

UTT/20/2784/FUL – TAKELEY

(MAJOR)

PROPOSAL: Residential development of 23 dwellings with associated vehicular access points of Dunmow Road, open space, car parking and associated infrastructure.

LOCATION: Land At Takeley Street adjacent To Coppice Close Dunmow Road
Takeley

APPLICANT: Mr Pickering

AGENT: Mrs T Quirk

EXPIRY DATE: 18th May 2021

CASE OFFICER: Madeleine Jones

1. NOTATION

1.1 Outside Development Limits. Within 100m SSSI. Within 6km Stansted Airport. Within 100m of Local Wildlife Site. Within 100m of National Nature Reserve. Within 250m of Ancient Woodland. Within 20m of Flitch Way. Opposite Listed Buildings

2. DESCRIPTION OF SITE

2.1 The application site is a rectangular unmanaged plot of former paddock land, located to the south of the Dunmow Road (B1256) in Takeley and is 1.6 hectares.

2.2 To the south of the site is the Flitch Way a county Wildlife Site and public right of way and beyond that is Hatfield Forest which is a SSSI. To the east, west and north of the site are residential properties. The northern boundary has a mature hedgerow and trees. There is also a ditch along this boundary.

2.3 The site is relatively flat and is currently being used for parking the owner's vehicle within a temporary shelter near to the western field gate onto Dunmow Road. The site has rubble, scrap materials, including derelict trailers, a caravan, derelict sheds and horse stables as well as vehicle parts. The northwestern corner of the site is characterised by wet ground and a series of shallow ponds.

2.4 There are a number of Grade II listed buildings lining the northern side of the road. Including The Clockhouse (Grade II), Street Cottage (Grade II), Raleigh Cottage (Grade II), Austin Villa (Grade II), Josephs Barn (Grade II). Josephs is a grade II* Listed Building.

2.5 Properties to the east of the site are bungalows in a linear form, set back from the road.

3. PROPOSAL

3.1 This proposal is for the erection of 23 dwellings and new vehicular access onto Dunmow Road, open space, car parking and associated infrastructure.

3.2

Plot	No of bedrooms	Garden sizes (approx. m ²)	Parking provision	Affordable housing
1	2	50	2	y
2	2	60	2	y
3	3	108	2	y
4	3	268	2	y
5	1	263	2	y
6	1	120	2	y
7	2	72	2	y
8	2	58	2	y
9	3	96	2	y
10	3	123	3	
11	3	216	3	
12	3	200	3	
13	4	222	4	
14	4	260	4	
15	4	197	4	
16	4	170	4	
17	4	164	4	
18	4	270	4	
19	4	158	4	
20	4	183	4	
21	4	198	4	
22	4	200	4	
23	4	218	4	
visitor			6	

3.3 The density of the development would equate to 14 dwellings per hectare

3.4 There would be a landscape buffer to east west and southern boundaries, to mitigate for ecology.

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 The proposal is not EIA development, and an environmental assessment is not required to assess the environmental impacts of the development whereby the site does not fall within a "sensitive area".

5. APPLICANT'S CASE

5.1 The application is accompanied by a Design and Access Statement,, a completed biodiversity questionnaire, a flood risk and drainage assessment, an invertebrate habitat survey, a completed SUDs checklist form, an Arboricultural Impact Assessment, ecological impact assessment, a Reptile survey Report, a bat survey, a Landscape and Visual Impact Assessment, a Transport Statement, landscape ecological management plan and a reptile mitigation statement.

6. RELEVANT SITE HISTORY

- 6.1 DUN/0230/72: Site for two three or four dwelling houses. Refused.
- 6.2 UTT/0677/78: Outline application for the erection of a dwelling. Refused.
- 6.3 UTT/17/1852/FUL; Residential development of 20 dwellings with associated vehicular access points off Dunmow Road, open space, car parking and associated infrastructure. Approved with conditions and S106

7. POLICIES

National Policies

- 7.1 National Planning Policy Framework (NPPF) (Sept 2019)

Uttlesford Local Plan (2005)

- 7.2 ULP Policy S7 – The Countryside
ULP Policy H9 – Affordable Housing
ULP Policy H10 – Housing Mix
ULP Policy GEN1 – Access
ULP Policy GEN2 – Design
ULP Policy GEN4 – Good Neighbourliness
ULP Policy GEN7 – Natural Conservation
ULP Policy GEN8 – Vehicle Parking Standards
ULP Policy GEN6 – Infrastructure Provision to Support Development
ULP Policy ENV7 – The Protection of Natural Environment Designated sites
ULP Policy GEN3 – Flood Protection
ULP Policy ENV2 – Listed Buildings

Supplementary Planning Documents/Guidance

- 7.3 SPD – Accessible Homes and Playspace

Other Material Considerations

- 7.4 ECC Parking Standards – “Design and Good Practice” (September 2009)
UDC Parking Standards (adopted February 2013)
Essex Design Guide
National Planning Policy Guidance (NPPG)
UDC Interim Climate Change Planning Policy

8. PARISH COUNCIL COMMENTS

- 8.1 Takeley Parish Council objected to this original application UTT/17/1852/FUL for 20 dwellings in April 2018. We highlighted the following:

- 1) The area is outside development limits and has not been earmarked for development in the existing local development plan.
- 2) Hatfield Forest is a SSSI and nature reserve. There are concerns there would be a detrimental impact to the area. The visual amenity provided by Hatfield Forest

would be impinged. The landscape erosion of this site would have impact on the Forest. It is known that Hatfield Forest is already suffering from increased footfall and this development would further impact.

3) The proposed boundary of the development close to the Fritchway which is heralded as an Essex Wildlife Site. The ecological effects to wildlife would be detrimental.

4) The area is also known as a migration route for Deer. There is a concern that Deer and other wildlife would be disturbed and that being so close to the road would cause fatality.

5) Removal of trees may affect foraging bats and there are concerns that replacement trees would be too immature to act as a natural shield to Hatfield Forest.

6) Twenty new built dwellings will be out of character to the nature reserve and forest, acting as a complete contrast to the current green space. The new private homes and affordable homes will not be in keeping with the listed buildings or the rural amenity this land currently enjoys, including large migration of Deer.

7) There is concern the development would increase light pollution EN19 and disrupt natural habitat either via light pollution or noise, as well as cause a loss of amenity to some neighbours, particularly as vehicles stop to turn into the access point at night times.

8) The B1256 has already undergone recent traffic calming improvements however the general speed and volume of vehicles means that accessing the road can be problematic. The access point is quite close to the traffic calming islands and there is concern that road safety may be impaired. Turning out on to the B1256 will add to the vehicular movements and amenity of the residents living by the road.

9) Over-development of the site. Despite approval being granted with conditions Takeley Parish Council would like the above comments to be reconsidered under the current application for now 23 houses.

There are a significant number of objections from the residents along Takeley Street. Takeley Parish Council support the following:

1. The design of the original 20 homes was better. The additional 3 homes over intensify what is already a large development on a small plot.

2. The proposal changes the aesthetics of the original plan where there was adequate spacing and more in keeping with locality.

3. The new design is not in keeping with the nearby listed buildings and also the newer properties.

4. The B1256 is already a busy road and three access points will not be helpful.

5. There is a spring on the property and a well that the developers are trying to fill in which has caused some flooding.

6. The North West Essex Swift Group wish to see conditions being applied in relation to swift and bat biodiversity enhancement,

7. There is already a problem with street parking along Takeley Street. Increased traffic will inevitably increase parking issues.

8. Another 3 homes will lead to more difficulties associated with water pressure and drainage,

9. Additional impact on the nearby Hatfield Forest which is an SSSI

Additional comments 18th February 2021

- 8.2 This application represents over development in a conservation area, noting the Fritch Way at the rear of the proposed development is a Designated Nature Reserve. Additional footfall is already having a negative impact on local woodland and wildlife, and we maintain this is yet another example of urbanisation of a rural area.

In our opinion if any development is to proceed at all, then the number of houses should be considerably less than the current proposal.

Additional comments 25th February 2021

8.3 In the original permission by Uttlesford District Council dated 18th May 2018 for the development of 20 dwellings there were significant conditions ascribed to this permission.

- Condition 4 stated, "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"
- Condition 17 stated, " 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."

According to the information on the planning portal, several residents have observed that a pond has been filled in by the developer. Takeley Parish Council in their submission dated the 14th December also raised the issue of a spring and a well associated with the pond. On the 17th December 2020 the response by Karl Pickering the Director of the building company stated, "The pond is required to be filled in as there is no open water on the development due to the proximity to Stansted Airport."

Questions:

- Has the developer been given permission to fill in the pond and is his response correct?
- Given that there is evidence that a spring fed the pond and that the drainage from this site we believe eventually feeds into the River Stort has there been a site visit to look at the implications of filling in the pond and how that will affect the spring water source.?

On the 18th November 2020 ECC Development and Flood Risk Waste and Environment issued a holding objection based on the following:

- Above ground suds features through the use of multifunctional space should be considered on the site.
- The proprietary treatment device needs to be added to the drainage plan.

On the 11th February 2021 the Development and Flood Risk Officer for ECC stated, "No additional information has been provided in relation to surface water drainage therefore we have no further comments following our previous holding objection"

Question:

- Does the original holding objection still stand?

There are 19 conditions cited in the original permission letter for 20 homes:

Question:

- Is the Planning Authority satisfied that all the conditions set out for the 20 new homes have been satisfied?

This is of particular importance as we note that the development shall be begun before the expiration of 3 years from the date of this decision. Our previous objections to the additional 3 new dwellings still stand.

9. CONSULTATIONS

ECC Highways

- 9.1 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

Place Services (Ecology)

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

Environmental Health

- 9.3 The application development site is just outside the 54dB LAeq,16hour aircraft noise contour and outside other transportation noise significance contours. The site also is outside the Air Quality Management Zone. Therefore, noise and air quality impacts to and from the development are considered acceptable subject to AQ condition. It is considered that due to the scope of the development a construction management plan will be required along with a contaminated land phase 1 requirement. I therefore do not have any in principle objections to the site subject to conditions in respect of air quality, contamination, demolition and construction environmental management plan.

Aerodrome Safeguarding

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

Housing Enabling Officer

- 9.5 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 23 units. This amounts to 9 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 fully wheelchair accessible (building regulations, Part M, Category 3 homes) as well as 5% of all units to be bungalows delivered as 1- and 2-bedroom units. This would amount to 1 bungalow across the whole site delivered as 1 affordable two-bedroom bungalow. The mix and tenure split of the 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. We therefore request that the two-bedroom homes have a minimum space of 79 sqm and the 3 bedroom homes a minimum space of 93 sqm

NAT Safeguarding

- 9.6 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria.

Affinity Water

- 9.7 There may be water mains running through or near to part of proposed development site. The developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures

Essex Police

- 9.8 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 with their obligation under this policy and to assist with achieving a Secured by Design Homes award.

Thames Water

- 9.9 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. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Thames Water would advise that with regard to foul water sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Natural England

- 9.10 No objection subject to appropriate mitigation being secured.
- 9.11 The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal

Essex County Council – Flood and Water Management (SUDS)

- 9.12 Sufficient information has now been provided to overcome previous holding objections. No objection subject to conditions

Conservation Officer

- 9.13 The application site is located to the south of and along Takeley Street, the existing site is undeveloped land. To the south of the site is the Flich Way which is a public footpath. This application has the potential to affect several designated heritage assets and their setting. The asset's affected are:
- • Clock House, Grade II listed (list entry number: 1168996);
 - • Street Cottage, Grade II listed (list entry number: 1112215);
 - • Rayleigh Cottage, Grade II listed (list entry number: 1168998);
 - • Austin Villa, Grade II listed (list entry number: 1322557);
 - • Josephes, Grade II* listed (list entry number: 1169005);

- • Four bay barn at Josephes, Grade II listed (list entry number: 1112216);
- • Post Cottage, Grade II listed (list entry number: 1247305) and
- • Four Gables, Grade II listed (list entry number: 1169008).

I have no objection in principle to the development of the site, however I suggest a more sympathetic design could be realised with regards to the sensitivities of the site being located within the setting of several heritage assets. The existing pattern of development and the line of built form along the road is more organic and staggered which lends to the visual interest and character to the settlement. At present, I feel that the proposals are contrary to Paragraph 192.c of the NPPF (2019), the desirability of new development making a positive contribution to local character and distinctiveness. This is purely down to its uniformity and a more interesting building line would overcome this, particularly plots 11-23. The planned layout and the distinct line of built form of the proposed development, I suggest, should better reflect local character and distinctness by utilising a more staggered and broken form which would visually be more interesting and mitigate the potential impact of unremarkable new development. I recommend the elevations/plans are updated to reflect this.

Whilst I have no objection there is a design point pertaining to the excessive depth of the detached garages which appear disproportionate to the host dwellings and is not reflective of local character or existing built form. I suggest the depth of the detached garages could be reduced

Additional comments 5th March 2021

- 9.14 I have now seen the revised plans for the proposed development, and these are an improvement from previous, the building line is more varied. I consider this to have overcome my previous concern upon character and appearance. It is unfortunate that the excessively deep garages remain, but this is not objectionable from a built heritage perspective.
I have no objection to this application.

Friends of Flitch Way

- 9.15 The Flitch Way is a linear wildlife-rich trail comprising a range of habitats of around 25 km length following the former Braintree to Bishops Stortford Railway Line with a small gap at Great Dunmow. It forms a vital long wildlife corridor covering approximately a third of the breadth of Essex. It connects the four Essex Wildlife Trust Living Landscape Areas of Hatfield Forest, Pincey Valley, Upper Chelmer and Pods Brook Valley and the nature reserves and open spaces of Hatfield Forest, Honeysuckle and David Cock Community Woodland (Great Dunmow), Oak Meadow (Rayne), Great Notley Country Park and Hoppit Mead and John Ray Park (Braintree).

The Flitch Way provides an easily accessible multi-user path, with a well surfaced 2m wide granite dust path running along most of its length, giving people the freedom of access to learn about the wildlife and industrial heritage. The Flitch Way Country Park is already designated a Local Wildlife Nature Reserve.

Part of what makes the Flitch Way so special is the surrounding rural landscape. It is under increasing pressure from development, and proposals like this will change its character forever. In the last 2 years there have been applications to build around 6,000 houses across 17 sites directly adjacent to the Flitch Way.

To give you some context, the Flitch Way forms the southern boundary of the proposed site. In our opinion planning should be refused due to the impact it would have on the character and appearance of the Flitch Way, wildflowers and wildlife. The application does not recognise the high impact the development will have on the Flitch Way LNR, instead only referring to Hatfield Forest NNR as medium impact. Greenspaces in Uttlesford are in high demand and should be protected for the health and well-being of residents. The proposed development site as seen from the Flitch Way, has a rural character which would be lost if the site was developed.

I would draw your attention to two recent Planning Appeals. The first was to build 1500 houses on Land North and South of the Flitch Way in Braintree District, reference APP/Z1510/W/18/3197293. On 13 June 2019, the Secretary of State agreed with the Planning Inspector's conclusions and recommendation and dismissed the Appeal. One of the key reasons quoted was "that the proposal would cause harm to the character and appearance of the area, including a residual effect of major-moderate significance in the wider Landscape Character Area A12, and a substantial adverse effect arising from the loss of the appeal site itself. The Secretary of State further agrees with the Inspector that the loss of views and open outlook from the Flitch Way and the public footpaths crossing parcel B would both suffer a major adverse impact. Taken together, these harms attract considerable weight."

A second Planning Appeal nearby to build 135 houses on Land west of Canfield Road, reference APP/C1570/W/18/3213251 was dismissed on 8 August 2019. I ask you to look in particular at point 21 in the Character and Appearance section which was one of the main issues quoted in the statement. The inspector also highlights in points 24 and 25:

"24. In part this is due to a further defining feature, the Flitch Way, which lies immediately to the north of the site. The Flitch Way is clearly an important public right of way and I address the visual effects for users below, but in landscape terms it is a strong linear feature, which is not breached, other than in one specific instance, by settlement lining the B1256 between Bishops Stortford and Dunmow. While its historical association is with the railway, it is now a managed country park and local wildlife site and its informal surfacing, well-treed edge and, in many cases, countryside views, provide for an experience for those using it in marked contrast to the urban areas set along its northern edge.

25. I accept it is not an open countryside feature along its entire length, and in places there is development close to the northern edge, but it is an important refuge from the growing urban centres and provides easily accessible countryside experiences and access to important features such as Hatfield Forest."

For these reasons the Friends of the Flitch Way are objecting.

If however, the planning is successful, we ask for the following to be taken into account to lessen the damage:

1. Buffer zone alongside the Flitch Way

The preferred buffer zone between the Flitch Way and proposed development should be at least 20 metres wide and ideally be 100 metres wide. Currently the Design and Access Statement includes a buffer zone but the depth is unclear. Any buffer zone should be landscaped sensitively and be attuned to the specific habitat of this section of the Flitch Way. Having a wide buffer zone next to the Flitch Way

boundary along with the installation of secure boundary fencing would help to mitigate habitat damage. It is essential to maintain good light access to maintain as diverse a range of wildlife as possible. Any planting schemes should be agreed with Essex Country Park Rangers.

2. Pedestrian and cycle access

As land bordering this part of the Flitch Way has been developed, the number of access points for Flitch Way users has reduced. An access path could be created to the east of the site providing the Park Rangers are in agreement.

10. REPRESENTATIONS

10.1 19 representations received. Neighbour notification period expires 11th Dec 2020 (re-notified 23rd Feb 2021). Advertisement expires 17th Dec 2020, site notice expires 17th Dec 2020.

10.2 Summary of representations received as follows:

- No need for development
- Inadequate infrastructure
- Doctors and schools oversubscribed
- Impact on habitats and wildlife
- Loss of dog walking site
- Loss of open space
- Highway safety
- Pollution
- Impact on SSSI
- Small starter homes are needed
- This will not address the housing needs of local people
- Impact on Flitch Way
- Inadequate parking provision
- Design out of keeping with village
- Water pressure and drainage issues
- Since 2018 there has been an increase in traffic on the B1256 due to other local developments, volume of landfill lorries etc and this proposal will increase traffic even more
- The proposal completely changes the aesthetics of the agreed plan where the detached houses were adequately spaced (by double width garages) and were in keeping with other local properties. The new plan gives the impression of a developer trying to fill every possible space with no thought of how the future residents will be impacted
- Overdevelopment.
- Regarding the western-most vehicular gated access, it is disappointing to note that it is positioned across an historic well/pond, which is itself fed from an adjacent spring. This was a watering place for horses, steam lorries, traction engines and no doubt travellers, as well as the local community -an historically sensitive area I should have thought. Half way down this watering hole and now buried by the developer, is a whole, natural flint stone which facilitated access to the water when levels were low in the summer. This is flagrant destruction of the historical past of the village; so much effort went into the protection of slow worms, newts, frogs and toads, but seemingly this was missed during the protracted archaeological investigations

- Excessive access points.
- Impact on setting of listed buildings
- Loss of views of forest
- Affordable housing not tenure blind
- Developers should but into local services – estimate £60k
- Tandem garages encroach upon Flitch Way and Hatfield Forest.
- The 23 house development lacks character with repetitive monotonous housing that looks hastily planned following approval for the 20 dwelling design.
- I note there are also plans for a large development of hundreds of homes by Weston Homes in Little Canfield which makes reasons to increase number of the dwellings in this small development even more unfavourable
- As Hatfield forest is a National Trust protected area adding in a pathway would mean that any members of the public can go and enter the forest which is contrary to their goals (conserve the forest and protect its biodiversity) to reduce the damage and footfall. It could increase bio degeneration of the forest.
- We had no prior objections to this site since the buffer zone was not meant to be encroached on. It was meant to be for retaining the biodiversity of the forest, however now you have proposed to encroach on the buffer zone and add a footpath which was not part of the original plans
- Only residents should be able to use the access paths so we could suggest that there is one entryway for the would-be residents that is in the middle of the plot. This way it is unobtrusive and compact as it would be used exclusively by the residents minimising footfall
- Impact on neighbour's amenity – path along the west boundary.
- Insufficient buffer zone to Flitch Way.
- Also opposed to having 3 entrances/exits onto this already very busy road, why have 3? Surely one entrance in and out is sufficient especially as the one at the West end of the plot goes straight over a centuries old Well (not a pond as previously thought) being a minimum of 4m deep (very steep sided) and approximately 3m diameter, maybe much deeper as it has never dried out to see the bottom, certainly not in the last 50 years that I have lived opposite.

The Developers solution to this was to fill it in with digger loads earth only to cause the surrounding area to the west side of the plot to now flood, the well is spring fed so needs more than earth to resolve the problem

11. APPRAISAL

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

- A The development of this site for residential purposes is appropriate (NPPF and ULP Policies S7, S8, H3);
- B Design, scale and impact on neighbours amenity and impact on character and setting of adjacent Listed Buildings (ULP Policies GEN2, S7, H10, ENV2 & SPD: Accessible Homes and Playspace);
- C Highway safety and parking provision (ULP Policies GEN1 & GEN8 & SPD: Parking Standards: Design and Good Practice);
- D Biodiversity (ULP policy GEN7)
- E Affordable Housing, Education Contributions (ULP policies H9, GEN6)
- F Flood risk and drainage (ULP policy GEN3)

A The development of this site for residential purposes is appropriate (NPPF and ULP Policies S7, S8, H3);

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

11.2 The site is therefore subject to the provisions of policy S7 of the adopted Local Plan 2005. Policy S7 is a policy of general restraint which seeks to restrict development to that which needs to take place there or is appropriate to a rural area in order to protect the character of the countryside. This includes infilling in accordance with paragraph 6.13. Development will only be permitted if its appearance protects or enhances the character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the 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. This includes infilling in accordance to paragraph 6.13. A review of policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas. It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, as a consequence the proposal is contrary to that policy. The proposal does accord with the more up to date policy at paragraph 78 of the NPPF which supports the growth of existing settlements

11.3 S70 (2) of the Town and Country Planning Act 1990 states that "in dealing with a planning application the local planning authority shall have regard to the provisions of the Development Plan so far as is material to the application and to any other material considerations". S38 (6) of the Planning and Compulsory Purchase Act 2004 states that "if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF reiterates this requirement and paragraph 5 confirms that the NPPF is a material planning consideration. Paragraph 49 of the NPPF confirms that housing applications should be considered in the context of the

presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In this regard, the most recent housing trajectory identifies that the Council has a 3.11-year land supply.

- 11.4 It is therefore necessary to assess whether the application proposal is sustainable and presumption in favour is engaged in accordance with paragraphs 7 - 11 of the NPPF
- 11.5 The NPPF emphasises that sustainability has three dimensions (Paragraph 8); an economic role (contributing to building a strong economy), a social role (providing housing and accessible local services) and an environmental role (contributing to protecting and enhancing our natural, built and historic environment. Due to the Council not having a 5 year land supply then the tilted balance of the NPPF would apply and as a consequence, sites that are located in the countryside are being considered for residential development by the council to address this shortfall.
- 11.6 Economic: The NPPF identifies this as contributing to build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity, and by identifying and coordinating the provision of infrastructure. The proposed development would provide economic benefits by the provision of jobs during the construction phase, although these would be of a temporary nature and additionally it would also support existing local services, as such there would be some positive economic benefit.
- 11.7 Social: The proposal would deliver social benefits by the way of the provision of 23 houses, This would be a benefit given the lack of a 5 year housing land supply in the district. The NPPF identifies this as supplying required housing and creating high quality-built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The proposal would make a contribution towards the delivery of the housing needed in the district, including provision of nine affordable housing units, public open space and two bungalows. Takeley has access to bus services to other nearby towns and centres of employment. The proposal would introduce an element of built form within the open countryside, which would have some impact on the character of the area. This impact would need to be weighed against the benefits.
- 11.8 The proposal would also have a negative impact by putting more strain on the local infrastructure and demand for school places. Takeley also does not have any doctors or dentists within the village.
- 11.9 The site is well served by bus routes, providing access between Bishops Stortford to the west and Great Dunmow to the east to further facilities. The nearest rail station is Bishops Stortford which is located five miles from the site. This is accessible by bus and provided trains to London, Cambridge and Stansted. This would have some weight in favour of the positive contribution the proposal could make in these regards.
- 11.10 Whilst the facilities within the village and the public transport provision are unlikely to meet the demands of residents to fulfil their daily requirements, they do offer the opportunity for alternative means of accessing services and facilities. In terms of

the rural nature of the District, the facilities and public transport options are relatively good and can offer alternative means

11.11 Environmental: The environmental role seeks to protect and enhance the natural, built and historic environment. The NPPF recognises the intrinsic character and beauty of the countryside. The site is located to the west of Takeley centre and is bounded by residential development to the west, east and north and by the Flitch Way to the south and Hatfield Forest which is a SSSI. The development along this road is linear in nature. There is a tree lined boundary separating the site from the Flitch Way (which is a linear country park) and Hatfield Forest beyond

11.12 The suitability of this site for development depends on the value placed on the open space and views of Hatfield Forest against the need for housing on a site which is not within the open countryside. The introduction of built form in this location would result in some harm to the openness and character of the rural area and is therefore contrary to the aims of policy S7 and S8. In view of the boundary screening it is considered that the visual impact would be reduced and that the development would not be significantly detrimental to the openness of the countryside. The character of the form of the existing development is linear along the B1256. The development has been the subject of design advice and the proposal revised to reflect that advice. The development of this site for residential purposes would not be unduly out of character with the area.

11.13 The presence of mature vegetation would prevent a harmful intrusion into the open countryside and any harm to the particular character of the countryside surrounding the site. It is therefore essential that the landscaping to the frontage (apart from access points) remains. Apart from the formation of new access roads, the mature landscaping to the site's frontage would remain. A material consideration is that the trees on the site are not subject to tree preservation orders and therefore could be felled without any permissions. A full arboricultural report has been submitted which details the proposed removal of a number of trees on the site. The trees proposed to be removed include ash, oak, plum, willow, hawthorn and elder. These subjects are found to be in poor condition with no significant landscape amenity value.

11.14 A material consideration is that there is an extant permission for the erection of 20 dwellings on this site, as such the principle of dwellings on this site has already been accepted.

11.15 It is considered that the weight to be given to the requirement to provide a 5 year land supply and the housing provision which could be delivered by the proposal would outweigh the harm identified in relation to rural restraint set out in ULP Policy S7. Therefore, in balancing planning merits, it is considered that planning permission should be granted for the development.

B Design, scale and impact on neighbours amenity and impact on character and setting of adjacent Listed Buildings (ULP Policies GEN2, S7, H10, ENV2 & SPD: Accessible Homes and Playspace);

11.16 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.

- 11.17 The supplementary Planning Document Accessible Homes and Playspaces also requires that developments of 10 and over should provide bungalows, this application includes two bungalows.
- 11.18 The housing mix for this application is for two one bedroomed properties, four two bedroomed properties, six three bedroomed properties, and eleven four bedroomed properties. The proposal, complies with the requirements of Policy H10
- 11.19 All of the units have private amenity spaces. The Essex Design Guide recommends that dwellings of 3 bedrooms or more should have private amenity spaces of 100sqm+ and 2-bedroom properties 50sqm+. The gardens accord with the requirements of the Essex Design Guide. Each plot has adequate private amenity space to accord with the requirements of the Essex Design Guide
- 11.20 Specialist Conservation comments state that the existing pattern of development and the line of built form along the road is more organic and staggered which lends to the visual interest and character to the settlement and that a such the proposals were contrary to Paragraph 192.c of the NPPF (2019), the desirability of new development making a positive contribution to local character and distinctiveness. This is purely down to its uniformity and a more interesting building line would overcome this, particularly plots 11-23. It was recommended that the planned layout and the distinct line of built form of the proposed development, should better reflect local character and distinctness by utilising a more staggered and broken form which would visually be more interesting and mitigate the potential impact of unremarkable new development. Specialist design advice was sought.
- 11.21 This application has been the subject of design advice with the Council's specialist Urban Design Officer, who advised that the elevations, materials, scale should be more varied, the units more spaced out and the ridge heights varied. She also advised that the double fronted gabled units, which are visually more interesting, should not be obscured by the double garages. She also advised that the some of the garages were moved forward of the building line of the dwellings, provided no trees/landscaping was lost. The depth of the tandem garages were reduced. The garages to the site's frontage should be black featheredged boarding; the revised plans reflect the advice given and overcome the Conservation Officers concerns.
- 11.22 The design and scale of the proposed dwellings is now considered appropriate for this location. The dwellings would all be two storeys (apart from the two bungalows), the houses are set back from the road to respect the building line created by the dwellings immediately adjacent on the site to the west and east to allow soft landscaping to minimise the impact of the built form from the street view. A landscape buffer has also been incorporated into the design to protect the Wildlife site to the rear and sides of the site. New hedging and planting is proposed along the front of the site.
- 11.23 The development has been designed to minimise the potential for overshadowing or overbearing impacts. In view of the distances between neighbouring properties the proposal would not result in any material overlooking, overshadowing or overbearing impact.

- 11.24 The proposal also provides an area of open space, the applicant has indicated that they are prepared to enter into a S106 legal agreement in order to secure the provision and ongoing maintenance of the proposed open space
- 11.25 Policy ENV2 states: that development will not be permitted if it would adversely affect the setting of a listed building. The proposal would affect the setting of a number of Grade II listed buildings lining the northern side of the road. North of the site are listed buildings, The Clockhouse (Grade II), Street Cottage (Grade II), Raleigh Cottage (Grade II), Austin Villa (Grade II), Josephs (Grade II*) , Josephs Barn (Grade II).
- 11.26 The heritage assets are separated from the site by the Dunmow Road and there is an additional buffer of informal open space across the frontage. This ensures that the proposed development maintains a semi-rural character and protects the nearby heritage assets including Josephs which is Grade II* listed. Specialist conservation advice is that the revised plans are acceptable and overcome his previous concerns.
- 11.27 No footpaths are proposed along the Dunmow Road in order to preserve the existing character of the road.
- 11.28 A Landscape and Visual Impact Assessment has been submitted with the planning application and this demonstrates that the visual impact of the development is low along the northern boundary and from the Fritch Way is moderate. Despite these conclusions, the development proposes a significant landscape buffer to the rear of the site totalling 10 metre together with the retention and enhancement of most of the existing boundary vegetation and trees.
- 11.29 The character of Dunmow Road will be partly maintained by retaining and reinforcing the existing mature hedgerow growing along the north side of the site or by substantially replacing this hedgerow with a new hedgerow planted with native species.
- 11.30 On balance, taking into account the councils lack of five-year housing supply the benefits of the scheme outweigh the limited harm to the character and settings of the Listed Buildings and rural setting of the area.
- 11.31 The site falls outside of the 57dB 16 hr LEQ of Stansted airport where Policy ENV10 would require appropriate noise mitigation
- 11.32 The site is located approximately 2km south of the centre of Stansted Airport and 1.6 km east from the end of the 04 runway and therefore the proposal has the potential to present a bird strike hazard to Stansted Airport. Provided that the Suds does not result in the formation of regular open water and the berry bearing component of the landscape planting is kept to 10% or less of the total, which can be achieved by a relevant condition, the aerodrome Safeguarding team have no objections.

C Highway safety and parking provision (ULP Policies GEN1 & GEN8 & SPD: Parking Standards: Design and Good Practice);

- 11.33 Policy GEN1 states: Development will only be permitted if it meets all of the following criteria:
- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
 - b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network
 - c) The design of the site must not compromise road safety and must take account of the needs of cyclists.
 - d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to access.

The development encourages movement by means other than driving a car

- 11.34 A Transport Statement has been submitted with the application and ECC Highways officers. consulted. Following ECC Highways comments, revised plans have been submitted

- 11.35 The revised proposals would comply with the aims of Policy GEN1.

- 11.36 Several of the representations make reference to Highway issues and parking, however a transport statement has been submitted with the application and the Essex County Council Highway Officers have been consulted and raise no objections, subject to conditions, to the proposals on highway terms.

- 11.37 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.
- 11.38 The proposed properties are a mixture of one, two, three, and four bedroom dwellings. The adopted Essex County Council parking standards require the

provision for one parking space for a one bedroomed dwelling, two parking spaces per dwelling for two and three bedroom dwellings and three parking spaces for three+ bedroomed properties and additional visitor parking spaces. The proposal meets these standards. There would also be six unallocated parking spaces within the development to provide visitor parking.

11.39 The proposals comply with policy GEN8 of the adopted Uttlesford Local Plan 2005.

D Biodiversity (ULP policy GEN7)

11.40 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.

11.41 The Ecological Impact Assessment (EclA) (Skilled Ecology Consultancy Ltd, updated October 2020) confirms that boundary trees, hedgerows and other boundary features are due to be retained, including two trees on the northern boundary with high potential roosting features for bats. It also confirms that all trees to be removed from the site will be soft felled and replaced on a one for one basis with native broadleaved tree species. As the site has a boundary with the Flich Way Local Wildlife Site, and beyond this Hatfield Forest National Nature Reserve and Site of Special Scientific Interest (SSSI), a 10m buffer zone will be included on the southern boundary to prevent direct impacts and minimise indirect impacts from the development.

11.42 Specialist ecological advice is that they recommend that the mitigation and enhancements outlined within the Ecological Impact Assessment (Skilled Ecology Consultancy Ltd, updated October 2020) should be implemented in full and secured by a condition of any consent. A biodiversity enhancement layout will be needed prior to slab level to inform the locations of these features which should include, or bat boxes integrated bird within the new dwellings; this will ensure their availability long term

11.43 Additionally, an updated report confirmed the status of the previous reptile mitigation strategy outlined in the Reptile Survey (Skilled Ecology Consultancy Ltd, August 2016), Reptile Translocation Report (Skilled Ecology Consultancy Ltd, January 2018), and the current mitigation, compensation and precautionary measures now required.

11.44 As the site has moderate ecological value for a number of protected and Priority species and is adjacent to important and designated habitats, a Long-term Ecological Management & Biodiversity Enhancement Plan is recommended by the EclA. This can be secured by an appropriate condition if the application is approved.

11.45 In addition, Policy ENV3 requires the protection of groups of trees unless the need for development outweighs their amenity value. Policy ENV8 requires the protection of hedgerows, linear tree belts, and semi-natural grasslands. Mitigation measures are required to compensate for the harm and reinstate the nature conservation value of the locality. There are slow worms located on the site. A management company would be responsible for the buffer zone to protect the Flich Way and a LEMP would be secured by a condition

- 11.46 The comments from the Flitch Way group has been noted, however, there is no direct access from the back gardens of the new dwellings or from the site itself onto the Flitch Way. This formed part of previous pre- application advice and therefore it is considered unreasonable to require the link at this late stage.

E Affordable Housing, Education Contributions (ULP policies H9, GEN6)

- 11.47 Policy H9 states that the Council will seek to negotiate on a site for site basis an element of affordable housing of 40% of the total provision of housing. The Council commissioned a Strategic Housing Market Area Assessment which identified the need for affordable housing market type and tenure across the District. As a result of this the Council will require a specific mix per development proposal. The Strategic Housing Market Area Assessment supports the provision of a range of affordable housing:

- 11.48 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;

- 11.49 The site area is 1.6 hectares and as such a provision of 40% affordable housing is required. The proposal includes 9 affordable units (including two bungalows). The applicant has indicated that they are prepared to enter into a Section 106 legal agreement to provide the affordable housing. Subject to this agreement being completed, the proposal would comply with the requirements of policy H9

F Flood risk and drainage (ULP policy GEN3)

- 11.50 Policy GEN3 requires development outside flood risk areas to not increase the risk of flooding through surface water run-off. The NPPF requires development to be steered towards areas with the lowest probability of flooding. In addition, it should be ensured that flood risk is not increased elsewhere. The site is located within Flood Zone 1, therefore is a site with the lowest risk of flooding (more than 1 in 1000 years).

- 11.51 The comments regarding the pond/well on the site have been the subject of enforcement enquiry and the proposals have been considered by the Local Lead Flood Authority who originally raised an objection to the proposals. Additional information has been submitted. The LLFA is now satisfied that the proposals would not increase the risk of flooding off-site subject to appropriate conditions and the proposals comply with Policy GEN3 and the NPPF

12. CONCLUSION

- A The proposal is acceptable in principle. There is an extant planning permission for 20 dwellings on the site. It is considered that the weight to be given to the requirement to provide a 5 year land supply and the housing provision which could be delivered by the proposal would outweigh the harm identified in relation to rural restraint set out in ULP Policy S7. Therefore, in balancing planning merits, it is considered that planning permission should be granted for the development.
- B The Design of the proposed development is considered to be acceptable and in accordance with Policies GEN2, the layout of the development is acceptable. No significant loss of residential amenity will arise from the proposals. The amenity areas and parking provision are appropriate, and the proposals comply with Policies GEN2, ENV3 and GEN8. The proposed scale of the development is considered to be appropriate and complies with policy GEN2. The housing mix for the development is considered acceptable (ULP policy H10).
- C The proposal would comply with the current adopted parking standards and provide six visitor spaces. Essex County Council Highways authority has no objections subject to appropriate conditions. The proposal complies with policies GEN1 and GEN8.
- D The application provides sufficient information and evidence to demonstrate that the proposals (subject to conditions and S106 requirements) would not adversely affect protected species. As such the proposals comply with Policy GEN7 and section 11 of the NPPF.
- E The affordable housing mix and tenure split for the development is considered to be acceptable and complies with policy H9 and GEN6
- F The proposal would not give rise to flooding issues and complies with Policy GEN3. The leading local flood authority have no objections subject to conditions.

RECOMMENDATION – CONDITIONAL APPROVAL AND S106 LEGAL OBLIGATION

The applicant be informed that the Planning Committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by 6th June 2018 the freehold owner enters into a binding obligation to cover the matters set out below under S106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Director: Legal & Governance , in which case he shall be authorised to conclude such an obligation to secure the following:

- (i) Provision of 40% affordable housing**
- (ii) Management company in relation to public open space and habitats**
- (iii) Pay the councils reasonable legal costs**
- (iv) Pay the monitoring fee**

In the event of such an obligation being made, the Assistant Director Planning shall be authorised to grant permission subject to the conditions set out below.

If the freehold owner shall fail to enter into such an obligation the Director of Public Services shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:

- I. **No provision of affordable housing**
- II. **No provision of Management company in relation to public open space, and habitats**

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. Prior to occupation of any dwelling, the provision of the eastern access, as shown in principle on drawing no. 845-PL-002 N (dated – 02.02.21), shall be formed at right angles to Dunmow Road to include but not limited to, a minimum 5.5 metre carriageway width, two 2 metre wide footways (around both radii) tapering into the shared surface, and clear to ground visibility splays with dimension of 90 metres x 2.4 metres x 90 metres as measured from and along the nearside edge of the carriageway. The visibility splays shall be provided before the access is first used by vehicular traffic and retained free of obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway, and to ensure that vehicles can enter and leave the highway in controlled manner, in the interest of highway safety in accordance with Uttlesford Local Plan Policy GEN1

3. Prior to the occupation of any dwelling, the proposed private drives (to the west of the site), as shown in principle on drawing no.845-PL-002 N (dated – 02.02.21), shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of highway boundary and provided with an appropriate dropped kerb crossing of the footway/verge. Each access shall be provided with a clear to ground visibility splay with dimensions of 90 metres x 2.4 metres x 90 metres, as measured from and along the nearside edge of the carriageway. The visibility splays shall be provided before the access is first used by vehicular traffic and retained free of obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway, and to ensure that vehicles can enter and leave the highway in controlled manner, in the interest of highway safety, in accordance with Uttlesford Local Plan Policy GEN1

4. Prior to occupation of any dwelling, the existing footway on Dunmow Road along the site frontage shall be reinstated to it former width (or minimum 1.5 metres, whichever is greater) by removal of encroaching mud and vegetation and make remedial repairs where deemed necessary by the Highway Authority.

Reason: In the interests of accessibility, in accordance with Uttlesford Local Plan Policy GEN1

5. 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 Uttlesford Local Plan Policy GEN1

- 6 The proposed development shall not be occupied until such time as the vehicle parking areas indicated on DWG no. 845-PL-002 N has been provided. The vehicle parking areas and associated turning areas 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 interests of highway safety and that appropriate parking is provided in accordance with Uttlesford Local Plan Policies GEN1 and GEN8

- 7 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway, and behind the highway boundary.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety, in accordance with Uttlesford Local Plan Policy GEN1

- 8 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.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport , in accordance with Uttlesford Local Plan Policy GEN1

- 9 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety, in accordance with Uttlesford Local Plan Policy GEN1

- 10 Prior to occupation of the development, two pedestrian dropped kerb crossing point across Dunmow Road, with appropriate tactile paving if necessary, shall be provided, within the immediate vicinity of site.

Reason: In the interest of highway safety and accessibility, in accordance with Uttlesford Local Plan Policy GEN1

- 11 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:

- 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 3.6l/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 all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

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.

- 12 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.

- 13 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.

- 14 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.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration..

- 15 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 Uttlesford Local Plan Policy GEN2

- 16 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 STN in accordance with Uttlesford Local Plan Policy GEN2

- 17 No lighting directly beneath any 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 in accordance with Uttlesford Local Plan Policy GEN2

- 18 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 in accordance with Uttlesford Local Plan Policy GEN2

- 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 Uttlesford Local Plan Policy GEN2

- 20 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Skilled Ecology Consultancy Ltd, updated October 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This includes, but is not limited to, the retention and protection of boundary habitats following B5837:2012; replacement of all trees felled on a one-to-one basis with native species; due diligence for nesting birds; maintenance of existing reptile exclusion fencing, hand removal of logs, refuse and vegetated understorey; specific recommendation relating to works on wet ditches; the development of a Long-term Ecological Management Plan and a Biodiversity Enhancement Layout to include installation of bat, bird, hedgehog, and invertebrate nesting boxes, permeable boundaries and soft native landscaping scheme.

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).

- 21 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 details outlined in the Ecological Impact Assessment (Skilled Ecology Consultancy Ltd, updated October 2020) along with 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.

The approved CEMP (Biodiversity) 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).

- 22 Prior to slab level A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Impact Assessment (Skilled Ecology Consultancy Ltd, updated October 2020), shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.”

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 23 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).

- 24 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).

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

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

- 26 No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

- I a survey of the extent, scale and nature of contamination;
- II an assessment of the potential risks to human health, adjoining land, groundwater and surface waters

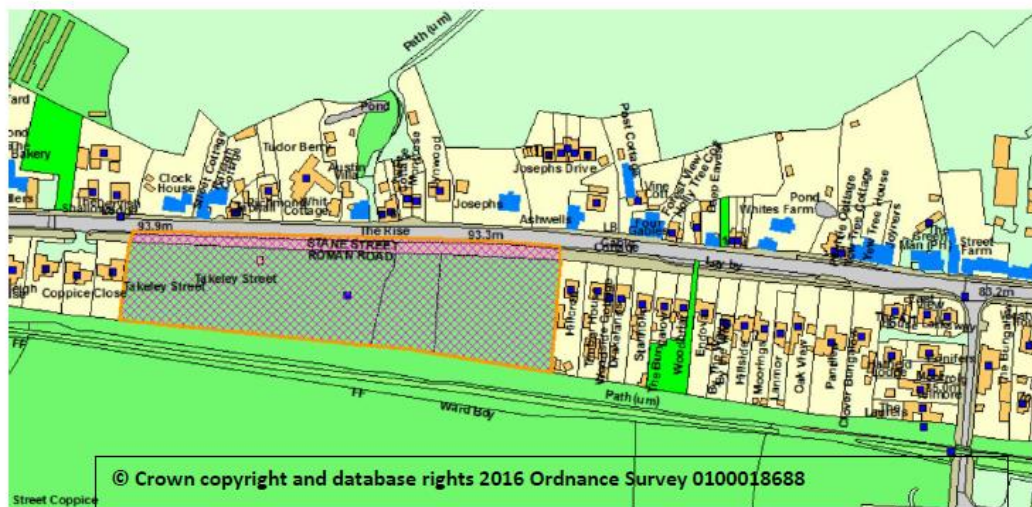
REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

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

- I. Demolition, construction and phasing programme.
- II. Contractors access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures.
- III. Construction/Demolition hours shall be carried out between 0800 hours to 1800 hours Monday to Friday, and 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless in accordance with agreed emergency procedures for deviation. Prior notice and agreement procedures for works outside agreed limits and hours.
- IV. Delivery times for construction/demolition purposes shall be carried out between 0730 to 1800 hours Monday to Friday, 0800 to 1300 hours on Saturdays and at no time on Sundays, bank or public holidays, unless otherwise agreed in writing by the local planning authority in advance.
- V. Noise method, monitoring and recording statements in accordance with the provisions of BS 5228-1: 2009.
- VI. Maximum noise mitigation levels for construction equipment, plant and vehicles.
- VII. Vibration method, monitoring and recording statements in accordance with the provisions of BS 5228-2: 2009.
- VIII. Maximum vibration levels.

- IX. Dust management and wheel washing measures in accordance with the provisions of London Best Practice Guidance: The control of dust and emissions from construction and demolition.
 - X. Prohibition of the burning of waste on site during demolition/construction.
 - XI. Site lighting.
 - XII. Drainage control measures including the use of settling tanks, oil interceptors and bunds.
 - XIII. Screening and hoarding details.
 - XIV. Access and protection arrangements around the site for pedestrians, cyclists and other road users.
 - XV. Procedures for interference with public highways, including permanent and temporary realignment, diversions and road closures.
 - XVI. External safety and information signing and notices.
 - XVII. Consideration of sensitive receptors.
 - XVIII. Prior notice and agreement procedures for works outside agreed limits.
 - XIX. Complaints procedures, including complaints response procedures.
 - XX. Membership of the Considerate Contractors Scheme.
- The development shall then be undertaken in accordance with the agreed plan

Reason: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).



Organisation:	Uttlesford District Council
Department:	Planning
Date:	27 APRIL YEAR