

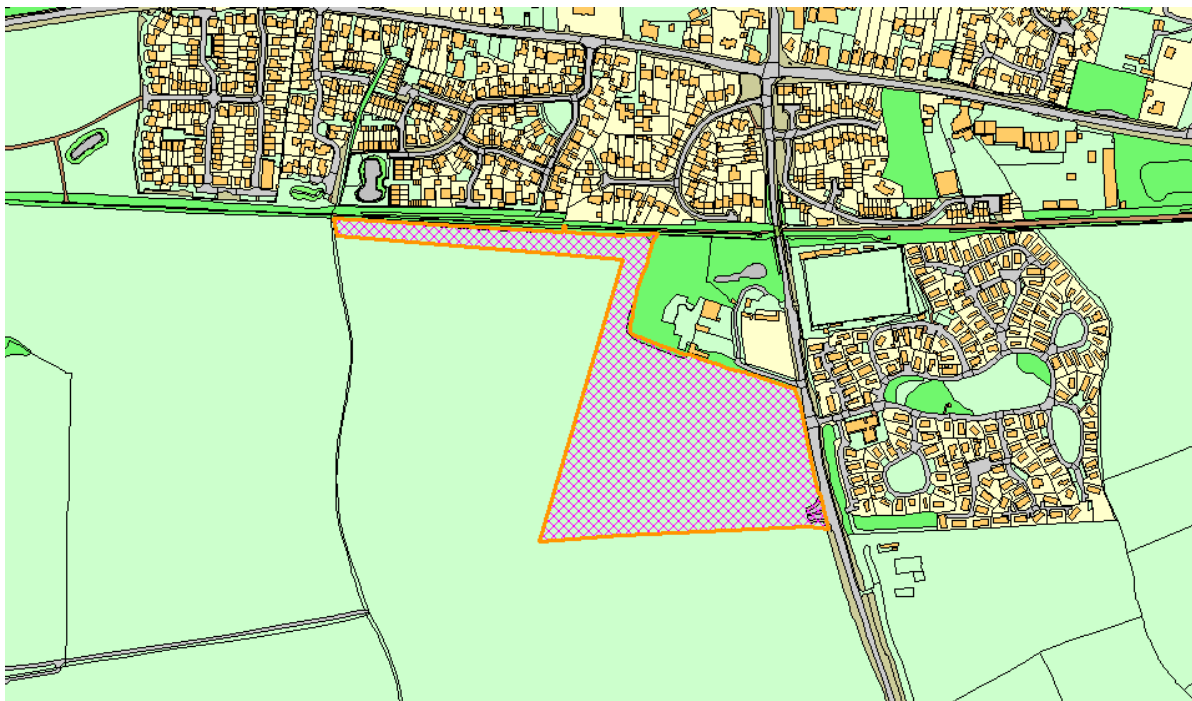
ITEM NUMBER: 7

PLANNING COMMITTEE DATE: 9 April 2025

REFERENCE NUMBER: UTT/24/2242/OP

LOCATION: Land West Of Station Road, Takeley

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: February 2025**

PROPOSAL: Hybrid Planning Application - Outline application (with all matters reserved) for up to 68 no. dwellings, a new Early Years and Childcare Facility and associated infrastructure. Full details (with no matters reserved) for the approval of 32 no. dwellings on Station Road and Bonnington's Farm site frontages, on site open space and perimeter landscaping and improvements to Station Road. 40% Affordable Housing to be provided across the site

APPLICANT: Bellway Strategic Land

AGENT: Mr Sam Metson

EXPIRY DATE: 9 December 2024

EOT EXPIRY DATE: 17 April 2025

CASE OFFICER: Rachel Beale

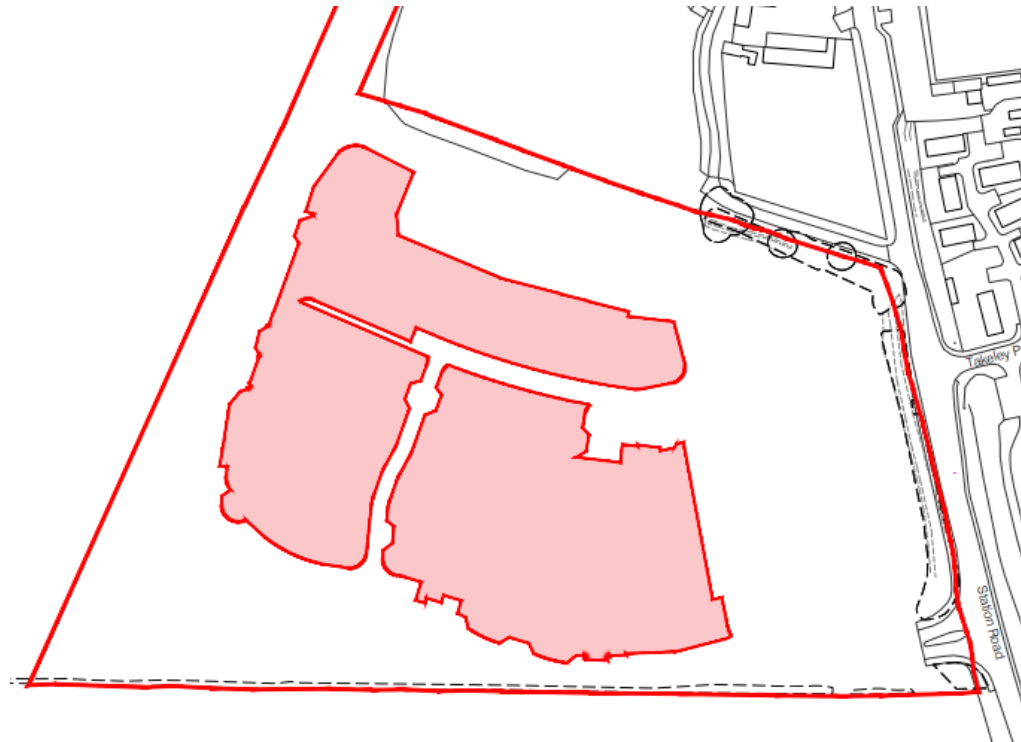
NOTATION: Outside Development Limits. County Wildlife Site (Flitch Way). Within 2km of SSSI. Within 6km of Airport. General Aerodrome directions. Within 100m of Local Wildlife Site (Flitch Way). Within Hatfield Broad Oak Parish, on the border of Takeley Parish.

REASON THIS APPLICATION IS ON THE AGENDA: Major application

1. EXECUTIVE SUMMARY

1.1 This is a hybrid planning application. In the plan below the area shaded red is submitted in outline, the rest is subject to a full planning application.

1.2



1.3 The outline element (with all matters reserved) is for up to 68 no. dwellings, land for a new Early Years and Childcare Facility and associated infrastructure.

1.4 The full element (with no matters reserved) is for 32 no. dwellings, open space and perimeter landscaping and improvements to Station Road. 40% Affordable Housing to be provided across the site.

1.5 The reason for the hybrid nature of the application is to ensure that the development comes forward with the high-level quality design the Council would expect from this edge of settlement, gateway site. By securing the boundary details and frontage dwellings to the Bonnington's boundary (to the north) and Station Road boundary (to the east), the Council have a good grasp of how the site will sit within the existing settlement and understand the level of quality that will go into the design as a whole.

1.6 The development is subject to a Planning Performance Agreement (PPA), as part of which the applicant has engaged with Officers, the Parish Council and presented developing proposals to Members. Separately from the PPA but in conjunction with, the applicant entered into the Uttlesford Quality Review Process (UQRP). This level of engagement has ensured the design has evolved in line with feedback from Officers, the local community and the UQRP panel members.

1.7 Officers feel that whilst this is a sensitive location, the design that has been brought forward as part of the full application ensures we can be confident that a high-quality scheme will be developed on the site, that protects the setting of heritage assets, proposes a sensitive gateway into

Takeley and provides high quality designed and sustainable development.

2. **RECOMMENDATION**

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

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

And

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

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The site lies immediately west of Station Road on the southern edge of Takeley, approximately 500m from the village centre, but within the Parish boundary of Hatfield Broad-Oak. It extends to 6.1 ha and is currently in agricultural use.
- 3.2 The site is contained by Station Road to the east and lies directly opposite the frontage of Takeley Park on the other side of Station Road, a development of circa 171 park homes for the over 50s. Takeley Sports Field lies further to the south-east on the opposite side of Station Road and Takeley Football Club lies to the north-east. The Bonningtons Farm complex, which includes a Grade II listed farmhouse enclosed by dense vegetation and a residential redevelopment scheme for 7 dwellings currently under construction, lies to the north. An existing hedgerow encloses the site to the south. The site is already served by a major priority access junction constructed by virtue of an earlier planning permission for the development of a hotel and golf course that extended to land further west and north. The remainder of this development has never been constructed.
- 3.3 The Flich Way runs to the north of the site, and PROW 23 runs to the south and down the western boundary of the wider field the site sits within.

4. PROPOSED DEVELOPMENT

- 4.1 In total, the application proposes up to 100 dwellings. By way of a hybrid application, up-to 68 are proposed under the outline element, and 32 are proposed in full detail.
- 4.2 The outline application also proposes land for a new Early Years and Childcare Facility and associated infrastructure, as identified as needed by Essex County Council. The detailed application also proposes on site open space, perimeter landscaping and improvements to Station Road.
- 4.3 A LEAP would be required to be provided by the development, and is proposed to be delivered either on-site, or a contribution per dwelling given to Takeley Parish Council to enhance the existing facilities on the other side of Station Road.
- 4.4 The access is from Station Road, utilising the existing access constructed under a previous application for golf course and hotel (UTT/1260/91).

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

- 6.1 In 1991, part of the site was part of an approved outline planning permission (UTT/1260/91) for a 150-bed hotel, golf course and clubhouse, leisure suite, tennis courts and swimming pool. This site was roughly double the size of the site that is being brought forward today.
- 6.2 In 2001, the associated reserved matters application (UTT/1158/01/DFO) was approved and around this time, the new access and associated highway improvements were constructed, hence why such a large-scale piece of infrastructure serves an agricultural field.
- 6.3 In 2016, an outline planning application (UTT/16/3565/OP) was submitted on the larger site proposing a community led mixed use development of up to 275 residential units, site for a Primary School, Multi Use Games Area, Kick About Area, Flexible Neighbourhood Building, Car Park, Trim Trail and Dog Walking Circuit. After lengthy negotiations and discussions with key consultees including the National Trust, Highways and Natural England, a scheme was taken to committee, **recommended by Officers for approval**. This was then **overturned and refused at committee. No appeal was sought**.
- 6.4 To the north of the site is Bonningtons Yard where recently an application (UTT/23/2617/FUL) for the demolition of existing buildings

and erection of 7 new dwellings has recently been approved. This was a delegated decision.

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

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

- Extensive Pre-Application process with Essex County Council, Hatfield Broad Oak Parish Council, Takeley Parish Council, as well as key planning officers and members of Uttlesford District Council's Planning Committee.
- Attendance at the Design Quality Review Panel.
- Meetings and ongoing engagement with political and community representatives.
- A community newsletter with an enclosed feedback form sent to addresses in both Takeley and Hatfield Broad Oak.
- Press releases to advertise the event.
- Dedicated consultation website that will evolve over time that reflect the current timeline of the proposals / application.
- Consultation event held in a local venue in close proximity to the site.
- Dedicated email address, freephone telephone number and freepost address.

Full details of the applicant's engagement and consultation exercises conducted is discussed within their Statement of Community Involvement.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

8.1.1 From a highway and transportation perspective, the impact of the proposal is **acceptable**, subject to conditions.

8.2 Local Flood Authority

8.2.1 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we **do not object** to the granting of planning permission, subject to conditions.

8.3 Natural England

8.3.1 Objection – Further information required. We consider that based on current design and without appropriate mitigation, the application has potential to damage or destroy the interest features for which Hatfield Forest Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR) has been notified. **To mitigate these adverse effects**

and make the development acceptable, the following mitigation measure should be secured through a planning condition:

- Financial contribution towards Strategic Access Management and Monitoring (SAMM) measures identified by the National Trust as landowners of £1,395 per new residential dwelling;

AND

- Given the proximity of the development proposal to Hatfield Forest SSSI/NNR, the provision of a Suitable Alternative Natural Greenspace (SANG) compliant with NE's SANG Guidelines (2021), including a 2.3-2.5km circular walk, either on-site or immediately adjacent to the proposed development.

9. PARISH COUNCIL COMMENTS

9.1 Takeley Parish Council:

Takeley Parish Council objects to the application. Please consider our initial objections below. There will be an additional comment regarding the design of the properties, potential mitigation measures and other matters after our next meeting.

1. The proposal conflicts with Policy S7 – The Countryside therefore the application should be refused. Our concerns are:

- The proposal is outside development limits in the 2005 Local Plan and there is no intention to include development south of the Flitch Way in the submission version of the new draft Local Plan.
- The development will impact on the character and setting of the Flitch Way and the intrinsic rural character and open aspect of the landscape south of the Flitch Way.
- It should be acknowledged that the mobile home park which is located opposite the proposed site is not for permanent dwellings and has policy restrictions set out in the 2005 Local Plan.

2. The proposal conflicts with GEN1 – Access. Our concerns are:

- The existing footpath is only on one side of Station Road so all pedestrians will be forced to cross the road at their own risk because there is no proposal for a controlled crossing to access amenities in Takeley village, to access bus stops or to cross to the Sports Field.
- There is inadequate space for walking and additional needs users on the proposed improved footways along the western side of Station Road and there is no space for a dedicated cycleway.
- There is a restricted width of pavement and the road making it impossible to provide a dedicated cycleway on the road.
- There is no visibility over the bridge, from one side to the other, to enable people to see if someone is waiting to pass on the other side.

- It is proposed for the buses are to stop in the carriageway rather than in lay-bys, as is currently the case. We feel that is a retrograde step and will serve to restrict visibility for all road users.
- The Four Ashes junction is already impacted by HGV traffic and the Local Plan surveys predict long delays in the future. Furthermore, it is likely that traffic flows will increase as Junction 7a of the M11 provides a new route as a diversion when there are delays on the M11.
- The proposed MOVA improvements to the traffic lights at the Four Ashes junction could reduce the time pedestrians and cyclists will be allowed to cross the B1256 whenever there are delays on the B1256. Residents on the new development could, therefore, experience difficulties in accessing amenities north of the Four Ashes junction.
- Within the development, we have concerns that the parking and access for the early years centre is inadequate to cope with peak time traffic flows in and out of the development. This could lead to congestion on Station Road and the Four Ashes junction.

Takeley Parish Council continues to object to harm to the countryside and conflict with Policy S7, and we refer to our significant concerns over safe highways and footpath access to the site. The developer has explained how the current layout, crossing points and path widths try to address our concerns on highways safety as well as meeting the required standards. The Parish Council has commissioned a transport consultant, Rialton TPC Ltd, to report on those matters.

In the meantime, notwithstanding our overarching safety concerns and an objection in principle to development in this open countryside setting, we have liaised with the developer and received positive and productive outcomes to the Parish Council's concerns and preferences.

The Parish Council welcomes the option for larger items of play equipment to be placed off-site, on the Parish Council-owned Sports Field to make this facility available to the wider community, however, this will be dependent on confirmation that there is a safe walking and cycling route to access this equipment.

We support the layout, landscaping and boundary treatments and the external materials and house designs of the homes facing Station Road and the adjacent Bonningtons Farm development. The Parish Council requested an additional footpath access to the Flitch Way as close as possible to the new homes, and this has been provided, even though the change in levels will make it unsuitable for some users. We support the hedgehog-friendly boundary fencing and the dog-walking and cycle routes on the development. We make the following additional requests for consideration:

- Suitable arrangements and funding for litter and dog waste bins and ongoing collections

- Due to its proximity to Stansted Airport, we request a financial contribution to the North Essex Parking Partnership to provide suitable parking restrictions on the development to prevent airport-related car parking
- Improved surface treatment on the Flitch Way and at new access points
- To consider appropriate locations along the northern boundary road for additional car parking bays for visitors and users of the Flitch Way

A separate Highways Report has been commissioned by Takeley Parish Council and is also provided as part of their response.

9.2 Hatfield Broad Oak Parish Council:

Hatfield Broad Oak Parish Council have carefully considered this planning application and the associated documents and wish to STRONGLY object to the development and would respectfully ask the Planning Committee to refuse this application.

The reasons for our objection are as follows:

The New Local Plan

A section of this site was included in the Call for Sites initiative instigated by UDC as part of the New Local Plan.

The following extract is taken from the Site Selection Topic Paper issued by UDC as part of the Draft Local Plan 2021 – 2041 (Regulation 18), October 2023:

Stage 3 Detailed Assessment of Constraints and Opportunities Table 1
Traffic Light Rating

Red - The site or site cluster is subject to one or multiple, and more significant development constraints that are unlikely to be overcome through potential mitigation strategies and does not meet the objectives and broad spatial strategy of the Plan. The site is discounted from further consideration.

The following extract is taken from the Site Selection Topic Paper, Draft Uttlesford Local Plan 2021 – 2041 (Regulation 18), October 2023:

Appendix A:

Takeley/Priors Green

Housing and Economic Land Availability Assessment – Sites Discounted at Stage One - Hatfield BO 004 RES, Land West of Station Road Takeley

Rating Red - Clear Omission Site Option

The site is opposite to main built-up area of Takeley, with Flitch Way acting as a clear and defining physical boundary to development. It also intersects with the Local Wildlife Site of the Flitch Way, with potential impacts on identified priority habitats. The site is subject to significant landscape and heritage sensitivities, including potential impact on the setting of the Grade II listed farmhouse Bonningtons. The site is in close proximity to Hatfield Forest and falls within the Hatfield Forest Zone of Influence.

Although the development for 100 dwellings is only 40% of the Call for Sites suggestion for up to 250 dwellings it is still a clear breach of the Flitch Way and there is no doubt in our minds that if this site is given approval, then other applications will, most definitely, follow.

The site is actually in the Parish of Hatfield Broad Oak however, to have any credence for sustainability, it must be considered part of the parish of Takeley. Logically, all of the services and facilities required to provide such sustainability must come from Takeley and not Hatfield Broad Oak, 3 miles to the south. However, it does not feature in the New Local Plan as part of the spatial strategy of new housing for Takeley.

Previous History

The last planning application for this site was for a community led mixed use development of up to 275 residential units, which was submitted in December 2016 and, although the application was recommended for approval by the planning officer, it was refused by the Planning Committee.

The refusal notice from UDC, dated 27th August 2019 stated:

The proposals would result in the urbanisation of the rural area resulting in an adverse harm to the openness, character and intrinsic beauty of the countryside, and the countryside hinterland behind the defined Countryside Protection Zone. This includes the breaching of the Flitch Way to the south, which is considered a defensible boundary, in terms of landscape character. The harm arising from the proposals would significantly and demonstrably outweigh the benefits from the scheme. As such the proposals are contrary to Uttlesford Local Plan Policies S7 and S8 and paragraph 170 of the National Planning Policy Framework.

The proposal constitutes further development in the vicinity of the busy Four Ashes junction and would (result) sic in negative residual cumulative impacts on the road network contrary to Paragraph 109 of the National Planning Policy Framework 2019.

The minutes of the meeting of the Planning Committee meeting of 24th July 2019 state that: the Committee were (sic) of the same mind that south of the Flitch Way should not be developed.

Breaching the Flitch Way

It is clear from the above that the Flitch Way is deemed to be a defensible boundary, in terms of landscape character. It is also an important linear park and local wildlife site.

It is interesting to see that the question of precedent has previously been raised and, in dismissing an appeal of a proposed development of 135 dwellings on agricultural land west of Great Canfield Road (APP/C1570/W/18/3217122) the Inspector, in para 38 of his report states:

Whilst each application and appeal must be treated on its individual merits, in the light of the proposed scheme immediately to the east of the site for 80 dwellings, and other schemes referred to south of the Flitch Way I can appreciate the concern that approval of this proposal could be used in support of similar schemes. I consider that this is not a generalised fear of precedent, but a realistic and specific concern. Allowing for the appeal would make it more difficult to resist further planning applications for similar developments.

This application is in conflict with Policy S7 of the 2005 Uttlesford Local Plan, which sets out to protect the countryside for its own sake. Although the 2005 Local Plan is out of date, Policy S7 must still be considered relevant and broadly consistent with the NPPF and carry moderate weight. Any conflict here must be balanced against any perceived planning benefits, which Takeley Parish Council are suggesting there are none, especially in the light of the proposed development of Takeley set out in the Draft Local Plan.

A development of 100 dwellings 3 miles from the centre of Hatfield Broad Oak can only be considered sustainable using services and facilities from Takeley. It brings no benefits whatsoever to Hatfield Broad Oak.

The Tilted Balance

Section 6 of the Planning Statement issued by Bidwells accepts that, at present, UDC only need to demonstrate a 4-year housing land supply having reached Regulation 19 stage (of the New Local Plan), and paragraph 226 of the NPPF was engaged on the 8th of August 2024.

As of the 20th of August, UDC were able to demonstrate a housing land supply of 4.12 years, including a 20% buffer. Therefore, the tilted balance, as defined by paragraph 11(d) of the NPPF does not apply and is clearly back in favour of rejecting this application.

The proposed changes to the NPPF, in particular to paragraph 226, will require the reversion to a 5-year HLS, which UDC admit they will not

attain, but that assumes that any changes will be implemented without revision.

UDC are part of the NEC (North Essex Councils) who have raised concerns over the proposals to reintroduce the 5-year HLS requirement and argues that sensible transitional arrangements need to be put in place to allow councils to move more smoothly from existing to new targets.

Therefore, it is not a foregone conclusion that the changes to the NPPF will be adopted and even the proposed timetable of implementation by the end of the year may well be extended, given the extensive response to the Government's consultation.

Highway Issues

It is considered that a "from first principles" approach to the Transport Assessment is required as requested by ECC. The developers T.A. is based on traffic data from 2016 and is therefore considered out of date, it should also be noted that ECC Highways did not agree to some of the trip generation rates used in the T.A. The T.A. must be revisited.

We are concerned that the relocated bus stops do not have lay-byes. The Safety Audit raised the potential for vehicles waiting behind buses to use the right turn lanes to overtake the stationary bus leading to potential rear end collisions. The provision of lay-byes will overcome this.

The existing 305 bus service that the proposed development would use is unreliable, is only hourly and does not provide a service on Sundays. It should be noted that anyone wanting to access Bishops Stortford would have to either change buses at the Four Ashes or take a southbound bus (a 35 min. journey). The bus services on Dunmow Road are greater than the advised 400m walking distance away and cannot therefore be considered as usable for the majority of people.

The developer has not demonstrated how active travel routes to key off-site services and facilities will be achieved, thus failing to deliver in accordance with Para. 108 of the NPPF. Cycle access to the development will be extremely limited due to the dangerous nature of the existing B183 (particularly over the bridge) and the inability to provide any dedicated cycle lanes.

Given the lack of safe active travel routes and an unsatisfactory bus service it is considered that the development fails to meet the NPPF's criteria for providing sustainable transport.

The developer's proposals for realigning the carriageway over the bridge does nothing to address the significantly substandard vertical visibility. The proposed realigned carriageway results in a substandard setback to the western parapet, this may well result in northbound vehicles moving

towards the centre of the carriageway/southbound lane only to be confronted with an unseen, (due to the substandard vertical visibility), southbound vehicle creating a head on collision. The realigned carriageway still fails to deliver a footway that meets ECC minimum standard.

No services information is provided in order to assess the practicality of the proposed carriageway realignment over the bridge.

In conclusion, the above must be considered contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Paragraph 110 of the NPPF states:

In addressing sites that may be allocated for development in plans or specific applications for development, it should be ensured that:

(b) safe and suitable access to the site can be achieved for all users.

Furthermore Paragraph 112 of the NPPF states:

Within this context, applications for development should:

(b) address the needs of people with disabilities and reduces mobility in relation to all modes of transport.

(c) create spaces that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles.

The applicant has clearly failed to satisfy paragraphs 110(b) and 112(b) and (c) of the NPPF.

9.3 Great Canfield Parish Council:

Great Canfield Parish Council fully supports the objections submitted by its neighbouring parish councils of Hatfield Broad Oak and Takeley.

Great Canfield Parish Council located to the south of the Flitch Way and to the east of the proposed site, specifically objects to the proposals on the following points.

Objection policy S7

The proposal is outside development limits in the 2005 Local Plan. This site has not been supported for development in the current draft Local Plan which does not allocate any sites for development south of the Flitch Way in what is currently open countryside, thereby ensuring the important rural character of the land to the south is retained.

The Flitch Way has always provided a 'a clear and defining physical boundary to development', separating the urbanisation of Takeley and Little Canfield to the north, from the historic, rural character of the land and villages to the south. If allowed this development would break this important position and offer no protection to Great Canfield and other parishes which border the Flitch Way to the south. As noted in the response from The Friends of the Flitchway, the surrounding rural landscape is an important characteristic of this special local wildlife park and should be preserved.

Objection policy GEN1

The congestion on the B1256 and issues when the M11 is congested, plus heavy use by HGVs on this road are already well documented. The traffic modelling that supports the proposals in the draft Local Plan considers the impact on key junctions including the Four Ashes junction, It is noted the predictions are this junction will continue to be heavily congested. Great Canfield is a parish impacted when congestion builds on the main routes as drivers seek alternative routes through the narrow, single-track lanes where there are no footpaths and few passing places. The parish council objects to any large-scale development on sites that increase the risks for highway users through its parish and where the collective long-term assessment on traffic congestion have not been fully considered.

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer

10.1.1 No objections.

10.2 UDC Environmental Health

10.2.1 No objection subject to condition.

10.3 Conservation Officer

10.3.1 UDC (Heritage and Conservation) considers that the proposal results in less than substantial harm to the significance of the heritage assets outlined in Section 3.0 and is at the low end of the scale, in line with Paragraphs 208 of the NPPF.

If the Application is to be approved, I suggest Conditions associated with contextual analysis are attached to the consent, to illustrate the proposed development in context. Views from all public viewpoints around the Site should be considered.

Update 21/3/25: Officer advised that a VIA could not be conditioned and clarified if the information was needed for determination. The CO confirmed sufficient information is provided within the submission and therefore is able to make an informed assessment.

10.4 Place Services (Ecology)

10.4.1 No objection, subject to condition.

10.5 Landscape Officer

10.5.1 I concur with the LVA's findings that this development should sit comfortably within its immediate and wider setting, being visually screened by the existing vegetation (which will be reinforced with additional planting) and the proposed woodland planting around the perimeter. I think the LVA sufficiently captures the visual impacts and am content the application can be recommended for approval.

10.6 Active Travel England

10.6.1 In relation to the above planning consultation, Active Travel England (ATE) has no comment to make as it does not meet the statutory thresholds for its consideration.

10.7 Place Services Archaeology

10.7.1 No objections subject to conditions.

10.8 Essex Police

10.8.1 We are pleased to acknowledge the reference to "Secured by Design" on pages 140 and 141 of the Design and Access Statement that the applicant has provided as part of the planning application and their commitment to work with the Essex Police Designing Out Crime Office.

10.9 NHS

10.9.1 No objection subject to S106.

10.10 ECC Education

10.10.1 No objection subject to S106.

10.11 UDC Urban Design Officer

10.11.1 In relation to the current application, the applicant team have engaged with Uttlesford through a pre-application process (UTT/23/1856/PA) and have utilised the Uttlesford Quality Review Panel (UQRP) prior to the submission of the application in its current form. The scheme has been iteratively revised through the pre-app and UQRP process and post-application and is in broad compliance with the Uttlesford Design Code.

The decision to submit a hybrid application is supported as a demonstration of intent, in respect of design quality, rather than an outline application for the whole scheme which would leave matters of detail in respect to materiality, landscape and so on, at large and subject to a subsequent reserved matters application.

The applicant and their detailed phase 1 designers have worked collaboratively with Officers to overcome previous concerns about character, identity, street pattern and placemaking to develop a phase 1 scheme that has an attractive street scene addressing the central green, which will form a characterful arrival into the development and that has improved walking routes and connections around the development.

10.12 National Trust

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

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

On-Site Mitigation

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

These should take the form of:

- High-quality, informal, semi-natural areas, to be provided prior to first occupation of the dwellings (including a dog walking circuit and dogs off lead area), householder leaflet;
- Any other on-site mitigation as advised by Natural England.

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

Off-Site Mitigation

- A financial contribution of £139,500.00 (£1,395/dwelling) to the National Trust for use at Hatfield Forest towards visitor and

botanical monitoring and mitigation works. This would be proportionate with contributions secured for other developments.

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

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

If, however, appropriate mitigation is not secured to address the issue set out above then the National Trust objects to this application.

10.13 Thames Water

10.13.1 No objection.

10.14 NATS Safeguarding

10.14.1 No safeguarding objection to the proposal.

10.15 MAG London Stansted Airport

10.15.1 No objection subject to condition.

10.16 Affinity Water

10.16.1 No objection.

10.17 ECC Minerals

10.17.1 No objection.

10.18.1 Utilities – Cadent Gas, National Gas, Gigaclear, UKPN,

10.18.1 No objection

11. REPRESENTATIONS

11.1 A site notice was displayed on site, the application was advertised in the local press and notifications letters were sent to nearby properties.

11.2 Support

11.2.1 None.

11.3 Object

- 11.3.1**
 - Infrastructure Strain
 - Impact on countryside
 - Impact on wildlife
 - Disruption to existing community
 - Danger from increase traffic
 - Bridge unsafe
 - Existing pedestrian access unsafe
 - Impact on Flitch Way
 - Footpath too narrow
 - Blind spots on bridge
 - Heavy HGV Usage
 - Flitch Way is natural boundary
 - Pressure on highway from increased traffic
 - Bad bus service
 - Impact on telephone and broadband speed
 - Rejected from call to sites
 - Impact on listed building and its setting
 - Loss of grade 2 agricultural land
 - Poor cycle provision
 - Poor infrastructure in Takeley
 - Education unsuitable for SEND
 - Floored transport assessment
 - No improvements to junction
 - Sets a precedent for development south of flitch

11.4 Comment

- 11.4.1** The above representations are addressed in the report where material planning considerations are raised.

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 January 2005)
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 Plan 2005

13.2.1 S7 – The Countryside
GEN1 – Access
GEN2 – Design
GEN3 – Flood Protection
GEN4 – Good Neighbourliness
GEN5 – Light Pollution
GEN6 – Infrastructure Provision
GEN7 – Nature Conservation
GEN8 – Vehicle Parking Standards
ENV2 – Development Affecting Listed Buildings
ENV3 – Open Spaces and Trees

ENV4 – Ancient monuments and Sites of Archaeological Importance
ENV5 – Protection of Agricultural Land
ENV7 – Natural Environment Protection
ENV10 – Noise Sensitive Developments
ENV14 – Contaminated Land
H1 – Housing development
H9 – Affordable Housing
H10 – Housing Mix

13.3 Neighbourhood Plan

13.3.1 There is not a '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

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2**
- A) Background**
 - B) Principle of Development**
 - C) Countryside Impact**
 - D) Design**
 - E) Heritage impacts and Archaeology**
 - F) Affordable Housing**
 - G) Residential Amenity**
 - H) Access and Parking**
 - I) Landscape and Open Space**
 - J) Nature Conservation**
 - K) Climate Change**
 - L) Contamination and Noise**
 - M) Flooding**
 - N) Planning Obligations**

14.3 A) Background

14.3.1 In 1991, permission was granted for a golf course and hotel on the site. This was granted prior to the current Local Plan being adopted, and therefore the weight it can be given is limited, however, it did result in the construction of the highly engineered access that now serves the site.

14.3.2 In 2016, application UTT/16/3565/OP was submitted and taken to committee with an Officer recommendation for approval. While this did include the site as currently submitted, the application site was much larger, encompassing the entire agricultural field, rather than the smaller portion that is now subject of this current application. The application was recommended for approval by Officers but overturned and refused for the following reasons:

1. Urbanisation of the rural areas resulting in adverse harm to the openness, character and intrinsic beauty of the countryside.
2. A negative cumulative impact on the Four Ashes junction

The decision was not appealed.

14.3.3 It is worth noting that the applicant does not own anything outside of the red line as currently submitted. This remains in the ownership of the landowner.

14.3.4 Nearby decisions

14.3.5 It is noted that an application (UTT/18/0318/OP) to the east of Takeley Park, south of the Flitch Way, west of Great Canfield Road was dismissed at appeal (APP/C1570/W/18/3213251) in 2019. The Officer has reviewed the site and the decision notice and does not consider the two sites to be comparable due to their different locations, contexts and relationship to the Flitch Way.

14.3.6 One of the key concerns of the Inspector was the impact the development would have on the Flitch Way, due primarily to the site bordering the Flitch Way to the south and detrimentally impacting countryside views that can be experienced while walking the path. The site subject of this application does not border the Flitch Way other than to provide a strip of landscaped land to provide pedestrian access to the Flitch Way and the wider PROW network. The bulk of the development sits directly south of the Bonningtons and therefore comparisons cannot be drawn between this and the dismissed appeal.

14.3.7 It is acknowledged by the Officer, as it was by the Inspector, that Takeley Park is an exceptional site in how it came to be (paragraph 19.6 of the Local Plan (2005) and Takeley Local Policy 4 refers) but it does exist and therefore does represent a suburban feature along Station Road that forms the existing context of the site. Notwithstanding, as the Inspector notes, it does not serve as a clear precedent for residential development south of the Flitch Way.

14.3.8 It must be noted that the decision on UTT/18/0318/OP came before the approval of UTT/23/2617/FUL for 7no. dwellings on the Bonningtons Farm site.

14.3.9 In summary, the Officer does not consider the appeal decision to represent a clear reason for not allowing development on this site subject of this application. The two sites are not comparable and have a vastly different relationship with the Flitch Way. As with all applications and as referenced by the Inspector within the above referenced appeal, the development proposed in this current application will be assessed on its own merits.

14.4 B) Principle of Development

Emerging local plan and housing land supply:

14.4.1 The development plan for the site is the Uttlesford District Local Plan (2005) (the Local Plan). The Emerging Local Plan was submitted to the Secretary of State on 18 December 2024. However, due to its early stage of preparation, 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 232.

14.4.2 As of 06 January 2025, the Council can demonstrate **3.46 years** housing land supply (which includes a 20% buffer). With the Housing Delivery Test (HDT) being at 69%, Footnote 8 of the NPPF) applies meaning the presumption in favour of sustainable development under paragraph 11(d) of the NPPF is engaged.

14.4.3 The “Planning Balance” is undertaken further below in this report, but before doing so a wider assessment of the proposal has been undertaken against all relevant considerations to determine if there are impacts, before moving to consider if these impacts are adverse and would ‘significantly and demonstrably’ outweigh the benefits of the proposal in the planning balance.

14.4.4 Suitability and Location

14.4.5 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.

14.4.6 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.

- 14.4.7** The site sits within Hatfield Broad-Oak Parish but is physically connected to Takeley, a village identified within the Local Plan settlement hierarchy as being a “Key Rural Settlement.” Located on main transport network as well as there being local employment opportunities.
- 14.4.8** In most ‘Key Rural Settlements’ including Takeley, it is the intention to protect and strengthen the role of these communities where there is the potential to encourage people to live and work locally and allow for the potential of further limited employment and residential development.
- 14.4.9** Although outside the ‘development limits’ of Takeley as designated by the Local Plan, the new built form would be constructed towards the southern edge of the settlement, connected to the north by Bonningtons Farm, where 7no. new dwellings are under construction (ref UTT/23/2617/FUL) and opposite the existing development of Takeley Park. The proposals therefore provide a logical relationship with the existing settlement of Takeley.
- 14.4.10** Local amenities and facilities:
- 14.4.11** The village has a modest number of local services and amenities that are typically required by future residents on a daily basis, all within walking/cycling distance from the application site. These include a local convenience store and post office, pharmacy, pub, takeaway, village hall, primary school, vet, football club, park and sports field. This does not include a doctor’s surgery. It is also a relevant consideration that Stansted Airport is 1.5 miles from Takeley.
- 14.4.12** As part of the application there is provision of land for early years education purposes, as well as proposed funding to enhance existing community facilities.
- 14.4.13** The site is located on a bus route with an hourly service between Stansted Airport and Bishop’s Stortford. In addition, there are further bus stops within walking distance of the site with regular services to Harlow, Dunmow, Bishop’s Stortford and the Airport. The site is also in close proximity to junctions onto the A120 and M11. There is a train station at the airport.
- 14.4.14** There is a network of footpaths including PROW 23 to the west and the Flitch Way, a former railway line and now local wildlife site to the north.
- 14.4.15** Takeley lies approximately 5 miles east of the town of Bishop’s Stortford, 4 miles west of Great Dunmow and 12 miles north of Harlow. These larger towns would provide further opportunities for future residents of the development to access larger amenities and services to meet their daily requirements.

- 14.4.16** The application site is situated within an accessible and sustainable location, close to local amenities and facilities and employment opportunities to meet the needs of existing and future occupiers.
- 14.4.17** As such it is regarded that the application site **would not be significantly divorced or isolated** and that it would be **capable of accommodating the development proposed** in that it could be planned in a comprehensive and inclusive manner in relation to the wider area of Takeley and Hatfield Broad-Oak.
- 14.4.18** Social and Economic Benefits:
- 14.4.19** Paragraph 83 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The purpose of paragraph 78 is to support new development in rural areas, in recognition of the benefits it can bring to rural communities. New homes create additional population, and rural populations support rural services through spending (helping to sustain economic activity) and through participation (in clubs and societies for example). There is no reason to suppose that the additional occupants of the properties on the application site would not use local facilities and participate in village life in the same way that other residents do.
- 14.4.20** The allowance of land for early years education would provide jobs for those in the community, supporting local economic activity, as well as additional school places for young children of both existing residents and future occupiers.
- 14.4.21** The proposals include areas of green infrastructure, including a dog walking route, village green area, recreational play space and funding to enhance the existing play facilities on Station Road. These will help provide social connections and interaction for both existing and future residents and encourage healthy lifestyles.
- 14.4.22** The development will offer a range of housing types including 40% affordable housing. In the context of a lack of housing supply, the contribution that this site can make through the delivery of up to 100 new market and affordable homes is a **positive benefit**.
- 14.4.23** Therefore, the development will contribute to sustainable development by providing exactly the sort of social and economic benefits to the local community that paragraph 83 envisages. Through the additional population and activity generated, the **application scheme contributes to the social and economic objectives of sustainable development**.
- 14.4.24** Environmental Benefits:

- 14.4.25** The Applicant submits that the proposed buildings will be designed to make use of sustainable materials to reduce environmental impacts of construction through the use of energy hierarchy, using a fabric first approach to design to reduce energy demand, helping mitigate the effects of climate change.
- 14.4.26** The provision of measures to protect on-site ecology and enhancement measures to deliver a biodiversity net gain, which also helps reduce the impact of climate change on site habitats. A number of ecological enhancements have been proposed, which would improve the quality of the site for native flora and fauna.
- 14.4.27** When one properly takes account of the rural context, the application site is actually in a relatively sustainable location because it offers options for accessing local facilities by non-car modes (particularly walking & cycling). Where car trips are required (which is common for rural areas), local facilities mean this can be short trips. In the context of development in the rural areas, the application scheme will also **contribute to the environmental ‘limb’ of sustainability.**
- 14.4.28** It can therefore be concluded that the proposed development would be **in line with the requirements of the NPPF to deliver a sustainable development.**
- 14.4.29** Loss of Agricultural Land
- 14.4.30** The site is designated as Grade 2 Agricultural Land. Paragraph 187(b) of the Framework states *“Planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland”.*
- 14.4.31** Annex 2 of The Framework defines “best and most versatile land” as land in grades 1, 2 and 3a of the Agricultural Land Classification”.
- 14.4.32** Local Plan Policy ENV5 (Protection of Agricultural Land) states that development of the best and most versatile (BMV) agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. It further states that where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.
- 14.4.33** At 6ha, the site represents a small proportion of the BMV land in the district and while it would represent a loss of BMV land, the loss is not considered to be significant and is therefore afforded **limited weight.**

14.4.34 Countryside Location

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

14.4.36 This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. A review of policy S7 for its compatibility with the NPPF has concluded that it is **partially compatible** but has a more protective rather than positive approach towards development in rural areas.

14.4.37 By its nature, the residential development of the site would clearly have an impact on its character, and it is therefore considered that the development would not meet the requirements of Policy S7 of the Local Plan and that, consequently the proposal is contrary to that policy. This should be afforded **limited weight** in the planning balance.

14.5 **C) Countryside Impact**

14.5.1 Landscape character is that which makes an area unique. Landscape character assessment is not a tool designed to resist all change within the landscape, rather, it recognises that landscapes are continually evolving. Understanding of character will aid decision-making in the planning sphere and can be used to ensure that any change or development does not undermine whatever is valued or characteristic in a particular landscape. It is linked to the idea of a sustainable environment in which our social and economic needs, and natural resources, are recognised.

14.5.2 The site is not within a designated landscape and does not fall within the definition of a 'valued landscape' as prescribed in para 187 of the NPPF. Furthermore, it does not include any specific qualities that would determine that it is a 'valued landscape'.

14.5.3 It can be reasonably be perceived that Takeley has developed over time as a sprawling settlement whereby the development pattern generally spreads out north, east, south and west of the main road that runs through the village (B1256).

14.5.4 The proposal site sits to the south of Takeley. It is relatively flat open arable land with a gentle land fall from the northeast to the southwest. The site forms part of a larger agricultural field parcel.

14.5.5 To the northern boundary of the site is the residential property of Bonningtons, which includes a Grade II Listed Building. The grounds of

Bonningtons are generally well treed and visually contained, although there has been some relatively recent clearance of vegetation associated with the recent approved development.

- 14.5.6** The southern boundary of the site is bound by a field hedge with arable fields beyond.
- 14.5.7** The eastern boundary of the site is Station Road (B183). The field boundary is delineated with a gappy field hedge.
- 14.5.8** On the opposite side of Station Road is the mobile home park, Takeley Park. The frontage of which is well screened by established trees and hedges. The low-level buildings and mobile homes, together with mature landscaping significantly mitigate the visual impact of the mobile home park on the wider landscape.
- 14.5.9** The wider setting of the site varies from north to south. Heading north along Station Road as you come to the site's access the road changes significantly from country road a highly engineered access and associated widening of the road and intensification of street furniture and lighting. The site itself has glimpsed views from road through the existing hedging but does retain the open character experienced before arriving at Takeley. Heading south along Station Road, while relatively well screened by boundary trees and hedges, the site serves the transitional appearance of leaving Takeley and entering the countryside. There are no views of the site from the Flitch Way and far off glimpsed views from the PROW to the west. Nonetheless, the existing pastoral nature of the site and its vegetated boundaries undoubtedly form a positive feature in the landscape of the area.
- 14.5.10** Although not formally adopted as part of the Local Plan or a Supplementary Planning Document, the Council as part of the preparation of the previous Local Plan prepared a character assessment which provides the detailed 'profiles' of Landscape Character Areas within Uttlesford District, known as 'Landscape Characters of Uttlesford Council'.
- 14.5.11** The application site lies within the character area known as the Broxton Farmland Plateau, which lies between the upper Chelmer and upper Stort River Valleys and stretches from Henham and Ugly Greens eastwards to Molehill Green and the rural fringe to the west of Great Dunmow.
- 14.5.12** The area is characterised by gently undulating farmland, with key characteristics listed as large open landscape with tree cover appearing as blocks on the horizon or as scattered trees along field boundaries, with intermittent hedgerows; Higher ground where plateau broadens and flattens is expansive and full of big sky views; Dispersed settlements and few villages of any size; Some sunken lanes; Moats, halls and historic farmsteads scattered over the area. There are also several important

wildlife habitats within the area which are sensitive to changes in land management. Overall, this character area has moderate to- high sensitivity to change. The assessment also highlights that any new development should respond to historic settlement pattern, especially scale and density, and that use of materials, and especially colour, is appropriate to the local landscape character and that such development should be well integrated with the surrounding landscape.

- 14.5.13** More recently and as part of the preparation of the evidence base for the new Local Plan, the Council commissioned in June 2021 a 'Landscape Sensitivity Assessment' to consider whether the landscape around towns and villages in the district would be appropriate, as well as sites for new settlements.
- 14.5.14** The purpose of this assessment was to provide a robust and up-to-date evidence base to inform the appropriate scale, form, and location of future development to minimise harm to landscape and the setting of settlements.
- 14.5.15** The overall results of the 'Landscape Sensitivity Assessment' defines the area the site sits within, identified as TPG2, as being moderately sensitive to residential development.
- 14.5.16** Specifically in relation to residential development, the report states that the area within which this site falls as: *"having a moderate overall sensitivity to future change from residential development. The rural characteristics, semi-natural habitats, and sense of separation between Takeley and Takeley Street to the west indicate a higher sensitivity. However, the presence of existing development, which has breached the boundary feature of the Fritch Way, limited time-depth and human influences would indicate lower sensitivity.*
- 14.5.17** The Landscape Sensitivity Assessment' concludes that landscapes that are moderately sensitive to change may have some potential to accommodate the relevant change in defined locations. The report goes on to clarify that that landscape mitigation and enhancement is equally important for those sites of moderate or lower sensitivity and will be critical in helping to ensure positive landscape change in association with development.
- 14.5.18** The residential development of the site would clearly have an impact on its character the glimpsed views across the site to the countryside beyond looking south/west. It is acknowledged that the proposal will bring permanent change to the land use, visual aspects, and character of the site. This visual harm would be contrary to Policy S7 and **must be weighed up against the benefits of the proposals.**
- 14.5.19** Notwithstanding, the provision of native tree and hedgerow belts to the western and southern boundaries would go some way in mitigating the visual impact of the proposed development on the wider landscape and

considered an appropriate response to the wider character of the site, reinforcing existing boundaries and replicating them on site. The strengthening of the hedgerows along the Station Road frontage of the site to provide a broad native mixed hedge, interplanted with occasional native trees provides enclosure and would serve to visually break up and soften the built form, further mitigating any landscape impact.

14.5.20 The proposed landscaping to all site boundaries will help to create a green collar that presents visual relief to the development and filters views into the application site from the distant and immediate public vantage points. The development envelope of the built form would sit within a largely contained and framed site next to existing housing to the south and opposite Station Road and the established existing and new vegetation on the boundaries would help limit/reduce the visual influence beyond the site itself and its immediate setting.

14.5.21 In outlying views from the west from the public footpath near the site, the development would blend into the wider settlement of Takeley resulting ensuring only a modest level of visual effect. In views leaving Takeley towards Hatfield Broad-Oak the existing glimpsed views through the existing vegetated boundary across the site to the wider countryside would be impacted. Notwithstanding, the site is a relatively small portion of a larger agricultural field and wider viewpoints from this part of Station Road also include Takeley Park, a very suburban feature. At the point all development at the edge of Takeley ends, countryside views would not be affected.

14.5.22 Over time the green infrastructure forming part of the proposals will mature and help to enhance the existing setting, recognised within the character assessment as an area characterised by hedgerows. This will further **screen and soften views of the development**. In the long-term the development is likely to be well-screened with some rooflines and glimpsed views visible through the boundary landscaping thereby **reducing its visual impact**.

14.6 D) Character and Design

14.6.1 In terms of design policy, good design is central to the objectives of both National and Local planning policies. The NPPF requires policies to plan positively for the achievement of high quality and inclusive design for the wider area and development schemes. Section 12 of the NPPF highlights that the Government attaches great importance to the design of the built development, adding at Paragraph 131 'The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve'. These criteria are reflected in policy GEN2 of the adopted Local Plan.

14.6.2 In 2023, the Council adopted the Uttlesford Design Code, a document that looks to secure high-quality design across the district, setting a new standard for development and placemaking in the district. The Code

Vision contains six objectives, with all proposed new development required to be: Resilient; Aspirational and innovative; Landscape-led and biodiverse; Sustainable and connected; Vibrant and locally distinctive and; Engaged. Generally, it is clear that the scheme has been developed in line with these key principles, and there are a number of specific areas where the design code has clearly been adhered to.

- 14.6.3** In pre-app discussions, Officers encouraged the submission of a hybrid application due to the constraints of the site, namely the countryside location, the 'gateway' context and the proximity to the listed building to the north. By submitting the landscaping proposals in detail, which include detailed boundary design, and the sections of built form that front Station Road and bound the listed building provide a demonstration of intent in respect of design quality and give confidence to the Council that the outline element of the application will be delivered with the same intentions.
- 14.6.4** A large portion of the residential built form is a matter reserved for consideration at a later date, nevertheless, the Council has to be satisfied that the site is capable of 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. Generally, it is considered that the submitted plans demonstrate the proposals **would likely be able to accommodate the required standards**, with greater clarity provided by the detailed element of the application. This is discussed in more detail in the following paragraphs.
- 14.6.5** Layout:
- 14.6.6** The site is characterised by a single road extending from the existing vehicle access off Station Road at the southeastern corner of the site the only ingress/egress point for vehicles. This layout, with a main road and private driveways off it is not at odds to the general character and layout of the area and particularly the newer developments to the north of the Flitch Way.
- 14.6.7** With only one ingress/egress point, the layout results in cul-de-sacs that lack vehicular connectivity. Notwithstanding, these cul-de-sacs have been linked via throated and bollarded pedestrian and cycle connections, providing walkable links between otherwise disconnected streets, aiding overall connectivity and navigability. Pedestrian and cycle links are also provided around the perimeter of the plan increasing connections into the street pattern following natural desire-lines.
- 14.6.8** Two points of access are proposed to the Flitch Way. The point at the north-eastern corner of the site connects to the existing connection that joins the PROW 23 to the Flitch Way. There is another connection further east that includes steps and a cycle gully, assisting in a more meaningful active travel connection to the Flitch Way.

- 14.6.9** A 2.2km circular dog walking route is provided as part of the scheme, to be secured within the S106, predominantly as mitigation to visitor pressures on Hatfield Forest. By securing this alternative walking route, residents will be encouraged to use it when walking their dogs, with the giving them a viable alternative to ending up at Hatfield Forest. It is acknowledged that where people walk cannot be enforced, but by providing a safe and suitable alternative, footfall in the Forest is likely to be lessened. This is discussed further in section I.
- 14.6.10** The frontage of the buildings in the detailed part of the application largely follows other development in the vicinity with the new buildings along the internal highway being sited at the back edge of footways allowing for car parking to be sited where possible between houses, reducing the visual impact of on-site parked cars and allows as much private rear gardens as possible to the rear of the dwellings.
- 14.6.11** The detailed proposals provide an active street frontage throughout the site and the houses have been designed to overlook streets and open spaces offering natural surveillance.
- 14.6.12** Generally, streets appear well defined and landscaped with street trees and two focal landscaped areas, the pond at arrival and the green in the centre of the plan.
- 14.6.13** The layout **positively 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 and the surrounding built and natural environment**.
- 14.6.14** Scale:
- 14.6.15** The applicant has applied careful consideration in the design rationale behind the scale of the development considering the constraints of the site, the surrounding buildings, and the natural environment. In terms of the height, the scale of the dwellings will provide a mixture of 1 and 2 storeys with single storey garages. The houses would be a mixture of detached, semi-detached and terrace houses ensuring a pleasant and varied street scene.
- 14.6.16** The scale of the dwellings is **appropriate in relation to the character and appearance of the surrounding area**. The dwellings have been **sensitively integrated** within the tradition-built context using proportions, roof forms and details similar to surrounding buildings ensuring a subservient and well-proportioned buildings.
- 14.6.17** It is considered a **benefit of the scheme that it will provide a mix of smaller homes targeted at the starter-home or first-time buyer market**, an identified need within the Council's emerging local plan.

- 14.6.18** Appearance:
- 14.6.19** The design of the dwellings submitted in detail would reflect the local vernacular in terms of style, form, size, height, and materials, set out across different character areas. They would be traditional in design to reflect the patterns and characteristics of the surrounding area and the street scene.
- 14.6.20** The street scenes demonstrate a variety of forms and materials are provided within the layout, with varied roof pitches, gables and articulation breaking up the bulk and providing interest. As demonstrated in Streetscene B, the proposed Mason/Salter/Saddler terrace would create a characterful arrival into the development, providing a pleasant and varied streetscene, particularly in conjunction with the central green space opposite.
- 14.6.21** Particular consideration has been given to the visual impact of the scheme on the approach to the development from the south, with the varied roofscape and roof forms that front the landscaped pond area, and rotated ridge lines adding further variety and interest, securing a high-quality 'gateway' development at the edge of the village.
- 14.6.22** The dwellings will utilise materials and finishes which can be found in the surrounding locality. External materials will range from timber framing, render, brick facades and weather boarding. The proposed materials plan confirms that each dwelling will have its own sense of individuality with different external finishing, providing a coherent street scene.
- 14.6.23** The architectural treatment has been designed to provide a **cohesive development**, whilst creating individuality to the dwellings and interest in the local area and is considered to comply with existing policy. The scheme proposes to interpret the Essex vernacular and respond to the existing local development while proposing a distinctive site that utilises positive placemaking therefore proposing a good quality development.

14.7 E) Heritage impacts and Archaeology

14.7.1 Designated Heritage Assets

14.7.2 Policy ENV2 (Development affecting Listed Buildings) seeks to protect the historical significance, preserve and enhance the setting of heritage assets. The guidance contained within Section 16 of the NPPF, 'Conserving and enhancing the historic environment', relates to the historic environment, and developments which may have an effect upon it.

14.7.3 The site is not located within a conservation area. However, the development has the potential to adversely impact the setting of the grade II listed Bonningtons Farmhouse.

- 14.7.4** The NPPF defines significance as ‘the value of a heritage asset to this and future generations because of its heritage interest’. Such interest may be archaeological, architectural, artistic or historic’.
- 14.7.5** Paragraphs 212, 213 and 215 of the NPPF are relevant. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, the significance, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 14.7.6** The Council’s Conservation Officer has said of the site as existing that the arable character of the site contributes to the setting of the listed farmhouse to the north of the site, reflecting its past use and thus holds some heritage value.
- 14.7.7** The Conservation Officer goes on to discuss the pre-app process and how comments discussed have been incorporated, though there has been a minor increase in total units proposed (98 to now 100).
- 14.7.8** Notwithstanding, the Conservation Officer confirms that the proposed landscape scheme will be a positive addition to the development and is complimentary of the existing rural context. The realisation of these details is fundamental to the quality of the scheme and conditions are therefore recommended.
- 14.7.9** The submitted Heritage Statement (HS) outlines a good understanding of the wider context and historic environment, including the current use of the designated heritage asset detailed in Section 3.0. The HS also provides existing views as seen from around the site (Chapter 6.0), and the existing degree of visibility of Bonningtons Farmhouse as seen from Station Road. Additionally, the recently designated Smiths Green Conservation Area has been reviewed, to help build a well-rounded understanding of the building vernacular.
- 14.7.10** The Design and Access Statement (DAS) provides a good assessment of the local architecture and features. The DAS provides a series of aerial sketches to show the new development which are useful to review the scale and character of the proposed development site. The DAS could have utilised existing views highlighted in the HS and Landscape

Visual Appraisal documents, to show how the development will knit into its surroundings.

- 14.7.11** The Council's Heritage and Conservation Officer concluded that the proposal does result in **less than substantial harm to the significance of the heritage asset at the low end of the scale**, in line with Paragraph 208 of the NPPF.
- 14.7.12** The conditions that were recommended are not something that it would be appropriate to secure at this stage. It was suggested that more contextual analysis was provided that would be expected to be submitted prior to determination. When clarified with the Conservation Officer, it was confirmed that on that basis the condition was not necessary and that it was more that the information would be nice to have rather than essential to undertake sufficient assessment of the proposal. The CO confirmed sufficient information has been provided within the submission in order for a thorough assessment to be made of the current application.
- 14.7.13** Archaeology
- 14.7.14** In terms of archaeology, Policy ENV4 of the adopted local plan, the preservation of locally important archaeological remains will be sought unless the need for development outweighs the importance of the archaeology. It further highlights that in situations where there are grounds for believing that a site would be affected, applicants would be required to provide an archaeological field assessment to be carried out before a planning application can be determined, thus allowing and enabling informed and reasonable planning decisions to be made.
- 14.7.15** The application was formally consulted to Place Services Historic Environment and it is recommended that an Archaeological Programme of Trial Trenching followed by Open Area Excavation be required. This would be secured by way of condition, as suggested by the Place Services Historic Environment Consultant.
- 14.7.16** As such, subject to the imposition of conditions relating to an Archaeological Programme of Trial Trenching followed by Open Area Excavation with a written scheme of investigation, the proposal would be **acceptable** and in compliance with Policy ENV4 of the Local Plan.

14.8 F) Affordable Housing Mix and Tenure

14.8.1 Affordable Housing

- 14.8.2** In accordance with Policy H9 of the Local Plan, the Council has adopted a housing strategy which sets out Council's approach to housing provisions. Paragraph 63 of the NPPF requires that developments deliver a wide choice of high-quality homes, including affordable homes,

widen opportunities for home ownership and creates sustainable, inclusive, and mixed communities.

- 14.8.3** The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Council's Policy H9 requires 40% on all schemes over 0.5 ha or 15 or more properties. The affordable housing provision on this site will attract the 40% policy requirement as the site is for 100 properties. This amounts to 40 affordable housing properties.
- 14.8.4** The Council's Housing Officer has confirmed that the proposed affordable mix for all phases of the site matches the mix identified as required within the Local Housing Needs Assessment May 2024.
- 14.8.5** Some affordable homes are provided within the detailed element of the proposal and therefore it can be assessed whether these homes will be appropriately integrated within the development so as to be tenure blind. As can be seen from the street scenes, this is the case, with materials proposed to be consistent across all tenures. It can be presumed on that basis that this is likely to be the case across the whole site, though this will be re-assessed at the reserved matters stage.
- 14.8.6** The affordable housing units would be located towards the rear of the site. Given the varied range of dwelling types and the relatively small scale of the development, the proposal would contribute to the creation of a **mixed and balanced community** in this area and would be acceptable in this regard.
- 14.8.7** Housing Mix
- 14.8.8** Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2- and 3-bedroom market dwellings. However, since the policy was adopted, the Council in joint partnership with Braintree District Council have issued the 'Housing for New Communities in Uttlesford and Braintree (ARK Consultancy, June 2020)'.
- 14.8.9** The study recommends appropriate housing options and delivery approaches for the district. It identifies that the market housing need for 1 bed units is 11%, 2-bedunits 50%, 3-bed units 35.6% and 4 or more bed units being 3.4%
- 14.8.10** The mix of market housing proposed is predominantly two- and three-bedroom homes (76%), with a smaller proportion of four-bedroom properties (14%) and no large five-bedroom "executive" homes.
- 14.8.11** 5% of the Affordable Housing is designed to M4(3) (Wheelchair User Dwellings) standard. These are provided as bungalows in the second phase of development.

14.8.12 The proposed housing mix is considered to be appropriate in planning policy and housing strategy terms. As such, it is considered that the proposed provision of **affordable housing, and the overall mix and tenure of housing provided within this development, is acceptable** and in accordance with Policies H9 and H10 of the Local Plan.

14.9 **G) Residential Amenity**

14.9.1 Neighbouring Amenity

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

14.9.3 The proposal would be up to two storeys in scale. The proposed site would be located due south and west of the closest neighbouring residential development. There is a landscape buffer proposed between the development site and the site to the north, and the site to the east is separated by Station Road. There would also be a substantial and soft-landscaped buffer between the site that would adequately off-set any potential adverse impacts in terms of overbearing or resulting in loss of outlook.

14.9.4 Residential amenity impacts within the bulk of the built development itself cannot be assessed at this stage as it is within the outline part of the application and will be assessed at reserved matters stage. The dwellings submitted within the full part of the application are sufficient distance from each other to ensure no concerns of overlooking, overbearing or loss of daylight.

14.9.5 The proposal would ensure **residential amenity of both occupants and neighbouring residents would be protected**. As such, the proposal would comply with Policies GEN2 and GEN4 of the Local Plan.

14.9.6 Standard of Accommodation

14.9.7 Within the detailed element of the proposal, all new homes comply with the Nationally Described Space Standard (NDSS). Each of the new homes will meet internal space standards and have acceptable levels of daylight and privacy as shown by the floor and elevation plans. They would ensure that the new homes will function, be adaptable and cater to changing lifestyles that meet the needs of families, children, and older people.

14.9.8 For a one or two-bedroom dwelling units, the provision of 50sqm of amenity area and 100sqm for a three bedroom or more dwelling units has been found to be acceptable and a workable minimum size that accommodates most household activities in accordance with the Essex Design Guide and Uttlesford Design Code. In addition, the amenity

space will be private, not overlooked, and allow space for outdoor sitting areas to the rear.

14.10 H) Highways, Access and Parking

- 14.10.1** Paragraph 115 (b) of the NPPF states that development should ensure that 'safe and suitable access to the site can be achieved for all users', whilst Paragraph 117 (c) states that development should 'create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.'
- 14.10.2** Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must compromise road safety and take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than a vehicle.
- 14.10.3** The main access to the site would be via Station Road, where there is an existing access that currently serves nothing. The access was originally designed in accordance with the Essex County Council 'Highway Technical Manual' for the consented golf course and hotel that was never constructed.
- 14.10.4** A pedestrian access and cycle access are proposed to connect the site to the Flitch Way and thereby the surrounding PROW network and access into the village from the west. A pedestrian and cycle link are also proposed to Station Road.
- 14.10.5** A grain store has been consented to the south of the southern boundary, the access of which will join the southern edge of the proposed site access road via a priority-controlled T-junction.
- 14.10.6** Junction capacity assessments have been undertaken for the site access junction and the Four Ashes signalised junction which have concluded there would be no severe impacts on the surrounding highway network. Whilst no mitigation measures are required, additional traffic calming measures are being proposed to assist in reducing vehicular speeds along Station Road.
- 14.10.7** Improvements are proposed off-site to the footways along Station Road to better integrate the site with the local network and provide safer and more suitable pedestrian and cycle routes. This includes improvements in relation to the bridge. To both the north and the south of the bridge, it is proposed that the existing footway is increased to 2m wide where available to do so. The carriageway on the bridge is to remain at 5.5m wide, whilst the verge at the western edge of the carriageway is to reduce to a minimum of circa 0.5m wide on the bridge itself. All works are to be secured by way of condition/S106.

14.10.8 The Essex Highway Authority have been consulted on the proposals and confirmed they **do not object**, subject to further refinement of the proposals to achieve a better solution in particular regard to the bus stop relocation, pedestrian crossing points and the improvements on the Station Road bridge. Additionally, the proposed measures to support the speed limit changes should include vehicle activated signs and the therefore the proposed scheme should be considered comprehensively and include an updated stage 1 RSA. For these reasons the Highway Authority recommend a condition that will further assess the suitability and feasibility of the Station Road improvements required in connection with this development.

14.10.9 Parking:

14.10.10 Policy GEN8 of the Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning guidance 'Vehicle Parking Standards'.

14.10.11 The Adopted Council Parking Standards recommended for at least 1 vehicle space for each 1-bedroom unit and at least 2 vehicle spaces for dwellings consisting of two- or three-bedroom dwellings and three spaces for a four or more-bedroom dwelling house along with additional visitor parking. In addition, each dwelling should be provided with at least 1 secure cycle covered space.

14.10.12 Parking within the outline element of the proposal will be assessed at the reserved matter stage. Sufficient parking, both on plot and visitor, is provided within the detailed element of the application, in line with policy requirements and the Essex Parking Standards (2009).

14.10.13 In terms of parking, the proposed development meets the requirements of ECC Highways and Local Plan Policy GEN8.

14.10.14 Subject to conditions, it is considered that the proposal is **acceptable in the context of Policies GEN1 and GEN8** of the adopted local plan.

14.11 I) Landscaping and open space

14.11.1 Landscaping

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

- 14.11.3** In good landscape design, both soft landscaping and hard landscaping are essential elements, and both need consideration. The principal aims of a good quality landscape plan are to secure a coordinated and high standard of landscape management for the landscape areas within the site, to ensure the successful integration of the residential development with the surrounding landscape and to protect and enhance nature conservation interests in accordance with the design objectives.
- 14.11.4** In pre-app discussions, the landscaping scheme was identified as key to the success or failure of the scheme, particularly in relation to the boundaries, and is therefore included within the detailed element of the application.
- 14.11.5** The provision of native tree and hedgerow belts to the western and southern boundaries helps mitigate the visual impact the proposed development on the wider landscape is considered appropriate. The strengthening of the hedgerows along the Station Road frontage of the site and provision of a broad native mixed hedge, interplanted with occasional native trees will provide enclosure and visually break up and soften the built form. The orchard planting to the northern boundary provides a landscape buffer to both the new development on the Bonningtons site and the heritage asset.
- 14.11.6** The use of native species planting will encourage wildlife and reflect the species mixtures in the surrounding rural landscape. Naturalistic features in relation to the existing ditch along the eastern edge of the site to Station Road demonstrate a considered approach and the two focal landscaped areas, the pond at arrival and the green in the centre of the plan, ensure a distinctive design.
- 14.11.7** The general landscape layout has been designed to help enhance the overall character and appearance of the development and creates a pleasant environment to live in. Street trees will provide an open and attractive aspect to the front of dwellings and the soft landscaping would be easily maintained and allow for future growth. **The landscaping is appropriate in that it will help soften the built form of the development and reflect its wider setting.**
- 14.11.8** Open Space:
- 14.11.9** In promoting healthy communities, access to high quality open spaces can make an important contribution to health and wellbeing. Open space also plays an important role in meeting the challenge of climate change and flooding through integrating Sustainable urban Drainage Systems (SuDS) and providing opportunities for conserving and enhancing the natural environment.
- 14.11.10** This scheme is **landscape lead** with the full element of the proposal being largely dedicated to securing the landscaping. Large proportions

of the boundaries are proposed as open, with walking routes and space for movement, ensuring both mitigation for the built form but also open space for local and existing residents

14.12 J) Nature Conservation and Trees

14.12.1 Nature Conservation

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

14.12.3 The application site itself is not subject of any statutory nature conservation designation being largely used for agriculture. However, Priors Wood, which is a Local Wildlife Site (LoWS) which comprises Priority habitat Lowland Mixed Deciduous Woodland and is also an Ancient Woodland, an irreplaceable habitat, is located approximately 175m west of the site, the Flitch Way (Local Wildlife Site) lies to the north, and Hatfield Forest (SSSI) lies further to the west.

14.12.4 The proposals have retained the existing hedgerows and associated mature trees. These important ecological receptors are enhanced by the landscape proposals which have provided greater ecological diversity to maximise the benefits to biodiversity. These enhancements include new native species woodland and scrub planting, the creation of species rich grassland in the balancing facilities, the implementation of a new community orchard, new native species hedgerow planting and new native tree planting. The provision of new species rich grassland and with native species scrub planting along the new green infrastructure route to the Flitch Way also provide general benefits to biodiversity and improve overall connectivity to this resource. With the additional benefits provided in the new residential gardens, the proposed development is expected to give rise to a 12% Biodiversity Net Gain. The submitted Ecological Impact Assessment explains this in more detail.

14.12.5 Following initial comments that requested additional information, ECC Place Services Ecology have confirmed they are now satisfied that there is sufficient ecological information available to support determination of this application. This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

14.12.6 They have therefore confirmed that they are now satisfied that there is sufficient ecological information available for determination of this application and raise no objection subject to securing biodiversity mitigation and enhancement measures by way of condition. The

proposal is therefore considered to accord with Policy GEN7 of the Uttlesford Local Plan (2005).

14.12.7 Hatfield Forest

14.12.8 The site is within the 10.4km evidenced Zone of Influence for recreational impacts at Hatfield Forest Site of Special Scientific Interest (SSSI)/National Nature Reserve (NNR).

14.12.9 As part of their consultation response, to help mitigate the effects of recreational pressure on Hatfield Forest, Natural England requested the provision of a Suitable Alternative Natural Greenspace (SANG) that includes a 2.3-2.5km circular walk either on-site or immediately adjacent the site.

14.12.10 Due to the size of the site, the applicant is unable to provide a SANG within the red line and it does not own any land adjacent the site to be able to provide one off-site. However, the proposals do include a new 2.2km circular walking route, included as mitigation following pre-app discussions with the National Trust. This walking route will be secured within the S106 to ensure it is appropriately maintained and kept open, therefore securing and providing a suitable alternative route.

14.12.11 In addition to the circular walking route, the applicant is required to provide a financial contribution towards the 'Hatfield Forest Mitigation Strategy', a contribution to specifically go towards mitigating the effects of recreational pressure on the forest.

14.12.12 It is noted by Officers that Natural England's response states that on/off site measures are required in addition to the contribution on sites 100 dwellings or over. This site sits at the bottom end of the number of dwellings for this requirement.

14.12.13 Whilst the proposed walking route is not within a designated SANG, it does provide a suitable alternative walking route that will be highlighted to new residents and appropriately sign posted. This route will serve as a viable alternative to residents joining the Flitch Way to enter Hatfield Forest and is therefore considered suitable mitigation in this context. Officers therefore do not consider a separate SANG necessary for the proposals to be considered acceptable.

14.12.14 Flitch Way

14.12.15 Whilst a small portion of the site sits directly to the south of the Flitch Way, this is proposed to be left undeveloped, with a green buffer proposed to help protect and enhance biodiversity.

14.12.16 The current outlook from the Flitch Way, which due to levels is limited in terms of long-distance views, will be unaffected by built form.

14.12.17 It is therefore concluded that the importance of the Fritch Way as a local wildlife site will be protected.

14.12.18 Overall, it is considered that the proposal **would not have any material detrimental impact** in respect of protected species or unacceptable impacts in terms of landscape sites of special amenity value, subject to condition and s106 obligations accords with ULP Policies GEN7 & ENV7.

14.13 K) Climate Change

14.13.1 Policy GEN2 of the Local Plan seeks to ensure that the design of new development It helps to minimise water and energy consumption. Uttlesford Interim Climate Change Policy sets out a list of Policies of note a demonstration of how developments demonstrate the path towards carbon zero. The NPPF seeks to ensure that new development should avoid increased vulnerability arising from climate change. More so, developments should help to reduce greenhouse gas emissions.

14.13.2 The applicant has confirmed the proposals adopt a 'fabric first' approach to maximise the performance of the components and materials that make up the building fabric itself, before considering the use of mechanical or electrical building services systems. The development would incorporate air source heat pumps as a main source of renewable energy. Full details of the potential reduction in CO2 emissions have not been detailed and could be secured by way of condition.

14.13.3 Overall, the scheme would be **consistent with the Councils Interim Climate Change policy and its Energy & Sustainability strategies are therefore supported**, subject to conditions.

14.14 L) Contamination and Noise

14.14.1 The Environmental Health Officer provided written advice of their findings and following discussions with the applicant regarding the submission, matters regarding contamination and noise can be adequately dealt with by way of condition, ensuring that further assessment of the nature and extent of contamination and noise mitigation should be submitted to and approved in writing by the Local Planning Authority.

14.14.2 Therefore, the application is **considered acceptable** in terms of its land contamination risks and noise impacts and in accordance with the aforementioned policies.

14.15 M) Flooding

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 Environmental Agency's website and the Council's policy maps has identified the site is within a fluvial Flood Zone 1 where there is a minimal risk of flooding.

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

14.15.4 The submitted Flood Risk Assessment concludes that the site is at a low risk of flooding and the proposals would not increase flood risk onsite or elsewhere. Essex County Council who are the Lead Local Flooding Authority have reviewed the submitted details and do not object to the granting of planning permission subject to imposing appropriately worded conditions. It is considered that issues of flood risk could also be dealt with adequately by way of conditions as part of this application.

14.15.5 The proposals are therefore **considered acceptable** and in compliance with Policy GEN3 of the adopted Local Plan and the NPPF.

14.16 N) Planning Obligations

14.16.1 Paragraph 57 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matters that the Council would seek to secure through a planning obligation, if it were proposing to grant planning permission.

- 14.16.2**
- Provision of 40% affordable housing
 - Public open space
 - £250 contribution/dwelling to Takeley Sports Field
 - Provision of an offsite LEAP on Takeley Sports Field **OR** provision of LEAP on site.
 - Details of on-site maintenance of on-site open space to be agreed.
 - National Trust SAMM contribution
 - Early Years and Childcare – provision of land
 - Secondary Education Contribution
 - School Transport Contribution
 - Public Library Contribution
 - Emergency Ambulance contribution

- NHS Contribution
- Reasonable legal costs.
- ECC / UDC monitoring fees.

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

16.1 Uttlesford District Council cannot demonstrate a 5-year housing land supply, and there is currently no up-to-date Local Plan. While there is an emerging local plan, policies within that currently carry little weight due to the early stages of the process.

16.2 As a consequence, NPPF paragraph 11(d) is triggered as the policies most important for determining the proposal are out of date. NPPF paragraph 11(d)(i) is not relevant as there are no policies in the NPPF that protect areas or assets of particular importance which provide a clear reason for refusing the development. Instead, NPPF paragraph 11(d)(ii) states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably

outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

16.3 Benefits of the development:

16.4 The development would result the delivery of 100 dwellings making a beneficial contribution to maintaining the supply of housing locally

16.5 The mix includes a large proportion of smaller dwellings, providing housing for new younger families.

16.6 The proposal would provide additional affordable housing at 40%. This would equate to 40 affordable homes.

16.7 The provision of public open space and a play area, either on-site or by way of a contribution to enhance existing facilities over the road, would represent a social benefit of the scheme, along with the inclusion of pedestrian links to Public Rights of Way.

16.8 Provision of land for early years education, providing additional spaces to the existing community and future residents.

16.9 Landscaping plans show provision of landscape features on the site including enhancing existing and planting new hedgerows, significantly enhancing the biodiversity and ecological value of the site, over and above the existing.

16.10 The development would provide economic benefits in terms of the construction of the dwellings and supporting local services and amenities providing investment into the local economy.

16.11 Adverse impacts:

16.12 Low level of less than substantial harm to the significance of the setting of grade II listed Bonningtons Farm.

16.13 Loss of a small portion of open and BMV land.

16.14 Neutral:

16.15 Cumulative impact of the development proposals on local infrastructure can be mitigated by planning obligations and planning conditions.

16.16 Therefore, and taken together, the harm caused by the proposed development is not considered to significantly and demonstrably outweigh the overall benefits of the scheme, when assessed against the policies in this Framework taken as a whole (NPPF Paragraph 11d (ii)). In the circumstances, the proposal would represent sustainable development in accordance with the NPPF.

16.17 Taking into account the more up- to-date nature of the NPPF with respect to the determining issues, it is considered that the lack of accordance with the development plan is overridden in this instance. Regards has been had to all other materials considerations, and it is concluded that planning permission should be granted.

17. S106 / CONDITIONS

17.1 S106 HEADS OF TERMS

- Provision of 40% affordable housing
- Public open space
 - £250 contribution/dwelling to Takeley Sports Field
 - Provision of an offsite LEAP on Takeley Sports Field **OR** provision of LEAP on site.
 - Details of on-site maintenance of on-site open space to be agreed.
- Provision of 5% wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010).
- National Trust SAMM contribution
- Early Years and Childcare – provision of land
- Secondary Education Contribution
- School Transport Contribution
- Public Library Contribution
- Emergency Ambulance contribution
- NHS Contribution
- Pay the Council's reasonable legal costs.
- Pay the monitoring fee

17.3 CONDITIONS

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

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

2. FULL APPLICATION - The development hereby permitted shall be carried out in accordance with the approved plans.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in

accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

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

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

4. **OUTLINE APPLICATION** - The application for approval of the Reserved Matters must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

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

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

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

PRIOR TO COMMENCEMENT CONDITIONS

6. Prior to commencement of development, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority, in line with the Ecological Impact Assessment (FPCR, July 2024), Bat Survey Report (FPCR, July 2024) and Bird Survey Report (FPCR, July 2024). The CEMP (Biodiversity) shall include the following:
 - a. Risk assessment of potentially damaging construction activities.
 - b. Identification of "biodiversity protection zones".
 - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction

(may be provided as a set of method statements) to include protection of the Fritch Way Local Nature Reserve.

- d. The location and timing of sensitive works to avoid harm to biodiversity features.
- e. The times during construction when specialist ecologists need to be present on site to oversee works.
- f. Responsible persons and lines of communication.
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h. Use of protective fences, exclusion barriers and warning signs.

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

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and Policies ENV7 and GEN7 of the Uttlesford Local Plan (2005).

7. If significant on-site enhancements are included within the approved Biodiversity Gain Plan, a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved Biodiversity Gain Plan, shall be submitted to, and approved in writing by the local authority, prior to commencement of development, including:
 - a) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - b) the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site significant enhancements in accordance with the approved Biodiversity Gain Plan;
 - c) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;
 - d) the monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and
 - e) details of the content of monitoring reports to be submitted to the LPA including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

Notice in writing shall be given to the Council when the:

- initial enhancements, as set in the HMMP, have been implemented; and
- habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved

HMMP. Unless otherwise agreed in writing, monitoring reports shall be submitted in years 1, 2, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and Policies ENV7 and GEN7 of the Uttlesford Local Plan (2005).

8. Prior to commencement of development, the local planning authority must be provided with either:
- a. a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - b. a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - c. a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), s17 Crime & Disorder Act 1998 and Policy GEN7 of the Uttlesford Local Plan (2005).

9. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- a. the parking of vehicles of site operatives and visitors
 - b. loading and unloading of plant and materials
 - c. storage of plant and materials used in constructing the development
 - d. wheel and underbody cleaning facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety. This condition is required to ensure that the development accords with the National Planning Policy Framework (NPPF) 2023 and the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

10. Prior to development commencement, a detailed scheme of highway infrastructure improvements, to be submitted to the planning authority for approval. This should include but not be limited to the following:
- a. details relating to the relocation of two bus stops and provision of raised kerbs, shelters, poles, flags, timetable casing and real time passenger information,
 - b. provision of pedestrian crossings at appropriate locations to the north and south of the access,
 - c. relocation of traffic islands where necessary,
 - d. any required surfacing and additional features to enhance the section of speed limit change on Station Road,
 - e. provision of two Vehicle Activate Speed signs (and associated commuted sums for maintenance)
 - f. Widening of the existing footway on Station Road to a 2-metre width as shown in principle on drawing 2301760-D-001 Rev K to the extent that the existing highway allows for this improvement.
 - g. Feasibility assessment for the improvements proposed for Station Rd Bridge and
 - h. A scheme for the enhancement of the Public Rights of Way footpath 22 (Takeley 48) and footpath 5 (Hatfield Broad Oak 23)

The scheme shall be accompanied by a Road Safety Stage 1 report and designers' responses included. The approved highway infrastructure scheme shall be implemented prior to first occupation and shall be provided entirely at the expense of the developer including any required safety audits, traffic regulation orders and other requirements for technical approval.

Reason: to provide access to sustainable forms of transport for users of the site and in the interest of highway safety. This condition is required to ensure that the development accords with the National Planning Policy Framework (NPPF) 2023 and the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

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

Reason: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and

may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed. In accordance with Policy GEN3 of the Uttlesford Local Plan (2005).

12. An acoustic assessment covering all proposed noise-generating fixed plant (in line with the methodology of BS 4142:2014) shall be submitted to the local planning authority for approval prior to the development commencing, along with a scheme of mitigation to ensure that:
- a. at any time the plant rating level calculated according to BS4142:2014 shall not exceed the measured typical day and night-time LA90 background levels at any noise sensitive receptor, and additionally,
 - b. that the measured or calculated plant specific noise level (i.e. in the absence of any rating penalties) does not exceed 5dBA below the typical day and night-time LA90 levels at any noise sensitive receptor. It is recognised that in areas with exceptionally low background noise this may not be achievable, in this cases a measured or calculated plant specific noise level of 30 dBA should be achieved.

Once approved the scheme of mitigation shall be implemented in full prior to the use commencing and permanently maintained thereafter and replaced in whole or in part as often is required to ensure compliance with the noise levels.

Reason: To safeguard the amenity of nearby noise-sensitive receptors by ensuring that noise from fixed plant does not cause undue disturbance, in accordance with the requirements of BS 4142:2014, in line with Policy ENV10 of the Local Plan (2005), and the National Planning Policy Framework.

13. Details of a scheme of noise mitigation measures in full compliance with all recommendations of the submitted acoustic report (prepared by Ardent Consulting Engineers, reference: 2301760-R05B, dated: August 2024) shall be submitted to the Local Planning Authority for written approval. Once approved the scheme shall be implement in full prior to the use commencing and permanently maintained thereafter

Reason: To ensure that appropriate noise mitigation measures are implemented to protect the amenity of nearby noise-sensitive receptors, in accordance with the recommendations of the submitted acoustic report, in line with Policy ENV10 of the Local Plan (2005) and the National Planning Policy Framework

14. No development approved by this permission shall take place a Phase 2 Site Investigation adhering to BS 10175:2011 shall submitted to and approved in writing by the Local Planning Authority.

Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 remediation scheme shall be submitted for approval in writing by the Local Planning Authority. This scheme shall detail measures to be taken to mitigate any risks to human health, groundwater and the wider environment.

Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied.

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

If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

Reason: To ensure that any potential contamination risks to human health, groundwater, and the wider environment are appropriately identified and mitigated, in accordance with BS 10175:2011, in line with Policy ENV14 of the Local Plan (2005) and the National Planning Policy Framework.

15. Prior to the commencement of the development hereby approved an air quality assessment and report shall be undertaken and submitted and approved by the LPA. The assessment report, which should include dispersion modelling, is to be undertaken having regard to all relevant planning guidance, codes of practice, British Standards and the UDC Air Quality Technical Planning Guidance 2018 for the investigation of air quality and national air quality standards. The assessment report shall include recommendations and appropriate remedial measures and actions to minimise the impact of the surrounding locality on the development and the operation of the development on the local environment. The assessment report should comply with requirements of the EU Directive 2008/50/EC, the Air Quality Standards Regulations 2010. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure that potential air quality impacts on the development and the surrounding area are properly assessed and mitigated, in accordance with national air quality standards, relevant British Standards, the UDC Air Quality Technical Planning Guidance 2018, in line with Policy ENV11 of the Local Plan (2005) and the National Planning Policy Framework.

16. No development shall commence on site (including demolition) until such time as a Construction and Environmental Management Plan in accordance with Uttlesford Code of Development Practice has been submitted to and approved in writing by the local planning authority. As a minimum the plan shall cover:-
- a. Dust mitigation and management measures.
 - b. The location and operation of plant and wheel washing facilities
 - c. Measure to reduce demolition and construction noise including, where
 - d. applicable, noise trigger levels & monitoring and a plan to show where the nearest noise sensitive premises are in relation to the site.
 - e. Hours of operation
 - f. Details of a complaints procedure with a designated person on site
 - g. responsible for complaint handling
 - h. Other site specific Environmental Protection issues as requested on a
 - i. case by case basis
 - j. The development shall be undertaken in full accordance with the details approved under Parts a-f

Reason: To protect the amenity of nearby residents and the local environment during the construction phase by minimising noise, dust, and other potential disturbances, in accordance with the Uttlesford Code of Development Practice, in line with Local Plan (2005) Policies GEN1 and GEN2, and the National Planning Policy Framework.

17. Details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure, and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. Only the details thereby approved shall be implemented.

Reason: To ensure that any external lighting is designed and positioned to prevent unnecessary light pollution, safeguard residential amenity, and protect local biodiversity, in line with Policy GEN2 of the Local Plan (2005) and the National Planning Policy Framework.

- 18.
- a. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in

- accordance with a Written Scheme of Investigation (WSI) which has been submitted by the applicant, for approval by the Local Planning Authority.
- b. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above, and any subsequent mitigation has been agreed.
 - c. The applicant will submit a final archaeological report or (if appropriate) a Post Excavation Assessment report and/or an Updated Project Design for approval by the Local Planning Authority. This shall be submitted within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance by the Local Planning Authority.

Reason: To ensure that any archaeological remains on the site are properly identified, recorded, and, where necessary, preserved, in accordance with Policy ENV4 of the Local Plan (2005), the National Planning Policy Framework, and best practice in archaeological investigation.

PRIOR TO ABOVE GROUND SLAB CONDITIONS

19. No development above slab level shall commence until the external materials of construction for the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

REASON: In the interests of the appearance of the development and to accord with Policy GEN2 of the Uttlesford Local Plan 2005.

20. Prior to any works above slab level and concurrent with reserved matters, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Ecological Impact Assessment (FPCR, July 2024), Bat Survey Report (FPCR, July 2024) and Bird Survey Report (FPCR, July 2024), shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
 - a. Purpose and conservation objectives for the proposed enhancement measures;
 - b. detailed designs or product descriptions to achieve stated objectives;
 - c. locations of proposed enhancement measures by appropriate maps and plans (where relevant);
 - d. persons responsible for implementing the enhancement measures; and
 - e. details of initial aftercare and long-term maintenance (where relevant).

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

Reason: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024, s40 of the NERC Act 2006 (as amended) and Policy GEN7 of the Uttlesford Local Plan (2005).

PRIOR TO OCCUPATION CONDITIONS

21. Prior to the first occupation or use of the development, a detailed Hard and Soft Landscaping Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include, but not be limited to:

- Details of all hard landscaping materials, including paving, pathways, boundary treatments, and street furniture.
- A planting scheme for all soft landscaping, including species, densities, and maintenance schedules.
- Measures for the long-term management and maintenance of all landscaped areas, including watering, weeding, replanting, and replacement of failed specimens.
- Orchard management - measures to ensure fallen and unharvested fruit is removed to prevent accumulation
- Details of planting and management of Wildlife pond - to include details of a continuous barrier of dense, evergreen vegetation to be maintained year-round and details including wording, size, location of proposed signage to inform the public that feeding the birds is not permitted
- A timetable for implementation and maintenance responsibilities.

The approved Landscaping Management Plan shall be implemented in full in accordance with the agreed timetable and maintained thereafter.

Reason: To ensure the proper implementation, management, and maintenance of hard and soft landscaping in the interests of visual amenity, biodiversity, airport security, and the character of the area, in accordance with policy GEN2 and S7 of the Local Plan (2005) and the National Planning Policy Framework.

22. Prior to occupation, a “lighting design strategy for biodiversity” in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a. identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
and

- b. show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), s40 of the NERC Act 2006 (as amended) and Policy GEN7 of the Uttlesford Local Plan (2005).

23. Prior to first occupation the developer to provide MOVA (Microprocessor Optimised Vehicle Actuation) at the signalised junction of the B1256/B183 known as the Four Ashes and provide any necessary optimisation of the signals to increase capacity.

Reason: to mitigate against impact of the development on signalised junction by helping increase capacity. This condition is required to ensure that the development accords with the National Planning Policy Framework (NPPF) 2023 and the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

24. Prior to occupation a sum of £ 40,000 (index linked from the date of this recommendation) to be paid to the highway authority to provide appropriate surfacing and drainage, signage and information boards for section of the Flitch in the vicinity of the site, including the section between the site and the old Takeley Station.

Reason: to mitigate the increased use of the Flitch by the residents of the development and improve the accessibility of the site by walking and cycling. This condition is required to ensure that the development accords with the National Planning Policy Framework (NPPF) 2023 and the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

25. Prior to first occupation, the access shall be resurfaced where necessary and road markings/kerblines shall be refreshed as needed. Visibility splays of a minimum of 2.4m x 82m to the south and 2.4 x 85m to the north of the access shall be provided. Such vehicular visibility splays shall

be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: to ensure that vehicles and pedestrians can enter and leave the highway in a controlled manner and to provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety. This condition is required to ensure that the development accords with the National Planning Policy Framework (NPPF) 2023 and the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

26. Prior to first occupation, a financial contribution of £320,000 (indexed from the date of this recommendation) to be paid to the Highway Authority to contribute towards enhancing the evening and Sunday bus services linking the site to Bishops Stortford and Stansted Airport.

Reason: to improve the accessibility of the development by bus. This condition is required to ensure that the development accords with the National Planning Policy Framework (NPPF) 2023 and the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

27. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, has been provided. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety. This condition is required to ensure that the development accords with the National Planning Policy Framework (NPPF) 2023 and the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

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

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site. In accordance with the Uttlesford Local Plan (2005) Policy GEN3.

OTHER CONDITIONS

29. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity. This condition is required to ensure that the development accords with the National Planning Policy Framework (NPPF) 2023 and the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

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

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport. This condition is required to ensure that the development accords with the National Planning Policy Framework (NPPF) 2023 and the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

31. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (Ref. 2301760-R07_D dated November 2014) and the following mitigation measures detailed within the FRA:
- a. Infiltration testing in line with BRE 365. If infiltration is found unviable the run-off rates from the site should be limited to 5.2l/s
 - b. Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.
 - c. Final modelling and calculations for all areas of the drainage system.

- d. The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- e. Detailed engineering drawings of each component of the drainage scheme.
- f. A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- g. A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- h. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective treatment of surface water runoff to prevent pollution. In accordance with Policy GEN3 of the Uttlesford Local Plan (2005).

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

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk. In accordance with Policy GEN3 of the Uttlesford Local Plan (2005).

33. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.

Reason: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport.

INFORMATIVES

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Uttlesford District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

SuDS

- 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.

Environmental Health:

Renewable Technologies:

Energy saving and renewable technologies should be considered for this development such as electric vehicle charge points, solar panels, ground source heat pumps etc in the interests of carbon saving and energy efficiency.

Contaminated Land Assessment – Environmental Consultant Advice:

Developers must employ a suitably qualified and competent environmental consultant to undertake the contaminated land assessment in accordance with current guidance and best practice. To this end it is recommended that the developer refer to guidance produced by Essex Local Authorities, Environmental Health departments titled - Land Affected by Contamination -Technical Guidance for Applicants and Developers, which is available for viewing or download on the Council's website in the contaminated land section. It is advised that Uttlesford District Council considers that adequate competency of persons submitting land contamination assessment reports is a prerequisite for such reports being accepted for review. It should be noted that the National Planning Policy Framework (NPPF) advises that site investigation information should be prepared by a competent person. In addition, guidance issued by the Environment Agency advises developers on the stages involved when dealing with land contamination and who is considered to be a competent person;

<https://www.gov.uk/government/publications/land-contamination-riskmanagement-lcrm>

An example of acceptable qualification would be that of a 'SiLC' (Specialist in Contaminated Land). A further example of demonstrating competence in this field would be to attain qualification as a Suitably Qualified Person under the National Quality Mark Scheme for Contaminated Land Management (NQMS). In the absence of the above competencies, alternatives may be considered on a case-by-case basis.

MAG:

No lighting directly beneath any roof lights that will emit light upwards – only downward facing ambient lighting to spill from the roof lights upwards – ideally, automatic blinds to be fitted that close at dusk. Reason: Flight safety - to prevent distraction or confusion to pilots using Stansted Airport.