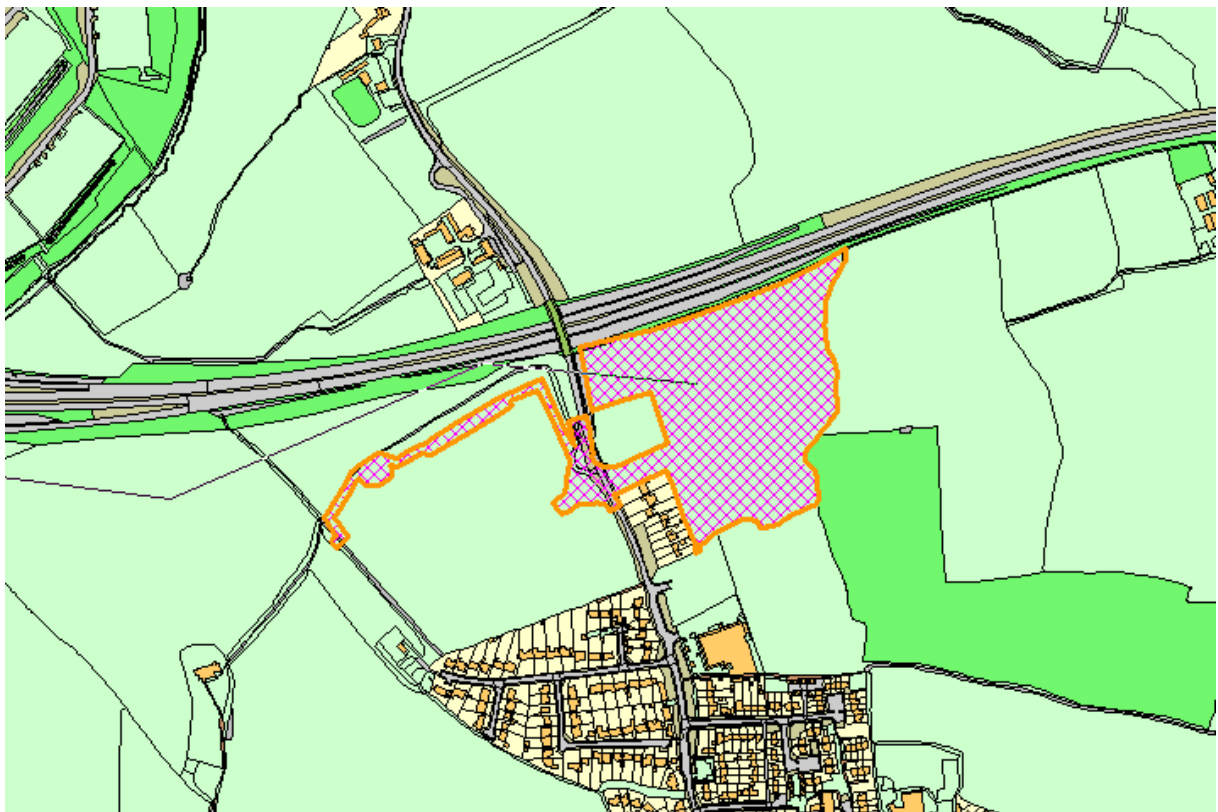


ITEM NUMBER:

REFERENCE NUMBER: UTT/21/1488/OP

LOCATION: LAND EAST OF PARSONAGE ROAD, TAKELEY

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 17th March 2022

PROPOSAL: Outline planning application with all matters reserved except access for up to 88 dwellings (including affordable housing and self/custom-build plots), as well as public open space, children's play area, landscape infrastructure including a buffer to Priors Wood Ancient Woodland and all other associated infrastructure

APPLICANT: Endurance Estates Land Promotion Ltd

AGENT: Pegasus Group

EXPIRY DATE: 18th March 2022 (Agreed Extension of Time)

CASE OFFICER: William Allwood

NOTATION: Outside Development Limits. Countryside Protection Zone, within 250m of Ancient Woodland (Priors Wood), Contaminated Land, Historic Land Use Within 6km of Stansted Airport. Within 2KM of SSSI. County and Local Wildlife site (Priors Wood).

1. RECOMMENDATION: CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION

1.1 S106 HEADS OF TERMS -

Provision of 40% affordable housing
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; Early Years and Secondary
Libraries' contribution
Monitoring cost
Custom built dwellings
Financial contribution to mitigate on impact of Hatfield Forest
Contribution to Public Rights of Way adjacent to the site
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 stops – east and west of Parsonage Road
Residential Travel Plans
E- Car Club Space

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
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; Early Years and Secondary
Libraries' contribution
Monitoring cost
Custom built dwellings
Financial contribution to mitigate on impact of Hatfield Forest
Contribution to Public Rights of Way adjacent to the site
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 stops – east and west of Parsonage Road
Residential Travel Plans
E- Car Club Space

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 lack of delivery of the following mitigation:

Lack of provision of 40% affordable housing
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; Early Years and Secondary
Lack of libraries' contribution
Lack of monitoring cost
Lack of custom-built dwellings
Lack of financial contribution to mitigate on impact of Hatfield Forest
Lack of contribution to Public Rights of Way adjacent to the site
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 stops – east and west of Parsonage Road
Lack of E-Car Club space**

CONDITIONS:

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

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

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

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

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

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

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

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

5. Concurrent with the Reserved Matter submission, 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.

6. Concurrent with the Reserved Matters submission, 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 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. Concurrent with the Reserved Matters submission, a Design Stage Biodiversity Net Gain Assessment, in line with the CIEEM report & audit templates (2021) shall be submitted to and approved in writing by the local planning authority which provides a minimum of 10% measurable biodiversity net gain, using the Defra Biodiversity Metric 3.0 or any successor. The content of the Biodiversity Net Gain Assessment should include the following:
- Baseline data collection and assessment of current conditions on site.
 - A commitment to measures in line with the Mitigation Hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity.
 - Provision of the full BNG calculations, with detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality.
 - Details of the implementation measures and management of proposals.
 - Details of the monitoring and auditing measures.

The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

REASON: In order to demonstrate measurable net gains and allow the LPA to discharge its duties under the NPPF (2021) and in accordance with the adopted Uttlesford Local Plan 2005 - Policy GEN7

8. Concurrent with the Reserved Matters submission, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures.
 - b) detailed designs to achieve stated objectives.
 - c) locations of proposed enhancement measures by appropriate maps and plans.
 - d) timetable for implementation.
 - e) persons responsible for implementing the enhancement measures.
 - f) details of initial aftercare and long-term maintenance (where relevant).

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

REASON: To 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.

9. Concurrent with the Reserved Matters submission, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate 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.

10. Prior to the commencement of the development hereby permitted, details of a scheme of mitigation measures aimed to achieve a noise level not exceeding 55dBLAeq in the outdoor amenity areas of all dwellings shall be submitted to and approved in writing by the local planning authority. Details shall include the position, design, height and materials of any acoustic barrier proposed, along with calculations of the barrier attenuation. The scheme as approved shall be fully implemented prior to occupation of the residential units and shall be retained thereafter.

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

11. Prior to the commencement of the development hereby permitted, details of the scheme of design and sound insulation to achieve the internal noise levels recommended in BS 8233:2014 and for individual noise events to not normally exceed 45 dB L_{Amax} shall be submitted to and approved in writing by the local planning authority. The details shall include the internal configuration of rooms, and the specification and reduction calculations for the external building fabric, glazing, mechanical ventilation, and acoustic barriers. If the internal noise limits can only be achieved with closed windows, then alternative means of both whole dwelling and purge ventilation should be provided to allow residents to occupy the properties at all times with windows closed, having regard to thermal comfort. The scheme as approved shall be fully implemented prior to occupation of the residential units and shall be retained thereafter. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

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

12. No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:
- (i) a survey of the extent, scale and nature of contamination.
 - (ii) an assessment of the potential risks to human health, adjoining land, groundwater and surface waters.

REASON: 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.

13. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, and the natural environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The remediation scheme shall be implemented in accordance with the approved timetable of works and prior to the commencement of development other than that required to carry out the remediation, unless otherwise agreed by the local planning authority. Within 2 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

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.

14. Prior to the commencement of the development, a detailed Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:
- a) The construction programme and phasing
 - b) Hours of operation, delivery and storage of materials
 - c) Details of any highway works necessary to enable construction to take place
 - d) Parking and loading arrangements
 - e) Details of hoarding
 - f) Management of traffic to reduce congestion
 - g) Control of dust and dirt on the public highway
 - h) Details of consultation and complaint management with local businesses and neighbours
 - i) Waste management proposals
 - j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.

k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

All works shall be carried out in accordance with the approved CMP thereafter

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.

15. 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.

16. 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 are agreed, and that 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.

17. 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 indicates that the proposed development lies within a sensitive area of heritage assets. Excavations directly north of the proposed development, in advance of the A120, have recovered extensive Roman archaeological deposits including a roundhouse, droveways and quarrying pits (EHER45255). A cremation burial (EHER45256) was recovered indicating a cemetery in the area. Trial trenching for the proposed G2 expansion identified a large Roman site coming down to the edge of the A120 to the north of the application area, which will probably extend into the application area. The northern boundary of the site is formed by the footpath from Takeley Church running eastwards to Little Canfield, historically called the coffin or corpse road. There is therefore the potential for Roman and medieval archaeological features and

deposits within the proposed development area. and to accord with the adopted Uttlesford Local Plan 2005 - Policy ENV4

18. 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 indicates that the proposed development lies within a sensitive area of heritage assets. Excavations directly north of the proposed development, in advance of the A120, have recovered extensive Roman archaeological deposits including a roundhouse, droveways and quarrying pits (EHER45255). A cremation burial (EHER45256) was recovered indicating a cemetery in the area. Trial trenching for the proposed G2 expansion identified a large Roman site coming down to the edge of the A120 to the north of the application area, which will probably extend into the application area. The northern boundary of the site is formed by the footpath from Takeley Church running eastwards to Little Canfield, historically called the coffin or corpse road. There is therefore the potential for Roman and medieval archaeological features and deposits within the proposed development area, and to accord with the adopted Uttlesford Local Plan 2005 - Policy ENV4

19. 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 indicates that the proposed development lies within a sensitive area of heritage assets. Excavations directly north of the proposed development, in advance of the A120, have recovered extensive Roman archaeological deposits including a roundhouse, droveways and quarrying pits (EHER45255). A cremation burial (EHER45256) was recovered indicating a cemetery in the area. Trial trenching for the proposed G2 expansion identified a large Roman site coming down to the edge of the A120 to the north of the application area, which will probably extend into the application area. The northern boundary of the site is formed by the footpath from Takeley Church running eastwards to Little Canfield, historically called the coffin or corpse road. There is therefore the potential for Roman and medieval archaeological features and deposits within the proposed development area, and to accord with the adopted Uttlesford Local Plan 2005 - Policy ENV4

20. 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 indicates that the proposed development lies within a sensitive area of heritage assets. Excavations directly north of the proposed development, in advance of the A120, have recovered extensive Roman archaeological deposits including a roundhouse, droveways and quarrying pits (EHER45255). A cremation burial (EHER45256) was recovered indicating a cemetery in the area. Trial

trenching for the proposed G2 expansion identified a large Roman site coming down to the edge of the A120 to the north of the application area, which will probably extend into the application area. The northern boundary of the site is formed by the footpath from Takeley Church running eastwards to Little Canfield, historically called the coffin or corpse road. There is therefore the potential for Roman and medieval archaeological features and deposits within the proposed development area. and to accord with the adopted Uttlesford Local Plan 2005 - Policy ENV4

21 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

22. 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

23. Prior to any occupation of the development, the access, as shown in principle on submitted drawing number W371/PL/SK/238 PO1 shall be provided with the addition of 3.5m footway/cycleway connections from the site to the highway network to the north and south of the access and including appropriate crossing points, the scheme of works to be subject to technical and safety audits

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

24. A footway/cycleway shall be provided to the southern boundary of the site to provide a link to a footway/cycleway on any development that may be constructed or have permission to the south of this site. The Owners and/or Developer shall not cause there to be any legal or physical barriers to impede the passage of pedestrians or cyclists 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 accord with the adopted Uttlesford Local Plan 2005 - Policy GEN1

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

REASON: To mitigate against impact of the development on signalised junction by helping increase capacity and providing facilities for cyclists, to accord with the adopted Uttlesford Local Plan 2005 - Policy GEN1

2. DESCRIPTION OF THE SITE.

- 2.1 The site measures an area of 6.65 HA and is currently in agricultural use. The site is located on the northern edge of Takeley and adjoins existing residential dwellings to the southwest. The western boundary of the site is also partially formed by land which is subject to an outline planning permission for a residential care home UTT/19/0394/OP. Parsonage Road form the remainder of the site's western boundary.
- 2.2 To the south, the site boundary is made up of a linear row of mature trees/hedgerow. At the south-eastern corner of the site this row of trees/hedgerow is adjacent to an area of Ancient Woodland at Priors Wood. Beyond the Ancient Woodland to the north, the eastern site boundary is again formed by mature trees and hedgerow. The site's northern boundary is formed by the bund and vegetation which runs immediately adjacent to the A120.
- 2.3 Beyond Parsonage Road, to the west, is agricultural land which is subject to an outline planning approval UTT/19/0393/OP for up to 120 dwellings.
- 2.4 Also included in the red line site area is a corridor of agricultural land which stretches to the west and connects to Takeley Brook.

3. PROPOSAL

- 3.1 Within the overall site area of 6.65 hectares, the development proposals provide an area of 2.85 Ha for residential development, achieving 88 dwellings, of which up to 35, or 40% of the total, are to be affordable housing units. The residential area identified on the Parameter Plan can support a mix of house types and tenures to deliver the housing the local market needs. The exact housing mix will be confirmed at the reserved matters stage when the layout and other matters of detail are determined.
- 3.2 A total of 10% of the dwellings proposed would be for self-build and custom build plots.
- 3.3 A total of 5% of the dwellings proposed would be bungalows / built to Category 3 (wheelchair user) housing M4 (3) (2) (a) wheelchair adaptable.

4. ENVIRONMENTAL IMPACT ASSESSMENT

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

5. APPLICANTS CASE

- 5.1 The application is supported by the following documents:

Design and Access Statement
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
Woodland Management Plan
Bat survey Report

6. RELEVANT SITE HISTORY

- 6.1 An EIA Screening Opinion was provided on the 09th of September 2021, which advised that the proposed development did not merit an Environmental Statement under the terms of the 2017 Regulations (UTT/21/2467/SCO).

Land to the West

- 6.2 In February 2019, an Outline application (UTT/19/0393/OP) with all matters reserved except access, for development of up to 119 no. Dwellings (including affordable housing) including vehicular and pedestrian accesses, infrastructure, open space, footpath links, children's play area, landscaping, green infrastructure, surface water management, wastewater pumping station and associated works. Provision of either a community building (D1 use class) or 1 no. additional dwelling was submitted to the Local Planning Authority on land to the west of this application site. This application was refused by the Local Planning Authority on the 29th of July 2019; the planning appeal was subsequently allowed at appeal on the 31st January 2020.
- 6.3 In March 2019, a planning application (UTT/19/0394/OP) was submitted on land to the west of the application site as an Outline application with all matters reserved except access, for development of a care home (use class C2) with up to 66 bed spaces, including vehicular and pedestrian access, parking, infrastructure, landscaping, and associated works; this application was refused by the Local Planning Authority on the 29th of July 2019. This application was subsequently approved at Appeal on the 31st January 2020.

7. CONSULTATIONS

- 7.1 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

- 7.2 Takeley Parish Council Object to the application. A full copy of their Representations is included as **Appendix 1** to this Report. Recently, Takeley PC have made a request for a contribution being made towards a Sports Pavilion within the village; this request is currently being assessed against the s106 package of measures and whether this conforms to the tests within CIL Regulations.

Place Services Specialist Archaeological Advice

- 7.3 Recommendation: No objections, subject to an archaeological programme of Trial Trenching followed by open area excavation

ECC Place Services - Ecology

- 7.4 No objection subject to securing biodiversity mitigation and enhancement measures.

Uttlesford District Council Housing Enabling Officer

- 7.5 Advise that that they have no objections to the proposals, and further state 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 affordable housing provision on this site will attract the 40% policy requirement as the site is for up to 88 units. This amounts to up to 35 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers. It is also the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes) as well as 5% of all units to be bungalows delivered as 1- and 2-bedroom units. This would amount to 4 bungalows across the whole site delivered as 2 affordable units and 2 for open market. The mix and tenure split of the properties are given below; this mix should be indistinguishable from the market housing, in clusters of no more than 10 with good integration within the scheme and be predominately houses with parking spaces. Homes should meet the following standards: 1 bed property house 2 people, 2 bed properties house 4 persons, 3 bed properties house 5 persons and 4 bed properties house 6 persons.

Place Services Built Heritage

- 7.6 Advise that there are no objections to the application on built heritage grounds

Uttlesford District Council Environmental Health

- 7.7 Advise that there are no objections on Noise, Contamination or Air Quality issues, subject to the introduction of suggested planning conditions.

Thames Water

- 7.8 No objections subject to conditions

National Trust

- 7.9 Advise that the proposed development is approximately 1.4km from the SSSI, National Nature Reserve areas and ancient woodland of Hatfield Forest which extends over 424 hectares, including Wall Wood and Woodside Green. The area has been owned and managed by the National Trust since 1924. Of greatest significance is that Hatfield Forest is the finest surviving example of a small Medieval Royal Hunting Forest. The Forest's ecological and historic importance is reflected in its designations - for its considerable ecological significance and especially for its veteran trees and old growth woodland on undisturbed soils. The forest is experiencing rapid and unsustainable growth in visitor numbers which is putting it under considerable pressure and there are signs that the SSSI, NNR and other designated/protected features there are being damaged. In order to advance its understanding of these issues as well as an understanding of visitor numbers, origin and behaviour when visiting the Forest, the Trust, with support from Natural England (NE), commissioned consultants Footprint Ecology to undertake visitor surveys and prepare an impact management report to help build a practical strategy for the Forest going forward. This established a 'Zone of Influence' (ZOI), within which this site falls. A copy of this report (the Hatfield Forest 'Visitor Survey and Impact Management Report 2018') has been sent to Uttlesford District Council. Natural England also wrote to your planning department in April and September 2019 to alert you to this evidence and advise that where relevant, planning decisions are informed by this.
- 7.10 The Footprint Ecology report describes the issues arising from recreational pressure in more detail and recommends the development of a strategy to mitigate these impacts in order that new development can meet planning policy requirements (including NPPF para.180). There are also duties on LPAs under section 28G (2) of the Wildlife and Countryside Act 1981 to take reasonable steps as part of the authority's functions to further the conservation and enhancement of SSSI's. Furthermore, there is a specific obligation on an authority under section 28I where it is proposing to permit an operation likely to damage a SSSI, to give Natural England prior notice. Having regard to the evidence and in accordance with the above requirements it is considered that the impacts of the development on Hatfield Forest should be addressed. New housing development within the ZOI will contribute further (both individually and cumulatively) towards recreational pressure on the Forest. Whilst it is acknowledged that this was not an issue when the current Local Plan was adopted and that the draft new local plan has recently been withdrawn from examination, there is nonetheless evidence now available which identifies an issue at a SSSI which Natural England has identified as warranting mitigation. This evidence formed part of discussions with the LPA, Natural England, and the Planning Inspectorate as

part of the Local Plan process. The Post Stage 1 Hearings letter from PINS to the LPA (dated 10th January 2020) acknowledged that the Inspector's shared the concerns raised by NE about a lack of mitigation measures to address recreational impacts of new housing development on Hatfield Forest and stated that the matter needed resolving. Although the submission Local Plan was withdrawn, the issue remains and on the advice of Natural England a bespoke solution should be sought on a case-by-case basis in the absence of an up-to-date Plan. Based on recommendations set out in the 'Visitor Survey and Impact Management Report', and as referred to in Natural England's letter, the National Trust, in consultation with Natural England, has prepared a costed Mitigation Strategy. This includes a costed package of mitigation measures. The National Trust and Natural England sent a joint letter in June 2021 to notify your Council of the Mitigation Strategy and included a copy of the document.

On-Site Mitigation

- 7.11 We welcome the on-site mitigation measures set out in the submitted Ecology Report (Para.6.11) which would include public open space, an 800-metre walking route and dogs off-lead area. It should be ensured that the delivery of these is secured by condition/legal agreement and available for use by residents prior to the first occupation of the dwellings. However, Hatfield Forest offers other visitor experiences which could not be replicated on a new site. It is used for a range of recreational activities including jogging, cycling, wildlife watching, family outings and photography. It also includes visitor infrastructure such as a café, toilet, shop and education building. This makes it vulnerable to current and future demand. Even if on-site mitigation is proposed, it is considered that there will still be a residual recreational impact on Hatfield Forest which needs to be mitigated.

Off-Site Mitigation

- 7.12 We are pleased that the applicant acknowledges the recreational pressure that new development will place on Hatfield Forest and that a financial contribution is proposed to address residual impacts. In the absence of a tariff setting out a cost per dwelling a contribution of £13,200 would be proportionate to requests made for other developments within the ZOI, based on the number of dwellings proposed. The Hatfield Forest Mitigation Strategy is being used by the property team to address recreational impacts at Hatfield Forest. A copy of this can be provided if required. The Strategy seeks a proportion of costs to be met through developer contributions, the rest would met by the National Trust. Examples of priority works from the Strategy include veteran tree management, soil decompaction, ride side ditching, temporary ride closures. Furthermore, now that we have this evidence and baseline information, fundamental to the monitoring of this will be on-going survey work. This includes independent visitor surveys every 5 years, annual impact surveys, soil compaction analysis and gate counter data. The costed measures are set out on Pages 13-25 of the Mitigation Strategy.

MAG London Stansted Airport

- 7.13 No objections, subject to conditions

National Highways

7.14 No objections.

Woodland Trust

7.15 The Trust **objects** to this planning application unless the applicant can provide the adjacent ancient woodland with a suitable buffer zone to protect Prior's Wood from the detrimental impacts of the development. The application has responded to the position of the Woodland Trust, and any further comments will be reported to Committee

NATS Safeguarding

7.16 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

7.17 Advise that whilst there are no apparent concerns with the layout to comment further, we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures. We would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with this policy by achieving a Secured by Design Homes award. An SBD award is only achieved by compliance with the requirements of the relevant Design Guide ensuring that risk commensurate security is built into each property and the development as a whole.

NHS West Essex Clinical Commissioning Group

7.18 Advise that 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.

8. REPRESENTATIONS.

2 letters of representations have been received.

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
- 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.
- Listed buildings need to be protected
- Lack of health provision, water supply and sewage, school places
- Cumulative impact
- Air quality and noise impacts

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 (2021)

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 Noise, Contamination and 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.. 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 3.52 years (Five Year Housing Land Supply update April 2021).
- 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).
- 10.6 The provision of 88 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 3.52-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 88 dwellings, including 40% affordable houses. The proposals also include areas of open space of 2.3 hectares, biodiversity net gain, and associated education and health care mitigation
- 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.
- 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 recent planning appeals allowed in the vicinity of this application site which relates to development within the Countryside Protection Zone
- 10.20 Within the recent appeal decisions 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 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.

10.23 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);

10.24 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.

10.25 This application is in outline only, with detailed matters reserved for future consideration. However, the parameter plans submitted with the application do provide an indication that the proposed layout and form of the development would be of an appropriate standard, in terms of the provision of housing and associated public open space, which is indicated at levels more than prescribed standards

C Housing Mix (Uttlesford Local Plan Policy H10)

10.26 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.

10.27 The proposal relates to an outline application for the erection of 88 dwellings 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, together with self/ custom build dwellings. The future proposals would provide an appropriate mix of housing and would comply with Policy H10.

10.28 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%).

10.29 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);

10.30 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.

10.31 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.

10.32 The Local Highway Authority have advised that this application was accompanied by a Transport Assessment which has been reviewed by the highway authority in conjunction with a site visit and internal consultations. The assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework 2021 and in particular paragraphs 110 – 112, the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.

10.33 The development will be accessed through a roundabout junction approved under planning applications UTT/19/0394 and UTT/19/0393 and currently going through detailed design and technical approval with the highway authority but will be enhanced with walking and cycling connections to the network from the site.

10.34 As well as the transport assessment a detailed note was submitted with the application showing the cumulative impact of approved developments and the recently refused Warish Hall Farm and application UTT/21/3311 (115 dwellings) which is yet to be determined. The highway authority has assessed the note and is satisfied that with the proposed mitigation the cumulative, residual impact on the highway network will not be severe.

10.35 The mitigation focusses on promoting sustainable transport with a travel plan supported by contributions to improve local bus services, cycle connections to Stansted Airport and a car club. The proposed conditions also include capacity improvements for the junction at Four Ashes, although it is likely

these will come forward before this development with the other approved development in the location.

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

D Biodiversity (Uttlesford Local Plan policy GEN7)

- 10.37 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

- 10.38 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.

- 10.39 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.

- 10.40 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.

- 10.41 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.

- 10.42 A construction environmental Management Plan is also required to be submitted and secured by a suitable condition.

- 10.43 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.

- 10.44 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

- 10.45 The National Trust welcome the on-site mitigation measures set out in the submitted Ecology Report (Para.6.11) which would include public open

space, an 800-metre walking route and dogs off-lead area. Further, the National Trust are pleased that the applicant acknowledges the recreational pressure that new development will place on Hatfield Forest and that a financial contribution is proposed to address residual impacts. In the absence of a tariff setting out a cost per dwelling a contribution of £13,200 would be proportionate to requests made for other developments within the ZOI, based on the number of dwellings proposed. The Hatfield Forest Mitigation Strategy is being used by the property team to address recreational impacts at Hatfield Forest

10.46 The approval of the submitted Parameter Plan would see the delivery of approximately 2.3ha of new public open space; this would be an overprovision of 1.62hectares when assessed against standards. Notwithstanding the comments of the Woodland Trust, the width of the landscape buffer as indicated on the Tree Survey and Parameter Plan exceeds guidance provided by Government.

10.47 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 Policy GEN7.of the adopted Local Plan 2005.

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

10.48 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;

10.49 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.

10.50 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.

10.51 Statutory consultees have identified the requirement for financial contributions should the development be approved to mitigate impacts. NHS England has stated a requirement for £45,270 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.

10.52 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, and Residential Travel Plans, 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.

10.53 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.

10.54 The application can therefore consider totally compliant with Policy GEN6 of the Local Plan,

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

10.55 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.

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

G Noise, Contamination and Air Quality (NPPF and Uttlesford Local Plan ENV13)

10.57 The application site is 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.

10.58 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.

10.59

Further, the Environmental Health Officer recommends conditions in terms of Noise and Contamination. On this basis, the proposals would comply with Policies GEN4 and ENV14 of the adopted Local Plan.

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

10.60 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. Policy ENV4 deals with archaeology.

10.61 There are no objections to the application of built heritage or archaeological grounds, subject to conditions. The proposal would therefore comply with the aims of Policies ENV2 and ENV4 of the adopted Uttlesford Local Plan 2005.

I Climate Change

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

10.63 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.

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

10.65 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%.

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. PLANNING BALANCE

- A.** The submitted proposal would on balance, considering 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 3.52 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,
- 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, by way of the submitted Parameter Plan
- C** It is anticipated that 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, consistent with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan
- 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. The proposal provides for public open space in excess of the national standards.
- 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** There are no objections to the application on built heritage or archaeological grounds. The proposals would comply with the aims of the adopted Uttlesford Local Plan – Policies ENV2 and ENV4.

- I** The proposal is compliant with the Uttlesford Councils adopted Interim Climate Change document.