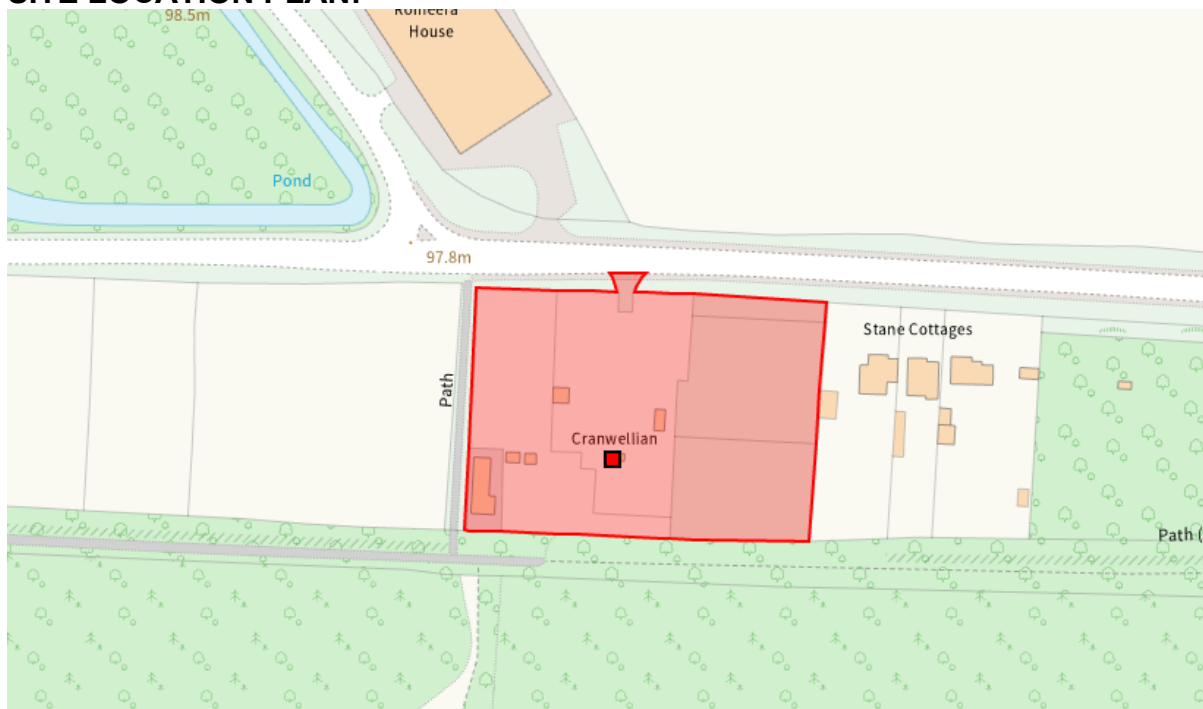




<b>ITEM NUMBER:</b>	<b>5</b>
<b>PLANNING COMMITTEE DATE:</b>	<b>11 February 2026</b>
<b>REFERENCE NUMBER:</b>	<b>UTT/25/1854/FUL</b>
<b>LOCATION:</b>	<b>Cranwellian The Street Takeley Essex CM22 6NB</b>

## SITE LOCATION PLAN:



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Organisation: Uttlesford District Council      Date: 23 January 2026

**PROPOSAL:** Removal of all existing structures, foundations, internal fences, poles and manege materials, drainage pipes, chambers and tanks, adaption of the existing site access and the erection of 6 residential dwellings with associated infrastructure.

**APPLICANT:** Mr Jeremy Tear

**AGENT:** Mr Vic Ranger

**EXPIRY DATE:** 09/09/2025

**EOT EXPIRY DATE:** 12/02/2026

**CASE OFFICER:** Ashley Neale

**NOTATION:** Outside Development Limits  
Road Classification (B Road)  
Within 20m of Flitch Way  
Within 100m of SSSI (Hatfield Forest)  
Within 100m of National Nature Reserve (Hatfield Forest)  
Within 100m of Local Wildlife Sites (Flitch Way and Priory Wood)  
Within 250m of Ancient Woodland (Priory Wood & Hatfield Forest)  
Stansted Airport LEQ  
Aerodrome Direction  
Within 6km of Stansted Airport

**REASON THIS APPLICATION IS ON THE AGENDA:** Councillor Call-in: Cllr Sutton  
Drainage and building directly on to contaminated land is the community concern.

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## **1. EXECUTIVE SUMMARY**

- 1.1** The applicant seeks planning permission to remove all existing structures and clear the site in order to construct 6no. new dwellings, revised access onto The Street with a new shared drive, landscaping and other associated works.
- 1.2** The proposed development involves the erection of six detached 1.5 - 2-storey dwellings at the site located off a shared access drive. By way of their scale, layout and appearance, they would not appear out of character with the pattern of development adjacent the site or the wider surroundings. the proposals would represent the effective re-use of previously developed land

in a sustainable location which represents a more efficient use of underutilised land in accordance with paragraphs 124 and 125(d) of the NPPF.

- 1.3** The site suffers from contaminants in the soil and groundwater and there has been a history of flooding at the site due insufficient drainage management and maintenance. The redevelopment of the site for an intensified residential use, with conditions attached, would result in the remediation of a historically contaminated site and create improvements to surface water flooding through the installation of an updated drainage system.
- 1.4** The proposals have been assessed against the relevant policies contained within the Development Plan and the NPPF. It has been concluded that they comply and in accordance with these policies and guidance. In conclusion, it has been found that the proposals are acceptable and thus are recommended for approval subject to conditions.

**2. RECOMMENDATION**

That the Strategic Director of Planning be authorised to <b>GRANT</b> permission for the development subject to those items set out in section 17 of this report – Conditions
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**3. SITE LOCATION AND DESCRIPTION:**

- 3.1** The application site relates to residential curtilage of Cranwellian. The site lies on the south side of The Street (B1256) diagonally opposite the junction with Bury Lodge Lane and comprises a former residential property that contained a large modern detached dwelling with associated outbuildings standing within generous sized grounds. The dwelling was subject extensive fire damage and Prior Notification to demolish the building was submitted to Uttlesford District Council in January 2024 (UTT/24/0095/DEM). Demolition of the property began circa February 2024.
- 3.2** The south of the site backs onto the Flitch Way, a linear Local Wildlife Reserve and public bridleway. Hatfield Forest lies immediately behind this. A connecting footpath runs along the western flank boundary of the site which connects The Street with the Flitch Way/Hatfield Forest. Residential properties lie on the eastern side of the site beyond an enclosed domestic paddock area which is also part Cranwellian's curtilage.

**4. PROPOSAL**

- 4.1** The proposal seeks the removal of all existing structures, foundations, internal fences, poles and manege materials, drainage pipes, chambers and tanks, adaption of the existing site access and the erection of 6 residential dwellings with associated infrastructure.

**4.2** The application includes the following supporting documents:

- Application Form
- Planning Statement (incl. appendices)
- Design and Access Statement (incl. addendum)
- Transport Statement
- Flood Risk and Drainage Strategy
- Drainage Design Report
- Geotechnical Report
- Remediation Strategy
- Environmental Noise Assessment
- External Lighting Strategy
- Schedule of Accommodation
- Arboricultural Impact Assessment Report
- Preliminary Ecological Appraisal
- BNG Metric
- BNG Condition Assessments
- BNG Feasibility and Design Stage Report
- Biodiversity Checklist
- Draft Heads of Terms of S106 Agreement

**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**

Reference No.	Status	Decision Date	Proposal
UTT/12/5438/FUL	AC	12/12/2012	Variation of condition 4 on approved planning application UTT/1360/12/FUL to read " No more than 8 caravans, as defined in Part I of the Caravan Sites and Control of Development Act 1960 and Section 13 of the Caravan Sites Act 1968 as amended by Statutory Instrument 2006 No.2374: The Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006 shall be stationed on the site."

UTT/12/5475/DOC	W	14/01/2013	Application for the discharge of conditions 10 (Foul Water), 11 (Surface Water), 14 (Protected Species) and 15 (Ecologist Survey) attached to UTT/1360/12/FUL
UTT/12/5588/DOC	CR	14/12/2012	Application to Discharge Condition 12 (Remediation Scheme) relating to UTT/1360/12/FUL
UTT/13/0729/DOC	CR	15/07/2014	Application to discharge condition 9 (foul drainage works) attached to UTT/12/5438/FUL dated 12 December 2012.
UTT/13/0830/DOC	CR	15/07/2014	Application to discharge condition 10 (surface water disposal) attached to UTT/12/5438/FUL dated 12 December 2012.
UTT/13/0831/DOC	CR	15/07/2014	Application to discharge condition 11 (remediation details) attached to UTT/12/5438/FUL dated 12 December 2012.
UTT/15/0547/DOC	W	18/03/2015	Application for discharge of condition 4.1 (Landscaping) attached to UTT/0008/05/REN dated 22 February 2015
UTT/15/0810/DOC	W	18/03/2015	Application for discharge of condition 5.1 (Materials) attached to UTT/0008/05/REN dated 22 February 2015
UTT/15/0821/CLE	W	19/06/2015	Existing dwelling and detached garage.
UTT/18/1974/HHF	AC	15/03/2023	Extension to existing garage for indoor swimming pool and single storey rear extension to house.
UTT/18/3393/HHF	AC	17/11/2021	Section 73A Retrospective application for the fitting of 6 x 3.5metre poles to house200w LED lights pointing downwards at a 25% angle to illuminate are for horse jump training. The arena size is 12m X 20m.

UTT/21/3318/HHF	AC	01/11/2022	Section 73A Retrospective application for alterations to fencing and hardstanding.
UTT/23/2080/FUL	NONDET	15/11/2023	Rebuild dwelling following total loss due to fire and the erection of single storey rear and garage extensions as approved previously under reference UTT/18/1974/HHF.
UTT/24/0095/DEM	DNOBJ	09/02/2024	Prior Notification of proposed demolition of residential dwelling house
DUN/0048/63	REC		Convert attic to bedroom
DUN/0060/52	AC	07/07/1952	Proposed Bungalow
DUN/0204/56	R	03/09/1956	Construction of new access
DUN/0146/69	UA	21/04/1969	Addition of playroom
DUN/0072/49	R	17/05/1949	Greenhouses
DUN/0096/51	R	04/06/1951	Caravan site
DUN/0354/65	R	18/10/1965	Site for the erection of one dwelling
DUN/0113/72	AC	16/03/1972	Addition of garage
DUN/0319/72	AC	14/08/1972	Formation of new vehicular access.
UTT/0008/05/REN	AC	22/02/2005	Erection of replacement dwelling and detached double garage
UTT/1360/12/FUL	AC	30/08/2012	Use of land for the stationing of 8 caravans for occupation by members of the applicant's extended gypsy family, construction of hardstanding, access road, fences, alteration to existing access and associated hard and soft landscaping
UTT/1274/99/FUL	AC	20/01/2000	Erection of replacement dwelling and detached double garage
UTT/1906/08/FUL	AC	26/02/2009	Erection of stable block and new entrance gates and railings

## 6.2

Following the fire damage, an application was made to rebuild dwelling and to erect a single storey rear extension as well as a garage extension (as approved previously under reference UTT/18/1974/HHF) was dismissed at appeal:

<u>Reference No.</u>	<u>Status</u>	<u>Decision Date</u>	<u>Proposal</u>
23/00106/PLN	DISMIS	17/05/2024	Rebuild dwelling following total loss due to fire and the erection of single storey rear and garage extensions as approved previously under reference UTT/18/1974/HHF.

### **6.3 Ombudsman Complaint and Findings**

- 6.4** The process relating to planning application LPA Ref: UTT/1360/12/FUL was subject to a complaint to the Local Government Ombudsman. To summarise, the complaint was that the Council failed to properly consider use of its enforcement powers, consider the impact on neighbours particularly in respect of drainage and respond to complaints.
- 6.5** The complaint was upheld with the Ombudsman finding that these aspects relate to maladministration and service failure otherwise known as faults. Part of the role of the Ombudsman is to decide if the Council granted planning permission without fault.
- 6.6** In relation to the previous findings at the site, this included publicity, consultations and recognising the importance of drainage which includes the material planning considerations of: The capacity of the physical infrastructure to cope with the discharge of water; the likelihood of an increase in flood risk; local drainage issues such as the foul and surface water drainage arrangements.
- 6.7** The Council as planning authority must decide whether to grant planning permission having considered how it affects the amenity of the area. It may liaise with the (Environment) Agency and take the Agency's expert advice as part of its consideration. It may also liaise with the County Council as lead flood risk authority on flood related issues. The Ombudsman found that the history of the site and the incidences of flooding on the neighbour's property suggest drainage and flooding are central to any decision on the development of the site and that the Council should have asked for detailed drainage information as a pre-commencement condition.
- 6.8** The Ombudsman recommended that as part of the remedy to fault is that:
- (i) a note is placed on the planning files recording concerns about drainage and the need to consider if more than usual information is required in this instance which should inform any further decisions.
  - (ii) Advise planning officers of this decision and the Ombudsman view that the Council should have liaised with other agencies given the flood risk and obtained more information before deciding the application.



- 6.9 Therefore, this application has been assessed in line with the previous findings of the Local Government Ombudsman.

## **7. PRE-APPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

- 7.1 Paragraph 39 of the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.

- 7.2 Pre-application advice was sought for the construction of six dwellings at the site. Officer advice was given in January 2025 (UTT/24/3127/PA) which was considered that the proposals would represent the effective re-use of previously developed land in a sustainable location which would have public benefits towards the District's housing stock.

## **8. SUMMARY OF STATUTORY CONSULTEE RESPONSES**

### **8.1 Highway Authority – No Objection**

- 8.1.1 From a highway and transportation perspective the Highway Authority stated that the impact of the proposal is acceptable to the Highway Authority subject to compliance conditions. The Highway Authorities consultee response can be found in Appendix 1 of this report.

## **9. TAKELEY PARISH COUNCIL**

- 9.1 Takeley Parish Council object to this planning application for the following reasons:
- Conflicts with Policy S8 – harm to the countryside protection zone
  - Road and aircraft noise are unacceptable creating inadequate private amenity spaces
  - Safe walking and cycling must be provided to access public transport
  - Planning condition requested to improve pavements along The Street
  - Insufficient access
  - Land contamination/history of contaminants that would be exposed through construction
  - Drainage issues – appropriate and robust conditions are required
  - Mains drainage should be provided
  - Potential harm to Flitch Way and Hatfield Forest

## **10. CONSULTEE RESPONSES**

### **10.1 Place Services (Ecology) – No Objection**

**10.1.1** No objection subject to securing biodiversity mitigation and enhancement measures, including mandatory 10% biodiversity net gain. Place Services (Ecology) consultee response can be found in Appendix 2 of this report.

**10.2 UDC Environmental Health – No Objection**

**10.2.1** No objection subject to conditions. UDC Environmental Health consultee response can be found in Appendix 3 of this report.

**10.3 MAG/NATS Aerodrome Safeguarding – No Objection**

**10.3.1** No objection subject to conditions. MAG/NATS Aerodrome Safeguarding consultee response can be found in Appendix 4 of this report.

**10.4 UDC Urban Design – No Objection**

**10.4.1** No objection. UDC Urban Design consultee response can be found in Appendix 5 of this report.

**10.5 Environment Agency – No Objection**

**10.5.1** No objection subject to conditions. The Environment Agency's consultee response can be found in Appendix 6 of this report.

**10.6 Natural England – No Objection**

**10.6.1** No objection subject to SAMM tariff being secured Natural England consultee response can be found in Appendix 7 of this report.

**11. REPRESENTATIONS**

**11.1** A site notice was displayed near the site and adjoining occupiers notified by post.

**11.2 Support**

**11.2.1** There are no letters of support for this application.

**11.4 Object**

**11.1.1** There are six representations objecting to this application, split across 29 letters, documents and reports. The following comments were received:

- Historic contaminated land/waste filling on site
- Inadequate recommendations in Geotechnical report/full ground investigation should be undertaken prior to commencement
- Risk to groundwater contamination
- Inadequate remediation strategy submitted
- Issues with foul and surface water drainage
- Inaccuracies in submitted information/evidence regarding ditches/drainage networks across the site

- There is no mains drainage/inadequate capacity to manage discharge for 6 dwellings
- Insufficient drainage strategy submitted/No details of where foul/surface water will be pumped to
- History of flooding and this will worsen with 6 dwellings, both on site and on adjacent sites
- Increased flooding on The Flitch Way
- APP/C1570/W/23/3333221 confirms that there is no evidence of the northern ditch's capacity to manage the flow of surface/foul water
- Drainage strategy involves accessing private drainage systems
- Insufficient vehicle access
- Site suffers from excessive noise from A120 and Stansted Airport – no mitigation and poor mental health/wellbeing for future occupants
- History of planning refusals on the site
- No footpath on both sides of the road/lack of pedestrian infrastructure
- Buses do not run often enough
- Unsustainable location regarding access to services/facilities
- Unsuitable access/increase of traffic accidents in Takeley Street
- There are tail backs and heavy traffic along B1256 in rush hours, causing a hazard with increased number of vehicles using the access
- No account has been taken of the potential 4000 per day traffic movements should the application for the Land North of Taylors Farm go ahead
- Poor access for emergency vehicles
- Lack of a water supply for fire vehicles to use
- Harm to the character/appearance of The Flitch Way PROW
- APP/C1570/W/19/3235402 is a material consideration
- The site is not previously developed land
- History of unlawful development at the site
- There is no public access to the path along the western boundary of the site – it is not a PROW
- Planning conditions are unlikely to be enforced
- Harm to the amenities of neighbours downstream and to The Flitch Way and Hatfield Forest SSSI due to contaminated water.
- Plot 6 is adjacent to a long native beech hedge at least 50 years old belonging to and within the neighbouring property and regard needs to be taken to root disturbance
- The red line boundary is inaccurate
- Harm to biodiversity and protected species (incl. bats, badgers and hedgehogs) as well as grass snakes, slowworms and toads

## **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 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,  
any local finance considerations, so far as material to the application, and  
any other material considerations.

### **12.3 The Development Plan**

- 12.3.1** Essex Minerals Local Plan (adopted July 2014)  
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)  
Uttlesford District Local Plan (adopted 2005)  
Felsted Neighbourhood Plan (made Feb 2020)  
Great Dunmow Neighbourhood Plan (made December 2016)  
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)  
Thaxted Neighbourhood Plan (made February 2019)  
Stebbing Neighbourhood Plan (made July 2022)  
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 (December 2024).

### **13.2 Uttlesford District Local Plan (2005)**

- 13.2.1** S7 – The Countryside  
S8 – Countryside Protection Zone  
GEN1 – Access  
GEN2 – Design  
GEN3 – Flood Protection  
GEN4 – Good Neighbourliness  
GEN5 – Light Pollution  
GEN7 – Nature Conservation  
GEN8 – Vehicle Parking Standards  
ENV7 – Protection of the Natural Environment  
ENV8 – Other Landscape Elements of Importance  
ENV10 – Noise Sensitive Developments  
ENV14 – Contaminated Land

### **13.3 Neighbourhood Plan**

**13.3.1** There is no made Neighbourhood Plan.

**13.4 Supplementary Planning Document or Guidance**

**13.4.1** Essex Design Guide  
Supplementary Planning Document – Home Extensions  
Supplementary Planning Document – Uttlesford District-Wide Design Code (2024).

**14. CONSIDERATIONS AND ASSESSMENT**

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

- 14.2**
- A) Principle of development (Policies S7, S8, eCP3, NPPF)**
  - B) Design, Character and Appearance (Policies GEN2, GEN4, eCP52, eCP55, UDC District-Wide Design Code, NPPF)**
  - C) Flood Protection (Policy GEN3, eCP35, eCP36, eCP37, NPPF)**
  - D) Neighbour and occupant's amenity (Policies GEN2, GEN4, eCP44 NPPF)**
  - E) Highways and Access (Policy GEN1, eCP26, eCP27, eCP28, NPPF)**
  - F) Parking provision (Policy GEN8, eCP31, NPPF)**
  - G) Ecology and BNG (GEN7, eCP38 NPPF)**
  - H) Lighting (GEN5, GEN7, eCP42)**
  - I) Land Contamination (ENV14, eCP34, eCP42 NPPF)**
  - J) Accessible Homes (GEN2, eCP53, SPD - Accessible Homes and Playspace)**
  - K) Planning Balance**

**14.3 A) Principle of Development (Policies S7, S8, eCP3, NPPF)**

**14.3.1** The proposal is located outside of any defined development limits. As a result, Local Plan Policy S7 applies. This states that the countryside will be protected for its own sake and that planning permission will only be given for development that needs to take place there or is appropriate to the rural area, with development only being 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.

**14.3.2** The site also lies within the Countryside Protection Zone where Policy S8 applies. This states that development will not be permitted if either of the following apply new buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside; or if it would adversely affect the open characteristics of the zone.

**14.3.3** However, these policies are only partially compliant with the National Planning Policy Framework (NPPF) which is more permissive and seeks to promote sustainable development, accepting that there are differences in the level of sustainability between countryside and town locations. These policies have consistently been found to have moderate weight at appeal.

- 14.3.4** NPPF (2024) at paragraph 11 encourages planning authorities to approve developments, unless there are strong reasons for refusing development or due to any adverse impacts would demonstrably outweigh the benefits.
- 14.3.5** Paragraph 232 of the NPPF sets out that where a local planning authority can demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78) and where the Housing Delivery Test indicates that the delivery of housing is more than 75% of the housing requirement over the previous three years, policies should not be regarded as out-of-date on the basis that the most up to date local housing need figure (calculated using the standard method set out in planning practice guidance) is greater than the housing requirement set out in adopted strategic policies, for a period of five years from the date of the plan's adoption. As of 15th January 2025, the Council can demonstrate 3.46 years of housing land supply (which includes a 20% buffer).
- 14.3.6** In addition to the this, the latest HDT for Uttlesford was 69% and therefore situation (b) of Footnote 8 applies. This means that adopted development plan policies are considered out-of-date and this means that the Council must continue engaging with the presumption in favour of sustainable development under paragraph 11(d) of the NPPF. Due this position the local development plan policies can only be afforded limited weight.
- 14.3.7** Emerging Local Plan
- 14.3.7.1** The emerging Uttlesford Local Plan 2021-2041 (eLP), following Hearing sessions in June 2025, a Post Hearing Note in August 2025 and a public consultation for a Main Modifications schedule in September – October 2025, has been found sound and legally compliant at examination (16 January 2026) subject to the Main Modifications. Whilst the eLP does not form part of the statutory Development Plan (until adoption day), given its very advanced stage, the absence of any substantive objections and the high degree of consistency with the NPPF, **moderate to significant** weight would be afforded to its policies (see paragraph 49 of the NPPF). The eLP has now taken the route to adoption, which officers expect in March 2026.
- 14.3.8** Of relevance to the application site, eLP Core Policy 3 recognises Takeley as a Rural Local Centre and out sets out that development outside the existing built areas of these settlements will only be permitted where it is allocated by the Local Plan 2041 or has been allocated within a Made Neighbourhood Development Plan, or future parts of the Local Plan. There is a presumption in favour of sustainable development within the existing built area of Local Rural Centres.
- 14.3.9** The eLP does not provide a defined development limit for Takeley and instead relies on the subjective nature of whether a site is in the 'built-up' area. It is imperative to note that the site, as per the eLP, is not located within the defined Countryside Protection Zone and the emerging Policies Map seemingly demonstrates that the site would be within the 'built-up' area

of Takeley/Takeley Street which encompasses land to the north and south of The Street. As per the NPPF definition of Previously Developed Land, the site forms the curtilage of a former residential dwelling and would fall within this definition, lending to its status as being within a built-up area. The site also lies opposite Strategic Allocation (eCP4) for 18ha of employment land at 'Land North of Taylors Farm' which signals the expansion of Takeley Street westward and its designation as a 'built-up' area.

**14.3.10** eLP Core Policy 19 sets out housing requirement figures for rural areas, however, it is noted that the housing requirement for Takeley is to be met through allocations in the eLP, and not through a made neighbourhood plan. Notwithstanding the presumption in favour of development as per eCP3, the proposal would conflict with eCP19 in that the housing requirement for Takeley is to be met through allocations, rather than windfall developments.

**14.3.11** Whilst outside the development limits, the site is located within a linear cluster of dwellings along The Street and within the residential curtilage of Cranwellian. Built form runs adjacent the site to the east and would be bound by built form in north in the future by way of the development of the Strategic Allocation at 'Land North of Taylors Farm' (eCP4). The proposed development would not necessarily be outside of the 'built-up' area and the development of 6no. dwellings would not be in conflict with eCP3 or the South Uttlesford Area Strategy. The Emerging Local Plan Policies hold moderate-significant weight at this stage.

**14.3.12** Sustainable Development:

**14.3.12.1** There is a presumption in favour of sustainable development in the National Planning Policy Framework (NPPF). Sustainable development is defined as being based on three dimensions – economic, social and environmental. The NPPF specifically states that these roles should not be undertaken in isolation, because they are mutually dependent.

**14.3.13** Economic dimension of sustainable development:

**14.3.13.1** The addition of six new dwelling would have a limited economic benefit regarding employment opportunities during the construction/renovation phase of the development. Once built the occupiers of the dwelling would contribute in a modest way to the local economy predominantly supporting Takeley and other neighbouring settlements. Therefore, there is a minor economic benefit of the development, according with the economic dimension of the NPPF on sustainable development in a limited way.

**14.3.14** Location – isolation, infill, services and facilities:

**14.3.14.1** Case law defined 'isolation' as the spatial/physical separation from a housing settlement or hamlet, meaning that a site within or adjacent to a housing group is not isolated. The site is not isolated, as it lies within an existing linear cluster of dwellings along The Street and abuts residential

properties/curtilages to the east. Paragraph 84 of the NPPF is not applicable.

- 14.3.15** Paragraph 6.14 of the Local Plan allows “sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements” if the development is in character with the surroundings and have limited impacts on the countryside. By reason of the development’s position in relation to the neighbouring dwellings, the site is not an infill opportunity, as it is not a gap between existing properties, rather an existing residential curtilage on the edge of a linear ribbon of development.
- 14.3.16** With regards to accessibility and new development, there are a lack of local services, amenities in the immediate vicinity and thereby future residents would most likely conduct most journeys by private motor vehicle to Takeley and other surrounding settlements. Notwithstanding this, it is noted that Bury Lodge Lane bus stop is located at the site’s frontage and provides frequent bus services to Takeley, Great Dunmow, Stansted Airport, Harlow and Bishop’s Stortford where a wide range of facilities and services are located to serve the daily needs of future occupants. In terms of its location, the application site is not the most sustainable location in respect to accessibility to employment, cultural, health and commercial activities in the immediate vicinity, however, highly accessible public transport links exist adjacent the site which would future occupiers to access services and facilities by sustainable modes of transport. It is realistic to surmise that there would be some reliance on the private car. However, public transport, cycling and walking would be accessible options for future residents. Car journeys would inevitably be more likely but future residents would not necessarily be dependent on private vehicle.
- 14.3.17** The NPPF does acknowledge that *‘opportunities to maximise sustainable transport solutions will vary between urban and rural areas’* with rural areas naturally much more likely to have to make use of a car. Therefore, the location of the site does offer genuine modes of sustainable transport, alternative to the private car. The site is therefore considered to be in a fairly sustainable location when applying the provisions of paragraphs 110 and 115 of the NPPF (2024). The addition of one more house to the Council’s current lack of housing delivery is a positive.
- 14.3.18** Previously developed land – Effective use of land:
- 14.3.18.1** The NPPF defines Previously Developed Land (PDL) as land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed).
- 14.3.19** Following the NPPF definition of Previously Developed Land and the High Court judgment in Dartford Borough Council -v- SSCLG [2017] EWCA Civ 141, the site is determined to be Previously Developed Land (PDL). The NPPF encourages the use of previously developed land for new



development. Policy H1 of the Uttlesford Local Plan also encourages the use of previously developed land.

**14.3.20** As such and with regards to the principle of the redevelopment of the site, it can be classed as brownfield or previously developed land (PDL) by definition. Redevelopment of PDL for housing purposes as is sought is considered acceptable and the site lies within a fairly sustainable location where the re-use of the site for housing purposes would make more effective use of the land in line with the advice contained within paragraphs 124 and 125(c) of the NPPF. Furthermore, the immediate surrounding area along The Street is characterised by linear housing and the proposed residential use of the site would not necessarily conflict with the character of the area. In these circumstances, the proposal would comply with the NPPF.

**14.3.21** Environmental dimension of sustainable development / The Countryside:

**14.3.21.1** The site is located within the curtilage of Cranwellian, a former residential dwelling which has mostly been demolished due to fire damage. The proposed development relates to the to the erection of 6no. detached dwellings with a mix of 1.5 and 2-storey built forms. Although located within the countryside, as designated by Policy S7, the site is physically separate from the surrounding arable fields and dense woodland that appear in the site's environs. Given the current state of the site following the demolition of Cranwellian and the scattered built structures at the site, the site appears as a juxtaposition in the landscape between the linear residential built form along The Street to the east and the undeveloped verdant plots of land to the west.

**14.3.22** Although, built form at the site is minimal following demolition works and appears fairly verdant in character, the site is visually connected with the built form to the east along The Street and the functional use of the site has historically been tied to the occupation and enjoyment of Cranwellian. Nevertheless, the introduction of the 6no. dwellings will by virtue result in a conflict with ULP Policy S7 and the current openness of the site has some contribution to the character and appearance of the rural area. The site benefits from dense tree, hedgerow and vegetation screening along its boundaries. Whilst the site does somewhat contribute to the openness of the countryside, the development of 6no. dwelling would not necessarily overly urbanise the site, nor the surrounding environs. Visually, the new dwellings would largely be screened from view from the public realm by existing established vegetation and would spatially appear as a continuation of the linear building line on The Street. The removal of the remaining structures and debris at the site and the redevelopment of 6no. dwellings would appear related to the existing cluster of residential dwellings in this part of the countryside. The site would remain enclosed and physically and visually separate from the open, arable and wooded landscapes which abuts the built form along The Street.

**14.3.23** Taking into consideration concerns raised in third party representations regarding the character and appearance of The Flitch Way, the proposed dwellings would lie approximately 38-42-metres north of the Public Right of Way. The walking route borders the southern boundary of the site. Views from the public right way (on the Flitch Way trail) would be partially altered by the proposals as glimpsed views of the rear elevations of the dwellings would be visible through established vegetation and tree lines. The submitted landscaping details provide for an approximate 13-metre-wide buffer of landscaped planting between the boundary of PROW/Local Wildlife Site and the rear boundaries of the gardens which would aid in softening the appearance of new dwellings. Nevertheless, the increased domestication of the site would cause some harm to the setting and verdant character of the PROW. However, built structures at the site, including the structure of Cranwellian (now demolished), outbuildings and the manege extend further southwards than the proposed dwellings would and considering this, the level of harm to the landscape setting of the PROW being introduced would be minimal. Views from The Flitch Way looking northwards towards Takeley and The Street are already impeded by glimpsed views of residential properties, and the proposed development, cumulatively would not cause an adverse level of harm to setting of the PROW. Given the separation distances and the proposed landscaped buffer, the introduction of built form would not introduce an adverse level of harm to the setting of The Flitch Way.

**14.3.24** The principle of residential use at the site in the form of six new dwelling will not necessarily have overly harmful impact with regards to encroachment or changing the wider landscape character of the area as a result of established vegetation boundaries to the site and its historical association with the curtilage of Cranwellian. The plans demonstrate that a mix of 1.5 and 2-storey dwellings could be integrated into the land subtly and sympathetically, with a height, scale and form that accords with the existing pattern of development adjacent the site. The overall scale of the dwellings being proposed is modest and the proposed spacing between plots would align with the low density spacing between Stanes Cottages to east. The bulk and form would relate well to the adjacent dwellings and overall, the existing linear pattern of development along The Street would be respected and followed, which limits overbearing impacts. The proposal would result in an increased domestic appearance of the overall site but would not be out of place within this rural location, nor would overly alter or urbanise the character of the site to an adverse level. The introduction of the proposed built form at this location would cause a minimal change to the countryside character of the site by creating somewhat of an increased domesticated appearance, but it would not be excessive nor detrimental to the countryside given the context of the site and the existing built form within this area.

**14.3.25** Conclusion:

**14.3.26** Regarding the principle of residential development in the form of 6no. dwellings at the site, the planning balance under paragraph 11(d) of the NPPF would support the principle of the development (see Conclusions),

and as such, the proposed development would accord with paragraph 11 of the NPPF.

**14.4 B) Design, Character and Appearance (Policies GEN2, GEN4, eCP52, eCP55, UDC District-Wide Design Code, NPPF)**

**14.4.1** Section 12 (Achieving well-designed places) of the National Planning Policy Framework attaches great importance to the design of the built environment. The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

**14.4.2** Policy GEN2 of the Local Plan states that development will be permitted if it is compatible with the scale, form, layout, appearance and materials of surrounding buildings and it safeguards important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate. eCP52 of the emerging Local Plan establishes that development will be supported where proposals can clearly demonstrate compliance with appropriate national policy and guidance in respect of Design, especially the most up-to-date versions of the Uttlesford Design Code, and the Essex Design Guide. eCP54 also sets out that new major residential development will be expected to provide a mix of homes to meet current and future requirements in the interests of meeting housing need and creating socially mixed, vibrant and inclusive communities.

**14.4.3** The Applicant has provided a Design and Access Statement and Planning Statement partially detailing the design approach to the proposed dwellings and how its design, layout and appearance respond to the site's character and setting, particularly with reference to the Uttlesford Design Code (2024).

**14.4.4** The proposed development involves the erection of six detached dwellings at the site, largely comprising 1.5-storey forms with some two-storey volumes. The proposed dwellings would take a fairly traditional approach to design. In terms of scale, mass and appearance within the street scene, the proposed 6no. dwellings would be sited across the width of the site fronting The Street, with glimpsed visibility along the road frontage through established boundary vegetation. The proposed ridge height of these buildings sits broadly in line with the adjacent dwellings of 1-3 Stanes Cottages, albeit the topography is slightly raised at the site. The siting of the dwellings would be set back from the road frontage by between 23-33 metres and combined with the overall height and bulk proposed, would not be overbearing, nor appear incongruous within the street scene. The submitted street scene plan, as part of the Proposed Site Plan (BRD/25/023/002 B) demonstrates the sympathetic and respectful integration of these dwellings into the existing built form of its environs.

- 14.4.5** In terms of external appearance, the dwellings take a traditional suburban form, typical of other new residential developments within Takeley. The proposed design of these buildings takes a predominantly 1.5-storey form with some 2-storey volumes, with gable-end roofs, cross gabled sections and dormer windows. In terms of materials, the applicant demonstrates that the dwellings would be of a fairly traditional design and are in keeping with the rural North Essex vernacular common in the area. Variety is introduced in the use of external materials and includes an indicative mix of facing brick and rendered walls and tiled roofs. It should be noted that no specific details or specifications have been provided with regards to materials and these details would need to be secured through the implementation of a pre-commencement condition attached to any grant of planning permission. The indicative materials palette would be considered sympathetic to the semi-rural character of the area and enables different elements of bulk and volume to be broken up.
- 14.4.6** The character and appearance of dwellings in the area is varied and there is no clear, established architectural style dominant in the surroundings. As such, the indicative materials would appear appropriate within the site's setting and enable the proposed dwelling to integrate within the site's context. Whilst simple built forms and materials are proposed, there are slight variations between plots that avoid monotony and help to limit any perceived urbanising feel that the new dwellings would have.
- 14.4.7** Regarding the proposed layout, the dwellings are to be served by the existing access point off The Street which is to be widened and expanded into a shared access drive spanning widthways across the site. Whilst much of the development in this part of Takeley takes a linear form along The Street, it would not appear incongruous to have an access drive running horizontally to serve new development to the rear of the existing building line. The proposed layout and the pattern of the proposed development would not be out of character with the existing pattern of development within the surrounding area.
- 14.4.8** The application site spans 0.75 and the proposed development of 6no. dwellings would represent a low-density development equivalent to approximately 8 dwellings per hectare. Whilst this is significantly lower than the typical levels of density accepted within existing settlement areas (as set out in the Essex Design Guide), this is not considered to be inappropriate in the context of the application site given that the site is located within the countryside as designated by Policy S7 and abuts the Flitch Way to the south which constrains development further southwards in the site limits. The level of density and scale being proposed would not be overbearing nor create an overly urbanising effect. It is deemed that this aspect of the design is responsive to local context and respects the existing pattern of development and the constraints of the site.
- 14.4.9** The proposed building footprints would provide fairly generous internal layouts. In terms of layout, the internal spaces comply with the standards as set out in the Nationally Described Space Standards. The proposed

bedrooms are also well within the standards and achieves compliant areas. The rear amenity spaces proposed also far exceed the 100m<sup>2</sup> minimum space standard set out in the Essex Design Guide for 3+ bedroom dwellings.

- 14.4.10** Overall, it is considered that the proposed development, whilst slightly increasing built form within the site, would not be incompatible with the character of the surrounding area or in the street scene. The proposals make effective use of the site, and it is clear that the design elements of the proposals have been implemented to respect existing built form and vernacular of the area that respect the character of the site. As such, the proposals accord with Policies S7 and GEN2 of the Uttlesford Local Plan (2005) and eCP52 and eCP53 of the emerging Local Plan (2021-2041).

**14.5 C) Flood Protection (Policy GEN3, eCP35, eCP36, eCP37, NPPF)**

- 14.5.1** Policy GEN3 sets out that within areas of the floodplain beyond the settlement boundary, commercial industrial and new residential development will generally not be permitted. Other developments that exceptionally need to be located there will be permitted subject the outcome of a flood risk assessment. Paragraph 170 of the NPPF (2024) also sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future) and that where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

- 14.5.2** With regards to the emerging Local Plan, eCP35 establishes that development proposals should retain or reinstate a buffer zone of at least 10m from a ditch bank top and eCP36 sets out that all development proposals should demonstrate that they will be safe for their lifetime and that they reduce and, where possible, avoid the risk of all forms of flooding to future occupiers, and do not increase the risk of flooding elsewhere. Additionally, eCP37 sets out that all new development will be required to incorporate water management measures to reduce surface water run-off or adverse impact on water quality and ensure that it does not increase flood risk elsewhere.

- 14.5.3** The site is located entirely within Flood Zone 1 which is area at lowest risk of fluvial flooding. No built development is proposed within areas of flood risk, and all hardstanding is also located within Flood Zone 1. This accords with paragraph 170 of the NPPF (2024) which directs new development away from areas at highest risk.

- 14.5.4** Notwithstanding the above, detailed third party representations have been received with regards to the extensive history of inadequate drainage systems at the site and the incidences of flooding on the neighbour's property. In alignment with the Local Government Ombudsman's findings with reference to UTT/1360/12/FUL, drainage and flooding are central to any decision on the development of the site and that the Council should

have at the time asked for detailed drainage information as a pre-commencement condition.

- 14.5.5** The Environment Agency (EA) were consulted on the proposed development and have reviewed all relevant documents and assessments submitted by both the Applicant and third-party representations. Overall, the EA have no objection to the proposals if robust and appropriate conditions are attached to any grant of planning permission. Without these conditions the EA feel that the development would pose an unacceptable risk to groundwater and would object.
- 14.5.6** With regards to drainage, the EA noted that the development is in a non-sewered area, and therefore a non-mains alternative may be acceptable subject to an Environmental Permit. Under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, in addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.
- 14.5.7** The Applicant has submitted a Flood Risk Assessment and Drainage Strategy, Drainage plan (drawing no.DR001 B) and Geotechnical Report (HESI, March 2025). Shell & auger borehole and window samples were undertaken in order to detail the underlying geology at depth, a BRE 365 soakage test was undertaken to establish the in-situ soakage parameters. The conclusion of the fieldwork assessment confirms that normal soakaways are not a feasible option on the site and as such, the Applicant submits that surface water arising from the new dwellings and all impermeable surfaces would be contained within a network of pipes and chambers. This would be directed to a pumping chamber and from there to a final chamber prior to falling by gravity into the northern ditch watercourse.
- 14.5.8** ECC SuDS Team were consulted on this proposal for the drainage of surface water and stated that there does not appear to be sufficient scope to deliver SUDS features as part of this development and as such would not be commented on the application. Due to the drainage within the northern ditch, the details of the northern ditch and the proposed drainage strategy were forwarded to ECC's Flood and Water Management Team who deal with Ordinary Watercourse Consent. The Applicant applied for Ordinary Watercourse Consent to Essex County Council which was deemed appropriate and granted under Section 23 of the Land Drainage Act 1991 (ref. ECC/OWC/WAAP-000925). This consent applies to the installation of a headwall into the existing ditch and ordinary watercourse for a new development outfall, effective from 6<sup>th</sup> October 2025. Conflicting information has been provided by third party representations regarding whether the ditch at the front of the site is in fact a flowing watercourse suitable of taking the additional flows from six dwellings. Notwithstanding this, ECC's Flood and Water Management Team have reviewed the proposals and granted separate Ordinary Watercourse Consent for a new development outfall.

**14.5.9** In addition to the above, the Environment Agency's mapping also demonstrates that the entirety of the site is located within an area with the lowest chance of surface water flooding. It is acknowledged that a very small area of land to the south-east and south west of the site is located within an area of low-medium chance of surface water flooding. Notwithstanding the drainage proposals assessed above with regards to the northern ditch, it is unclear from the submitted documents what impact the built development will have on surface water flooding on the low-medium risk areas adjacent the site and what mitigation measures would be implemented to ensure surface water flooding is not increased elsewhere as a result of the development. As such, and notwithstanding the submitted Flood Risk Assessment and Drainage Strategy, it is deemed necessary and reasonable to request a more detailed Surface Water Drainage Strategy to be submitted to the LPA prior to the commencement of development. This should demonstrate the proposed means of drainage and the disposal of surface and foul water without increasing surface water flooding outside of the site.

**14.5.10** As such, and with conditions attached, the proposed development is considered capable of incorporating a suitable means of drainage that would not increase flood risk on or adjacent the site. The proposed drainage strategy would need accord with the separate grant of consent for Ordinary Watercourse Consent. Therefore, subject to additional details to be submitted as part of a pre-commencement condition, the proposed development is capable of according with Policy GEN3 of the Uttlesford Local Plan (2005), eCP35, eCP36 and eCP37 of the emerging Uttlesford Local Plan (2021-2041) and the NPPF (2024).

**14.6 D) Neighbour and occupant's amenity (Policies GEN2, GEN4, eCP44, NPPF)**

**14.6.1** Policy GEN2 further sets out that new development should not cause any loss of privacy, loss of light or be an overbearing form of development for nearby properties which would result in the loss of amenities of the occupants of the neighbouring properties. With regards to residential amenity, Policy GEN2 also highlights that new developments must provide an environment, which meets the reasonable needs of all potential users. eCP52 of the emerging Local Plan establishes that development will be supported where proposals can clearly demonstrate compliance with appropriate national policy and guidance in respect of Design, especially the most up-to-date versions of the Uttlesford Design Code, and the Essex Design Guide.

**14.6.2** The proposed gardens would far exceed the 100m<sup>2</sup> standard for 3+ bedroom properties, as set out in the Essex Design Guide. The private amenity space proposed would provide a high quality of private amenity space for future occupiers of the new dwelling. The shape and form of the proposed gardens would be spacious and expansive and logically relate to each dwelling.

- 14.6.3** With regards to overshadowing or overbearing effects, it is noted that buildings overall height and massing broadly align with the neighbouring properties to the east of the site. At their tallest point, the ridge heights would be approximately 7-metres and eaves height varying between 3.1-metres and 4-metres, which would appear similar to those of the adjacent properties which also largely take 1.5-storey bulks and volumes. Whilst the dwellings would be visible with glimpsed views from the neighbouring properties and The Street, the introduction of 6no. dwellings would not create adverse overbearing effects. The side elevation of the Plot 6 would be sited approximately 15-metres from Hawthorns (3 Stanes Cottage), due to intervening boundary treatments including established vegetation and the separation distances, there are not considered to be any adverse privacy or overlooking issues.
- 14.6.4** With regards to the amenities of future occupiers and the impacts of noise pollution, eCP44 sets out that residential and other noise sensitive development will be permitted where it can be demonstrated that users of the development will not be exposed to unacceptable noise impact from existing, temporary or future uses. A Noise Impact Assessment will be required to support applications where noise sensitive uses are likely to be exposed to significant or unacceptable noise exposure. This reflects Policy ENV10 of the Uttlesford Local Plan (2005) which advocates that housing and other noise sensitive development will not be permitted if the occupants would experience significant noise disturbance.
- 14.6.5** A Noise Assessment by dB Consultation Ltd, dated 28th March 2025 was submitted as part of the application as the site is subject to aircraft and road traffic noise. The Noise Assessment found that the external amenity spaces exceed the recommended BS8233 upper guideline of 55 dBLAeq,16hr. Aircraft noise and cannot be mitigated so those external amenity noise levels may remain very high. Based on this information, Environmental Health object to the application. Notwithstanding this, BS8233:2014 states the guideline values may not be achievable in all circumstances where development might be desirable. In such a situation, development should be designed to achieve the lowest practicable noise levels in these external amenity spaces and the Council's Environmental Health Team therefore recommend a set of conditions relating to noise mitigation measures being implemented and noise levels being validated with said measure prior to any occupation of the dwellings, if permission is granted.
- 14.6.6** Notwithstanding the emerging Local Plan and the allocations for housing development within Takeley that it provides under eCP19, eCP3 signals a presumption in favour of sustainable development within the built areas of the settlement. Whilst these policies hold moderate-significant weight at present, the Council can only demonstrate 3.46 years of housing land supply (which includes a 20% buffer) and the latest HDT for Uttlesford was 69%. This signals that there is significant need for new housing within the district and the proposed development of 6no. dwellings in a sustainable location would be considered desirable and in accordance with the Council's overarching spatial strategy for growth. As such, and on balance, the



proposed conditions to mitigate noise levels at the site are deemed appropriate and necessary in order to mitigate noise levels as best as possible in accordance with BS8233:2014.

- 14.6.7** Therefore, due to the siting of the new dwelling, its overall scale and form and separation distances there are not considered to be adverse impacts with regards to overlooking, privacy or having an overbearing impact that would make the proposal unacceptable. Therefore, it is considered that the proposed development would not cause any detrimental impacts to the amenities of neighbouring properties and would provide suitable private amenity space to which meets the needs of all potential users. As such, the proposals accord with Policies GEN2, GEN4, ENV10 of the Uttlesford Local Plan (2005) and eCP44 and eCP52 of the emerging Local Plan (2021-2041).

**14.7 E) Highways and Access (Policy GEN1, eCP26, eCP27, eCP28, NPPF)**

- 14.7.1** Policy GEN1 of the Local Plan lists a number of criteria regarding access with which development must comply in order for it to be considered acceptable. Access to the main road network must be capable of carrying the traffic generated by the development safely and the traffic generated by the development must be capable of being accommodated on the surrounding transport network. The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired, whilst also encourages movement by means other than driving a car. eCP27 sets out that developers are required to submit a Transport Assessment and/ or a Transport Statement to assess the potential transport impacts of the developments, in line with the thresholds set out in the Essex County Council latest guidance, whilst eCP26 enforces that proposals should provide for a number of sustainable measures to support sustainable transport and connectivity.

- 14.7.2** As well as the supporting plans provided, the Applicant has also submitted a Transport Statement with the application. These details that the proposed access will be provided via the modification of the existing access to Cranwellian off The Street. A Type 3 turning head is to be provided within the layout to ensure the manoeuvring requirements of refuse, emergency and delivery vehicles can be accommodated. The proposed access would be widened to 6-metres in width and provide for a shared use carriageway access road as per the guidance set out in the Essex Design Guide. Visibility at the access can be achieved at 2.4m by 120m in both directions in accordance with the posted speed limit of 40mph on The Street. This level of visibility accords with the requirement set out in the Design Manual for Roads and Bridges.

- 14.7.3** Essex County Council's Highway team were consulted on the proposals and from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to conditions being implemented to any planning permission. Therefore, the proposal accords

with Policy GEN1 of the Local Plan, eCP26 and eCP27 of the emerging Local Plan (2021-2041) and the NPPF.

#### **14.8 F) Parking provision (Policy GEN8, eCP31, NPPF)**

**14.8.1** Policy GEN8 of the Local Plan sets out that the number, design and layout of vehicle parking places proposed is appropriate for the location, as set out in Supplementary Planning Guidance "Vehicle Parking Standards". The proposed development would trigger the requirement for two vehicle spaces for the proposed 3-bed dwellings and three vehicle parking spaces to be provided for 4+bed dwellings.

**14.8.2** The Applicant has demonstrated that 3no. allocated spaces will be provided for all of the proposed new dwellings at the site, with a mix of external spaces and internal integral garage spaces depending on the house type. There is also an additional visitor parking area in the site comprising 2no. parking spaces capable of accommodating the required unallocated off-street vehicle parking provision. This would meet the required parking spaces for the new dwellings, as set out in the Vehicle Parking Standards SPD. As such, the proposed development accords with Policy GEN8 of the Uttlesford Local Plan (2005) and eCP31 of the emerging Uttlesford Local Plan (2021-2041).

#### **14.9 G) Ecology and BNG (GEN7, eCP38, NPPF)**

**14.9.1** ULP Policy GEN7 seeks to ensure that development would not have a harmful effect on wildlife, geological features, or protected species. eCP38 also sets out the design of development should incorporate measures to improve the biodiversity or geodiversity of development sites. The application was submitted with a supporting Biodiversity Validation Checklist and Preliminary Ecological Appraisal (Hybrid Ecology, June 2025).

**14.9.2** These documents address the distinct legal requirements, ensuring a comprehensive analysis of the ecology and biodiversity impacts of the proposal in line with regulatory standards.

**14.9.3** General duty on all authorities:

**14.9.3.1** The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and

habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance. This development is subject to the general duty outlined above.

**14.9.4** Protected Species:

**14.9.4.1** In accordance with Natural England's standing advice the application site and surrounding habitat have been assessed for potential impacts on protected species.

**14.9.5** Place Services have reviewed the Biodiversity Validation Checklist and Preliminary Ecological Appraisal (Hybrid Ecology, June 2025) and are satisfied that there is sufficient ecological information available for determination of this application and raise no adverse comments with regards the likely impacts of development on designated sites, protected & Priority species and habitats subject to securing biodiversity mitigation and enhancement measures.

**14.9.6** Place Services are satisfied that the Preliminary Ecological Appraisal (Hybrid Ecology, June 2025) has assessed impacts on protected and priority species. As such Place Services are satisfied that there is sufficient evidence to support determination of the application.

**14.9.7** The mitigation measures identified in the Preliminary Ecological Appraisal (Hybrid Ecology, June 2025) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality. They also recommend that a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) is secured by a condition of any consent, in order to minimise potential impacts of development on the adjacent Flitch Way Local Nature Reserve (LNR) and Local Wildlife Site (LoWS), as well as a Wildlife Sensitive Lighting Design Scheme, in line with best practice guidance GN:08/23 from the Institute of Lighting Professionals<sup>1</sup> is secured by a condition of any consent, in order to minimise potential impacts of external lighting on foraging and commuting bats in the adjacent Flitch Way LNR and LoWS.

**14.9.8** It is considered that the proposal is unlikely to adversely impact upon protected species or habitats with suitable mitigation measures attached. Preliminary Ecological Appraisal (Hybrid Ecology, June 2025) should be secured by a condition of any consent and implemented in full.

**14.9.9** Place Services also highlight that the development site is situated within the 11.1km evidenced Zone of Influence (ZOI) for recreational impacts at Hatfield Forest Site of Special Scientific Interest (SSSI)/National Nature Reserve (NNR). With effect from the adoption of the Hatfield Forest Mitigation Strategy by Uttlesford DC Cabinet on 15 July 2025, the apportioned SAMM tariff for Uttlesford District is £1,333.60/new dwelling towards delivery of the approved package of funded Strategic Access

Management Measures (SAMMs) at Hatfield Forest. The Applicant has provided a draft head of terms for the payment of this tariff and subject to the completion of a signed legal agreement, the proposed development can be made acceptable and in accordance with ULP Policy GEN7 and eCP38 of the emerging Local Plan.

**14.9.10**     *Biodiversity Net Gain:*

**14.9.10.1**   Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. The minimum requirement is for a 10% net gain in biodiversity value achieved on a range of development proposals (excluding Listed Building Consent, Advert Consent, Reserved Matters, Prior Approvals, Lawful Certificates, householders, self builds, and other types of application which are below the threshold.

**14.9.11**     Place Services have reviewed the submitted the submitted information relating to mandatory biodiversity net gains. Place Services are satisfied that submitted information provides sufficient information at application stage. As a result, a Biodiversity Gain Plan should be submitted prior to commencement. Place Services are generally satisfied that the post-intervention values are realistic and deliverable, however, it is noted that the applicant will need to provide condition assessments to discharge the Biodiversity Gain Condition, should the application reach that stage.

**14.9.12**     As such, it is considered this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests and that the proposals, with conditions attached and the appropriate legal agreement finalised, accords with Policy GEN7 of the Uttlesford Local Plan (2005) and eCP38 of the emerging Uttlesford Local Plan (2021-2041).

**14.10**       **H) Lighting (Policies GEN5, GEN7, eCP42)**

**14.10.1**     Policy GEN5 states that development shall not be permitted unless the lighting is shown to be necessary and glare and light spillage are shown to be minimised. eCP42 also sets out that the Council will seek to limit light pollution from new development, including limiting the hours of use for external lighting.

**14.10.2**     The Applicant's plans do not demonstrate any external lighting to be installed at the proposed dwelling and therefore no lighting scheme can be assessed against Policy GEN5. However, in the interests of preserving neighbouring amenity, aerodrome safety and any protected species, a condition will be implemented to ensure that any potential future external lighting at the site is subject to approval by the LPA.

**14.11**       **I) Land Contamination (ENV14, eCP34, eCP42, NPPF)**

- 14.11.1** Policy ENV14 sets out that before development, where a site is known or strongly suspected to be contaminated, and this is causing or may cause significant harm, or pollution of controlled waters (including groundwater) a site investigation, risk assessment, proposals and timetable for remediation will be required. eCP41 recognises that the potential impacts of exposure to pollutants must be considered in locating development, both during construction and use. Where development would cause unacceptable risk to public health or safety, general amenity, existing uses, occupiers of surrounding land uses or the historic and natural environment due to potential from: vibration, odour, light pollution, pollution of surface or ground water sources, and/ or ground contamination, planning permission will not be granted unless the need for development is judged to outweigh the effects caused and the proposed development includes mitigation measures to minimise the adverse effects.
- 14.11.2** Further to The Local Government Ombudsman's report and third-party representations, it is understood that waste was historically imported and deposited on the site. Following the waste deposits from the demolition of the original fire-damaged dwelling in 2007/8, the import and filling of additional waste was then placed on top of this material. Ground investigations were undertaken on site on behalf of the Environment Agency in 2008. Based on these, and contemporary aerial images online, the wastes were placed across the eastern third of the site to depths of 0.65-1.0m. The history of waste and contaminant deposits at the site is also understood to contain concentrations of lead, hydrocarbons and other contaminants within the soil. A replacement dwelling also then burned down in 2023, however it is understood that the demolition waste from this was disposed off-site.
- 14.11.3** The applicant has supplied a Geotechnical Report (HESI, March 2025) with the application which includes chemical testing of potential contaminants. The survey completed 4 samples to assess human health risk and identified elevated Chrysotile Asbestos in BH3. UDC's Environmental Health Team were consulted on the proposed development and have reviewed the Geotechnical Report and all third-party representations relating to ground contamination and the historic waste filling at the site.
- 14.11.4** They consider that further sampling is required across the site to assess the risk to human health further. Notwithstanding the conclusions of the Geotechnical Report (HESI, March 2025) which recommends a full environmental report be undertaken solely within the area of BH3, this is not considered to be an appropriate recommendation given that this was based on only one of two made ground samples tested. It is noted that no testing was carried out across all the future garden areas and only BH4 (WS4) was in the area underlain by waste in the east.
- 14.11.5** As such, the Council's Environmental Health Officer has recommended that a full Phase 1 Desk Study be undertaken prior to the commencement of development, in accordance with BS10175:2011. This should then be

followed by Phase II Ground Investigation Survey, Phase III Remediation Strategy and a validation report where necessary. This broadly aligns with the advice given by the Environment Agency in respect to historic waste filling and known contaminants at the site. As such, with the relevant conditions attached, the proposals are capable of complying with Policy ENV14 of the Uttlesford Local Plan (2005) and eCP42 of the emerging Uttlesford Local Plan (2021-2041) and the NPPF.

**14.12 J) Accessible Homes (GEN2, eCP53, SPD - Accessible Homes and Playspace)**

**14.12.1** Policy GEN2 and the SPD entitled 'Accessible Homes and Playspace' require compliance with the Lifetime Homes standards. This is also reflected by eCP53 which states that the Council expect all residential schemes to be 100% M4(2) compliant. However, these standards have effectively been superseded by the optional requirements at Part M of the Building Regulations, as explained in the PPG. Compliance with these requirements could be secured using a condition.

**14.13 K) Planning Balance**

**14.13.1** The NPPF describes the importance of maintaining a five-year supply of deliverable housing sites. As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

**14.13.2** Paragraph 11 (d) of the NPPF advises:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (8) granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed (7) or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

**14.13.3** Therefore, a tilted balance approach should be applied in the assessment of the proposed development and whether the potential harm the development 'significantly and demonstrably' outweighs the potential positive outcomes of the development as a whole. The development will result in a small level of economic and social benefit. Together these elements are considered to carry limited weight in support of the scheme.

**14.13.4** Positives:

- The proposal could provide a small contribution towards the wider local economy during construction, via employment for local builders and suppliers of materials, and post-construction via reasonable use of local services. – limited weight.
- 6-no. new dwellings would contribute towards the Council's undersupply of housing and the Council's spatial strategy for growth – limited weight.
- Re-use of previously developed land – limited weight.
- The remediation of a historically contaminated site – limited weight.
- Improvements to surface water and foul drainage at the site, remediating historic risks at the site and on neighbouring land – limited weight.
- Biodiversity enhancements – limited weight.

**14.13.5** Negatives:

- Increased domestication of a site within the open countryside – limited weight.

**14.13.6** The application of policies in this Framework that protect areas or assets of particular importance as per footnote 7 of the NPPF, do not provide a strong reason for refusing the development proposed. Taking both the positives and negatives of the proposal into account it is concluded that the benefits brought by the development set out in this application will outweigh the negatives of the development as a whole and as such the Tilted Balance is engaged in this respect.

**14.13.7** The principle of development is considered to be acceptable and would be in accordance with paragraph 11(d)(ii) of the National Planning Policy Framework (2024), the Uttlesford Local Plan (2005) and the emerging Uttlesford Local Plan (2021-2041).

**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. CONCLUSION**

**16.1** In conclusion, the proposal accords with the development plan and the NPPF. No material considerations indicate that planning permission should be refused otherwise. It is therefore recommended that planning permission be approved with conditions.

## **17. CONDITIONS**

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

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

**2** The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

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** No development shall take place until samples of the materials to be used in the construction of the external finishes of the development, including but not limited to walls, tiles, windows, doors, fences and hard surfacing have



been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the development in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and emerging Core Policy 52 of the Uttlesford Local Plan (2021-2041).

- 4** Prior to the erection of the development hereby approved (not including footings and foundations) full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include [for example]:-

- i. proposed finished levels or contours;
- ii. means of enclosure;
- iii. car parking layouts;
- iv. other vehicle and pedestrian access and circulation areas;
- v. hard surfacing materials;
- vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);
- vii. proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports.); retained historic landscape features and proposals for restoration, where relevant.
- viii. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

The details shall be implemented in accordance with the approved details.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005) and emerging Core Policies 39 and 52 of the Uttlesford Local Plan (2021-2041).

- 5** Prior to first occupation of the development, the road access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres to the East and 2.4 metres by 120 metres to the west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided and retained free of any obstruction at all times.

REASON: To ensure that safe access is provided for all highway users in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance, Policy GEN1 of the

Uttlesford Local Plan (2005) and emerging Core Policy 27 of the Uttlesford Local Plan (2021-2041).

- 6** Prior to first occupation of the development the existing vehicular access shall be widened and improved. The width of the access at its junction with the highway shall be 6 metres, as shown in the Proposed Site Plan drawing no. BRD/25/023/002-B and shall be provided with an appropriate vehicular crossing of the highway verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policy DM1 of the Development Management policies as adopted as County Council Supplementary Guidance, Policy GEN1 of the Uttlesford Local Plan (2005) and emerging Core Policy 27 of the Uttlesford Local Plan (2021-2041).

- 7** Prior to occupation of the development, the existing footway fronting the development site along B1256, shall be widened to 2 metres for the entire site frontage. For the avoidance of doubt, this shall include full depth reconstruction and surfacing. The scheme, to be agreed with the Highway Authority, shall then be implemented prior to first occupation.

REASON: In the interests of accessibility and pedestrian safety in accordance with Policy GEN1 of the Uttlesford Local Plan (2005) and emerging Core Policies 27 and 28 of the Uttlesford Local Plan (2021-2041).

- 8** Prior to the first occupation of the development, the bus stop both sides of B1256 near the development site shall be upgraded. The bus stops shall comprise of, but not limited to, the provision of the following facilities, timetables, bus cage markings and signage.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policy GEN1 of the Uttlesford Local Plan (2005) and emerging Core Policy 26 of the Uttlesford Local Plan (2021-2041).

- 9** Prior to first occupation of the development, the vehicle parking spaces shown in the Proposed Site Plan drawing no. BRD/25/023/002-has been constructed appropriately hard surfaced ready for use. The vehicle parking area and associated turning area shall be retained in this form at all times.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance, Policy GEN1 of the Uttlesford Local Plan (2005) and emerging Core Policy 31 of the Uttlesford Local Plan (2021-2041).

- 10** 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 in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance, Policy GEN1 of the Uttlesford Local Plan (2005) and emerging Core Policy 31 of the Uttlesford Local Plan (2021-2041).

- 11** Any redundant access serving the development site shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge / footway / kerbing immediately as the proposed new access is brought into first beneficial use.

REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with Policy DM1 of the Development Management policies as adopted as County Council Supplementary Guidance, Policy GEN1 of the Uttlesford Local Plan (2005) and emerging Core Policy 27 of the Uttlesford Local Plan (2021-2041).

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

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Development Management policies in accordance with Policy GEN1 of the Uttlesford Local Plan (2005) and emerging Core Policy 26 of the Uttlesford Local Plan (2021-2041).

- 13** No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for;
- i. vehicle routing,
  - ii. the parking of vehicles of site operatives and visitors,
  - iii. loading and unloading of plant and materials,
  - iv. storage of plant and materials used in constructing the development,
  - v. wheel and underbody washing facilities.
  - vi. Dust mitigation and management measures.
  - vi. Measures to reduce demolition and construction noise
  - vii. Hours of operation

- viii. Details of a complaints procedure with a designated person on site responsible for complaint handling
- ix. Other site specific Environmental Protection issues as requested on a case by case basis
- x. the development shall be undertaken in full accordance with the details approved under Parts i-ix

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1 of the Highway Authority's Development Management Policies, Policy GEN1 of the Uttlesford Local Plan (2005) and emerging Core Policy 27 of the Uttlesford Local Plan (2021-2041).

- 14** All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Hybrid Ecology, June 2025) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON: To conserve 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 in accordance with Policy GEN7 of the Uttlesford Local Plan (2005) and emerging Core Policy 38 of the Uttlesford Local Plan (2021-2041).

- 15** Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal (Hybrid Ecology, June 2025), 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 and s40 of the NERC Act 2006 (as amended) and in accordance with Policy GEN7 of the Uttlesford Local Plan (2005) and emerging Core Policy 38 of the Uttlesford Local Plan (2021-2041).

- 16** A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- 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).
  - 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 in accordance with Policy GEN7 of the Uttlesford Local Plan (2005) and emerging Core Policy 38 of the Uttlesford Local Plan (2021-2041).

- 17** Prior to occupation, a "lighting design strategy for biodiversity" for external lighting 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 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) and s40 of the NERC Act 2006 (as amended) and in accordance with Policy GEN7 of the Uttlesford Local Plan (2005) and emerging Core Policy 38 of the Uttlesford Local Plan (2021-2041).

**18** A Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, 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) a non-technical summary;
- b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- c) 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;
- d) 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;
- e) the monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and
- f) 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, 3, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP.

The Council shall only issue approval of the habitat creation and enhancement works until:

- the habitat creation and enhancement works set out in the approved HMMP have been completed; and
- a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

REASON: To satisfy the requirement of Schedule 7A, Part 1, section 9(3) of the Town and Country Planning Act 1990 that significant on-site habitat is delivered, managed, and monitored for a period of at least 30 years from completion of development and in accordance with Policy GEN7 of the Uttlesford Local Plan (2005) and emerging Core Policy 38 of the Uttlesford Local Plan (2021-2041).

- 19** The development may not be begun unless (a) a biodiversity gain plan has been submitted to the planning authority (see informatives below), and (b) the planning authority has approved the plan (see informatives below).

REASON: In order to accord with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) and amended by The Biodiversity Gain (Town and Country Planning) Modifications and Amendments (England) Regulations 2024.

- 20** No development approved by this permission shall take place until a Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination has been submitted to and approved in writing by the Local Planning Authority. This report shall adhere to BS10175:2011.

Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation adhering to BS 10175:2011 shall be 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: In the interests of Policy ENV14 of the Uttlesford Local Plan (2005) and emerging Core Policy 42 of the Uttlesford Local Plan (2021-2041) in order to protect human health and the environment.

- 21** No development shall commence until a detailed scheme of noise mitigation (covering façade, glazing and ventilation specifications) from a noise has been submitted to the Local Planning Authority for written approval. The scheme shall follow BS8233:2014 Guidance and the recommendations identified in the Noise Report (dB Consultation Ltd, dated 28th March 2025).

REASON: In the interests of protecting the amenities of future occupiers from undue noise pollution in accordance with Policies GEN2 and ENV10 of the Uttlesford Local Plan (adopted 2005) and emerging Core Policy 44 of the Uttlesford Local Plan (2021-2041).

- 22** A noise validation report, demonstrating compliance with the noise criteria shall be submitted to and approved by the local planning authority before any of the dwellings are occupied. This assessment shall be conducted in accordance with Professional Practice Guidance: Planning and Noise- New Residential Development (May 2017) and the approved noise design scheme. Such noise protection measures shall thereafter be maintained and operated in accordance with the approved scheme.

REASON: In the interests of protecting the amenities of future occupiers from undue noise pollution in accordance with Policies GEN2 and ENV10 of the Uttlesford Local Plan (adopted 2005) and emerging Core Policy 44 of the Uttlesford Local Plan (2021-2041).

- 23** No works on site shall commence until a detailed Surface Water Drainage Strategy (demonstrating the disposal of surface water by means of sustainable methods of urban drainage systems) has been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with such approved details.



REASON: To avoid and/or mitigate and prevent any additional surface water run-off in accordance with Policy GEN3 of the Local Plan (2005) and emerging Core Policies 35, 36 and 37 of the Uttlesford Local Plan (2021-2041).

- 24** 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.

- 25** During construction, robust measures to be taken to prevent birds being attracted to the site. No pools of water should occur and prevent scavenging of any detritus.

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

- 26** Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no reflective materials (including solar PV) other than clear or obscure glass shall be added to the building without the express consent of the local planning authority.

REASON: In the interests of flight safety and to prevent distraction and ocular damage to pilots using Stansted Airport

- 27** The 6-no. dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4 (2) of the Building Regulations 200 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with ULP Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Play space and emerging Core Policy 53 of the Uttlesford Local Plan (2021-2041).

## APPENDIX 1 – ECC HIGHWAYS

Your Ref: UTT/25/1854/FUL  
Our Ref: 10531  
Date: 30/10/2025



cc. [cllr.susan.barker@essex.gov.uk](mailto:cllr.susan.barker@essex.gov.uk)  
DM, SM02, Chelmsford

Director for Highways  
and Transportation

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

County Hall  
Chelmsford  
Essex CM1 1QH

### Recommendation

Application No. UTT/25/1854/FUL

Applicant. Jeremy Tear

Site Location. Cranwellian The Street Takeley Essex CM22 6NB

Proposal. Removal of all existing structures, foundations, internal fences, poles and manège materials, drainage pipes, chambers and tanks, adaption of the existing site access and the erection of 6 residential dwellings with associated infrastructure.

**All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.**

**From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to the following measures:**

1. Prior to first occupation of the development, the road access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres to the East and 2.4 metres by 120 metres to the west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided and retained free of any obstruction at all times.  
**Reason:** To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with Policy DM1 of the Development Management policies.
2. Prior to first occupation of the development the existing vehicular access shall be widened and improved. The width of the access at its junction with the highway shall be 6 metres, as shown in the Proposed Site Plan drawing no. BRD/25/023/002-B and shall be provided with an appropriate vehicular crossing of the highway verge.

**Reason:** To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policy DM1 of the Development Management policies.

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

**Reason:** To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management policies.

4. Prior to occupation of the development, the existing footway fronting the development site along B1256, shall be widened to 2 metres for the entire site frontage. For the avoidance of doubt, this shall include full depth reconstruction and surfacing. The scheme, to be agreed with the Highway Authority, shall then be implemented prior to first occupation.

**Reason:** In the interests of accessibility and pedestrian safety.

5. Prior to the first occupation of the development, the bus stop both sides of B1256 near the development site shall be upgraded. The bus stops shall comprise of, but not limited to, the provision of the following facilities, timetables, bus cage markings and signage.

**Reason:** In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance.

6. Prior to first occupation of the development, the vehicle parking spaces shown in the Proposed Site Plan drawing no. BRD/25/023/002 has been constructed appropriately hard surfaced ready for use. The vehicle parking area and associated turning area shall be retained in this form at all times.

**Reason:** To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management policies.

7. 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 in accordance with Policy DM8 of the Development Management policies.

8. Any redundant access serving the development site shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge / footway / kerbing immediately as the proposed new access is brought into first beneficial use.

**Reason:** To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.

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

**Reason:** In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Development Management policies.

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

- i. vehicle routing,
- ii. the parking of vehicles of site operatives and visitors,
- iii. loading and unloading of plant and materials,
- iv. storage of plant and materials used in constructing the development,
- v. wheel and underbody washing facilities.

**Reason:** To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

**The above conditions are required to ensure that the development accords with the National Planning Policy Framework 2024 (NPPF) and the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance and Uttlesford Local Plan Policy GEN1.**

Informative:

- i. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)
- ii. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
- iii. There shall be no discharge of surface water onto the Highway.
- iv. The applicant should be made aware of the potential relocation of the utility apparatus in the highway; any relocation shall be fully at the applicant's expense.
- v. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public bridleway no. 55 (Hatfield Broad Oak) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

*F Masne*

pp. Director for Highways and Transportation  
Enquiries to Chioma Cureton



## APPENDIX 2 – PLACE SERVICES (ECOLOGY)

Place Services  
Essex County Council  
County Hall, Chelmsford  
Essex, CM1 1QH  
www.placeservices.co.uk



Date: 23 December 2025

Our ref: 07554

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

By email only: Planning Department, [planning@uttlesford.gov.uk](mailto:planning@uttlesford.gov.uk)

---

*Thank you for requesting advice on this application from Place Services' ecological advice service. This service provides advice to planning officers to inform Uttlesford District Council planning decisions with regard to potential ecological impacts from development. Any additional information, queries or comments on this advice that the applicant or other interested parties may have, must be directed to the Planning Officer who will seek further advice from us where appropriate and necessary.*

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**Application:** UTT/25/1854/FUL  
**Location:** Cranwellian The Street Takeley  
**Proposal:** Removal of all existing structures, foundations, internal fences, poles and manege materials, drainage pipes, chambers and tanks, adaption of the existing site access and the erection of 6 residential dwellings with associated infrastructure

Thank you for re-consulting Place Services on the above full application.

<b>No ecological objection</b>	<input type="checkbox"/>
<b>No ecological objection subject to attached conditions</b>	<input checked="" type="checkbox"/>
<b>Further information required/Temporary holding objection</b>	<input type="checkbox"/>
<b>Recommend Refusal</b>	<input type="checkbox"/>
<b>Subject to Natural England's formal comments on the conclusion of the LPA's Appropriate Assessment</b>	<input type="checkbox"/>

### Summary

We have reviewed the Preliminary Ecological Appraisal (Hybrid Ecology, June 2025) relating to the likely impacts of development on designated sites, protected and Priority species &



habitats and identification of appropriate mitigation measures. We have also reviewed the information submitted relating to mandatory biodiversity net gains.

We are now satisfied that there is sufficient ecological information available to support determination of this application.

**Designated Sites: Hatfield Forest SSSI/ NNR**

We note that the development site is situated within the 11.1km evidenced Zone of Influence (ZOI) for recreational impacts at Hatfield Forest Site of Special Scientific Interest (SSSI)/National Nature Reserve (NNR) as shown on MAGIC map ([www.magic.gov.uk](http://www.magic.gov.uk)). Therefore, Natural England's letter to Uttlesford DC relating to Hatfield Forest Mitigation Strategy (19 June 2025) should be followed to ensure that impacts are minimised to this site from new residential development.

With effect from the adoption of the Hatfield Forest Mitigation Strategy by Uttlesford DC Cabinet on 15 July 2025, the apportioned SAMM tariff for Uttlesford District is £1,333.60/new dwelling towards delivery of the approved package of funded Strategic Access Management Measures (SAMMs) at Hatfield Forest.

The SAMM tariff applies to all new residential development where there is a net increase in dwelling numbers. It excludes replacement dwellings where there is no net gain in dwelling numbers. The full per dwelling tariff applies to all C3 dwellings and sites for gypsy, traveller and travelling show people (one pitch = one C3 dwelling).

Natural England is of the opinion that Reserved Matters applications within the ZOI will have to demonstrate no negative impacts on Hatfield Forest SSSI/NNR, in accordance with the Wildlife and Countryside Act 1981 (as amended) and NPPF. This will require mitigation if none has been secured at Outline stage. Similarly, Section 73 applications are new planning applications under the 2017 Environmental Impact Assessment (EIA) Regulations and will also be required to adhere to the adopted Hatfield Forest mitigation strategy.

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.

The mitigation measures identified in the Preliminary Ecological Appraisal (Hybrid Ecology, June 2025) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

We recommend that a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) is secured by a condition of any consent, in order to minimise potential impacts of development on the adjacent Flitch Way Local Nature Reserve (LNR) and Local Wildlife Site (LoWS).

We also recommend that a Wildlife Sensitive Lighting Design Scheme, in line with best practice guidance GN:08/23 from the Institute of Lighting Professionals<sup>1</sup> is secured by a

<sup>1</sup> <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>

condition of any consent, in order to minimise potential impacts of external lighting on foraging and commuting bats in the adjacent Flitch Way LNR and LoWS.

With regard to mandatory biodiversity net gains, it is highlighted that we now support the submitted Statutory Biodiversity Metric and baseline habitat map. Biodiversity net gains is a statutory requirement set out under [Schedule 7A \(Biodiversity Gain in England\) of the Town and Country Planning Act 1990](#) and we are satisfied that submitted information provides sufficient information at application stage. As a result, a Biodiversity Gain Plan should be submitted prior to commencement, which also includes the following:

- a) A Biodiversity Gain Plan form (Ideally using the Government's template: <https://www.gov.uk/government/publications/biodiversity-gain-plan>)
- b) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.
- c) Pre and post development habitat plans.
- d) Legal agreement(s)
- e) Biodiversity Gain Site Register reference numbers (if using off-site units).
- f) Proof of purchase (if buying statutory biodiversity credits at a last resort).

In addition, a [Habitat Management and Monitoring Plan](#) (HMMP) should be secured for all [significant on-site enhancements](#). Based on the submitted post-intervention values as they are currently submitted and Government Guidance on what constitutes a significant on-site enhancement, it is suggested that this includes the following habitats:

- Ditches
- Mixed scrub
- Rural tree

The decision on whether significant on-site enhancements are present is ultimately up to the Council. Where present, the maintenance and monitoring of significant on-site enhancements should be secured via planning obligation for a period of up to 30 years from the completion of development. This will be required to be submitted concurrent with the discharge of the biodiversity gain condition. Therefore, the LPA is encouraged to secure draft heads of terms for this planning obligation at application stage, to be finalised as part of the biodiversity gain condition. Alternatively, the management and monitoring of significant on-site enhancements could be secured as a condition of any consent. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 1, 3, 5, 10, 15, 20, 25, 30, unless otherwise specified by the LPA. Any remedial action or adaptive management will then be agreed with the LPA during the monitoring period to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

We are generally satisfied that the post-intervention values are realistic and deliverable. However, it is recommended that the following matters will need to be considered by the applicant as part of the biodiversity gain condition:

- No condition assessments have been submitted with the application. As photographs have been provided, we are satisfied that the assessed habitat conditions are accurate. However, condition assessments will be required in order to discharge the Biodiversity Gain Condition, should the application reach that stage.



We also support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). Reasonable biodiversity enhancement measures are a separate matter to mandatory biodiversity net gains and the finalised details should be outlined within a separate Biodiversity Enhancement Strategy to be secured as a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended) and delivery of mandatory Biodiversity Net Gain.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013. We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

### **Recommended conditions**

#### **1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS**

*"All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Hybrid Ecology, June 2025) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.*

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

**Reason:** To conserve 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).

#### **2. PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY**

*"A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.*

*The CEMP (Biodiversity) shall include the following.*

- 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).*
- 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).

### 3. **PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY**

*"Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal (Hybrid Ecology, June 2025), 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 and s40 of the NERC Act 2006 (as amended).

### 4. **PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME**

*"Prior to occupation, a "lighting design strategy for biodiversity" for external lighting 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 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) and s40 of the NERC Act 2006 (as amended).

**Optional condition:**

Management and monitoring for significant on-site enhancements should be secured by planning obligation (either at application stage or the Biodiversity Gain Condition), to allow aftercare and monitoring to be secured for the 30-year period and the LPA to cover its monitoring costs. However, if the LPA would prefer that this is secured via a separate condition, the following pre-commencement condition could be used:

**5. PRIOR TO COMMENCEMENT: HABITAT MANAGEMENT AND MONITORING PLAN (HMMP)**

*A Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, 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) a non-technical summary;*
- b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;*
- c) 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;*
- d) 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;*
- e) the monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and*
- f) 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, 3, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP.*

*The Council shall only issue approval of the habitat creation and enhancement works until:*

- *the habitat creation and enhancement works set out in the approved HMMP have been completed; and*
- *a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.*

**Reason:** To satisfy the requirement of Schedule 7A, Part 1, section 9(3) of the Town and Country Planning Act 1990 that significant on-site habitat is delivered, managed, and monitored for a period of at least 30 years from completion of development.

#### **Biodiversity Gain condition**

Natural England advises that the biodiversity gain condition has its own separate statutory basis, as a planning condition under [paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990](#). The condition is deemed to apply to every planning permission granted for the development of land in England (unless exemptions or transitional provisions apply), and there are separate provisions governing the Biodiversity Gain Plan.

The local planning authority is strongly encouraged to not include the biodiversity gain condition, or the reasons for applying this, in the list of conditions imposed in the written notice when granting planning permission. However, it is highlighted that biodiversity gain condition could be added as an informative, using [draft text](#) provided by the Secretary of State:

#### ***"Biodiversity Net Gain***

*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) 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."*

Please do not hesitate to contact us if you have any queries in relation to this advice.

**Hallie Rees MSci (Hons)**  
**A Current Qualifying Member of CIEEM**  
Assistant Ecological Consultant  
Place Services at Essex County Council



Place Services provide ecological advice on behalf of Uttlesford District Council.

*Please note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter.*





## APPENDIX 3 – UDC ENVIRONMENTAL HEALTH

### **Environmental Health Consultee Comments for Planning**

Application Number: UTT/25/1854/FUL

#### **Cranwellian The Street Takeley**

##### **Consultee**

Name: Rebecca Page  
Title: EHO  
Tel: x  
Email: rpage@uttlesford.gov.uk

Date: 24 July 2025

Removal of all existing structures, foundations, internal fences, poles and manege materials, drainage pipes, chambers and tanks, adaption of the existing site access and the erection of 6 residential dwellings with associated infrastructure.

##### **Comments**

##### **Noise**

A Noise Assessment by dB Consultation Ltd, dated 28<sup>th</sup> March 2025 was submitted as part of the above application. The site is subject to aircraft and road traffic noise.

The Noise Assessment found that the external amenity spaces exceed the recommended BS8233 upper guideline of 55 dBLAeq,16hr. Aircraft noise cannot be mitigated so those external amenity noise levels may remain very high. Based on the above information, Environmental Health object to the application.

However, there may be local requirements and demand for housing in this area and therefore the noise impact on external amenity spaces will have to be balanced against this requirement from a broader planning perspective.

BS8233:2014 states the guideline values may not be achievable in all circumstances where development might be desirable. In such a situation, development should be designed to achieve the lowest practicable noise levels in these external amenity spaces.

If the LPA is minded to accept, I would recommend the following condition:

- 1. No development shall commence until a detailed scheme of noise mitigation (covering façade, glazing and ventilation specifications) from a noise has been submitted to the Local Planning Authority for written approval. The scheme shall follow BS8233:2014 Guidance and the recommendations identified in the Noise Report (dB Consultation Ltd, dated 28<sup>th</sup> March 2025).*
- 2. A noise validation report, demonstrating compliance with the noise criteria shall be submitted to and approved by the local planning authority before any of the dwellings are occupied. This assessment shall be conducted in accordance with Professional Practice Guidance: Planning and Noise- New Residential Development (May 2017) and the approved noise design scheme. Such noise protection measures shall thereafter be maintained and operated in accordance with the approved scheme.*

### **Contaminated Land**

The Geo-technical Report issued by HESI dated March 2025, completed 4 samples to assess human health risk, and identified elevated Chrysotile Asbestos in BH3.

Further sampling is required across the site to assess the risk to human health further.

With this in mind, the following is recommended for conditioning:

*A Phase 2 Site Investigation adhering to BS 10175:2011 shall be 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.*

### **Construction Impacts**

This development has the potential to cause noise and dust impacts on surrounding residential properties and conditions are recommended to protect the amenity of existing residential properties close to the site:

*No development shall commence on site (including demolition) until such time as a Construction and Environmental Management Plan 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*
- (d) Hours of operation*
- (e) Details of a complaints procedure with a designated person on site responsible for complaint handling*
- (f) Other site specific Environmental Protection issues as requested on a case by case basis*
- (g) The development shall be undertaken in full accordance with the details approved under Parts a-f*

### **External Lighting**

The external lighting details provided explains the lights will be tilted downwards, to prevent spillage. The lighting plan is appropriate and minimises any adverse impacts on residential neighbours from obtrusive/spill-over light, or glare.

### **Informatives**

Asbestos:

Under the Control of Asbestos Regulations, a refurbishment and demolition survey is required before the demolition of any buildings which may contain asbestos, and any asbestos found must be safely removed by a trained contractor before work commences. All asbestos removed in relation to this development shall be done in full consultation with the Health & Safety Executive using a licenced contractor. Contractor details and asbestos disposal records (waste transfer notes) should be submitted to the council upon completion to prevent the asbestos from being buried on site during construction.

#### Sewage Plants:

All small sewage discharges must either meet the Environment Agency's general binding rules or have an Environmental Permit. The rules may be found at <https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-a-surface-water>

#### Renewable Technologies:

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

#### Construction Advice:

Developers are referred to the Uttlesford District Council Environmental Code of Development Practice. To avoid/minimise the impact upon the amenity of adjoining residents; developers are advised to follow the General Principle, and advice contained therein.



**From:** Rebecca Page <[RPage@uttlesford.gov.uk](mailto:RPage@uttlesford.gov.uk)>  
**Sent:** 01 September 2025 4:16 PM  
**To:** Nigel Brown <[nbrown@uttlesford.gov.uk](mailto:nbrown@uttlesford.gov.uk)>; Ashley Neale <[ANeale@uttlesford.gov.uk](mailto:ANeale@uttlesford.gov.uk)>  
**Cc:** Marcus Watts <[MWatts@uttlesford.gov.uk](mailto:MWatts@uttlesford.gov.uk)>  
**Subject:** RE: >> Fwd: UTT/25/1854/FUL Cranwellian, The Street, Takeley

Dear Nigel,

Thank you for your email.

Following up with our team and reviewing the extensive history, the following condition is suggested:

*No development approved by this permission shall take place until a Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination has been submitted to and approved in writing by the Local Planning Authority. This report shall adhere to BS10175:2011.*

*Where shown to be necessary by the Phase 1 Desk Study, 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.*

Thank you and kind regards,

**Rebecca Page**  
**Environmental Health Officer**

Uttlesford District Council  
Council Offices

## APPENDIX 4 – MAG/NATS AERODROME SAFEGUARDING



01/08/2025

STANSTED AIRPORT AERODROME SAFEGUARDING AUTHORITY PLANNING APPLICATION CONSULTATION RESPONSE – under Circular 1/2003 Safeguarding Aerodromes, Technical Sites and Military Explosives Storage Areas: the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002				
Planning Authority:		UDC		Application No: UTT/25/1854/FUL
Development Proposal:		Removal of all existing structures, foundations, internal fences, poles and manège materials, drainage pipes, chambers and tanks, adaption of the existing site access and the erection of 6 residential dwellings with associated infrastructure.		
Location:		Cranwellian The Street Takeley		
OS Co-ordinates (Eastings/Northings):		553377 221303		
Our Reference:		STN 2025-155		
No Objection	Informatives	Need to engage with MAG Safeguarding	Request Conditions	Objection
	X		X	

### Consultation Response:

Black – Conditions

Green – Informatives

The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict with aerodrome Safeguarding criteria. We have no objection subject to the following:

#### Height

No comments

#### Lighting

-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.

-No lighting directly beneath the 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.

#### Wildlife

-During construction, robust measures to be taken to prevent birds being attracted to the site. No pools of water should occur and prevent scavenging of any detritus.

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



### Communication, Navigation, and Surveillance systems

-The use of radio frequency (RF) emitting devices in this location has the potential to interfere with Stansted Airport's Communication, navigation, and surveillance (CNS) equipment. RF devices are to be approved by Stansted Airport prior to energisation.

Reason: Flight safety – In the interests of maintaining the integrity of CNS equipment critical to aviation operations.

### Materials

-Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no reflective materials (including solar PV) other than clear or obscure glass shall be added to the building without the express consent of the local planning authority.

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

### Tall Equipment

The applicant's attention is drawn to the procedures for crane and tall equipment notifications, please see: <https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/>

### Construction Management

-No development shall take place until a comprehensive Construction Management Plan has been submitted to and approved in writing by the local planning authority, in consultation with Stansted Airport. The Construction Management Plan is to include at least the following topics:

- Control of dust and smoke
- The process for notifying the airport prior to the use of frequency emitting devices
- Measures to prevent foreign object debris (including airborne tarpaulins)
- Principles for utilising temporary construction lighting (capped at horizontal with no light spill above the horizontal).
- Procedures for drone usage - only in consultation with Stansted Airport.
- Commitment relating to the notification of tall equipment as per CAA CAP 1096
- Procedures for gas venting, if required, in consultation with Stansted Airport.

Reason: Flight safety – Construction activities can pose a risk to aviation operations unless managed safely.

### Other Comments

**It is important that any conditions or advice in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Stansted Airport, or not attach conditions which Stansted Airport has advised, it shall notify Stansted Airport, and the Civil Aviation Authority as specified in the Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.**

---

**From:** NATS Safeguarding <NATSSafeguarding@nats.co.uk>  
**Sent:** 17 July 2025 14:17  
**To:** Planning <planning@uttlesford.gov.uk>  
**Subject:** >> RE: [EXTERNAL] Planning Application Consultation - S UTT/25/1854/FUL [SG39766]

Our Ref: SG39766

Dear Sir/Madam

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

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Yours faithfully

**NATS**

**NATS Safeguarding**

E: [natssafeguarding@nats.co.uk](mailto:natssafeguarding@nats.co.uk)

1000 Parkway, Whiteley,  
Barcham, Hants PO15 7FL  
[www.nats.co.uk](http://www.nats.co.uk)



## APPENDIX 5 – UDC URBAN DESIGN



### UTTLESFORD DISTRICT COUNCIL

Council Offices, London Road, Saffron Walden, Essex CB11 4ER  
Telephone (01799) 510510  
Textphone Users 18001  
Email [uconnect@uttlesford.gov.uk](mailto:uconnect@uttlesford.gov.uk) Website [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk)

### Urban Design Consultation Response

*The following notes are associated with Urban Design aspects only and are to be considered advisory and the opinion of specialist staff in relation to this particular matter.*

<b>Reference Nos.</b>	UTT/25/1854/FUL
<b>Applicant</b>	Jeremy Tear
<b>Site Location</b>	Cranwellian The Street Takeley Essex
<b>Proposal Description</b>	Removal of all existing structures, foundations, internal fences, poles and manège materials, drainage pipes, chambers and tanks, adaption of the existing site access and the erection of 6 residential dwellings with associated infrastructure.

### Summary of Proposals

This is an application to clear the site of a fire-damaged house and existing equestrian use and replace it with 6 new residential dwellings. The site sits on the western edge of the existing residential development along Takeley Street and is immediately adjacent to Hatfield Forest and is in the Countryside Protection Zone (CPZ).

### Summary of Comments

Given the location of the site, proposals should reflect their rural setting and sensitive landscape context. The proposed design is a suburban layout with 3 house types, mirrored about a central open space. This creates a streetscene that is too rhythmic and formal for the rural setting and would benefit from further refinement of proposals.

### Layout

The proposed layout is a suburban T-shaped cul-de-sac arrangement which would be acceptable in principle. However, in its current form it is too rigid and symmetrical in its arrangement and should be reviewed. The street is laid out precisely on an east-west axis, with the four central houses following a single building line and the end houses slightly setback, albeit with projecting garages. The plan consists of three house types mirrored centrally about the open space.

This layout would benefit from a more organic and less rigid structure to better fit within its rural context. This could be achieved simply by repositioning house types so that they are less symmetrical, and do not follow the neighbouring building line so rigidly and perhaps altering the angle of the access road or making it curve slightly (refer to code M1.4C). Furthermore, the two end houses should be set further forward so that there is a visual termination to the east-west access road.

### Pocket Park

The layout indicates a central landscaped pocket park for residents. This is a positive asset but should be better integrated with proposals. It is currently shown as a gated rectangular plot flanked by timber fenced boundaries to plots 3 and 4. This is not acceptable as shown and further landscaping details should be provided. This space should not be gated and should be overlooked



and must not be enclosed by timber fencing (refer to code N1.6C and N1.8C). Plots 3 and 4 are accessed from the side and so should present active frontage and properly address this central space. The boundary treatment along the flanks of these plots, south of the houses eastern and western facades, should be a managed hedge maintained by the third party that would manage the rest of the pocket park.

**Pedestrians and Cyclists**

There is a bus stop outside the site but no obvious pedestrian route from the site to the main road. Site access appears to be designed primarily for vehicles. A pedestrian and cycle route should be provided within the site linking out towards the footpath and bus stop. Cycle storage provision should be provided in line with design code requirements.

**Landscape**

There is no supplied landscape masterplan. One should be supplied that details all hard and soft landscaping materials proposed, unless agreed with the LPA that this can be conditioned.

**Materials**

No materials are indicated on the supplied drawings for the house types. Materials must be referenced on drawings and natural materials would be most appropriate for this location.

**Design Code**

There is a statement of compliance with the Uttlesford Design Code within the planning statement. However, it is usual in schemes of this size to see a clear explanation of contextual analysis and design evolution within the Design & Access Statement as justification and support for the proposed layout.

<b>Prepared by</b>	Nick Phillips Principal Urban Design Officer
<b>Date</b>	4 August 2025

## APPENDIX 6 – ENVIRONMENT AGENCY



Ashley Neale  
Uttlesford District Council  
Development Control  
Council Offices London Road  
Saffron Walden  
Essex  
CB11 4ER

**Our ref:** AE/2025/130734/01-L01  
**Your ref:** UTT/25/1854/FUL  
**Date:** 06 August 2025

Dear Ashley

**REMOVAL OF ALL EXISTING STRUCTURES, FOUNDATIONS, INTERNAL FENCES, POLES AND MANEGE MATERIALS, DRAINAGEPIPES, CHAMBERS AND TANKS, ADAPTION OF THE EXISTING SITE ACCESS AND THE ERECTION OF 6 RESIDENTIAL DWELLINGS WITH ASSOCIATED INFRASTRUCTURE.**

### **CRANWELLIAN THE STREET TAKELEY**

Thank you for the consultation dated 31 July 2025. We have reviewed the documents as submitted and have no objection to this proposal. Whilst we are not objecting, we do have a planning condition that we'd recommend is included within the decision notice.

We have provided comments below on the Risk to Groundwater, on-site waste and the use of non-mains drainage. Some of these matters are for the applicant to consider under the Environmental Permit Regulations (EPR).

#### **Risk to Groundwater**

Thank you for consulting the Environment Agency with respect to the above planning application. We have reviewed the following documents submitted to support the planning application:

- Planning Statement to Support an Application made to Uttlesford District Council for Planning Permission. Dated 9<sup>th</sup> July 2025.
- Planning Statement - Appendix A, Dated 24<sup>th</sup> January 2025
- Planning Statement - Appendix B, Dated 16<sup>th</sup> October 2013
- remediation strategy, Dated, 9 JULY 2025
- geotechnical report, Dated 31st March 2025
- Flood Risk Assessment & Drainage Strategy

#### **Environment Agency position**

We would have no objection to the proposals if the following conditions are attached to any grant of planning permission. Without these conditions we feel that the development would pose an unacceptable risk to groundwater, and we would object.

We ask to be consulted on the details submitted for approval to your authority to discharge these conditions and on any subsequent amendments/alterations.

Environment Agency  
Iceni House Cobham Road, Ipswich, IP3 9JD.  
Customer services line: 03708 506 506  
[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)  
Cont/d..

### **Condition - Unexpected contamination**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

### **Reason for Condition**

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 187 of the NPPF.

### **Non-Mains Drainage**

Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank

The development is in a non-sewered area, and therefore a non-mains alternative may be acceptable subject to an Environmental Permit. Under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, in addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Further advice can be found at [Septic tanks and sewage treatment plants: what you need to do: Overview - GOV.UK](#)

### **On-site waste**

"Due to concerns regarding historic waste deposits on the site we provide the following advice and guidance:

#### **Movement of waste off-site – Duty of Care & Carriers, Brokers and Dealers Regulations Characterisation and classification of waste**

In order to meet the applicant's duties under the waste hierarchy and obligations under the duty of care, it is important that waste is properly classified. Some waste may be either a hazardous or non-hazardous waste dependent upon their properties and how they have been treated or handled.

Proper classification of the waste both ensures compliance and enables the correct



onward handling and treatment to be applied. More information on this can be found here: [Classify different types of waste: your legal responsibilities - GOV.UK](#).

### **Use of waste on-site - authorisation or permit required**

If excavated materials are to be used on the development site, the applicant will need to comply with the exclusion from the Waste Framework Directive (WFD) article 2(1) (c) for the use of, 'uncontaminated soil and other naturally occurring material excavated in the course of construction activities, etc...' for waste controls to not apply to their use. Meeting these criteria will mean environmental permitting requirements do not apply. Where the developer cannot meet the criteria, they will need an appropriate environmental permit from us or to register an exemption.

A deposit of waste to land must either be a disposal or a recovery activity. The legal test for recovery is set out in Environmental Permitting (England and Wales) Regulations 2016, and is defined in schedule 9 and/ or schedule 1A (Article 3(15) of WFD) as any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.

- We have produced guidance on the recovery test which can be viewed at [Waste recovery plans and deposit for recovery permits - GOV.UK](#).
- You can find more information on the WFD here: [Environmental permitting guidance: The waste framework directive - GOV.UK](#)
- More information on the definition of waste can be found here: [Check if your material is waste - GOV.UK](#)
- More information on the use of waste in exempt activities can be found here: [Waste exemption guides - GOV.UK](#)

The Environment Agency does not regulate non-waste operations. The person producing the material will need to decide if it is waste or a by-product. If it is waste they can consider if it meets End of Waste criteria. You can [Check if your material is waste - GOV.UK](#) or [get an opinion from the definition of waste service](#) on if a material is a by-product or meets 'end of waste' status. There is a cost for this service.

### **The waste hierarchy & resource management in relation to construction wastes**

The developer must apply the waste hierarchy as a priority order of prevention, re-use and recycling before considering other recovery or disposal options. Government guidance on the waste hierarchy in England can be found here: [Waste hierarchy guidance](#).

Site Waste Management Plans (SWMP) are no longer a legal requirement in England, however, in terms of meeting the objectives of the waste hierarchy and your duty of care, they are a useful tool and considered to be best practice. Other best practice approaches are found in the [Waste Prevention Programme for England](#).

### **Resource efficiency & the circular economy**

The circular economy is a concept designed to keep materials/resources in use as long as possible and maintaining the highest possible value state, thus promoting resource

efficient practice and deriving economic benefits. Adherence to the waste hierarchy and adoption of best practice in relation to Resource Management Plans will help you deliver against circular economy objectives.

#### Additional Advice

Observance of the waste hierarchy objectives and principles of the circular economy will depend upon the selection of the most sustainable option at every phase of a development project, from reduction through design and architecture, to the selection of the most efficient recovery process for the treatment and use of waste. [The Waste \(Circular Economy\) \(Amendment\) Regulations 2020](#) outlines those matters which must be included in Waste Management Plans.

#### **Management and reporting systems**

Where a development involves any significant construction or related activities, we would recommend using a management and reporting system to minimise and track the fate of construction wastes, such as that set out in [Publicly Available Specification PAS 402: 2025](#), or an appropriate equivalent assurance methodology. This should ensure that any waste contractors employed are suitably responsible in ensuring waste only goes to legitimate destinations."

We trust this advice is useful.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jack Saunders', with a stylized flourish at the end.

**Mr Jack Saunders**  
**Sustainable Places - Planning Advisor**

Direct e-mail: [Jack.Saunders@environment-agency.gov.uk](mailto:Jack.Saunders@environment-agency.gov.uk)  
Team email: [Planning.Eastanglia@environment-agency.gov.uk](mailto:Planning.Eastanglia@environment-agency.gov.uk)  
Team phone number: 02030 255475

End

## APPENDIX 6 – NATURAL ENGLAND

Date: 28 July 2025  
Our ref: 519631  
Your ref: UTT/25/1854/FUL



### BY EMAIL ONLY

Consultations  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 900

Dear Sir / Madam

**Planning consultation:** Removal of all existing structures, foundations, internal fences, poles and manège materials, drainage pipes, chambers and tanks, adaption of the existing site access and the erection of 6 residential dwellings with associated infrastructure

**Location:** Cranwellian The Street Takeley

Thank you for your consultation on the above dated 16 July 2025 which was received by Natural England on the same date.

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

### SUMMARY OF NATURAL ENGLAND'S ADVICE

#### NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

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

**To mitigate these adverse effects and make the development acceptable, the following mitigation measure is required:**

- Financial contribution towards Strategic Access Management and Monitoring (SAMM) measures identified by the National Trust as landowners of £1,333.60/new residential dwelling.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered and relevant local bodies are consulted.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

### Hatfield Forest SSSI / NNR - further advice

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

it is apparent that the current number of visitors is exceeding carrying capacity of some important SSSI habitats and features.

The National Trust has undertaken visitor surveys to establish a Zone of Influence (ZOI) for recreational impacts to Hatfield Forest SSSI / NNR, which has been determined to be 11.1km. Natural England regards this information as material and therefore would anticipate that the application be assessed in the context of these issues and the strategic mitigation solution to address recreational pressure impacts. Please note Natural England's Impact Risk Zones have since been updated to reflect this ZOI. New residential housing within this ZOI is likely to damage the interest features of Hatfield Forest SSSI/NNR.

The evidence in relation to recreational pressure has been shared with your authority and we wrote to all Local Planning Authorities identified as falling within the ZOI to confirm Natural England's position. The strategic mitigation solution comprises two elements:

- 1) Strategic Access Management and Monitoring (SAMM) package of measures undertaken within Hatfield Forest NNR/SSSI, to increase the resilience of the ancient woodland to recreational pressure; and,
- 2) For larger developments of 50+ dwellings, on and/or off site measures.

LPA Council Members are due to be consulted on a final draft Governance Agreement relating to the Mitigation Strategy in summer 2025. Please refer to the letter from Natural England to the partner LPAs and the National Trust dated 19 June 2025 (available from the LPAs) for the most recent update on the strategic mitigation solution.

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

We draw your attention to appeal reference s62A/2023/0019RD (Land to the north of Roseacres, between Parsonage Road and Smiths Green Lane, Takeley, Essex, CM22 6NZ (Land also known as Bull Field, Warish Hall Farm, Takeley, Essex)), with respect to the Hatfield Forest SSSI/NNR strategic mitigation solution.

**Natural England advises that permission should not be granted until such time as the following mitigation measure has been secured through a planning condition / obligation:**

- Financial contribution towards Strategic Access Management and Monitoring (SAMM) measures identified by the National Trust as landowners of £1,333.60/new residential dwelling.

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

Should the proposal change, please consult us again.

If you have any queries relating to the advice in this letter, please contact Camilla Davidge as case officer, via [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Fiona Martin  
Strategic Solutions Senior Officer  
West Anglia Team



## Annex A – General Advice

### Protected Landscapes

Paragraph 182 of the [National Planning Policy Framework](#) (NPPF) requires great weight to be given to conserving and enhancing landscape and scenic beauty within Areas of Outstanding Natural Beauty (known as National Landscapes), National Parks, and the Broads and states that the scale and extent of development within all these areas should be limited. Paragraph 183 requires exceptional circumstances to be demonstrated to justify major development within a designated landscape and sets out criteria which should be applied in considering relevant development proposals. [Section 245](#) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities (including local planning authorities) to seek to further the statutory purposes of a National Park, the Broads or an Area of Outstanding Natural Beauty in England in exercising their functions. This duty also applies to proposals outside the designated area but impacting on its natural beauty.

The local planning authority should carefully consider any impacts on the statutory purposes of protected landscapes and their settings in line with the NPPF, relevant development plan policies and the Section 245 duty. The relevant National Landscape Partnership or Conservation Board may be able to offer advice on the impacts of the proposal on the natural beauty of the area and the aims and objectives of the statutory management plan, as well as environmental enhancement opportunities. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to development and its capacity to accommodate proposed development.

### Wider landscapes

Paragraph 180 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape and Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

### Biodiversity duty

The local planning authority has a [duty](#) to conserve and enhance biodiversity as part of its decision making. Further information is available [here](#).

### Designated nature conservation sites

Paragraphs 186-188 of the NPPF set out the principles for determining applications impacting on Sites of Special Scientific Interest (SSSI) and habitats sites. Both the direct and indirect impacts of the development should be considered. A Habitats Regulations Assessment is needed where there is a likely significant effect on a habitats site and Natural England must be consulted on [appropriate assessments](#). Natural England must also be consulted where development is in or likely to affect a SSSI and provides advice on potential impacts on SSSIs either via [Impact Risk Zones](#) or as standard or bespoke consultation responses.

### Protected Species

Natural England has produced [standing advice](#) to help planning authorities understand the impact of particular developments on protected species. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances. A protected species [licence](#) may be required in certain cases.

### Local sites and priority habitats and species

The local planning authority should consider the impacts of the proposed development on any local wildlife or geodiversity site, in line with paragraphs 180, 181 and 185 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity to help nature's recovery. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies. Emerging [Local Nature Recovery Strategies](#) may also provide further useful information.

Priority habitats and species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest on the Magic website or as Local Wildlife Sites. A list of priority habitats and species can be found on [Gov.uk](#).

Natural England does not routinely hold species data. Such data should be collected when impacts on priority

habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

#### **Biodiversity and wider environmental gains**

Development should provide net gains for biodiversity in line with the NPPF paragraphs 180(d), 185 and 186. Major development (defined in the [NPPF glossary](#)) is required by law to deliver a biodiversity gain of at least 10% from 12 February 2024 and this requirement is expected to be extended to smaller scale development in spring 2024. For nationally significant infrastructure projects (NSIPs), it is anticipated that the requirement for biodiversity net gain will be implemented from 2025.

Further information on biodiversity net gain, including [draft Planning Practice Guidance](#), can be found [here](#).

The statutory [Biodiversity Metric](#) should be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites, the [Small Sites Metric](#) may be used. This is a simplified version of the [Biodiversity Metric](#) and is designed for use where certain criteria are met.

The mitigation hierarchy as set out in paragraph 186 of the NPPF should be followed to firstly consider what existing habitats within the site can be retained or enhanced. Where on-site measures are not possible, provision off-site will need to be considered.

Development also provides opportunities to secure wider biodiversity enhancements and environmental gains, as outlined in the NPPF (paragraphs 8, 74, 108, 124, 180, 181 and 186). Opportunities for enhancement might include incorporating features to support specific species within the design of new buildings such as swift or bat boxes or designing lighting to encourage wildlife.

Natural England's [Environmental Benefits from Nature tool](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside the [Biodiversity Metric](#) and is available as a beta test version.

Further information on biodiversity net gain, the mitigation hierarchy and wider environmental net gain can be found in government [Planning Practice Guidance for the natural environment](#).

#### **Ancient woodland, ancient and veteran trees**

The local planning authority should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 186 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

#### **Best and most versatile agricultural land and soils**

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 180 and 181). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#). Agricultural Land Classification information is available on the [Magic](#) website and the [Data.Gov.uk](#) website.

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling, separate guidance on soil protection for site restoration and aftercare is available on [Gov.uk](#) website. Detailed guidance on soil handling for mineral sites is contained in the Institute of Quarrying [Good Practice Guide for Handling Soils in Mineral Workings](#).

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

#### **Green Infrastructure**

Natural England's [Green Infrastructure Framework](#) provides evidence-based advice and tools on how to design, deliver and manage green and blue infrastructure (GI). GI should create and maintain green liveable places that enable people to experience and connect with nature, and that offer everyone, wherever they live, access to good

quality parks, greenspaces, recreational, walking and cycling routes that are inclusive, safe, welcoming, well-managed and accessible for all. GI provision should enhance ecological networks, support ecosystems services and connect as a living network at local, regional and national scales.

Development should be designed to meet the [15 Green Infrastructure Principles](#). The GI Standards can be used to inform the quality, quantity and type of GI to be provided. Major development should have a GI plan including a long-term delivery and management plan. Relevant aspects of local authority GI strategies should be delivered where appropriate.

GI mapping resources are available [here](#) and [here](#). These can be used to help assess deficiencies in greenspace provision and identify priority locations for new GI provision.

#### **Access and Recreation**

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths, together with the creation of new footpaths and bridleways should be considered. Links to urban fringe areas should also be explored to strengthen access networks, reduce fragmentation, and promote wider green infrastructure.

#### **Rights of Way, Access land, Coastal access and National Trails**

Paragraphs 104 and 180 of the NPPF highlight the importance of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website [www.nationaltrail.co.uk](http://www.nationaltrail.co.uk) provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Further information is set out in Planning Practice Guidance on the [natural environment](#)