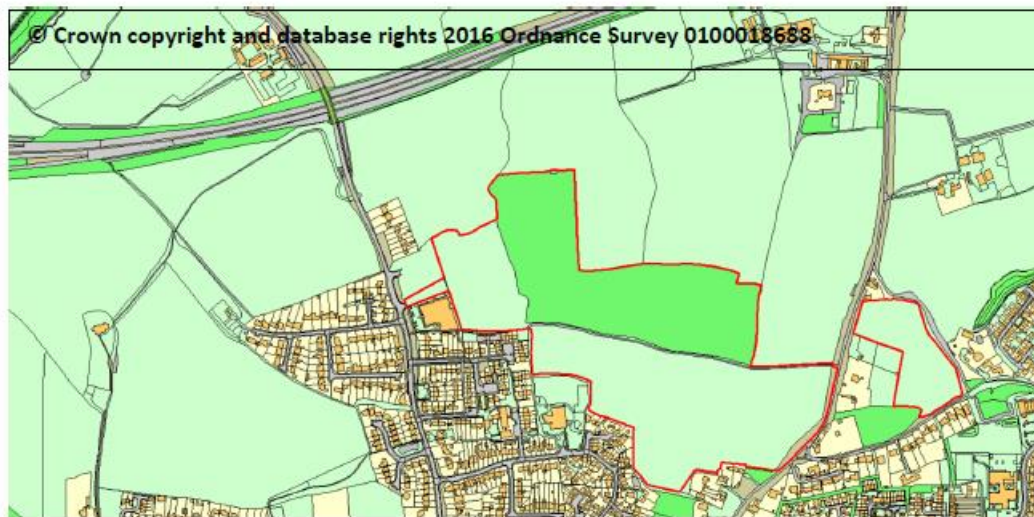


ITEM NUMBER:

REFERENCE NUMBER: UTT/21/1987/FUL

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

SITE LOCATION PLAN:



Organisation: Uttlesford District Council

Department: Planning

Date: 29 NOVEMBER 2021

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Organisation: Uttlesford District Council Date: 15th December 2021

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

APPLICANT: Mr M Pearce, Weston Homes PLC

AGENT: N/A

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

CASE OFFICER: Madeleine Jones

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

1. RECOMMENDATION: CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION

1.1 S106 HEADS OF TERMS -

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

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

- 1.2 The applicant be informed that the committee be minded to refuse planning permission for the reasons set out in paragraph (3) below unless by 15 June 2022 the freehold owner enters into a binding agreement to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991 in a form to be prepared by the Head of Legal Services, in which case he shall be authorised to conclude an agreement to secure the following:

Provision of 40% affordable housing
Provision of Medical/Health Care Facility
Financial contribution for Health contributions
Provision and long-term on-going maintenance of public open space (including LAP and LEAP)
Payment of education financial contributions EY&C £273,525.12, Secondary financial contribution £836,880
Transfer of 1 ha of agricultural land for educational use
Monitoring cost
Custom built dwellings 5% along Smiths Green Lane
Financial contribution to mitigate on impact of Hatfield Forest
Securing of an extension to Priors Wood and its long-term management
Upgrade of pedestrian link to Priors Green
Sustainable Transport contribution - to fund improvements to enhance bus services
Upgrading of the first to the signalised junction of B1256/B183 (Four Ashes)
Provision of bus stop – northern side of the B1256
Residential Travel Plans
Workplace Travel plan
Improvements to restricted Byway 48/25 (Jacks Lane from Burgattes Road)
Provision of SANG

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

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

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

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. DESCRIPTION OF THE SITE.

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

3. PROPOSAL

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

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

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

4. ENVIRONMENTAL IMPACT ASSESSMENT

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

5. APPLICANTS CASE

- 5.1 The application is supported by the following documents:

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

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

6. RELEVANT SITE HISTORY

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

PRE- APPLICATION DISCUSSIONS

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

7. CONSULTATIONS

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

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

Takeley Parish Council

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

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

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

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

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

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

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

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

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

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

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

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

2. Consultation with local residents

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

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

3. Takeley Parish Neighbourhood Development Plan

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

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

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

A Heritage and Conservation Assessment

A Landscape Sensitivity and Capacity Statement

4. Conclusion

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

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

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

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

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

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

Little Canfield Parish Council Comments

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

Place Services Specialist Archaeological Advice

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

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

ECC Place Services - Ecology

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

ECC Green Infrastructure 11.11.2021

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

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

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

The scheme should include but not be limited to:

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

Uttlesford District Council Housing Enabling Officer

7.8

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

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

Place Services Built Heritage

7.9

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

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

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

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

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

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

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

4th August 2021

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

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

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

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

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

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

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

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

Uttlesford District Council Environmental Health (28.10.2021)

7.10

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

Noise.

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

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

Air Quality.

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

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

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

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

Contaminated land

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

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

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

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

Construction

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

Thames Water

- 7.11 No objections subject to conditions

Natural England

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SITE SPECIFIC ASSESSMENT

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

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

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

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

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

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

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

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

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

Other advice

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

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

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

Protected Species

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

Environmental enhancement

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

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

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

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

Biodiversity duty

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

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

MAG London Stansted Airport

7.13

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

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

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

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

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

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

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

National Highways

7.14

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

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

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

ECC Development and flood risk Environment and Climate Action

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

Woodland Trust

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

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

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

ECC Urban Design Officer

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

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

Historic England 18.10.2021

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

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

Historic England's position on the proposals

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

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

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

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

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

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

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

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

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

NATS Safeguarding

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

Crime Prevention Officer

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

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

NHS West Essex Clinical Commissioning Group

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

Existing Healthcare Position Proximate to the Planning Application Site

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

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

Review of Planning Application

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

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

Assessment of Development Impact on Existing Healthcare Provision

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

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

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

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

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

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

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

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

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

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

Conclusions

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

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

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

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

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

Sport England

7.22

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

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

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

Place Services Ecology

7.23

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

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

Arboricultural Impact Assessment

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

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

National Trust

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

8.

REPRESENTATIONS.

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

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

Summary of comments:

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

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

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

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

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

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

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

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

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

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

Following revised plans:

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

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

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

9. POLICIES

- 9.1 S70(2) of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to:
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

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

9.2 National Policies

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

9.3 Uttlesford District Local Plan 2005

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

9.4 **Supplementary Planning Document/Guidance**

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

10. CONSIDERATION AND ASSESSMENT:

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

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

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

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

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

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

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

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

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

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

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

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

10.21 As stated above, this application site is similar to the above appeal sites in that the A120 at this location, and Priors Wood would reduce the perception of any coalescence with the Airport and the A120 also acts as a barrier to any further coalescence between the airport and Takeley. The Bullfields site adjoins residential development to the south and commercial development to the west. The Jacks Lane site also abuts residential development, however it is enclosed by mature landscaping which is to be retained. It is considered that the proposal would result in harm to the character and appearance of the countryside around the airport and the CPZ, however, that harm would be limited. The proposal therefore fails to accord with Uttlesford Local Plan policy S8.

10.22 Within APP/C1570/W/21/3268990 Land east of the Old Elm, Tilekiln Green, the issue of Policy S8 was also considered. The development was found to be in conflict with Policy 8 of the Uttlesford Local Plan 2005. The Inspector however, when assessing the planning balance it is stated in paragraph 31 "policy 8, in seeking to restrict development within the countryside, goes beyond paragraph 174 of the Framework as it seeks to protect land within the CPZ from housing, other than required for a rural area. Accordingly, although the appeal scheme conflicts with this policy, I only accord this conflict limited weight. It concluded that the benefits of allowing the appeal scheme, given the state of the Council's housing land supply position, outweigh potential harms which could arise."

10.23 The introduction of built form in this location would result in some harm to the openness and character of the rural area and is therefore would be contrary to the aims of policy S7 and S8. The proposal is considered that there would be no significant coalescence between the airport and existing development in the surrounding countryside.

10.24 It is considered that the weight to be given to the requirement to provide a 5-year land supply and the housing provision which could be delivered by the proposal would outweigh the harm identified in relation to rural restraint set out in ULP Policies S7 and S8. Therefore, in balancing planning merits, it is considered that the social and economic benefits would outweigh the environmental harm identified within this report and taking into account the above appeal decisions, is therefore acceptable in principle.

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

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

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

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

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

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

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

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

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

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

C Housing Mix (Uttlesford Local Plan Policy H10)

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

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

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

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

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

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

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

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

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

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

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

D Biodiversity (Uttlesford Local Plan policy GEN7)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

G Air Quality (NPPF and Uttlesford Local Plan ENV13)

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

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

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

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

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

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

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

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

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

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

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

10.104

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

10.105

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

10.106

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

I Climate Change

10.107

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

10.108

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

10.109

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

10.110

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

10.111

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

11. EQUALITIES

11.1

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

11.2

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

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

12. CONCLUSION

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