party connections to our drainage asset.

Dear Mr Tyler,

**Consultation Response – UTT/20/2908/OP - Land South Of Bedwell Road Ugley**

Thank you for your email received on 18/11/2020 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 15<sup>th</sup> 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 wish to issue a **holding objection** to the granting of planning permission based on the following:

**The discharge rate needs to be restricted to the 1 in 1 greenfield rate of 2.07 l/s. If the half drain time cannot be subsequently met for the 1 in 30 year storm event then we can accept sufficient capacity for a subsequent 1 in 10 year storm event.**

In the event that more information was supplied by the applicants then the County Council may be in a position to withdraw its objection to the proposal once it has considered the additional clarification/details that are required.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

## **Summary of Flood Risk Responsibilities for your Council**

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

**INFORMATIVES:**

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15<sup>th</sup> of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning

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Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Yours sincerely,

Dear Mr Tyler

Planning consultation: UTT/20/2908/OP. Outline application (amendment) for 50 market and affordable dwellings, public open space and associated highways and drainage infrastructure - all matters reserved except access.  
Location: Land South Of Bedwell Road Ugley

Thank you for your consultation on the above which was received by Natural England on 07 January 2021.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**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 this 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 mitigation 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 these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured.

#### Further advice on mitigation

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 has 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 24<sup>th</sup> September 2019. 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.

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 (draft) 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.

In this instance, due to the 'outline' nature of the application, Natural England would anticipate that an assessment is made as to the capacity of the site to provide adequate mitigation and that confirmation of these details is sought through the appropriate method, such as an appropriately worded planning condition or obligation.

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 geoconservation 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 advice](#)<sup>1</sup> 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.

#### ***Ancient woodland and veteran trees***

You should consider any impacts on ancient woodland and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. 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.

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<https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

### *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](#).

If you have any queries relating to the advice in this letter please contact me on 07385 400068.

Yours sincerely

Tessa Lambert  
Lead Advisor – Land Use Planning, West Anglia Team

Thank you for consulting Sport England on the above application.

The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application.

General guidance and advice can however be found on our website:

[https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#planning\\_applications](https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#planning_applications)

If the proposal involves the **loss of any sports facility** then full consideration should be given to whether the proposal meets Par. 97 of National Planning Policy Framework (NPPF), link below, is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

If the proposal involves the provision of a **new sports facility**, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes:

<http://sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

If the proposal involves the provision of additional **housing** ( then it will generate additional demand for sport. 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.

NPPF Section 8: <https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-communities>

PPG Health and wellbeing section: <https://www.gov.uk/guidance/health-and-wellbeing>

Sport England's Active Design Guidance: <https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design>

*Please note: this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.*

# Agenda Item 11

**Committee:** Planning

**Agenda Item**

**Date:** 8<sup>th</sup> June 2022

**Title:** UTT/22/1174/TCA: Notification of intent to carryout tree works within a conservation area at Saffron Walden Castle.

**Author:** Ben Smeeden  
Landscape Officer

Item for decision

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## Summary

1. This item seeks the Committee's consideration of proposed tree works at Saffron Walden Castle. The trees are in the ownership of UDC. The work proposed is the felling of 4no. sycamore trees and the reduction of an extended limb of 1no. sycamore tree bordering the Castle Hill Tennis Club (CHTC).

## Recommendations

2. No objection be raised to the proposed tree works.

## Financial Implications

3. The cost of undertaking the proposed tree work would be drawn from existing budget provisions.

## Background Papers

4. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

UTT/22/1174/TCA; Place Services Arboricultural Report (dated 24<sup>th</sup> March 2022) and TEMPO reports (The Evaluation Method for Tree Preservation Orders).

## Impact

- 5.

Communication/Consultation	Details of the decision to be entered on to the public register of TCA notifications.
Community Safety	none
Equalities	none
Health and Safety	none

Human Rights/Legal Implications	none
Sustainability	none
Ward-specific impacts	none
Workforce/Workplace	none

## Situation

6. Notification of intent to carry out the proposed tree works has been submitted by UDC's Assistant Director ICT & Facilities. This followed concerns raised by the CHTC Secretary over the trees interfering with tennis court fencing, impeding the erection of replacement fencing, and tree branches overhanging the playing surface.
7. Place Services were commissioned by UDC to carry out a condition report on the trees, assess their amenity value, and to recommend any necessary tree work. In total 7no. sycamore trees were inspected on the eastern boundary of the tennis courts (Appendix 1: Location Plan). Four of these trees were found to have significant defects and were recommended to be considered for felling (Ref: T 2, T3, T5, and T6). One other tree (Ref: T1) was recommended to have an extended limb reduced. None of the trees were assessed to be of an amenity value which would meet the criteria for being protected by a tree preservation order. The amenity assessment was based on TEMPO.
8. The defects on the trees proposed to be felled include poor form and weak forks at potential risk of failure. In addition, one tree (T5) was identified as posing a risk of damaging the tennis court boundary fence due to its proximity.
9. The proposals do not include provision for replacement planting. Any scheme of tree or hedge planting would need to be subject to consultation with Historic England as the site is a Scheduled Ancient Monument.

## Risk Analysis

1.

Risk	Likelihood	Impact	Mitigating actions
1	1	1	none

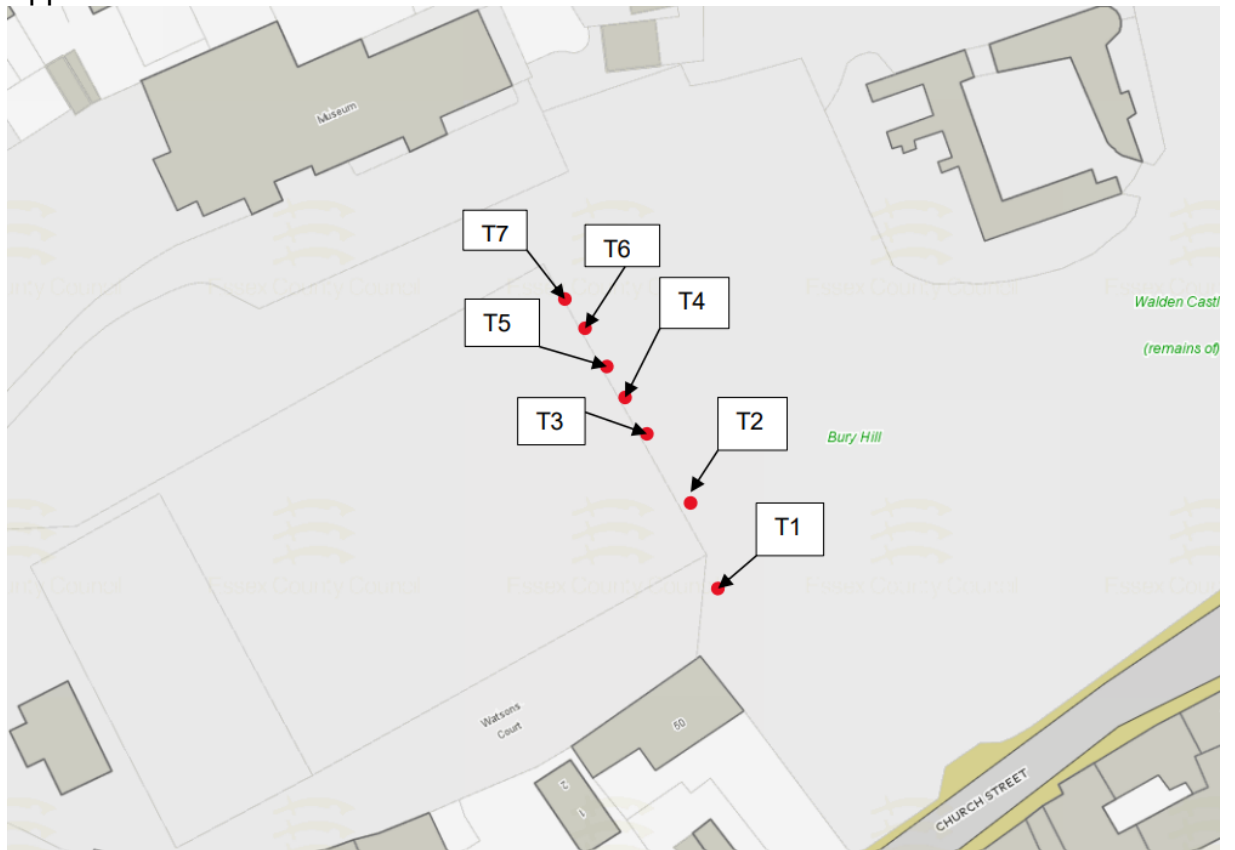
1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

## Appendix 1: Location Plan



Appendix 2: Photographs



T1 (right) showing extended & subsiding limb



T2 - Sycamore



T2 – Sycamore (left), self-set specimens and T3 – Sycamore (right)



T5 – Sycamore (centre of image, ivy-clad)





T6 - Sycamore

**Late List –Planning Committee 08/06/2022**

This document contains late items received up to and including the end of business on the Friday before Planning Committee. The late list is circulated and placed on the website by 5.00pm on the Monday prior to Planning Committee. This is a public document and it is published with the agenda papers on the UDC website.

Item Number	Application reference number	Comment
7	PINS S62A/2022/0002/S62A/22/0000004 - Land East of Parsonage Road, and South of Hall Road, Stansted, Essex,	This application has not been registered by PINS and therefore will not be reported to this Committee.
8	UTT/19/3173/FUL  Lea Hall Dunmow Road Hatfield Heath	None
9	UTT/21/3272/OP  Land South Of Stortford Road Little Canfield	<p>In paragraph 14.14.6 of the committee report, it is suggested that a financial contribution of <b>£30,900.00</b> towards mitigation of recreational pressure upon Hatfield Forest has been proposed within the Hatfield Forest Impact Assessment.</p> <p>However, the National Trust in their formal consultation response have requested a financial contribution of <b>£13,500.00</b> towards Hatfield Forest.</p> <p>As such, the financial contribution should be <b>£13,500.00</b> as requested by the National Trust and form part of the heads of terms.</p>

	<p>Condition No. 4 refers to a superseded drawing reference number. This should state 21084-MA-XX-XX-DR-C-0004-P01.</p> <p>Further to the above, a couple of conditions were accidentally left of the list of suggested conditions within the committee report. The below conditions were suggested by the Council's Environmental Health Officer if the Council was mindful of approving permission:</p> <ol style="list-style-type: none"><li>1. Prior to the commencement of the works hereby approved a detailed and robust scheme for protecting the proposed dwellings from noise arising from road traffic and other sources has been submitted to and approved in writing by the local planning authority. The scheme shall detail the design, layout, and acoustic noise insulation performance specification of the external building envelope, having regard to the building fabric, glazing and ventilation to ensure that reasonable internal and external noise environments are achieved in accordance with the provisions of BS8233:2014 and BS4142:2014. This should also include a design ventilation strategy which will provide adequate cooling without compromising the acoustic integrity of the façade.</li></ol> <p>As a minimum the scheme shall be designed to achieve the following the internal noise targets detailed in Table 4 of BS 8233:2014 and for bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.</p> <p>External areas shall be designed and located to ensure that amenity areas are protected on all boundaries as to not exceed 50 dBLAeq,16hr. If a threshold level relaxation to 55 dBLAeq,16hr is required for external areas full justification should be provided.</p>
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		<p>REASON: To protect the character and amenities of future occupiers by ensuring that measures are implemented to avoid any noise nuisance in accordance with Policies GEN4 and ENV10 of the Adopted Local Plan and the NPPF.</p> <p>2. Prior to installation of any external fixed noise generating plant or equipment, the details together with any necessary mitigation to achieve a rating level at the closest noise sensitive receptor from all plant combined of 5 dB below the typical background (LA 90) level (Taken during the following times 07:00 – 18:30, 18:30-23:00 &amp; 23:00 – 07:00 at the nearest noise sensitive receptor(s) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.</p> <p>REASON: To protect the character and amenities of future occupiers by ensuring that measures are implemented to avoid any noise nuisance in accordance with Policies GEN4 and ENV10 of the Adopted Local Plan and the NPPF.</p>
<p>10</p>	<p>UTT/20/2908/OP</p> <p>Land South Of Bedwell Road Ugley</p>	<p><b>ELSENHAM PARISH COUNCIL and UGLEY PARISH COUNCIL</b></p> <p><b><u>UTT/20/2908 South of Bedwell Road</u></b></p> <p><b>Late List comment</b></p> <p>Elsenham and Ugley parish councils request that a decision is deferred on this application, and draw attention to the following from UDC's <i>Statement of Community Involvement</i>:</p> <p>6.8 Prior to submission or during determination of an application, discussions will be held between planning officers, and applicants and representative of the</p>

		<p>parish council to discuss issues such as infrastructure, amenities and matters subject to any S106.</p> <p>No such discussions with planning officers have been held. However, the applicants have shown themselves willing in email exchanges with the parish councils to consider a contribution to a new Community Hall which is to be built in Elsenham. Contributions have been specified in other S106 agreements, but these will prove insufficient for the purpose. These email exchanges are held on UDC’s website, together with details of the proposed Hall.</p> <p>The Officer’s Report at Section 9 lists the section headings from the parishes’ representations in December 2020, without further comment. A summary of the councils’ major objections follows.</p> <p>The site is unavoidably noisy, on account of the proximity of the M11. The applicants’ proposed solution is for the affordable homes to take the form of three-storey flats on the north-western edge, towards the motorway, in order to baffle the noise. The arrangement is objectionable because:</p> <ol style="list-style-type: none"> <li>a. The affordable homes are clustered together, instead of being dispersed around the site.</li> <li>b. The residents of the affordable homes will be used in effect as acoustic shields, to the benefit of the residents of the private properties.</li> <li>c. Three-storey flats are wholly unsuitable in this edge-of-village location.</li> </ol> <p>There is a reliance on under-croft parking and courtyard parking for the affordable dwellings, which is at odds with the Essex Design Guide. Visitor parking is heavily biased in favour of the private housing areas.</p>
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		<p>There is insufficient provision of bungalows.</p> <p>There is insufficient public open space.</p> <p>The impact on the landscape is unacceptable, and there will be no natural buffer between the woodland edge and housing.</p> <p>Reference should be made to <i>Design and Access Statement</i> Illustrative Plans at 6.5, 6.6, 6.7 and 6.8.</p> <p>The application contravenes policies ENV10, GEN2, H9 and S7.</p> <p>The parish councils request that this document is made available to members of UDC's Planning Committee complete.</p>
11	<p>UTT/22/1174/TCA Walden Castle Museum Street Saffron Walden</p>	None

Note – The purpose of this list is to draw Members attention to any late changes to the officer report or late letters/comments/representations. Representations are not reproduced in full they are summarized

Late items from **STATUTORY CONSULTEES** are reproduced in full.