

UTT/17/1852/FUL – (TAKELEY)

PROPOSAL: Residential development of 20 dwellings with associated vehicular access points off Dunmow Road, open space, car parking and associated infrastructure

LOCATION: Land Adjacent To Coppice Close, Dunmow Road, Takeley

APPLICANT: Mr K Pickering

AGENT: Karen Beech

EXPIRY DATE: 11 October 2017. Extension of time to 18 May 2018

CASE OFFICER: Mrs Madeleine Jones

1. NOTATION

1.1 Outside Development Limits. Within 100m SSSI. Within 6km Stansted Airport. Within 100m of Local Wildlife Site. Within 100m of National Nature Reserve. Within 250m of Ancient Woodland. Within 20m of Flitch Way. Opposite Listed Buildings.

2. DESCRIPTION OF SITE

2.1 The application site is a rectangular unmanaged plot of former paddock land, located to the south of the Dunmow Road (B1256) in Takeley and is 1.6 hectares.

2.2 To the south of the site is the Flitch Way a County Wildlife Site and public right of way and beyond that is Hatfield Forest which is a SSSI. To the east, west and north of the site are residential properties. Properties to the east of the site are bungalows in a linear form set back from the road. The northern boundary has mature hedgerow and trees. There is also a ditch along this boundary.

2.3 The site is relatively flat and is currently being used for parking the owner's vehicle within a temporary shelter near to the western field gate onto Dunmow Road. The site has rubble, scrap materials, including derelict trailers, a caravan, derelict sheds and horse stables as well as vehicle parts. The north western corner of the site is characterised by wet ground and a series of shallow ponds.

2.4 There are a number of Grade II listed buildings lining the northern side of the road. Including The Clockhouse (Grade II), Street Cottage (Grade II), Raleigh Cottage (Grade II), Austin Villa (Grade II), Josephs Barn (Grade II). Josephs is a Grade II* Listed Building.

3. PROPOSAL

3.1 The proposal is for the erection of twenty dwellings and new vehicular access onto Dunmow Road, open space, car parking and associated infrastructure.

3.2	Plot	No of bedrooms	Garden sizes (approx. m ²)	Parking provision	Affordable housing
	1	2	56	2	y
	2	2	65	2	y
	3	3	103	2	y

4		3	288	2	y
5	bungalow	1	260	2	y
6	bungalow	1	126	2	y
7		2	80	2	y
8		2	65	2	y
9		3	125	2	
10		3	153	2	
11		3	211	2	
12		4	288	4	
13		5	268	4	
14		5	285	4	
15		4	285	4	
16		5	278	4	
17		4	234	4	
18		5	277	4	
19		5	260	4	
20		5	260	4	
	Visitor parking			5	

3.3 The original application has been revised to increase the affordable housing provision from 7 to 8. The proposal includes 40% affordable housing.

3.4 The density of the development would be 13 dwellings per hectare.

3.5 There would be a landscape buffer to east west and southern boundaries to mitigate for ecology.

3.6 Revised plans have been received to increase the number of affordable homes from seven, the number of bungalows provided and to increase the number of visitor parking spaces and to provide a buffer with the Flitch Way to the rear of the site.

4. APPLICANT'S CASE

4.1 The application is accompanied by a Design and Access Statement, A Planning Statement, a completed biodiversity questionnaire, a flood risk assessment, an invertebrate habitat survey, a completed SUDs checklist form, an Arboricultural Impact Assessment, Phase 1 Habitat & Protected Species Scoping Assessment, a Reptile survey Report, a Landscape and Visual Impact Assessment, a Transport Statement and a reptile mitigation statement.

5. RELEVANT SITE HISTORY

5.1 DUN/0230/72: Site for two three or four dwelling houses. Refused.

5.2 UTT/0677/78: Outline application for the erection of a dwelling. Refused

5.3 UTT/1230/83: Proposed vehicular access and retention of stable and parking of a caravan. Refused

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford Local Plan (2005)

- Policy S7: The Countryside
- Policy H10: Housing Mix
- Policy H9: Affordable Housing
- Policy GEN1: Access
- Policy GEN2: Design
- Policy GEN6: Infrastructure Provision
- Policy GEN7: Nature Conservation
- Policy GEN8: Vehicle Parking Standards
- Policy ENV7: The Protection of the Natural Environment Designated Sites
- Policy GEN3: Flood Protection
- Policy GEN4: Good neighbourliness
- Policy ENV2: Listed Buildings
- SPD: Accessible Homes and Playspace
- Uttlesford Local Parking Standards

7. PARISH/TOWN COUNCIL COMMENTS

- 7.1 Takeley Parish Council oppose this development for the following reasons.
- 7.2 Hatfield Forest is a SSSI and National nature reserve. There is a gate directly into the Forest from the proposed site. There are concerns there would be detrimental impact to the area. The visual amenity provided by Hatfield Forest would be impinged. The landscape erosion of this site would have impact on the Forest and the access point to the Forest would encourage more on foot walkers. It is known that Hatfield Forest is already suffering from increased footfall and this development would further impact.
- 7.3 Five metres from the proposed boundary of the development is the Flitch Way which is heralded, as an Essex Wildlife Site. The ecological effects to wildlife would be detrimental. Hatfield Forest would only be separated by the Flitch Way from this proposed site so there would be an obvious encroachment within a protected wildlife zone.
- 7.4 The area is also known as a migration route for Deer. There is a concern that Deer and other wildlife would be disturbed and that being so close to the road would cause fatality. The actual development would cause loss of amenity to this wildlife.
- 7.5 The removal of trees may also affect foraging bats and there are concerns that replacement trees would be too immature to act as a natural shield to Hatfield Forest. With so many houses proposed, there is concern, that future tree planting may also cause subsidence as the roots spread towards the respective properties.
- 7.6 The area was earmarked as part of the Countryside Protection Zone in the 2005 local plan. Takeley Parish Council support this status and feel that too much land has been taken out of the Countryside protection zone. Due to its immediacy to Hatfield Forest and the Flitch Way the parish council consider the area must be retained as a rural area and this must also be reflected in the next local plan. Takeley Parish Council strongly object to having this status removed and wish to see that this area remains protected after the draft consultation.
- 7.7 The proposed area is not considered as infill land and prevents coalescence with Hatfield Forest whilst also providing a green rural outlook to the backdrop of the listed buildings.

Almost adjacent to the proposed new road is Josephs which is a Grade II listed property. Street Cottage is 17th century and is adjacent to Rayleigh House which is a listed late 14th/15th Century cottage. Austin Villas which is also 15th Century and listed is also within vicinity. The map does not mark out all the properties this development will affect.

- 7.8 Twenty new build dwellings will be out of character to the nature reserve and Forest, acting as a complete contrast to the current green space. The new private homes and affordable homes will not be in keeping with the listed buildings or the rural amenity this land currently enjoys, including large migration of Deer.
- 7.9 There is concern the development would increase light pollution EN19 and disrupt natural habitat either via light pollution or noise, as well as cause a loss of amenity to some neighbours, particularly as vehicles stop to turn into the access point at night times.
- 7.10 Councillors highlighted that the B1256 has already undergone recent traffic calming improvements however the general speed and volume of vehicles means that accessing the road can be problematic. The access point is quite close to the traffic calming islands and there is concern that road safety may be impaired. Turning out on to the B1256 will add to the vehicular movements and amenity of the residents living by the road.
- 7.11 Over-development of the site was noted. It was also observed that only one of the affordable houses was a bungalow. Identified housing need requires more bungalows to take into account an aging population. Housing needs do not require more 5 bedroom homes, despite this being the largest number of private properties being proposed. It was acknowledged that the 40% allocation for affordable housing had not been properly applied. The plans appear to be showing only 6 affordable units instead of the required 8 units. Outstanding units need to be bungalows and revisions made to decrease the number of 5 bed homes. The density of the housing is not considered apportioned properly.
- 7.12 Despite the inconsistencies above, the parish council do not feel the site is suitable for any development and request that due to the SSSI there should be no coalescence.
- 7.13 The Council formally request that the matter be sent to the Planning Committee to decide. The area as previously noted was previously seen in the LDP as an area to be conserved.
- 7.14 Extended to April 18th 2018
The parish council agree with the Regional Planning Advisor of the National Trust that a buffer zone of trees would not be enforceable long term and would not mitigate impact.

Takeley Parish Council would like to re-iterate earlier comments that the area is outside development limits and has not been earmarked for development in the existing local development plan and is designated Countryside Protection Zone. Takeley Parish Council would also like it to be noted, that the emerging local plan has reinforced the need to maintain the countryside protection zone, following an independent assessment.

8. CONSULTATIONS

Essex County Council Ecology

- 8.1 There is sufficient ecological information for determination and the Reptile Mitigation Strategy and LEMP can be conditioned.
- 8.2 A management company, with demonstrable experience of managing habitat for reptiles would be suitable. There is still no detail about whose responsibility it is that this takes place and the resources required for it. I suggest that within the LEMP there are also plans for monitoring the population, the effect of management and if this consequently needs revising. This could be in the form of a short annual report to the Local Planning Authority each year.

I have had a look on the portal to see the new information that I need to comment on i.e. the LEMP, the document B610-Supporting information, is a statement about management companies. A reptile mitigation strategy and a LEMP need to be submitted in regard to the slow worm population on site.

Affinity Water

- 8.2 You should be aware that the site is located within the groundwater Source Protection Zone (SPZ) of Dunmow Pumping Station. This is a public water supply and comprises of a number of chalk boreholes operated by Affinity Water Ltd. The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the sites then the appropriate monitoring and remediation methods will need to be undertaken.

London Stansted Airport (MAG)

- 8.3 The proposed development has been examined for its impact upon aerodrome safeguarding and as the site is located approximately 2km south of the centre of Stansted Airport, and 1.6km south east from the end of the 04 runway, our main concern relates to whether the development will present an attractive habitat for birds which will, in turn present a birdstrike hazard to Stansted Airport.

The proposals are for 20 houses with associated infrastructure. The SuDs details are to follow, although it appears that an infiltration system may be suitable. If an infiltration system is used, then this will not result in an additional attractant for hazardous birds. However, if a basin, pond or swales is chosen and they are frequently wet then this would result in the formation of an attractant for hazardous bird species. Therefore, care should be taken that any such feature is dry except during and after extreme rainfall events, with a quick draw down time. Details of landscape planting have not yet been supplied. However, in this location we would recommend less than 10% of the planting is berry bearing.

In conclusion, as the aerodrome Safeguarding Authority for Stansted Airport, we are content that these proposals will not result in an increase in the attractiveness of the site to hazardous birds if it is conditioned that the SuDs does not result in the formation of regular open water, and the berry bearing component of the landscape planting is kept to 10% or less of the total.

Reason: to minimise the risk of a bird attractive feature that would cause a risk of a birdstrike hazard to Stansted Airport.

Essex County Council – Economic Growth and Development

- 8.4 As the proposed development comprises of less than 20 eligible dwellings, an education contribution will not be requested

Essex County Council - Archaeology

- 8.5 Archaeological Trial trenching and Excavation.

No development or preliminary groundworks can commence until a programme of archaeological trial trenching and excavation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.

Reason for Archaeological recommendation.

The Historic Environment Record and cartographic evidence shows that the development site lies in a highly sensitive area of potential archaeological deposits. The development site lies immediately adjacent to the Roman Road from Colchester to Braughing (EHER 4697). Excavations to the east of the application site has shown the presence of Roman archaeology in the river valley (EHER 45949). Further Roman occupation is likely to survive in the development area. Similarly extensive archaeological deposits have been identified on the northern side of the road as part of Stansted Airport with occupation from the Mesolithic period through to the modern day. Prior to the construction of the railway the application area would have formed part of Hatfield Forest. Early cartographic evidence shows the forest extending up to the Roman Road, and it is probable that woodland features such as banks and ditches related to the history of the forest will be identified.

A recognised professional team of archaeologists should undertake the archaeological work which would comprise the archaeological excavation of trial trenches followed by open area excavation where required. The District Council should inform the applicant of the archaeological recommendation and its financial implications. An archaeological brief can be produced from this office detailing the work required.

NATS Safeguarding

- 8.6 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.

Thames Water

- 8.7 We have no network related objections to the proposals on the basis that surface water will be fully disposed to SUDS and there won't be any surface water discharge to public sewer, as stated in the submitted application form (dated 04/07/2017).

Regarding wastewater treatment capacity we would appreciate if developer contacts Thames Water Developer Services (they can be contacted on 0845 850 2777) to provide development timescale to better understand and effectively plan for the sewage treatment infrastructure needs required to serve this development.

Housing Enabling Officer

- 8.8 The affordable housing provision on this site will attract the 40% policy requirement as the site is for 20 (net) units. This amounts to 8 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

The proposed scheme only offers 7 affordable units which equates to 35%, despite previous advice on the Council's policy. Further negotiations should be held with the Council to identify the additional property.

I acknowledge that the provision of a bungalow meets the Council's policy although it is unclear whether this meets the Council's requirement for bungalows to attain building regulations part M2.

- 8.9 Further comments: (following revised plans received). The suggested mix is acceptable and replicated below for reference.
2 x 1 bed bungalow (plots 7 and 8)
2 x 2 bed semi (Plots 1 and 2)
4 x 3 bed semi (plots 3, 4, 5 and 6)

Following further revised plans I confirm that the following mix would be acceptable
2 x 3 bed semi – shared Ownership
4 x 2 bed semi – affordable rent
2 x 1 bed semi – affordable rent

National Trust

- 8.10 The proposed development neighbours 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. There are two Scheduled Monuments on the site and four listed buildings, which reflect its historical significance. It is recognised as potentially qualifying for World Heritage Site status in terms of its cultural and natural heritage value.

It is also the largest, most accessible and most important space for outdoors recreation for the community in the local area.

- 8.11 The site is located just 20 metres from Hatfield Forest, separated only by the Flich Way. The Flich Way is a well-used bridleway which abuts the Forest and provides users with direct access to Hatfield Forest.

The site is located outside of the Takeley Street development boundary, as defined within the adopted Uttlesford Local Plan (2005). It is noted that the District Council is in the process of preparing a new Local Plan, the first draft of which is currently subject to public consultation. The plan proposes to allocate the site for residential development. The plan is still in early stages and has not yet progressed through the first public consultation stage. Therefore at this time little weight can be afforded to the proposed allocation in the draft plan and countryside policies in the adopted

Local Plan should be given the greatest weight. It is noted that the District Council consider that this is an appropriate site to allocate for new housing in order to contribute towards the District's housing needs.

The National Trust is concerned about visitor impact from the proposed development. Due to the exponential housing growth in the local area over the last 10 years the number of visits to Hatfield Forest has doubled to 500,000 today. We also know that over two thirds of visitors are very local people walking onto the Forest from their homes. The existing high level of visitors is impacting the Forest to an unsustainable level.

- 8.12 Due to the clay soils of the Forest this increase in winter visitors, both walking in and arriving by car is damaging the Forest to an unacceptable level. Habitat loss is occurring and not recovering. The whole of the Forest was judged to be in Unfavourable Recovering condition when formally assessed by Natural England in 2011. It was unfavourable due to deer population pressure, but given the recovering status due to the increased efforts by the Trust to control deer numbers. In a 2015 meeting and site inspection with the Natural England officer, the impacts of human trampling to the ground vegetation of the Forest was added to deer as identified threats to the notified features of Hatfield Forest. The trampling impacts are judged to be causing direct damage to a sizeable area of the Forest's vegetation. Thus there is a significant risk that the Forest will be judged to be in unfavourable declining condition if the recreational impacts on notified features are not addressed.
- 8.13 The potential cumulative impact of further residential development so close to Hatfield Forest has the potential to increase visitor pressure and damage to the SSSI, NNR and ancient woodland. There is no indication within the application of how the proposal would mitigate these impacts. If the Council is minded to approve the application it is requested that this issue is addressed. The National Trust is progressing with mitigation strategies and it is requested that the allocation of any S106 contributions towards these is considered. Further information in respect of mitigation can be provided if required.
- 8.14 The second area of concern for the National Trust relates to the visual impact upon Hatfield Forest. The Landscape and Visual Impact Assessment submitted with the planning application has assessed the visual impact on the adjacent Hatfield Forest Country Park/ National Nature Reserve receptor as 'medium'. It assesses Hatfield Forest as having high landscape value and high sensitivity to change. The National Trust agrees with this assessment. Hatfield Forest contributes to the setting and backdrop of the site and is a distinctive part of the wider landscape.

It is acknowledged that the site is separated from Hatfield Forest by the Flich Way and that there is also a 5 metre wide buffer strip between the site and the Flich Way on rising ground. Information within the application indicates that an additional 5 metre buffer strip will be created along the southern boundary of the site and planted with native trees and scrub species. It is however noted from the 'Tree Retention and Removal Plan' that it is proposed to remove some of the existing trees along the southern boundary of the site. This additional buffer is considered essential to protect the setting of Hatfield Forest. However, at this stage insufficient information has been provided to be sure of the adequacy and effectiveness of this buffer. A landscaping plan has not been provided showing the number, size or species proposed. Furthermore, concern is raised regarding the management of this buffer. It is not clear if this will be the responsibility of a management company or if it will form part of the gardens of individual properties. If additional information

to address these concerns is not forthcoming, the National Trust requests that it is ensured that the provision of the buffer zone, a planting schedule and a management plan (setting out the responsibility of a management company and maintenance regime) is secured through a S106 Agreement or appropriately worded condition.

The National Trust considers that guidance set out in the National Planning Policy Framework and Policies GEN7 (Nature Conservation), ENV7 (The Protection of the Natural Environment - Designated Sites) and ENV8 (Other Landscape Elements of Importance for Nature Conservation) of the adopted Uttlesford Local Plan (2005) should be given significant weight when determining this planning application. These seek to ensure that new development would not have a harmful impact on wildlife, geological features and designated sites (such as SSSI's and National Nature Reserves and ancient woodlands). These policies state that development will not be permitted unless the need for the development outweighs the importance of the feature to nature conservation. The policies indicate that measures to mitigate and/or compensate for the potential impacts of development and for the appropriate management of any mitigation will be secured by planning obligation or condition.

Having regard to the lack of information to address the issues set out above, the National Trust objects to this planning application.

8.15 Further comments : 24th October

I would be concerned about the buffer being incorporated into back gardens. There would be no control over its management and its function as a buffer zone wouldn't be ensured. A condition wouldn't be enforceable. Inevitably trees/vegetation would be removed over time to make way for larger amenity space within the gardens.

Landscape Officer

- 8.16 A full arboricultural report has been submitted which details the proposed removal of a number of trees on the site. The trees proposed to be removed include ash, oak, plum, willow, hawthorn, and elder. These subjects are found to be in poor condition, with no significant landscape amenity value. As part of any approval, conditions should be applied requiring the submission and approval of protective measures for trees to be retained, and a fully detailed scheme of landscaping.

Natural England

- 8.16 There is insufficient information to enable Natural England to provide a substantive response to this consultation as required under the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 8.17 Hatfield Forest Site of Special Scientific Interest (SSSI).

The proposed development is in the near vicinity of Hatfield Forest SSSI, National Nature Reserve and Ancient Woodland. Both Natural England and the National Trust (who own and manage the Hatfield Forest) are concerned about the impacts of increasing visitor pressure on the SSSI which is considered to be linked to nearby residential development. Recreational impacts are particularly prevalent in the northern area closest to the proposed development. This increased visitor pressure, particularly during the wetter winter months, has resulted in increased trampling of the rides and paths, parts of which have become very muddy. This in turn leads to visitors attempting to detour around these areas; thereby widening the paths and

trampling important ride-edge vegetation. The National Trust have been forced to close some of the affected rides and paths on a rotational basis in order to allow them to recover sufficiently to be able to withstand further visitor pressure.

The application should consider potential impacts on Hatfield Forest both alone and in combination with other development and, where an impact is identified, appropriate avoidance and mitigation proposals should be put forward. As owners and managers of the SSSI, the views of the National Trust should be sought and appropriate weight given to their submission.

- 8.19 The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Essex County Council – Flood and Water Management (SUDS)

- 8.20 Having reviewed 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:

Inadequate Surface Water Drainage Strategy.

The Drainage Strategy submitted with this application does not comply with the requirements set out Essex County Council's detailed Drainage Checklist. Therefore the submitted drainage strategy does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted strategy fails to:

Provide a suitable run-off rate.

Run-off rates should be restricted back to greenfield 1 in 1 rate or equivalent rates with the inclusion of long term storage. The run-off rate should be calculated only from the area draining to the surface water drainage network. Once an acceptable revised run-off rate has been proposed, detailed storage calculations will need to be submitted based on the proposed run-off rate. The calculations will need to show that the site can manage a the critical 1 in 100 inclusive of climate change storm event based on a series of winter and summer storms.

Demonstrate that there is enough water quality treatment on site.

It should be shown how there is enough water quality treatment on site in line with Chapter 26 of the CIRIA SuDS Manual C753.

Provide a drainage plan.

A drainage plan should be submitted showing exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features. The outfall from the site should also be made clear and demonstrated that this is the most appropriate outfall.

However, 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.

We also have the following advisory comments:

Infiltration testing and groundwater testing in line with BRE 365 will need to be conducted at a detailed stage.

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

- 8.21 Having reviewed the associated documents which accompanied the planning application, we do not object to the granting of planning permission, subject to the conditions.

Environmental Health

- 8.22 No objections.

Essex County Council Highways

- 8.23 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.

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

Conservation Officer

- 8.24 The site subject of this application is located along the B1256 in the village of Takeley. The village follows the line of old Roman road originally mostly of linier form with large selection of early historic and later buildings located along its northern side with more sporadic post war modest homes and occasional undeveloped plots of land on its south side. In recent times Takeley has been the subject of very intense development. The above paddock with its established band of vegetation is one of the very few undeveloped areas hugging the thoroughfare which provides a visual variety and interest to the increasingly intense ribbon development. In addition the development site is located opposite selection of 6 listed buildings which include Josephs, a grade II* listed Hall House of C15 origins. I feel that the development site with its line of vegetation so close to the road forms part of the setting of Josephs and other listed buildings opposite, and is a reminder of its past very rural and bucolic environment.

Undoubtedly, this application would be subject of an on balance decision which would include a concept of potential public benefit. I feel however that a greater effort should be made to maintain the present character of the site. It is clear that to provide the necessary visibility splays and public footpath all the present hedgerow/vegetation would be removed. The proposed new planting appears to be rather intermittent, set well away from the road and broken up by vehicular access points. The unremarkable new development and drives beyond would form very prominent urban edge not only to the main road and listed buildings in the vicinity but also to the open countryside and Hatfield Forest Dear Park, site of Special Scientific Interest as well as National Nature Reserve. I suggest further negotiations leading to overcoming the above concerns.

- 8.25 Further comments: (following revised plans being submitted).
With regards to cutting of vegetation, if this is actually the case I stand corrected but it is not what it seems on the ground. By the time a footpath is formed the vegetation would have to be trimmed/cut as it would not be acceptable to walk under the branches. Also 3 access points will be formed further depleting it. The

necessary visibility splays should be indicated. As my comments would not result in the refusal anyway, I suggest on balance decision based on public benefit.

Historic England

8.26 No comment. We suggest that you seek the views of your specialist conservation and archaeological advisers.

9. Representations

9.1 This application has been advertised and 55 neighbouring properties notified. 13 Representations have been received. Expiry date 16th November 2017.

9.2 13 letters of objection raising the following issues:

- Overdevelopment in Takeley
- Impact on the Flitch Way
- Inadequate infrastructure
- Highway issues
- Impact on ecology – Bats, deer, loss of trees. It is one of the few places on the edge of the forest for the deer to graze and give birth to their fawns in the long grass, there is an abundance of butterflies, there are hedgehogs, there is a very deep natural pond which was used to fill the old steam fodens at the turn of the last century and probably is home to many different types of newt, also May and June of this year we watched several bats flying between the old stable and the street light, so it appears there is a bat colony there as well.
- Privacy
- Inappropriate design
- Out of character
- Affordable housing will not fit in with the area
- Insufficient parking provision
- Concern of Stansted Airport parking
- The new dwellings are likely to offer B&B and parking services (officially or unofficially if you covenant against such) - these will both increase the volume of traffic AND pedestrians looking to catch buses and taxis - not to mention the dozens of cars that new residents will cram onto their properties when they rent their driveways and surrounding land
- Increase in traffic
- Noise, dust, light and odour pollution
- Loss of view
- No benefits to the local area
- Only the developers and council will benefit
- Inadequate resources
- Impact on water pressure
- From the Uttlesford Local Plan I note your projected requirement for properties in Takeley to be just 42 from 2016 to 2033. Given this, I am at a loss to understand why applications to develop are still being considered when such an important document/policy has yet to be finalised? I would remind the council, that you also have on your list application number UTT/17/0675/FUL which is a request for 275 homes in the same area i.e. you say we only need another 42 homes, but are considering applications for a minimum (at this stage) of 295 homes and we are only in 2017?! Why?? Can nobody count at the council?
- Impact on road and pavement conditions caused by the earth moving lorries that are not being cleaned when leaving existing development sites. Further development will cause further mess which Uttlesford is not cleaning up

- No doctors in Takeley
- Local schools full
- Inadequate bus service does not run regularly or long enough to make it a viable option to use for commuters
- Impact on SSSI – Hatfield Forest – I believe Hatfield Forest this year launched the 'Every Step Counts' campaign to highlight the damage being caused to the area due to increased visitor numbers. Further development will only exacerbate this problem and I understand that the National Trust have taken, the almost unprecedented, step of objecting to both this development and the Bonnington Farm development
- The council itself in its local plan only believes Takeley needs 42 extra houses up to 2033!
- Impact on property values
- Impact of construction traffic
- With the developer & UDC having already completed the pre-planning application, reviewing the application on 4 separate occasions, and subsequently reducing the proposal from 39 to 20 properties we have no doubt that UDC will approve this planning application given the beneficial monetary income from pre-application advice, planning applications, additional funds delivered from 20 x council tax invoices, additional funds received from the government under the new homes bonus payments and whatever other bonuses are available to UDC for hitting their "new homes" targets
- The developer justifies the building of 20 new homes with space for 61 vehicles by stating that "the proposals will open up an area of land that is currently not accessible to the community, and existing members of the community will benefit from the provision of a significant amount of public open space in the form of a communal green and informal areas of open space". We already have Hatfield Forest!!!! It's a 400 hectare forest adjacent to this land, and we also have the Flitch Way and a public park behind the local village hall within walking distance
- This application should be declined while the public consultation of the draft Uttlesford local plan takes place. There is no rush to approve the development of this site, it will still be there next year once the local plans have been decided and the council should wait for that outcome rather than approve an irreversible site development
- Site operations should be restricted to normal working hours 9am - 5pm Monday to Friday only, as this is in the middle of a residential area already housing families with young children.
 - The site operator should employ a wheel truck wash service to ensure all vehicles exiting the site have their tyres jet washed to prevent the road mud bath that we've all had to live with over the past few years.
 - The council should ensure the boundary hedging is in place with maintenance contracts prior to signing off the development to ensure the existing adjacent properties are not affected by light pollution caused by vehicle headlights which would be pointing directly into their houses created by the design of the garages and parking spaces. Could UDC add a clause preventing future re-development or expansion of the site?
- It would be common sense to decline this application and include the extra 20 houses into the 10,000 new home Easton Park Garden Community proposal where they will have access to modern infrastructure, schools and services
- Loss of countryside

10. APPRAISAL

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

- A The development of this site for residential purposes(NPPF and ULP Policies S7,S8, H3);
- B Design, scale and impact on neighbours amenity and impact on character and setting of adjacent Listed Buildings (ULP Policies GEN2, S7, H10,H9, ENV2 & SPD: Accessible Homes and Playspace);
- C Highway safety and parking provision (ULP Policies GEN1 & GEN8 & SPD: Parking Standards: Design and Good Practice);
- D Biodiversity (ULP policy GEN7)
- E Affordable Housing, Education Contributions (ULP policies H9, GEN6)
- F Flood risk and drainage (ULP policy GEN3)

A The development of this site for residential purposes is appropriate (NPPF and ULP Policies S7,S8,H3)

- 10.1 In policy terms, the site is located outside the development limits for Takeley as defined by the Uttlesford Local Plan. Consequently for the purposes of planning, the site is considered to be within the Countryside and subject to all national and local policies.
- 10.2 The site is therefore subject to the provisions of policy S7 Policy S7 is a policy of general restraint which seeks to restrict development to that which needs to take place there, or is appropriate to a rural area in order to protect the character of the countryside. This includes infilling in accordance to paragraph 6.13. 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. This policy seeks to protect the rural area from inappropriate development and permission will only be given for development which is appropriate to the rural area or needs to take place there. Permission will only be given for development which protects or enhances the character of the countryside in which it is set or there are special reasons why the development needs to be there. The proposal relates to a form of development which is inappropriate in a rural area and which does not need to take place there. The proposal is therefore contrary to Policy S7. 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.
- 10.3 S70 (2) of the Town and Country Planning Act 1990 states that "in dealing with a planning application the local planning authority shall have regard to the provisions of the Development Plan so far as is material to the application and to any other material considerations". S38 (6) of the Planning and Compulsory Purchase Act 2004 states that "if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF reiterates this requirement and paragraph 3 confirms that the NPPF is a material planning consideration.

Paragraph 49 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In this regard, the most recent housing trajectory identifies that the Council

has a 3.7 or 4.2 year land supply depending on the scenario used to calculate the supply. The Council considers that it is a 5% buffer authority and that there has not been a persistent under-supply of housing delivery.

It is therefore necessary to assess whether the application proposal is sustainable and presumption in favour is engaged in accordance with paragraphs 6 - 15 of the NPPF.

- 10.4 The NPPF emphasises that sustainability has three dimensions (Paragraph 7); an economic role (contributing to building a strong economy), a social role (providing housing and accessible local services) and an environmental role (contributing to protecting and enhancing our natural, built and historic environment).
- 10.5 Economic: The NPPF identifies this as contributing to building a strong, responsive and competitive economy, supporting growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure. In economic terms the proposal would have short term benefits to the local economy as a result of construction activity and additionally it would also support existing local services, as such there would be some positive economic benefit.
- 10.6 Social: The NPPF identifies this as supplying required housing and creating high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The proposal would make a contribution towards the delivery of the housing needed in the district, including provision of (40% affordable housing) eight affordable housing units, public open space and two bungalows. Takeley has access to bus services to other nearby towns and centres of employment. The proposal would introduce an element of built form within the open countryside, which would have some impact on the character of the area. This impact would need to be weighed against the benefits.

The proposal would also have a negative impact by putting more strain on the local infrastructure and demand for school places. Takeley also does not have any doctors or dentists within the village.

The site is well served by bus routes, providing access between Bishops Stortford to the west and Great Dunmow to the east to further facilities. The nearest rail station is Bishops Stortford which is located five miles from the site. This is accessible by bus and provides trains to London, Cambridge and Stansted. This would have some weight in favour of the positive contribution the proposal could make in these regards.

- 10.7 Whilst the facilities within the village and the public transport provision are unlikely to meet the demands of residents to fulfil their daily requirements, they do offer the opportunity for alternative means of accessing services and facilities. In terms of the rural nature of the District, the facilities and public transport options are relatively good and can offer alternative means.
- 10.8 Environmental: The environmental role seeks to protect and enhance the natural, built and historic environment. The NPPF recognises the intrinsic character and beauty of the countryside. The site is located to the west of Takeley centre and is bounded by residential development to the west, east and north and by the Flitch Way to the south and Hatfield Forest which is a SSSI. The development along this road is linear in nature. There is a tree lined boundary separating the site from the Flitch Way (which is a linear country park) and Hatfield Forest beyond.

The suitability of this site for development depends on the value placed on the open space and views of Hatfield forest against the need for housing on a site which is not within the open countryside. The introduction of built form in this location would result in some harm to the openness and character of the rural area and is therefore contrary to the aims of policy S7 and S8. In view of the boundary screening it is considered that the visual impact would be reduced and that the development would not be significantly detrimental to the openness of the countryside. The character of the form of the existing development is linear along the B1256. The development has been the subject of pre- application advice and reduced from 39 dwellings to 20. The development of this site for residential purposes would not be unduly out of character with the area.

- 10.9 The presence of mature vegetation would prevent a harmful intrusion into the open countryside and any harm to the particular character of the countryside surrounding the site. It is therefore essential that the landscaping to the frontage (apart from access points) remains. Apart from the formation of new access roads, the mature landscaping to the sites frontage would remain. A material consideration is that the trees on the site are not subject to tree preservation orders and therefore could be felled without any permissions. A full arboricultural report has been submitted which details the proposed removal of a number of trees on the site. The trees proposed to be removed include ash, oak, plum, willow, hawthorn and elder. These subjects are found to be in poor condition with no significant landscape amenity value. The Councils Landscape Officer has been consulted and has no objections to the proposal subject to conditions requiring the submission and approval of protective measures for the trees to be retained and a fully detailed scheme of landscaping.
- 10.10 It is considered that the development of this site would not result in additional built form in the countryside which would be detrimental to the open and rural character of the surrounding countryside to such an extent that would warrant refusal of the application, because the site is enclosed by mature vegetation to its boundaries, of which most of the landscaping to the boundaries of the site would remain. The proposal is therefore in accordance with advice contained within the National Planning Policy Framework (2012)
- 10.11 Several comments have been received in respect of the impact of the proposal on the Countryside Protection Zone. The site is not in the Countryside Protection Zone. As there are residential properties between the application site and the airport it is not considered that the development would promote coalescence between the airport and existing development in the countryside to such an extent to warrant refusal of the scheme. The proposal would have limited impact on the Countryside Protection Zone.
- 10.12 A further material consideration is that the site is an allocated site (TAK 1) within the Regulation 18 Local plan. Although this has little weight at the present time.
- 10.13 It is considered that the weight to be given to the requirement to provide a 5 year land supply and the housing provision which could be delivered by the proposal would outweigh the harm identified in relation to rural restraint set out in ULP Policy S7. Therefore, in balancing planning merits, it is considered that planning permission should be granted for the development.

B Design, scale and impact on neighbours amenity and impact on character and setting of adjacent Listed Buildings (ULP Policies GEN2, S7, H10, ENV2 & SPD: Accessible Homes and Playspace);

- 10.13 Policy H10 states that all development on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. All developments on a site of three or more homes must include an element of small two and three bed homes, which must represent a significant proportion of the total. Since the adoption of the above policy, The Strategic Housing Market Housing report September 2015 has been adopted. This identified that the market housing needs for Uttlesford have changed. 5% of the dwellings shall be bungalows.
This states:

Market Housing Needs for Uttlesford

Flats	1 bed	140	1.44%
	2 bed	80	0.8%
House	2 bed	690	7.1%
	3 bed	4290	44.2%
	4 bed	3110	32.0%
	5+ bed	1410	14.5%

The supplementary Planning Document Accessible Homes and playspaces also requires that developments of 10 and over should provide bungalows, this application has been revised and now includes two bungalows.

The housing mix for this application is for two one bedroomed properties, four two bedroomed properties, five three bedroomed properties, three four bedroomed properties and six five bedroomed properties. The proposal, complies with the requirements of Policy H10 and broadly in line with the Strategic Housing Market Housing report

- 10.14 All of the units have private amenity spaces. The Essex Design Guide recommends that dwellings of 3 bedrooms or more should have private amenity spaces of 100sqm+ and 2 bedroom properties 50sqm+. The gardens accord with the requirements of the Essex Design Guide. Each plot has adequate private amenity space to accord with the requirements of the Essex Design Guide.
- 10.15 The design and scale of the proposed dwellings is considered appropriate for this location. The dwellings would all be two storey (apart from the two bungalows), the houses are set back from the road to respect the building line created by the dwellings immediately adjacent on the site to the west and east to allow soft landscaping to minimise the impact of the built form from the street view. A landscape buffer has also been incorporated into the design to protect the Wildlife site to the rear and sides of the site. New hedging and planting is proposed along the front of the site.
- 10.16 The development has been designed to minimise the potential for overshadowing or overbearing impacts. In view of the distances between neighbouring properties the proposal would not result in any material overlooking, overshadowing or overbearing impact.
- 10.17 The proposal also provides an area of open space, the applicant has indicated that they are prepared to enter into a S106 legal agreement in order to secure the provision and ongoing maintenance of the proposed open space
- 10.18 Policy ENV2 states: that development will not be permitted if it would adversely affect the setting of a listed building. The proposal would affect the setting of a

number of Grade II listed buildings lining the northern side of the road. North of the site are listed buildings, The Clockhouse (Grade II), Street Cottage (Grade II), Raleigh Cottage (Grade II), Austin Villa (Grade II), Josephs (Grade II*) , Josephs Barn (Grade II).

- 10.19 The heritage assets are separated from the site by the Dunmow Road and there is an additional buffer of informal open space across the frontage. This ensures that the proposed development maintains a semi-rural character and protects the nearby heritage assets including Josephs which is Grade II* listed. Specialist conservation advice was sought from the council's conservation Officer and Historic England. She has concerns that this site is one of the very few undeveloped areas hugging the thoroughfare which provides a visual variety and interest to the intense ribbon development and the impact on the setting of Josephs and other listed buildings opposite. Prior to the formal submission of the application, pre-application advice was sought and as a result the number of dwellings were reduced to allow for the retention of most of the vegetation and trees along Dunmow Road. No footpaths are proposed along the Dunmow Road in order to preserve the existing character of the road.
- 10.20 A further measure introduced to protect the character of the existing listed buildings is a significant area of informal open space behind the road frontage vegetation. Additionally opposite the Grade II* building is a further area of open space and two bungalows proposed so that the built form will be visually reduced at this point when viewed from the street. It has been demonstrated that limited vegetation would need to be removed to provide visibility splays to the accesses.
- 10.21 A Landscape and Visual Impact Assessment has been submitted with the planning application and this demonstrates that the visual impact of the development is low along the northern boundary and from the Flitch Way is moderate. Despite these conclusions, the development proposes a significant landscape buffer to the rear of the site totalling 10 metre together with the retention and enhancement of most of the existing boundary vegetation and trees.
- 10.22 The character of Dunmow Road will be partly maintained by retaining and reinforcing the existing mature hedgerow growing along the north side of the site or by substantially replacing this hedgerow with a new hedgerow planted with native species.
- 10.23 On balance, taking into account the councils lack of five year housing supply the benefits of the scheme outweigh the limited harm to the character and settings of the Listed Buildings and rural setting of the area.
- 10.24 The site falls outside of the 57dB 16 hr LEQ of Stansted airport where ENV10 would require appropriate noise mitigation.
- 10.25 The site is located within the groundwater source protection zone of Dunmow Pumping station. This is a public water supply operated by affinity Water Ltd. They have not objected to the proposal, however they advise that the construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management practices, thereby reducing the groundwater pollution risk. A suitable informative will be added to any approval given.
- 10.26 The site is located approximately 2km south of the centre of Stansted Airport and 1.6 km east from the end of the 04 runway and therefore the proposal has the

potential to present a bird strike hazard to Stansted Airport. Provided that the Suds does not result in the formation of regular open water and the berry bearing component of the landscape planting is kept to 10% or less of the total, which can be achieved by a relevant condition, the aerodrome Safeguarding team have no objections.

C The access and parking arrangements are appropriate (ULP Policies GEN1 & GEN8 & SPD: Parking Standards: Design and Good Practice);

- 10.27 The proposed properties are a mixture of one, two, three, four and five bedroom dwellings. The adopted Essex County Council parking standards require the provision for one parking space for a one bedroomed dwelling, two parking spaces per dwelling for two and three bedroom dwellings and three parking spaces for three+ bedroomed properties and additional visitor parking spaces. The proposal meets these standards. There would also be five unallocated parking spaces within the development to provide visitor parking. Vehicular access to the site is acceptable.
- 10.28 Several of the representations make reference to Highway issues and parking, however a transport statement has been submitted with the application and the Highway's Department have been consulted and raise no objections, subject to conditions, to the proposals on highway terms. The proposals therefore satisfy the requirements of ULP Policies GEN1 and GEN8.
- 10.29 In accordance with Supplementary Planning Document – Accessible Homes and Playspace the proposed dwellings would need to be accessible and designed to Lifetime Homes Standards. In new housing developments of 20 dwellings or more , the council will require 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition and 2016 amendments. In this respect Part M4 (2) paragraph 2.12 relating to car parking, in order to comply with the building regulations it states:
- 10.30 Where a parking space is provided for the dwelling, it should comply with all of the following.
- a) Where the parking is within the private curtilage of the dwelling (but not within a carport or garage) at least one space is a standard parking bay that can be widened to 3.3m
 - b) Where communal parking is provided to blocks of flats, at least one standard parking bay is provided close to the communal entrance of each core of the block (or to the lift core where the parking bay is internal). The parking bay should have a minimum clear access zone of 900mm to one side and a dropped kerb in accordance with paragraph 2.13d
 - c) Access between the parking bay and the principal private entrance or where necessary, the alternative private entrance to the dwelling is step free
 - d) The parking space is level or, where unavoidable, gently sloping
 - e) The gradient is as shallow as the site permits
 - f) The parking space has a suitable ground surface
- The revised plans received would comply with the above amended building regulations

D Biodiversity (ULP policy GEN7)

- 10.31 Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.
- 10.32 In addition to biodiversity and protected species being a material planning consideration, there are statutory duties imposed on local planning authorities. Section 40(1) of the Natural Environment and Rural Communities Act 2006 states "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." This includes local authorities carrying out their consideration of planning applications. Similar requirements are set out in Regulation 3(4) of the Conservation (Natural Habitats &c) Regulations 1994, Section 74 of the Countryside and Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010.
- 10.33 A Biodiversity Questionnaire has to be submitted by the applicant of any application to assess the likely presence of protected species within or in close proximity to the application site. The questionnaire allows the council to assess whether further information is required in respect of protected species and their habitats. Some of the questions were answered with a yes and accordingly an ecology report has been submitted with the application.
- 10.34 In addition, Policy ENV3 requires the protection of groups of trees unless the need for development outweighs their amenity value. Policy ENV8 requires the protection of hedgerows, linear tree belts, and semi-natural grasslands. Mitigation measures are required to compensate for the harm and reinstate the nature conservation value of the locality. There are slow worms located on the site. A management company would be responsible for the buffer zone to protect the Flitch Way and a LEMP would be secured by a condition.
- 10.35 Natural England have concerns regarding the impact the development would have on Hatfield Forest by way of increasing visitor pressure. In addition the National Trust have also objected to the proposal in respect of the cumulative impact of further development close to the forest and have also requested an allocation of s106 contributions to mitigate against the impact caused. However, this application is only for 20 dwellings and so the number of new residents using the forest and causing harm is likely to be low. The development proposes a significant onsite buffer zone for landscape and ecological impact mitigation which will be managed using a management company secured by a s106 agreement. There is no direct access from the back gardens of the new dwelling onto the Flitch Way. Given the scale of the development it is not considered reasonable to expect that applicant to consider the cumulative impact of other major developments in the area. By the very scale of the proposed development, any impact from a 20 dwelling development is likely to be limited.
- 10.36 The applicant has stated that the most recent information on recreational impact levels is contained within the Environmental Statement submitted with planning application UTT/18/0318/OP for 135 dwellings. This concluded that the 135 dwelling development would not have a likely significant effect on the Hatfield Forest SSSI. As such it is not considered reasonable to request s106 contributions or refuse the application on these grounds.

Essex County Council Ecologists have been consulted and have no objections to the proposal subject to conditions.

- 10.37 As such it is not considered that the proposal would have any material detrimental impact in respect of protected species to warrant refusal of the proposal and accords with ULP policy GEN7.

E Affordable Housing, Education Contributions (ULP policies H9, GEN6 and Developers Contributions Guidance Document)

- 10.38 Affordable Housing:

Policy H9 states that the Council will seek to negotiate on a site for site basis an element of affordable housing of 40% of the total provision of housing. The Council commissioned a Strategic Housing Market Area Assessment which identified the need for affordable housing market type and tenure across the District. As a result of this the Council will require a specific mix per development proposal. The Strategic Housing Market Area Assessment supports the provision of a range of affordable housing:

Affordable housing provision (rounded up to the nearest whole number)

- 40% on sites of 15 or more dwellings or sites of 0.5ha or more;

The site area is 1.6 hectares and as such a provision of 40% affordable housing is required. The proposal originally only indicated 7 affordable housing units, this has been revised and the proposal now includes 8 affordable units (including two bungalows). The applicant has indicated that they are prepared to enter into a Section 106 legal agreement to provide the affordable housing. Subject to this agreement being completed, the proposal would comply with the requirements of policy H9

- 10.39 Education Contributions:

Essex County Council (ECC) is the Education Authority for the District. ECC have published a 'Developers' Guide to Infrastructure Contributions' which sets out how contributions for Education are calculated. A development of this size is below Essex County Councils new threshold for education contributions, and thereby, a s106 education contribution is not sought.

F Flood Risk and drainage (ULP Policy GEN3; NPPF)

- 10.40 Policy GEN3 requires development outside flood risk areas to not increase the risk of flooding through surface water run-off. The NPPF requires development to be steered towards areas with the lowest probability of flooding. In addition, it should be ensured that flood risk is not increased elsewhere. The site is located within Flood Zone 1, therefore is a site with the lowest risk of flooding (more than 1 in 1000 years).

- 10.41 The proposals have been considered by the Local Lead Flood Authority who originally raised an objection to the proposals. Additional information has been submitted. The LLFA is now satisfied that the proposals would not increase the risk of flooding off-site and the proposals comply with Policy GEN3 and the NPPF.

11. CONCLUSION

The following is a summary of the main reasons for the recommendation:

- A** It is considered that the weight to be given to the requirement to provide a 5 year land supply and the housing provision which could be delivered by the proposal would outweigh the harm identified in relation to rural restraint set out in ULP Policy S7. Therefore, in balancing planning merits, it is considered that planning permission should be granted for the development.
- B** The Design of the proposed development is considered to be acceptable and in accordance with Policies GEN2, the layout of the development is acceptable. No significant loss of residential amenity will arise from the proposals. The amenity areas and parking provision are appropriate and the proposals comply with Policies GEN2, ENV3 and GEN8. The proposed scale of the development is considered to be appropriate and complies with policy GEN2. The housing mix for the development is considered acceptable (ULP policy H10).
- C** The proposal would comply with the current adopted parking standards and provide five visitor spaces. Essex County Council Highways authority has no objections subject to appropriate conditions. The proposal complies with policies GEN1 and GEN8.
- D** The application now provides sufficient information and evidence to demonstrate that the proposals (subject to conditions and S106 requirements) would not adversely affect protected species. As such the proposals comply with Policy GEN7 and section 11 of the NPPF.
- E** The affordable housing mix and tenure split for the development is considered to be acceptable and complies with policy H9 and GEN6.
- F** The proposal would not give rise to flooding issues and complies with Policy GEN3. The leading local flood authority have no objections subject to conditions.

RECOMMENDATION – CONDITIONAL APPROVAL AND S106 LEGAL OBLIGATION

- (I) The applicant be informed that the Planning Committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by 6th June 2018 the freehold owner enters into a binding obligation to cover the matters set out below under S106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Director: Legal & Governance , in which case he shall be authorised to conclude such an obligation to secure the following:**
 - (i) Provision of 40% affordable housing**
 - (ii) Maintenance of SuDS**
 - (iii) Management company in relation to SUDS, public open space, and habitats**
 - (iv) Pay the Council's reasonable legal costs**
 - (v) Pay the monitoring fee**
- (II) In the event of such an obligation being made, the Assistant Director Planning shall be authorised to grant permission subject to the conditions set out below.**
- (III) If the freehold owner shall fail to enter into such an obligation the Director of Public Services shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:**
 - (i) No provision of affordable housing**

- (ii) No maintenance of SuDS**
- (vi) No provision of Management company in relation to SUDS, public open space, and habitats**

Conditions

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

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

2. Prior to occupation of any dwelling, the provision of the eastern access, as shown in principle on drawing no. 845-PL-002F, shall be formed at right angles to Dunmow Road to include but not limited to, a minimum 5.5 metre carriageway width, two 2 metre wide footways (around both radii) tapering into the shared surface, and clear to ground visibility splays with dimension of 90 metres x 2.4 metres x 90 metres as measured from and along the nearside edge of the carriageway. The visibility splays shall be provided before the access is first used by vehicular traffic and retained free of obstruction at all times.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway, and to ensure that vehicles can enter and leave the highway in controlled manner, in the interest of highway safety in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

3. Prior to the occupation of any dwelling, the proposed private drives (to the west of the site), as shown in principle on drawing no.845-PL-002F, shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of highway boundary and provided with an appropriate dropped kerb crossing of the footway/verge. Each access shall be provided with a clear to ground visibility splay with dimensions of 90 metres x 2.4 metres x 90 metres, as measured from and along the nearside edge of the carriageway. The visibility splays shall be provided before the access is first used by vehicular traffic and retained free of obstruction at all times.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway, and to ensure that vehicles can enter and leave the highway in controlled manner, in the interest of highway safety in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

4. 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

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 in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

- 5 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

- 6 The proposed development shall not be occupied until such time as the vehicle parking areas indicated on drawing no. 845-PL-002F have been provided. The vehicle parking areas and associated turning areas shall be retained in this form at all times.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

- 7 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

- 9 The SuDs shall not result in the formation of regular open water, and the berry bearing component of the landscape planting shall be kept to 10% or less of the total.

REASON: To minimise the risk of a bird attractive feature that would cause a risk of a birdstrike hazard to Stansted Airport in accordance with Uttlesford Local Plan Policy GEN2 (adopted 2005).

- 10 No development or preliminary groundworks can commence until a programme of archaeological trial trenching and excavation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.

REASON: The Historic Environment Record and cartographic evidence shows that the development site lies in a highly sensitive area of potential archaeological deposits. The development site lies immediately adjacent to the Roman Road from Colchester to Braughing (EHER 4697). Excavations to the east of the application site has shown the presence of Roman archaeology in the river valley (EHER 45949). Further Roman occupation is likely to survive in the development area. Similarly extensive archaeological deposits have been identified on the northern side of the road as part of Stansted Airport with occupation from the Mesolithic period through to the modern day. Prior to the construction of the railway the application area would have formed part of Hatfield Forest. Early cartographic evidence shows the forest extending up to the Roman Road, and it is probable that woodland features such as banks and ditches related to the history of the forest will be identified in accordance with Uttlesford Local Plan policy ENV4.

- 11 Before development commences full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

- a) proposed finished levels [earthworks to be carried out]
- b) means of enclosure
- c) car parking layout
- d) vehicle and pedestrian access and circulation areas
- e) hard surfacing, other hard landscape features and materials
- f) existing trees, hedges or other soft features to be retained
- g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
- h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- i) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- j) location of service runs
- k) management and maintenance details setting out responsibility of the maintenance regime
- l) provision of buffer to rear and sides of the site.

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

- 12 All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with policies ENV3, GEN2 and GEN7 Uttlesford Local plan (adopted 2005)

- 13 (a) No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree or shrub be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
- (b) If any retained tree or shrub is removed, uprooted or destroyed or dies, another tree or shrub shall be planted at the same place and that tree or shrub shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
- (c) The erection of fencing for the protection of any retained tree shrub or hedge shall be undertaken in accordance with details approved in writing by the local planning authority to comply with the recommendation of British Standard 5837:2005 (Trees in relation to construction) before any equipment, machinery or

materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority. No fires shall be lit within 20 metres of the retained trees and shrubs.

In this condition 'retained tree or shrub' means an existing tree or shrub, as the case may be, which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the date of the occupation of the building for its permitted use.

REASON: To protect the existing trees, shrubs and hedgerows in the interest of visual amenity in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

- 14 Prior to occupation, a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by the local planning authority. The content of the LEMP shall focus on the buffer strip between the development and the Flich Way Local Wildlife Site and the translocated reptile population and include the following.

- a) Description and evaluation of features to be managed
- b) Ecological trends and constraints on site that might influence management
- c) Aims and objectives of management
- d) Appropriate management options for achieving aims and objectives
- e) Prescriptions for management actions
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
- g) Details of the body or organization responsible for implementation of the plan
- h) Ongoing monitoring and remedial measures

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

REASON: In the interests of conserving biodiversity, in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework paragraph 109.

- 15 No development shall take place, including demolition, ground works and vegetation clearance until a reptile mitigation strategy has been submitted and approved in writing by the local planning authority and implemented in full. This should include a method statement to deliver all the ecological mitigation measures and/or works detailed in the in Phase 1 Habitat Survey & Protected Species Scoping Assessment (Skilled Ecology Consultancy, June 2016).

This is likely to 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 allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 as amended and under s40 of the NERC Act 2006 (Priority habitats & species)

- 15 All ecological measures and/or works shall be carried out in accordance with the details contained in Phase 1 Habitat Survey & Protected Species Scoping Assessment (Skilled Ecology Consultancy, June 2016) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

REASON: In the interests of conserving biodiversity, in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework

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

- Infiltration testing and groundwater testing in line with BRE 365 will need to be conducted at a detailed stage to explore the discharge options in line with the discharge hierarchy.
- Where infiltration is deemed not viable, discharge rates should be restricted to the Greenfield 1 in 1 for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

REASON:

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site. In accordance with Uttlesford Local Plan

policy GEN3

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

REASON: The National Planning Policy Framework paragraph 103 and paragraph 109 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed. In accordance with Uttlesford Local Plan policy GEN3.

- 18 No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

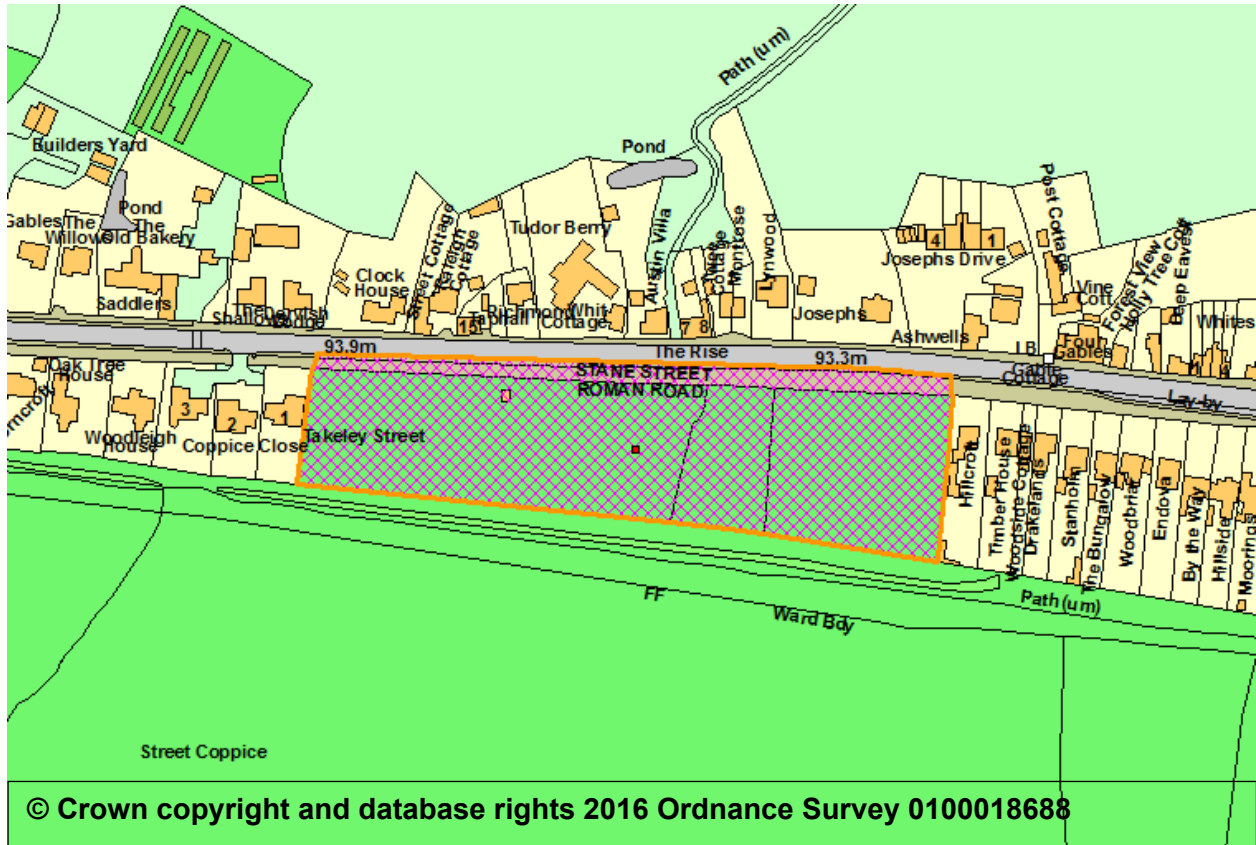
REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site in accordance with ULP policy GEN 3.

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

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with Uttlesford local plan (adopted 2005) policy GEN3

Application: UTT/17/1852/FUL

Address: Land Adj to Coppice Close, Dunmow Road, Takeley



Organisation: Uttlesford District Council

Department: Planning

Date: 27 April 2018