

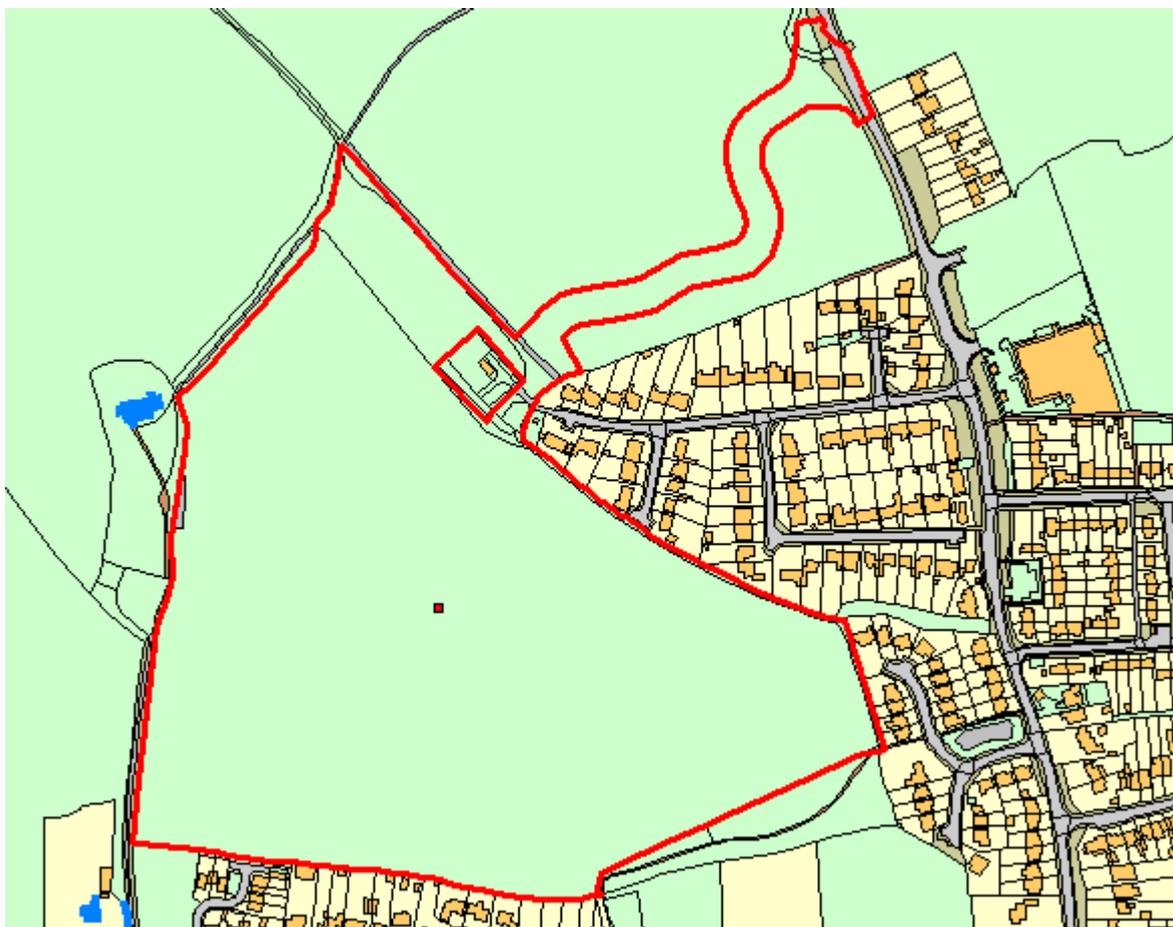
ITEM NUMBER: 6

PLANNING COMMITTEE DATE: 11 MAY 2022

REFERENCE NUMBER: UTT/21/3311/OP

LOCATION: LAND WEST OF GARNETTS, DUNMOW ROAD, TAKELEY

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: May 2022

PROPOSAL: Outline planning application with all matters reserved, for up to 155 dwellings (including affordable housing and self/custom build plots), as well as public open space, children's play area, land retained in agricultural use, landscaping and all other associated infrastructure

APPLICANT: James Anthony Trafford, Claire Flora Ash-Wheeler, Marian Bea.

AGENT: Mr R Barber (Pegasus Group)

EXPIRY DATE: 25 February 2022

EOT Expiry Date: 16 May 2022

CASE OFFICER: Mr Lindsay Trevillian

NOTATION: Outside Development Limits, Countryside Protection Zone, Adjacent Listed Building, Public Rights of Way, Archaeological Site.

REASON THIS APPLICATION IS ON THE AGENDA: Major Application

1. EXECUTIVE SUMMARY

- 1.1** Outline planning permission is sought by the applicant (James Anthony Trafford, Claire Flora Ash-Wheeler, Marian Bea) for the erection of up to 155 dwellings alongside associated works with all matters reserved at the site known as 'Land West of Garnetts, Dunmow Road, Takeley'.
- 1.2** The application site lies outside the defined settlement boundary limits and is thereby located within the countryside. The site also lies within the Countryside Protection Zone. Thereby the proposals are contrary to Policies S7 and S8 of the Adopted Local Plan. However, as the proposals cannot be tested against a fully up-to-date Development Plan, and the Council are currently unable to demonstrate a 5-year housing land supply and thereby paragraph 11 of the NPPF is engaged. As such, a detailed "Planning Balance" has been undertaken of the proposals against all relevant considerations.

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

2. RECOMMENDATION

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

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

And

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

3. SITE LOCATION AND DESCRIPTION:

- 3.1** The area of land subject to this outline planning application relates to the land known as 'Land west of Garnetts, Dunmow Road, Takeley, Essex.'

The extent of the application site is as shown by the land edged in red on the site location plan submitted in support of this application.

- 3.2** The site is located on the northwestern edge of the village of Takeley with existing residential development backing on to the site's southern and eastern boundaries. The site is relatively level with a slight slope falls from south to north and is approximately 14.54 hectares in size. There is no established built form contained on the site and it primary consists of a single large arable field used for agriculture. Apart from mature vegetation in the form of modest size trees and hedgerows located along a large proportion of the boundaries, the site is free of any established vegetation. No vegetation is covered by tree preservation orders.
- 3.3** To the north of the application site, adjacent to the site boundary lies and which was granted outline planning permission under appeal ref: APP/C1570/W/19/3234530 & UTT/19/0393/OP for the development of 119 dwellings, vehicle access and other associated works. The reserve matters application was approved by members of the planning committee on the 27th April 2022.
- 3.4** The application site includes a corridor of land associated with a recent allowed outline and reserve matters permission as referenced above. This corridor of land will allow the development proposed through this planning application to connect to Parsonage Road by utilising the highway network and roundabout off Parsonage Road to be delivered by the extant permissions.
- 3.5** A mixture of dwelling types and styles that front onto Dunmow Road, along with the local village hall, cricket club and children's play area adjoin the southern boundary of the site. Adjacent the sites western boundary is the Church of the Holy Trinity which is a Grade 1 listed building along with its associated access off Dunmow Road. The site area wraps around an existing sub-station located at the western end of Garnetts.
- 3.6** An existing public right of way (PRoW 48_36) intersects through the site to the south of the substation and Garnetts that runs to the Church of the Holy Trinity.
- 3.7** The site is not adjacent to any statutory or non-statutory landscape designations and the Environmental Agency Flood Risk Maps identifies the whole of the site lying within 'Flood Zone 1'. The Site is not located within any national landscape designations. It does form part of the 'Countryside Protection Zone' (CPZ) which surrounds Stansted Airport. The nearest Site of Special Scientific Interest (SSSI) is Hatfield Forest. This is located to the south-east of the site (approximately 0.92km).

4. PROPOSAL

- 4.1** This planning application is submitted in outline with matters relating to scale, layout, appearance, access and landscaping reserved. The applicant is seeking approval in principle to develop the site for up to 155 dwellings be granted consent. This will leave the approval of the scale, layout, appearance, access and landscaping to be decided at a later date when further applications (the reserved matters) will be submitted to the Council if this outline permission is granted.
- 4.2** Although this application seeks outline planning permission, the application is accompanied by indicative parameter plans, which given an indication of how such a quantum of development could be achieved on the site including in respect of layout.
- 4.3** This corridor of land that passes through the site to the north will include a new vehicle access which will provide the main ingress point for the new dwellings and those already granted permission under appeal ref: APP/C1570/W/19/3234530. It is proposed that this corridor of land would allow the proposed development to deliver the access (including roundabout and associated development) required to the site (subject to approval of reserved matters relating to access) in the unlikely event that the site benefitting from consent APP/C1570/W/19/3234530 does not come forward.
- 4.4** The indicative parameter plans show that the built form of development will be focused on the south-eastern end of the site with publicly accessible open space areas provided adjacent to the built form. In total the provision for 4.43ha hectares of open space is proposed which includes:
- (i) Public Open Space = 4.04ha
 - (ii) Play Space = 0.04ha (set within the developable area and noted on the Parameter Plan)
 - (iii) SUDs features = 0.35ha
- 4.5** In addition, the provision for an area of land approximately 3.79ha is to be retained in its current agricultural use along the site's western boundary.
- 4.6** The height of residential development will generally be two storeys, with a some two-and-a-half dwellings with a development density of 31 dwellings per hectare.
- 4.7** The applicant has suggested that the proposals would be made of mix of housing types, forms and styles. Up to 155 new dwellings are proposed, of which up to 62, or 40% of the total, are to be affordable housing units. A total of 10% of the dwellings proposed would be for self-build and custom build plots. In addition, a total of 5% of the dwellings proposed would be built to Category 3 (wheelchair user) housing M4 (3) (2) (a) wheelchair adaptable.

5. ENVIRONMENTAL IMPACT ASSESSMENT

5.1 The applicant submitted an EIA Scoping Opinion request on the 9th of March 2021, with the Council adopting their Scoping Opinion on the 22nd of April 2021 (UTT/21/0812/SO). In June 2021 a second Scoping Opinion was requested by the Applicant as a result of the applicant being able to present new information on a number of topics. As such, it was the Applicant's position that in light of this new information the scope of the EIA should be reviewed by the Council. On 25th of August 2021, the Council provided a Scoping Opinion and confirmed that the EIA to support the proposed development at this location should cover: Biodiversity, Historic Environment and Transport and Access.

6. RELEVANT SITE HISTORY

6.1 A search of Council's records indicates that there is no relevant recorded planning history for the site, however, there are several recent planning decisions that are important to the planning merits of this scheme on nearby surrounding sites as per below:

6.2

Reference	Proposal	Decision
UTT/19/0393/OP	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'.	Allowed at appeal under Ref: APP/C1570/W/19/3234530 in January 2020.
UTT/22/0152/DFO	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.	Approved 27 th April 2022.
UTT/19/0394/OP	Development of a care home (use class C2) with up to 66	Allowed at appeal

	bed spaces, including vehicular and pedestrian access, parking, infrastructure, landscaping and associated works'."	APP/C1570/W/19/3234532 in January 2020
UTT/21/2488/OP	Outline planning application with all matters reserved, except for access, for up to 88 dwellings (including affordable housing and self/custom-build plots), as well as public open space, children's play area, landscape infrastructure including a buffer to Prior's Wood Ancient Woodland and all other associated infrastructure."	Awaiting Decision.

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

- 7.1** Paragraph 39 of the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties and that good quality pre-application discussions enable better coordination between public and private resources, and improved results for the community. The Applicant has entered into a Planning Performance Agreement (PPA) with the Council.
- 7.2** This has included pre-application engagement including a programme of meetings between the Applicant and officers of Uttlesford District Council Essex Place Services: Ecology and Heritage officers and the Local Lead Flood Authority (LLFA). Technical consultees working on behalf of the Applicant have also engaged with consultees such as UDC Environmental Health Officers, UDC Landscape Officers and Essex County Council Highways Officers.
- 7.3** Furthermore, the Applicant has also given a pre-application presentation to Members of the Council's Planning Committee and Members of Takeley Parish Council.
- 7.4** The applicant has also undertaken a virtual consultation with the local community. This included setting up a website to display the proposals and various strands of technical work. Local residents were made aware of the consultation exercise via a leaflet drop and advertisements in the local press. The consultation process ran from the 12th of April to the 30th of April 2021 in which the public were given three weeks to respond to the consultation via email, phone or freepost letter. The

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

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority – No Objection

8.1.1 This application was accompanied by a Transport Assessment which has been reviewed by the highway authority in conjunction with a site visit and internal consultations. The Highway Authority concluded that from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to imposing conditions if permission was consented.

8.2 Highways Agency – No Objection

8.2.1 The planning application is 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.

8.2 Local Flood Authority – No Objection

8.2.1 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to imposing conditions to minimise the chances of flood risk and providing appropriate surface water drainage facilities.

8.3 Environment Agency

8.3.1 No Comments received at the time of assessment.

8.4 Historic England – No Objection

8.4.1 Further to our EIA Scoping Opinion response of July 2021 and having considered the documentation submitted with the application, we are satisfied that the setting of the grade I listed Holy Trinity Church has been appropriately addressed.

8.5 Natural England – No Objection

8.5.1 Natural England confirm that they have no objections to the proposals subject to securing appropriate mitigation to offset the harm the proposals may have upon Hatfield Forest which is a Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR). Natural England therefore advises that permission should not be granted until

such time as these 'on-site' and 'off-site' mitigation measures have been assessed and secured through the appropriate means either by way of an appropriate planning condition or S106 Agreement.

8.6 Sport England – No Objection

8.6.1 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 advice to aid the assessment of this application if the proposal involves the loss of any sports facility or the provision of a new sports facility.

8.6.2 It should be noted that the proposals do not include the loss or new provision of any sports facilities.

8.7 ECC Infrastructure

8.7.1 A development of this size can be expected to generate the need for up to 13.95 Early Years and Childcare (EY&C) places; 46.50 primary school, and 31.00 secondary school places. In view of the above, I request on behalf of Essex County Council that if planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on childcare, primary education, secondary education, and libraries.

8.8 NHS West Essex

8.8.1 The proposed development is likely to have an impact on the service of 1 GP practice operating within the vicinity of the application site. The GP practice does not have capacity for the additional growth resulting from this development. The development could generate approximately 388 residents and subsequently increase demand upon existing constrained services.

8.8.2 The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation. A developer contribution will be required to mitigate the impacts of this proposal. West Essex CCG calculates the level of contribution required, in this instance to be £79,830. West Essex CCG therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.

9. PARISH COUNCIL COMMENTS

9.1 Takeley Parish Council - The Parish Council objects to this application on the following grounds:

9.2 Precedence: - Disagree with the conclusions by the Inspector regarding the acceptance of recent development in the locality including 119 dwellings and a 66 bed care home. As a result of these decisions, it has opened up the flood gates for further applications including two applications by the applicant on land around Parsonage Road which could add another 243 new homes.

Countryside Harm: - New buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside and it would adversely affect the open characteristics of the zone.

Takeley Parish Council are of the opinion that the harm to the area's important rural character will be entirely inconsistent and will further urbanise the settlement of Takeley.

Sustainability: - the proposal does not meet the environmental dimension of sustainable development and therefore the general presumption in favour of sustainable development does not apply.

Heritage Assets: - This application is extremely close to the Grade 1 13th Century Parish Church of the Holy Trinity. This application will cause irrevocable harm to this national important asset.

Traffic: – The cumulative effect of several other approved planning applications along with the proposals for large scale housing will increase the intensification of the nearby junctions and highways resulting in unwanted traffic congestion around Takeley.

Cumulative effect: - Whilst accepting that there are some economic and social benefits from appropriate development in the area, Takeley Parish Council is extremely concerned that if these are all approved it will lead to the complete urbanisation of the B1256 corridor with out of scale housing developments as well as industrial /storage units.

Infrastructure; - The provision of another 155 new homes to the parish will add further pressure to water, sewage and health services.

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer – No Objection

10.1.1 UDC housing officers has confirmed that the provision of 40% affordable housing is required and that it is Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). The Council's Housing Strategy 2021-26 also aims for 5% of all units to be bungalows delivered as 1- and 2-bedroom units. This would amount to 8 bungalows across the whole site delivered as 3 affordable properties and 5 for open market.

The application was submitted prior to 28/12/21 so First Homes are not required unless the developer chooses to include them.

10.2 UDC Environmental Health

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

10.3 UDC Landscape Officer/Arborist

10.3.1 No Comments Received at the time of assessment.

10.4 Place Services (Conservation and Heritage) – Concerns Raised

10.4.1 Although the proposal includes a buffer of land retained in agricultural use and a strip of informal amenity green space adjacent to the residential area, the physical presence of the development would have an impact not just as a cluster of dense houses, but also through increased noise, traffic movements and light spill, eroding the tranquil rural setting of the Grade I listed church. The proposed mitigation would reduce to some extent but not eliminate the impacts on the church. The urbanising effect of the development would be a permanent and irreversible change to the setting of the listed building.

10.4.2 Taking into account the approved scheme West of Parsonage Lane, which was identified as causing less than substantial harm to the significance of the listed church, in my view the development would cause cumulative harm to the setting and significance of the Church of the Holy Trinity through the increasing encroachment of modern development towards the church.

10.4.3 For these reasons, I consider these cumulative impacts of the development on the setting and significance of the Grade I listed church to be less than substantial harm at the mid-point, rather than low end of the scale.

10.5 Place Services (Ecology) – No Objection

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

10.5.2 They concluded that the mitigation measures identified in Chapter 6 of the Environmental Statement (Ecology) (September 2021), Ecology Report (Applied Ecology Ltd., October 2021) and Ecology Note (Applied Ecology Ltd., January 2022) was appropriate and should be secured by a condition of any consent and implemented in full.

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

10.6 Place Services (Archaeology) – No Objection

10.6.1 The Essex Historic Environment Record shows the proposed development area has the potential to contain significant archaeological remains. The proposed development lies between the historic settlement of Brewers End, Takeley and the church of the Holy Trinity which lies at the end of Church Lane. As such it is recommended that conditions are imposed on the consent to undertake archaeological work comprising initial trial trenching to identify the extent and depth of archaeological deposits followed by open area excavation if archaeological deposits are identified.

10.7 Crime Prevention Officer – No Objection

10.8 Cadent Gas Ltd – No Objection

10.8.1 We have received a notification from the Line search before Udig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our gas asset/s. We have no objection to this proposal from a planning perspective.

10.9 Gigaclear Ltd – No Objection

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

10.10 NATS Safeguarding – No Objection

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

10.11 London Stanstead Airport – No Objection

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

10.11.2 UK Power have enclosed a copy of their records which show the electrical lines and/or electrical plant and confirm that they hope that the Council find the information useful. They also enclosed a fact sheet which contains important information regarding the use of their plans and working around their equipment to be forward to the applicant. Safety around their equipment is a priority and thereby it is advisable that the applicant have completed all workplace risk assessments before they begin any works.

10.12 Thames Water – No Objection

10.12.1 Following initial investigations, Thames Water has identified an inability of the existing FOUL WATER and SEWAGE TREATMENT WORKS network infrastructure to accommodate the needs of this development proposal.

10.12.2 Thames Water has contacted the developer in an attempt to agree a position for foul water networks and agree an infrastructure and phasing strategy for sewage treatment but has been unable to do so in the time available and as such Thames Water requested that conditions in respect to these be imposed on any approved consent. With regard to SURFACE WATER drainage, Thames Water would advise that if the developer followed the sequential approach to the disposal of surface water, we would have no objection.

11. REPRESENTATIONS

11.1 The application was publicised by sending letters to adjoining and adjacent occupiers, displaying a site notice and advertising it within the local newspaper. Letter of representation were received in which the main concerns are summarised as per below.

11.3 Object

11.3.1 Healthcare – Lack of health facilities in the village and further development would add to the growing problem.

Education - This development will place an additional strain on the existing facilities.

Highways/Traffic - The current road infrastructure can barely cope with current traffic levels.

The proposals will result in traffic congestion and add to the pressures of the Four Ashes Junction.

Biodiversity – The proposals for new housing will impact upon local wildlife, protected species and their habitats.

Countryside – The proposals will have a negative effect on our countryside and conflicts with the Countryside Protection Zone.

Water Pressure - The impact on local water pressure. The pressure at this present time is very low, so more homes will have a negative effect on the water pressure.

Water companies are not able to supply to the current demand let alone to more homes.

Sewage Capacity - Over the last decade or so there has been a significant number of sewage problems across the parish caused by a lack of capacity of the sewage system in relation to the large increase in housing that has already taken place.

Heritage – The proposals would result in harm upon the Grade I listed church.

Amenity - Pollution noise and vehicle movements are already at unacceptable levels.

11.4 Comment

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

12. MATERIAL CONSIDERATIONS

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

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

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

(a) a post-examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

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

12.4 The Development Plan

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

- 12.4.2** **Uttlesford Local Plan (2005)** – Provides the basis for all planning decisions within the district. It contains policies relating to the location of development and protection of environmental features.

13 **POLICY**

National Policies

National Planning Policy Framework (NPPF) (2021)

- 13.1** Relevant development plan policies and material considerations:

- 13.2** S7 – The Countryside
S8 – The Countryside Protection Zone
GEN1 – Access
GEN2 – Design
GEN3 – Flood Protection
GEN4 – Good Neighbourliness
GEN5 – Light Pollution
GEN6 – Infrastructure Provision
GEN7 – Nature Conservation
GEN8 – Vehicle Parking Standards
ENV2 – Development Affecting Listed Buildings
ENV3 – Open Spaces and Trees
ENV4 – Ancient Monuments and Sites of Archaeological Interest
ENV5 – Protection of Agricultural Land
ENV7 – Protection of the Natural Environment
ENV8 – Other Landscape Elements of Importance
ENV10 – Noise Sensitive Developments
ENV11 – Noise Generators
ENV12 – Groundwater Protection
ENV14 – Contaminated Land
H9 – Affordable Housing
H10 – Housing Mix

13.3 **Supplementary Planning Document or Guidance**

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

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2**
- A) Principle of Development**
 - B) Suitability and Location**
 - C) Countryside Impact**
 - D) Character and Design**
 - E) Heritage**
 - F) Archaeological**
 - G) Loss of Agricultural Land**
 - H) Housing Mix and Tenure**
 - I) Neighbouring Amenity**
 - J) Parking and Access**
 - K) Landscaping, Open Space**
 - L) Nature Conservation**
 - M) Contamination**
 - N) Flooding**
 - O) Planning Obligations**
 - P) Other Issues**

14.3.1 **A) Principle of Development**

14.3.2 The application site is located outside the development limits of Takeley within open countryside and is therefore located within the Countryside where policy S7 applies.

14.3.3 This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. A review of policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas. It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, as a consequence the proposal is contrary to that policy.

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

14.3.5 Policy S8 states that in the Countryside Protection Zone planning permission will only be granted for development that is required to be there or is appropriate to a rural area. There will be strict control on new development. In particular development will not be permitted if either of the following apply:

- a) New buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside.
- b) It would adversely affect the open characteristics of the zone.

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

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

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

14.4.1 B) Suitability and Location

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

14.4.3 The new built form would be contained within the established structure and fabric of the village and would be located adjacent and adjoining existing built form. The proposal, therefore, provides a strong and logical relationship with the existing village.

14.4.4 The village of Takeley has a wide variety of local facilities and services that are within walking/cycling distance from the application site, including local shops, restaurants and public houses, schools, playing fields and cultural and religious buildings. Not to mention, the larger towns of Bishop's Stortford and Great Dunmow are just a short 5 min drive where other larger amenities can be found.

14.4.5 The application site is situated within an accessible and sustainable location, close to local amenities and facilities including local transport (bus & rail) links. A regular bus service runs along Dunmow Road connecting the site to the nearby towns of Bishop's Stortford, Great Dunmow and further beyond. In addition, buses also provide connections to Stansted Airport and Bishop's Stortford Train Station,

which provides further links for commuters working in London. Full details of the site's accessibility are provided within the supporting Transport Assessment.

- 14.4.6** As such, it is regarded that the application site would not be significantly divorced or isolated and that it would be capable of accommodating the development proposed in that it could be planned in a comprehensive and inclusive manner in relation to the wider area of Takeley.
- 14.4.7** This is a case to which paragraph 78 of the NPPF applies. The purpose of paragraph 78 is to support new development in rural areas, in recognition of the benefits it can bring to rural communities. New homes create additional population, and rural populations support rural services through spending (helping to sustain economic activity) and through participation (in clubs and societies for example). There is no reason to suppose that the additional occupants of the properties on the application site would not use local facilities and participate in village life in the same way that other residents do.
- 14.4.8** Therefore, the development will contribute to sustainable development by providing exactly the sort of social and economic benefits to the local community that paragraph 78 envisages. Through the additional population and activity generated, the application scheme contributes to the social and economic objectives of sustainable development.
- 14.4.9** In addition to the local beneficial impact, because the application scheme would provide additional residential homes in a context where the Council is in short housing supply, and because it is widely accepted that construction activity contributes to the economy, the application scheme also contributes, in its own way, to wider social and economic sustainability objectives. These are additional material considerations that weigh in favour of the application scheme.
- 14.4.10** This is also a case to which paragraphs 103 and 108 of the NPPF apply. When one takes account of the semi-rural context, the application site is actually in a relatively sustainable location because it offers options for accessing local facilities by non-car modes (particularly walking & cycling). Where car trips are required (which is common for rural areas), local facilities mean this can be short trips. In the context of development in the rural areas, the application scheme will also contribute to the environmental 'limb' of sustainability.
- 14.4.11** The proposal would have a negative impact by putting more strain on the local infrastructure and demand for school places and local surgeries. Takeley also does not have any doctors or dentists within the village. The impact on local infrastructure could be mitigated by way of financial contributions as identified by the consultees, and these could be secured by way of s106 Legal obligation.

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

14.5.1 C) Countryside Impact

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

14.5.3 The proposed scheme is for up to 155 residential units which will optimise the use of an underutilised parcel of land whilst at the same time taking careful consideration to its locality. A modest density (31dph) scheme such as this scheme in this location would not be out of place with the surrounding character due to its design concept taking into account the wider natural, historic and built environment.

14.5.4 It is acknowledged that there are some open views over the existing countryside from the north and west. In outlying views from the countryside towards the site, are in many cases interrupted by buildings and vegetation. The visual envelope, i.e. the area from which the site can be seen, is relatively modest due to the position of the site and the topography.

14.5.5 The proposed indicative layout presents a loose knit and spacious layout with significant areas of soft landscaping interspersed and on the perimeter of the site. This will help to maintain a green collar that presents visual relief to the development and filters views into the application site public vantage points. The relatively modest density of the site similar the adjoining new and existing residential development within the locality, and the allowance for visual separation and buffer zones is such that the proposed development would not be a prominent addition in the local area and the effect on the local landscape.

14.5.6 It would nestle into a largely contained and framed site next to existing and new housing and the established vegetation on the boundaries would have limited influence beyond the site itself and its immediate setting.

14.5.7 The proposed indicative layout will preserve and enhance the existing boundaries through the retention of the existing trees and hedgerows along all boundaries and would provide a detailed landscape scheme of proposed enhancements where required to fill in missing gaps. This seeks to protect important landscape elements for nature conservation and provide additional soft screening along the boundaries of the site. The application sites boundaries will, therefore, provide substantive containment and concealment of the application site and help reduce the prominence of any built form outside its immediate boundaries.

- 14.5.8** In outlying views from the countryside from the north and west and along the public footpath towards the site, the development would form part of the backdrop of the existing buildings and the settlement of Takeley resulting in only a low level of visual effect. The landscape and visual implications of this proposed development are considered to be of a low level and modest nature for a development such as this.
- 14.5.9** The development proposal would have a limited visual influence on the surroundings and that the appearance of the settlement in its semi-rural landscape context would not be notably altered or harmed. The new built form would be partly screened and contained within the established structure and fabric of the settlement when seen from outlying countryside locations. The development would not be a prominent or discordant element and would appear as an unobtrusive addition to the settlement set behind the established boundary treatments and adjacent to existing properties.
- 14.5.10** With regards the site's role within the Countryside Protection Zone, given that the site is generally divorced from the wider countryside and adjacent to the village development boundaries, weight should be given to the role it plays within the Countryside Protection Zone.
- 14.5.11** The Applicant notes that Uttlesford District Council undertook a Countryside Protection Zone Study, published in June 2016. The overall aim of the study was to assess the extent to which the land within the CPZ is meeting its purposes, as set out in Policy S8 of the Uttlesford Local Plan (2005). This study only provides guidance and is not a formal supplementary planning document.
- 14.5.12** The application site contains no built development and has a sense of openness backing onto existing residential development. The A120, which links the airport to the M11, lies to the north. Furthermore, the field to the north has just received consent for 119 dwellings. Land use within the parcel includes a medium scale arable field divided by ditches and hedgerows. The main purpose of the parcel is to play a role in preventing development between the airport and the village.
- 14.5.13** Reference to the four purposes of the Countryside Protection Zone as per the guidance set in the Countryside Protection Zone Study is considered as per below:
- 14.5.14** To protect the open characteristics of the CPZ – development on the application site would not compromise further the open characteristics of the CPZ, given its isolation from the wider area of countryside and that further development will not be able to come forward due to the constraints of the A120 and existing new development to the north and existing built development in the form of residential housing to the south and east. It is acknowledged that the site will result in an extension of built form and some loss of open land. However, the site itself exhibits a relatively strong relationship with Takeley. This was recognised by the

Inspector in the Parsonage Road appeal decisions who stated that the appeal sites (which neighbour the application site) *"have strong urban influences and have a less rural character and appearance than other parts of the countryside around the airport and the CPZ."*

To restrict the spread of development from the airport – it is acknowledged that the proposed development will extend the built form of Takeley somewhat towards Stansted Airport. However, the A120, which was completed after the CPZ was first drawn up, forms a barrier and boundary in the local landscape which clearly limits development that can come forward in close proximity.

To protect the rural character of the countryside (including settlement) around the airport – the character of the site cannot be said to be rural given its relationship adjacent and adjoining to existing and new residential development. Although in agricultural use, the size of the site is modest in size further reducing any sense of rural character on the application site; and

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

14.5.15 A material consideration is that there have been recent planning appeals allowed in the vicinity of this application site which relates to development within the Countryside Protection Zone. Within the recent appeal decisions Land East of Parsonage Road Takeley, the Inspector stated:

14.5.16 *"In terms of coalescence with the airport, I acknowledge that both appeals would reduce the open fields between the airport and Takeley, in a location where the gap between the airport and surrounding development is less than in other areas of the CPZ, that would result in harm, however again that harm would be limited due to a number of factors. Significant separation distance between the areas of built development and the airport would remain, having regard to both the airport buildings and carparking areas. In relation to appeal A, the large area of open space referred to above, incorporating a woodland area would sit between the built-up area of the site and the A120 and the airport. In relation to appeal B, a significant area of open countryside would remain adjacent to the A120. In relation to both appeals, the A120 carriageway would run between the proposed developments and the airport. That, together with its significant tree planting, and new tree planting, would further reduce the perception of any coalescence, even if decked parking were to come forward as part of the airport closest to the appeal sites. The A120 carriageway also has the potential to act as a barrier to any further coalescence between the airport and Takeley. All in all, whilst some harm to the character and appearance of the countryside around the airport and the CPZ as a whole would result, with regard to coalescence with the airport, that harm would again be limited"*

14.5.17 As stated above, this application site is similar to the above appeal sites in that the A120 at this location, would reduce the perception of any coalescence with the Airport and the A120 also acts as a barrier to any further coalescence between the airport and Takeley. The application site adjoins residential development to the south, east and north. It is also enclosed by mature landscaping which is to be retained and where needed enhanced.

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

14.5.19 Furthermore, the site-specific circumstances indicate that the proposal would result in little harm to the character and openness of the countryside and CPZ as required by Policies S7 and S8 of the Plan, and the provision of up to 155 new homes, weighs significantly and decisively in favour of the proposal. Development will boost the supply of housing and will enhance and maintain the vitality of rural communities as required by the NPPF.

14.6.1 D) Character and Design

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

14.6.3 This is an outline application where appearance, layout, scale access, and landscaping are reserved matters. The application includes a number of indicative plans that indicate the key aspects of the design and layout such as access, position of housing, open space and landscape features. The density of the site would be 31 dwellings/hectare and there would be a mixture of housing types.

14.6.4 Whilst the layout of the development is a matter reserved for consideration at a later date, the Council has to be satisfied that the site is capable as accommodating the number of dwellings proposed along

with suitable space for policy compliant level of car parking, garden and open space areas and SuD's etc. It is concluded that the proposals would likely be able to accommodate the required standards, however, this would be addressed when the reserve matters applications are submitted if outline consent is granted.

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

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

14.6.7 The applicant submits that the design of the dwellings would reflect the local vernacular in terms of style, form, size, height and materials. They would be traditional in design to reflect the patterns and characteristics of the surrounding area and the street scene. There is no reason to suggest the design of the buildings would not be appropriately designed, however the final design, layout of the proposals would need to be assessed at reserve matter stage.

14.7.1 E) Heritage

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

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

The Church of The Holy Trinity, Grade I listed (list entry no: 1168843), with twelfth-century origins and additions in the thirteenth, fourteenth and fifteenth centuries; restored in the nineteenth century.

The Lane from the church 'Coffin Road', considered to be a non-designated heritage asset

14.7.4 The application was formally consulted to Place Services conservation officer who confirmed within their formal response 23rd December 2022 that they would not be able to support the proposals. Within their response, the conservation officer acknowledged the location of the site and the surround planning history stating:

- 14.7.5** *“In 202, consent was granted on appeal for a development on a neighbouring field to the north-east of the site for up to 119 dwellings, called land west of Parsonage Lane (UTT/19/0393/OP). The Planning Inspectorate determined that this development would result in a ‘minor’ level of harm to the setting of the Grade I Church of the Holy Trinity, so this forms part of the assessment because of the potential cumulative impacts”.*
- 14.7.6** The conservation officer confirmed that the methodology of the assessment within the applicant’s Heritage Statement is considered acceptable and that they agree that the proposals would not cause harm to the heritage significance of the Coffin Road, or the wider heritage assets assessed which are already experienced as part of an urban environment. However, the conservation officer considers that the harm caused to the setting and significance of the church has been underestimated by the applicant stating:
- 14.7.7** *“The open and undeveloped application site contributes positively to the setting of the listed church by enabling it to be understood and appreciated as an isolated building constructed away from the main settlement, a characteristic location in Essex. The surrounding agricultural land provides a tranquil, rural context for the building and enables it to be seen in long views, uninterrupted by any built form.*
- 14.7.8** *The proposed development would infill the south-eastern half of the field, accelerating the encroachment of modern development towards the church. The proposed housing would change the landscape context of the church, reducing the ability to understand and appreciate the historic separation between the listed church and the settlement of Takeley. Views of the church from the surrounding fields would increasingly be with built form in the near background, reducing the ability to appreciate the church as distinct from the settlement.*
- 14.7.9** *Although the proposal includes a buffer of land retained in agricultural use and a strip of informal amenity green space adjacent to the residential area, the physical presence of the development would have an impact not just as a cluster of dense houses, but also through increased noise, traffic movements and light spill, eroding the tranquil rural setting of the Grade I listed church. The proposed mitigation would reduce to some extent but not eliminate the impacts on the church. The urbanising effect of the development would be a permanent and irreversible change to the setting of the listed building.*
- 14.7.10** *Taking into account the approved scheme West of Parsonage Lane, which was identified as causing less than substantial harm to the significance of the listed church, in my view the development would cause cumulative harm to the setting and significance of the Church of the Holy Trinity through the increasing encroachment of modern development towards the church.*

- 14.7.11** *For these reasons, I consider these cumulative impacts of the development on the setting and significance of the Grade I listed church to be less than substantial harm at the mid-point, rather than low end of the scale. Paragraph 202 of the NPPF (2021) should therefore be applied”.*
- 14.7.12** Where any development may have a direct or indirect effect on designated heritage assets, there is a legislative framework to ensure the proposals are considered with due regard for their impact on the historic environment.
- 14.7.13** The NPPF defines significance as *‘the value of a heritage asset to this and future generations because of its heritage interest’*. Such interest may be archaeological, architectural, artistic or historic’.
- 14.7.14** The ‘Setting of a heritage asset’ is defined as *‘The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.’*
- 14.7.15** Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 14.7.16** Paragraphs 201 and 202 address the balancing of harm against public benefits. If a balancing exercise is necessary (i.e. if there is any harm to the asset), considerable weight should be applied to the statutory duty where it arises. Proposals that would result in substantial harm or total loss of significance should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (as per Paragraph 201). Whereas, Paragraph 202 emphasises that where less than substantial harm will arise as a result of a proposed development, this harm should be weighed against the public benefits of a proposal, including securing its optimum viable use.
- 14.7.17** It has been found that the proposals will result in ‘less than substantial harm’ to the setting and significance of the Grade I listed building as identified by Place Services conservation officer. It is recognised that the proposals would result in up to 155 additional dwelling houses including the provision of 40% affordable units in a time where the Council are in need of housing which can be regarded to be of significant weight in respect to public benefits.
- 14.7.18** In order to minimise the impact on setting of the Holy Trinity Church a large area of land (3.77ha) is being retained in its current land use of agriculture. This area is directly between the Church and the new

residential section of the Site. There is also a further area of land that is being used as Public Open Space.

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

14.8.1 F) Archaeological

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

14.8.3 A Heritage Statement has been submitted with the application. The Heritage Statement and cartographic evidence identified the potential for prehistoric archaeological remains as moderate due to excavation evidence within the proposed developments vicinity. A geophysical survey undertaken to support the heritage statement identified a group of rectilinear anomalies representing a possible iron age or Roman complex of enclosures and other features including a possible driveway, enclosures and field boundaries.

14.8.4 The Essex Historic Environment Record shows the proposed development area has the potential to contain significant archaeological remains. The proposed development lies between the historic settlement of Brewers End, Takeley and the church of the Holy Trinity which lies at the end of Church Lane.

14.8.5 Furthermore, previous excavations within the surrounding locality have previously recovered extensive Roman archaeological deposits including a roundhouse, driveways and quarrying pits. A single post built Saxon building was recorded in advance of the A120 Trunk Road along with Roman and medieval finds. In addition, a rich Roman burial excavated in the nineteenth century is also recorded which indicates burial mounds survive within the area.

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

14.8.7 To secure the necessary archaeological evaluation as required above, suitable planning conditions as per those recommended by the County's

archaeological shall be imposed. The development of the site is therefore unlikely to have any direct impact on archaeological remains of significance. It is therefore considered that the proposed development complies with policy ENV4.

14.9.1 G) Loss of Agricultural Land

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

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

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

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

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

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

14.9.8 The application site represents a comparatively small amount of agricultural land. It is part of a much larger agricultural unit however it is not integral to the operation of that unit. As such the loss of agricultural land in this location is not considered to give rise to significant conflict with policy ENV5 or paragraph 174b of the Framework.

14.10.1 H) Housing mix and Tenure

14.10.2 In accordance with Policy H9 of the Local Plan, the Council has adopted a housing strategy which sets out Council’s approach to housing provisions. The Council commissioned a Strategic Housing Market Assessment (SHMA) which identified the need for affordable housing

market type and tenure across the District. Section 5 of the Framework requires that developments deliver a wide choice of high quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

14.10.3 The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 ha or 15 or more properties. The affordable housing provision on this site will attract the 40% policy requirement as the site is for up to 155 properties. This amounts to up to 62 affordable housing properties. The application was submitted prior to 28/12/21 so First Homes are not required unless the developer chooses to include them.

14.10.4 Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2 and 3 bedroom market dwellings. However, since the policy was adopted, the Council in joint partnership with Braintree District Council have issued the 'Housing for New Communities in Uttlesford and Braintree (ARK Consultancy, June 2020)'.

14.10.5 The study recommends appropriate housing options and delivery approaches for the district. It identifies that the market housing need for 1 bed units is 11%, 2-bedunits 50%, 3-bed units 35.6% and 4 or more bed units being 3.4%. Although the applicant has expressed that there would be mixture of dwellings, no accommodation schedule has been provided. As this is an outline application with layout reserved, the accommodation mix would be assessed at reserved matter stage if permission were to be consented for this outline application and it is advised that the applicant refer to the above accommodate needs.

14.10.6 It is also the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). The Council's Housing Strategy 2021-26 also aims for 5% of all units to be bungalows delivered as 1- and 2-bedroom units. This would amount to 8 bungalows across the whole site delivered as 3 affordable properties and 5 for open market. The applicant has acknowledged this requirement, and this will form part of the S106 Agreement to ensure an appropriate mix. Furthermore, a total of 10% of the dwellings proposed would be for self-build and custom build plots and the provision an additional 6 discounted market homes will be provided.

14.11.1 I) Neighbouring Amenity

14.11.2 The NPPF requires a good standard of amenity for existing and future occupiers of land and buildings. Policies GEN2 and GEN4 of the Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

14.11.3 The application is seeking outline permission and layout is a matter for reserve consideration at a later date and therefore it is not possible to fully assess the impact it would have on the amenity of neighbouring occupiers.

14.11.4 However, the site is well distanced from neighbouring properties adjacent and adjoining site and could be designed appropriately such that it is not anticipated that the proposed development would give rise to any unacceptable impact on the amenities enjoyed of these neighbouring properties.

14.12.1 J) Parking and Access

14.12.2 Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must compromise road safety and take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than a vehicle.

14.12.3 Access is set for reserve matters and thereby does not form part of the details to be assessed as part of this application. However, the application is supported by a Transport Assessment which confirms that it is proposed to access the development via a four-arm roundabout from Parsonage Road. This roundabout junction already has planning permission as part of two planning applications that were granted outline consent for the 66-bedroom care home UTT/19/0394/OP and the 119 residential dwellings UTT/19/0393/OP on land either side of Parsonage Road.

14.12.4 The proposed site access road will be extended through the residential development site for 119 dwellings (ref. UTT/19/0393/OP) to serve this site as shown on the indicative drawings. The red line boundary for this planning application encompasses the land required to deliver the roundabout, should this be necessary in the future. If the above permissions were not implemented, then this planning application can deliver a highways compliant access independently through the submission of Reserved Matters.

14.12.5 This is an outline application and therefore the internal road layout and further detail will also be provided as part of the Reserved Matters. The applicant states that it is the intention that the internal layout will be designed in accordance with ECC's Design Guide. Furthermore, it is also the intention that the site access into the site will form an extension to the approved site 6m access road beyond the approved residential development (ref. UTT/19/0393/OP).

14.12.6 A footway/cycleway/emergency access is also proposed from the site to Garnetts. This will only be used by vehicles in the unlikely event of an emergency and will have bollards to prevent unauthorised vehicle use.

- 14.12.7** The application was consulted to the lead local highway authority who confirmed that they have reviewed all the supporting documentation including the submitted Transport Assessment and undertaken a site inspection. The Transport Assessment included the cumulative impact of UTT/19/0394 (care home), UTT/19/0393 (120 residential dwellings), UTT/21/1987 Warish Hall Farm (refused) and application UTT/21/2488 for 88 dwellings all in Takeley.
- 14.12.8** The highway authority confirmed that they have considered all aspects in relation to highways including, access and safety; capacity; the opportunities for sustainable transport; and mitigation measures. The highway authority concluded that they were satisfied that with the proposed mitigation the cumulative, residual impact on the highway network will not be sever.
- 14.12.9** From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to mitigation and conditions. The highway mitigation focusses on promoting sustainable transport with a travel plan supported by contributions to improve local bus services, cycle connections to Stansted Airport and a car club. A number of connections for walking and cycling are proposed as well as zebra crossing on Parsonage Road, providing a safe connection to the primary school. The proposed conditions also include capacity improvements for the junction at Four Ashes, although it is likely these will come forward before this development with the other approved development in the location. Full details of the suggested conditions are within Section 17 of this report.
- 14.12.10** Policy GEN8 of the Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning guidance 'Vehicle Parking Standards'.
- 14.12.11** The adopted Council parking standards recommended for at least 1 vehicle space for each 1-bedroom unit and at least 2 vehicle spaces for dwellings consisting of two or three bedroom dwellings and three spaces for a four or more bedroom dwelling house along with additional visitor parking. In addition, each dwelling should be provided with at least 1 secure cycle covered space.
- 14.12.12** As the final mix of housing has not been refined to date, the number of required vehicle spaces can not be fully assessed at this time, however, the applicant should be advised of the above requirements. Notwithstanding this, it is regarded that the proposals and the site itself would be able to provide sufficient off-street parking in accordance with the standards to meet the needs of future residents.
- 14.12.13** The applicant states that the proposals will include the provision of Electric Vehicle charging infrastructure on plot and that appropriate car

parking restrictions will be put in place and enforced within the site to prevent unauthorised parking associated with the airport.

14.12.14 The proposals comply with Policies GEN1 and GEN8 of the Adopted Local Plan and the NPPF.

14.13.1 K) Landscaping, open space

14.13.2 Landscaping is set as a reserve matter; however, all larger developments should be designed around a landscape structure. The landscape structure should encompass the public open space system but should also provide visual contrast to the built environment and constitute a legible network based, where appropriate, on existing trees and hedgerows. The layout and design of the development, including landscaping, should seek to reflect the rural vernacular of the locality. Native species should be provided for structural planting and linked to existing vegetation to be retained.

14.13.3 In good landscape design, both soft landscaping and hard landscaping are essential elements, and both need consideration. The principal aims of a good quality landscape plan are to secure a coordinated and high standard of landscape management for the landscape areas within the site, to ensure the successful integration of the residential development with the surrounding landscape and to protect and enhance nature conservation interests in accordance with the design objectives. It is suggested that a high-quality landscape plan be supported in support of the proposals.

14.13.4 It is understood that the proposals would include the retention of hedgerows and trees along the boundaries of the site and individual and groups of trees are proposed to be planted within the development to help define spaces and soften the building forms. This will help to provide natural screening of the development and enhance the public realm in order to enrich the public open spaces to achieve a better sense of wellbeing and place making for future residents.

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

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

- 14.13.7** It is acknowledged that Local Equipped Area of Play (LEAP) is to be potentially situated in the centre of the residential development. Although the size of this area is currently unknown and there are no details as to the type of equipment or activities at this stage, this should be designed into the scheme up front and not as an afterthought, be of a sufficient size and provide reasonable recreation facilities. The design and layout of future LEAP's should accord with the guidance set out in the 'Fields of Trust'.
- 14.13.8** Further to the above, the applicant in good faith is willing to provide a Financial Contributions towards a Community Facilities Assessment and for Outdoor Sport Facility and Community Café Projects in Takeley.
- 14.13.9** The applicant has discussed with the Parish Council in respect to the potential to support several local projects. In terms of what the Parish might be looking to deliver, the monies could support such projects that the Parish have identified including toilet facilities at the football pitches, skate park, pavilion, and community café upgrades.
- 14.13.10** Furthermore, a contribution would help the undertaking of an assessment (by a professional consultant) across Takeley to identify current provision, deficiencies and work required. It would conclude with a list of requirements (and therefore projects) that the Parish could use moving forward, including support for grant funding applications. This could cover new provision required as well as work needed to existing provision. This would directly support the work the Parish are doing in setting up a working group for grant funded sports upgrades.
- 14.14.1** **L) Nature Conservation**
- 14.15.2** Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.
- 14.15.3** The application site itself is not subject of any statutory nature conservation designation being largely used for agriculture. However, the site is reasonably close to at Hatfield Forest which is a Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR).
- 14.15.4** Both Natural England and Place Services ecologist have reviewed the supporting documentation submitted in support of the proposals in detail and have assessed the likely impacts on protected and priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.
- 14.15.5** Natural England and the ecologist noted that the applicant's Environmental Statement (Ecology) (September 2021) and Ecology Report (Applied Ecology Ltd., October 2021) state that the proposed

scheme will be expected to contribute towards mitigating the potential increase in recreational pressure on Hatfield Forest SSSI and that this will be achieved through a financial contribution. The amount of the payment should be determined via a consultation between the council, National Trust (operator of Hatfield Forest) and the developer. The payment would be used to fund enhancements / management measures identified by the National Trust (such as path surfacing) to mitigate against the impacts of recreational pressure on the site. The financial contribution should be secured by a S106 legal agreement to help avoid and mitigate impacts on Hatfield Forest NNR/SSSI.

14.15.6 Place Services ecologist also confirm that the mitigation measures identified in the Environmental Statement should be secured and implemented in full. This is necessary to conserve and enhance protected and priority species particularly bats, nesting birds, Badger, Brown Hare, Hedgehog and Common Toad. They also stipulated that they support the proposed reasonable biodiversity enhancements which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. Net gain and mitigation measures would be secured by way of imposing conditions on the decision if permission were to be approved.

14.15.7 In addition to a financial contribution to help off-site measures, Natural England also identified that the provision of 'on-site' measures, within the red line boundary of the site, can be important in helping to reduce the frequency of visits to sensitive designated sites such as Hatfield Forest. Natural England suggested that the site should also provide adequate mitigation and that confirmation of these details is sought through the appropriate method, such as an appropriately worded planning condition or obligation. For areas of green infrastructure, Natural England has advised that these should include elements, such as the following:

- 14.15.8**
- (i) High-quality, informal, semi-natural areas
 - (ii) Circular dog walking routes of >2.7 km and/or with links to surrounding public rights of way (PRoW)
 - (iii) Dedicated 'dogs-off-lead' areas
 - (iv) Signage/leaflets to householders to promote these areas for recreation
 - (v) Dog waste bins etc

14.15.9 The indicative design of semi-natural habitats shown by the Parameter Plan (and secured by planning condition) will ensure negligible or beneficial significant effects for the majority at the site. The Public Open Space provision and suggested off-Site mitigation (Section 106 payment to National Trust for strategic mitigation works at Hatfield Forest) as highlighted above would ensure that cumulative recreational impacts would have a negligible effect on Hatfield Forest that is not significant.

The proposals are thereby considered to be in accordance with policies GEN7 and the NPPF.

14.16.1 M) Contamination

14.17.2 Although the Council has no reason to believe the proposed site is contaminated and is not aware of any potentially contaminative past use on the site in question. It is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site in accordance with policy ENV14 of the adopted Local Plan. The application was consulted to Council's environmental health officer who suggested that if permission is approved, conditions regarding that no development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority by way of a Phase 1 Assessment.

14.18.1 N) Flooding & Drainage

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

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

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

14.18.4 In respect to flooding and drainage, the application is supported by a Flood Risk Assessment. This concludes that the proposed development incorporates a sustainable drainage system which includes an attenuation basin located in the public open space. Surface water discharges to Takeley Brook, to the north, with flows released from the sustainable drainage features at a controlled rate to replicate existing greenfield run off rates for the site (2.0 l/s/ha). Also, the proposed surface water management scheme provides sufficient on-site storage to manage the 1 in 100 annual probability storm plus 40 % climate change allowance.

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

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

14.18.7 Thames water in their formal response have requested that conditions be imposed if permission is granted consent seeking that prior to the occupation of the residential units that confirmation is provided that either:- all sewage works upgrades required to accommodate the additional flows from the development have been completed; or - a development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied.

14.18.8 However, it is concluded that the suggested conditions would not meet the tests of imposing conditions if consent were approved as it would not be reasonable for the developer/applicant to improve/restore the capacity of the area and that this would be a legal obligation of the water authority. As such, this issue would need to be resolved between the developer and Thames Water outside of the merits of this planning application. It is suggested that an informative be imposed on the decision if permission is approved to this affect.

14.19.1 O) Planning Obligations

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

14.19.3 Early Years Education: if required the provision of an appropriate contributions towards Early Years education facilities as agreed with the County Council. (Financial contribution of £17,268 per place Total contribution = **£240,888.60**)

Primary Education: if required the provision of an appropriate contributions towards Primary Education facilities as agreed with the County Council. (Financial contribution of £23,755 per place (Total contribution = **£802,962.00**)

Secondary Education: if required the provision of an appropriate contributions towards Secondary Education facilities as agreed with the County Council. (Financial contribution of £23,755 per place total contribution = **£737,025.00**)

Open Space: the provision of an appropriate amount of open space, which provides a significant area of open space for recreation for all age

ranges, dog walking routes, off lead area and dog bins. The open space will be subject to an appropriate management regime. Play facilities: the provision of play equipment which will be subject to an appropriate management regime.

Retained the provision of 3.79 ha of Agricultural Land: the continued management and maintenance of the land to be retained in its current agricultural use.

Contribution for Outdoor Sport Facility and Community Café Projects in Takeley £250 per unit, total contribution = **£38,750.00**

Contribution towards a Community Facilities Assessment - total contribution = **£12,800.00**.

Libraries contributions: if required the provision of an appropriate contributions towards library facilities as agreed with the County Council. Financial contribution of £77.80 per unit, Total contribution = **£12,059.00**)

Healthcare contributions: if required the provision of an appropriate contributions towards healthcare facilities as agreed with the CCG. (Financial contribution of **£79,830.00**).

Hatfield Forest: if required the provision of an appropriate per dwelling contribution towards botanical and visitor monitoring and mitigation works at Hatfield Forest. Financial contribution of £150 per dwelling (Total contribution = **£23,250.00**)

A financial contribution of **£596,750.00** (indexed from the 1st of April 2022) shall be paid to fund improvements to enhance bus services between the development, Bishops Stortford, local amenities and/or Stansted Airport improving the frequency, quality and/or geographical cover of bus routes that serve the site. In addition the funding will contribute to the design and implementation of a cycle route between Takeley and Stansted Airport.

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

A scheme of parking regulations to be provided for the development and a contribution of **£25,000** to be paid prior to occupation to support the enforcement of the regulations.

Residential Travel Plans. The residential travel plan shall be actively implemented by a travel plan co-ordinator for a minimum period from first occupation of the development until 1 year after final occupation. It shall be accompanied by an annual monitoring fee of **£1,596.00** per annum (index linked), to be paid to Essex County Council.

E- Car Club Space

Affordable Housing: 40% affordable housing (split across the affordable rent and intermediate tenures), plus an additional 6 discounted market homes.

Self-Build and Custom Build Plots: the provision of self-build and custom build plots equating to 10% of all dwellings proposed.

Payment of the council's reasonable legal costs.

Payment of monitoring fee.

14.20.1 P) Other Issues

14.20.2 Noise and Disturbance

14.20.3 Policies ENV10 aims to ensure that wherever practicable, noise sensitive developments such as residential housing should be separated from major sources of noise such as roads, rail and air transportation. The application site is located approximately 225m south of the A120 and Stansted Airport is located just further beyond to the north east.

14.20.4 The proposed development is accompanied by a Noise Assessment informed by data taken from the site and modelling of noise impacts upon the development. It concludes that the site does not fall within the noise contours associated with air traffic at Stansted Airport and that the principal source of noise at the application site is the A120. It continues to state that subject to incorporating adequate mitigation measures at the detailed design stage, such as, mechanical ventilation for specific new dwellings, suitable noise levels for residents can be achieved at the site.

14.21.5 Council's Environmental Health Officer was consulted and confirmed that the site may be impacted by noise from the nearby A120 dual carriageway and aircraft noise associated with Stanstead Airport. They acknowledged that they have reviewed the noise assessment submitted by the applicant, which shows that the site is generally suitable for the proposed development, however, it will be slightly impacted by day/night-time noise from transport sources and the mitigation scheme recommended in the noise assessment by Hoare Lea should be designed to include appropriate measures to adequately attenuate the dwellings against impacts from both road and air transport including whole house ventilation schemes as necessary. As such, it is recommended that a condition is imposed if consent is granted that Prior to the commencement of the development hereby permitted, details of the scheme of design and sound insulation to achieve the internal noise levels is provided.

14.20.6 It is acknowledged that during the construction phases, there will be periods when works are likely to be audible to at nearby receptors. A Traffic Construction Management Plan be required to minimise against these temporary impacts. The proposed development therefore complies with policy ENV10 and the Framework in this regard.

14.21.1 Air Quality and Pollution

14.21.2 Policy ENV13 of the adopted local plan states that new development that would involve users being exposed on an extended long-term basis to poor air quality outdoor near ground level will be refused.

14.21.3 A review of the potential impact of the proposed scheme on air quality confirmed that the site is not within an existing Air Quality Management Area (AQMA) or within the 35m zone either side of the A120.

14.21.4 The application was consulted to the Councils Environmental Health Officer to assess the potential impact upon Air Quality. They confirmed that they have reviewed Air Quality Assessment Rev. 1 provided by the applicant and broadly agree with the findings.

14.21.5 The officer continued to confirm that the UDC Air Quality Technical Planning Guidance has been used to determine the level of mitigation required to offset any air quality impacts. Following this guidance, the Proposed Development is classified as a larger scale development and as such several Type 1 and Type 2 mitigation measures are recommended for inclusion in the development in order to help offset the increase in pollutant emissions.

14.21.6 The applicant is proposing to incorporate low-carbon and renewable technologies where possible to reduce the number of gas fired boilers installed. Where small gas fired boilers are installed, they will be low/no emission boilers and conform to all current energy standards. In addition, there will be provision of cycle storage/parking, electric vehicle charging infrastructure will be delivered for all dwellings and the development includes potential pedestrian and cycle routes throughout the site which link with existing off-site pedestrian and cycle routes.

14.21.7 The proposed development will not materially impact on queuing traffic or congestion. It is therefore concluded that the residual effects of the proposed development in relation to air quality are negligible and the proposed development complies with national and local policy for air quality subject to imposing conditions if permission is granted for the development to provide appropriate mitigation measures as provided within the Air Quality Assessment.

14.22.1 Energy and Sustainability

14.22.2 Council's supplementary planning document 'Uttlesford Interim Climate Change Policy (2021)' seeks new development proposals to

demonstrate the optimum use of energy conservation and incorporate energy conservation and efficiency measure. The applicant has provided a Sustainability Statement which outlines potential technologies and strategies to achieve and met the targets in the SPD.

14.22.3 The potential methods and techniques incorporated into the final design and layout of the proposals will help deliver a development that would reduce fuel use and greenhouse gas emissions, minimise energy use and input of raw materials and incorporates principles of energy conservation in relation to the design, siting and orientation of the buildings.

14.22.4 The Applicant proposes that a planning condition is agreed (and attached to any permission granted) to ensure that prior to or concurrent with the first of the reserved matters application a Sustainability and Energy Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy will detail how the following will be achieved.

- 14.22.5**
- (i) A minimum reduction in projected carbon emissions of 19% against the current building regulations at the time of the submission;
 - (ii) A minimum of 25% of on-site energy generation from low-carbon sources;
 - (iii) A 'live' connection point to facilitate the delivery of an electric vehicle charging unit, at one connection per plot for only those plots which have on-plot parking or a garage; and
 - (iv) Provision of a single water butt to each private residential rear garden.

14.22.6 The above commitments by the Applicant meet the Council's corporate Interim Climate Change Planning Policy (2021) and are significantly in excess of the measures that can be secured by adopted local planning policy.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

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

15.1.2 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a

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

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

15.2 Human Rights

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

16. PLANNING BALANCE AND CONCLUSION

16.1 With Uttlesford District Council unable to demonstrate a 5 YHLS as a consequence paragraph 11d of the NPPF therefore applies which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.

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

16.3 In respect to addressing the benefits of the proposed development, the provision of up to 155 dwellings including 62 of these being affordable housing would represent a significant boost to the district's housing supply, mindful of the housing land supply situation and the need for housing in the district. Furthermore, 5% of the up to 155 dwellings would be delivered as bungalows and 10% of the up to 155 dwellings would be for self/custom builds.

16.4 The development would provide economic and social benefits in terms of the construction of the dwellings and supporting local services and amenities providing investment into the local economy. Further consideration has also been given in respect to the net gains for biodiversity.

- 16.5** The applicant has committed to a Carbon Reduction, that will include a minimum reduction in projected carbon emissions of 19% against the current building regulations and a minimum of 25% of on-site energy generation from low-carbon sources and will include EV Charging points and Water Butts. These commitments by the Applicant meet and are excessive to the Council's corporate Interim Climate Change Planning Policy (2021).
- 16.6** The provision of approximately 4.08ha of new public open space would be delivered that would include space for dog walking routes. Furthermore, new traffic signalling at the Four Ashes junction will help to reduce congestion and see improved air quality in this area.
- 16.7** Thus, taken these together, significant weight to the benefits of the development have been considered.
- 16.8** Turning to the adverse impacts of development, the negative environmental effect of the development would be limited and localised landscape character and visual effects on the character and appearance of the countryside and limited harm to the role of the countryside protection zone arising from the extension of built form. This would have limited to modest negative environmental effects.
- 16.9** The proposals would inevitably result in an adverse impact to the setting and experience of the designated heritage asset of the 'Church of The Holy Trinity' whereby paragraph 202 of the NPPF is engaged. Thereby it would result in 'less than substantial harm' to the setting and significance of this heritage asset.
- 16.10** All other factors relating to the proposed development have been carefully considered and are capable of being satisfactorily mitigated, such that they weigh neutrally within the planning balance. These factors include biodiversity, highways, noise, air quality, ground conditions and arboriculture.
- 16.11** Therefore, and taken together, weight to the adverse impacts have been considered in respect of development and the conflict with development plan policies. The benefits of granting planning permission would significantly and demonstrably outweigh the identified adverse impacts of development. In the circumstances, the proposal would represent sustainable development in accordance with the NPPF.
- 16.12** Overall, the proposals are in conformity with relevant local and national planning policies and the scheme results in a positive and sustainable form of development that is of planning merit.
- 16.13** It is therefore recommended that the application be approved subject to the suggested conditions and section 106 agreement as per below.

17. S106 / CONDITIONS

17.1 S106 HEADS OF TERMS

- 17.2**
- (i) Retained the provision of 3.79 ha of Agricultural Land.
 - (ii) Payment of education financial contributions; Early Years, Primary and Secondary Schools
 - (iii) Libraries' contribution
 - (iv) Financial contribution for Health contributions
 - (v) Contribution for Outdoor Sport Facility and Community Café
 - (vi) Contribution towards a Community Facilities Assessment
 - (vii) Provision of 40% affordable housing
 - (viii) Custom built dwellings
 - (ix) Provision and long-term on-going maintenance of public open space (including LAP and LEAP)
 - (x) Financial contribution to mitigate on impact of Hatfield Forest
 - (xi) Highways obligations and associated financial contributions
 - (xii) Monitoring cost
 - (xiii) Pay the Council's reasonable legal costs

17.3 Conditions

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

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

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

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

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

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

- 4** No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles

and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- (i) Provide calculations for the conveyance and storage network for the proposed development. The network should not predict surcharge in 1yr events, and should not predict flooding in 30 year events. During 100 year plus 40pc cc event if any
- (ii) marginal flooding is predicted then it should be directed away from the building using appropriate site grading.
- (iii) The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- (iv) Detailed engineering drawings of each component of the drainage scheme.
- (v) A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- (vi) A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA

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

- 5** No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

REASON: The National Planning Policy Framework paragraph 167 and paragraph 174 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

- 6** Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with policy GEN3 of the Adopted Local Plan and the NPPF. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 7** The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

- 8** During construction, robust measures to be taken to prevent birds being attracted to the site. A construction period Bird Hazard Management Plan will need to be submitted for approval to the LPA in consultation with the aerodrome safeguarding authority for STN.

REASON: Flight safety – Birdstrike risk avoidance; the construction phase of a large development, especially on greenfield land, has the potential to attract hazardous birds to recently turned topsoils or areas of puddling or ponding in accordance with NPPF.

- 9** During construction and in perpetuity, robust measures to be taken to prevent birds being attracted to the site. No pools or ponds of water should occur/be created without permission. Ideally any SuDS attenuation or infiltration features that are above ground would hold water only during and immediately after a 1:30 year storm event or greater, with a quick drain down time. If this is not possible, then the attenuation or infiltration features will need to be designed to be as unattractive to hazardous birds as possible. If the landscape planting were to include a high proportion of trees and shrubs attractive to birds hazardous to aircraft, such as fruit or berry bearing plants then this may lead to an increase in local populations or movements of such birds. Therefore, we need to be consulted on the details of the SuDS and of the landscape planting when these are available.

REASON: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using STN in accordance with the NPPF.

- 10** All exterior lighting to be capped at the horizontal with no upward light spill.

REASON: Flight safety - to prevent distraction or confusion to pilots using STN in accordance with the NPPF

- 11** No reflective materials to be used in the construction of the new buildings and no solar photovoltaics to be used on site without first consulting with the aerodrome safeguarding authority for STN. An aviation perspective Glint & Glare assessment may be required.

REASON: Flight safety - to prevent ocular hazard and distraction to pilots using STN in accordance with the NPPF.

- 12** A Phase 2 Site Investigation adhering to the latest version of BS 10175 shall be submitted to and approved in writing by the Local Planning Authority.

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

- 13** Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 remediation scheme shall be submitted for approval in writing by the Local Planning Authority. This scheme shall detail measures to be taken to mitigate any risks to human health, groundwater, and the wider environment. Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied.

The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

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

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

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

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

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

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

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

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

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

- 18** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Environmental Statement (Ecology) (September 2021) and Ecology Report (Applied Ecology Ltd., October 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 19** A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- (i) Risk assessment of potentially damaging construction activities.
 - (ii) Identification of “biodiversity protection zones”.
 - (iii) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) to include measures to protect Great Crested Newt, Hazel Dormouse and Priority species (Hedgehog, Brown Hare and Common Toad).
 - (iv) The location and timing of sensitive works to avoid harm to biodiversity features.
 - (v) The times during construction when specialist ecologists need to be present on site to oversee works.
 - (vi) Responsible persons and lines of communication.
 - (vii) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - (viii) Use of protective fences, exclusion barriers and warning signs.

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

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021.

- 20** A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- (i) Purpose and conservation objectives for the proposed enhancement measures;
 - (ii) detailed designs to achieve stated objectives;
 - (iii) locations of proposed enhancement measures by appropriate maps and plans;
 - (iv) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - (v) persons responsible for implementing the enhancement measures;
 - (vi) details of initial aftercare and long-term maintenance (where relevant).

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

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

21 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development. The content of the LEMP shall include the following:

- (i) Description and evaluation of features to be managed.
- (ii) Ecological trends and constraints on site that might influence management.
- (iii) Aims and objectives of management.
- (iv) Appropriate management options for achieving aims and objectives.
- (v) Prescriptions for management actions.
- (vi) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- (vii) Details of the body or organisation responsible for implementation of the plan.
- (viii) Ongoing monitoring and remedial measures.

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

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species)

22 A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

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

- (i) The construction programme and phasing
- (ii) Hours of operation, delivery and storage of materials
- (iii) Details of any highway works necessary to enable construction to take place
- (iv) Parking and loading arrangements
- (v) Details of hoarding
- (vi) Management of traffic to reduce congestion
- (vii) Control of dust and dirt on the public highway
- (viii) Details of consultation and complaint management with local businesses and neighbours
- (ix) Waste management proposals
- (x) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
- (xi) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

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

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

24 Prior to the commencement of the development hereby permitted, details of the scheme of design and sound insulation to achieve the internal noise levels recommended in BS 8233:2014 and for individual noise events to not normally exceed 45 dB LAmax shall be submitted to and approved in writing by the local planning authority. The details shall include the internal configuration of rooms, and the specification and reduction calculations for the external building fabric, glazing, mechanical ventilation, and acoustic barriers. If the internal noise limits can only be achieved with closed windows, then alternative means of both whole dwelling and purge ventilation should be provided to allow residents to occupy the properties at all times with windows closed, having regard to thermal comfort. The scheme as approved shall be fully implemented prior to occupation of the residential units and shall be retained thereafter.

REASON: To protect the amenities of all future occupiers of the new dwellings, in accordance with policy ENV10 of the Adopted Local Plan and the NPPF.

25 Prior to the development of the works hereby approved, a Sustainability and Energy Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy will detail how the following will be achieved.

- (i) A minimum reduction in projected carbon emissions of 19% against the current building regulations at the time of the submission;
- (ii) A minimum of 25% of on-site energy generation from low-carbon sources;
- (iii) A 'live' connection point to facilitate the delivery of an electric vehicle charging unit, at one connection per plot for only those plots which have on-plot parking or a garage; and
- (iv) Provision of a single water butt to each private residential rear garden.

REASON: to ensure that the proposals comply with the Council's corporate Interim Climate Change Planning Policy (2021) and the NPPF.

26 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for;

- (i) the parking of vehicles of site operatives and visitors,
- (ii) loading and unloading of plant and materials,
- (iii) storage of plant and materials used in constructing the development,
- (iv) wheel and underbody washing facilities.
- (v) routing strategy for construction vehicles
- (vi) before and after condition survey to identify defects to highway, or roads to be adopted as highways, in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

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

27 Prior to occupation of the development, an access road linking to the constructed access road and junction approved in planning applications UTT/21/2488/OP, UTT/22/0119/NMA and UTT/22/0152/DFO shall be provided, the access shall accord with current standards, including appropriate clear to ground forward visibility splays, radii, minimum carriageway wide of 5.5m, minimum footway width of 2m and minimum footway/cycleway of 3.5m and subject to swept path analysis, any required pedestrian crossings and any required approval in principle for structures.

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

- 28** Prior to occupation a priority crossing of the access road by public right of way 48/36, shall be provided, details of treatment of public rights of way within the site including surfacing, signing and access to be agreed at reserved matters stage.

REASON: To make adequate provision and links to local Public Right of Way network in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 29** Links shall be provided as shown in principle in the submitted Development Framework Plan and as outlined below:

- (i) A footway/cycleway shall be provided to the southern boundary of the site into Takeley play park and community centre.
- (ii) A vehicular emergency and walking cycling link shall be provided from the northeast boundary to Garnetts
- (iii) A pedestrian access shall be provided from the southeast corner boundary of the site to PROW 48/36
- (iv) A pedestrian access shall be provided to from the northern corner boundary of the site to PROW 48/20 The developer shall submit details to the planning authority on a plan for approval prior to development and implement the prior to occupation.

REASON: To provide good walking and cycling links to the surrounding development in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 30** Prior to first occupation a controlled pedestrian crossing (zebra) on Parsonage Road shall be provided in the vicinity of Chesnut Way, the crossing shall accord with current standards, including appropriate forward visibility splays, lighting and surfacing and be subject to safety audits.

REASON: In the interest of highway safety and to provide good walking and cycling links to the surrounding development in accordance with policy DM9 of the Development Management Policies as adopted as

County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

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

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

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

REASON: to mitigate against impact of the development on signalised junction by helping increase capacity and providing facilities for cyclists, Policy GEN1 of the Adopted Local Plan and the NPPF.

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

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

Appendix 1 – Statutory Consultee Responses

ECC Highways

Your Ref: UTT/21/3311/OP
Our Ref: HT/TPD /SD/KW/49554/4B
Date:- 25/04/2022



Essex County Council

CC: Cllr S Barker
Essex Highways DM

Paul Crick
Director for Highways and Transportation

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

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No.	UTT/21/3311/OP
Applicant	James Anthony Trafford, Claire Flora Ash-Wheeler, Marian Bea C/o Pegasus Group
Site Location	Land West Of Garnetts Dunmow Road Takeley
Proposal	Outline planning application with all matters reserved, for up to 155 dwellings (including affordable housing and self/custom build plots), as well as public open space, children's play area, land retained in agricultural use, landscaping and all other associated infrastructure

Note

This application was accompanied by a Transport Assessment which has been reviewed by the highway authority in conjunction with a site visit and internal consultations. The assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework 2021 and in particular paragraphs 110 – 112, the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures. The TA included the cumulative impact of UTT/19/0394 (care home), UTT/19/0393 (120 residential dwellings), UTT/21/1987 Warish Hall Farm (refused) and application UTT/21/2488 for 88 dwellings all in Takeley. The highway authority is satisfied that with the proposed mitigation the cumulative, residual impact on the highway network will not be severe.

The application reserves all matters including access and it relies on the delivery of the adjacent site planning application UTT/19/0393/OP which was approved at appeal and the delivery of the access road submitted under application UTT/22/0152/DFO in order to access the site. At the highway authority's request additional information was provided to show that the highway link between the two applications could be provided in accordance with highway standards.

The highway mitigation focusses on promoting sustainable transport with a travel plan supported by contributions to improve local bus services, cycle connections to Stansted Airport and a car club. A number of connections for walking and cycling are proposed as well as zebra crossing on Parsonage Road, providing a safe connection to the primary school. The proposed conditions also include capacity improvements for the junction at Four Ashes, although it is likely these will come forward before this development with the other approved development in the location.

From a highway and transportation perspective the impact of the proposal 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. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for;
 - I. the parking of vehicles of site operatives and visitors,
 - II. loading and unloading of plant and materials,
 - III. storage of plant and materials used in constructing the development,
 - IV. wheel and underbody washing facilities.
 - V. Routing strategy for construction vehicles
 - VI. Before and after condition survey to identify defects to highway, or roads to be adopted as highways, in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2. **Access:** Prior to occupation of the development, an access road linking to the constructed access road and junction approved in planning applications UTT/21/2488/OP, UTT/22/0119/NMA and UTT/22/0152/DFO shall be provided, the access shall accord with current standards, including appropriate clear to ground forward visibility splays, radii, minimum carriageway wide of 5.5m, minimum footway width of 2m and minimum footway/cycleway of 3.5m and subject to swept path analysis, any required pedestrian crossings and any required approval in principle for structures. **Reason:** To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
3. **Public Rights of Way:** Prior to occupation a priority crossing of the access road by public right of way 48/36, shall be provided, details of treatment of public rights of way within the site including surfacing, signing and access to be agreed at reserved matters stage. **Reason:** To make adequate provision and links to local Public Right of Way

network in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

4. **Permeability:** Links shall be provided as shown in principle in the submitted Development Framework Plan and as outlined below:
 - 9.1A footway/cycleway shall be provided to the southern boundary of the site into Takeley play park and community centre.
 - 9.2A vehicular emergency and walking cycling link shall be provided from the north-east boundary to Gametts
 - 9.3A pedestrian access shall be provided from the southeast corner boundary of the site to PROW 48/36
 - 9.4A pedestrian access shall be provided to from the northern corner boundary of the site to PROW 48/20The developer shall submit details to the planning authority on a plan for approval prior to development and implement the prior to occupation. **Reason:** To provide good walking and cycling links to the surrounding development in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
5. **Pedestrian Crossing:** Prior to first occupation a controlled pedestrian crossing (zebra) on Parsonage Road shall be provided in the vicinity of Chestnut Way, the crossing shall accord with current standards, including appropriate forward visibility splays, lighting and surfacing and be subject to safety audits. **Reason:** In the interest of highway safety and to provide good walking and cycling links to the surrounding development in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
6. **Sustainable Transport Contribution:** Prior to any occupation, payment of a financial contribution of £596,750 (£3850 per dwelling) indexed from the 1st of April 2022 shall be paid to fund improvements to enhance bus services between the development, Bishops Stortford, local amenities and/or Stansted Airport improving the frequency, quality and/or geographical cover of bus routes that serve the site. In addition the funding will contribute to the design and implementation of a cycle route between Takeley and Stansted Airport. **Reason:** to improve the accessibility of the of the development by bus in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011
7. **Bus stops** Prior to any occupation the upgrade of bus stops to the east and west of Parsonage Road, south of Chestnut Way to facilities to include as appropriate raised kerbs, bus shelters, pole, flag and timetable information. **Reason:** In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011
8. **On-site parking restrictions:** At reserved matters stage, a scheme of parking regulations to be provided for the development to be submitted in writing to the planning authority, such scheme to be implemented at a time agreed with the planning authority and a contribution of £25,000 (indexed from the 1st of April 2022) to be paid prior to occupation to support the enforcement of the regulations. **Reason:** To limit inappropriate parking especially by those seeking to access Stansted Airport and so protect the safety and amenity of the highway.

9. **Residential Travel Plan:** Prior to first occupation of the proposed development, the Developer shall submit a residential travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall include the provision (including designated parking spaces) of a **car club** for a minimum of 5 years. The residential travel plan shall be actively implemented by a travel plan co-ordinator for a minimum period from first occupation of the development until 1 year after final occupation. It shall be accompanied by an annual monitoring fee of £1596 per annum (index linked from 1st of April 2022), to be paid to Essex County Council. **Reason:** In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011
10. **Travel Packs:** Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. **Reason:** In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

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

11. **B1256/B183 Junction:** Prior to the occupation of the first unit the signalised junction of the B1256/B183 (known as the Four Ashes) shall be upgraded to include MOVA (Microprocessor Optimised Vehicle Actuation) to provide optimisation of the signals to increase capacity. The upgrade works shall also include any necessary refurbishment or renewal of equipment and signing and lining including that required to provide prioritisation for cyclists at the junction as appropriate, in a scheme to be agreed with the local planning authority in consultation with the Highway Authority. **Reason:** to mitigate against impact of the development on signalised junction by helping increase capacity and providing facilities for cyclists.
12. **Bus stops** Prior to any occupation the provision of bus stops to the east and west of Parsonage Road, south of the proposed access, facilities to include but not be limited to raised kerbs, bus shelters, pole, flag and timetable information. **Reason:** In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

The above conditions are required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

Informatives:

- (i) Electric vehicle charging points should be provided in accordance with the policy in the Uttlesford Draft Local Plan.

- (ii) In making this recommendation the Highway Authority has treated all planning application drawings relating to the internal layout of the proposal site as illustrative only.
- (iii) Any signal equipment, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction. To be provided prior to the issue of the works licence.
- (iv) All 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 or by post to SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.
- (v) 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.
- (vi) 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.
- (vii) 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.
- (viii) 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 bridleway no **48/36 and 48/20** 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.



**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

To: Uttelsford District Council FAO

CC: transportplanning@dft.gov.uk
spatialplanning@highwaysengland.co.uk

Council's Reference: Utt/21/3311/OUT **National Highways Ref:** 93187

Location: Land West Of Gametts Dunmow Road Takeley

Proposal: 155 homes including (Sheltered housing and self/custom build plots), as well as public open space, children's play area, land retained in agricultural use

Referring to the consultation on a planning application dated 10 November 2021 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);~~
- ~~c) 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)~~

Highways Act 1980 Section 175B is not relevant to this application.¹

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 and may not determine the application until the consultation process is complete.

Signature: 	Date: 4 April 2022
Name: Mark Norman	Position: Spatial Planner
National Highways Highways England Woodlands Manton Lane Bedford MK41 7LW	

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/ 21/3311/OP and has been prepared by Mark Norman.

We have completed our review and concluded that this application is unlikely to have a severe impact upon the strategic road network. However, it is noted that there are several applications of similar size in the area and the cumulative impact may start to be noticed as the network is very close to capacity

Flooding Authority

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



William Allwood
Uttlesford District Council
Planning Services

Date: 25th Feb 2022
Our Ref: SUDS-005636
Your Ref: UTT/21/3311/OP

Dear William Allwood,

Consultation Response – UTT/21/3311/OP – Land West Of Garnetts Dunmow Road Takeley

Thank you for your email 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 15th 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 granting of planning permission for planning application UTT/21/3311/OP based on the following:

Condition 1

No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Provide calculations for the conveyance and storage network for the proposed development. The network should not predict surcharge in 1yr events, and should not predict flooding in 30year events. During 100 year plus 40pc cc event if any

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

- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA

Condition 2

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason

The National Planning Policy Framework paragraph 167 and paragraph 174 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 3

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 4

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.
<https://www.essex.gov.uk/protecting-environment>

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the FRA and the documents submitted with this application are implemented as agreed.

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.
- 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 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Yours sincerely,

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

Internet: www.essex.gov.uk

Historic England



Mr William Allwood
Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex
CB11 4ER

Direct Dial: 01223 582716

Our ref: **W:** P01445895

29 November 2021

Dear Mr Allwood

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**LAND WEST OF GARNETTS, DUNMOW ROAD, TAKELEY, ESSEX
Application No. UTT/21/3311/OP**

Thank you for your letter of 10 November 2021 regarding the above application for outline planning permission with all matters reserved, for up to 155 dwellings (including affordable housing and self/custom build plots), as well as public open space, children's play area, land retained in agricultural use, landscaping and all other associated infrastructure.

Further to our EIA Scoping Opinion response of July 2021 and having considered the documentation submitted with the application, we are satisfied that the setting of the grade I listed Holy Trinity Church has been appropriately addressed.

We do not wish to offer any other additional comments.

We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Yours sincerely

Sheila Stones
Inspector of Historic Buildings and Areas
E-mail: Sheila.Stones@HistoricEngland.org.uk



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

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HistoricEngland.org.uk



Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any information held by the organisation can be requested for release under this legislation.

Natural England

Date: 06 December 2021
Our ref: 374873
Your ref: UTT/21/3311/OP



William Allwood, c/o planning@uttlesford.gov.uk

BY EMAIL ONLY

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

T 0300 060 3900

Dear Mr Allwood

Planning consultation: UTT/21/3311/OP Outline planning application with all matters reserved, for up to 155 dwellings, public open space, children's play area, land retained in agricultural use, landscaping and associated infrastructure.

Location: Land west of Garnetts, Dunmow Road, Takeley

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

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

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

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

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

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

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

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

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

Further advice on mitigation

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

More recently, the National Trust has undertaken visitor surveys to establish a Zone of Influence (Zoi) for recreational impacts to Hatfield Forest SSSI, NNR. To date, the results of the winter and summer surveys have indicated a zone of 14.6km radius from the site. Natural England regards this information as material and therefore would anticipate that the application be assessed in the context of these issues and the developing strategic solution. Please note Natural England's Impact Risk Zones have since been updated to reflect this Zoi. New residential housing within this Zoi therefore is likely to damage the interest features of Hatfield Forest SSSI/NNR and consequently requires further assessment in the context of this development.

The evidence in relation to these joint concerns have been shared with your authority and we wrote to all Local Planning Authorities identified as falling within the Zoi to confirm Natural England's position via the letter dated 5th April 2019 and letter dated 24th September 2019. More recently, a joint letter from Natural England and the National Trust (dated 28th June 2021) has been sent to your Authority outlining the updated position and including the costed Mitigation Strategy prepared by the National Trust. We would direct you to these letters for further information on Natural England's recommended approach. Whilst we are working towards a strategic solution with the relevant Local Planning Authorities, Natural England advises that for the purposes of addressing the interim situation, a bespoke mitigation package should be sought for this application, which we suggest is designed in consultation with the National Trust as site managers. Where possible this should be designed in-line with the package of mitigation measures as drafted by the National Trust.

We would take this opportunity to highlight your authority's duties under the Wildlife and Countryside Act 1981 (as amended), notably under section 28G with respect of the SSSI. Appropriate measures, such as the mitigation outlined above, should therefore be taken to ensure the conservation and enhancement of the SSSI. This is further reflected within paragraphs 174 and 180 of the NPPF, whereby authorities should seek to protect and enhance the natural environment, including sites of biodiversity value.

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

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

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

SITE SPECIFIC ASSESSMENT

We consider that the provision of 'on-site' measures, within the red line boundary of the site, can be important in helping to reduce the frequency of visits to sensitive designated sites if effectively designed in quantity and quality. In this instance, due to the 'outline' nature of the application, Natural England would anticipate that an assessment is made as to the capacity of the site to provide adequate mitigation and that confirmation of these details is sought through the appropriate method, such as an appropriately worded planning condition or obligation.

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 mitigation measures have been assessed and secured through the appropriate means. We would be happy to comment further as the need arises.

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

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

Other advice

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

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

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

Protected Species

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

Environmental gains

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

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

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

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

- Links to existing greenspace and/or opportunities to enhance and improve access.

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

- 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](#).

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

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

Yours sincerely

Tessa Lambert
Lead Advisor – Sustainable Development, West Anglia Team

Sports England

From: [Planning Central](#)
To: [Planning](#)
Subject: [External] UTT/21/3311/OP - Land West Of Garnetts Dunmow Road Takeley CM22 6RL
Date: 11 November 2021 09:25:17

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

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

ECC Infrastructure

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



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

Our ref: 49554
Your ref: UTT/21/3311/OP
Date: 05/02/2022

Dear Sir or Madam

Garnetts (west of), Takeley
Without Prejudice - UTT/21/3311

Thank you for providing details of the above planning application for up to 88 new homes. From the information I have received, I have assessed the application on the basis of 155 houses. Assuming all of these units are homes with two or more bedrooms, a development of this size can be expected to generate the need for up to 13.95 Early Years and Childcare (EY&C) places; 46.50 primary school, and 31.00 secondary school places.

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

Early Years and Childcare:

An additional 13.95 places would be provided at an estimated total cost of £240,888.60 at January 2020 prices. This equates to £17,268.00 per place and so, based on the demand generated by this proposal as set out above, a developer contribution of £240,888.60, index linked to January 2020, is sought to mitigate its impact on local EY&C provision.

Primary Education:

The nearest primary school serving this development would be Roseacres Primary school, which has a Published Admission Number of 30 pupils per year. As at October 2021, the school was full in Reception with a total of 212 pupils on roll. Roseacres is grouped with Takeley Primary School for pupil place planning purposes (Uttlesford Group 08). Although Takeley Primary currently has some surplus capacity, it is anticipated that this will be taken by pupils from other housing developments that either have permission or are advanced in the planning process. Of particular relevance is Warish Hall Farm (UTT/21/1987), which is expected to generate around eight extra pupils per year and provide sufficient land to allow Roseacres Primary School to become a two form entry school.

The estimated cost of the project is £802,962.00 at January 2020 costs. This equates to £17,268.00 per place and so, based on demand generated by this proposal as set out

above, a developer contribution of £802,962.00, index linked to January 2020, is sought to mitigate its impact on local secondary school provision.

Secondary Education:

With regards to secondary education, the Priority Admissions Area school for the development would be the Forest Hall School. Although the school is not currently full, there are already more Essex children for whom this is their closest option than there are places. The school has recently increased its Published Admission Number from 112 to 132 but our latest forecasts suggest that action may be required, around 2026, to add further capacity.

The estimated cost of the project is £737,025.00 at January 2020 costs. This equates to £23,775.00 per place and so, based on demand generated by this proposal as set out above, a developer contribution of £737,025.00, index linked to January 2020, is sought to mitigate its impact on local secondary school provision.

School Transport:

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

Libraries:

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

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

In this case the suggested population increase brought about by the proposed development is expected to create additional usage of a local library. In accordance with the Essex County Council Developers' Guide to Infrastructure Contributions (Revised 2020), a contribution is therefore considered necessary to improve, enhance and extend the facilities and services provided, at a cost of £77.80 per unit, respectively. Improvements could include, but is not limited to, additional facilities, additional furniture, provision of learning equipment / play equipment for younger children, improved access, external works such as parking and bike racks and IT.

In this case, and taking the above into account, it is calculated that a contribution of £12,059.00 is requested and should be included in any Section 106 Agreement should the Council be minded to grant permission.

In view of the above, I request on behalf of Essex County Council that if planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on childcare, primary education, secondary education, and libraries. Our standard formula s106 agreement clauses that ensure the contribution would be fairly and reasonably related in scale and kind to the development are available from Essex Legal Services.

If your council were minded to turn down the application, I would be grateful if the lack of

surplus childcare, primary education, secondary education, and library provision in the area to accommodate the proposed new homes can be noted as an additional reason for refusal, and that we are automatically consulted on any appeal or further application relating to the site.

Thank you for consulting this authority in respect of this application.

Yours faithfully

Elliott Moore
Infrastructure Planning Officer

Telephone 033301 39446
E-mail elliott.moore@essex.gov.uk

Our Ref: WECCG/UTT/21/3311/GR
Your Ref: UTT/21/3311/OP

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Council Offices
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9 February 2022

Dear Sir/Madam

Address: Land West Of Garnetts Dunmow Road Takeley

Proposal: Outline planning application with all matters reserved, for up to 155 dwellings (including affordable housing and self/custom build plots), as well as public open space, children's play area, land retained in agricultural use, landscaping and all other associated infrastructure

1.0 Introduction

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

2.0 Existing Healthcare Position Proximate to the Planning Application Site

- 2.1 The proposed development is likely to have an impact on the service of 1 GP practice operating within the vicinity of the application site. The GP practice does not have capacity for the additional growth resulting from this development.
- 2.2 The proposed development will likely have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. West Essex CCG would therefore expect these impacts to be fully assessed and mitigated.

3.0 Review of Planning Application

- 3.1 West Essex CCG acknowledges that the planning application includes a Planning Statement which suggests that a capital contribution may be required to mitigate against the healthcare impacts arising from the proposed development.

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

4.0 Assessment of Development Impact on Existing Healthcare Provision

- 4.1 The existing GP practice does not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 388 residents and subsequently increase demand upon existing constrained services.
- 4.2 The primary healthcare service directly impacted by the proposed development and the current capacity position are shown in Table 1.

Table 1: Summary position for primary healthcare services within 2km catchment (or closest to) the proposed development

Premises	Weighted List Size ¹	NIA (m ²) ²	Capacity ³	Spare Capacity (NIA m ²) ⁴
The Eden Surgeries	10,165	621.92	9,070	-75.11
Total	10,165	621.92	9,070	-75.11

Notes:

1. The weighted list size of the GP Practice based on the Carr-Hill formula, this figure more accurately reflects the need of a practice in terms of resource and space and may be slightly lower or higher than the actual patient list.
 2. Current Net Internal Area occupied by the Practice
 3. Based on 120m² per 1750 patients (this is considered the current optimal list size for a single GP within the East DCO). Space requirement aligned to DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services"
 4. Based on existing weighted list size
- 4.3 The development would have an impact on primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

5.0 Healthcare Needs Arising From the Proposed Development

- 5.1 The intention of West Essex CCG is to promote Primary Healthcare Hubs with co-ordinated mixed professionals. This is encapsulated in the strategy document: The NHS Five Year Forward View.
- 5.2 The development would give rise to a need for improvements to capacity, in line with both the emerging CCG and ICS estates strategies, by way of extension, refurbishment

or reconfiguration for the benefit of the patients at the Eden Surgeries, a proportion of the cost of which would need to be met by the developer.

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

Table 2: Capital Cost calculation of additional primary healthcare services arising from the development proposals

	Additional Population Growth (155 dwellings)⁵	Additional floorspace required to meet growth (m²)⁶	Spare Capacity (NIA)⁷	Capital required to create additional floor space (£)⁸
The Eden Surgeries	388	26.61	-75.11	79,830
Total	388	26.61	-75.11	79,830

Notes:

5. Calculated using the Uttlesford District average household size of 2.5 taken from the 2011 Census.
 6. Based on 120m² per 1750 patients (this is considered the current optimal list size for a single GP within the East DCO). Space requirement aligned to DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services"
 7. Existing capacity within premises as shown in Table 1
 8. Based on standard m² cost multiplier for primary healthcare in the East Anglia Region from the BCIS Public Sector Q3 2015 price & cost index, adjusted for professional fees, fit out and contingencies budget (£3,000/m²).
- 5.4 A developer contribution will be required to mitigate the impacts of this proposal. West Essex CCG calculates the level of contribution required, in this instance to be **£79,830**. Payment should be made before the development commences.
- 5.5 West Essex CCG therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 108 planning obligation.

6.0 Conclusions

- 6.1 In its capacity as the primary healthcare commissioner with full delegation from NHS England, West Essex CCG has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.
- 6.2 The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.

- 6.3 Assuming the above is considered in conjunction with the current application process, West Essex CCG would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.
- 6.4 The terms set out above are those that West Essex CCG and NHS England deem appropriate having regard to the formulated needs arising from the development.
- 6.5 West Essex CCG and NHS England are satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.
- 6.6 West Essex CCG and NHS England look forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response and would appreciate acknowledgement of the safe receipt of this letter.

Yours faithfully



Geoff Roberts
Assistant Director - Estates and IT Development
West Essex Clinical Commissioning Group