ITEM NUMBER: 8

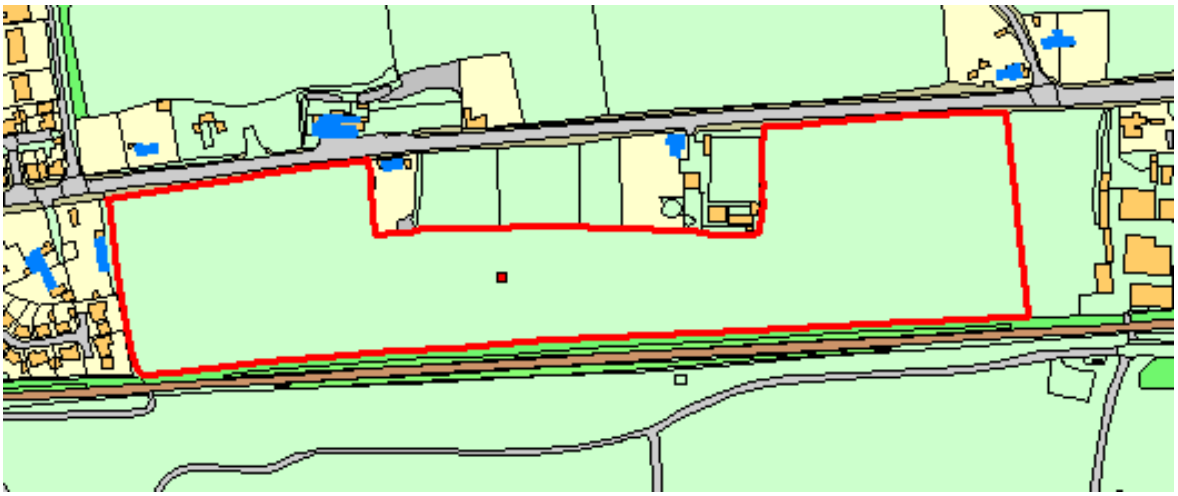
PLANNING COMMITTEE DATE: ~~8 June 2022~~

Deferred to 28 September 2022

REFERENCE NUMBER: UTT/21/3272/OP

LOCATION: LAND SOUTH OF STORTFORD ROAD, LITTLE CANFIELD

SITE LOCATION PLAN:



Organisation: Uttlesford District Council Date: 25 May 2022

PROPOSAL:	**Outline application with all matters reserved except for access for the erection of up to 90 dwellings, including affordable housing, together with access from B1256 Stortford Road, sustainable drainage scheme with an outfall to the River Roding, Green Infrastructure including play areas and ancillary infrastructure**
APPLICANT:	**Welbeck Strategic Land IV LLP & Others**
AGENT:	**Star Planning and Development**
EXPIRY DATE:	**7 February 2022**
EOT Expiry Date	**31 August 2022**
CASE OFFICER:	**Mr Lindsay Trevillian**
NOTATION:	**Outside Development Limits, Countryside Protection Zone, Adjacent Public Rights of Way, Adjacent Arachnological Site, Adjacent Local Nature Reserve (Flitch Way) and Adjacent to Listed Buildings.**
REASON THIS APPLICATION IS ON THE AGENDA:	**Major Application**

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1. EXECUTIVE SUMMARY

1.1 Background

1.1.1 This application was presented to members of the planning committee on 8th June 2022 with a recommendation for approval subjected to suggested conditions and a S106 Legal Agreement.

1.1.2 Following discussions, members considered that further engagement should have been held between the Applicant and Little Canfield Parish Council in the view of whether the Parish are in need or require help towards any community assets contained within the Parish.

1.1.3 In additional, although the Environmental Agency had provided a written response in an email to the Local Planning Authority confirming they had no objections stating “Nothing to say from our point of view on this one. The site appears to have no constraints”, members requested officers to

seek further information from the Environmental Agency in a more formal detailed response.

1.1.4 In addition, although the Environmental Agency had provided a written response in an email to the Local Planning Authority confirming they had no objections stating “Nothing to say from our point of view on this one. The site appears to have no constraints”, members requested officers to seek further information from the Environmental Agency in a more formal detailed response.

1.1.5 Finally, members were also concerned that no formal consultation response had been received from the Council’s own landscape officer and that this should have been forthcoming prior to the application being presented at the committee meeting.

1.1.6 As such members decided to defer from deciding on the application to allow for these discussions to take place.

1.1.7 For the ease of reference for Members of the Planning Committee, this executive summary has been provided in addition to the main body of the original report presented below at the Committee in June and will deal with each of the above points of interest in order.

1.1.8 In additional, although the Environmental Agency had provided a written response in an email to the Local Planning Authority confirming they had no objections stating “Nothing to say from our point of view on this one. The site appears to have no constraints”, members requested officers to seek further information from the Environmental Agency in a more formal detailed response.

1.1.9 Finally, members were also concerned that no formal consultation response had been received from the Council’s own landscape officer and that this should have been forthcoming prior to the application being presented at the committee meeting.

1.1.10 As such members decided to defer from deciding on the application to allow for these discussions to take place.

1.1.11 For the ease of reference for Members of the Planning Committee, this executive summary has been provided in addition to the main body of the original report presented below at the Committee in June and will deal with each of the above points of interest in order.

1.1.12 **Engagement with Parish Council**

1.1.13 A meeting was held between officers of Uttlesford District Council, members of Little Canfield Parish Council and the Applicant on Friday 8th July 2022 to discuss whether the proposals in addition to those obligations already set out in the draft heads of terms could help provide or contribute towards any community assets contained within the Parish.

1.1.14 The Parish Council provided a list of potential obligations/requirements that they thought could benefit the wider community within the meeting which were fair and reasonable. This was reviewed by the applicant who responded to the Parish Council's suggestions on 27th July 2022 within an email.

1.1.15 The Applicant concluded that some of the points which were raised by Little Canfield Parish Council would accord with the statutory tests for Planning Obligations whilst some of the other points were considered to fall outside the scope of Article 122 of the CIL Regulations and are thereby not being put forward by the applicant.

1.1.16 One such suggestion made by the Parish was for the Applicant to provide funding for the upgrade or new works to the local village hall.

1.1.17 The applicant acknowledged that there is the potential for the increased population associated with the proposed development to increase the use of Little Canfield Village Hall. Accordingly, the Applicant is prepared to make a financial contribution to the Parish Council of £10,000 which (if a scheme is acceptable to Uttlesford District Council) can be used by the Parish Council to improve the facilities at the Village Hall thereby increasing capacity or use. Such improvements could include enhancing the kitchen, acquiring new chairs and tables, provision of play equipment, etc. The payment would be made prior to the occupation of the 45th dwelling which will provide time for the Parish Council to submit a scheme to the District Council demonstrating how the money would be spent.

1.1.18 A further suggestion was made by the Parish Council in respect to safeguarding unwanted airport parking within the development if permission were to be approved.

1.1.19 The Applicant is willing to establish at the outset a parking restriction along any adopted road within the proposed development to discourage long term on-street parking.

1.1.21 The intention here is that a residents' parking only/permit parking operating say between 10:30 and 12:00 hours on Mondays to Fridays. Welbeck would fund the necessary Order, the signage/lines as part of the construction of the road and a financial contribution for the administrative costs to issue the permits to the first occupiers of each dwelling.

1.1.22 The District Council (through the North Essex Parking Partnership) already has the process and procedures in place to issue the permits and enforce the restrictions. The applicant suggests the total amount for the Order and administration costs would not exceed £10,000. The physical works would just be a construction cost.

1.1.23 **Consultation Response from Environmental Agency**

1.1.24 Members of the planning committee requested officers to seek a more detailed response from the Environmental Agency following their one-line response as detailed above. Officers contacted the Environmental Agency shortly after the application was deferred at the committee. The Local Planning Authority thereafter received two separate consultation responses from the Environmental Agency which are provided in full in the Appendix section of this committee report for ease of reference. A summary of the consultation responses are provided below.

1.1.25 In the Environmental Agency's initial response dated 13th June 2022, they confirmed that the whole of the development site falls within Flood Zone 1 with the nearest Flood Zone 3 located approximately half a kilometre away to the east. As a result, and following the Development Management Procedure Order, the Environmental Agency confirmed that the site is not one of which they would make comments upon is respect to Flood Risk.

1.1.26 Within the same consultation response, the Environmental Agency makes further comments with regards to Noise, Odour and Disturbance. The Environmental Agency acknowledges that there are two permitted sites to the south of the Flitch Way being a waste management site and a composting facility. The Environmental Agency conclude that they would not comment on odour, noise or other disturbances for sites not regulated by themselves as this would be outside their remit.

1.1.27 The Council were in receipt of a further consultation response from the Environmental Agency dated 17th June 2022. This provided further information following on from the Environmental Agency's initial response confirming that the nearby landfill site continues to produce gas from household, commercial and industrial waste and that it has been reported that extensive illegal activity has been taking place on the site.

1.1.28 The Environmental Agency also confirmed that the application site does not fall into their remit in accordance with the Development Management Procedure Order and thereby a site visit was not undertaken for the proposals.

1.1.29 In summary, the Environmental Agency have confirmed that they have no objections to the proposals, but they have informed the Local Planning Authority that the landfill site to the rear does produce odours from waste.

1.1.30 **Consultation Response from UDC Landscape Officer**

1.1.31 It was previously confirmed to members of the planning committee that no formal comments had been received by the Council's landscape officer.

1.1.32 Following the meeting and at the request of members, the Council's landscape officer has now provided formal comments dated 16th June 2022. The landscape officer concluded in full as per below:

1.1.33 *A landscape and visual appraisal (LVA) has been undertaken by Terence O'Rourke Ltd, acting on behalf of the applicant, and carried out in accordance with the relevant published guidance (GVLIA3).*

1.1.34 *The study selected 11 viewpoints from visual receptors. The viewpoints are considered representative and appropriate. The magnitude of potential change was found to be large in respect of existing residential properties immediately adjacent to the site on the Stortford Road; small to negligible from the Stortford Road; small from the Bamber's Green Road; negligible from High Cross Lane; medium to large from the public footpath to the rear of the Lion and Lamb public house; large to medium from the public footpath adjacent to the western site boundary; medium to small from the Flitch Way; small from the public footpath to the south of Runnel's Hey; and small to negligible from the public footpath south of All Saint's Church, Little Canfield.*

1.1.35 *The proposed development would clearly result in the loss the existing bucolic character of the site. The mitigation measures indicated on the submitted illustrative masterplan would ameliorate to some extent the potential visual impacts of the development. In particular, the provision of a 25m landscaped buffer between the Flitch Way and the edge of the housing area; and a planting belt to the rear of existing residential properties on the Stortford Road. The setting back of the housing from the Stortford Road would reduce the sense of this being a linear development along the Stortford Road. Importantly, the proposed development is not considered to result in physical or visual coalescence with the hamlet of Little Canfield.*

1.1.36 *The site is within the Countryside Protection Zone (CPZ). The proposed development is contrary to existing adopted policy. This issue was addressed, together with the 'tilted balance', in the case officer's report presented to the Planning Committee at the 8th June 2022 meeting.*

1.1.37 *The main objectives and requirements of the CPZ remains valid: to maintain a local belt of open countryside around the airport which will not be eroded by coalescing development. Policy 8 of the Local Plan states: The area and boundaries of the Countryside Protection Zone around Stansted Airport are defined on the Proposals Map. 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.'*

1.1.38 *The CPZ was revisited in a report (dated June 2016) commissioned by UDC from Land Use Consultants Ltd (LUC). The application site under consideration falls within Parcel 5 of the study area which covered land south of the A120 and extending to land south of the Stortford Road (B1256). The LUC report cemented the view that the whole of Parcel 5, including the current application site should be retained within the CPZ designation.*

1.1.39 *As set out in the case officer's report to the meeting of the 8th of June, Policy 8 and the landscape impact of the proposed development is to be weighed in the balance. Land south of the B1256 within the CPZ is vulnerable to development pressures, as evident by the current planning application under consideration.*

1.1.40 *On the single issue of the adverse landscape impacts of the proposed development a refusal of planning permission would be challenging to defend.*

1.1.41 The landscape officer has thereby assessed the potential harm upon the character and appearance of this part of the countryside including that of the countryside protection zone and concluded that although there would be a change to the character of the site, it is not significant to provide any objections.

1.1.42 The landscape officer notes the 25m buffer zone between the Flitch Way and the position of housing and raises no concerns with regards to this matter.

1.1.43 The landscape officer also records that if planning permission were to be refused on countryside grounds, this would be challenging to defend at an appeal.

1.2 <u>Conditions</u>

1.2.1 Since the application was deferred from the previous planning committee on the 8th June 2022, the applicant and officers have had additional time to review the list of suggested conditions that were originally presented to members at the meeting. Officers have agreed with the applicant to remove and combine some conditions together and amended the wording of others so that they are more precise and relevant to the development proposals. This will reduce the potential for the submission of any further applications in the future and to ensure that the development could come forward as efficiently and effectively as possible if this outline permission is approved.

For the ease of members, the list of conditions suggested in Section 17 of this report include the changes that have been agreed so that members may clearly distinguish and compare the original conditions to

those now brought forward in front this committee. (Highlighted new words and strike through words to be deleted).

2. RECOMMENDATION

That the Director of Planning 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 Director of Planning 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 South of Stortford Road, Little Canfield, 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 southern side of Stortford Road on the eastern edge of the village of Little Canfield. The site is relatively level and is approximately 5.12 hectares in size. It is irregular in shape as it wraps around the residential curtilages of Baileys and Squires Cottage Farm, together with associated small paddocks, encroach into the area.

3.3 There is no established built form contained on the site and it primary consists of a single large arable field. 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.

3.4 Abutting the southern boundary of the site is the 'Flitch Way' which was a former rail line between Bishops Stortford and Braintree and is now public right of way used by many pedestrians, horse riders and pedestrians. The Flitch Way is of local biodiversity interest a Local Wildlife Site. Further beyond the Flitch Way to the south is 'Crumps Farm Quarry' which is a large parcel of land subject to mineral extraction which is still in operation.

3.5 Located along the norther side of Stortford Road opposite the site are a couple of small dwellings and the public house known as the 'Lion and the Lamb'. Beyond these properties are large arable fields used for agriculture. The site abuts the main built form of residential dwellings to

the west which consists of a mixture of built forms and styles. To the east lies Crumps Farm which contains sever large unitarian buildings and farmhouse. Within the Site and adjacent to the western boundary is a public right of way (a footpath) linking Stortford Road to Flitch Way.

3.6 The site does not fall within or abuts a conservation area. There are several listed buildings that abut the site. These buildings are all Grade II Listed These include

- Baileys
- Squires Cottage Farm
- Lion and Lamb Public House
- Warren Farm
- Warren Yard
- 1 The Warren
- Hawthorns
- West Cott
- East Cottage

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 west of the site (approximately 3km).

4. PROPOSAL

4.1 This planning application is submitted in outline with matters relating to scale, layout, appearance, and landscaping reserved. The applicant is seeking approval in principle to develop the site for up to 90 dwellings be and for the details of access to be granted consent. This will leave the approval of the scale, layout, appearance, 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 Access to the site would be from Stortford Road via a priority junction located close to the northwestern corner. The indicative parameter plans show the internal access will consist of a main trunk road extending into the site and along the southern rear boundary with smaller cul-de-sacs leading off this road.

4.4 The height of residential development will generally be 2 and 2 ½ storeys, with a development density of 33.5 dwellings per hectare.

4.5 The applicant has suggested that the proposals would be made up of a mix of housing types, forms and styles. Up to 90 new dwellings are proposed, of which up to 36, or 40% of the total, are to be affordable housing units.

4.6 The applicant has indicated that there will be 2 hectares (4.9 acres), including a children's play area, orchard and paddocks proposed throughout the site as indicative on the submitted illustrative plan.

5. ENVIRONMENTAL IMPACT ASSESSMENT

5.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. No Screening Opinion was submitted by the Applicant.

6. RELEVANT SITE HISTORY

6.1 A search of Council's records indicates that there is no relevant recorded planning history for the site that is of relevance to the proposals.

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 The Applicant has engaged in pre-application discussions about the Proposed Development with officers of Uttlesford District Council. The applicant indicates in their submission that they have undertaken separate pre-application discussions were held with Essex County Council (ECC) related to highways, minerals and waste matters.

7.3 The applicant has also undertaken a consultation with the local community. This has involved a leaflet drop, website and community meeting via Zoom. The consultation process ran throughout late summer 2021 in which the public were given the opportunity to respond to the consultation via email, phone or freepost letter.

7.4 A members briefing was held with members of Uttlesford's Planning Committee with the case officer present to discuss the scheme and answer any questions they may have. This was held remotely via Teams on 10th September 2021. The applicant also indicate that they made contact with ward members and the Parish Council seeking a meeting to discuss the proposals further however, ward members and the Parish Council did not take up the opportunity.

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 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

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.

8.1.2 The application is on the eastern edge of Takeley therefore the highway mitigation seeks to link it to the village by providing a Toucan Crossing that will serve pedestrians and cyclists and also provided a link to the Flitch Way for current residents. The proposed highway infrastructure has been subject to a stage 1 safety audit. In addition, contributions are required to improve the local bus services and help construct the proposed cycle link to Stansted Airport, this contribution is being asked of all applications coming forward in Takeley.

8.1.3 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the suggested mitigation and conditions as per the formal response.

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 Essex Minerals & Waste – No Objection

8.4.1 It is not considered that the rWIIA has fully considered or assessed the planning permission at Crumps Farm (ref: ESS/46/08/UTT). It is considered that reference to current Environmental Permits issued by the Environment Agency and the operator's Environmental Risk Assessment (2012) is inappropriate as this does not take into account the facility/operations which have planning permission but are not operational.

8.4.2 The MWPA have concerns as to the robustness of the rWIIA submitted and accordingly the supporting noise rebuttal. Accordingly, without prejudice, it is considered that further assessment as to the potential impacts from the activities approved as part of ESS/46/08/UTT is needed and should be secured.

8.4.3 The MWPA are unsure as to what, if any mitigation measures, may need to be included as part of the residential development to ensure compatibility between the sites/uses. In the event UDC are content with the principle of residential development on this site, and accordingly seek to secure these additional assessments by way of condition, it is considered essential that such assessments are submitted and approved prior to the approval of any reserved matters, given such provisions will likely impact the layout and density of the development.

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 ECC Infrastructure

8.6.1 A development of this size can be expected to generate the need for up to 8.10 Early Years, and Childcare (EY&C) places; 27.00 primary school and 18.00 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.

8.7 NHS West Essex

8.7.1 The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 225 residents and subsequently increase demand upon existing constrained services.

8.7.2 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 £46,290.00. Payment should be made before the development commences. West Essex CCG

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

8.8 National Trust – No Objection

8.8.1 The proposed development is approximately 3km from the SSSI, National Nature Reserve areas and ancient woodland of Hatfield Forest which extends over 424 hectares, including Wall Wood and Woodside Green. The forest is experiencing rapid and unsustainable growth in visitor numbers which is putting it under considerable pressure and there are signs that the SSSI, NNR and other designated/protected features there are being damaged.

8.8.2 The view of the National Trust is that without mitigation the proposal would fail to accord with the NPPF, most notably para's 174 and 180 which seek to conserve and enhance the natural environment. For the proposed development we consider that both on and off site mitigation is necessary to allow for the proposals to be considered appropriate. Further details of the mitigation is provided in the main assessment of this report.

9. PARISH COUNCIL COMMENTS

9.1.1 Little Canfield Parish Council - The Parish Council objects to this application on the following grounds:

9.1.2 Countryside Protection: - The development proposal is within the Countryside Protection Zone (CPZ), a zone already under threat from development proposals.

Constraints: - The development proposal is adjacent to a protected Linear Country Park. It encloses the Flitch Way with the neighbouring waste site which is within 200 yards of the proposed development.

Biodiversity: - The proposal contravenes the parish council's published Biodiversity Policy.

Infrastructure: - The lack of infrastructure, including school spaces, GP provision and lack of public transport renders a proposal to add such a significant number of properties with the resultant increased number of people to an already overwhelmed and under-serviced neighbourhood completely unsustainable.

9.2.1 Great Canfield Parish Council - The Parish Council objects to this application on the following grounds:

9.2.2 Flooding and Drainage: - The applicant confirms a sustainable drainage scheme with an outfall to the River Roding, and in the application

confirms the scheme will not increase flood risk elsewhere. Great Canfield Parish Council challenges this statement.

In the last few years, the parish has seen a significant increase in highway flooding as well as more frequent and higher levels of flooding to resident's outbuildings and gardens.

The parish council is concerned that further concreting of the countryside such as in this application which include direct outfalls will increase the volume of water entering the River Roding and further add to the flooding issues in Great Canfield impacting its residents.

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer – No Objection

10.1.1 The affordable housing provision on this site will attract the 40% policy requirement as the site is for up to 90 units. This amounts to up to 36 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers. It is also the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). The Council's Housing Strategy also aims for 5% of all units to be bungalows delivered as 1- and 2-bedroom units. This would amount to 5 bungalows across the whole site delivered as 2 affordable units and 3 for open market.

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 The officer confirmed that that they have review all relevant supporting documentation and conclude the proposals would fail to preserve the special interest of several listed buildings, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, through change in their setting. In particular, the proposals shall result in a level of less than substantial harm at a medium level for Warren Yard and at the lowest end of the spectrum for several other designated heritage assets, Paragraph 202 of the NPPF (2021) being relevant.

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 Preliminary Ecological Appraisal (Wardell Armstrong, June 2021), Bat Survey Report (Wardell Armstrong, October 2021), Great Crested Newt Environmental DNA Survey Report (Wardell Armstrong, July 2021), Otter and Water Vole Survey Report (Wardell Armstrong, September 2021), Hatfield Forest Impact Assessment (Wardell Armstrong, October 2021) and a confidential report (Wardell Armstrong, July 2021), relating to the likely impacts of development 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 Historic Environment Advisor of Essex County Council has identified the above application on the weekly list as having potential archaeological implications on the site and suggest to imposed relevant conditions if permission is granted seeking a programme of archaeological investigation to be secured prior to works commencing on the site.

10.7 Crime Prevention Officer – No Objection

10.7.1 UDC Local Plan Policy GEN2 - Design (d) states" It helps reduce the potential for crime" Whilst there are no apparent concerns with the layout to comment further, we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures. We would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with this policy by achieving a Secured by Design Homes award. An SBD award is only achieved by compliance with the requirements of the relevant Design Guide ensuring that risk commensurate security is built into each property and the development as a whole.

10.8 Cadent Gas Ltd – No Objection

10.8.1 After receiving the details of your planning application, we have completed our assessment. We have no objection to your proposal from a planning in general area, but we do have high pressure assets in the vicinity.

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 ESP Utilities Group Limited – No Objection

10.10.1 Requires that the applicant to undertake early consultation with ESP Utilities Group prior to excavation of the site to obtain the location of plant and precautions to be taken when working nearby.

10.11 National Grid – No Objection

10.11.1 An assessment has been carried out with respect to National Grid Gas Transmission plc's apparatus and the proposed work location. Based on the location entered into the system for assessment the area has been found to not affect any of National Grid Gas Transmission plc's apparatus.

10.12 UK Power Networks – No Objection

10.12.1 Advised that the applicant should make contact if any excavation affects their Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV), to obtain a copy of the primary route drawings and associated cross sections.

10.13 NATS Safeguarding – No Objection

10.13.1 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.

10.14 London Stansted Airport – No Objection

10.14.1 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.

10.15 Thames Water – No Objection

10.15.1 We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole

installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required".

10.15.2 With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework.

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.

11.3 Object

11.3.1 Water Pressure: The village is constantly affected by poor water pressure and in some instances left without water entirely with issues from the local pumping station for one reason or another.

Facilities: There is not enough basic amenities locally such as education and health services to support a new development of this size.

Neighbouring Amenity: The proposals particularly during construction will result in unwanted noise and dust.

Highway Traffic & Safety: The proposals by way of adding much more traffic on the road, would increase noise, pollution, and dangerous driving that already exists on Stortford Road.
Condition of the B1256 is already not good with pot holes and a crumbling road service.
The plans bring all the traffic through one access point onto the site, this will mean approximately 180 cars trying to get in and out of one access point on a daily basis, onto a busy main road.
Construction traffic and heavy vehicles will further damage this surface.
The travel plan submitted fails to consider the impact of REDUCED bus services announced by bus companies. Further reliance on resident's private car usage.

Flooding: Additional housing would lead to the increase in potential flood risk which is already a problem in the area.

Parking: The parking for these dwellings is limited to each property and visitor spaces are not enough.

Biodiversity: The local area has a number of animals and birds, the proposal will have a negative effect on their environments.

Character: The proposal is said to be sympathetic to the local area but all the properties in the direct vicinity are detached houses, 90 dwellings is not in keeping with the local area and heritage.

There are too many developments currently either underway or awaiting planning approval to the west of Great Dunmow e.g. Little Easton, Warish Hall, Takeley Street. These are spoiling the appearance of the area; it is becoming suburban rather than a country landscape.

Countryside: The proposals would cause harm to the character and opens on the rural locality and the countryside protection zone.

Sustainability: The proposals do represent a sustainable form of development.

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

12.3 Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development

which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation Area.

12.4 The Development Plan

12.4.1 Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Felsted Neighbourhood Plan (made Feb 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made July 2022)

13. <u>POLICY</u>

13.1 National Policies

The National Planning Policy Framework (hereafter "the NPPF") was first published in 2012 and was revised in July 2021. It sets out the Government's national planning policies for England. It identifies the Government's vision, objectives and goals for the planning system and provides a series of aids in the determination of planning applications.

13.2 Uttlesford District Plan 2005

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
ENV12 – Groundwater Protection
ENV14 – Contaminated Land
H9 – Affordable Housing

H10 – Housing Mix

13.3 Supplementary Planning Document or Guidance

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

14. <u>CONSIDERATIONS AND ASSESSMENT</u>

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. A) Principle of Development

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

14.3.2 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.

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

14.3.4 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.

14.3.5 The proposal 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. In either scenario or both, in this case, paragraph 11 is fully engaged along with the "tilted balance" in favour of the proposals.

14.3.6 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.

14.3.7 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 B) Suitability and Location

14.4.1 The Applicant submits that the proposals would represent a sustainable form of development. Takeley lies to the east Little Canfield which 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.

14.4.2 Although outside the development limits of the village of Little Canfield, the new built would be located adjacent to the main urban boundary of the village and would therefore be generally contained within the established structure, backdrop and fabric of the village. The proposal, therefore, provides a strong and logical relationship with the existing village.

14.4.3 The village of Little Canfield and 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. Furthermore, the larger towns of Bishop's Stortford and Great Dunmow are just a short 5-10 min drive where other larger amenities can be found.

14.4.4 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 Stortford 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.

14.4.5 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 Little Canfield.

14.4.6 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.

14.4.7 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.

14.4.8 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.

14.4.9 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.

14.4.10 The proposal would have a negative impact by putting more strain on the local infrastructure and demand for school places and local surgeries. Little Canfield including Takeley 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.

14.4.11 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 C) Countryside Impact

14.5.1 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.

14.5.2 The proposed scheme is for up to 90 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 (33.5dph) scheme such as this scheme in this location would not be significantly out of place with the surrounding character due to its design concept taking into account the wider natural, historic and built environment.

14.5.3 It is acknowledged that there are some open views over the existing countryside from the Flitch Way, Stortford Road and further beyond. In outlying views from the countryside towards the site, are in many cases interrupted by buildings and vegetation that are located on the boundaries and adjacent to the site. The visual envelope, i.e. the area from which the site can be seen, is relatively modest due to the position of the built form to the rear of the site and setback off Stortford Road.

14.5.4 The proposed indicative illustrated masterplan presents a loose knit and spacious layout with significant areas of soft landscaping interspersed and on the permitter of the site. The area of housing would be sited away from the B1256 Stortford Road, and public right of way by the creation of new paddocks, community orchard, areas of wildflower meadow and an entrance green towards the front of the site. The density of the site would be become lower towards the eastern end of the site towards Crumps Farm. The housing would be set back from Flitch Way by approximately 25 metres.

14.5.5 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.

14.5.8 Apart from the loss of approximately 25 metres of existing hedgerow fronting Stortford Road for the access, there would be enhanced and new hedgerow planting, new tree planting and scrub planting around the attenuation pond and a woodland belt adjacent to Flitch Way.

14.5.9 The development 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.

14.5.10 In outlying views from the countryside towards the site, the development would form part of the backdrop of the existing buildings and the settlement of Little Canfield resulting in only low to medium 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.

14.5.11 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.

14.5.12 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.

14.5.13 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. However, this Study was undertaken approximately 6 years ago and has not been formally adopted as a supplementary document and was prepared as evidence for the previous now withdrawn Local Plan. Thereby it is considered that little weight should be given to this document.

14.5.14 The application site contains no built development and has a sense of openness backing onto existing residential development. The B1256 Stortford Road, which links the Little Canfield to Great Dunmow, lies to the north, the Flitch Way abuts the boundary to the south and Crumps Farm to the east. The site is therefore considered to be contained on all boundaries limiting the spread of further built development beyond.

14.5.15 Although it has been determined that little weight should be given to the Countryside Protection Zone Study for the reasons given above, 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:

14.5.16 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 Stortford Road to the north, Flitch Way to the South and existing built form to both the east and west of the site. 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 modest relationship with Little Canfield.

To restrict the spread of development from the airport – it is acknowledged that the proposed development will extend the built form of Little Canfield along the southern side of Stortford Road. However, this plot of land is considered not to play a strong role in preventing the spread of development from the airport 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 an open field, the size of the site is modest in size further reducing any sense of rural character on the application site and one of which is most likely not suitable for agricultural production; 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 Little Canfield.

14.5.17 A material consideration is that there has been recent planning decision allowed in the vicinity of this application site which relates to development within the Countryside Protection Zone. These applications are located closer to the airport than that of the proposals and it is regarded that the proposals would result in les of an impact in respect to coalesce compared to those that have recently been granted consent. These applications include UTT/21/2488/OP Land East Of Parsonage Road, Takeley (88 dwellings) & UTT/21/3311/OP Land West Of Garnetts, Dunmow Road, Takeley (155 dwellings).

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 90 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 D) Character and Design

14.6.1 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.

14.6.2 This is an outline application where appearance, layout, scale, 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 33.5 dwellings/hectare and there would be a mixture of housing types.

14.6.3 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.

14.6.4 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.

14.6.5 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.

14.6.6 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 E) Heritage

14.7.1 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.

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

Warren Yard, Grade II (list entry number 1097454)
Warren Farmhouse, Grade II (list entry number 1097450)
Lion and Lamb Public House, Grade II listed (list entry number: 1054810),
Baileys, Grade II listed (list entry number: 1334090),
Squires Cottage, Grade II listed (list entry number: 1367097),
Hawthorns, Grade II listed (list entry number: 1334088) and
West Cottage and East Cottage, Grade II listed (list entry number: 1054815).

14.7.3 The application was formally consulted to Place Services conservation officer who confirmed within their formal response 22nd December 2021 that they would not be able to support the proposals.

14.7.4 Within their response, the conservation officer acknowledges that both Warren Yard and Warren Farmhouse share a functional link to the application site, historically being the farmstead that the site was associated with, now farmed by Crumps Farm. It is also confirmed that the application site through being open arable land makes a positive contribution to the setting to all of the above identified heritage assets, contributing to their rural character and significance.

14.7.5 The conservation officer provides advice as to what harm and the level of harm that they consider to each of the heritage assets.

Warren Yard - The proposals would sever the last link between the asset and its original setting, thus the proposals would result in a level of less than substantial harm, which is considered to be at the middle of the spectrum.

Warren Farmhouse - due to the function link of the application site to the designated heritage asset and close proximity, the conservation officer considers there would be a level of less than substantial harm to be at the lowest end of the scale.

Hawthorns, West Cottage and East Cottage - the proposed development would have an impact upon the heritage assets through the fundamental change in land use and the clear intervisibility between the sites, thus the would be a level of less than substantial harm, through change in their setting. This is considered to be at the lower end of the spectrum.

Lion and Lamb Public House - the proposals would not result in harm to its significance.

14.7.6 In summary, the conservation officer concludes that the intervisibility between the site and the heritage assets, including the impact upon the historically uninterrupted views across the agrarian landscape, result in a level of less than substantial harm to the setting and therefore the significance of the assets, Paragraph 202 of the NPPF (2021) being relevant.

14.7.7 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.

14.7.8 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'*.

14.7.9 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.'*

14.7.10 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.

14.7.11 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.

14.7.12 It has been found that the proposals will result in 'less than substantial harm' at the lower to medium spectrum to the setting and significance of the heritage assets as identified by Place Services conservation officer. It is recognised that the proposals would result in up to 90 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.

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

14.8 F) Archaeological

14.8.1 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.

14.8.2 A desk-based assessment has been submitted with the above application and has assessed the potential for archaeological remains. The assessment considers Priors Green in its discussion; a watching

brief undertaken at Priors Green identified Bronze Age activity along with two Iron Age cremations (EHER46301). It is therefore considered that there is the potential for prehistoric features and deposits within the development area. The geophysical survey, submitted as part of the desk-based assessment, identifies a number of potential archaeological features; the report highlights the existence of 'clearly defined linear and curvilinear ditch-like anomalies'. The development also fronts onto the main Roman Road (Stane Street) from Braughing to Colchester. There is therefore the potential for prehistoric and Roman archaeological features and deposits within the proposed development area.

14.8.3 As such, the County's archaeological team suggest that further archaeological work is 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.

14.8.4 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 G) Loss of Agricultural Land

14.9.1 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'.

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

14.9.3 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.

14.9.4 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 invertible 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.

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

14.9.6 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 of more of BMV agricultural land.

14.9.7 The application site represents a comparatively small amount of arable land that is currently not in use for agricultural, but is generally a open field. 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 H) Housing mix and Tenure

14.10.1 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.

14.10.2 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 90 properties. This amounts to up to 36 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.

14.10.3 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)'.

14.10.4 The study recommends appropriate housing options and delivery approaches for the district. It identities 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.

14.10.5 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). This will be secured by way of a planning conditions.

14.11 l) Neighbouring Amenity

14.11.1 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.

14.11.2 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.

14.11.3 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 J) Parking and Access

14.12.1 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.

14.12.2 Drawing number 20153-MA-XX-XX-DR-C-0001 indicates the provision of a single priority junction from Stortford Road within the western part of the site will provide the main vehicle ingress point in and out of the site. This is an outline application and therefore the internal road layout and further detail will also be provided as part of the Reserved Matters.

14.12.3 In addition to the proposed access, a number of other highway works are proposed within and outside the site which include:

New bus stop and shelter to the west of the proposed access.
New toucan signalised pedestrian crossing to the west of the bus stop.
A new 2m footpath extending from the existing and leading towards the bus shelter.
It is proposed to provide a 3m wide footway/cycleway along the western edge of the site access, which aligns east/west toward the PROW, within the site to the rear of the existing hedgerow.

The existing public right of way between Stortford Road and Flitch Way would be retained and the surface improved within the Site. Parallel to this footpath a cycleway is proposed to enable cyclists to access the Flitch Way.

14.12.4 The application was consulted to the lead local highway authority who confirmed that they have reviewed the supporting Transport Assessment in conjunction with a site visit and internal consultations.

14.12.5 The highway authority confirmed that there is a committed scheme to provide additional capacity at the Four Ashes junction. It is recommended that this scheme is also included as a condition in this application to ensure it is still delivered if the other applications do not come forward. This has been recommended for all applications in the area.

14.12.6 Furthermore, the application is on the eastern edge of Takeley therefore the highway mitigation seeks to link it to the village by providing a Toucan Crossing that will serve pedestrians and cyclists and also provided a link to the Flitch Way for current residents. The proposed highway infrastructure has been subject to a stage 1 safety audit. In addition, contributions are required to improve the local bus services and help construct the proposed cycle link to Stansted Airport, this contribution is being asked of all applications coming forward in Takeley.

14.12.7 The highway authority concluded that from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the appropriate mitigation and conditions as outlined in Section 17 of this report.

14.12.8 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'.

14.12.9 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.

14.12.10 As the final mix of housing has not been refined to date, the number of required vehicle spaces cannot 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.

14.12.11 The applicant states that the proposals will include the provision of Electric Vehicle charging infrastructure on plot for each residential unit.

14.13 K) Landscaping, open space

14.13.1 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.

14.13.2 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.

14.13.3 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. Furthermore, new native planting is proposed to strengthen the existing hedgerow adjacent to the Flitch Way. 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.

14.13.4 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.

14.13.5 The indicative illustrative masterplan indicates a site entrance green as public open space in the northwestern corner of the site. Furthermore, paddock style open space is provided along Stortford Road, however whether this space is to be incorporated as formal public open space or an orchard has yet to be defined by the Applicant. 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 a children's play space is to be potentially situated in the centre of the residential development along the southern boundary. 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 play space should accord with the guidance set out in the 'Fields of Trust'.

14.14 L) Nature Conservation

14.14.1 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.

14.14.2 The application site itself is not subject of any statutory nature conservation designation being largely used as an arable field. However, the site is reasonably close to at Hatfield Forest which is a Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR). It also backs onto the Flitch Way which is of local biodiversity interest a Local Wildlife Site.

14.14.3 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.

14.14.4 Natural England and the ecologist confirmed that they have reviewed the supporting Preliminary Ecological Appraisal (Wardell Armstrong, June 2021), Bat Survey Report (Wardell Armstrong, October 2021), Great Crested Newt Environmental DNA Survey Report (Wardell Armstrong, July 2021), Otter and Water Vole Survey Report (Wardell Armstrong, September 2021), Hatfield Forest Impact Assessment (Wardell Armstrong, October 2021) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats.

14.14.5 Natural England 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. However, Natural England and the National Trust are still currently working towards a strategic solution to manage the impact of visitors and their recreational impact on Hatfield Forest

(e.g. walking). However, at the time of drafting this assessment, there are no confirmed Strategic Access Management Measures in respect to what constitutes a suitable financial contribution.

14.14.6 A financial contribution of **£30,900.00** towards Hatfield Forest has been proposed within the Hatfield Forest Impact Assessment (Wardell Armstrong, October 2021). This financial contribution will be secured by a legal agreement. The payment would be used to fund enhancements / management measures identified by the National Trust (such as path surfacing, signage) to mitigate against the impacts of recreational pressure on the site.

14.14.7 Place Services ecologist 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. They also confirm 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 M) Contamination

14.15.1 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 in the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority.

14.16 N) Flooding & Drainage

14.16.1 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.

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

14.16.3 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.

14.16.4 In respect to flooding and drainage, the application is supported by a Flood Risk Assessment & Drainage Strategy. This concludes that the proposed development incorporates a sustainable drainage system which includes an attenuation basin located in the east of the site.

14.16.5 The Flood Risk Assessment & Drainage Strategy confirms that it is proposed to utilise Sustainable Drainage Systems to manage surface water runoff from the proposed development in line with current best practice. The development will utilise an attenuation pond to reduce runoff to the greenfield runoff rate of 4.9l/s for all events up to and including the 1 in 100 yr + climate change event. Foul drainage will discharge to the existing Thames Water network located within B1256 Stortford Road.

14.16.6 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.

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

14.17 O) Planning Obligations

14.17.1 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 Levey (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.

14.17.2 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 **£139,870.80**

Primary Education: if required the provision of an appropriate contributions towards Early Years education facilities as agreed with the County Council. Financial contribution of **£466,236.00**

Secondary Education: if required the provision of an appropriate contributions towards Secondary Education facilities as agreed with the County Council. Financial contribution of **£427,950.00**

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 = **£7,002.00**)

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. 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.

Healthcare contributions: if required the provision of an appropriate contributions towards healthcare facilities as agreed with the CCG. (Financial contribution of **£46,290.00**).

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 **£30,900.00**.

A financial contribution of **£346,500.00** (£3850 per dwelling) (indexed from the date of this recommendation) 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 sum of **£56,150.00** (indexed from the 1st of April 2022) to be paid to the highway authority to provide appropriate surfacing and drainage, signage and information boards from section of the Flitch in the vicinity of the site

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.

Residential Travel Plans (It shall be accompanied by an annual monitoring fee **£1596.00** per annum)

A sum of **£10,000.00** to be paid to Little Canfield Parish Council to be used for the upgrade or new provision of community facilities to how they see fit.

Payment of the council's reasonable legal costs.

Payment of monitoring fee.

14.18 P) Other Issues

14.18.1 Noise and Disturbance

14.18.2 Polices 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.

14.18.3 The proposed development is accompanied by a Noise Assessment informed by data taken from the site and modelling of noise impacts upon the development.

14.18.4 Council's Environmental Health Officer was consulted and confirmed they have reviewed the Noise Impact Report compiled by Wardell-Armstrong ref – LO10946, dated October 2021 and the supplementary report ref NA/SU/LO10946/008 dated 25th February 2022. The officer concluded that in broad terms they agree with the overall conclusions in the report, however there are areas of clarity and detail that will need to be sought but these can be conditioned at the reserve matters stage.

14.18.5 The supporting Noise Impact Report concludes the predominate noise source is road traffic noise from the B1256 and to a lesser extent the quarry to the south of the site.

14.18.6 The report shows that the guidance levels for outdoor amenity and indoor areas are not likely to be met in some areas of the proposed site without sound mitigation measures. It suggests various options and proposes that these could be confirmed on a plot-by-plot basis once the detailed site layout becomes available. This is a pragmatic approach but as the reserved matters stage has yet to be finalised, this impacts on the ability to calculate the effectiveness of the proposed sound mitigation measures. It may also be the case that the site may not be suitable for the proposed 90 dwellings. For this reason, a revised report will be necessary at the reserved matters application to take consider the above points in more detail.

14.18.7 In addition to the above, Essex Minerals & Waste raised concerns as to the robustness of the Waste Impact Assessment submitted and accordingly the supporting noise rebuttal. It was considered that further assessment as to the potential impacts from the activities approved as part of ESS/46/08/UTT is needed and should be secured.

14.18.8 As such, it is recommended that a condition is imposed if consent is granted that prior to the commencement of the development hereby permitted, a further revised Noise Impact Report is prepared to address

the details that are still outstanding as identified within the supporting Noise Impact Report compiled by Wardell- Armstrong ref – LO10946 to ensure appropriate mitigation is provided to protect the amenities of future occupiers in respect to noise and disturbance.

14.18.9 It is acknowledged that during the construction phases, there will be periods when works are likely to be audible to at nearby receptors. A 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.

14.18.10 Odour:

14.18.11 The odour assessment submitted with ESS/46/08/UTT did not predict significant odour/air quality impacts to nearby sensitive properties, as existing at the time of permission, subject to mitigation. This assessment was however undertaken in 2008 and accordingly it is recommended that should planning outline permission be granted, a further odour assessment is needed to establish the likely baseline from the operations approved at Crumps and the odour concentrations likely to be experienced by occupiers as part of the reserved matters stage. It is thereby suggested that a condition be imposed requesting an odour assessment be carried out prior to the construction of the development to protect the amenities of future occupiers.

14.18.12 Air Quality and Pollution

14.18.13 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.

14.18.14 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 undertaken by Wardell-Armstrong dated 12th October 2021 provided by the applicant and broadly agree with the findings in that the proposed development will not lead to an unacceptable risk from air pollution, nor will it lead to any breach of national objectives as required by national policy.

14.18.15 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.

14.18.16 Energy and Sustainability

14.18.17 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. The applicant has also confirmed that they are committed to securing the installation of on-plot electric vehicle charging infrastructure as part of the strategy to reduce carbon emissions and promote sustainable travel.

14.18.18 The proposals are supported by an Energy Strategy for the site which identifies that the proposals may incorporate measures including enhanced fabric efficiency, low carbon and renewable energy technologies and minimal use of natural gas throughout the proposed development.

14.18.19 The energy strategy concludes that it is expected that the proposed development will primarily make use of: roof mounted solar PV, solar thermal systems and ASHP. The detail of the energy strategy will be determined in the reserved matters application. The Strategy continues to conclude that with the implementation of increased fabric efficiency measures and renewable and low carbon technologies, the proposed development will achieve an 31% reduction in emissions compared to current building regulations as defined Part L (2013).

14.18.20 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. It is suggested that suitable techniques by way of minimise energy use and cutting greenhouse gases will be imposed by way of conditions if this outline permission is granted consent.

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-date, 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 90 dwellings including up to 36 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. The Dwellings will be of a higher energy efficiency and lower carbon emissions in respect to the current building regulations.

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 proposals would also provide upgraded highway works including the provision of new bus infrastructure adjacent to the site, a new cycle link and upgrade works to the PROW between Stortford Road and Flitch Way, and a new pedestrian crossing along Stortford Road to improve safety and access for the existing community to Flitch Way.

16.6 Thus, taken these together, significant weight to the benefits of the development have been considered.

16.7 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.

16.8 It has been found that the proposals will result in 'less than substantial harm' at the lower to medium spectrum to the setting and significance of the heritage assets as identified by Place Services conservation officer.

16.9 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.

16.10 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.

16.11 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.

16.12 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) Provision of 40% affordable housing
(ii) Payment of education financial contributions; Early Years, Primary and Secondary
(iii) Libraries' contribution
(iv) Financial contribution for Health contributions

(v) Provision and long-term on-going maintenance of public open space (including LAP and LEAP)
(vi) Financial contribution to provide sustainable highway improvements.
(vii) Financial contribution to mitigate on impact of Hatfield Forest
(viii) Financial contribution to Little Canfield Parish Council
(ix) Monitoring cost
(x) Payment of the council's reasonable legal costs.

17.8 Conditions

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

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

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

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

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

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

4 The development shall be carried out in accordance with the following approved plan: Site Location Plan Dwg Ref: TOR-SK004 and Footway and Access Road With Signalised Crossing DWG Ref: 21084-Ma-XX-XX-DR-C-0004-P01. ~~Plan Dwg Ref 21084-Ma-XX-XX-DR-C-0002-P02 unless otherwise agreed in writing by the Local Planning Authority.~~

REASON: To ensure the development reflects and maintains the character of the surrounding locality and the street scene in accordance with Policies S7, S8, GEN2, ENV2 of the Adopted Local Plan and the NPPF.

5 As part of the Reserved Matters the location of the built development shall be in general accordance with Parameter Plan Dwg Ref: TOR004 and the Illustrative Masterplan Dwg Ref: 230206/URB/SK003/IP

~~The location of the built development shall be carried out in general accordance with Parameter Plan Dwg Ref: TOR004 and the Illustrative Masterplan Dwg Ref: 230206/URB/SK003/IP unless otherwise agreed in writing by the Local Planning Authority.~~

REASON: To ensure the development reflects and maintains the character of the surrounding locality and the street scene in accordance with Policies S7, S8, GEN2, ENV2 of the Adopted Local Plan and the NPPF.

6 No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles contained in the submitted Flood Risk Assessment and Drainage Strategy (October 2021) has been submitted to and approved in writing by the local planning authority. The scheme should include but not limited to:

a) Provide the inclusion of 10% urban creep
b) Attenuation storage and conveyance network should be modelled with critical 1yr, 30r and 100 plus 40percent climate change allowance. 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.
c) A layout of the proposed drainage network at the site including any outfall to the River Roding.
d) A drainage plan which details exceedance and conveyance routes, finished floor levels and ground levels.
e) Provide an updated written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation of any dwelling or other timescale as may be approved by the local planning authority.

~~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 the inclusion of 10% urban creep. In any storage calculations, we would also want to see 'urban creep' included in line with the Document 'BS 8582:2013 Code of practice for surface water management for development sites' which states: "To allow for future urban expansion within the development (urban creep), an increase in the paved surface area of 10% should be used, unless this would produce a percentage impermeability greater than 100%, or unless specified differently by the drainage approval body or planning authority'.~~

~~Attenuation storage and conveyance network should be modelled with critical 1yr, 30r and 100 plus 40percent climate change allowance. Attenuation storage should not flood in any event. 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.~~

~~Demonstrate 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.~~

~~Provide layout of the proposed drainage network at the site.~~

~~Provide a drainage plan which details exceedance and conveyance routes, FFL and ground levels.~~

~~Provide an updated 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.

7 No development shall take place until a Written Scheme of Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions:

a) the programme and methodology of site investigation and recording;
b) the programme for post investigation assessment;
c) the provision to be made for analysis of the site investigation and recording;
d) the provision to be made for publication and dissemination of the analysis and records of the site investigation
e) the provision to be made for archive deposition of the analysis and records of the site investigation;
f) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

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.

8 ~~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.~~

9 ~~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.~~

10 ~~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.~~

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

a) The construction programme and phasing
b) Hours of operation, delivery and storage of plant and materials used in constructing the development
c) Details of any highway works necessary to enable construction to take place
d) the parking of vehicles of site operatives and visitors,
e) Details of hoarding
f) Management of construction traffic to reduce congestion on the public highway
g) Control of dust and dirt on the public highway
h) Details of consultation and complaint management with local businesses and neighbours
i) Waste management proposals
j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light, and odour.

k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.
l) wheel and underbody washing facilities.
M) routing strategy for construction vehicles

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

~~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: In the interests of highway safety and the control of environmental impacts on existing residential properties in accordance with Policies GEN1, ENV10 of the Adopted Local Plan and the NPPF.

12 Any ~~The~~ air source heat pumps to be installed at a ~~the~~ dwelling~~s~~ shall be specified and designed, enclosed, or otherwise attenuated to ensure that noise resulting from its ~~their~~ operation shall not exceed the existing background noise level inclusive of any penalty for tonal, impulsive, or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014

REASON: To ensure future occupiers enjoy a good acoustic environment, in accordance with policy ENV10 which requires appropriate noise mitigation and sound proofing to noise sensitive development.

13 A minimum of a single electric vehicle charging point shall be installed at each dwelling ~~of the houses~~. These shall be provided, fully wired and connected, ready to use before the first occupation of each dwelling.

REASON: The requirement of the charging points are required to mitigate the harm for poor air quality due to the increase in vehicle in accordance with Policy ENV13 of the Adopted Local Plan and the NPPF.

14 In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures, a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out.

No part of the development should be occupied until all remedial and validation works are approved in writing 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 the interest of human health in accordance with Policy ENV14 of the Adopted Local Plan and the NPPF.

15 Prior to the occupation of any dwelling ~~the development~~, the approved access shall be provided as shown, ~~a minimum of 5.5m width carriageway, 2m footway and footway/cycleway minimum effective width 3m shall be provided as shown in principle~~ on submitted drawing 21084-MA-XX-XX-DR-C-0004 – P01 shall be constructed ~~provided~~, including a clear to ground visibility splays with dimensions of 2.4metres by 103metres to the west and 2.4 metres by 112metres to the east measured from and along the nearside edge of the carriageway but offset by 1metre on the western splay. The vehicular visibility splays shall retained free of any obstruction at all times thereafter.

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

16 Prior to the ~~first~~ occupation of any dwelling the highway infrastructure as shown in principle in submitted drawing 21084-MA-XX-XX-DR-C-0004 – P01 shall be provided, works shall include all necessary works including any relocation or provision of signage, lighting, associated resurfacing or works to the existing carriageway to facilitate widening and Traffic Regulation Orders to be carried out entirely at the developer's expense. Works shall comprise:

a) Toucan crossing and associated footway/cycle with a minimum effective width of 3.5metres

b) Footway/cycle link from the toucan crossing to the Flitch Way as shown in principle on the Illustrative Masterplan including surfacing of PROW 33/8 and

c) Provision/enhancement of bus stops, including any relocation, on the north and south sides of the B1256 which shall comprise (but not be limited to) the following facilities: shelters; seating; raised kerbs; bus stop markings; poles and flag type signs, timetable casings.

d) Internal footway to serve the bus stops in the most direct manner from all parts of the site.

e) Relocation of the 30mph speed limit to the east to incorporate the access and bus stop at a location agreed with the highway authority.

REASON: In the interests of reducing the need to travel by car and highway safety in accordance with policies DM1 and DM9 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, GEN1 of the Adopted Local Plan and the NPPF.

17 Prior to the occupation of any dwelling ~~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 in the interest of highway efficiency 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.

18 Prior to first occupation of a dwelling ~~the proposed development~~, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack to the occupiers of that dwelling to promote ~~per dwelling, for~~ sustainable transport, and to include six one day travel vouchers for use with the relevant local public transport operator. The Pack shall be first approved by the local planning authority. ~~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, GEN1 of the Adopted Local Plan and the NPPF.

19 ~~The number of parking spaces shall be in accordance with those standards set down within Essex County Council's Parking Standards Design and Good Practice, September 2009 and Uttlesford Local Residential Parking Standards February 2013.~~

~~REASON: To ensure that appropriate parking is provided in the interests of highway safety and efficiency in accordance with Policy DM8 of the Adopted Local Plan and the NPPF.~~

20 Prior to first occupation the developer to provide a single access to the Flitch Way as shown in principle on the Illustrative Masterplan and provide appropriate fencing and planting between the development and the Flitch

Way. No other accesses shall be provided unless agreed in writing with the planning authority in conjunction with ECC.

REASON: to provide controlled access to the Flitch Way and improve the accessibility of the site by walking and cycling and protect it from uncontrolled use and damage in accordance with Policy ENV7, ENV8 and GEN1 of the Adopted Local Plan and the NPPF.

21 The layout of the development will be such that no gardens back on to Flitch Way and/or an appropriate buffer is provided between the Flitch Way and the development.

REASON: to protect the Flitch Way from uncontrolled use, littering and damage in accordance with Policy ENV7, ENV8 and GEN1 of the Adopted Local Plan and the NPPF.

22 All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the submitted Preliminary Ecological Appraisal (Wardell Armstrong, June 2021), Bat Survey Report (Wardell Armstrong, October 2021), Great Crested Newt Environmental DNA Survey Report (Wardell Armstrong, July 2021), Otter and Water Vole Survey Report (Wardell Armstrong, September 2021), Hatfield Forest Impact Assessment (Wardell Armstrong, October 2021) and confidential badger report (Wardell Armstrong, July 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).

23 Prior to the commencement of development, a ~~A~~ Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

a) Purpose and conservation objectives for the proposed enhancement measures;
b) detailed designs to achieve stated objectives;
c) locations of proposed enhancement measures by appropriate maps and plans;

d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
e) persons responsible for implementing the enhancement measures;
f) details of initial aftercare and long-term maintenance (where relevant).

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

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

24 ~~Prior to the commencement of the works hereby approved a copy of the mitigations licence for badgers shall be submitted and approved in writing by the Local Planning Authority. "The following sett closure shall not in in any circumstances commence unless the local planning authority has been provided with either:~~

~~a) a licence issued by Natural England pursuant Badger Protection Act 1992 authorizing the specified activity/development to go ahead; or~~
~~b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.~~

~~REASON: To conserve protected species and allow the LPA to discharge its duties under and Badger Protection Act 1992 and s17 Crime & Disorder Act 1998 and Policy GEN7 of the Adopted Local Plan and NPPF~~.

25 Concurrent with the Reserved Matters, ~~prior to the commencement~~, a Great Crested Newt and Otter Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newt and Otter during the construction phase.

The measures and/works shall be carried out ~~strictly~~ in accordance with the approved details ~~and shall be retained in that manner thereafter~~.

REASON: To conserve Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021 and Policy GEN7 of the Adopted Local Plan and NPPF.

26 ~~Concurrent with reserved matters, prior to any works above slab level a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:~~

~~a) Purpose and conservation objectives for the proposed enhancement measures;~~
~~b) detailed designs to achieve stated objectives;~~
~~c) locations of proposed enhancement measures by appropriate maps and plans;~~
~~d) timetable for implementation;~~
~~e) persons responsible for implementing the enhancement measures;~~
~~f) details of initial aftercare and long-term maintenance (where relevant).~~

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

~~REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021 and Policy GEN7 of the Adopted Local Plan and NPPF.~~

27 Concurrent with Reserved Matters, ~~prior to the occupation of the dwellings~~, 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. No other ~~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) as updated by the Environment Act 2021 and Policy GEN7 of the Adopted Local Plan and NPPF.

28 Concurrent with the Reserved Matters a scheme for the protection of dwelling from noise arising from road traffic and other sources shall be submitted to the local planning authority for approval in writing by the local planning authority. The details shall detail the design, layout, and acoustic noise insulation performance specification of the external building envelope, having regard to the building fabric, glazing and ventilation to ensure that reasonable internal and external noise environments are achieved in accordance with the provisions of BS8233:2014 and BS4142:2014. The details shall also include a design ventilation strategy

which will provide adequate cooling without compromising the acoustic integrity of the façade.

As a minimum the scheme shall be designed to achieve the following the internal noise targets detailed in Table 4 of BS 8233:2014 and for bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

External areas shall be designed and located to ensure that amenity areas are protected on all boundaries as to not exceed 50 dBLAeq,16hr. If a threshold level relaxation to 55 dBLAeq,16hr is required for external areas full justification should be provided.

The development shall be undertaken in accordance with the approved scheme.

REASON: To protect the character and amenities of future occupiers by ensuring that measures are implemented to avoid any noise nuisance in accordance with Polices GEN4 and ENV10 of the Adopted Local Plan and the NPPF.

29 Prior to installation of any external fixed noise generating plant or equipment, the details together with any necessary mitigation to achieve a rating level at the closest noise sensitive receptor from all plant combined of 5 dB below the typical background (LA 90) level (Taken during the following times 07:00 – 18:30, 18:30-23:00 & 23:00 – 07:00 at the nearest noise sensitive receptor(s) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

REASON: To protect the character and amenities of future occupiers by ensuring that measures are implemented to avoid any noise nuisance in accordance with Polices GEN4 and ENV10 of the Adopted Local Plan and the NPPF.

Appendix

Local Highway Authority

Your Ref: UTT/21/3272
Our Ref:HT/TPD /SD/KW/34973/4B
Date:- 05/05/2022

Essex County Council

Paul Crick
Director for Highways and Transportation

County Hall
Chelmsford
Essex CM1 1QH

CC: Cllr S Barker
Essex Highways DM
Essex Travel Plan Team

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

Recommendation

Application No.	UTT/21/3272/OP
Applicant	Welbeck Strategic Land IV LLP
Site Location	Land South Of Stortford Road Little Canfield
Proposal	Outline application with all matters reserved except for access for the erection of up-to 90 dwellings, including affordable housing, together with access from B1256 Stortford Road, sustainable drainage scheme with an outfall to the River Roding, Green Infrastructure including play areas and ancillary 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.

Junctions have been assessed with background growth and committed development. There is a committed scheme to provide additional capacity at the Four Ashes junction. It is recommended that this scheme is also included as a condition in this application to ensure it is still delivered if the other applications do not come forward. This has been recommended for all applications in the area.

The application is on the eastern edge of Takeley therefore the highway mitigation seeks to link it to the village by providing a Toucan Crossing that will serve pedestrians and cyclists and also provided a link to the Flitch Way for current residents. The proposed highway infrastructure has been subject to a stage 1 safety audit. In addition, contributions are required to improve the local bus services and help construct the proposed cycle link to Stansted Airport, this contribution is being asked of all applications coming forward in Takeley.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following mitigation and conditions:

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 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, the access, a minimum of 5.5m width carriageway, 2m footway and footway/cycleway minimum effective width 3m shall be provided as shown in principle on submitted drawing 21084-MA-XX-XX-DR-C-0004 – P01 shall be provided, including a clear to ground visibility splays with dimensions of 2.4m by 103m to the west and 2.4 by 112m to the east measured from and along the nearside edge of the carriageway but offset by 1m on the western splay. The vehicular visibility splays shall retained free of any obstruction at all times thereafter. **Reason**: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. **Highway Infrastructure**: Prior to first occupation the highway infrastructure as shown in principle in submitted drawing 21084-MA-XX-XX-DR-C-0004 – P01 shall be provided, works shall include all necessary works including any relocation or provision of signage, lighting, associated resurfacing or works to the existing carriageway to facilitate widening and Traffic Regulation Orders to be carried out entirely at the developer's expense. Works shall comprise:

    3.1. Toucan crossing and associated footway/cycle minimum effective width 3.5m
    3.2. Footway/cycle link from the toucan crossing to the Flitch Way including surfacing of PROW 33/8
    3.3. Provision/enhancement of bus stops on the north and south sides of the B1256 which shall comprise (but not be limited to) the following facilities: shelters; seating; raised kerbs; bus stop markings; poles and flag type signs, timetable casings.
    3.4. Internal footway to serve the bus stops in the most direct manner from all parts of the site.
    3.5. Relocation of the 30mph speed limit to the east to incorporate the access and bus stop at a location agreed with the highway authority.

    Reason: In the interests of reducing the need to travel by car and highway safety in accordance with policies DM1 and DM9 of the Highway Authority's Development

Management Policies, adopted as County Council Supplementary Guidance in February 2011

4. **Sustainable Transport Contribution**: Prior to any occupation, payment of a financial contribution of £346,500 (£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, extending time period, 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

5. **Flitch Way contribution**: Prior to commencement a sum of £ 56,150 (indexed from the 1st of April 2022) to be paid to the highway authority to provide appropriate surfacing and drainage, signage and information boards from section of the Flitch in the vicinity of the site. **Reason:** to mitigate the increased use of the Flitch Way by the residents of the development and improve the accessibility of the site by walking and cycling

6. **Flitch Way Access:** Prior to first occupation the developer to provide a **single** access to the Flitch Way as shown in principle on the Illustrative Masterplan and provide appropriate fencing and planting between the development and the Flitch Way. No other accesses shall be provided unless agreed in writing with the planning authority in conjunction with ECC. **Reason:** to provide controlled access to the Flitch Way and improve the accessibility of the site by walking and cycling and protect it from uncontrolled use and damage.

7. **Flitch Way:** The layout of the development will be such that no gardens back on to Flitch Way and/or an appropriate buffer is provided between the Flitch Way and the development. Reason: to protect the Flitch Way from uncontrolled use, littering and damage

8. **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

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, the travel plan should include support (including car parking space) of any existing or committed car clubs. Such approved travel plan shall then be actively implemented 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 £1596 per annum (index linked), 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. **Parking:** The number of parking spaces shall be in accordance with those standards set down within Essex County Council's Parking Standards Design and Good Practice,

September 2009 and Uttlesford Local Residential Parking Standards February 2013. **Reason**: To ensure that appropriate parking is provided in the interests of highway safety and efficiency in accordance with policy DM8

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 in the interest of highway efficiency in accordance with policy DM1 of the Development Management Policies as 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) 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.

(ii) Electric vehicle charging infrastructure should be provided in accordance with UDC emerging local plan.

(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 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.

(v) 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.

(vi) 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.

(vii) 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.

(viii) 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.

(ix) 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.

(x) 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 the public footpath no 33/8 **and the Flitch Way (48/47)** 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.

(xi) Note on the submitted drawings

a. The zig-zags may to extend across the mouth of the minor access on the north side of the road to the west of the crossing – Thornton Road. Traffic Signs Manual Chapter 6 Clause 15.8.11 covers this. This is a matter for the more detailed stages of design, though if the zigzag extents affect any Traffic Regulation Orders, it should clarified as soon as possible.
b. The overhead services will need to be recorded in the Safety Health Environmental Information box on subsequent design drawings and in the Residual Risk Register or similar document
c. The tactile paving should extend across the width of the crossing.
d. Ladder and tram-line tactile paving will be required to define the extents of the shared use areas, assuming they meet pedestrian only areas.

e. The link from the PROW to the crossing can be made more direct and the PROW should be upgraded to accommodate cyclists and included in the S38 if more appropriate.

.....

pp. Director for Highways and Transportation
Enquiries to Katherine Wilkinson
Internet: www.essex.gov.uk
Email: Katherine.wilkinson@essex.gov.uk

Local Flood Authority

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

Essex County Council

William Allwood
Uttlesford District Council
Planning Services

Date: 10th Dec 2021
Our Ref: SUDS-005633
Your Ref: UTT/21/3272/OP

Dear William Allwood,

Consultation Response – UTT/21/3272/OP– Land South Of Stortford Road Little Canfield

Thank you for your email received on 8/11/2021 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 wish to issue a **holding objection** to the granting of planning permission based on the following:

- Provide the inclusion of 10% urban creep. In any storage calculations, we would also want to see 'urban creep' included in line with the Document 'BS 8582:2013 Code of practice for surface water management for development sites' which states: "To allow for future urban expansion within the development (urban creep), an increase in the paved surface area of 10% should be used, unless this would produce a percentage impermeability greater than 100%, or unless specified differently by the drainage approval body or planning authority' (page 32).
- Attenuation storage and conveyance network should be modelled with critical 1yr, 30r and 100 plus 40percent climate change allowance. Attenuation storage should not flood in any event. 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.
- Demonstrate 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.
- Provide layout of the proposed drainage network at the site.
- Provide a drainage plan which details exceedance and conveyance routes, FFL and ground levels.
- Provide an updated written report summarising the final strategy and highlighting any minor changes to the approved strategy.

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

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

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

Summary of Flood Risk Responsibilities for your Council

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

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

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

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

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- 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
Email: suds@essex.gov.uk

Appendix 1 - Flood Risk responsibilities for your Council

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

- Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements)

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions.
We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.

- Flood recovery measures (including flood proofing and other building level resistance and resilience measures)

  We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.

  Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

  Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

  Further information can be found in the Department for Communities and Local Government publications 'Preparing for Floods' and 'Improving the flood performance of new buildings'.

- Sustainability of the development

  The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.

Natural England

Date: 29 November 2021
Our ref: 374460
Your ref: UTT/21/3272/OP

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

T 0300 060 3900

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

BY EMAIL ONLY

Dear Mr Allwood

Planning consultation: UTT/21/3272/OP | Outline application with all matters reserved except for access for the erection of up-to 90 dwellings.
Location: Land South Of Stortford Road Little Canfield Essex

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 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

SITE SPECIFIC ASSESSMENT

We consider that the provision of 'on-site' measures, within the red line boundary of the site, can be important in helping to reduce the frequency of visits to sensitive designated sites if effectively designed in quantity and quality. 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.

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.
- 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.

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

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

ECC Infrastructure

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

Essex County Council

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

Our ref: 34973
Your ref: UTT/21/3272
Date: 14/03/2022

Dear Sir or Madam

Stortford Road (Land To The South Of), Little Canfield
Without Prejudice - UTT/21/3272

Thank you for providing details of the above planning application for up to 90 new homes. From the information I have received, I have assessed the application on the basis of 90 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 8.10 Early Years and Childcare (EY&C) places; 27.00 primary school and 18.00 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:

Although there is some EY&C capacity in the area, the data shows insufficient places to meet demand from this proposal.
Based on the demand generated by this proposal as set out above, a developer contribution of £139,870.80, index linked to January 2020, is sought to mitigate its impact on local EY&C provision.

Primary Education:

Based on the demand generated by this proposal set out above, a developer contribution of £466,236.00, index linked to January 2020, is sought to mitigate its impact on local primary school provision.

Secondary Education:

This development would sit within the Priority Admissions Area of the Helena Romanes School in Great Dunmow. There is a significant amount of housing development, already with permission, planned for this area. Demand for school places is, therefore, expected to grow. Forecasts, set out in the Essex School Organisation Service's 10 Year Plan, suggest that each cohort from 2024/25 onwards will exceed the size that would leave 5% unfilled capacity (as recommended by the National Audit Office). Even without maintaining an 'operational surplus', up to 26 extra Year Seven places (the first year of

secondary education) will be required to meet the anticipated peak demand.

Based on the demand generated by this proposal as set out above, a developer contribution of £427,950.00, 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 at the 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 £7,002.00 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

NHS West Essex

NHS
West Essex
Clinical Commissioning Group

Building 4
Spencer Close
St Margaret's Hospital
The Plain
Epping
Essex
CM16 6TN

Tel: 01992 566140

Our Ref: WECCG/UTT/21/3272/GR
Your Ref: UTT/21/3272/OP

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

10 March 2022

Dear Sir/Madam

Address: Land South Of Stortford Road Little Canfield Essex
Proposal: Outline application with all matters reserved except for access for the erection of up to 90 dwellings, including affordable housing, together with access from B1256 Stortford Road, sustainable drainage scheme with an outfall to the River Roding, Green Infrastructure including play areas and ancillary 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 services of 2 GP practices operating within the vicinity of the application site. The GP practices do 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 The planning application does not appear to include a Health Impact Assessment (HIA) or propose any mitigation of 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 practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 225 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]
John Tasker House Surgery	15,176	702.91	10,251	-337.73
Angel Lane Surgery	11,674	408.40	5,956	-392.10
Total	**26,850**	**1,111.31**	**16,207**	**-729.83**

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 120m^3 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 ICB estates strategies, by way of extension, refurbishment, reconfiguration or potential relocation for the benefit of the patients at Angel Lane Surgery, 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

Premises	Additional Population Growth (90 dwellings)[5]	Additional floorspace required to meet growth (m²)[6]	Spare Capacity (NIA)[7]	Capital required to create additional floor space (£)[8]
Angel Lane Surgery	225	15.43	-392.10	46,290
Total	**225**	**15.43**	**-392.10**	**46,290**

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 **£46,290**. 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 106 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.

NHS
West Essex
Clinical Commissioning Group

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

National Trust

Comments for Planning Application UTT/21/3272/OP

Application Summary
Application Number: UTT/21/3272/OP
Address: Land South Of Stortford Road Little Canfield Essex
Proposal: Outline application with all matters reserved except for access for the erection of up-to 90 dwellings, including affordable housing, together with access from B1256 Stortford Road, sustainable drainage scheme with an outfall to the River Roding, Green Infrastructure including play areas and ancillary infrastructure
Case Officer: William Allwood

Customer Details
Name: Mrs Nina Crabb
Address: National Trust East of England Regional Office, Westley Bottom, Bury St Edmunds IP33 3WD

Comment Details
Commenter Type: Member of Public
Stance: Customer made comments neither objecting to or supporting the Planning Application
Comment Reasons:
Comment:The proposed development is approximately 3km from the SSSI, National Nature Reserve areas and ancient woodland of Hatfield Forest which extends over 424 hectares, including Wall Wood and Woodside Green. The area has been owned and managed by the National Trust since 1924. Of greatest significance is that Hatfield Forest is the finest surviving example of a small Medieval Royal Hunting Forest. The Forest's ecological and historic importance is reflected in its designations - for its considerable ecological significance and especially for its veteran trees and old growth woodland on undisturbed soils.

The forest is experiencing rapid and unsustainable growth in visitor numbers which is putting it under considerable pressure and there are signs that the SSSI, NNR and other designated/protected features there are being damaged. In order to advance its understanding of these issues as well as an understanding of visitor numbers, origin and behaviour when visiting the Forest, the Trust, with support from Natural England (NE), commissioned consultants Footprint Ecology to undertake visitor surveys and prepare an impact management report to help build a practical strategy for the Forest going forward. This established a 'Zone of Influence' (ZOI), within which this site falls. The Footprint Ecology report describes the issues arising from recreational pressure on the SSSI/NNR in more detail and recommends the development of a strategy to mitigate these impacts. A copy of this report (the Hatfield Forest 'Visitor Survey and Impact Management Report 2018') has been sent to Uttlesford District Council. Natural England also wrote to your planning department in April and September last year to alert you to this evidence and advise that where relevant, planning decisions are informed by this.

The National Trust supports a plan led approach to new development. Where a Local Plan is out of date and/or the local planning authority is unable to demonstrate a 5-year supply of housing land then we acknowledge that decisions should apply a presumption in favour of sustainable development as set out in Para.11 of the NPPF. However, Para.11 is clear that where there is not an up-to-date development plan or relevant policies are out of date then the application of policies in the NPPF that protect areas or assets of particular importance may provide a clear reason for refusal. These policies are listed in Footnote 7 and relate to, inter alia, habitats sites and/or designated Sites of Special Scientific Interest and irreplaceable habitats.

The view of the National Trust is that without mitigation the proposal would fail to accord with the NPPF, most notably para's 174 and 180 which seek to conserve and enhance the natural environment. There are also duties on LPA's under section 28G(2) of the Wildlife and Countryside Act 1981 to take reasonable steps as part of the authority's functions to further the conservation and enhancement of SSSI's. Furthermore, there is a specific obligation on an authority under section 28I where it is proposing to permit an operation likely to damage a SSSI, to give Natural England prior notice.

Having regard to the evidence and in accordance with the above requirements and the advice of Natural England, it is considered that the impacts of the development on Hatfield Forest should be mitigated. New housing development within the ZOI will contribute further (both individually and cumulatively) towards recreational pressure on the Forest. Whilst it is acknowledged that this was not an issue when the current Local Plan was adopted, there is nonetheless evidence now available which identifies an issue at a SSSI which Natural England has identified as warranting mitigation. This evidence formed part of discussions with the LPA, Natural England and the Planning Inspectorate in respect of the previously withdrawn Local Plan. The Post Stage 1 Hearings letter from PINS to the LPA (dated 10th January 2020) acknowledged that the Inspector's shared the concerns raised by NE about a lack of mitigation measures to address recreational impacts of new housing development on Hatfield Forest and stated that the matter needed resolving. Although the submission Local Plan was withdrawn, the issue remains and on the advice of Natural England a bespoke solution should be sought on a case-by-case basis in the absence of an up-to-date Plan.

Based on recommendations set out in the 'Visitor Survey and Impact Management Report', and as referred to in Natural England's letter, the National Trust, in consultation with Natural England, has prepared a costed Mitigation Strategy. This includes a costed package of mitigation measures.

For the proposed development we consider the following mitigation would be appropriate:

On-Site Mitigation

On-site measures which would help relieve the pressure on Hatfield Forest should be provided.

These should take the form of:

- High-quality, informal, semi-natural areas, to be provided prior to first occupation of the dwellings (including a dog walking circuit and dogs off lead area);

- Any other on-site mitigation as advised by Natural England.

However, this alone would not mitigate the impacts of increased recreational pressure on Hatfield Forest arising from the development. Hatfield Forest offers other visitor experiences which could not be replicated on a new site. It is used for a range of recreational activities including jogging, cycling, wildlife watching, family outings and photography. It also includes visitor infrastructure such as a café, toilet, shop and education building. This makes it vulnerable to current and future demand. Even if on-site mitigation is proposed, it is considered that there will still be a residual recreational impact on Hatfield Forest which needs to be mitigated.

Off-Site Mitigation

- A financial contribution to the National Trust for use at Hatfield Forest towards visitor and botanical monitoring and mitigation works.

The Hatfield Forest Mitigation Strategy is being used by the property team to address recreational impacts at Hatfield Forest. A copy of this can be provided if required. The Strategy seeks a proportion of costs to be met through developer contributions, the rest would met by the National Trust.

As an indication of some costs, the Mitigation Strategy sets out that independent Visitor Surveys will take place every 5 years at a cost of £30,900, annual Impact Surveys will take place at a cost of £2522 and soil compaction analysis will take place annually at a cost of £3090.

On the basis of contributions secured for other developments (including at appeal), a contribution of £13,500 is requested.

It is acknowledged that the applicant has submitted a 'Hatfield Forest Impact Assessment' and that a contribution towards mitigation at Hatfield Forest is proposed.

We would be happy to discuss this in more detail if required.

Essex Minerals & Waste

Essex County Council
County Planning
County Hall
Market Road
Chelmsford, Essex
CM1 1QH

Essex County Council

Uttlesford District Council
FAO: Lindsay Trevillian

Your ref UTT/21/3272/OP
Our ref:
Date: 24 May 2022

BY EMAIL ONLY

Dear Mr Trevillian

Nature of Response: To address minerals and waste safeguarding implications arising through Application UTT/21/3272/OP

Proposal: Outline application with all matters reserved except for access for the erection of up-to 90 dwellings, including affordable housing, together with access from B1256 Stortford Road, sustainable drainage scheme with an outfall to the River Roding, Green Infrastructure including play areas and ancillary infrastructure

Location: Land South Of Stortford Road Little Canfield Essex

Thank you for re-consulting the Minerals and Waste Planning Authority on the above proposals.

This response acts to update the Mineral and Waste Planning Authority's (MWPA) position as previously set out in its response submitted 1st February 2022 in relation to Application Reference UTT/21/3272/OP. Please note that this response primarily concerns itself with 'Point 3' of the MWPAs holding objection. It must therefore be read in conjunction with the MWPAs response dated 1st February 2022 which considers Point 1 and Point 2.

By way of background, the MPWA previously responded to this application in December 2020. Three issues were raised by the MWPA which resulted in the need for the MWPA to issue a holding objection in relation to this application. These are agreed as being:

- Point 1 – Insufficient information in the MIIA to satisfy the MWPA that the proposed development would not impact on the delivery of MLP Site Allocation A23
- Point 2 – Insufficient information in the WIIA to satisfy the MWPA that the proposed development would not impact on the delivery of WLP Site Allocation L(n)8R
- Point 3 – Insufficient information in the WIIA to satisfy the MWPA that the proposed development would not impact on the permitted waste activities at Crumps Farm within 250m of the proposed application namely in-vessel composting, recycling, sorting and landraising

Additional information was submitted to the MWPA to address Point 1 and Point 2. This additional information noted that Point 3 was to be addressed through an additional study to submitted in due course.

In its response to the receipt of this additional information dated February 2022, the MWPA, removed its holding objection as it related to Point 1 and Point 2. It was however requested, *inter-alia*, that should planning permission for the proposed development be granted, a condition be duly considered seeking to ensure that as the site layout progresses through reserved matters either no part of any residential building is allowed to be situated within the 250m buffer or any such building is orientated so that neither the front or rear elevation directly faces south, to limit the potential for significant impacts on future residents.

This response primarily considers new information submitted as additional evidence to address the outstanding concerns of the MWPA in relation to Point 3. This additional information supports the May 2022 re-consultation on this application and includes a revised Waste Infrastructure Impact Assessment (rWIIA) and a report entitled The Squires, Little Canfield – Noise Rebuttal (NB).

The outstanding concerns of the MWPA which have yet to be addressed are the potential impacts on permitted waste activities at Crumps Farm within 250m of the proposed application, namely in-vessel composting, recycling, sorting and landraising. These are re-considered below in context of the additional information submitted.

Revised Waste Impact Assessment

The rWIIA seeks to draw information from the Environment Agency's public register. Whilst this has sought to identify relevant permits and exemptions issued by the Agency it has failed to fully consider the planning context and exactly what the extant permission (ref: ESS/46/08/UTT) allows.

The extant planning permission for the site allows: "Continuation of mineral extraction and development of waste recycling and composting facility, including demolition of exiting mineral processing plant, construction of waste reception and sorting building enclosing sorting of domestic and commercial and industrial waste to recover recyclables, construction of in-vessel composting units for composting of sorted waste, reprofiling of levels of restored landfill site utilising on site materials, with restoration to parkland, landfilling of mineral void with composted material with progressive restoration to agriculture, widening of access road to allow 2 way traffic, installation of landfill gas and leachate management systems".

The development approved, and the various elements of the permission, were summarised within the officer's report, produced to accompany the decision, as below:

"While there is an existing permission for mineral extraction in the southern half of the application site, this application seeks the continuation of the sand and gravel extraction (60,000 tonnes) over 3 years and clay (1.154 million tonnes or 577,000m^3) extraction over 15 years in 3 main phases from west to east over an area of 11.1 ha. However the mineral extraction would not be subject to the conditions of the ROMP, in particular more than 6 acres of the site could be open at one time.

The application proposes utilisation of on-site overburden (which includes clay) from the mineral working to raise levels by 2 metres on the completed landfill to the north, to enable this part of the site to blend with proposed levels of the proposed landfill to the south. This northern area would be restored to an area of public open space within approx 5 years of commencement of the development.

The application includes construction of a waste reception, sorting and treatment building (3420 square metres), proposed to be a steel portal frame building. The maximum height of the building to ridge would be 10.5m. The building would be divided into 2 parts; an area for reception and sorting of waste a pitched roof building (approx. 114m x 31m x eaves height 8.5m) and then a transfer area (114m x 16m x maximum height 8.5m), a single pitch building attached to the ridge building. Adjacent to this building would be the composting vessels (114m x 40m x Maximum height not including turning machinery). The building and vessels would be located in the north-east part of the site upon demolition of the existing mineral processing area.

Within the building the following would take place:

- *receive, screen and shred green waste, prior to transfer to composting vessels;*
- *receive and bale pre-sorted plastics and paper;*
- *receive sort and process a combination of pre-sorted and mixed Municipal Solid Waste (MSW) and/or Commercial and Industrial waste (C&I).*

The application proposes importation of 110,000 tonnes pa of either MSW and/or C & I waste and 10,000 tonnes pa of green waste. All waste would be received within the Waste Reception building. This waste would include "black bag" waste from both household collections, collections from businesses and industry, mixed dry recyclables (from doorstep recycling collections) and green waste. The unsorted MSW and C & I waste would then be shredded and passed through a Materials Recycling Facility to enable removal of recyclates such as glass, plastic and metals. The residual waste would then be placed in enclosed composting vessels of which there would be 20 in total, a process called in-vessel composting. The material would be retained in the vessels for approximately 5 to 6 weeks, a turning machine would run along the tops of the vessels turning the material and moving it down each vessel. During the composting process the waste would loose much water and any bio-degradable waste would have broken done leaving a largely biological stable residue for disposal into the landfill.

It is anticipated 50,000 tonnes per annum (50,000m^3) of biologically stable residue would be deposited into the void created by mineral extraction. The void capacity is approx 1.3 million m^3 and is anticipated to take approx 26 years to landfill. It is proposed that only waste materials that had gone through sorting and composting would be disposed of in the void. The void would be infilled in 3 phases within engineered containment cells within the clay. As each cell is completed the site would be progressively restored from west to east.

Recyclate such as glass, plastic and metals recovered from the waste or sorted from the imported dry comingled recyclate would be baled within the building and then exported from the site for reprocessing.

In addition to importation of MSW and C & I it is proposed to import green waste, this green waste would be composted within 2 of the in-vessel composting chambers that would dedicated to this purpose. The green waste would be composted to generate a soil improver not dissimilar to the output of the existing windrow composting facility on site. The compost would be exported for use as a soil improver.

The proposal is for the importation of waste from west Essex and East Herts due to the proximity of the site to the Hertfordshire administrative boundary. It has also been proposed that biologically stable residues from other waste management facilities could be imported to the site for landfilling direct into the void.

The proposal also includes excavation of the location of the building such that the building would be constructed at 80.5mAOD. In addition it is proposed to extend and raise the already permitted screening bund along the eastern side of the site to a height of 90mAOD, using on site overburden and soils. This bund would be planted with trees. As such the maximum height of the building would be 91mAOD, such that no more than 1m of the ridge of the building would be visible above the bund. Planting is proposed on the bund itself.

The buildings and eastern bund would be removed upon completion of the landfilling and the soils from the bund used to restore the final areas of the site.

The application also proposes, widening of the existing access road to allow 2 way traffic, expansion of existing infrastructure for dealing with landfill gas and installation of infrastructure to treat leachate.

The proposed hours of operation for mineral extraction and waste reception, sorting and treatment are

Monday to Friday 0700 - 1800
Saturdays 0700 - 1300

In terms of traffic generation the site currently has planning permission for sand and gravel and clay extraction and green waste composting which generates approx 48 movements per day.

The proposals would generate 76 additional movements per day as follows:

- *Importation of MSW and C & I waste. It is anticipated that there would be 50,000 tonnes pa of MSW generating 46 movements per day and 60,000 C & I (combination of unsorted 55,000 tonnes per annum in 22 tonne loads and sorted 5,000 tonnes pa in 4 tonne loads) and export of recovered materials (plastics, metals) would generate a total of 30 movements per day.*
- *Export of recovered/uncompostable material within the domestic waste including plastic, metal and material requiring specialist treatment. Plastic and residuals would be back-loaded on vehicles delivering waste. Metals would generate 50 movements per annum and hard core would be used on site roads thus no additional movements would be generated.*

Therefore the proposed total vehicle movements would be 124 movements a day (62 in 62 out).

Traffic movements would decrease by 10 to 12 movements a day upon completion of the sand and gravel extraction after 3 years and would decrease by a further 30 movements per day after 15 years when clay extraction is completed."

The rWIIA makes no reference to the aforementioned permission, and development approved, which is a concern. This failure in terms of understanding of the permission and stage of implementation has according led to some statements in the rWIIA which are either incorrect or considered by the MWPA to be misleading.

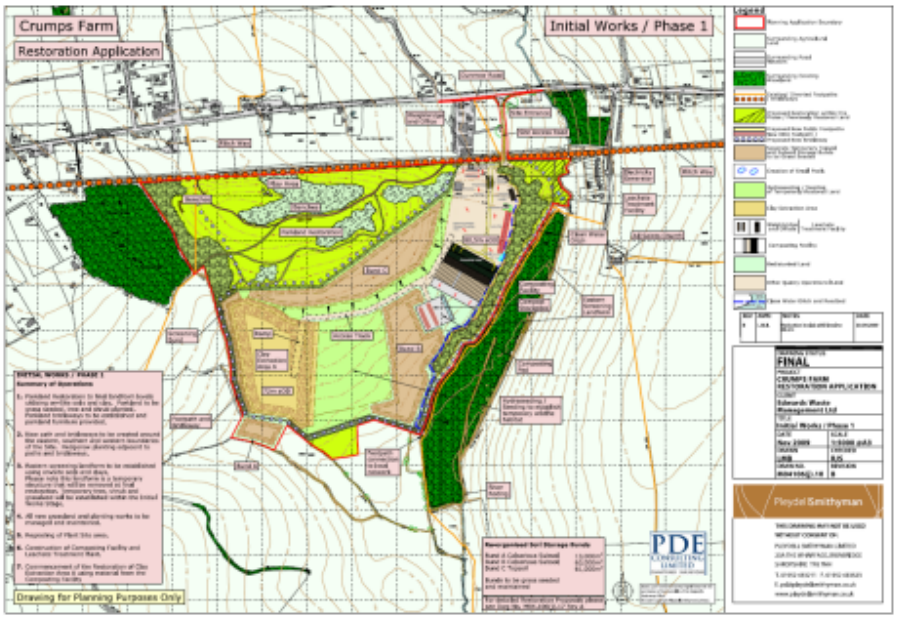
In respect of the above, the rWIIA details that the site stopped accepting waste in 2005 and that landfilling operations are no longer undertaken at this site. This is considered misleading, as ESS/46/08/UTT allows construction of a waste recycling and composting facility, further mineral extraction and landfilling of voids created together with the reprofiling of the land levels of the restored landfill site and the wider site.

Operations currently being undertaken on-site, as part of ESS/46/08/UTT

ESS/46/08/UTT, as a permission, has been commenced. However, commencement of the permission on-site is limited with the waste recycling and composting facility still not constructed.

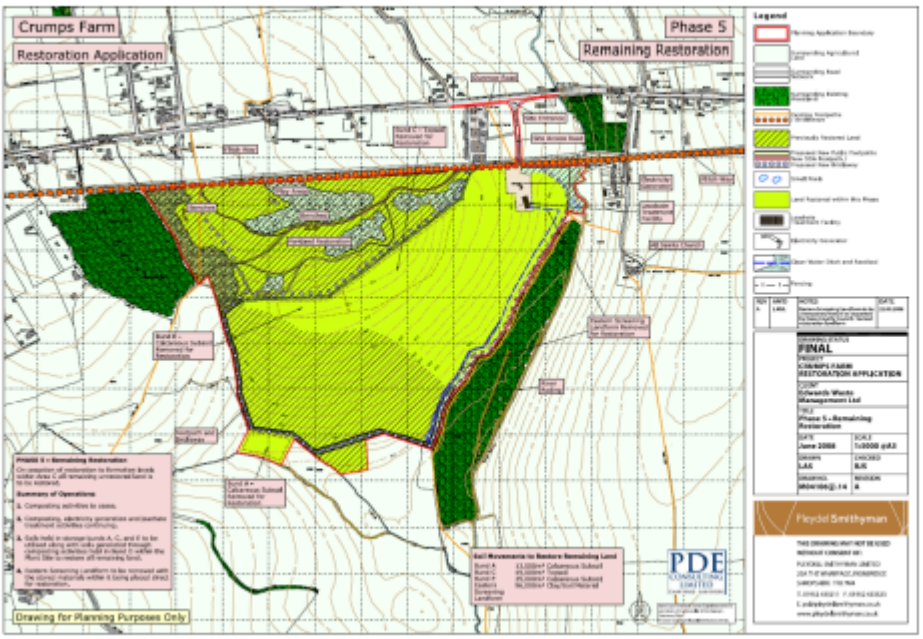
The below is the approved initial works / phase 1 drawing of the development approved. This shows the location of the composting facility approved - to the east of the site (on the area of the former processing area), the composting pad to the south of this and the proposed new areas of excavation/landfill to the south, south-west. To the north of the composting facility is a large circulation and storage area, also encompassing a lorry park, workshop,

weighbridge and office, leachate treatment facility and electric generation plan.



Operations on-site are still within this initial works / phase 1 stage. The land levels of the former landfill have not been reprofiled and this area has not been restored to parkland. The composting facility has, as detailed above, not been constructed and whilst some clay has been extracted from Area A, the Council with the Environment Agency are currently investigating whether some illegal/unauthorised landfilling has actually occurred in this area, and across the later proposed excavation areas to the east, which duly may have implications for the proposed working of these areas.

With regard to the reprofiling of the land levels of the existing landfill which would be the activities in closest proximity to the proposed residential development, the reprofiling would be with clays and soils. This material would be placed on top of the existing landfill cap and as such it is considered unlikely that this as a development would give rise to potential odour issues (from the re-exposure of the old landfill). However, there is the potential for noise and dust nuisance from these activities. Similar potential for nuisance also exists when the waste recycling and composting facility is decommissioned and this area restored. This will involve the demolition of the facility, the breaking up of hardstanding and reprofiling of land levels with material (as shown below on the phase 5 drawing). This, again, will bring working within very close proximity to the south-eastern extent of the residential site.

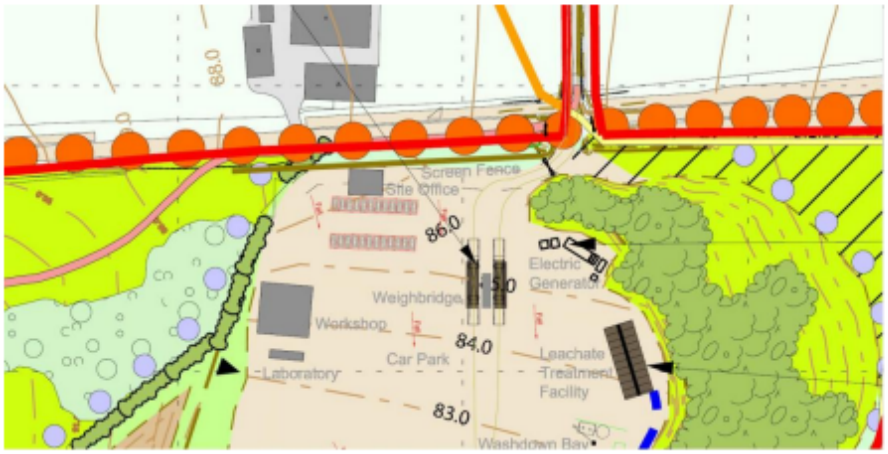


It is noted that Uttlesford District Council's Environmental Health Officer has raised no objection in principle to the development coming forward, subject to conditions. The condition recommended in terms of a noise assessment and requirement for an appropriate scheme of noise mitigation is supported. It is noted that the EHO has set a target daytime noise limit of 50dB LAeqT to be achieved at all properties. Condition 37 attached to ESS/46/08/UTT sets various noise limits for working at Crumps Farm which for Crumps Farm (the property) and Warren Cottages, which are most representative of the conditions likely to be experienced by properties with this proposed development, is above 50dB LAeq 1hr.

Unlike the rWIIA, the noise rebuttal does seek to make reference to ESS/46/08/UTT. However, this primarily seeks to suggest the limits set by condition 37 and 38 (for temporary operations) and mitigation proposed or installed by the operator of Crumps Farm will be sufficient to ensure no undue impact or conflict.

The Council, as suggested above, raises concerns about this conclusion and considers it important that the condition proposed by the EHO is secured, should determination be progressed now. The noise assessment should be required to fully consider all what ESS/46/08/UTT permits and in the event that noise levels above 50dB LAeq, T are predicted (as a result of activities occurring as part of ESS/46/08/UTT – either as part of temporary or permanent operations) there should be a requirement for mitigation as part of the residential development.

In this regard, it is clarified that whilst the Crumps Farm site is completely fenced along its northern boundary (the boundary with the Flitch Way and this development) it is only a small part of this that is required to have specific noise attenuation qualities. The noise barrier required to be installed/maintained covers just a 150 metres west from the Flitch Way / site access road junction and is principally to afford mitigation to Crumps Farm (the property) and allow operations to meet the 55dB LAeq,1hr limit.



As the rest of the fencing is not specifically for noise attenuation, its mitigation qualities are not known. The fencing along this boundary, with the exception of the noise attenuation fence/barrier, is furthermore required to be removed in its entirety upon completion of phase 1 – when the former landfill is opened as parkland. Post phase 1, the waste recycling and composting facility, mineral extraction and landfilling to the south of the site will however be continuing.

As the residential development is the Agent of Change, any mitigation needed to comply with more stringent noise requirements to that set in ESS/46/08/UTT would need to be proposed and brought forward as part of the residential development. Without the securement of mitigation, it is considered unlikely that the noise levels requested from the EHO would be achievable and it is considered complaints are likely to result – a failing of the principle of the Agent of Change.

In terms of odour, whilst it is accepted that odour is unlikely to be an issue for the reprofiling/engineering works itself, the MWPA do occasionally still receive odour complaints about the former landfill, when existing on-site infrastructure has failed. As suggested in the rWIIA such issues and accordingly periods of odour nuisance may be infrequent but should be fully considered given the proposal would introduce additional sensitive receptors within close proximity of the site. The MWPA recommends Uttlesford District Council either consults or seeks input from the Environment Agency to satisfy themselves of the probability or likelihood of nuisance from the existing landfill and associated infrastructure.

Composting

The composting facility considered as part of the rWIIA is not the composting facility approved as part of ESS/46/08/UTT. The composting operation shown in the pictures and assessed was only approved as a temporary operation (until 31/03/2019) as part of planning permission ref: ESS/25/17/UTT. The composting use ceased in accordance with the above date, and no further material has been added to the windrows, however some windrows of material do remain – currently as a breach of planning control.

ESS/46/08/UTT as detailed previously in this response, allows the importation of 110,000tpa of municipal solid waste and/or construction and industrial waste and 10,000tpa of green waste. The imported waste will be sorted through the Materials Recycling Facility removing the recyclates before the residual waste is placed in enclosed composting vessels, a process called in-vessel composting. The material would be retained in the vessels for approximately 5 to 6 weeks, with a turning machine running along the tops of the vessels turning the material and moving it down each vessel. During the composting process the waste would loose much water and any bio-degradable waste would have broken done leaving a largely biological stable residue for disposal into the landfill.

The odour assessment submitted with ESS/46/08/UTT did not predict significant odour/air quality impacts to nearby sensitive properties, as existing at the time of permission, subject to mitigation. This assessment was however undertaken in 2008 and accordingly it is recommended that should planning outline permission be granted Uttlesford DC should duly consider whether a further odour assessment is needed to establish the likely baseline from the operations approved at Crumps and the odour concentrations likely to be experienced by occupiers as part of the reserved matters stage.

Groundwater monitoring boreholes

Groundwater monitoring required as part of the existing Permit and condition 13 of ESS/46/08/UTT includes boreholes within the area to which this application relates. It is considered that the layout of the development will need to ensure that these are left accessible, unless confirmation can be provided from the Agency that these are no longer needed and/or a schedule of alternative boreholes can be suggested and agreed with both the operator of Crumps Farm, the Agency and MWPA.

Conclusion

It is not considered that the rWIIA has fully considered or assessed the planning permission at Crumps Farm (ref: ESS/46/08/UTT). It is considered that reference to current Environmental Permits issued by the Environment Agency and the operator's Environmental Risk Assessment (2012) is inappropriate as this does not take into account the facility/operations which have planning permission but are not operational.

NPPF Paragraph 187 states that '*existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established*' and in this case, the Agent of Change is clearly the emerging residential development.

The MWPA have concerns as to the robustness of the rWIIA submitted and accordingly the supporting noise rebuttal. Accordingly, without prejudice, it is considered that further assessment as to the potential impacts from the activities approved as part of ESS/46/08/UTT is needed and should be secured.

The MWPA are unsure as to what, if any mitigation measures, may need to be included as part of the residential development to ensure compatibility between the sites/uses. In the event UDC are content with the principle of residential development on this site, and accordingly seek to secure these additional assessments by way of condition, it is considered essential that such assessments are submitted and approved prior to the approval of any reserved matters, given such provisions will likely impact the layout and density of the development.

Yours sincerely,

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