



**ITEM NUMBER: 4**

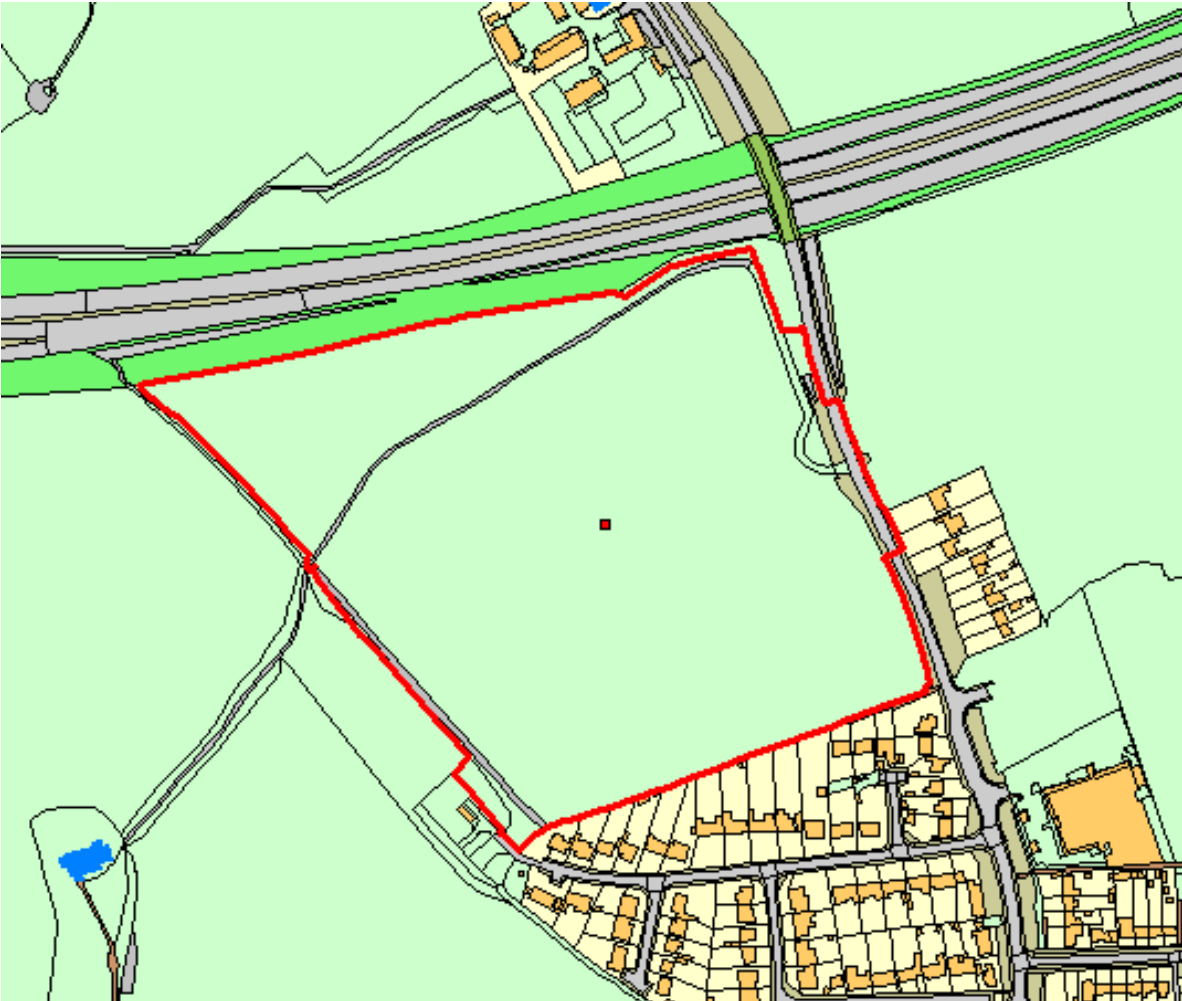
**PLANNING COMMITTEE 27 APRIL 2022**

**DATE:**

**REFERENCE NUMBER: UTT/22/0152/DFO**

**LOCATION: LAND WEST OF PARSONAGE ROAD, TAKELEY**

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: 14 April 2022

**PROPOSAL:** Details following outline application UTT/19/0393/OP (approved under appeal reference APP/C1570/W/19/3234530), details of appearance, landscaping, layout and scale for the erection of 110 no. dwellings with associated open space, landscaping and other drainage and highway infrastructure.

**APPLICANT:** Stonebond (Chelmsford) Ltd

**AGENT:** Pegasus Group

**EXPIRY DATE:** 26 April 2022

**EOT Expiry Date:**

**CASE OFFICER:** Henrietta Ashun

**NOTATION:** Outside Development Limits  
Countryside Protection Zone

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

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## **1. EXECUTIVE SUMMARY**

- 1.1** Planning permission is sought for reserved matters in relation to an approved outline scheme for up to 119 dwellings. This reserved matters application is for 110 dwellings and relates to layout, scale, landscaping and appearance.
- 1.2** It is considered that the details submitted meet local and national policy requirements and material considerations have been duly taken into account.
- 1.3** The proposed layout, scale, landscaping and appearance adopt many of the design principles incorporated in the approved parameters plan set out within the outline planning approval.
- 1.4** The applicant has worked with the LPA to produce a high-quality sustainable development that would provide much needed accommodation in the district.

## 2. **RECOMMENDATION**

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

A) Conditions

## 3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The application site measures approximately 9.52 ha and is located outside the development limits of Takeley on the northern edge of the village. The site slopes gently from east to north-west. The site constitutes two fields in arable use located on the western side of Parsonage Road and to the south of the A120.
- 3.2 There is residential development located to the south of the site. The A120 is the northern boundary and Parsonage Road the eastern boundary. There are agricultural fields to the west and a church is located within the rural setting to the west of the site.
- 3.3 A public right of way passing through the northern part of the site forming part of a wider network of footpaths, including providing connection to the church.

## 4. **PROPOSAL**

- 4.1 Planning permission is sought for reserved matters following outline application UTT/19/0393/OP (approved under appeal reference APP/C1570/W/19/3234530) for details of appearance, landscaping, layout and scale for the erection of 110 no. dwellings with associated open space, landscaping and other drainage and highway infrastructure.
- 4.2 Of the 110 dwellings, 11 are allocated as custom build properties and 44 are provided as affordable homes.
- 4.3 Outline Planning consent was granted at appeal for access only for a development of up to 119 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 and either a community building (use class D1); or a dwelling', appeal reference APP/C1570/W/19/3234530, planning application reference UTT/19/0393/OP on the 31<sup>st</sup> January 2020.

A Section 106 agreement is secured to provide:  
affordable housing (40% with 70% Affordable Rented and 30% intermediate)  
self-build and custom-build housebuilding plots  
open space

play area provision  
 health contributions  
 mitigation measures to offset likely impacts on the Hatfield Forest Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR),  
 skylark mitigation  
 education contribution  
 highway improvements  
 improvements to the public rights of way (PROW)

4.4 Reserved matters are now sought in relation to details of appearance, landscaping, layout and scale. The applicant has made changes through the process to address minor concerns raised by Council Officers (Landscape, Urban Design, Housing) and the Highway Authority. Changes have also been made to further address some of the comments of the Parish Council.

5. **ENVIRONMENTAL IMPACT ASSESSMENT**

5.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017; as such the outline application did not require an Environmental Impact Assessment.

6. **RELEVANT SITE HISTORY**

6.1

Reference	Proposal	Decision
UTT/21/1103/NMA	Non-material amendments to UTT/19/0393/OP including- enlargement of the extent of the developable area to the northwest as well as minor variations along the western, northern and eastern boundaries	Approved
UTT/21/3745/DOC	Application to discharge condition 9 (Written Scheme of Investigation) attached to UTT/19/0393/OP (approved under Appeal APP/C1570/W/19/3234530 - Appeal A)	Discharged in part
UTT/22/0119/NMA	Non-material amendment to UTT/19/0393/OP approved at APP/C1570/W/19/3234530 - Variation to location of four arm roundabout.	Approve

UTT/21/3782/FUL	Construction of temporary access at Land Off Parsonage Road Adjacent To A120	Under consideration
UTT/18/3250/SCO	Request for a screening opinion for development of up 120 dwellings with associated landscaping and infrastructure	Opinion Given

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

**7.1** The Localism Act requires pre-application consultation on certain types of planning applications made in England. As such the following consultation events have been held by the applicants:

- The Applicant gave a pre-application presentation to Members of Parish
- Takeley Parish Council at a meeting on 14th January 2022
- Leaflets were distributed to addresses around the site explaining the proposal
- A dedicated website was also created and the address was included on the leaflet.

**7.2** Pre-application discussions with officers from Uttlesford District Council were held.

**7.3** The applicant has entered into a Planning Performance Agreement (PPA) with Uttlesford District Council.

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

### **8.1 Highway Authority**

**8.1.1** From a highway and transportation perspective the impact of the proposal shown in drawings numbers CHE228-CON-XX-00-DR-C-95- /120 rev P02 /008 rev P01 /009 rev P01, is acceptable to the Highway Authority subject to mitigation and conditions.

### **8.2 Health and Safety Executive**

**8.2.1** The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore, at present HSE does not need to be consulted on any developments on this site. However, should there be a delay submitting a planning application for the proposed development on this site, you may wish to approach HSE again to ensure that there have been no changes to CDs in this area in the intervening period.

### **8.3 National Highways**

**8.3.1** Referring to the consultation on a planning application dated 27 January 22 referenced above, in the vicinity of the A120 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

a) offer no objection (see reasons at Annex A)

### **8.4 Local Flood Authority**

**8.4.1** Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the reserved matter application reference UTT/22/0152/DFO. The application will be subject to the same conditions applied to outline planning reference UTT/19/0393/0P.

The Sustainable Drainage proposals submitted with the reserved matter application require further clarification on the following matters and need to be addressed during the detailed planning process.

Greenfield runoff calculation method requires further site investigation at detail design stage to support HOST class, with further evidence to support the greenfield runoff calculations.

It is required for the drainage design to provide interception storage in line with Essex SuDS Design Guide.

Surface runoff treatment from the southern part of the development. Further clarification on the very small swale without a retention facility before entering the attenuation pond. We would ask clarification on swale functionality to achieve runoff treatment for medium pollution hazard land use category.

We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively.

### **8.5 Environment Agency**

**8.5.1** Thank you for your consultation dated 26 January 2022. We have reviewed the application as submitted and have no comments. We previously commented on this application at the outline stage under reference AE/2019/123950, dated 5 April 2019.

### **8.6 Natural England**

**8.6.1** SUMMARY OF NATURAL ENGLAND'S ADVICE: NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED We consider that without appropriate mitigation the application has potential to damage or destroy the interest features for which Hatfield Forest Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR) has been notified. Natural England is working alongside the National Trust

in carrying out research into visitor patterns, impacts and mitigation measures to Hatfield Forest SSSI/NNR.

To date, this work has included winter and summer visitor surveys and identified a Zone of Influence (Zoi) of 14.6km which has been shared with your authority with the view of establishing a strategic solution for visitor impacts to the Forest. On this basis, this application falls within the currently identified Zoi for recreational impacts to Hatfield Forest SSSI, NNR, whereby new housing within this zone is predicted to generate impacts and therefore will be expected to contribute towards mitigation measures, such as a financial contribution.

Whilst we are working towards a strategic solution, Natural England advises that for the purposes of addressing the interim situation, a bespoke mitigation package should be sought for this application, which we suggest is designed in consultation with the National Trust as site managers. In the absence of a strategic solution, Natural England would not want to see any permissions granted that would create a precedent of acceptability for additional housing developments close to Hatfield Forest SSSI, NNR. As these mitigation's are in the process of being defined in a 'mitigation package', we cannot comment further at this stage of the particulars of a future mitigation strategy. In order to mitigate these adverse effects mitigation measures are required / or mitigation options should be secured.

## **8.7 Sport England**

- 8.7.1** Thank you for consulting Sport England on the above application. The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case but would wish to give the following advice to aid the assessment of this application.

General guidance and advice can however be found on our website:  
<https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-forsport#> planning applications.

## **9. PARISH COUNCIL COMMENTS**

- 9.1** Takeley Parish Council have objected on the following grounds:

Houses have few character features  
Window treatment is unclear  
The position of the 3-storey block is not supported and would dominate streetscene  
Buildings adjacent to roundabout should be moved  
Further provision of bungalows  
Lack of visitor parking  
Enhance planting requested along entire length of northern boundary



A financial contribution is sought to maintain/enhance existing community hall financial contribution sought for off site enhancement of sports facilities to include a new sports pavilion

## **10. CONSULTEE RESPONSES**

### **10.1 UDC Housing Enabling Officer**

I am pleased to note that following a discussion with the applicant the number of affordable rented flats has been reduced and the number of affordable rented houses has been increased. The affordable and market housing mix now meets the need identified within the SHMA 2017 and the inclusion of both market and affordable bungalows is welcomed.

The affordable provision is also well integrated within the site. The proposed properties also meet or exceed the Nationally Described Space Standards (NDSS). The revised amenity garden plan shows that the majority of plots will have gardens that meet or exceed the minimum sizes recommended in the Essex Design Guide (EDG). However, the proposed 3-bedroom properties plots 57, 71, 72 and 105 to 108 will have gardens ranging from 68sqm to 75sqm against a recommended garden size of 100sqm.

#### **10.1.1 UDC Urban Design Officer**

When considered against the available policy (GEN2 Design) taking into account positive and negative aspects of the scheme, and on balance, an overall objection on urban design grounds is not raised. When considered against the building for healthy life there are points for improvement which are detailed in this assessment”.

### **10.2 UDC Environmental Health**

#### **10.2.1** I have been asked to consider further information submitted in response to the consultation responses dated 16th February 2022 and 8th March 2022.

The applicant has submitted additional information in the form of a revised noise assessment - Planning Condition Report dated 23/03/2022 Project Reference: 65202433-SWE-ZZ-XX-YA-0001 Revision: C03.

The report seeks to demonstrate compliance with condition 20 that was imposed at appeal ref APP/C1570/W/19/3234530 regarding the noise mitigation measures obligatory to achieve the desired internal and external noise levels.

Specifically, section 6 deals with the specifications required to achieve the required internal noise levels. In summary I can confirm that if the dwellings are constructed in accordance with the details given, and in particular section 6.3 relating to the installation of continuous mechanical

extract ventilation (MEV), and the overall detail given in Appendices C & D the condition relating to internal noise levels will be met.

Section 7 deals with outside amenity levels and has revised the boundary treatment plan to include the standard garden boundary treatments (i.e., fences), at a height of 1.8m above ground, as well as a number of barriers, assumed to be brick walls, to a height of 3.2m, which have been detailed in figure 4. These amendments have been used to produce a revised noise contour map in figure 5, it should be noted that the modelling has been based on the barriers being more than 10 kg/m<sup>2</sup>. In summary, whilst the shows significant improvement from the previously submitted model it still does not demonstrate full compliance with the condition. However, it must be considered that the majority of the plots do fall below the required noise levels and that the demonstrated exceedances are marginal and that in the circumstances increasing the height of barriers to achieve full compliance would not be reasonable nor practicable.

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

**10.3.1** My recommendations have been incorporated into the revised planting plans, together with the surface treatment of the paths. The details are considered satisfactory and can be approved.

### **10.4 Place Services (Conservation and Heritage)**

**10.4.1** Built Heritage Advice pertaining to an application for the Details Following Outline application of UTT/19/0393/OP (approved under appeal Ref: APP/C1570/W/19/3234530), details of appearance, landscaping, layout and scale. For the development of up to 199 dwellings with associated open space, landscaping and other drainage and highway infrastructure.

The application site is an area of agricultural land to the west of Parsonage Road and north of modern development within Takeley. The Grade I listed Church of The Holy Trinity (list entry number: 1168843) is located to the west of the site and across the dual carriageway to the north is the Grade II listed Old House Farmhouse (list entry number: 1322590). There is also a Public Right of Way which traverses the site to the Church.

It is important to note that the Inspector from the Appeal concluded that the development would fail to preserve the setting of the Grade I listed building, the Church of The Holy Trinity, the harm being at the lower end of the spectrum. Upon review of the submitted documents, I do not consider the proposals to result in any additional harm, as found by the Inspector previously under the appeal, Ref: APP/C1570/W/19/3234530, therefore I raise no objection to this application.

### **10.5 Place Services (Ecology)**

**10.5.1** No objection subject to securing biodiversity mitigation and enhancement measures

## Summary

We have reviewed the Scheme of Ecological Mitigation & Enhancement (Applied Ecology Ltd., January 2022) and Biodiversity Net Gain Assessment Report (Applied Ecology Ltd.) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats and identification of appropriate mitigation measures.

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

The S106 agreement includes a payment to Hatfield Forest as a contribution to the Site Access Management and Monitoring Measures Strategy undertaken by the National Trust. The site has also provided informal, semi-natural areas, a circular dog walking route, play areas, trim trail stations and links with existing public rights of way.

Skylark Mitigation has also been secured by a S106 agreement with plots being provided off site.

The proposals will also provide 30 integrated sparrow terraces and 29 integrated bat boxes, Hedgehog Highways and over 10% biodiversity net gain in habitats.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats. The mitigation and enhancement measures, including a sensitive lighting strategy, were secured by conditions at outline planning stage alongside a Landscape and Ecological Management Plan (LEMP) and Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) and so no further conditions are required.

We support the proposed reasonable biodiversity enhancements, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021). We would support the additional provision of Swift boxes, which have been shown to be used by a number of species.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

## **10.6 Place Services (Archaeology)**

10.6.1 The archaeological condition recommended on outline application UTT/19/0393/OP required a programme of archaeological trial trenching and excavation. The Written Scheme of Investigation for the trial trenching has been submitted and approved but the archaeological works have not yet been undertaken. Therefore, the condition is reiterated.

**RECOMMENDATION:** An Archaeological Programme of Trial Trenching followed by Open Area Excavation

1. No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which

has been submitted by the applicant and approved by the planning authority prior to reserved matters applications being submitted.

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

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

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

#### Reason for Archaeological recommendation

The Historic Environment Record indicates that the proposed development lies within a significantly sensitive area of heritage assets. The proposed development area is located in close proximity to previous archaeological excavations on the A120 and the G2 expansion of Stansted Airport. Within the Site, to the northwest, exists the remains of a Medieval deserted settlement (EHER4597) which is centred around the church. Excavations directly northeast of the proposed development have recovered extensive Roman archaeological deposits including a roundhouse, droveways and quarrying pits (EHER45255). A single cremation burial (EHER45256) was recovered to the east indicating a cemetery in the area. It is likely that these multi period deposits extend into the area proposed for development.

## **10.7 Crime Prevention Officer**

**10.7.1** Whilst there are no apparent concerns with the layout to comment further, we would require the finer detail such as the proposed lighting, planned apartments mail delivery, access control and visitor entry systems, and physical security measures.

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

## **10.8 Manchester Airport Group**

**10.8.1** The Safeguarding Authority for Stansted Airport has assessed the revised details provided and unfortunately, we must maintain our objection due to its potential to increase the risk of a Birdstrike to aircraft using Stansted Airport.

In detail:

Previously we requested more detail on the wetland meadow to include management/mitigation measures – there is still no further details on the proposed wetland meadow.

Previously we requested details on marginal planting around SuDS and also confirmation that no basin will include any islands – details of this have still not been supplied.

Should any building be proposed on the development which includes a flat/shallow-pitched roof then detailed mitigation/management measures will need including in a robust BHMP – mitigation details are in place for roof spaces within the BHMP should any building with this type of roof be added to the development, however, more detail is required including a monitoring programme for any buildings with flat-roofs and that removal of birds/eggs/nests is carried out under the guidance of the Natural England CL-12 license.

Other key details to include in the final BHMP include: all the below details are still missing from the updated

BHMP:

- (although details of monitoring are included) more details are required on how/when this will be carried out and also should be in agreement with STN
- Record keeping to include allowing STN to have sight of them
- Failure Criteria
- Site inspection and access by STN
- Review of BHMP process
- In perpetuity statement’ – reference to the BHMP being to ‘remain in force for the life of the development’ is made in Section 1.7, however, it also states that the BHMP will only be implemented on completion of the development. This requires amendment as the BHMP also includes mitigation measures for the construction phase.

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.

## **10.9 NATS Safeguarding**

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

Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

## **11. REPRESENTATIONS**

**11.1** Site notice/s were displayed on site and 178 notifications letters were sent to nearby properties. A press notice was also issued.

### **11.3 Objections:**

**11.3.1** Noise

**11.3.2** Water pressure

**11.3.3** Drainage and flooding

**11.3.4** Infrastructure

**11.3.5** Schools

**11.3.6** Coalescence

**11.3.7** Lack of renewable energy sources

**11.3.8** Loss of landscaping and biodiversity

**11.3.9** Anti-social behaviour

**11.3.10** Lack of Services

**11.3.11** Overlooking

**11.3.12** Airport related parking

## **12. MATERIAL CONSIDERATIONS**

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

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

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

- (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

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

#### **12.4 The Development Plan**

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

### **13. POLICY**

#### **13.1 National Policies**

- 13.1.1** National Planning Policy Framework (2021)

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

- 13.2.1** S7 – The Countryside Policy  
S8 – The Countryside protection zone  
GEN1- Access Policy  
GEN2 – Design Policy  
GEN3 -Flood Protection Policy  
GEN4 - Good Neighbourliness Policy  
GEN5 –Light Pollution Policy  
GEN6 - Infrastructure Provision Policy  
GEN7 - Nature Conservation Policy  
GEN8 - Vehicle Parking Standards Policy  
H9 - Affordable Housing,  
Policy H10 - Housing Mix Policy  
ENV2 - Development affecting Listed Buildings Policy

ENV3 - Open Space and Trees, Policy  
ENV4 - Ancient monuments and Sites of Archaeological Importance  
Policy - ENV5 - Protection of Agricultural Land Policy  
ENV10 - Noise Sensitive Development, Policy  
ENV13 - Exposure to Poor Air Quality Policy  
ENV14 - Contaminated Land

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

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

## **14. CONSIDERATIONS AND ASSESSMENT**

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

**14.2** **A) Principle of Development**  
**B) Housing Supply**  
**C) Housing Mix**  
**D) Layout**  
**E) Scale**  
**F) Landscaping**  
**G) Appearance**  
**H) Highways**  
**I) Other Matters**

**14.3** **A) Principle of development**

**14.3.1** Planning history

**14.3.2** Outline planning permission was previously granted on the site, following an appeal which was allowed on the 31<sup>st</sup> January 2020, appeal reference APP/C1570/W/19/3234530. This scheme will be referred to within this report as the 'approved outline scheme' and the Planning Inspectors comments within the appeal decision will also be referenced accordingly.

**14.3.3** It should be noted that a non-material amendment to the approved outline parameter plans was granted which allowed the enlargement of the development area to the north-west and other changes to allow for further landscaping including a greater provision of green spaces within the developable area and to ensure that appropriate design standards can be met.

**14.3.4** Below are key headlines in relation to the approved outline scheme:

Up to 119 dwellings (including affordable housing)  
open space



children's play area  
wastewater pumping station  
and either a community building OR a dwelling

The applicant has proposed 110 dwellings (9 less than approved) which is allowed under the parameters of the development description. No community building is proposed; however the parameters stated a community building or a dwelling would be provided and there are no conditions on the approved outline consent which restrict this.

- 14.3.5** The site is located Outside of Development Limits and within the Countryside Protection Zone, as such Policy S7 and S8 are relevant. The development will also result in the loss of agricultural land, therefore policy ENV5 is relevant.

Notwithstanding the above, the principle of the development has been accepted at Outline application stage. Of note, in terms of coalescence with the airport, the Inspector noted "*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 some harm. However, again that harm would be limited due to a number of factors*". Therefore, the harm was identified albeit it was quantified as limited.

- 13.3.6** In conclusion the Inspector stated "*Taking all considerations in to account, the benefits of the appeal development are very weighty, the adverse impacts limited. Together, they indicate that the adverse impacts of granting permission in this case would not significantly and demonstrably outweigh the benefits. Overall, therefore, the material considerations in this case indicate a decision should be made other than in accordance with the development plan and therefore the appeal should be allowed*".

Effectively the principle of housing development on this site has been established and the outline planning consent is a key material consideration subject to detailed consideration of the potential development impacts and consideration of relevant policies.

## **14.4 B) HOUSING SUPPLY**

- 14.4.1** The NPPF 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 (5 YHLS update April 2021).

- 14.4.2** Paragraph 11 of the NPPF considers the presumption of sustainable development, this includes where there are no relevant development plan policies, or where policies which are most important for determining the application are out-of-date. This includes where the 5 YHLS cannot be delivered. As the council is currently unable to demonstrate a 5 YHLS, increased weight should be given to housing delivery when considering

the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

**14.4.3** The proposed development would contribute to the provision of housing in the district where there is an evident need, and the balance is tilted in favour of the provision of housing. Again, this principle has been established and accepted.

## **14.5 C) HOUSING MIX**

**14.5.1** Policy H10 Housing Mix of the adopted Local Plan requires new developments to provide a mix of dwelling types. A mixture of housing types are proposed to suit different needs. 11 custom build plots are also proposed.

Housing mix:

1BF/Mais	12	11%
2BF/Mais/FOG	14	13%
2BH	10	9%
3BH	39	35%
4BH*	35	32%
Total	110	100%

**14.5.2** 95% of the properties will be M4(2) and 6 units will be M4(3) bungalows. All of the houses across the site are Nationally Described Space Standard compliant and changes have been made as requested by the Housing and Enabling Officer to enable the affordable and market housing mix to meet the need identified within the SHMA 2017 and the inclusion of both market and affordable bungalows is welcomed.

**14.5.3** Policy H9 states that the Council will seek to negotiate on a site-to-site basis an element of affordable housing of 40%. 44 affordable homes are pepper-potted across the site in 'clusters' of no more than 10 units which are clearly separated. The houses are tenure blind. The proposed properties also meet or exceed the Nationally Described Space Standards (NDSS).

**14.5.4** The revised amenity garden plan shows that the majority of the plots will have gardens that meet or exceed the minimum sizes recommended in the Essex Design Guide. There are 5 plots with a garden which is somewhat below the guidance (68-75 m<sup>2</sup> rather than 100 m<sup>2</sup>). This guidance does not form part of adopted Policy and given that the level of provision is not significantly below requirements and only applies to a small proportion of the units, on balance this is considered acceptable and would not warrant a refusal

## **14.6 D) LAYOUT**

**14.6.1** National and local policies seek to secure good quality design which respects general townscape and the setting of heritage assets and is a key aspect of sustainable development.

**14.6.2** Policy GEN2 of the Local Plan states seeks to ensure that design of all new development is compatible with the scale, form, layout, appearance and materials of surrounding buildings. Policy GEN2 of the Local Plan states seeks to ensure that design of new development would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.

**14.6.3** The layout refers to buildings, routes and open spaces within the development and how they are laid out.

**14.6.4** The applicant has provided a table showing the lands uses and open space as shown below:

Land Use	Area (ha)
Application Area	9.61
Development Area	4.25
Proposed Woodlands	1.05
Area of open space	3.43
Highways works	0.38
Drainage	0.50

**14.6.5** The approved parameters plan sets out the arrangement of the uses within the scheme. From the mid-point to the southern boundary is the residential component called the 'development area' which includes open space and vehicle parking, the north of which is public open space. To the north-western extent of the site woodland is proposed. As such, the proposed reserved matters correspond with the approved parameters plan.

**14.6.6** The Council's Urban Design Officer stated that *"taking into account positive and negative aspects of the scheme, and on balance, an overall objection on urban design grounds is not raised. When considered against the building for healthy life there are points for improvement which are detailed in this assessment"*.

**14.6.7** The Urban Design Officer gave a combination of green and amber scores based on the 'Building for a Healthy Life' standard. One red score was given in relation to 'healthy streets'. This element has been further discussed with the applicant and the following comments and points of clarification were provided:

Some of the trees shown lining the street are within areas of public realm and will be managed by a management company or adopted, whilst others will be located within private front gardens. In these instances, a

restrictive covenant will be introduced on plot purchasers to ensure that the trees are retained and maintained in perpetuity. The suggested covenant wording is: "Not to cut down, damage or remove any existing tree or hedge on the Property or any other plant planted pursuant to the requirements of the Authorities".

Breaking the road or transitioning to a shared surface would be unacceptable to the Highways Authority without a substantial redesign to the road hierarchy and site layout to provide appropriate access and turning.

Speed restraint in the form of humps has been provided on the road, and, therefore, buildouts/narrowing is not considered necessary to manage traffic speeds

The natural curve of the looped access ensures permeability is retained and avoids speeding

Raised tables are shown

Acceptable footway materials in the Essex Highways Design and Construction Manual are black tarmac or concrete block paving

Notwithstanding adoption issues, the highways consultant team would not recommend buff tarmac as utility companies will only reinstate their openings in black tarmac leading to an increasingly patchwork appearance over the life span of the development

The applicant has agreed to the use of conditions to cover comments made about additional street furniture and materials used for parking areas.

**14.6.8** It is concluded therefore that the proposed layout adopts the design principles incorporated in the approved Parameter Plan set out within the Outline Planning Approval. Further, these proposals have been assessed against the Building for Life principles and no objections have been raised by the Urban Design Officer in this regard. The proposal is therefore considered to be consistent with the provisions of Policies GEN2 of the adopted Uttlesford Local Plan 2005.

**14.6.9** Policy ENV2 requires development affecting a listed building to be in keeping with its scale, character and surroundings. The Grade I listed Church of The Holy Trinity (list entry number: 1168843) is located to the west of the site. The Inspector stated that he affords "*great weight to the conservation of designated heritage assets. I consider that the harm to the significance of the heritage asset identified would be less than substantial at the lower end of that spectrum*". Taking this into account, Place Services Heritage do not consider the proposals to result in any additional harm, as found by the Inspector previously and therefore raise no objection.

- 14.6.10** It is clear that the harm to heritage assets has previously been identified and is considered to outweigh the public benefits which still exist.
- 14.6.11** The separation distances afforded between facing habitable room windows within the proposed development itself are satisfactory in and would prevent a loss of privacy and provide suitable daylighting.
- 14.6.12** Units will have access to amenity space which is secure and useable.
- 14.6.13** Given that the only use would be residential in nature, this would be in keeping with the locality.
- 14.6.14** Therefore, it is unlikely that the proposed development would directly detract from the amenities of the neighbouring occupiers. Overall, the scheme complies with Policies GEN2 and GEN4.
- 14.6.15** The applicant has proposed the following sustainability measures:  
Sustainable construction techniques  
Fabric First approach  
Glazing designed to maximise daylight and optimise solar gains.  
Improving water efficiency  
Provision of electric vehicle charging points for all dwellings
- 14.6.16** No renewable energy sources are proposed as noted by the Urban Design Officer; however the applicant seeks to exceed current building control requirements by 9-10%. This is considered to be acceptable and adheres to some of the principles in the Interim Climate Change Policy.

## **14.7 E) SCALE**

- 14.7.1** The scale refers to information on the size of the development including height, width and length of the proposed buildings. The masterplan has been designed to comply with the building heights parameter plan which is an approved plan and forms part of the outline consent.
- 14.7.2** The proposed development achieves a gross density of 26 dwellings per hectare based on a developable area of 4.25 hectares overall.
- 14.7.3** In terms of storey heights, the parameter plan demonstrates that the development area is set up to 3 storeys, however it would be predominately 2 storeys with element of 2.5 to 3 storeys. On the edge of the development area, on the southern extent of the site, the dwellings are up to 2 storeys.
- 14.7.4** The proposed details reflect the parameter plan and propose the following:  
The majority of units extending 2 storeys in height with single storey garages

Single storey bungalows proposed on the south-eastern part of the development area

1 x 3 storey building is proposed providing an apartment block located at the site entrance off Parsonage Road

- 14.7.5** The Urban Design Officer raised concerns over the 3 storey apartment block height on the rural edge, however it is noted that this is the only 3 storey building and the scale is in keeping with the parameter plan as part of the outline consent which is a material consideration. It should be observed that a condition was imposed on the outline consent noting that the 'reference to the storey height of buildings on the parameter plan is for illustrative purposes only'- to show what could be proposed and to ensure the scale of the development is appropriately considered.
- 14.7.6** Notwithstanding the above, a significant proportion of the development area was shown as 'up to 3 storeys' on the parameters plan. This has been duly considered and reviewed by the applicant during the design process resulting in a single 3 storey element. Furthermore, the number of units have been reduced from the maximum units permitted (119), to allow for a more sensitive scheme.
- 14.7.7** Furthermore, the majority of the units are 2 storey and the 3 storey element creates a gateway into the site providing interest and a landmark within the development.
- 14.7.8** It is therefore concluded that the proposed master plan complies with the approved building heights parameter plan. The proposals are therefore considered to be generally consistent with the provisions of Policies GEN2 and GEN4 of the adopted Uttlesford Local Plan 2005.

## **14.8 F) LANDSCAPING**

- 14.8.1** Landscaping refers to the improvement or protection of amenities of the site and surrounding area. Policy ENV3 (open spaces and trees) seeks to ensure that trees and open spaces are not lost unless the need for development outweighs their amenity value.
- 14.8.2** The parameter plan shows the existing vegetation proposed to be retained on the western boundary and along the Public Right of Way to the north of the site. A woodland is proposed on the north-western part of the site and a large open space area. The proposed detailed plans reflect this and show the woodland measuring 1.06 ha and open space measuring 3.43 ha. The open space includes a walking route, a children's play area, SuDS feature, landscaping and amenity open space. Incidental pocket greens are also located within the development.
- 14.8.3** The applicant proposes a landscape led approach to the proposed development and a multi-functional Green and Blue Infrastructure masterplan has been produced in keeping with the parameters plan. The following elements are proposed:

Landscaping including tree planting and hedgerow along routes and boundaries

Coppiced woodland to be created along the north of the open space.

Woodland walk with key locations for 'play on the way' trim trail stations.

Natural play space to include a selection of timber play items, mounding and natural play elements.

Pocket parks with 'play on the way' stations.

Seasonally wet attenuation areas, including swales

- 14.8.4** Many of the trees and hedgerow will be retained on site, however in order to accommodate the development and access the following are proposed to be removed: 2 low quality or poor longevity trees, 4 whole low quality landscape features and sections of 5 low quality/ poor longevity landscape features.
- 14.8.5** The Landscaping Officer has stated that his recommendations have been incorporated into the revised planting plans, together with the surface treatment of the paths as such the details are considered satisfactory.
- 14.8.6** The proposals are therefore considered to be consistent with the provisions of Policies ENV3 and GEN2 of the adopted Uttlesford Local Plan 2005.
- 14.8.7** Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 states that: 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'
- 14.8.8** Natural England raised no objection subject to providing sufficient mitigation. The S106 agreement agreed at outline stage includes a payment to Hatfield Forest as a contribution to the Site Access Management and Monitoring Measures Strategy undertaken by the National Trust. The proposed development also provides informal, semi-natural areas, a circular dog walking route, play areas, trim trail stations and links with existing public rights of way. Skylark Mitigation has also been secured by a S106 agreement with plots being provided off site. The proposals will also provide 30 integrated sparrow terraces and 29 integrated bat boxes, Hedgehog Highways and over 10% biodiversity net gain in habitats.
- 14.8.9** As a result of the retention of vegetation, creation of habits, new flora and woodland, the development will result in a net gain of +6.84 habitat area units which is equivalent to a net gain of +29.53%. The submitted documents have been duly reviewed by the Place Services Ecologist who have stated that no objection is raised subject to securing the proposed biodiversity mitigation and enhancement measures.
- 14.8.10** Please note that that an amended plan was submitted to MAG to address concerns raised within their objection with regards to the bird hazard management plan.

**14.8.11** Subject to the recommended conditions, the application proposal is considered to accord with ULP Policy GEN7 and the NPPF.

## **14.9 G) APPEARANCE**

**14.9.1** Paragraph 126 of the NPPF states that “*the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*”. As such, the design quality of the proposal should be duly considered in the overall planning balance.

**14.9.2** The design ethos is centred on interpreting local patterns to create a *simple minimalistic architectural language*. Symmetry and regularity are main features in the design. Articulation is proposed through the use of canopy’s, porches, gables, bays and dormers.

**14.9.3** The proposed design has achieved a ‘simple contemporary’ style for the house types. Three palettes of material combinations are proposed for the walls, roofs and door colours: Contemporary Edwardian, Contemporary Cottage and Contemporary Barn.

**14.9.4** In general terms, the appearance of the development which would enhance the setting of the development. The proposals are therefore considered to be consistent with the provisions of Policies GEN2 of the adopted Uttlesford Local Plan 2005.

## **14.10 H) HIGHWAYS**

**14.10.1** Policy GEN1 seeks to ensure that development is only permitted if the access is appropriate, traffic generation does not have a detrimental impact on the surrounding road network, it is designed to meet the needs of people with disabilities and it encourages sustainable modes of transport.

**14.10.2** The outline consent agreed all matters related to access and off-site highway works.

**14.10.3** The vehicular access remains the same via Parsonage Road. The spine road runs east of west within the site. The Highways Authority have stated that the impact of the proposal is acceptable subject to the following mitigation and conditions.

**14.10.4** The proposed development also connects into the existing network of rights of way and footpaths surrounding the site. The development includes cycle and pedestrian links.



**14.10.5** Policy GEN 8 applies appropriate car parking standards which include minimum cycle spaces and maximum vehicle spaces. 1 bed units are provided with 1 parking space and 1 cycle space; 2 bed units are provided with 2 parking spaces and 2 cycle spaces; 3 bed units are provided with 2 parking space and 2 cycle spaces; and 4 bedroom units are provided with 4 parking spaces (2 within the garage) and 2 cycle spaces. 27 visitor parking spaces are now proposed. The Highways Authority have reviewed the provision and consider it acceptable. Cycle parking will also now be provided at the LEAP at the suggestion of the Highway Authority.

**14.10.6** The Highways Authority have stated that the impact of the proposal is acceptable subject to the following mitigation and conditions.

**14.10.7** The parking provision is considered acceptable given the sustainable location of the site, including the enhancement and provision of pedestrian links and enhanced public transport.

## **14.11 I) OTHER MATTERS**

### **14.11.1 Noise**

**14.11.2** Policy ENV10 of the Local Plan seeks to ensure that residential development will not be permitted if the occupants would experience significant noise disturbance. The internal noise experienced by future occupiers are within the properties meet specified guidance. The noise and mitigation report has been amended to improve the noise levels within the garden areas. The Environmental Health Officer noted *“whilst this shows significant improvement from the previously submitted model it still does not demonstrate full compliance with the condition. However, it must be considered that the majority of the plots do fall below the required noise levels and that the demonstrated exceedances are marginal “*. It is considered that on balance the applicant has improved the layout to ensure any harm is not undue. Furthermore, the Inspector did not consider noise to be an issue and the approved scheme is in keeping with the approved parameters. Moreover, it is observed that the guidance is not adopted policy and the proposal does not depart significantly from the prescriptive guidance. On balance it is considered that the impact of noise from surrounding sources would be an acceptable for future occupiers.

### **14.11.3 Flooding**

Policy GEN3 contains the Local Plan policy for flooding, although this has effectively been superseded by the more detailed and up-to-date flood risk policies in the NPPF and the accompanying PPG. The outline consent included conditions to ensure the flood risk is minimised and drainage is sufficient.

**14.11.4** The Local Lead Flood Authority have not objected to the proposal and consider that the original conditions from the outline should be imposed in order to seek further information. It is noted that these conditions are still in force and would need to be duly discharged by the applicant.

**14.11.5** Overall, it is considered that the proposals comply with GEN3 and ENV12 of the Local Plan.

## **14.12 PLANNING BALANCE**

**14.12.1** The LPA are unable to demonstrate a 5 YHLS, therefore paragraph 11d of the NPPF is engaged, and the titled balance should be in favour of housing.

**14.12.2** At outline stage there was harm identified by the Inspector including harm to heritage assets (albeit less than substantial), loss of agricultural land and harm to the CPZ, landscape and visual impacts; however, it was considered that the benefits of the scheme outweighed the harm. As such the principle of the development has been established.

**14.12.3** The planning benefits of the site includes the provision of provision of 110 high quality new homes of a range of sizes, types and tenures including 40% affordable units; provision of public open space; new habitat; and improvements to connectivity.

**14.12.4** It is considered that the public benefits of the scheme as a whole which includes the provision of a significant amount of housing are such that they outweigh any harm.

## **15. ADDITIONAL DUTIES**

### **15.1 Public Sector Equalities Duties**

**15.1.1** The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

**15.1.2** The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

## **15.2 Human Rights**

**15.2.1** There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application

## **16. CONCLUSION**

**16.1** The submitted Reserved Matters would accord with the development plan and National Planning Policy Framework 2022, and no material considerations indicate that the application should be refused.

**16.2** The application accords with policy, will provide an important contribution to housing land supply position in a high-quality design led scheme.

It is therefore recommended that approval be granted subject to conditions.

## **17. CONDITIONS**

**1** Dwellings 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 areas and associated turning areas shall be retained in this form at all times. 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 Uttlesford Local Plan Policy GEN1.

**2** Dwellings shall not be occupied until such time as their associated cycle parking indicated on the approved plans, has been provided.

REASON: To ensure appropriate bicycle parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 3** At an agreed phase in the development a walking/cycle link on to Parsonage Road from the point opposite plot number 8/9 with a minimum of width of 3m shall be provided.

REASON: To provide safe and convenient walking and cycle access in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Policy GEN1 of the Uttlesford Local Plan.

- 4** Any planting adjacent to the public rights of way to be planted a minimum of 3m from the extent of the public right of way.

REASON: To maintain a clear passage for pedestrians without encroachment from vegetation in accordance with Uttlesford Local Plan Policy GEN1.

- 5** If within a period of 10 years from the date of planting the tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.

REASON: To ensure the suitable provision of landscaping within the site in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005)

- 6** Prior to occupation details of the location of additional street furniture shall be submitted and approved by the Local Planning Authority prior to the occupation of the development.

REASON: To ensure an acceptable standard of development in accordance with Uttlesford Local Plan Policy GEN2.

- 7** The proposed hedging adjacent to the PROW shall be included in the maintenance regime for the development, to ensure the is kept hedging clear of the definitive route of the Public Right of Way.

REASON: To ensure the continued safe passage of pedestrians on the public right of way and accessibility in accordance with Policies DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, and Uttlesford Local Plan Policy GEN1.

- 8** Prior to occupation materials used for parking spaces shall be submitted and approved by the Local Planning Authority prior to the occupation of the development.

REASON: 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 and ENV3 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

- 9** Boundary treatment and associated landscaping of the specified units subject to additional mitigation within the noise report ref. 65202433-SWE-ZZ-XX-YA-0001 Revision: C03 to be submitted for and approved by the Local Planning authority prior to the construction of those units.

REASON: To ensure an acceptable standard of development in accordance with GEN2 and GEN4 of the Uttlesford Local Plan 2005.

## Statutory Consultee responses:

Your Ref: UTT/22/0152/DFO  
Our Ref:HT/TPD /SD/KW/ 33183/4B  
Date:- 11/04/2022



Essex County Council

Paul Crick  
Director for Highways and Transportation

CC: Essex Highways DM  
Cllr S Barker

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

County Hall  
Chelmsford  
Essex CM1 1QH

### Recommendation

Application No. UTT/22/0152/DFO

Applicant Stonebond (Chelmsford) Ltd

Site Location Land West Of Parsonage Road, Takeley

Proposal Details following outline application UTT/19/0393/OP (approved under appeal reference APP/C1570/W/19/3234530), details of appearance, landscaping, layout and scale for the erection of 110 no. dwellings with associated open space, landscaping and other drainage and highway infrastructure.

### Note

The initial application has been adjusted to reflect the highways comments dated the 17/03/2022 and 04/04/2022. This response supersedes both those responses.

**From a highway and transportation perspective the impact of the proposal shown in drawings numbers CHE228-CON-XX-00-DR-C-95- /120 rev P02 /008 rev P01 /009 rev P01, is acceptable to the Highway Authority subject to the following mitigation and conditions:**

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

1. Dwellings 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 areas and associated turning areas shall be retained in this form at all times. 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

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Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

2. Dwellings shall not be occupied until such time as their associated cycle parking indicated on the approved plans, has been provided. **Reason:** To ensure appropriate bicycle parking is provided In accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
3. At an agreed phase in the development a walking/cycle link on to Parsonage Road from the point opposite plot number 8/9 with a minimum of width of 3m shall be provided. **Reason:** To provide safe and convenient walking and cycle access in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
4. Any planting adjacent to the public rights of way to be planted a minimum of 3m from the extent of the public right of way. **Reason:** to maintain a clear passage for pedestrians without encroachment from vegetation.

**Informatives:**

- (i) As part of the S38 agreement a parking scheme to control airport fly parking, similar to those in adjacent residential areas should be considered.
- (ii) If required one visitor parking space maybe used to accommodate a car club vehicle.

- (iii) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.
- (iv) Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- (v) The Applicant should provide for agreement, information regarding their drainage proposals i.e. draining by gravity/soakaways/pump assisted or a combination thereof. If it is intended to drain the new highway into an existing highway drainage system, the Developer will have to prove that the existing system is able to accommodate the additional water.
- (vi) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

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- (vii) The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no **20 (Takeley)** shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

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

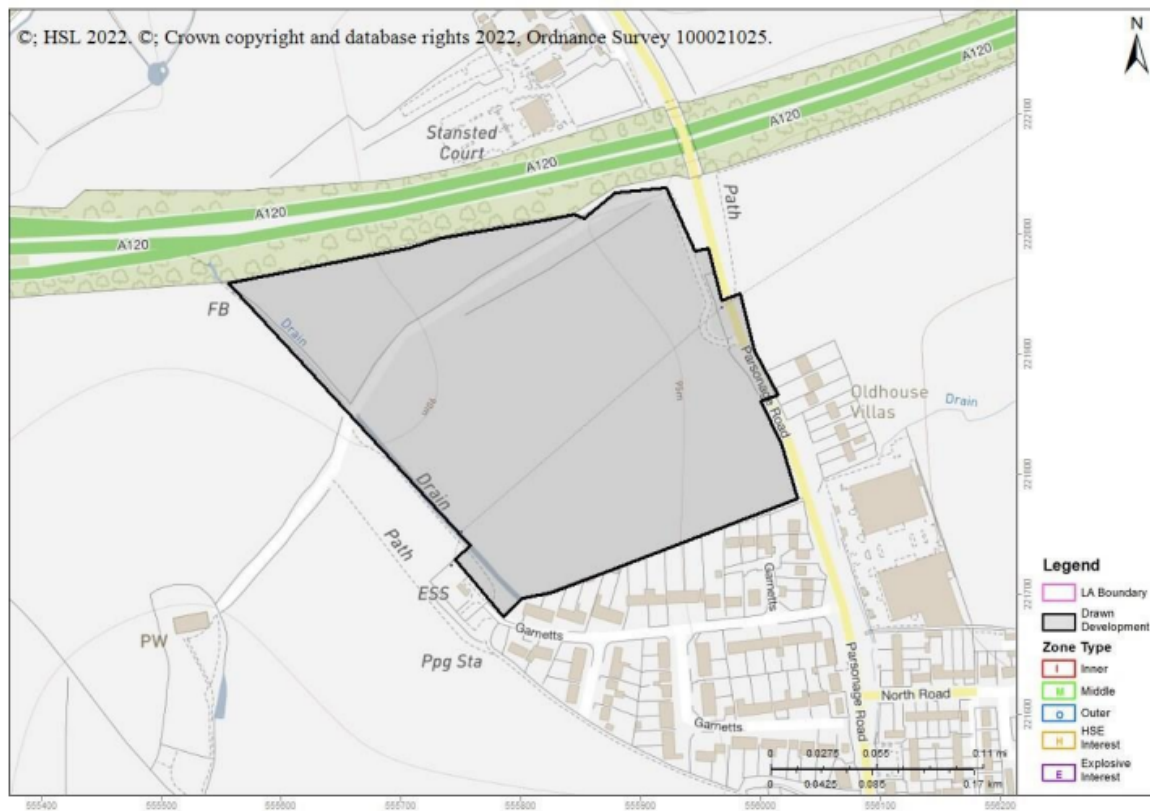


**Advice :** HSL-220126131626-45 Does Not Cross Any Consultation Zones

**Your Ref:** UTT/22/0152/DFO

**Development Name:**

**Comments:**



The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site. However, should there be a delay submitting a planning application for the proposed development on this site, you may wish to approach HSE again to ensure that there have been no changes to CDs in this area in the intervening period.



**National Highways Planning Response (NHPR 21-09)  
Formal Recommendation to an Application for Planning Permission**

From: Martin Fellows(Regional Director)  
Operations Directorate  
East Region  
National Highways  
[PlanningEE@highwaysengland.co.uk](mailto:PlanningEE@highwaysengland.co.uk)

To: Uttelsford District Council

CC: [transportplanning@dft.gov.uk](mailto:transportplanning@dft.gov.uk)  
[spatialplanning@highwaysengland.co.uk](mailto:spatialplanning@highwaysengland.co.uk)

**Council's Reference: Utt/22/0152/DFO**

**Location: Land of of Parsonage Road Takeley**

**Proposal:** Details following outline application  
UTT/19/0393/OP (approved under  
appeal reference  
APP/C1570/W/19/3234530), details  
of appearance, landscaping, layout  
and scale for the erection of 110 no.  
dwellings with associated open  
space, landscaping and other  
drainage and highway  
infrastructure.

Referring to the consultation on a planning application dated 27 January 22 referenced above, in the vicinity of the A120 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

- a) offer no objection (see reasons at Annex A);

- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);~~
- ~~e) recommend that planning permission not be granted for a specified period (see reasons at Annex A);~~
- ~~d) recommend that the application be refused (see reasons at Annex A)~~

**National Highways Planning Response (NHPR 21-09) September 2021**

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Highways Act 1980 Section 175B is not relevant to this application.<sup>1</sup>

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the [Town and Country Planning \(Development Affecting Trunk Roads\) Direction 2018](#), via [transportplanning@dft.gov.uk](mailto:transportplanning@dft.gov.uk) and may not determine the application until the consultation process is complete.

## Annex A National Highway's assessment of the proposed development

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regards to UTT/22/0152/DFO and has been prepared by Mark Norman.

This application is unlikely to result in a severe impact upon the Strategic Road Network.

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<sup>1</sup> Where relevant, further information will be provided within Annex A.

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



Ms Henrietta Ashun  
Uttlesford District Council  
Planning Services

Date: 2<sup>nd</sup> March 2022  
Our Ref: SUDS-005804  
Your Ref: UTT/22/0152/DFO

Dear Madam,

**Consultation Response – UTT/22/0152/DFO: Land West of Parsonage Road, Takeley CM22 6PU**

Thank you for your email received on 03/02/2022 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15<sup>th</sup> April 2015.

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

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

**Lead Local Flood Authority position**

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the reserved matter application reference UTT/22/0152/DFO. The application will be subject to the same conditions applied to outline planning reference UTT/19/0393/0P.

The Sustainable Drainage proposals submitted with the reserved matter application require further clarification on the following matters and need to be addressed during the detailed planning process.

- Greenfield runoff calculation method requires further site investigation at detail design stage to support HOST class, with further evidence to support the greenfield runoff calculations.

- 
- It is required for the drainage design to provide interception storage in line with Essex SuDS Design Guide.
  - Surface runoff treatment from the southern part of the development. Further clarification on the very small swale without a retention facility before entering the attenuation pond. We would ask clarification on swale functionality to achieve runoff treatment for medium pollution hazard land use category.

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

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

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

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

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

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

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

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

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

### **INFORMATIVES:**

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed

SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).

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

Yours sincerely,

**Richard Atkins**  
**Development and Flood Risk Officer**  
Team: Green Infrastructure and Sustainable Drainage  
Service: Climate Action and Mitigation  
Essex County Council





Henrietta Ashun  
Uttlesford District Council  
Development Control  
Council Offices London Road  
Saffron Walden  
Essex  
CB11 4ER

**Our ref:** AE/2022/126813/01-L01  
**Your ref:** UTT/22/0152/DFO  
**Date:** 16 February 2022

Dear Ms. Ashun

**DETAILS FOLLOWING OUTLINE APPLICATION UTT/19/0393/OP (APPROVED UNDER APPEAL REFERENCE APP/C1570/W/19/3234530), DETAILS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR THE ERECTION OF 110 NO. DWELLINGS WITH ASSOCIATED OPEN SPACE, LANDSCAPING AND OTHER DRAINAGE AND HIGHWAY INFRASTRUCTURE.**

**LAND WEST OF PARSONAGE ROAD, TAKELEY**

Thank you for your consultation dated 26 January 2022. We have reviewed the application as submitted and have no comments. We previously commented on this application at the outline stage under reference AE/2019/123950, dated 5 April 2019.

We trust this is useful

Yours Sincerely

A handwritten signature in blue ink, appearing to be the letter 'M'.

Date: 24 February 2022  
Our ref: 382085  
Your ref: UTT/22/0152/DFO

Henrietta Ashun  
Principal Planning Officer  
Uttlesford District Council

**BY EMAIL ONLY**



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

T 0300 060 3900

Dear Ms Ashun,

**Planning consultation:** Details following outline application UTT/19/0393/OP (approved under appeal reference APP/C1570/W/19/3234530), details of appearance, landscaping, layout and scale for the erection of 110 no. dwellings with associated open space, landscaping and other drainage and highway infrastructure

**Location:** Land West Of Parsonage Road, Takeley

Thank you for your consultation on the above dated and received by Natural England on 26 January 2022.

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

**SUMMARY OF NATURAL ENGLAND'S ADVICE: NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED**

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

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

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

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

In the absence of a strategic solution, Natural England would not want to see any permissions granted that would create a precedent of acceptability for additional housing developments close to Hatfield Forest SSSI, NNR. As these mitigation are in the process of being defined in a 'mitigation package', we cannot comment further at this stage of the particulars of a future mitigation strategy.

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

### **Further advice on mitigation**

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

More recently, the National Trust has undertaken visitor surveys to establish a Zone of Influence (Zol) 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 Zol . New residential housing within this Zol 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 Zol to confirm Natural England's position via the letter dated 5th April 2019 and letter dated 24<sup>th</sup> September 2019 . More recently, a joint letter from Natural England and the National Trust (dated 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.

We would take this opportunity to highlight your authorities duties under the Wildlife and Countryside Act 1981 (as amended), notably under section 28G with respect of the SSSI. Appropriate measures, such as the mitigation outlined above, should therefore be taken to ensure

the conservation and enhancement of the SSSI. This is further reflected within paragraphs 174 and 180 of the NPP, whereby authorities should seek to protect and enhance the natural environment, including sites of biodiversity value.

In terms of Local Policy, which in this case is the current adopted Uttlesford DC Local plan (2005), we note that policy ENV7 refers to the protection of the Natural Environment and designated sites. The policy states that "Development proposals that adversely affect areas of nationally important nature concerns, such as Sites of Special Scientific Interest and National Nature Reserves will not be permitted unless the need for development outweighs the particular importance of the nature conservation value of site or reserve...".

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

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

We consider that the provision of 'on-site' measures, within the red line boundary of the site, will be important in helping to reduce the frequency of visits to sensitive designated sites and that they should be effectively designed to provide both the quantity and quality required. We would advise that as the Local Planning Authority, an assessment should be made as to whether the on-site provision, such as green infrastructure is sufficient 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.

Notwithstanding this, the unique draw of the identified designated site means that even well-designated, 'on-site' provisions are unlikely to fully mitigate impacts. Natural England therefore agrees that it is appropriate to consider the agreement of 'off-site' mitigation measures (outside of the red line boundary). As stated, the development of a strategic solution is currently underway which will include a mitigation package, though this has not yet been developed. As per the 'on-site' measures, Natural England would therefore recommend in the interim period, until these strategic mitigation measures have been identified, that a suitably worded planning condition or obligation is attached to any planning permission. We would recommend discussion in correspondence with the National Trust as site managers to determine appropriate and proportionate mitigation for this application.

Natural England therefore advises that permission should not be granted until such time as these

Page 3 of 5

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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 geoconservation group or other recording society and a local landscape characterisation document in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

### ***Protected Species***

Natural England has produced [standing advice](#)<sup>1</sup> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

### ***Environmental gains***

Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Development also provides opportunities to secure wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way;
- Restoring a neglected hedgerow;
- Creating a new pond as an attractive feature on the site;
- Planting trees characteristic to the local area to make a positive contribution to the local landscape;
- Using native plants in landscaping schemes for better nectar and seed sources for bees and

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

- birds;
- Incorporating swift boxes or bat boxes into the design of new buildings;
- Designing lighting to encourage wildlife;
- Adding a green roof to new buildings;

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

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

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

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

### ***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](#).



**Subject:** [External] UTT/22/0152/DFO - Land West Of Parsonage Road Takeley CM22 6RJ  
**Date:** 27 January 2022 16:14:08

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Thank you for consulting Sport England on the above application.

The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application.

General guidance and advice can however be found on our website:

[https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#planning\\_applications](https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#planning_applications)

If the proposal involves the **loss of any sports facility** then full consideration should be given to whether the proposal meets Par. 97 of National Planning Policy Framework (NPPF), link below, is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

If the proposal involves the provision of a **new sports facility**, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes:

<http://sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

If the proposal involves the provision of additional **housing** ( then it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

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

NPPF Section 8: <https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-communities>

PPG Health and wellbeing section: <https://www.gov.uk/guidance/health-and-wellbeing>

Sport England's Active Design Guidance: <https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design>

*Please note: this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.*

Yours sincerely,

Planning Administration Team

[Planning.central@sportengland.org](mailto:Planning.central@sportengland.org)

Subject: [External] App Ref: UTT/21/3269/DFO: Land To The North West Of Henham Road, Elsenham  
Date: 30 March 2022 16:52:57

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For the attention of Henrietta Ashun  
Dear Ms. Ashun

**App Ref: UTT/21/3269/DFO: Land To The North West Of Henham Road, Elsenham (Sport England Ref: PA/21/E/UT/60088)**

Thank you for consulting Sport England on the amended plans and information that have been submitted in relation to the above application. Since our formal response dated 26<sup>th</sup> November 2021 was submitted the applicant has engaged with Sport England to address some of the comments made in this previous response focused around the sports ground layout and the pavilion design. Following consideration of the amended plans I can advise that the comments made in our previous response about the sports ground layout and the pavilion design have been substantially addressed and that the proposed design of both the sports ground and the pavilion is broadly welcomed.

However, I would wish to make the following advisory comments based on the amended plans:

Sports Ground Layout:

- *5v5 Mini Football Pitches:* While the principle of showing how two 5v5 mini football pitches could be overlaid over the 7v7 football pitch is welcomed, as there would be a run-off area of only around 1 metre between the two 5v5 pitches, only one of the pitches could be used at any one time for safety reasons unless the run-off area between the pitches was extended to 6 metres. It is difficult to see how this could be achieved without reducing the size of the NEAP

Pavilion Design and Layout:

- *Officials Changing Area:* To meet current Football Foundation/Sport England guidance, the changing area within the officials changing rooms needs to be at least 6 sq.m and this needs to exclude areas of the changing room that cannot be used for changing. As the 6 sq.m identified in each changing room includes the area behind the entrance door and the drying off area which cannot be used for changing, the area available for changing is closer to 4 sq.m in practice. Consideration should therefore be given to whether the layout can be amended to enlarge the officials changing rooms to allow 6 sq.m that is suitable for changing.
- *Team Changing Rooms:* While it has been explained by the applicant in the covering letter that 4 changing rooms have been proposed to meet the requirements of the section 106 agreement, the need for 4 changing rooms is questioned given that the site only has potential to be used for junior and mini football where no more than 2 changing rooms would realistically be expected to be used in practice. The space saved by potentially removing two changing rooms could be used to provide other facilities that would support the operation of the pavilion and meet the needs of the users.

Ball Stop Fencing: The proposal to increase the height of the weldmesh fencing around the perimeter of the sports ground from 2.5m to 3m is welcomed although 3m is still not considered to be sufficiently high to address ball stop especially behind the goals to the north of the sports ground. The Football Association recommend that 4.5 metre high fencing is provided to provide adequate ball stop.

Relationship with adjoining Cricket Ground: The proposal to indicate a potential gate access to the disused cricket ground site to the south of the sports ground is welcomed and positively responds to comments made in our previous response.

Football Pitch Construction and Design: Our previous comments would still apply. This can be addressed through the imposition of the following planning condition which is based on condition 10a of our model conditions schedule:

- (a) *No development of the natural turf playing field shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:*
- (i) *A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality; and*
  - (ii) *Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The*

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*scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.*

- (b) *The approved scheme shall be carried out in full and in accordance with a timeframe agreed with the Local Planning Authority. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.*

*Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Development Plan Policy \*\*.*

*Informative: The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to 'Natural Turf for Sport' guidance note.*

Interim Sports Pitch Maintenance: Our previous comments would still apply. This can be addressed through the imposition of the following planning condition which is based on condition 10a of our model conditions schedule

*No development of the natural turf playing field shall commence until a schedule of playing field maintenance including a programme for implementation covering the period prior to handover to the management body has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. Following practical completion of natural turf playing field the approved schedule shall be complied with in full.*

*Reason: To ensure that the playing field is first established as a functional playing field to an adequate standard and is fit for purpose and to accord with Development Plan Policy \*\*.*

*Informative: It is recommended that the maintenance schedule and programme for implementation is developed by a specialist turf consultant. The applicant should be aiming to ensure that any new or replacement playing field is fit for its intended purpose and should have regard to Sport England's technical Design Guidance Note entitled 'Natural Turf for Sport' (2011) and relevant design guidance of the National Governing Bodies for Sport e.g. performance quality standards produced by the relevant pitch team sports, for example the Football Association.*

I can therefore confirm that **our position on the application remains as set out in our original response dated 26<sup>th</sup> November 2021 as supplemented by this response.**

We would be grateful if you would advise us of the outcome of the application in due course by forwarding a copy of the decision notice. Please contact me if you have any queries.

Yours sincerely  
**Roy Warren**  
Planning Manager