

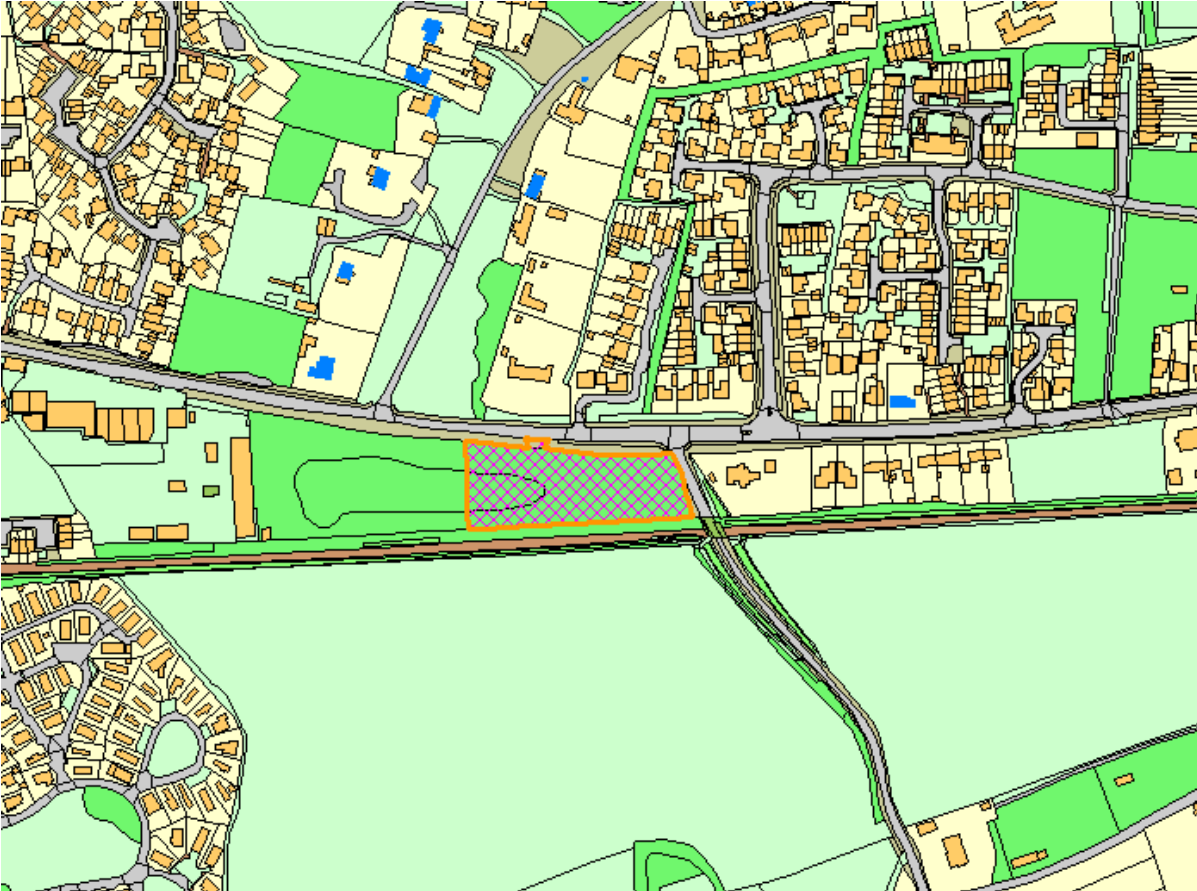
ITEM NUMBER: 7

PLANNING COMMITTEE DATE: 11 December 2024

REFERENCE NUMBER: UTT/24/1198/OP

LOCATION: Land to the South of Smiths Green
Dunmow Road
Takeley

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 1 August 2024

PROPOSAL: Outline planning permission with all matters reserved except access for up to 15 no. dwellings.

APPLICANT: Amherst Homes Ltd

AGENT: Ms Sophie Heritage

EXPIRY DATE: 9th August 2024

EOT EXPIRY DATE:

CASE OFFICER: Mark Sawyers

NOTATION: Outside Development Limits
Within 200m of Parish Boundary
Within 2km of S.S.S.I
Within 6km of Airport
Within 100m of Local Wildlife Site - Location: FLITCH WAY [Site No: Ufd196]
Within 250m of Local Wildlife Site - Location: FLITCH WAY [Site No: Ufd196]
Within 20m of Flitch Way - Description: Flitch Way 20m Buffer County Wildlife Sites - Location: FLITCH WAY

REASON THIS APPLICATION IS ON THE AGENDA: Major Application

1. **EXECUTIVE SUMMARY**

1.1 Outline planning permission is sought by the Applicant (Amherst Homes Ltd for a residential development of up to 15-no. dwellings, on the site known as 'Land To The South Of Smiths Green, Dunmow Road, Takeley.'

1.2 The application site lies outside the defined settlement boundary limits and is thereby located within the countryside, the site also resided within the Countryside Protection Zone. Thereby the proposals are contrary to Polices S7 and S8 of the Uttlesford District Local Plan.

1.3 Paragraph 226 of the NPPF was engaged on 08 August 2024, following publication of the Council's Regulation 19 Local Plan. As of 20 August

2024, the Council can demonstrate 4.12 years of housing land supply (which includes a 20% buffer), which is a surplus measured against a 4-year requirement (4YHLS). With the Housing Delivery Test (HDT) being at 58%, situation (b) of Footnote 8 of the NPPF applies, which means that the Council must continue engaging with the presumption in favour of sustainable development under paragraph 11(d) of the NPPF.

- 1.4 The development would provide social and economic benefits in terms of the construction of the dwellings and the investment into the local economy. The proposals would result in maintaining the Council's housing supply including affordable units. Thus, taken together, weight to the benefits of the development have been considered.
- 1.5 The principle of residential development in this location has already been refused by virtue of the 2019 refusal by Uttlesford's Planning Committee under (UTT/19/0051/FUL) which sought full planning permission for 37-no. residential units alongside associated works. This was also dismissed at appeal.
- 1.6 Officers have undertaken a 'tilted balance' by reason of paragraph 11d being engaged and have found that the benefits of the proposals do not outweigh the identified harm. As such the application has been recommended for refusal.

2. **RECOMMENDATION**

- 2.1 That the Strategic Director of Planning be authorised to **REFUSE** for the reasons set out in section 17.

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The application site as outlined in red on the supporting site plan dwg ref: BRD/18/092/P01-B is located to the southern side of Dunmow Road situated between Takeley and Little Canfield to the south of the Smiths Green.
- 3.2 The application relates to an irregular shaped parcel of land that measures approximately 1.5a in size.
- 3.3 The site is bound to the west by trees and vegetation with a business centre beyond, to the North by Dunmow Road (B1256), to the east Great Canfield Road and to the South the Flich Way.
- 3.4 Apart from mature vegetation in the form of modest size trees and hedgerows located along a large proportion of the boundaries, the site is covered by woodland and rough grassland and shrub. No vegetation is covered by tree preservation orders.
- 3.5 The locality Smiths Green is an attractive loose knit hamlet centred on a green and has a semi-verdant character. As such, Smiths Green

provides a visual break between the core of Takeley to the west and Little Canfield to the east.

3.6 The site is currently accessed off the Dunmow Road situated opposite the junction with Smiths Green Road. There is a Public Bridleway 48-47 runs west-east to the rear of the site outside the redline boundary, this also links to PRow Bridleway 16-27 which runs north-south and adjoins Great Canfield Road.

3.7 Listed Buildings:

3.7.1 Approximately 100m to the north west of the application site lies the Grade II listed building known as 'The White House' (List entry number 1322592).

3.7.2 Approximately 150m to the north east of the application site lies the Grade II listed building known as 'Wayside' (List entry number 1168954).

3.7.3 Approximately 160m to the north of the application site lies the Grade II listed building known as 'The Gages' (List entry number 1168954).

3.7.4 Approximately 170m to the north west of the application site lies the Grade II* listed building known as 'Moat Cottage' (List entry number 1112211).

3.8 Conservation Area:

3.8.1 The site is not located within; however, it is adjacent to a Conservation Area.

3.8.2 The proposal to designate a new conservation area for Smiths Green in Takeley was approved by Cabinet on 2 November 2023, it consists of approximately 17 acres and can be defined "*as a concentration of predominantly detached historic structures around a historic green and protected lane. The group around the green form a distinctive collection, typical of a historic agrarian hamlet. The aesthetic is reinforced with some examples of high-quality landscape boundaries of specimen trees and hedges.*"

3.9 Approximately 150m to the north west there is an archaeological site that is located within the moated site of the Grade II* listed building known as 'Moat Cottage'.

3.10 Ecological:

Directly to the south lies the Flitch Way, a linear wildlife rich countryside park and an important wildlife corridor.

3.11 To the west of the site lies Hatfield Forest which is a National Nature Reserve (NNR), it has also been designated as a Site of Special Scientific Interest (SSSI).

3.12 According to the Environmental Agency's Flood Map for Planning, the site is in Flood Zone 1 which is identified as having a low risk of flooding.

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 15-no. dwellings and for the details of Access to be granted consent.

4.2 This will leave the approval of the scale, layout, appearance, and landscaping to be decided later when further applications (the reserved matters) will be submitted to the Council if this outline permission is granted.

4.3 Although this application seeks outline planning permission, the application is accompanied by indicative plans, which gives an indication of how such a quantum of development could be achieved on the site including in respect of layout.

4.4 The following Site Location Plan as provided in Figure 1 below illustrates the design approach at this outline application stage, particularly in relation to the location of the biodiversity corridor and its location adjacent to the Fritch Way.

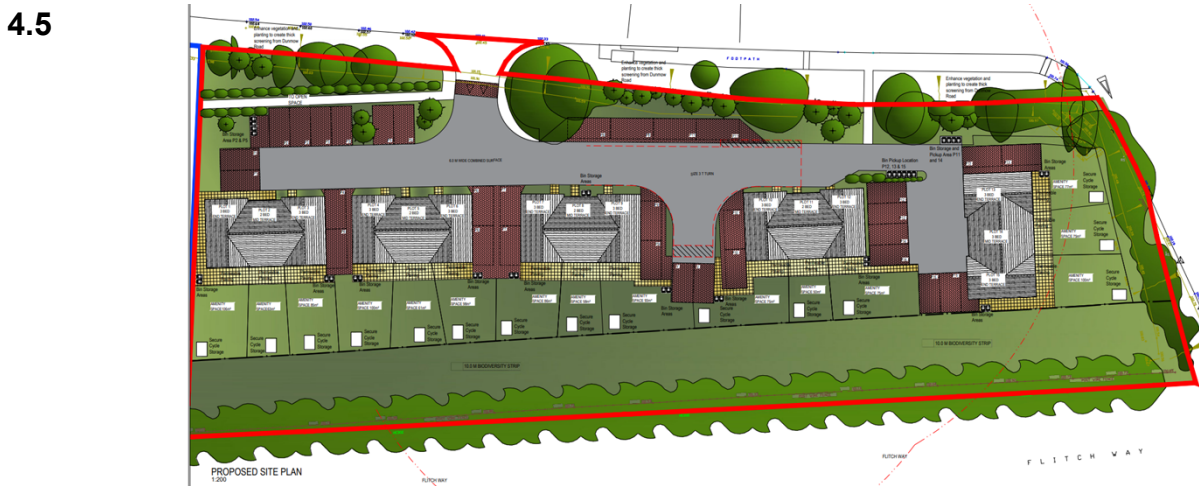


Figure 1: Proposed Site Plan

4.6 Residential:

4.7 The proposed development of up to 15-no. new residential dwellings, would equate to providing a housing density of 10-no. dwellings per acre.

4.8 It is proposed that 100% of the total housing provision would be affordable housing in excess of the latest Council and Government requirements.

4.9 The Indicative accommodation schedule is set out below in table 1:

4.10

PLOT NO.	GIA AREA M ²	GIA AREA ft ²	NO. BEDS	NO. PARKING SPACES	AMENITY SPACE
1	95.20	1024	3	2	106
2	80.40	865	2	2	63
3	95.20	1024	3	2	85
4	95.20	1024	3	2	100
5	80.40	865	2	2	61
6	95.20	1024	3	2	98
7	95.20	1024	3	2	86
8	80.40	865	2	2	58
9	95.20	1024	3	2	93
10	95.20	1024	3	2	75
11	80.40	865	2	2	50
12	95.20	1024	3	2	75
13	95.20	1024	3	2	77
14	93.20	1003	3	2	75
15	95.20	1024	3	2	100
Totals	3087.40	33232		30	

Table 1: Indicative Housing Mix Schedule

4.11 The final housing mix will provide a mix of sizes and and 100% affordable housing to contribute towards identified local housing needs. This will be determined at reserve matter stage if outline consent is granted.

4.12 The height of residential development will be two storeys, with five clusters of 3-no. terraced houses.

4.13 Access:

4.14 As illustrated in Figure 1 above, one primary site access is proposed onto Dunmow Road. There is a pedestrian access proposed to the north east of the site linking into the existing pedestrian crossing that is in situ.

4.15 The final configuration of the internal road will be the subject of detailed design.

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.

6. RELEVANT SITE HISTORY

Reference	Proposal	Decision
UTT/19/0051/FUL	New residential development comprising the construction of 37 no. new dwellings with associated garden and parking provision, dedicated new vehicular and pedestrian access on to Dunmow Road and associated development.	REFUSAL – Appeal Dismissed

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 Pre-application Discussions:

7.2 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.

7.3 Pre-Application advice has not been sought with the Local Planning Authority.

7.4 Community Consultation:

7.5 The Local Planning Authority is not aware of the applicant undertaking a community consultation exercise.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 **Highway Authority – Objection**

8.1.1 The Highway Authorities full consultee response can be found in Appendix 1 of this report.

8.1.2 From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority.

8.1.3 The developer has not demonstrated that the proposal would be acceptable in terms of highway safety, efficiency, and accessibility.

8.1.4 More specifically:

- i. The close proximity of the proposed access to the bus stop

- ii. The proposed access does not meet the junction spacing requirements
- iii. The proposed access fails to provide safe and suitable access for all Highway users.

8.1.5 Therefore, this proposal is contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and Uttlesford Local Plan Policy GEN1.

8.2 Local Flood Authority – Objection

8.2.1 The Lead Local Flood Authorities full consultee response can be found in Appendix 2 of this report.

8.2.2 Insufficient information has been provided to support the use of infiltration.

9. PARISH COUNCIL COMMENTS

9.1 Objection for the following reasons:

- Harm to the intrinsic character and appearance of the countryside conflict with policies S7 and S8.
Harm to the setting of heritage assets Conflict with Policy ENV2.
- Detrimental to biodiversity and contrary to Policies GEN7 and ENV7.
- Concerns relating to highways and design GEN1.
- Affordable housing.

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer – No Objection

10.1.1 Each property meets NDSS but the 2 bedroom properties plots 2,5,8 and 11 are 3 person whereas the preference is for 4 person. The breakdown of the affordable/social rented proposed units listed in the application form does not match the accommodation schedule as it states 1 x 1 bed and 3x 2 beds in the application form but I believe it should state 1 x 2 bed and 3 x 3 bed to correlate with the schedule of accommodation provided.

10.1.2 The affordable tenure split is 4 of the 15 units for affordable/social rent whereas a higher proportion of affordable/social rent would be the preference if it does not unduly impact viability of the site.

10.2 UDC Environmental Health – No Objection

10.2.1 No objections subject to the imposition of conditions regarding:

- Condition regarding unexpected contamination
- Submission of a Noise Mitigation Scheme
- Submission of an Acoustic Assessment
- Submission of a Construction and Environmental Management Plan

10.3 UDC Landscape Officer/Arborist – Neutral Comments

10.3.1 UDC's Landscaping Officer has provided comments regarding the following aspects of the proposal:

- Trees & Landscaping
- Pedestrian Access
- Backyards
- Bin Storage

10.4 UDC Urban Design Officer – Objection

10.4.1 Does not comply with the Uttlesford Adopted Design Code:

- ID1.4C – Responding to existing local character and identity
- B1.6C – Building types, density and compact forms of development
- R1.6C – Following the energy hierarchy
- R2.3C & R2.4C – Careful selection of materials and construction techniques
- M3.5C & M3.6C – Well-considered parking, servicing and utilities infrastructure for all users
- N1.9C – Providing a network of high quality, green open spaces with a variety of landscapes and activities
- P3.1C, P3.5C & M3.18C – Designing spaces that support interaction

10.5 BAA Aerodrome Safeguarding – No Objection

10.5.1 No objections subject to the imposition of conditions regarding:

- Submission of a Construction Management Plan

10.5.2 With any grant of permission, the Aerodrome Safeguarding would like to ensure that they are consulted with regards to BNG in order that the bird strike risk is not increased.

10.6 Place Services (Ecology) – Objection

10.6.1 Holding objection due to insufficient ecological information on European Protected Species (Hazel Dormouse), protected species (reptiles and Badger) and Mandatory Biodiversity Net Gain (BNG).

10.6.2 The county ecologists reasoning for this is for the following:

10.6.2.1 Protected Species:

“This information is therefore required to provide the LPA with certainty of likely impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 (as amended) and prevent wildlife crime under s17 Crime and Disorder Act 1998.”

10.6.2.2 Biodiversity Net Gain:

“We are not satisfied that sufficient ecological information has been submitted to meet requirements of mandatory biodiversity net gains at application stage. This is because although a Statutory Biodiversity Metric - Condition Assessment for the pre-development baseline has now been provided, it only covers the Blackthorn Scrub, Hawthorn Scrub and Other Neutral Grassland habitats; it does not include the Individual Trees or Species-rich Native Hedgerow with Trees. This is needed so the LPA can review whether appropriate condition assessments have been applied within the Statutory Biodiversity Metric Calculations and that pre-development baseline has been completed appropriately. We are satisfied that appropriate condition assessments have been undertaken on the scrub and grassland habitats.”

10.7 **Crime Prevention Officer – No Objection**

10.7.1 Whilst there are no apparent concerns with the layout to comment further, we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.

10.8 **Thames Water – No Objection**

10.8.1 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.

10.8.2 Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

10.8.3 Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

11. **REPRESENTATIONS**

11.1 Site notices were displayed on site and 30 notifications letters were sent to nearby properties. As the development concerns minor development

that does not accord with the provisions of the development plan, site notices were displayed near the site and in the local press.

11.2 Object

- 11.2.1
 - Location
 - Transport
 - Environmental, Ecological Issues
 - Heritage Assets
 - Infrastructure
 - Impact on the Flich Way
 - Destruction of Green Spaces
 - Highway Safety
 - Lack of Services

11.3 Comment

- 11.3.1
 - The required statutory consultations have been made
 - The material consideration will be considered in the following 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)
- Uttlesford Design Code (adopted July 2024)
- Felsted Neighbourhood Plan (made February 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)
- Saffron Walden Neighbourhood Plan (made October 2022)
- Ashdon Neighbourhood Plan (made December 2022)
- Great & Little Chesterford Neighbourhood Plan (made February 2023)

13. POLICY

13.1 National Policies

- 13.1.1 National Planning Policy Framework (2023)

13.2 Uttlesford District Local Plan 2005

13.2.1	S7	The Countryside
	S8	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
	H9	Affordable Housing
	H10	Housing Mix
	ENV1	Development affecting Conservation Area
	ENV2	Development affecting Listed Building
	ENV3	Open Space and Trees
	ENV4	Ancient Monuments and Sites of Archaeological Importance
	ENV10	Noise Sensitive Development
	ENV13	Exposure to Poor Air Quality
	ENV14	Contaminated land

13.3 State name of relevant Neighbourhood Plan in this title

13.3.1 There is not 'made' Neighbourhood Plan for the area.

13.4 Supplementary Planning Document or Guidance

Uttlesford Local Residential Parking Standards (2013)
Essex County Council Parking Standards (2009)
Supplementary Planning Document – Accessible homes and playspace
Supplementary Planning Document – Developer's contributions
Essex Design Guide
Uttlesford Interim Climate Change Policy (2021)
Uttlesford Design Code (2024)

14. CONSIDERATIONS AND ASSESSMENT

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

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

14.3 A) Principle of development

14.3.1 The development plan for the site is the Uttlesford District Local Plan (2005) (the Local Plan). Work has commenced on a new Local Plan, but at the time of preparing this report, this at Regulation 19 consultation and therefore it carries limited weight when considering the proposed development. As such the relevant saved policies contained within the Local Plan are the most relevant to the assessment of this application. Those of most relevance should be given due weight according to their degree of consistency with the NPPF under paragraph 225.

14.3.2 Emerging local plan and housing land supply:

Paragraph 226 of the NPPF was engaged on 08 August 2024, following publication of the Council's Regulation 19 Local Plan. As of 20 August 2024, the Council can demonstrate **4.12 years** of housing land supply (which includes a 20% buffer), which is a surplus measured against a 4-

year requirement (4YHLS). With the Housing Delivery Test (HDT) being at 58%, situation (b) of Footnote 8 of the NPPF applies, which means that the Council must continue engaging with the presumption in favour of sustainable development under paragraph 11(d) of the NPPF. The age of the Local Plan is also supportive of this.

14.3.3 Background:

A previous planning application (UTT/19/0051/FUL) was refused by Uttlesford's Planning Committee following concerns over the significant harm to the character and appearance of the area, urbanisation and infilling of built form contributing to the coalescence of Takeley and Little Canfield. The proposal would be detrimental to bio-diversity in that it would remove natural habitat and lead to additional disturbance and disruption to the adjoining County Wildlife Site, Fritch Way. The proposal would fail to ensure that Affordable Housing be provided. And it was not adequately demonstrated that a means of sustainable drainage would be incorporated within the proposed development.

14.3.4 The refused scheme proposed the creation of 37-no. new dwellings with associated gardens, parking provision, dedicated new vehicular and pedestrian access along with associated development. The refused scheme can be seen below in Figure 2 of this report.

14.3.5



Figure 2: Refused proposal under (UTT/19/0051/FUL)

14.3.6 The refused scheme was larger than the proposal before members today, however it does have similarities to the current scheme in terms of the layout, access arrangements, density. It is noticeable that since the previous refusal the orientation of the dwellings as to face Dunmow Road has been proposed.

14.3.7 This application was appealed and dismissed on the 25th November 2019. Within the inspector's decision under (APP/C1570/W/19/3235402) he stated that:

14.3.8 *“The combination of the appeal site and Smith's Green creates a distinctly rural undeveloped appearance that provides a clear and recognisable gap between the settlements of Takeley and Little Canfield despite the presence of some low-density housing on Dunmow Road,*

either side of Smith's Green. It is a welcome relief from the more urban appearance of the settlements either side of the site, particularly given the extensive new development that is evident in the area."

14.3.9 And that *"The proposed development would close the gap between the two settlements and have a significantly urbanising effect, to the detriment of the existing open and verdant character. This is notwithstanding the screening that would be maintained by retention of the frontage hedgerow. This would be contrary to the objectives of the National Planning Policy Framework (the Framework), which seeks to create well designed places and ensure good design that is appropriate to its context. It would also be harmful to the objectives of the Countryside Protection Zone, within which the site falls, eroding the open character of land close to Stansted Airport. In this respect, there would be a clear conflict with Policy S8 of the Uttlesford Local Plan (2005) (ULP), as well as Policy S7 which seeks to restrict development in the countryside."*

14.3.10 Within his summing up, the inspector finished with *"The development would have a significant adverse impact on the character and appearance of the area and would fail to make provision for necessary affordable housing. This would be in conflict with Policies S7, S8 and H9 of the ULP as well as important objectives contained within the Framework."*

14.3.11 Whilst it is acknowledged that the affordable housing reason for refusal has been addressed and this has been confirmed by UDC's Housing Enabling Officer, and that proposed development by this application is on a smaller scale than previous refused under (UTT/19/0051/FUL) the policies have not changed and with the adoption of the Uttlesford Design Code, there are still principle reasons from the previously refused application that have not been addressed.

14.3.12 The principle of the development would still introduce significant harm to the character and appearance of the area by urbanising and infilling a gap in built forms and thereby materially contribute to the coalescence of Takeley and Little Canfield, this harm that has not been overcome since the previously refused (UTT/19/0051/FUL).

14.4 B) Suitability and Location

14.4.1 The National Planning Policy Framework (NPPF) provides a framework for the development of locally prepared plans and the government's planning policies and how these are expected to be applied.

14.4.2 Paragraph 7 of the NPPF states that: *'the purpose of the planning system is to contribute to the achievement of sustainable development'*. It identifies that to deliver sustainable development, the planning system must perform three distinct objectives, these being social, economic, and

environmental and that these must be taken collectively in decision making and not in isolation.

14.4.3 Furthermore, Planning Practice Guidance (PPG) provides additional advice on various planning issues associated with development, including those linked to sustainability and underpins the policies within the NPPF.

14.4.4 The site is located outside the Development Limits of Takeley and Little Canfield and therefore in the countryside for the purposes of the Local Plan. The proposal conflicts with the restrictive approach to housing development in the countryside advocated by Policy S7.

14.4.5 The application site is also located within the Countryside Protection Zone (Uttlesford Local Plan Policy S8) which 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.”*

14.4.6 Local Amenities and Facilities:





14.4.7 The site is located between Takeley and Little Canfield, under the previous refusal (UTT/19/0051/FUL) neither the Planning Officer nor the Planning Inspector disputed that the location is not sustainable.

14.4.8 The site is sited within a sustainable location with a number of local facilities nearby and good public transport links. Within the applicants Design and Access Statement they have provided a local services plan which demonstrates the local facilities and transport links. This can be seen in Figure 3 of this report.

14.4.9



Image 2 Local Services Plan.

-  - Pub and Sports and Social Club
-  - Shops inc Tesco Extra, Pharmacy, Post Office and Vehicle garage
-  - Sports Facilities and Public parks
-  - Primary Schools

All Facilities are within 1000m of the application site.

Figure 3: Local Services Plan (pg.3 Design and Access Statement)

14.4.10 In addition to local facilities, there is also a mix of employment opportunities in both Takeley, Little Canfield and within the envelope of Stansted Airport located to the North.

14.4.11 Pedestrian and Cycling:

14.4.12 To the front of the site is an existing footpath that links the site with Takeley and Little Canfield.

14.4.13 Currently there is an existing bridleway to the South of the site (Flich Way) that links Braintree to Bishops Stortford along approximately 15 miles of former railway line that runs west to east to the rear of the application site.

14.4.14 Public Transport:

14.4.15 Takeley is served by a regular bus service that runs between Stansted airport and Braintree, with connections beyond this.

14.4.16 The nearest bus stops to the application site is located directly in front of the application site adjacent to the proposed access to the south of Dunmow Road.

14.4.17 The nearest train station is Stansted Airport Rail Station, located approximately 3km northwest of the site and is accessible via a regular bus. The West Anglia Main Line serves the station connecting Cambridge to London and trains operate twice an hour with the Stansted Express service running four times an hour.

14.4.18 Other Opportunities:

14.4.19 The application site lies approximately 6.5km east of the town of Bishops Stortford and 6km to the west of Great Dunmow. These larger towns would provide further opportunities for future residents of the development to access larger amenities and services to meet their daily requirements.

14.4.20 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.

14.4.21 Social and Economic Benefits:

14.4.22 This is a case to which paragraph 82 of the NPPF applies. The purpose of paragraph 82 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.

14.4.23 Through the additional population and activity generated, the application scheme contributes to the social and economic objectives of sustainable development.

14.5 C) Countryside Impact

14.5.1 Landscape Character is defined as 'a distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse'. The landscape character is that which makes an area unique.

14.5.2 It can be reasonably be perceived that both Takeley and Little Canfield have developed over time. Certainly, the modern parts of Little Canfield

have clustered and the features of the local amenities within the village such as the local shops and school.

14.5.3 The site is not within any landscape designation and is not part of a valued landscape for the purposes of paragraph 180(a) of the National Planning Policy Framework (NPPF). However, the site is clearly a locally valued landscape for residents and users of the countryside in the surrounding area. The site makes a key contribution to that local value in terms that it is one of the last remaining green gaps left between the villages of Takeley and Little Canfield. It is seen as an important buffer that stops Takeley and Little Canfield merging into one entity.

14.5.4 Within the inspector's decision under (APP/C1570/W/19/3235402) he stated that:

14.5.5 *"The combination of the appeal site and Smith's Green creates a distinctly rural undeveloped appearance that provides a clear and recognisable gap between the settlements of Takeley and Little Canfield despite the presence of some low-density housing on Dunmow Road, either side of Smith's Green. It is a welcome relief from the more urban appearance of the settlements either side of the site, particularly given the extensive new development that is evident in the area."*

14.5.6 And that *"The proposed development would close the gap between the two settlements and have a significantly urbanising effect, to the detriment of the existing open and verdant character. This is notwithstanding the screening that would be maintained by retention of the frontage hedgerow. This would be contrary to the objectives of the National Planning Policy Framework (the Framework), which seeks to create well designed places and ensure good design that is appropriate to its context. It would also be harmful to the objectives of the Countryside Protection Zone, within which the site falls, eroding the open character of land close to Stansted Airport. In this respect, there would be a clear conflict with Policy S8 of the Uttlesford Local Plan (2005) (ULP), as well as Policy S7 which seeks to restrict development in the countryside."*

14.5.7 It is by the very nature of filling in this gap that would have a significant adverse impact on the character and appearance.

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.

14.6.2 Section 12 of the NPPF highlights that the Government attaches great importance to the design of the built development, adding at Paragraph 131 'The creation of high quality, beautiful and sustainable buildings and

places is fundamental to what the planning and development process should achieve'. These criteria are reflected in policy GEN2 of the adopted Local Plan.

- 14.6.3** The design and access statement provides details of the rationale behind the proposed development. This follows an assessment of the constraints and opportunities of the site, the design and appearance of the residential units, landscape objectives, access.
- 14.6.4** 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 and landscape features.
- 14.6.5** Layout:
- 14.6.6** Whilst the layout of the development is a matter reserved for consideration at a later date, the Council must 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.
- 14.6.7** The constraints of the site with the combination of the Conservation Area on the other side of the road, established landscaping to the boundaries that screen the site along with the Fritch Way, requires that the north and south of the site do not introduce built form leave the centre of the site as the obvious siting for the dwellings.
- 14.6.8** The main built form would be primary located within the middle of the site and comprise of five clusters of 3-no. dwellings. An access road sits between the proposed dwellings and the established frontage of the site with a green biodiversity corridor set to the south of the site. It is proposed that the pedestrian access links into the existing road crossing that is situated to the north eastern corner of the site.
- 14.6.9** Around the periphery of the built form, it is proposed to provide green edges including retained boundary planting to help integrate the development into the landscape and to provide a buffer from surrounding highways.
- 14.6.10** Whilst the indicative elevations look similar to each other, the proposal seeks to mix of bedrooms in order to provide appropriate housing mix requirements.
- 14.6.11** Within their submission, the applicant submits that the proposed dwellings are to front the main road in order to match the opposite existing dwellings, provide a development which respect the frontage distances as well as providing sufficient parking to comply with the adopted local plan. The proposed new dwellings are to be set back from the front of the site allowing for car parking to be sited either in front of

the dwellings or where possible between dwellings reducing the visual impact of on-site parked cars and allows as much private rear gardens as possible to the rear of the dwellings.

14.6.12 The layout responds to the site constraints and the arrangement of buildings has considered the site's specific context, specifically with respect to providing an appropriate interface between the proposed residential development, the adjacent Conservation Area, along with the provision of a biodiversity corridor.

14.6.13 The proposed development would equate to providing a housing density of 10-no. dwellings per acre. At this time, the Uttlesford Adopted Local Plan (2005) does not provide guidance with regards to housing density. Once the new local plan is adopted, it is likely to provide updated guidance of an appropriate housing density for the districts future housing needs.

14.6.14 It is concluded that the proposals would likely be able to accommodate the required standards, however, this would be addressed when the reserve matters applications are submitted if outline consent is granted.

14.6.15 Scale:

14.6.16 The Applicant states that *"the proposed 15 new dwellings however have been designed and laid out in a way which seeks to highlight the built character of the surrounding vicinity."*

14.6.17 The applicant has advanced within their supporting Design and Access Statement that the height of residential development will be two storeys, providing a high quality and highly sustainable design and layout compatible with its surroundings, which minimises its impact the countryside.

14.6.18 Appearance:

14.6.19 The applicant advocates Takeley does not have one defined architectural design and that it would resemble the typical Essex vernacular. The design of the dwellings would reflect the local vernacular in terms of style, form, size, height, and good quality external materials taken from the local pallet, thereby matching, and complementing neighbouring dwellings in the area.

14.6.20 There is no reason to suggest the design of the buildings would not be appropriately designed, however, the final design and appearance of the proposals would need to be assessed at reserve matter stage.

14.7 E) Heritage

14.7.1 Heritage Assets:

- 14.7.2** Approximately 100m to the north west of the application site lies the Grade II listed building known as ‘The White House’ (List entry number 1322592). A two storey C17 house, timber framed and plastered with red plain tile hipped roof.
- 14.7.2.1** Approximately 150m to the north east of the application site lies the Grade II listed building known as ‘Wayside’ (List entry number 1168954) (formerly listed as house on west side of Smith's Green). A one storey with attics C17 cottage, timber framed and plastered, with red plain tile roof.
- 14.7.2.2** Approximately 160m to the north of the application site lies the Grade II listed building known as ‘The Gages’ (List entry number 1168954) (formerly listed as house on west side of Smith's Green). A two storey early C19 house in plastered brick with grey slate roof.
- 14.7.2.3** Approximately 170m to the north west of the application site lies the Grade II* listed building known as ‘Moat Cottage’ (List entry number 1112211) (formerly listed as house on west side of Smith's Green). A two storey mid C16 Wealden house. Timber framed and plastered with weatherboarded dado and red plain tile roof.
- 14.7.3** Conservation Area:
- 14.7.4** The site is not located within; however, it is adjacent to a Conservation Area.
- 14.7.4.1** The proposal to designate a new conservation area for Smiths Green in Takeley was approved by Cabinet on 2 November 2023, it consists of approximately 17 acres and can be defined *“as a concentration of predominantly detached historic structures around a historic green and protected lane. The group around the green form a distinctive collection, typical of a historic agrarian hamlet. The aesthetic is reinforced with some examples of high-quality landscape boundaries of specimen trees and hedges.”*
- 14.7.5** As identified in Figure 4 below, the location of the four nearest Listed buildings and in Figure 5 the extent of the newly created Smiths Green Conservation Area.

14.7.6

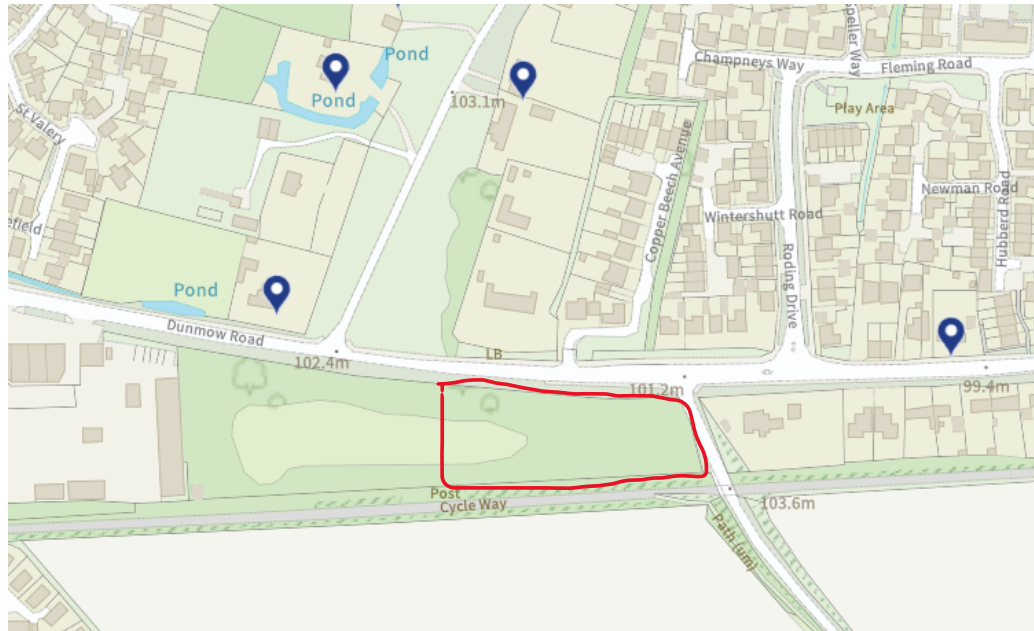


Figure 4: Location of Listed Buildings in relation to the site.

14.7.7



Figure 5: Location of Smiths Green Conservation Area.

14.7.8

Due to the significant separation the site is located away from the Listed Buildings and the separation from the Conservation Area by Dunmow Road, due to the constraints of the site and the well-established screening the fronts the site along Dunmow Road, it is considered that the site will have not directly impact these assets.

14.7.9

Due to the proposal's separation distance from any heritage assets and no heritage objections being raised under the previous application (UTT/19/0051/FUL) the Conservation Officer was not involved in the consultation stage.

14.7.10 Whilst it is acknowledged that the proposal is in the vicinity of the newly created Smiths Green Conservation Area, it is not a requirement for a Heritage consultation. If the proposed site was closer, or there was not a clearly defined buffer between the two sites, in this case 'Dunmow Road', then the Conservation Officer would have been asked for comment.

14.7.11 It must be noted that the site in question does not reside within the Conservation Area, it is located opposite, and due to the topography of the site, its location and screening it is not considered to have a detrimental impact on the setting of the Conservation Area.

14.7.12 The NPPF anticipates that once a finding of harm to the significance of a heritage asset, then the magnitude of that harm should be assessed.

14.7.13 This being the case, there is not a perceived level of harm towards the Heritage Assets.

14.8 F) Archaeological

14.8.1 The site the subject of this application is not within an Archaeological area of interest. Due to the significant separation distance from the nearest known Archaeological area, it is not considered that the proposal would directly impact these assets.

14.9 H) Housing Mix and Tenure

14.9.1 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.

14.9.2 On 24th May 2021, the Government published a Written Ministerial Statement that set out plans for delivery of a new type of affordable home ownership product called First Homes. First Homes are the Government's preferred discounted market tenure and should account for a minimum 25% of affordable housing secured through planning obligations.

14.9.3 Uttlesford District Council requires the provision of 40% of the total number of residential units to meet the national definition of 'affordable housing' within all new residential developments that comprise 15 or more residential units or a site of 0.5 hectares and above.

- 14.9.4** In order to meet the 40% affordable housing policy requirement, developments must incorporate 70% affordable housing for rent, provided as either social or affordable rented housing. The remaining 30% required to meet demand for affordable shared home ownership. The First Homes Requirement (25%) can be accounted for within the 30% affordable home ownership element of the contribution.
- 14.9.5** Policy H10 requires that developments of 3-no. or more dwellings should provide a significant proportion of small 2 and 3 bedroom market dwellings.
- 14.9.6** Based on 15 units, the Council housing officer has confirmed that that the as the proposals concern a 100% affordable provision that the affordable tenure split should consist of 4 of the 15 units for affordable/social rent, providing that it does not unduly impact viability of the site.
- 14.9.7** Table 1 in this report confirms that inductive housing mix. 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 refers to the above accommodate needs.
- 14.9.8** It is also the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). The Council's Housing Strategy 2021-26 also aims for 5% of all units to be bungalows delivered as 1- and 2-bedroom units. This would amount to 1 bungalow across the whole site as delivered. This matter can be assessed at reserved matter stage if permission were to be consented for this outline application and this will form part of a S106 Agreement to ensure an appropriate mix.
- 14.10 I) Neighbouring Amenity**
- 14.10.1** 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.
- 14.10.2** 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.
- 14.10.3** However, in respect to layout, it is regarded that the site is well distanced from neighbouring properties adjacent and adjoining site and that the proposals 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.

14.10.4 In relation to the proposed community building, relevant conditions could be imposed in respect to sound installation, hours of use to prevent unwanted noise and disturbance from this building.

14.10.5 Furthermore, a condition could be imposed in respect to the submission of a Construction Environmental Management Plan to ensure that there would not be a significant adverse impact to surround occupiers in relation to noise and disturbance during the construction phase of the development.

14.10.6 Appearance and scale are set for reserve matters and thereby currently there is no indication in respect to the size and window positioning on each of the dwellings. As such, details such as visual blight, loss of privacy and light would need to be assessed as part of future reserve matters applications.

14.11 J) Access and Parking

14.11.1 Paragraph 115 of the NPPF states that: *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.

14.11.2 Paragraph 116 of the NPPF stipulate that development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas, address the needs of all users, create places that are safe, secure, and attractive, allows efficient delivery of service and emergency vehicles and designed to cater for charging of plug-in and other low emission vehicles.

14.11.3 Policy GEN1 of the Uttlesford District Local Plan is broadly consistent with the aims and objectives of the NPPF as set out above. It 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 encourage movement by means other than a vehicle.

14.11.4 Proposed Vehicle Access:

14.11.5 Vehicular access to the site will be formed on Dunmow Road, as shown in Figure 6. There is one vehicular access point to the top of the site opposite plot 6 and one pedestrian access into the site located to the top of the site opposite plot 12 that are included in detail for approval as part of the outline application.

14.11.6

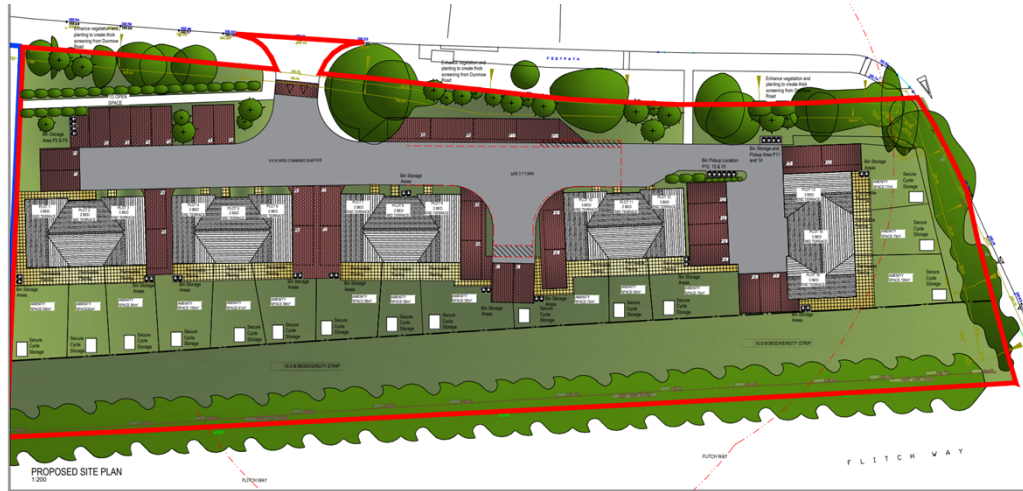


Figure 6: Proposed Site Plan.

14.11.7

The applicant has demonstrated visibility splays within their Technical Note at the request of the Highways Authority in order to demonstrate that the proposal will not be to the detriment to Highways Safety, these are demonstrated in the following Figure 7.

14.11.8

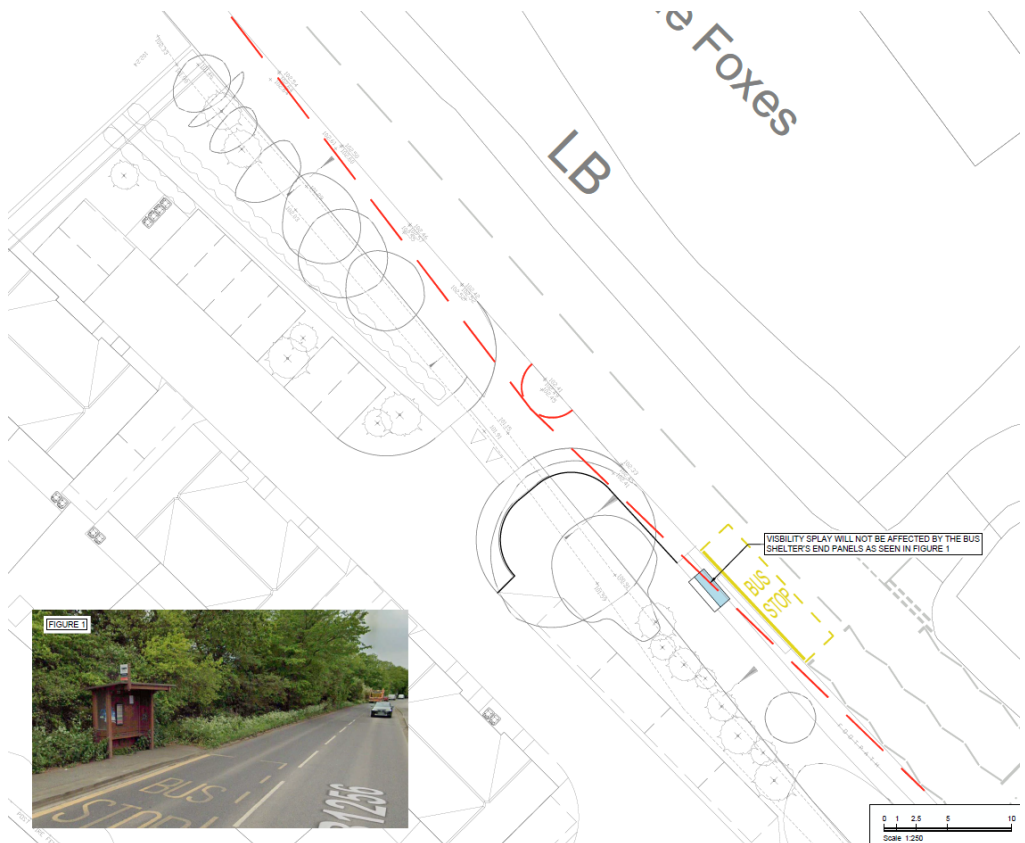


Figure 7: Proposed accesses visibility splays.

14.11.9

The Highways Authority have raised concerns with regards to the visibility splay going through the existing bus shelter. Indicatively shown in Figure 8.

14.11.10

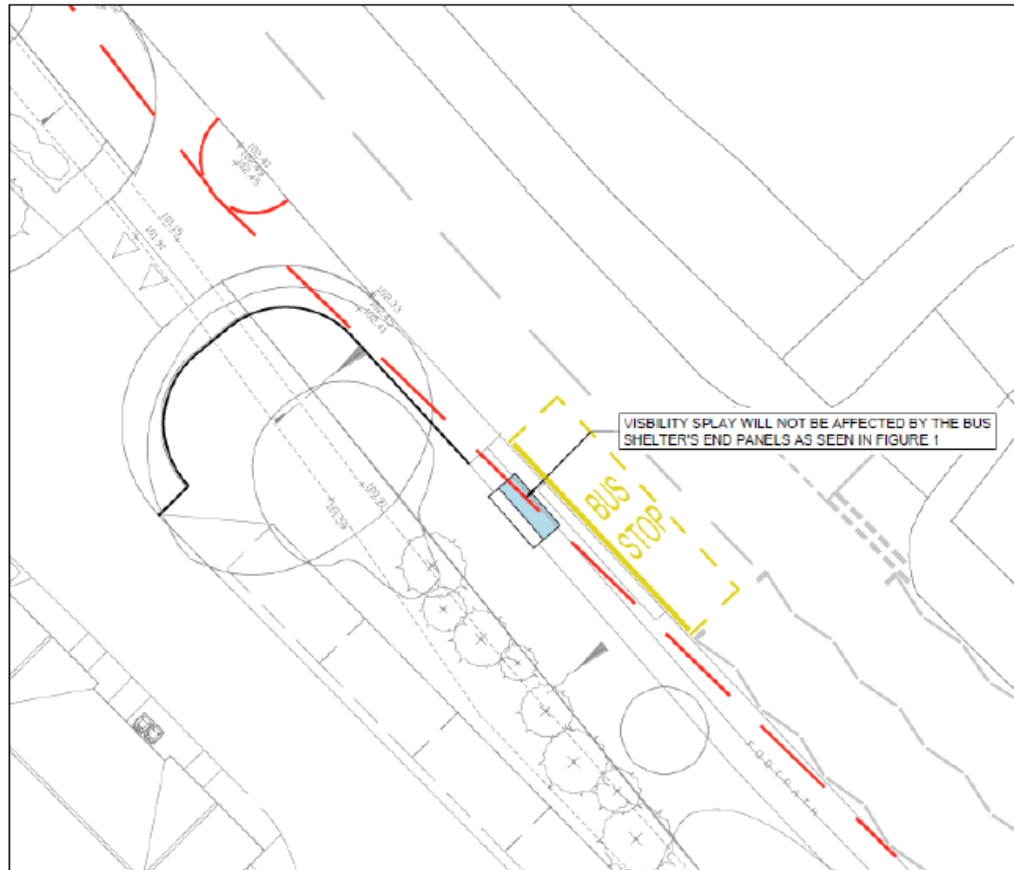


Figure 8: Visibility splay projecting through the bus shelter.

14.11.11 In terms of impacts of the development upon the road infrastructure and highways safety, the Highways Authority at Essex County Council have been consulted. They have made the following comments:

14.11.12 *“From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:*

14.11.13 *The developer has not demonstrated that the proposal would be acceptable in terms of highway safety, efficiency, and accessibility.*

14.11.14 *More specifically:*

14.11.14.1 *The close proximity of the proposed access to the bus stop will detrimentally affect the visibility and create conflict between vehicles exiting the development and vehicles overtaking a stationary bus at that location to the detriment of Highway safety.*

14.11.14.2 *The proposed access does not meet the junction spacing requirements, in relation to the existing junction to the north of the application site serving Copper Beech Avenue to the detriment of Highway safety.*

14.11.14.3 *The proposed access fails to provide safe and suitable access for all Highway users. It is designed for vehicles only, without providing any facilities for pedestrians. Furthermore, no footway is proposed to the*

west which is the most desirable route for pedestrians to access Takeley or direct access to the east where the nearest bus stop is located.

14.11.14.4 *Therefore, this proposal is contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and Uttlesford Local Plan Policy GEN1."*

14.11.15 The applicant has not demonstrated to the satisfaction of the Highway Authority that the proposed new access does not meet the junction spacing requirements in relation to the existing junction to the north of the application site. The distance between junctions can be seen in Figure 9 below.

14.11.16

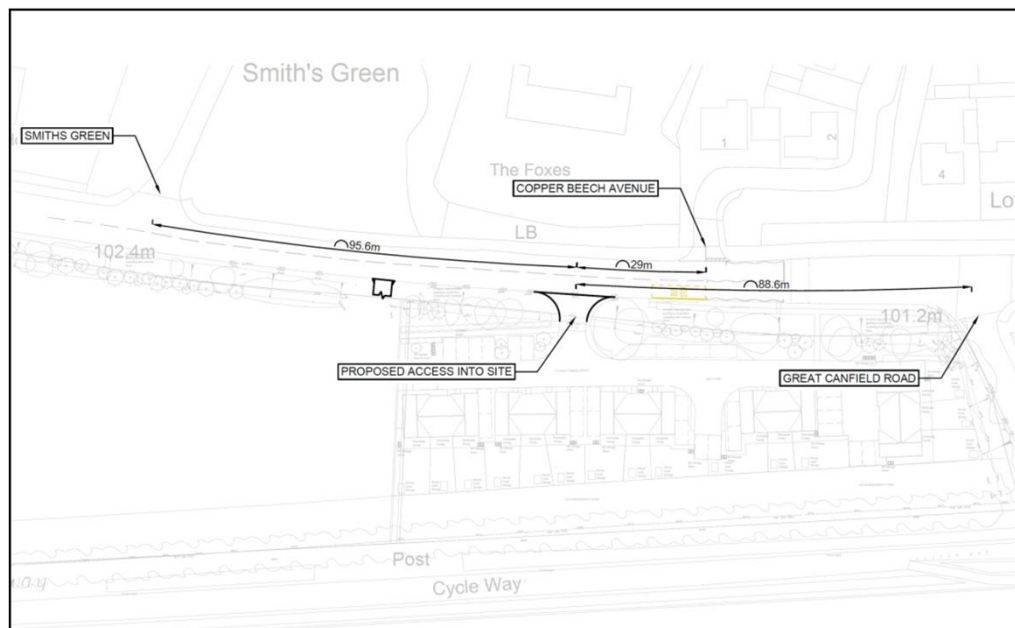


Figure 9: Distance between junctions.

14.11.17 Parking:

14.11.18 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'.

14.11.19 The adopted Uttlesford parking standards recommended for at least 1-no. space for each 1-bedroom unit and at least 2-no. spaces for dwellings consisting of two-three bedroom dwellings and 3-no. spaces for a four+ bedroom dwellings. One visitor space is also required for every 4 residential units. In addition, each dwelling should be provided with at least 1 secure cycle covered space.

14.11.20 There are 2-no. visitor parking spaces demonstrated on the plans, visitor parking is 0.25 spaces per dwelling, as the proposal demonstrates 15-

no. dwellings the proposal should ideally provide 4-no. parking spaces for visitors to avoid parking on the road.

14.11.21 Within the applicants Technical Note, they have demonstrated that an additional 2-no. parking spaces for visitors can be accommodated on the site, this is shown indicatively in Figure 10.

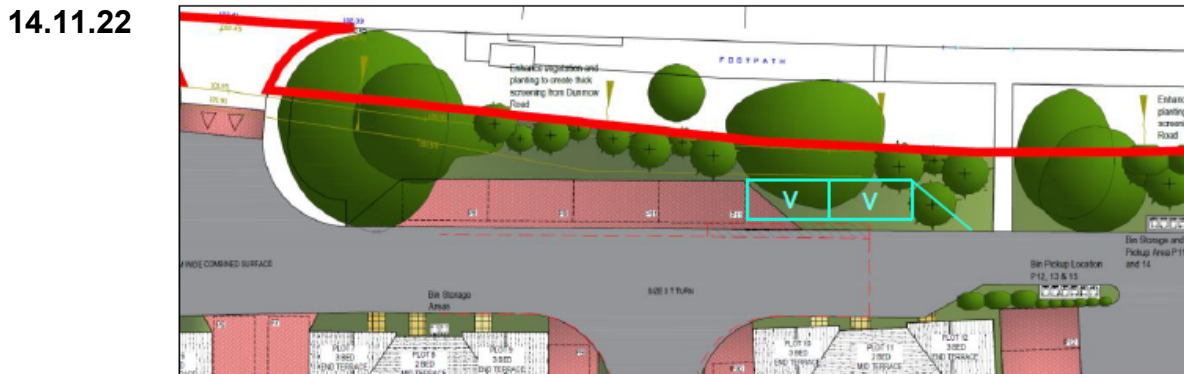


Figure 10: Potential additional visitor parking spaces.

14.11.23 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, at the reserved matters stage there is the ability to ensure that the proposed level of parking meets the adopted Uttlesford parking standards.

14.12 K) Landscaping, Arboriculture and Open Space

14.12.1 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 vernacular of the locality. Native species should be provided for structural planting and linked to existing vegetation to be retained.

14.12.2 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.

14.12.3 It is understood that the proposals would include where possible the retention trees along the boundaries of the site with the exception of the location of the proposed access.

14.12.4 UDC's Landscaping Officer has been consulted in order to ensure that sufficient information is submitted with any reserved matters application subject to the grant of this Outline permission.

14.12.5 The Landscaping Officer has broken their comments down to cover the following areas:

14.12.6 Trees and Landscape:

- It's vital to retain the maximum number of existing trees to site boundaries - to reduce the visual impact of this development as viewed from Dunmow Road and Great Canfield Road; and as a visual and noise barrier to Dunmow Road for future residents. This need has been identified in the Landscape and Visual Appraisal (by Open Spaces Landscape Architects, March 2024) and it's good to see this need noted on the proposed site and location plan ("enhance vegetation and planting to create thick screening from Dunmow Road").
- Consolidate all narrow strips of landscape so they are either wide enough to grow plants or remove entirely. Target minimum landscape bed width of 300mm - to maximise plant growth and reduce maintenance issues.
- Maximise use of permeable paving to car spaces to reduce surface runoff.

14.12.7 Pedestrian Access:

- Extend footpath along Dunmow Road to align with western edge of site and allow future connection westward to promote active transport.
- Additional pedestrian access to west of driveway required to provide sufficient pedestrian access from/to western side of site.
- The white hatches shown adjacent to the driveway - is this intended as pedestrian access? Footpaths? Currently it terminates at a dead end to the west and has an awkward relationship to carparking to the east. Pedestrian movement throughout the site needs to be better considered, prioritising safety and convenience for pedestrians.
- Suggest providing direct pedestrian access to Flich Way - suggest one entry from central carpark area.

14.12.8 Backyards:

- Secure cycle storages to be better located - ideally close to each dwelling entry for convenience and ensure hardscape area adjacent.
- Some dwellings close to minimum amenity space provision - ensure this is met for all dwellings.
- Private yards would benefit from new tree planting (min 1 new tree per dwelling) to provide more pleasant outlook and increase BNG.

14.12.9 Bin Storage:

- Where is bin storage for plots 2, 5, 11?
- Relocate bins away from main pedestrian access at Dunmow Road.

14.12.10 It would be expected within the reserved matters application for a soft landscaping scheme to be submitted with proposed planting within the development to help define spaces and soften the building forms. This will help to provide natural screening of the development and enhance the public realm to enrich the public open spaces to achieve a better sense of wellbeing and place making for future residents.

14.12.11 Open Space:

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

14.12.13 Figure 11 below highlights the illustrative tree protection plan illustrating the trees to be removed and the different measures of tree protection recommended to be undertaken.

14.12.14

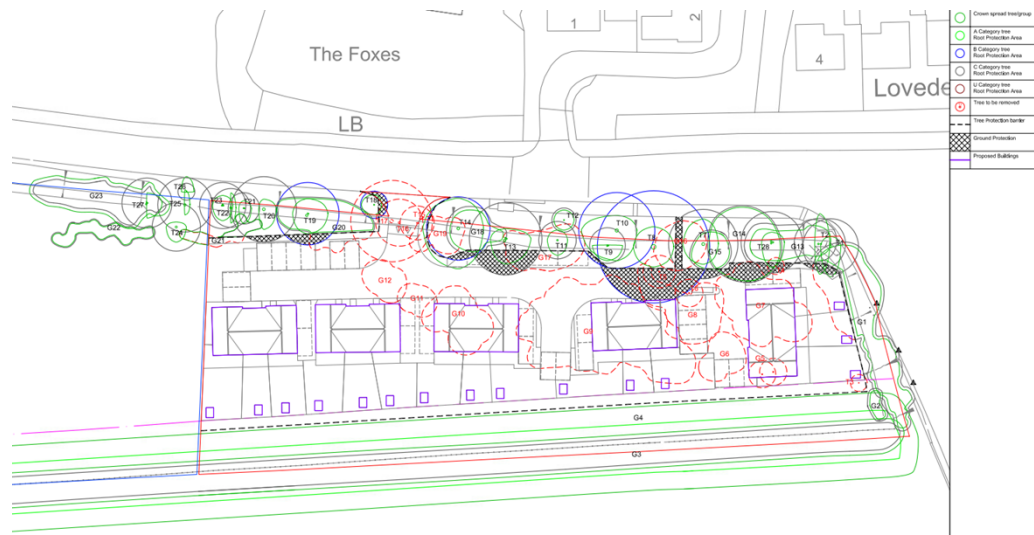


Figure 11: Extent of the illustrative tree protection plan.

14.12.15 To the south of the proposal is a 10m Biodiversity Strip that provides a landscape buffer separating the proposed development from the boundary of the site that it shares with the Fitch Way.

14.12.16 Recreation:

14.12.17 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. The Council use guidance from the 'Fields of Trust' in respect to the provision and location of play areas and this should be followed.

14.12.18 Taking the 'Fields in Trust' recommended guidelines into account, with the provision of 15-no. dwellings, they would recommend that a Local Equipped Area of Play (LEAPs), Local Area for Play (LAP) and a contribution towards a Multi-Use Games Area (MUGA) could be provided and secured via a s106 agreement.

14.13 L) Nature Conservation

14.13.1 ULP Policy GEN2 applies a general requirement that development safeguards important environmental features in its setting. ULP Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.

14.13.2 Paragraph 186 (a) of the Framework states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or compensated for, then planning permission should be refused.

14.13.3 The application site itself is not subject of any statutory nature conservation designation, however it is within the consultation area for

the S.S.S.I of Hatfield Forest and it backs onto the Country Park of the Flitch Way.

14.13.4 The Applicant has submitted an Interim Ecology Report by Skilled Ecology Consultancy Ltd. (dated 21st August 2024) in support of the proposals.

14.13.5 Following this submission, the County Ecologist has confirmed following:

14.13.6 Hazel Dormouse:

14.13.7 *“Hazel Dormouse nesting tubes have been installed across the site. Best practice guidance (Bright et al., 2006) states that assumed absence should not be based on a search effort score of less than 20. As the nesting tubes were put out in June, so far the maximum search effort score would be seven. Surveys would need to continue until May to get a search effort score of 20 or more. It is therefore considered that not enough survey effort has yet been undertaken to determine the likely presence/absence of Hazel Dormouse at the site to inform the need for mitigation and potentially a mitigation licence from Natural England.”*

14.13.8 Badger:

14.13.9 *“Badger have not been identified on the trail cameras so far. It is recommended that further information in relation to the areas covered during the Badger assessment is provided or further effort is made to determine if a Badger sett(s) is present on site.”*

14.13.10 Reptiles:

14.13.11 *“The previous reptile surveys undertaken in 2018 found a low population of Common Lizard on the site (Skilled Ecology Consultancy Ltd., March 2024). It was recommended that these surveys were updated given the age of the previous survey results (six years old). An update reptile survey commenced in June 2024 and has so far found Common Lizard and Slow-worm at the site. Slow-worm were not previously identified at the site.”*

14.13.12 Biodiversity Net Gain (BNG):

14.13.13 The County Ecologist states that *“we are not satisfied that sufficient ecological information has been submitted to meet requirements of mandatory biodiversity net gains at application stage. This is because although a Statutory Biodiversity Metric - Condition Assessment for the pre-development baseline has now been provided, it only covers the Blackthorn Scrub, Hawthorn Scrub and Other Neutral Grassland habitats; it does not include the Individual Trees or Species-rich Native Hedgerow with Trees. This is needed so the LPA can review whether appropriate condition assessments have been applied within the Statutory Biodiversity Metric Calculations and that pre-development*

baseline has been completed appropriately. We are satisfied that appropriate condition assessments have been undertaken on the scrub and grassland habitats.”

14.13.14 Following the submission of the interim ecological report, Ecology are of the opinion that there is insufficient information supplied in order for them to make a make a balanced decision at this time.

14.13.15 Site of Special Scientific Interest (SSSI):

14.13.16 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 have 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.

14.13.17 In order to mitigate the harm caused by recreational pressure on the S.S.S.I, it is recommended that a Strategic Access Management and Monitoring (SAMM) package of measures undertaken within Hatfield Forest NNR/SSSI, to increase the resilience of the ancient woodland to recreational pressure of residential developments.

14.13.18 This can be secured via a planning condition if members of the planning committee are mindful to recommend approval.

14.14 M) Contamination

14.14.1 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.

14.14.2 Environmental Health have been consulted on the proposals, and subject to the following conditions they have raised no objections:

- 14.14.3**
- Discovery of unexpected contamination
 - Submission of a Noise Mitigation Scheme
 - Submission of an Acoustic Assessment
 - Submission of a Construction and Environmental Management Plan

14.15 N) Flooding and Drainage

14.15.1 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.

14.15.2 The Environment Agency's (EA) indicative Fluvial and Tidal Flood Mapping demonstrates that the proposed development is located within Flood Zone 1 in accordance with the Flood Risk and Coastal Change PPG as per Figure 12 below.

14.15.3

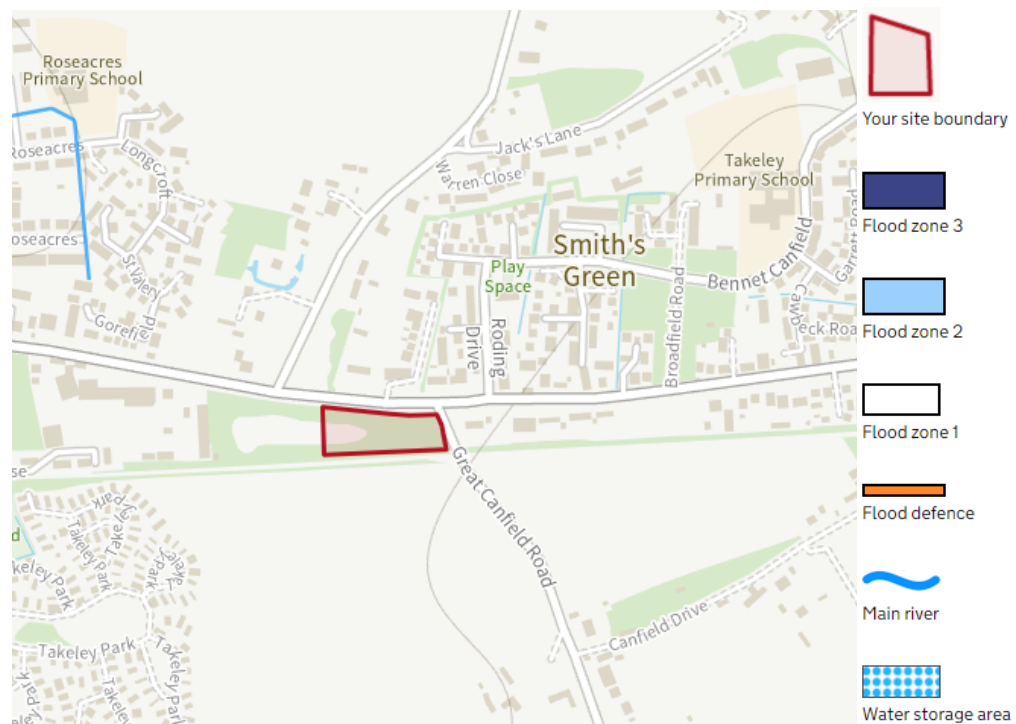


Figure 12: Environment Agency 'Flood map for Planning'

14.15.4 The NPPF sets out the need of Sequential Testing. The Sequential Test aims to direct new development to areas with the lowest probability of flooding. The development area of the site has been identified as located within Flood Zone 1. It is therefore considered to pass the Sequential Test and the need for Exception Testing is not required.

14.15.5 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.

14.15.6 The scale of the proposals has the potential to cause an increase in surface water runoff rates and volumes, with the potential to increase downstream flood risk due to overloading of sewers, watercourses,

culverts, and other drainage infrastructure. To demonstrate that sewer and surface water flooding is not exacerbated, surface water should be considered within the design of the site. This demonstrates that any additional surface water and overland flows are managed correctly, to minimise flood risk to the site and the surrounding area.

- 14.15.7** In respect to flooding and drainage, the application is supported by a Flood Risk Assessment. This concludes that the proposed development is at a low risk of flooding and that taking into account the constraints of the site and existing drainage assets in the vicinity, a proposed strategy that is designed to achieve the greenfield runoff rate of 0.95 l/s for a 1 in 100-year rainfall event would ensure that the site meets the policy requirements of the LPA.
- 14.15.8** The drainage strategy proposes 1,160m² of Type A (infiltration) permeable paving with a below ground attenuation unit of 600mm depth will be incorporated within the proposed access route and areas of parking. This will deliver a total of 660m³ of rainwater attenuation. The exact layout and extents of these features will need to be determined once a more detailed site layout is proposed.
- 14.15.9** The Lead Local Flooding Authority have been consulted on this proposal have confirmed that they have an objection to the proposed development due to insufficient information has been provided to support the use of infiltration. They would require evidence to support the viability of an infiltration scheme, or the provision of a backup solution should be provided should the infiltration testing fail.
- 14.15.10** The proposed development would therefore fail to accord with Policy GEN3 in terms of flooding and drainage.

14.16 O) Planning Obligations

- 14.16.1** 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. The following identifies those matter that the Council would seek to secure through a planning obligation, if it were proposing to grant it permission.
- 14.16.2** Housing:
- 100% affordable housing.
 - 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes).
- 14.16.3** 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 and play areas. 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.

14.16.4 Other:

- Payment of the council's reasonable legal costs.
- Payment of monitoring fee.

14.16.5 No legal mechanism exists by the way of a Section 106 Agreement or by way of a unilateral undertaking to secure the above identified obligations to mitigate the harm arising as a result of the proposed scheme has been submitted in support of the application.

14.17 **P) Other Issues**

14.17.1 Energy and Sustainability:

14.17.2 Council's Supplementary Planning Document 'Uttlesford Interim Climate Change Policy (2021)' seeks new development proposals to demonstrate the optimum use of energy conservation and incorporate energy conservation and efficiency measure. The Applicant has provided a Sustainability and Energy Statement which outlines potential technologies and strategies to achieve and met the targets in the SPD.

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

14.17.4 However, it should be acknowledged that measures such as incorporating high efficiency lighting, use of high efficiency heating systems, water control, and requiring EV charging infrastructure for dwellings are all required under the current building regulations. Other measures including the installation of Mechanical Ventilation and Heat Recovery systems are also encourage as part of the building regulations.

14.17.5 Air Quality:

14.17.6 Policy ENV13 'Exposure to poor air quality' seeks to protect users (occupiers) from extended long-term exposure to poor air quality.

14.17.7 The overall impact in terms of air quality issues is neutral and this is confirmed by the Council's Environmental Health Officer who raised no objections in respect to air quality.

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** Although the Uttlesford District Council can demonstrate a 4-year housing land supply as required by paragraph 226 of the NPPF, there is currently no up-to-date Local Plan.
- 16.2** When considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 16.3** It is accepted that the stem of paragraph 11 (d) of the NPPF applies on the basis that Policy S7 is not entirely up to date so that as a matter of judgment at least a key relevant policy is out of date to engage the presumption (despite other elements of the development plan being up to date). The presumption would also be engaged by virtue of footnote 8 (b) and the application of the Housing Delivery Test.
- 16.4** Although elements of the development plan are out of date (for the purposes of the paragraph 11 NPPF trigger) this does not mean that all relevant policies in the development plan attract less weight – weight being a matter for the decision maker and dependent on relevant

context. Policy S7 attracts limited weight can be attached, as policy S7 is far more restrictive than the NPPF. The NPPF takes a positive rather than a protective approach to appropriate development in a rural area.

- 16.5** With regards to Policy S8 – Countryside Protection Zone, moderate weight can be attached. Although the CPZ can be regarded as a “mini green belt”, its status as that has no backing in the NPPF.
- 16.6** In the context of paragraph 11 NPPF as a material consideration paragraph 11 (d) is engaged as explained above.
- 16.7** Paragraph 11 of the Framework states that planning decisions should apply a presumption in favour of sustainable development. Sub-paragraph (d) sets out the approach to be taken where the policies which are the most important for determining the application (or appeal) are out-of-date.
- 16.8** Paragraph 11 (d) states that, in these circumstances, planning permission should be granted unless:
- i. The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 16.9** As I have set out in Section E of my report, in light of my considerations, there is not a level of perceived harm on the Heritage Assets that would require that the balancing exercise as per para 208 of the NPPF is undertaken.
- 16.10** As such, there is no reason for the LPA to not move forward to test d (ii) as per above and thus the ‘titled balance’ is engaged.
- 16.11** As stated above, a tilted balance approach should be applied in the assessment of the proposed development and whether the potential harm the development might cause ‘*significantly and demonstrably*’ outweighs the potential positive outcomes of the development as a whole.
- 16.12** Positives:
- Result in a small level of economic and social benefit during the build. Together these elements are considered to carry limited weight in support of the scheme.
 - The addition of 15-no. 100% affordable dwellings in this location it would contribute to the Local Planning Authority land supply. I consider that the delivery of housing in the context of an existing shortfall carries significant weight.

- 16.13** Negatives:
- Outside Development Limits - Limited weight
 - Impact on CPZ - Moderate weight
 - Previous Refusal at application stage and at Appeal. – Significant weight.
- 16.14** Taking both the positives and negatives of the proposal into account it is concluded that the benefits brought by the development set out in this application will not outweigh the negatives of the development as a whole.
- 16.15** I have had regard to section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Other material considerations which I have taken into account include the NPPF and associated planning guidance.
- 16.16** For the reasons given above, the principle of development is therefore not considered to be acceptable and would be in fail to be in accordance with Uttlesford Local Plan Polices S7, S8 and the National Planning Policy Framework (2023).

17. REASONS FOR REFUSAL

- 1.** The application site lies outside the defined settlement development limits of any village or town as defined by the Uttlesford District Local Plan as Adopted (2005) and is thereby located within the countryside.

The proposal would introduce a sizeable new development to an area of open countryside between the villages of Takeley and Little Canfield. The proposals by reason of its sitting, size and scale would have a harmful impact upon the rural character and appearance of the area and encourage coalescence between Takeley and Little Canfield and Stansted Airport. There is no substantive justification for the proposal specifically relating to the developments needs to take place there or being appropriate in the countryside.

The proposals would significantly harm the intrinsic character and beauty of the countryside resulting in landscape and visual effects from a number of publicly accessible viewpoints and failing to perform the environmental role of sustainability, contrary to the scheme would not comply with to the advice in paragraphs 180(b) and 130(c), of the National Planning Policy Framework (2023) and Policies S7 and S8 of the Uttlesford District Local Plan (as adopted).

- 2.** Insufficient information has been submitted with this application to enable the Local Planning Authority to assess the impacts of the proposal on

European Protected Species (Hazel Dormouse), protected species (Reptiles and Badger) and Mandatory Biodiversity Net Gain (BNG).

In the absence of this information, the proposal would conflict with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and paragraphs 185(b), 186(a) and 188 of the National Planning Policy Framework (2023).

3. The developer has not demonstrated that the proposal would be acceptable in terms of highway safety, efficiency, and accessibility, based on the information supplied.

By reason of the proximity of the proposed access in relation to the existing bus stop, this would detrimentally affect the visibility and create conflict between vehicles exiting the development and vehicles overtaking a stationary bus at that location to the detriment of Highway safety. The proposed access does not meet the junction spacing requirements, and the proposed access fails to provide safe and suitable access for all Highway users. It is designed for vehicles only.

Therefore, the proposed development would be contrary to Policy GEN1 of the adopted Uttlesford Local Plan (2005), Policy DM1 of the Essex County Council Supplementary Guidance - Development Management (Feb 2011), and paragraphs 114(b), 115 and 116(a) of the National Planning Policy Framework (2023).

4. Insufficient information by way of a lack of evidence to support the viability of an infiltration scheme, or the provision of a backup solution has been provided should the infiltration testing fail has been submitted within the application to allow for the Council to fully assess the potential impact of the scheme with regards of flood risk upon the site and the surrounding locality.

Therefore, the proposal fails to accord with Uttlesford Local Plan Policy GEN3 and the National Planning Policy Framework (2023).

5. The proposed development would trigger the requirement to secure affordable housing provision and public open space provisions by way of obligations to mitigate the harm arising as a result of the proposed scheme through the provision of a Section 106 agreement.

No legal mechanism exists by the way of a Section 106 agreement or by way of a unilateral undertaking to secure the above identified obligations to mitigate the harm arising as a result of the proposed scheme has been submitted in support of the application. The proposed development thereby is contrary to Policies H9, GEN2 and GEN6 of the Uttlesford Local Plan (Adopted 2005).

APPENDIX 1 – ECC HIGHWAYS COMMENTS

Your Ref: UTT/24/1198/OP
Our Ref: 34133
Date: 25th October 2024



Director for Highways
and Transportation

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

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/24/1198/OP
Applicant Amherst Homes Ltd
Site Location Land To The South Of Smiths Green Dunmow Road Takeley
Proposal Outline planning permission with all matters reserved except access for up to 155 no. dwellings.

The Highway Authority has reviewed the supporting information submitted with the application.

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

The developer has not demonstrated that the proposal would be acceptable in terms of highway safety, efficiency, and accessibility.

More specifically:

- i. The close proximity of the proposed access to the bus stop will detrimentally affect the visibility and create conflict between vehicles exiting the development and vehicles overtaking a stationary bus at that location to the detriment of Highway safety.
- ii. The proposed access does not meet the junction spacing requirements, in relation to the existing junction to the north of the application site serving Copper Beech Avenue to the detriment of Highway safety.
- iii. The proposed access fails to provide safe and suitable access for all Highway users. It is designed for vehicles only, without providing any facilities for pedestrians. Furthermore, no footway is proposed to the west which is the most desirable route for pedestrians to access Takeley or direct access to the east where the nearest bus stop is located.

Therefore, this proposal is contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and Uttlesford Local Plan Policy GEN1.

Note:

It is noted that the development is proposed for 15 dwellings only.



.....
pp. Director for Highways and Transportation
Enquiries to Eirini Spyratou

From: Rachel McKeown - Strategic Development Engineer <Rachel.McKeown@essex.gov.uk>
Sent: Friday, May 31, 2024 10:02 AM
To: Planning <planning@uttlesford.gov.uk>
Cc: Mark Sawyers <MSawyers@uttlesford.gov.uk>
Subject: [External] >> (34133) UTT/24/1198/OP - Land To The South Of Smiths Green Dunmow Road - highways consultation response

UTT/24/1198/OP | Outline planning permission with all matters reserved except access for for up to 15 no. dwellings. | Land To The South Of Smiths Green Dunmow Road Takeley Hertfordshire

Good morning,

Thank you for consulting us on the above application. The highway authority require clarification on a number of matters before a full recommendation can be issued:

- Confirmation regarding the number of car parking spaces, specifically unallocated visitor parking spaces to be provided. The Planning Statement (at paragraph 4.9) states 34 total spaces whereas the Transport Statement (TS, at paragraph 4.12) states 32 total spaces. The site plan appears to show 32 spaces, of which 2 are unallocated visitor parking spaces. We would expect 4 visitors parking spaces on a development of this size (as per Essex Parking Standards)
- The site plan indicates secure cycle storage in each garden, we would welcome clarification on how each of the mid-terraced properties would access their storage with a bicycle?
- Confirmation that the 'dedicated 10 metre biodiversity buffer to the south of the site between the rear gardens of the proposed adjoining properties and The Flich Way ProW' sits site-side of the existing vegetation line (which is the applicant's responsibility to maintain) such that it would not likely cause obstruction of the PROW – it appears to be the case, but confirmation would be welcomed that no planting is proposed PROW-side of the existing line
- Paragraph 4.4 of the TS notes that the "it is proposed to provide a new priority junction as shown broadly in the same location as the existing access" – please could an overlay be provided to show the location of the new access in relation to the existing access as there is conflicting information within the application. Furthermore, the distances from existing junctions/accesses on B1256 should be marked for review of the junction spacing.
- Paragraph 4.4 of the TS also states that the access would be for "vehicles only" – we would expect this to be an access point for all users, specifically for pedestrians who may wish to access the westbound bus stop. As currently designed, residents from plots 1/2/3 would need to walk the length of the site and back on themselves to safely access westbound bus services
- Consideration should also be given for pedestrian routes from the site towards the centre of Takeley – again, as currently proposed residents would need to head away from Takeley to use the signalised crossing point to reach the northern footway to continue their journey
- The position of the bus stop including cage markings and shelter should be clearly indicated on the site access/visibility splay plan. As currently shown, it appears that the visibility to the east is blocked by the bus shelter, although it could be that runs through the open-side of the shelter.
- The application should be accompanied by a Stage 1 Road Safety Audit along the designer's response to any issues raised

Kind regards,

Rachel McKeown
Strategic Development Engineer



SAFER / GREENER / HEALTHIER

Email: [REDACTED]

Mobile: [REDACTED]

Please note that I expect to be on extended leave from mid-June until March 2025.

APPENDIX 2 – LOCAL FLOOD AUTHORITY (SuDS) COMMENTS

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



Mark Sawyers
Uttlesford District Council
Planning Services

Date: 21st May 2024
Our Ref: SUDS-007525
Your Ref: UTT/24/1198/OP

Dear Mr Sawyers,

Consultation Response – UTT/24/1198/OP - Land To The South Of Smiths Green Dunmow Road

Thank you for your email received on 15/05/2024 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:

- Insufficient information has been provided to support the use of infiltration. We require evidence to support the viability of an infiltration scheme. Alternatively, a backup solution should be provided should the infiltration testing fail.

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>
- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. Planning applications with outline

approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures Flood risk assessments: climate change allowances - GOV.UK (www.gov.uk)

- Please note that where discharge is to a public sewer, consent from the relevant authority will be required. The links can be found below.
<https://www.anglianwater.co.uk/developing/drainage-services/sustainable-drainage-systems/>
<https://www.thameswater.co.uk/developers>
- Any works to a ditch may require a S23 Ordinary Watercourse Consent. Please see the below link for more information and how to apply.
<https://flood.essex.gov.uk/maintaining-or-changing-a-watercourse/>

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,

Anna Murphy
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.