

# Jacks - Warish Hall Farm, Takeley

## Planning Statement

Prepared in support of the Full Planning Application  
Land at Jack's, Warish Hall Farm, Takeley, Essex.



**Table of Contents**

**Document History .....3**

**1. Introduction.....4**

**2. Site Context & Overview.....8**

**3. Application Proposals .....12**

**4. Planning Policy .....14**

**5. Planning Considerations.....23**

**6. Summary and Conclusion.....45**

**Figures:**

Figure 1 - The Appeal Scheme (Ref. No. UTT/21/1987/FUL / APP/C1570/W/22/3291524)

Figure 2 - Site Location

Figure 3 - Location of Heritage Assets

Figure 4 - Amendments from the Warish Hall Farm Application

Figure 5 - Proposed Housing Mix

Figure 6 - Requested Affordable Mix vs Proposed Affordable Mix

Figure 7 - Developments to the east and west of Parsonage Road

Figure 8 - Extract from Noise Assessment - Minimum Sound Reduction Performance Requirement

Figure 9 - Extract from Noise Assessment - Minimum Sound Reduction Performance Requirement

**Appendices**

**Appendix A: Warish Hall Farm Appeal Decision - Ref. No.**

**APP/C1570/W/22/3291524**

**Appendix B: Summary of consultee comments on Application Ref.****No. UTT/22/3126/FUL****Appendix C: CPZ Designation Plan****Appendix D: Draft Heads of Terms****Document History**

<b>Date</b>	<b>Version</b>	<b>Author</b>	<b>Revision/ Notes</b>
31.03.23	Draft	J.Spencer	
04.04.23	1.0	J.Spencer	

## 1. Introduction

1.1. This Planning Statement has been prepared by Weston Homes Plc (The Applicant) in support of a full planning application relating to the land known as Jacks, which is located to the north of Jacks Lane, Takeley, Essex (The Site). The Site falls within the jurisdiction of Uttlesford District Council (UDC) and within the parish of Takeley. The Site is situated on the east side of Smiths Green Lane, north of Jacks Lane.

1.2. The application is made under Section 62A of The Town and Country Planning Act 1990, for 40 no. new 2 to 5-bed dwellings. Accordingly, the proposed development description is as follows:

*“Redevelopment of the Land known as Jacks field for the provision of 40no. dwellings, including parking, open space and associated infrastructure.”*

1.3. This Planning Statement should be read in conjunction with a number of supporting documents and technical reports that have been commissioned in support of the application. These include:

- a) Planning Application Forms;
- b) Ownership Certificate and Agricultural Land Declaration;
- c) Design and Access Statement by Weston Homes;
- d) Site Location Plan;
- e) Application Drawings – Site Layout and Parameter Plans;
- f) Air Quality Assessment by Aether;
- g) Arboricultural Impact Assessment by Barton Hyett Associates
- h) Biodiversity Checklist;
- i) Ecological Assessment by Ecology Solutions;
- j) Ecology Site Walkover by Ecology Solutions;
- k) Ecology Briefing Note: Place Services Comments – 13.02.23 by Ecology Solutions;
- l) Bat Survey Report by Ecology Solutions;
- m) Bird Hazard Management Plan by Ecology Solutions;
- n) Woodland Management Plan by Ecology Solutions;
- o) Landscape Strategy by Allen Pyke;
- p) Dwg. No. 2951-LA-04 Rev P02 - Illustrative Landscape Masterplan by Allen Pyke;
- q) Landscape & Visual Impact Assessment by Allen Pyke;
- r) Transport Assessment by Motion;
- s) Dwg. No. 2007045-TK33 Rev A – Swept Path Analysis Refuse Vehicle by Motion;
- t) Dwg. No. 2007045-TK34 Rev A – Swept Path Analysis Fire Tender
- u) Sustainability Statement by Weston Homes;
- v) Environmental Noise Assessment by Stansted Environmental Services;
- w) Phase 1 Desk Study and Preliminary Risk Assessment by Stansted Environmental Services (SES);
- x) Construction Environment Management Plan by SES;
- y) Flood Risk Assessment and SuDS Report by EAS;
- z) Archaeological Desk Based Assessment by RPS;
- aa) Archaeological Written Scheme of Investigation by RPS;
- bb) Built Heritage Statement by RPS;
- cc) Draft S106 Agreement

- 1.4. This Statement is set out in the following Sections. Section 2 describes the Site itself and its surroundings. Section 3 will describe the proposals of the application. Section 4 will set out the planning policy context. Section 5 will set out how the proposals within this application address the requirements of the most relevant planning policies and other material planning considerations. Section 6 provides an overall summary and conclusion.

## Background

- 1.5. The Site formed part of a previous application (Ref. No. UTT/21/1987/FUL) for the development of a wider site known as Warish Hall Farm (see Figure 2 below) which sought full planning permission for, *inter alia*, 188no. dwellings, 3000sqm of commercial space, a medical center, 1ha of land to facilitate the future expansion of Roseacres Primary School, a 1ha extension to Prior Wood, and generous provision of publicly accessible open space.



**Figure 1 - The Appeal Scheme (Ref. No. UTT/21/1987/FUL / APP/C1570/W/22/3291524)**

- 1.6. This application was presented to committee on 15<sup>th</sup> December 2021 with the recommendation for approval. Despite Officers' recommendation, it was refused at committee for the following reasons:
1. *The proposed form of the development is considered incompatible with the countryside setting, and that of existing built development in the locality.*
  2. *The proposal would result in less than substantial harm to a number of designated and non-designated heritage assets.*
  3. *The proposed development does not provide sufficient mitigation in terms of its impacts upon the adjacent Ancient Woodland at Priors Wood.*
  4. *Absence of a Section 106 agreement to secure appropriate infrastructure.*

- 1.7. Following the decision made by the UDC Planning Committee, an appeal against the decision was submitted under Section 78 of the Town and Country Planning Act 1990 (as amended).
- 1.8. The appeal (Ref. APP/C1570/W/22/3291524) was dealt with via a Planning Inquiry, where it was dismissed by the Inspector on the grounds of impact on a number of heritage assets and on the character of the countryside. A copy of the Inspector's decision can be found at Appendix A.
- 1.9. It should be noted that within the discussion set out in the Inspector's report, the proposals upon the current application Site (Jacks) did not feature as part of the appeal scheme which the Inspector had a particular concern, with regards to the impact on heritage and character and appearance due to its contained nature. Furthermore, there were no substantive objections raised by the council in relation to the proposed development of Jacks as part of the Warish Hall Farm application.
- 1.10. This Section 62A Application reflects an planning application which is currently pending determination by Uttlesford District Council (Ref. No. UTT/22/3126/FUL). A summary of the key statutory and other consultee responses received on that application to date have been set out in Appendix B.
- 1.11. A number of public representation have also been made on the Application to date, with the following concerns raised:
  - Traffic Impacts
  - Impact on water supply/pressure
  - Lack of infrastructure capacity (schools, healthcare etc.)
  - Airport Parking Issues
  - Impact on Smiths Green Lane
  - Lack of Public Transport
  - Impact on Wildlife
  - Design, size and density is out of character
  - Impact on heritage assets
  - Impact on the CPZ and Countryside
  - Part of the previously dismissed Appeal Scheme
  - Disregard for local views
  - Overdevelopment within the Takeley area
  - Poor internet connection
  - Impact on ditches
  - Impact on mental health
  - Focus should be on redevelopment of brownfield sites
  - Loss of prime agricultural land
  - Lack of Connectivity
  - Impact on Village Green
  - Foul Water Issues

### About Weston Homes

- 1.12. Weston Homes was established in 1987, with its head office based in Takeley, Essex. Since its establishment, the Weston Group has grown rapidly and its portfolio of innovative, bespoke, new build development which range from traditionally styled, bricks and mortar houses and apartments buildings to contemporary, complex, higher density developments within London. These projects include new-build sites with ground-breaking contemporary design as well as the restoration and refurbishment of historical listed buildings. Currently the Weston Group employs approximately 450 staff.
- 1.13. Weston Home's schemes range from small housing schemes through to complex schemes of over a thousand homes, with no two sites being the same. Specialising from the outset in the regeneration of predominately brownfield sites, Weston Homes has become a leader in this area of development but also has a strong record on rural locations which have also included Clavering, Cambridge and Buntingford. With strong track record in delivery of between 600-1,000 dwellings per annum, current development locations include, London, Cambridge, Brentwood, Aldershot and Bury St Edmunds.

### Modern Methods of Construction - British Offsite

- 1.14. The Weston Group has recently undertaken significant development into Modern Methods of Construction through the investment into sister company 'British Offsite' with its headquarters at Great Notley in neighbouring Braintree District.
- 1.15. British Offsite have been developing factory finished components, by utilising high tech manufacturing of modular systems for a number of developments including bathroom vanity units, fitted furniture including wardrobes, kitchen worktops, and notably structurally insulated panels (SIP) to be used in the construction of building superstructure. These components are to roll onto all Weston Homes sites including conventional housing as well as apartment schemes.

## 2. Site Context & Overview

2.1 The Site abuts the settlement edge to the north of Takeley and to the west of Priors Green. In total, the Site measures approximately 2.1ha in area and is mostly flat and level.



Figure 2 - Site Location and settlement boundary



- 2.2 The village of Takeley is located along Dunmow Road (B1265) which formed the route of the old A120, which ran through the village until 2002/3 prior to bypassing to the north of the village. Dunmow Road runs east-west through Takeley.
- 2.3 Takeley is located between Great Dunmow, which is 6km to the east, and Bishop's Stortford, 7.5km to the west. A former railway branch line running between the two towns and onwards to Braintree now forms a linear county park used as a cycleway/walking route (National Cycle Route 16) known as the 'Flitch Way' which is approximately 25km in length in total. The Flitch Way runs to the south of the village.
- 2.4 Within Uttlesford District, Takeley is one of the largest villages and is considered a 'Key Rural Settlement', the highest order of settlement below Stansted Mountfitchet village and the main towns of Great Dunmow and Saffron Walden. As such, Takeley benefits from a number of facilities and services including, but not limited to; two primary schools, child day-care and nurseries, convenience stores, a pharmacy, dentist, churches, pubs, restaurants and takeaways together with a number community halls/spaces supporting a range of village clubs and societies.
- 2.5 There are also a range of businesses located within the village providing employment opportunities, including at the Takeley Business Centre, Dunmow Road and at the Weston Group Business Centre, which provides serviced offices adjacent to the Weston Homes HQ (Weston Innovation Centre), with around 200 staff.
- 2.6 The village has good access to public transport by way of frequent bus routes that also connects to one of the main public transport interchanges in the county and also the largest employment site within UDC, at Stansted Airport, located 2km north from the Site. Due to the proximity of the airport, the Site falls within the safeguarding area associated with aerodrome safety.
- 2.7 Smiths Green Lane (also known as Warrish Hall Road) runs between Dunmow Road and Bamber's Green, a small hamlet to the northeast of the village. The southern section of the Lane has residential development on either side forming Smiths Green, with most houses set back a considerable distance from the carriageway and separated by verges. To the north, the road forms the boundary to Bulls Field to the east and Jacks field to the west. There are a number of houses along the west side of Smiths Green Lane, in this location. The road then runs towards the A120 and beyond to the north through open countryside with sporadic residential and agricultural development. Smiths Green Lane, from the point north of Jacks Lane. is designated as a 'Protected Lane', non-designated heritage asset.
- 2.8 The Site itself is well contained within dense boundary planting on all sides, with the exception of a small area on the western boundary, where there is a break providing access to the Site. This existing access is envisaged to be utilised and locally widened as the access to the proposed development.
- 2.9 There is an area of verge which runs along both sides of Smiths Green Lane, including along the western boundary of the Site, which is designated as Village Green. This was a matter discussed as part of the Inquiry relating to the previous application to develop the wider Warish Hall Farm Site.

- 2.10 The issue of the presence of the Village Green was raised as a factor to be addressed alongside any grant of planning permission and is not insurmountable. The area of Village Green related to this application is relatively small in size, falling under 200sqm, the threshold for requiring the area lost as a result of the proposals to be replaced, as set out in the relevant guidance. The process of dealing with the Village Green is a matter which is outside of the remits of planning and thus will be dealt with alongside any planning process.
- 2.11 The Site is located 1.6km northeast of Hatfield Forest, a Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR).
- 2.12 The Site falls on the outer edge of the Countryside Protection Zone (CPZ), an area surrounding Stansted Airport which is designated to prevent coalescence between the airport and its surroundings. It was first designated in the 1995 Local Plan. The Countryside Protection Zone is governed by Policy S8 of the Uttlesford Local Plan 2005.
- 2.13 Public Right of Way (PROW) 48\_25, is a restricted by-way which runs along the northern boundary of Jacks Field. It runs adjacent to the Site boundary for approximately 300m before connecting into the Priors Green development;
- 2.14 There are a number of designated heritage assets within the vicinity of the Site. To the north of the Site sits the Ancient Scheduled Monument known as Warish Hall moated site and remains of Takeley Priory (NHLE:1007834). Warish Hall itself and associated Moat Bridge is Grade I listed. There is a collection of Grade II and one Grade II\* listed buildings to the south of the Site within the Smiths Green. The Built Heritage Assessment identifies Cheerups Cottage (NHLE: 1112207) and Hollow Elm Cottage (NHLE:1112220) as the assets which are closest.
- 2.15 The above-mentioned assets are identified on Figure 3 below:



Figure 3 - Location of Heritage Assets

- 2.16 The Site does not fall within, or close to, any designated conservation area. Weston Homes are aware of the emerging proposals to make Smiths Green Lane a Conservation Area, albeit that these are in the very early stages and therefore this cannot hold any weight in the decision making process. However, due consideration has been given within the proposals, to the area's historical importance as a whole, in particular, in relation to the surrounding designated heritage assets.

### 3. Application Proposals

- 3.1. The development proposed has been designed to form a sustainable extension to Takeley and Little Canfield, well related to the existing settlements and which offers and secures a number of public benefits, most notably the provision of much needed new housing.
- 3.2. The development comprises:
- i) 40 New Homes including;*
  - ii) 16 Affordable Homes; and*
  - iii) Associated parking and landscaping*

#### The Proposed Development

- 3.3. The Site is an extension to the established settlement at Takeley, an area that has been subject to more recent expansion with the Priors Green development.
- 3.4. It is proposed that dwellings are arranged as village streets and facing an area of open space to promote the Garden Village approach adjacent to the right of way. There is also be 2no. larger dwellings proposed and set back from Smith's Green Lane, which reflects the character of the existing dwellings along Smith's Green Lane. The remaining 38no. dwellings will be provided within the rest of the Site. Dwellings shall be delivered as a variety of two, three, four and five bedrooms, including bungalows, terraces, semi-detached and detached house types. It is proposed that this parcel will be of modest density, which reflects the prevailing characters of Priors Green and Smiths Green Lane.
- 3.5. Figure 4 sets out where these amendment to the previous layout have occurred. The proposals remain much the same as that submitted under the previous application, with the exception of the following key changes:
- 1. Reorientation of the parking serving plot JG38 (shown in green)**
  - 2. Additional visitor parking provision in line with the required standards (shown in yellow)**
  - 3. Reorientation of the pedestrian/cycle link (shown in blue)**
  - 4. Reorientation of Open Space (shown in red)**



**Figure 4 - Amendments from the Warish Hall Farm Application**

- 3.6. As a whole, the proposal maintains the design principles established under the previous Warish Hall application, which had undergone extensive pre-application and post-application consultation, including a design review panel and consultation with Urban Design Officers as well as other relevant consultees.
- 3.7. Further details on the proposals are provided within the Design & Access Statement submitted with this application together with other supporting documents.

## 4. Planning Policy

4.1. Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that:

*'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'*

4.2. The Adopted Development Plan for Uttlesford District Council comprises the Saved Policies of the Uttlesford Local Plan (2000-2011) Adopted in 2005.

4.3. Alongside the relevant Development Plan, it is necessary to consider whether relevant Development Plan policies are up to date; the NPPF; and other material planning considerations. This is considered within this section of the planning statement.

4.4. NPPF paragraph 213 states that due weight should be given to relevant policies in existing plans according to their "degree of consistency with the Framework (the closer the policies in the plan to policies in the Framework, the greater the weight that may be given)". As stipulated by national guidance, the adopted Local Plan cannot therefore be attributed full weight in the determination of planning applications. This position is agreed by the Council as part of recent appeals, including the appeal in relation to the Warish Hall Farm Scheme.

4.5. It is considered that there are fundamental inconsistencies with the Local Plan and adopted national planning policy and guidance with regard to the quantity and location of development within the District. Notably development boundaries and spatial policy H1 (Housing Development) are woefully out of date; they fail, in any respect, to deal with up to date housing need figures and do not allow for the level of growth required for new housing within the District.

4.6. The policies of the Uttlesford Local Plan which are most relevant to the proposals of this application are listed below and described in the following paragraphs. Weight attributed to each policy is therefore diminished in all cases and dependant on conformity with the NPPF, no weight or limited weight will apply:

- Policy S7 - The Countryside;
- Policy S8 - The Countryside Protection Zone;
- Policy GEN1 - Access;
- Policy GEN2 - Design;
- Policy GEN3 - Flood Protection;
- Policy GEN4 - Good Neighbourliness;
- Policy GEN5 - Light Pollution;
- Policy GEN6 - Infrastructure Provision to Support Development;
- Policy GEN7 - Nature Conservation;
- Policy GEN8 - Vehicle Parking Standards;
- Policy ENV2 - Development affecting Listed Buildings;
- Policy ENV3 - Open Space and Trees;
- Policy ENV7 - The Protection of the Natural Environment - Designated Sites;

- Policy ENV8 - Other Landscape Elements of Importance for Nature Conservation;
  - Policy ENV9 - Historic Landscapes;
  - Policy ENV10 - Noise Sensitive Development and Disturbance from Aircraft;
  - Policy ENV11 - Noise Generators;
  - Policy ENV14 - Contaminated Land;
  - Policy H9 - Affordable Housing; and
  - Policy H10 - Housing Mix.
- 4.7. Policy S7 (The Countryside) defines the countryside as those areas beyond the Greenbelt, which do not fall within the settlement or other site boundaries. Policy S7 sets out that development in the countryside will only be permitted where it needs to take place or is appropriate to a rural area.
- 4.8. Policy S8 (Countryside Protection Zone) designates an area of countryside around Stansted Airport, which is defined on the Policy Map. Development in the Countryside Protection Zone will only be granted where it is required to be there, or it is appropriate to the rural area. Policy S8 is split into two sections. The first sets out that development will not be permitted where it promotes coalescence between the airport and existing settlements. The second section sets out that development will not be permitted where it adversely effects the openness of the zone.
- 4.9. Policy GEN1 (Access) states that development will only be permitted if it meets the following criteria: (a) Access to the main road must be capable of carrying the traffic generated by the development safely; (b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network; (c) The design on 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; (d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access; (e) the development encourages movement by means other than a car.
- 4.10. Policy GEN2 (Design) requires that development proposals have regard to the Design Supplementary Planning Document and other Supplementary Planning Documents. It also sets out that development will not be permitted unless it meets the following criteria: (a) It is compatible with the scale, form, layout, appearance and materials of surrounding buildings; (b) 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; (c) It provides an environment, which meets the reasonable needs of all potential users; (d) It helps to reduce the potential for crime; (e) It helps to minimise water and energy consumption; (f) It has regard to guidance on layout and design adopted as supplementary planning guidance to the development plan; (g) It helps to reduce waste production and encourages recycling and reuse; (h) It minimises the environmental impact on neighbouring properties by appropriate mitigating measures; and (i) It would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.

- 4.11. Policy GEN3 (Flood Protection) requires that development which is outside of flood risk areas, which is the case for the development site related to this application, must not increase the risk of flooding through surface water run-off. A flood risk assessment is required to demonstrate this.
- 4.12. Policy GEN4 (Good Neighbourliness) outlines that development will not be permitted where: (a) noise or vibrations generates; or (b) smell, dust, light, fumes, electromagnetic radiation, exposure to other pollutants would cause; material disturbance or nuisance to occupiers of surrounding properties.
- 4.13. Policy GEN5 (Light Pollution) sets out that development that includes a lighting scheme will not be permitted unless: (a) the level of lighting and its use is the minimum necessary to achieve its purpose; and (b) glare and light spillage is minimised from the site.
- 4.14. Policy GEN6 (Infrastructure Provision to Support Development) outlines that development will not be permitted unless it makes provision for infrastructure needs. In cases where the cumulative impact of developments necessitates such provision, developers may be required to contribute to the costs of such provision.
- 4.15. Policy GEN7 (Nature Conservation) sets out that where the site contains protected species or habitats which are suitable for protected species, a survey will be required. Measures to mitigate or compensate the impacts of the proposed development will be required to be implemented. Policy GEN7 also encourages the enhancement of biodiversity by the creation of appropriate new habitats.
- 4.16. Policy GEN8 (Vehicle Parking Standards) sets out that development will not be permitted unless the parking provided is in line with the standards set out in the Supplementary Planning Guidance, "Vehicle Parking Standards".
- 4.17. Policy ENV2 (Development affecting Listed Buildings) requires that any development which affects a Listed Building should be in-keeping with its scale, character and surroundings. Demolition of a Listed Building or development which will adversely impact upon one will not be permitted.
- 4.18. Policy ENV3 (Open Space and Trees) outlines that development will not be permitted if it results in the loss of important spaces, groups of trees and fine individual specimens, unless the need for the development outweighs the amenity value of the space or tree(s).
- 4.19. Policy ENV7 (The Protection of the Natural Environment - Designated Site) protects areas of nationally important nature conservation concern. Conditions and obligations may be applied to ensure the protection and enhancement of the site's conservation interest, if development is brought forward.



- 4.20. Policy ENV8 (Other Landscape Elements of Importance for Nature Conservation) protects hedgerows, linear tree belts, larger semi natural or ancient woodlands, semi natural grasslands, green lanes and special verges, orchards, plantations, ponds, reservoirs, river corridors, wetland features and networks or patterns of other locally important habitats. Proposals which adversely impact these landscape elements will only be permitted if the following criteria applies: (a) The need for the development outweighs the need to retain the elements for their importance to wild fauna and flora; (b) Mitigation measures are provided that would compensate for the harm and reinstate the nature conservation value or the locality. Appropriate management of these elements may be sought via conditions and planning obligations.
- 4.21. Policy ENV9 (Historic Landscapes) protects local historic landscapes, historic parks and gardens and protected lanes. Development which is likely to harm these assets will not be permitted unless the need for the development outweighs the historic significance of the site.
- 4.22. Policy ENV10 (Noise Sensitive Development and Disturbance from Aircraft) sets out that Housing or any other sort of noise sensitive development will not be permitted if occupants are expected to experience significant noise disturbance. This is to be assessed by the appropriate noise contour for the type of development, taking into account mitigation by design and sound proofing features.
- 4.23. Policy ENV11 (Noise Generators) outlines that noise generating development will not be permitted if it would be liable to affect the reasonable occupation of existing or proposed noise sensitive development nearby.
- 4.24. Policy ENV14 (Contaminated Land) requires a site investigation, risk assessment, proposals and timetable for remediation for all sites where contamination is known, or suspected and is or may cause significant harm or pollution of controlled waters, including groundwater.
- 4.25. Policy H9 (Affordable Housing) outlines that the Council will seek to negotiate on a site to site basis, an element of affordable housing of 40% of the total provision of housing on appropriate allocated and windfall sites. This will have due regard to the up to date Housing Needs Survey, market and site considerations.
- 4.26. Policy H10 (Housing Mix) sets out that on all development sites of 0.1 ha and above or providing 3 or more dwellings will be required to provide a significant proportion of market housing comprising small properties.
- 4.27. The Council has also adopted a number of Supplementary Planning Documents which form material considerations which are relevant to the proposals of this application.

4.28. The Supplementary Planning Documents are set out below. Similarly, a number of these are out of date:

- Accessible Homes and Play Space (November 2005);
- Energy Efficiency and Renewable Energy (October 2007);
- Supplementary Planning Guidance to Takeley / Little Canfield Policy 3 Priors Green (Island Sites) (July 2003);
- Urban Place Supplement to the Essex Design Guide (March 2007);
- Essex County Council Development Management Policy (February 2011);
- Essex County Council Parking Standards (September 2009); and
- Essex Design Guide (2018).

4.29. There is also an Interim Climate Change Policy Document (Published 2021), which, whilst not a formal SPD adopted by UDC, it is considered a material planning consideration.

### The National Planning Policy Framework

4.30. The NPPF sets out the Government's policy on a range of topics. Paragraph 8 emphasises that there are three dimensions to sustainable development, namely: economic, social and environmental. The roles are defined as:

- a) *an economic objective– to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) *a social objective– to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
- c) *an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution and mitigating and adapting to climate change, including moving to a low carbon economy.*

4.31. Paragraph 11 states that plans and decisions “should apply a presumption in favour of sustainable development”. For decision making this means:

- c) *"approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
  - i. *the application of policies in this Framework that protected areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

4.32. Footnote 7 confirms for the purpose of Paragraph 11d (Part i) that:

*“policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.”*

4.33. Footnote 8 acknowledges that Paragraph 11d also:

*“includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.”*

4.34. The revised test set out at NPPF paragraph 11d (Part i) strengthens the presumption in favour of granting consent for development from that within the previous Framework, by imposing a higher threshold for displacement of that presumption.

4.35. The NPPF now only permits the presumption to be disengaged where application of the policies in NPPF alone protect areas or assets of particular importance, and where the provisions set out within the NPPF *“provides a clear reason for refusing the development proposed.”* Moreover, the types of policies are now exhaustively defined in the footnote, rather than being an illustrative list. None of the exemptions apply to the site save for a single designated heritage asset but which this does not provide for a clear reason for refusing the development proposed.

4.36. UDC are currently unable to demonstrate a 5-year housing supply of deliverable housing sites, which is not in dispute. As required by footnote 8 of the NPPF, the presumption in favour of sustainable development is engaged. Accordingly, the proposal must be considered in accordance with the presumption in favour of sustainable development and Paragraph 11. Whilst there may also be some dispute regarding the level of shortfall overall regarding the supply, it is also calculated that the level of housing delivered over the past three years will also trigger the presumption in favour. However, up to date Housing Delivery Test figures are awaited from government.

4.37. The proposal involves housing development, as such, section 5 of the NPPF is particularly relevant. Paragraph 59 confirms the Government’s commitment to the delivery of new homes by setting out in unequivocal terms that *“to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”*.

- 4.38. Paragraph 68 of the framework outlines that planning policies should identify a sufficient supply and mix of sites for delivering homes, taking into account their availability, suitability and likely economic viability.
- 4.39. Paragraph 74 of the framework reiterates the importance on maintaining and delivering a consistent supply of homes of a 5-year period.
- 4.40. Paragraph 78 of the framework sets out that in rural areas, decisions on potential housing developments should be responsive to local circumstances and should support proposals which reflect local needs.
- 4.41. Paragraph 83 of the framework requires decisions to recognise and address the specific locational requirements of different sectors, ensuring that they are in a suitably accessible location.
- 4.42. Paragraph 92 of the framework encourages the promotion of healthy and safe communities and requires that decisions aim to achieve this by: (a.) promoting social interaction; (b.) making safe and accessible places; and (c.) enabling and supporting healthy lifestyles.
- 4.43. Paragraph 98 of the framework highlights the importance of a community having access to a network of high-quality open spaces and opportunities for sport and physical activity. The provision of open spaces for sports and recreation should be informed by assessments of the relevant local need.
- 4.44. Paragraph 111 of the framework sets out that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.45. Paragraph 112 of the framework states that development should: (a.) give priority firstly to cyclist and pedestrian movement, then to access to high quality public transport; (b.) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; (c.) create safe, secure and attractive places and minimise scope for conflict between pedestrians, cyclists and vehicles, avoid unnecessary street clutter and respond to local character and design standards; (d.) allow for efficient delivery of goods, and access by service and emergency vehicles; (e.) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible locations.
- 4.46. Paragraph 119 of the framework requires policies and decisions to promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 4.47. Paragraph 124 of the framework highlights how the appropriate densities of development may be met, in making efficient use of land. It states that decisions should support development making efficient use of land, taking account of the identified need for different types and forms of housing, the local market conditions and viability, the availability and capacity of local infrastructure and services, the desirability of maintaining an area's prevailing character and setting; and the importance of securing well-designed, attractive and healthy places.

- 4.48. Paragraph 126 highlights the importance of creating high quality buildings and places through the planning system and development process.
- 4.49. Paragraph 130 of the framework sets out that policies and decisions should ensure developments will function well and add overall quality to the area; are visibly attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and setting; establish or maintain a strong sense of place; optimise potential of the site to accommodate and sustain an appropriate amount and mix of development; and create safe, inclusive and accessible places.
- 4.50. Paragraph 152 of the framework outlines that the planning system should support the transition to a low carbon future, taking full account of flood risk and coastal change.
- 4.51. Paragraph 159 of the framework requires that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at the highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 4.52. Paragraph 174 of the framework sets out that decisions and policies should contribute to and enhance the natural and local environment by: (a.) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; (b.) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services; (c.) maintaining the character of undeveloped coast; (d.) minimising the impacts on and providing net gains for biodiversity; (e.) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability; and (f.) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land.
- 4.53. Paragraph 179 sets out the following principles for determining applications: (a.) if significant harm to biodiversity cannot be avoided, adequately mitigate, or at last resort, compensated for, permission should be refused; (b.) development on land within or outside a Site of Specific Scientific Interest which is likely to adversely impact upon it, shall be refused, unless the benefits of the scheme outweigh the impacts upon that asset; (c.) development resulting in loss or deterioration of irreplaceable habitats should be refused, unless there is wholly exceptional reasons and a suitable compensation strategy is in place; and (d.) developments with the primary objective is to conserve or enhance biodiversity should be supported, whilst measures to support the enhancement to biodiversity should be encouraged.
- 4.54. Paragraph 183 sets out that where a site is affected by contamination or land stability issues, the responsibility for securing a safe development, rests with the developer and/or landowner.
- 4.55. Paragraph 194 of the framework requires that applications give due consideration to the extent (if any) of the impact the proposals may have on designated and non-designated heritage assets.

- 4.56. Paragraph 199 of the framework relates to proposals affecting heritage assets and sets out that when considering the potential impacts a development has on a heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 4.57. Paragraph 202 sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In relation to non-designated heritage assets, paragraph 197 states that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 4.58. Paragraph 203 sets out that where an application will result in effecting the significance of a non-designated heritage asset, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

## 5. Planning Considerations

- 5.1. This section will explore the main issues in relation to the Planning Submission, which are considered to be:
- a) Presumption in Favour of Sustainable Development;
  - b) Principle of Sustainable Development;
  - c) Loss of Agricultural Land;
  - d) Housing Mix and Affordable Housing;
  - e) Countryside Protection Zone;
  - f) Landscape and Visual Impact;
  - g) Design, Appearance and Layout;
  - h) Access, Highways and Parking;
  - i) Flood Risk and Drainage;
  - j) Landscaping and Public Open Space;
  - k) Ecology;
  - l) Contamination;
  - m) Residential Amenity;
  - n) Heritage;
  - o) Noise;
  - p) Air Quality;
  - q) Airport Safeguarding;
  - r) Sustainable Design and Construction;
  - s) Community Involvement; and
  - t) Planning Obligations.

### Presumption in favour of Sustainable Development

- 5.2. There is no contention over the fact that UDC is currently failing in demonstrating a 5-year housing land supply, as set out in the latest published Housing Trajectory (December 2022). This confirms the supply for the previous monitoring period to April 2022 -2027 as being a **4.89** year supply against an annual. Although the Housing Delivery Test Scores have not yet been released for 2022, it is believed that UDC will fall significantly below the 75% threshold.
- 5.3. In such situations where an LPA fails to demonstrate a 5-year housing land supply or housing delivery falls to less than 75% of the housing requirement over the previous three years, paragraphs 11d of the NPPF triggers the engagement of the tilted balance, and the presumption in favour of granting planning permission for sustainable housing development unless any adverse impacts of doing so would **significantly and demonstrably** outweigh the benefits, when assessed against the policies of the framework taken as a whole.
- 5.4. For the Jacks site none of the 'footnote 7' exceptions listed against paragraph 11d are relevant in the case of the application Site, that would mean the presumption would not apply.
- 5.5. Accordingly, the adopted Local Plan saved policies, which covered the period to 2011 are therefore considerably out of date and the weight afforded to each of the policies is reduced.

- 5.6. There is very real evidence of a shortening of housing supply impacting on those wishing to occupy their own home that currently cannot. This includes a growing need for affordable housing for which the Council's own waiting list stands at over 1,200 people, as of January 2021 and this has risen by over 200 people from the previous reporting year. In stark contrast, over the past 5 years from 2015/16 the average number of affordable homes delivered per year was 186.
- 5.7. It should also be noted that Uttlesford District Council has been designated under Section 62A of the Town and Country Planning Act 1990, since December 2020. This is due to the number of major applications which have been overturned on appeal between April 2018 and March 2023, and in light of their poor housing supply position. As such, under this designation, applicants for major developments have the ability to apply for planning permission directly to the Planning Inspectorate.
- 5.8. With the tilted balance engaged under paragraph 11d, it is contended that there are no adverse impacts resulting from the proposals that would significantly and demonstrably outweigh the public benefits of the scheme, which are set out under paragraph 6.8, therefore, planning permission should be granted accordingly.

### **Principle of Sustainable Development**

- 5.9. Takeley is identified by UDC as one of the most sustainable, larger settlements within the District. There is good access to facilities and services which support the needs for day to day living, as well as access to public transport and jobs. It is recognised that in past years there has been housing growth in the area both promoted and approved by UDC and allowed on appeal. Alongside this new housing, there has been new and expanded community facilities that have been provided, that has been commensurate with the level of growth, particularly with the larger sites.
- 5.10. The application proposals have been carefully formulated to minimise any potential adverse impacts of developing the Site and to maximise the potential benefits that will be realised. The proposed development would therefore result in a number of significant and substantial public benefits that would support the objectives of sustainable development, economically, socially and environmentally, as listed below:
- (i) Economic Objectives
- Employment opportunities created through the supply and construction programme;
  - Additional spending from new residents within the local economy; and
  - Additional Council Tax receipts and New Homes Bonus directed to UDC.



(ii) Social Benefits

- Provision of 40no. homes, providing a range of types and sizes to meet local housing need, including chalet bungalowsterrace, detached and semi-detached dwellings;
- Provision of 40% policy compliant levels of affordable housing, providing 16 dwellings sufficient to meet the Council's need which currently stands in excess of 1,200 persons, including bungalow dwellings with ground floor sleeping accommodation;
- Support for long-term vitality and viability of the local community, including through assistance in sustaining local services and facilities; and
- Provision of additional publicly accessible open space.

(iii) Environmental Benefits

- Provision of high-quality homes as part of a carefully designed scheme within a sustainable location, reducing the need to develop less sustainable, more sensitive sites;
- Fabric first approach to reduce energy consumption;
- Provision of electric vehicle charging points for all dwellings; and
- Use of modern methods of construction to provide improved insulation and air tightness;
- Biodiversity enhancements;
- Absence of gas boilers in favour of air-sourced Heat Pumps.

## Loss of Agricultural Land

- 5.11. Notwithstanding that the weight to saved Local Plan which is reduced in light of the circumstances described above, Policy ENV5 (Protection of Agricultural Land), sets out that development will only be permitted on agricultural land where opportunities have been assessed for accommodating development on previously developed land or within existing development limits. The agricultural land within the Site is likely to be categorised as Grade 2 (Good) according to the Regional Agricultural Land Classification Map for the Eastern Region (ALC008).
- 5.12. However, as was noted at paragraph 2.9 of the now withdrawn Local Plan, due to the rural nature and history of Uttlesford, there are relatively few previously developed, or brownfield sites within the District. Historically, the largest of these brownfield sites have already been developed such as the Rochford Nursery Site, Stansted (Forest Hall Park), Sugar Beet Factory, Felsted (Fritch Green) along with parts of the former nursery site at what is now Priors Green. Indeed, the majority of sites proposed for allocation in the withdrawn Local Plan were on land considered Best and Most Versatile Land, with over 80% of agricultural land in Uttlesford is considered to be within this category.
- 5.13. With the above in mind, it is clear that future development, including that which provides much needed new housing will be required to be provided on land which has not previously been developed and may fall within the countryside or upon agricultural land parcels, due to the lack of brownfield sites in the district.

- 5.14. The proposed development will result in the loss of approximately 2.3 hectares of agricultural land albeit it is currently laid to grass. This threshold is below that required for Natural England to be consulted (20ha) as stipulated within the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended.
- 5.15. The application Site is a small contained field which forms an awkward shape which is less suitable and accessible for larger machinery and reducing its efficiency for modern farming methods and would therefore be less desirable for any agricultural use.
- 5.16. In the context of the District and the region as a whole, the agricultural land within the Site forms a relatively small proportion of land in comparison to the total area of farmed productive land. Within Essex is estimated to be 2,103Km<sup>2</sup> in 2017 which is 59% of the total within the County. This is higher within the District as between 66.3-80.6% is regarded as being productive.
- 5.17. Therefore, the overall loss of agricultural land in this context is not considered to be significant, particularly as the Council have acknowledged, including as part of recent appeals, that it will have to accept development on hitherto unidentified greenfield sites in order to meet its housing targets before a new plan can be adopted. It is therefore considered that the requirements of Policy ENV5 are met in the absence of any alternative sites.

### **Housing Mix and Affordable Housing**

- 5.18. Policy H9 seeks to achieve the provision of 40% affordable housing of the total number of dwellings on allocated and windfall sites. This is negotiated on a site-to-site basis, with regard to the most up to date Housing Needs Survey, market and site considerations.
- 5.19. As set out above there is a pressing need for affordable housing as evidenced on the UDCs waiting list, which as of January 2021, stood at over 1,200 people, including nearly 250 expressing an interest in the Takeley and Little Canfield Area in particular. In addition, a separate list is maintained for those wishing to purchase a shared ownership property for those who cannot afford to purchase at the market rate, a problem exacerbated by growing un-affordability.
- 5.20. In total 40no. dwellings are proposed, of which 40% are proposed as affordable housing units (16no. units) as a fully policy compliant provision. The quantum and size mix of the proposed housing units is shown in Figure 6.1 below.

	Private	Affordable Housing Tenure		TOTAL
		Affordable Rent	Shared Ownership	
1 Bed	0	0	0	0
2 Bed	6	6	2	14
3 Bed	10	4	0	14
4 Bed	5	1	3	9
5 bed	3	0	0	3
<b>TOTAL UNITS</b>	<b>24</b>	<b>11</b>	<b>5</b>	<b>40</b>

Figure 5 - Proposed Housing Mix

- 5.21. The proposed mix from the 2017 SHMA and the preferred mix, as put forward by UDC as part of pre-application discussions relating to the Warish Hall Appeal Scheme, have been considered within the proposals of this application. The affordable housing need seeks a greater provision for smaller units and which the 2017 SHMA indicates there is most demand for.
- 5.22. The proposed provision closely aligns with the preferred affordable SHMA housing mix and that as stipulated by UDC at the pre-application stage for the Warish Hall Farm Scheme.

	Affordable Mix Requested by UDC	Current Affordable Need (Braintree & Uttlesford SHMA 2017)	Affordable Mix Proposed within the application
1 Bed	18.4%	13.5%	<b>0%</b>
2 Bed	55.3%	44.1%	<b>50%</b>
3 Bed	25%	34.2%	<b>25%</b>
4 Bed	1.3%	8.1%	<b>25%</b>

Figure 6 - Requested Affordable Mix vs Proposed Affordable Mix

- 5.23. In terms of the overall mix of market dwellings there is similarly a range of housing types and sizes to cater for first time buyers to family dwellings. This includes terraces, semi-detached and detached dwellings. It is therefore considered that there is sufficient mix and provision of homes that would accord with relevant policy including the requirements of Policy H9 and H10.

## Countryside Protection Zone

- 5.24. The Site falls within the 'Countryside Protection Zone' (CPZ), an area which surrounds Stansted Airport and which is primarily designated to prevent coalescence between the airport and the surrounding countryside. It was first designated in the 1995 Local Plan. A plan showing the extent of the CPZ is set out at Appendix C. This shows that to the west of the airport, in particular the long stay car parks are immediately bounded by the M11 with land of the opposite side designated as Green Belt. Surrounding the airport to the northern, eastern and western sides is the CPZ designation which ranges from in its extent between a few hundred metres to approximately 3.5km in depth.
- 5.25. UDC Local Plan 2005 Policy S8 addresses the Countryside Protection Zone. The zones' purpose is to maintain a local belt of countryside around the airport that will not be eroded by coalescing development between the airport and the surroundings. The policy states:

*"Policy S8 – The Countryside Protection Zone*

*The area and boundaries of the Countryside Protection Zone around Stansted Airport are defined on the Proposals Map. In the Countryside Protection Zone planning permission will only be granted for development that is required to be there, or is appropriate to a rural area. There will be strict control on new development. In particular development will not be permitted if either of the following apply:*

- a) New buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside;*
- b) It would adversely affect the open characteristics of the zone.*

- 5.26. This approach was proposed to be carried forward in withdrawn Local Plan within an overarching countryside protection policy (Policy SP 10). Supporting text to this policy noted:

*"The priority within this zone is to restrict development which would cause coalescence between the airport and surrounding development. Coalescence is the physical coming together or merging between the airport and existing development in the zone. New building will generally lead to coalescence. The change of use of a building in itself will not lead to coalescence unless there is associated development such as outside storage or car parking. Each case needs to be judged on its merits, where there are only modest levels of additional parking on a tightly well-defined site for example, it may not be considered as leading to coalescence. Development which complies with the Strategic Policy SP10 Protection of the Countryside will only be permitted if it also consistent with this over-riding objective."*

- 5.27. A study commissioned by UDC and undertaken by Land Use Consultants Ltd (LUC), in June 2016 looked more closely at land within the policy area, against four purposes, albeit that these are not tests of the policy itself: (1) To protect the open characteristics of the CPZ; (2) To restrict the spread of development from London Stansted Airport; (3) To protect the rural character of the countryside (including settlements around the airport); and (4) To prevent changes to the rural settlement pattern of the area by restricting coalescence. The Site falls within area 5 of 10. However through the previous inquiry the Council confirmed the document was to be updated as it was out of date due to its age and contained a number of errors.
- 5.28. The plan at Appendix C, whilst not exhaustive, notes a number of previously approved planning applications that have been granted both by the Council and on appeal, for development which ranges from a few dwellings to several hundred. Whilst development within the zone is evidently strictly controlled, very clearly the CPZ policy area is not sacrosanct, with each case needing to be assessed on its individual merits on a case by case basis.
- 5.29. In the case of the development on the land on west side of Parsonage Road (Ref. No. UTT/19/0393/OP) it was noted by the Inspector that any harm to the character and appearance of the countryside around the airport and CPZ as a whole, would be limited. (See Figure 2 below).
- 5.30. The Land to the east side of Parsonage Road, (Ref. No. UTT/21/2488/OP) was approved on 09<sup>th</sup> November 2022 by UDC. This development encloses the application Site to the north, where it is already enclosed to the west by the Weston Group Headquarters; to the east by Priors Wood and to the south by residential development. (See Figure 2 below).
- 5.31. The application Site is similar in that it is enclosed on all boundaries by dense and mature trees and hedges, and is well related to the existing settlement.
- 5.32. An application (Ref. No. S62A/22/0000004) has also recently been granted under Section 62A for a solar voltaic farm to the north of the application Site. The proposals of this application would involve development within the CPZ that would lead to greater coalescence between the airport and the existing settlements and would impact upon the openness of the zone.

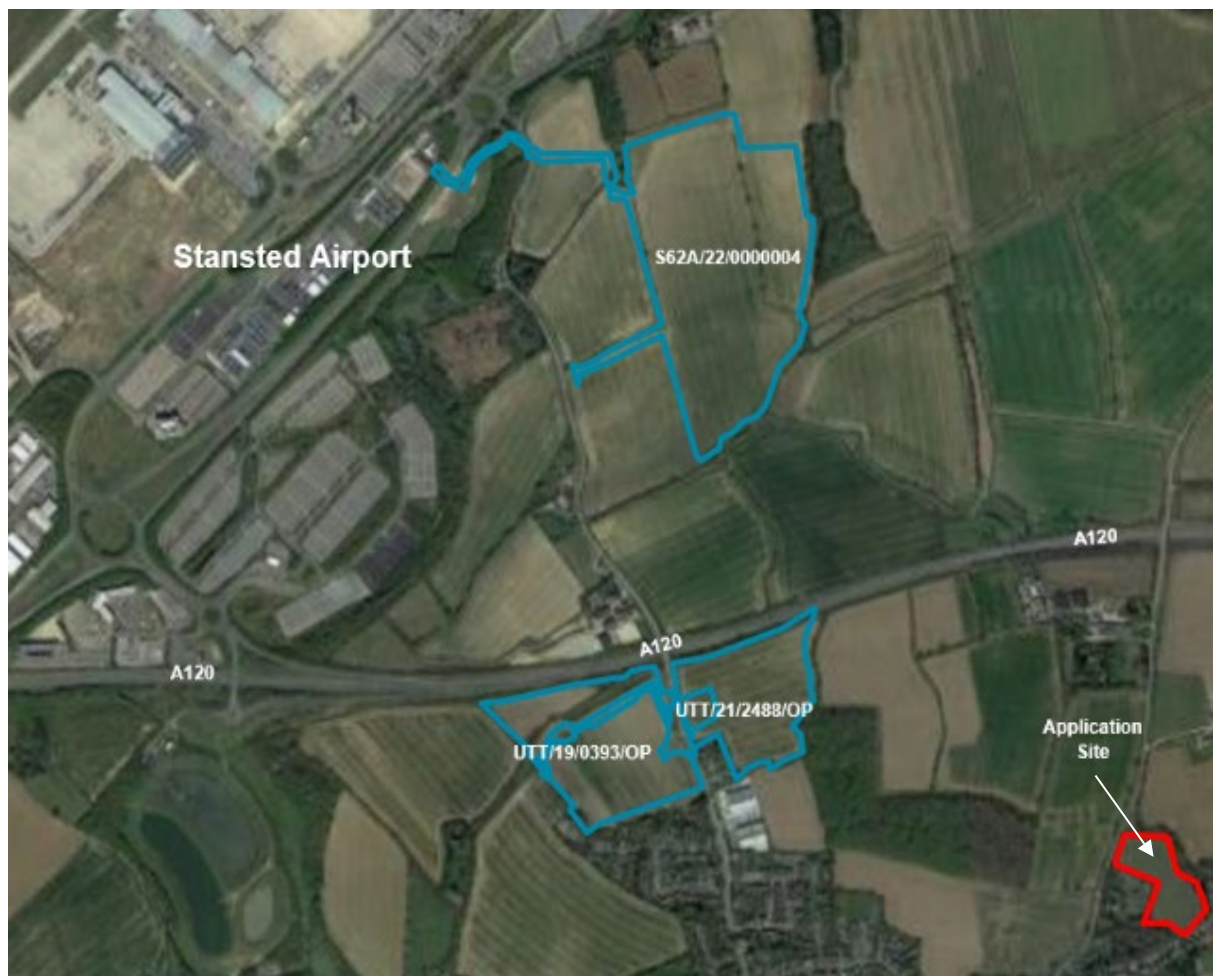


Figure 7 - Developments to the east and west of Parsonage Road

- 5.33. The application Site is further from the airport in comparison to the approved developments indicated on Figure 7, therefore it is considered that the application Site would be less impactful in terms of the coalescence between the airport and the surrounding settlements in comparison to those developments set out in Figure 7. It has been noted that the site is well enclosed by the planting around its boundary.
- 5.34. The developments set out in Figure 7 are also located in a much more open locations in comparison to the Site, and thus the proposals would be less impactful on the openness of the zone, when compared to the proposals recently granted planning permission.
- 5.35. This is reiterated within the recent appeal decision (Ref. APP/C1570/W/22/3291524) which relates to the application Site, where the inspector stated (our emphasis):

*“Nevertheless, I agree with the appellant that in terms of that part of the appeal site which comprises 7 Acres and **Jacks**, it is **enclosed by mature boundary planting and existing development**. This sense of enclosure means that these areas of the appeal site are **largely separate from the wider landscape** and the LVIA identified visual receptors. Accordingly, I consider **the proposal would have minimal effect in terms of landscape character and visual impact in respect of these areas.**”*

- 5.36. Given the characteristics of the Site, its position relative the airport, combined with the Site constraints and its surroundings, the impact on the CPZ is therefore considered to be very minimal. The Site is enclosed by existing and proposed development; therefore development of the Site would not detrimentally impact on the openness of the CPZ.
- 5.37. It is contended that the approved developments set out in Figure 7 would have a greater impact in relation to the openness of the CPZ and any perceived coalescence, when compared with the proposals of this application which will not be evident. Given the overriding for housing need, the lack of allocated sites and the shortcomings in the failed local plan attempts, there remains an overriding an pressing need to provide housing in sites beyond the settlement boundary and within close proximity of the most sustainable settlements within the district which includes Takeley. As such this application should be deemed acceptable in regards to its accordance with Policy S8.
- 5.38. This view is further informed by a detailed Landscape Visual Impact Assessment (LVIA) provided in support of the application, with details set out below.

### Landscape and Visual Impact

- 5.39. Weston Homes commissioned Allen Pyke to provide landscape consultancy advice, including an assessment of the likely visual impacts of the development by way of a detailed Landscape and Visual Impact Assessment (LVIA). Whilst the assessment looks at the CPZ designation in some detail, it provides a much wider and more in-depth study, looking at the potential visibility of the Site and the impact on a series of 'receptors' i.e. those people/properties likely to experience a change, in the event that the application were to be approved. The study has been carried out and accords fully with the Landscape Institute Guidelines for LVIA 3<sup>rd</sup> Edition.
- 5.40. The LVIA identifies the Zone of Visual Influence (ZVI) from which the Site and future proposals might be seen, as determined by landform and topographical features, vegetation etc. The impact on views from surrounding dwellings and those travelling on roads and footpaths surrounding the Site, has been considered from a variety of representative viewpoints.
- 5.41. Generally, the views most affected are well confined to the immediate surrounds with no long views into the Site that will be adversely affected in the long-term.
- 5.42. As a result, the LVIA notes that although the introduction of new housing will have a notable effect on landscape character and the views from adjacent residential properties and public rights of way, any notable adverse effects will be mostly short-lived.. The design and layout has been carefully considered so as to ensure it is compatible with the scale, form, layout, appearance and materials of the surrounding settlement areas and prevailing character.

- 5.43. Notably, along Smiths Green Lane, the layout seeks to retain and enhance the environmental features and minimises environmental impact on neighbouring properties by providing appropriate mitigation by the provision of larger dwellings and by maintaining wide margins at set back building frontages along the established “building line” to reflect the prevailing pattern and character. Due to the high-quality nature of the intervening landscape, including dense boundary planting and as a consequence of limited intervisibility, the proposals will make no contribution to any perceived coalescence between the settlements of Takeley and Little Canfield.
- 5.44. The extent of residual adverse effects has therefore been reduced through careful planning and consideration of each receptor potentially affected. As such the proposals comply with relevant Policies including GEN2, ENV3, ENV8, S7 and S8.

### **Design, Appearance and Layout**

- 5.45. As explained above, the proposals of this application comprise an amended version of the Jacks element of the application to develop the Land at Warish Hall Farm, which was recently dismissed at appeal (Ref/ No. UTT/21/1987/FUL), hereinafter referred to as the Warish Hall Farm application.
- 5.46. Comments from the Urban Design officer during the application currently pending decision with UDC (Ref. No. UTT/21/3126/FUL) have also been picked up within the amendments submitted with this Section 62A application.
- 5.47. During the pre-application and application process for the Warish Hall application, Weston Homes engaged with the Council in pre-application consultation and also liaised with the Council’s Urban Design Officers in order to establish a layout and design which will be best suited for the Site. The Council nor the Inspector raised any concerns or objections with regard to the design of this parcel. The scheme proposes the bring forward a contemporary development with a bespoke range of homes, based on a robust palette of materials which also draws upon various characteristics and materials found in surrounding developments in the Takeley and Little Canfield Area, as well as drawing upon precedent in the wider Uttlesford District. This approach is still supported by the UDC Urban Design Officer.
- 5.48. Due consideration has also been given to the Essex Design Guide, and the principles set out in this document have been applied throughout the proposals, in order to ensure the highest level of design which can be achieved is brought forward on the application Site. Accordingly, the provisions of Policy GEN2 are met by the proposals of this application.
- 5.49. The Design and Access Statement provides further details on the proposals of this application, including design development, with reference to the sites’ constraints and opportunities.



## Access, Highways and Parking

- 5.50. Access to the Site will be via Smiths Green Lane using the existing access point.
- 5.51. The internal road network has been designed to accommodate the largest vehicles likely to access the Site on a regular basis. Swept path analysis, included within the TA demonstrates that both a refuse vehicle and fire tender can access all parts of the application Site.
- 5.52. In some locations, bin collection points are required to prevent refuse operatives being required to walk further than the maximum permitted distance. These are marked on the swept paths included and are located within both the residents' and refuse operatives' maximum recommended walk distances. Residents of the 2no. dwellings located off Smiths Green Lane will be required to take their bins to the kerb on collection day. This arrangement is common throughout the area.
- 5.53. Segregated cycle and footways form an important feature of the Site and run alongside the primary access road, whilst providing sustainable access to the Priors Green development to the east.
- 5.54. The Site has good access to facilities and services on foot and by cycle. There are also Public Rights of Way on the west of Smiths Green Lane which connect with Parsonage Road to the west.
- 5.55. Parsonage Road is provided with footways on both sides of the carriageway between the Weston Group Headquarters and the signalized junction with Dunmow Road (the B1256) to the south. This provides access to local shops and the wider footway network serving Takeley. Smith's Green Lane is not equipped with footways, it is however possible to access Jacks Lane from the rear of the Site. The restricted byway which runs along the north-eastern boundary of the Site, provides a link to the recent Little Canfield/ Priors Green development, including Priors Green School, local bus stops and the neighbourhood centre. The County Council has previously requested this route be surfaced and lit and a planning obligation is proposed to secure this.
- 5.56. Parsonage Road and Smiths Green Lane are generally suitable for cyclists, both being subject to 30 mph speed limits and primarily serving local traffic. More widely, the Flitch Way follows the path of a disused railway to the south of Dunmow Road. It forms part of National Cycle Route 16 and links Takeley to Great Dunmow and Braintree and also serves the intersection with National Route 50. Smiths Green Lane forms part of the on-road route linked with the National Cycle Network that runs north to Bambers Green, Molehill Green and network of smaller villages within Uttlesford.
- 5.57. Takeley is well served by bus routes which are accessible from bus stops on Parsonage Road, Dunmow Road and within the Little Canfield development. Stansted Airport provides a major public transport interchange catering for rail, national coach, regional coach and local bus services and is just a six minute bus journey from the stops on Parsonage Road. From the train station at the airport there are approximately 10 departures per hour, four to London Liverpool Street, two to Stratford, two to Stansted Airport and two to Cambridge.

- 5.58. Bishop's Stortford station is located eight kilometres west of the application Site, while this is beyond reasonable walk and cycle distances for functional journeys, it is accessible within 30 minutes via bus route 508, which serves the stop near the Four Ashes junction.
- 5.59. The Transport Assessment (TA) accompanying this application has sourced traffic data from a number of surveys and past applications in order to understand the operation of the network prior to establishing the impact from the proposed development. Due to fluctuating and generally reduced traffic levels as a result of the pandemic, current survey data cannot be relied upon and thus previous survey data is more robust. Key junctions as identified in discussions with ECC, have been assessed, which include the Four Ashes crossroads and the Parsonage Road/Hall Road roundabout close to Stansted Airport. The TA has taken into account a number of additional consented schemes within the area, along with background traffic growth that has been factored into calculations and modelling.
- 5.60. Overall, it has been calculated that the proposed development has the potential to generate a total of 20 two-way vehicle movements in the AM peak period and 20 two-way vehicle movements in the PM peak period. The daily equivalent is generation of 182 two-way vehicle movements. Vehicular activity of this magnitude equates to just under 1.5 additional vehicles per minute in the peak travel periods.
- 5.61. Following the grant of planning permission for Land West of Parsonage Road (Ref: UTT/19/0393/OP) this proposed and secured that a system to upgrade the function of the traffic lights known as Microprocessor Optimised Signal Actuation (MOVA) be installed at the Four Ashes Crossroads. This features a detection system that takes into account the actual traffic using the junction and seeks to optimise the phasing by adjusting the changes of lights to provide increase capacity through the junction to account for greater flows as opposed to running on a repeating timed cycle. Micro-simulation modelling of the system suggests that significant reductions in delay and queues are likely to be achieved. Given that the junction is predicted to operate within typically accepted capacity thresholds, this will improve trip times once MOVA is installed and is likely to improve junction performance, typically by 15 - 20%. Thus, there is sufficient capacity remaining within the Four Ashes junction following the MOVA upgrade to accommodate any growth from the Site.
- 5.62. A total of 98 residential car parking spaces are provided, which equates to an overall ratio of approximately 2.45 spaces per dwelling. In accordance with ECC/UDC guidance, larger dwellings are provided with at least two spaces although within Uttlesford these are expressed as minimum standards. Suitable provision is made for visitor parking (10 spaces) in accordance with the Essex Parking Standards (25%).
- 5.63. The proposed level of parking will meet the required provision set out in the Essex Parking Standards Design and Good Practice (September 2009), and will also meet the standard for the dimensions of parking spaces which are also set out in the Essex Parking Standards Design and Good Practice Document.
- 5.64. All of the residential parking for each house will be fitted with an electric vehicle charging point and those properties without garages will be provided by secure cycle storage.

- 5.65. Accordingly, it is considered that the proposal complies with relevant up to date policy requirements as set out within the NPPF, the impacts of which will not be severe. The requirements of UDC Policies GEN1, GEN6 and GEN8 are therefore also satisfied.

### **Flood Risk and Drainage**

- 5.66. The Site falls within flood zone 1, the area at lowest risk of flooding. A Flood Risk Assessment (FRA) and Sustainable Drainage Systems (SuDS) Report has been prepared by specialist consultants, EAS.
- 5.67. To inform their assessment and drainage design, a number of infiltration tests were carried out across the Site which provided good results, confirming that infiltration would be a suitable means of draining the new development.
- 5.68. At an early stage in the design of the proposals for the Warish Hall application, advice was sought from MAG who advised avoidance of standing water in the SuDs proposals that could be likely to attract birds in order to safeguard the operational effectiveness of the airport. This was also acknowledged by ECC in pre-application correspondence, as noted in the FRA. A separate Bird Hazard Mitigation Plan has been provided.
- 5.69. As areas of SuDS are not generally adopted by local authorities or statutory undertakers, the proposed SuDS features will be subject to maintenance arrangements that have been outlined within the FRA. Private arrangements to facilitate the ongoing management will be put in place.
- 5.70. Accordingly, the drainage proposals are considered to comply with the requirements of the ECC SuDS and CIRIA Guidance and requirements of Policy GEN3.

### **Landscaping and Public Open Space**

- 5.71. The scheme proposes an effective area of public open space as a central feature of development which is positively addressed and well located in relation to the PROW. Analysis and consideration of existing green Infrastructure within the locality, for which there is an identified shortage, and for play provision within the village has been undertaken in order to identify the type of provision most likely to benefit new and existing residents, as part of these proposals.
- 5.72. UDCs policy for open space and play provision is not definitive in seeking a specific quantum of space to be provided given that the policies are dated. A figure of 0.1ha per 1,000 population has been benchmarked as being the required play provision across the District. National guidance, for example within Fields in Trust (FiT), has therefore also been referred to in calculating play space provision which includes an equipped Local Area of Play (LAP). This is indicated on the plans and incorporate formal, timber-based play equipment provision.
- 5.73. The quantum of space provided exceeds that sought by the Council and provides interest and features that that will provide a major enhancement to local amenity.

## Ecology

- 5.74. The application proposes development upon Land that is currently an agricultural field which, due to the nature of its existing agricultural use, has been regularly cropped, ploughed and sprayed with chemical pesticide, fertilisers and the like up to the field margins. For the past two years the site has been used to grow hay.
- 5.75. The field margins partly within but mostly surrounding the Site include grassland, hedgerows and ditches, thus offers the potential for a range of habitat to support a more biodiversity range of plants and wildlife, including protected species.
- 5.76. From the survey data carried out for the Warish Hall Farm application, this had identified the presence of bats (Common Pipistrelle and Soprano Pipistrelle – the most common species of UK bat), a low population of common lizard and grass snakes and a range of bird activity but an absence of ground nesting birds. Tests for Great Crested Newts and survey for Badgers have been returned negative. The range of survey information available has sought to accurately characterise the potential impact on protected and priority species. The detailed Site layout has therefore been drawn to provide appropriate mitigation measures to include but not limited to:
- Retention of all significant trees and hedgerows around the perimeter and within the Site.
  - The creation of open space which provides for the establishment of a coherent ecological network on the Site;
  - A sensitive lighting scheme to consider the impact on wildlife night-time landscape, in particular minimising the impact bats; and
  - Provision of bird and bat boxes as well as hibernacula and ‘hedgehog’ gateways.
- 5.77. It is contended that as a result of the measures, the quality and quantity of the habitat will have increased following development of the Site. The proposals do not cause any detrimental impact on the Sites biodiversity and include a number of enhancement strategies, and thus are considered to accord with relevant guidance as set out within the NPPF.

## Contamination

- 5.78. In accordance with the requirements of Policy ENV14, A Phase 1 Desk Study and Preliminary Risk Assessment have been undertaken in relation to the Site which has been submitted. A report has been produced in relation to the Site, which summarises the findings of the desk study with respect the historic use of each site.
- 5.79. The report concludes that the risk of potential contamination at the Site are very low, however, it is highlighted that a number of geo-environmental hazards maybe present and it is therefore recommended within the report that a geotechnical investigation is to be undertaken, including additional borehole analysis and the installation and monitoring of gas and ground water monitoring stand pipes as may be considered.

- 5.80. Details from these investigations as well as the mitigations measures to be carried out can be agreed via the imposition of a suitable planning condition. Given the previous use of the Site and location away from previously sensitive land use they are not likely to result in any significant level of exceedances that cannot be addressed by condition.

## Residential Amenity

- 5.81. The layout, orientation and scale of the proposed development have been carefully considered in order to mitigate potential adverse impacts on the amenity of existing and prospective residents.
- 5.82. Where dwellings are located close to existing development, an appropriate separation distance is allowed for in order to mitigate potential impacts upon both existing and proposed residential amenity. As such new dwellings are proposed to be set back by at least 25m from existing or proposed properties and at least 15m from rear boundaries. In cases where dwellings are closer, the orientation of the building is 30 degrees or more to another dwelling so as to avoid direct facing windows. Other mitigation measures such as scale of dwelling proposed, the positioning of habitable rooms, and retention of boundary planting have also been proposed to avoid any detrimental privacy issues.
- 5.83. In areas where proposed dwellings are in closer proximity to existing neighbouring development, the layout and orientation of these dwellings has been carefully considered to mitigate any detrimental impacts, as identified in Policy GEN2 of the UDC Local Plan. The proposed dwellings have been orientated at an angle greater than 30 degrees to the existing properties and so this impact that these proposed dwellings will have on the existing development will be minimized.
- 5.84. There are 5no. chalet bungalows proposed to be located along the southern boundary of the Site; these are proposed to be located opposite properties on Jacks Lane, to the south of the parcel. The dwellings will be smaller in terms of their scale, which will avoid any potential issues of overlooking of the adjacent bungalows on Jacks Lane, and will be further mitigated by trees and planting along the southern boundary of the Site to be retained and that will serve to mitigate impact upon the neighbouring properties outside the site.
- 5.85. The proposals have therefore been designed in a way which avoids any adverse impact on residential amenity in accordance with the provisions of Policy GEN2.

## Heritage

### Built Heritage

- 5.86. The application is accompanied by a Built Heritage Assessment (BHA) by RPS and an Archaeological Desk Based Assessment (DBA) also produced by RPS, relating to the below ground heritage assets.

- 5.87. The BHA considers a number of designated and non-designated heritage assets in the vicinity of the Site. Other buildings within Takeley, including the Grade I Listed Church of the Holy Trinity have been considered not to have any functional and historical relationship to the Site. As such the main buildings fall within an area focused around Smiths Green with the Lane.
- 5.88. The BHA has identified 3 assets which are likely to be affected by the proposals, namely; Hollow Elm (Grade II), Cheerups (Grade II) and the Warish Hall moated site and remains of Takeley Priory (The Scheduled Monument). In all cases the BHA identifies there to **no harm**.
- 5.89. Smiths Green Lane is classified by UDC as a 'Protected Lane' (non-designated heritage asset) which has a degree of historic significance but does not warrant statutory listing.
- 5.90. Paragraph 202 of the NPPF directs that "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*" Guidance on the term public benefits is set out in the PPG at paragraph 020 (Reference ID: 18a-020-20190723) and "*could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits...*"
- 5.91. Notwithstanding the absence of identified heritage harm, the proposal is considered to result in a number of public benefits that, when considered as a whole, carry weight in favour of granting planning permission for the proposed development. These public benefits are set at paragraph 5.9 above. The level of less than substantial harm to the heritage assets does not outweigh the public benefits of the proposals, therefore, planning permission should be granted accordingly.
- 5.92. In regards to the Protected Lane, although this is a non-designated heritage asset (NDHA), due consideration has been given to its protection. Within his decision, the Inspector dealing with the appeal scheme did not raise any specific issues with the use of the existing access off of the east of the lane.
- 5.93. Notwithstanding this, the Inspector went on to conclude that the impact on the protected lane would not be a reason to refuse the previous proposals.
- 5.94. At paragraph 68 of his decision, the Inspector says:

*'In this case however, while the significance of the heritage asset is of a high level, the scale of the harm would be of a moderate nature, given the revisions to the scheme which has reduced the density of development in the vicinity of the Protected Lane.'*

5.95. At paragraph 69 of the appeal decision, the Inspector then goes on to say:

*‘The proposal therefore, as it relates to the historic interest of the Protected Lane, would not conflict with LP Policy ENV9.’*

5.96. Accordingly, given that the proposals of this application represent a small proportion of the development previously proposed by the Warish Hall Farm Application, it is deemed that the same conclusions can be drawn on the impact of the proposals upon the Protected Lane and that there remains no conflict with the aforementioned policy.

### **Below Ground Archaeology**

5.97. The potential archaeological interest has been considered and presented in a Desk Based Assessment informed by a geophysical survey undertaken. No areas of archaeological interest have been identified within the Site. Therefore, there are no impacts on below ground archaeology which would outweigh the public benefits of the scheme, therefore planning permission should be granted.

### **Noise**

5.98. Despite falling within the 12km Aerodrome safeguarding zone associated with Stansted Airport, the location of the Site is well outside the main noise contours associated with the airport for both daytime and night-time noise. The general noise environment at the Site is associated with vehicular road traffic, in particular from the A120, Dunmow Road (B1256) and Parsonage Road in the local vicinity.

5.99. Accordingly, noise surveys at a variety of locations at the Site have been carried out by Stansted Environmental Services (SES) in order to ascertain ambient and maximum noise levels experienced across the Site in accordance with BS8233:2014 (Sound Insulation and Noise Reduction for Buildings – Code of Practice).

5.100. An unmanned environmental noise survey was undertaken at the Site. The unattended measurements were taken over 1 minute period between 16:09 on 6th April 2021 and 23:55 on 10th April 2021. Monitoring was conducted over 5 days to determine prevailing ambient and maximum noise levels affecting the development. The measurement position was approximately 1.5m above ground level and under free-field conditions.

5.101. The recommended minimum sound reduction performance requirement for façade elevations is set out in Table 8 of the Noise Assessment, which is reproduced below in figure 8.

Period	Measured External Noise Level, dB	Internal Noise Level Requirement, dB	Minimum Sound Reduction Performance Requirement, dB SRI
Daytime (07:00 - 23:00)	49.3dB $L_{Aeq,16hour}$	35dB $L_{Aeq,16hour}$	14
Night-time (23:00 - 07:00)	51.0dB $L_{Aeq,8hour}$	30dB $L_{Aeq,8hour}$	21
Night-time (23:00 - 07:00)	52.7dB $L_{AFmax}$	45dB $L_{AFmax}$	8

Figure 8 - Extract from Noise Assessment - Minimum Sound Reduction Performance Requirement

5.102. The assumed sound reduction performance for the non-glazed elements is set out in Table 9 of the Noise Assessment, which is also re-produced below in figure 9.

Element	Octave band centre frequency SRI, dB					
	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz
Non-glazed element SRI	36	40	41	45	52	52

Figure 9 - Extract from Noise Assessment - Minimum Sound Reduction Performance Requirement

- 5.103. It is necessary to achieve suitable internal ambient noise levels to meet BS8233:2014 recommendations.
- 5.104. A minimum of 25dB  $R_w+C_{tr}$  noise reduction is required for all glazed elements in habitable rooms at the premises. Example specification with minimum sound reduction index figures are provided for the new glazing proposals.
- 5.105. The performance is specified for the whole window unit, including the frame and other design features such as the inclusion of trickle vents.
- 5.106. With the implementation of the controls stated above, the required internal noise levels can be achieved as referred to in BS8233:2014, so noise should not be a concern for the development of the Site. It is therefore considered that the proposals satisfy the requirements of the relevant policies, including GEN4, ENV10 and ENV11 of the UDC Local Plan.



## Air Quality

- 5.107. An Air Quality Assessment has been produced by Aether in support of this application. It should be noted that no concerns were raised in relation to air quality during the application process for the wider Warish Hall Farm application (Ref. No. UTT/21/1987/FUL). Similarly, it is expected that this would be the case with the proposals of this application.
- 5.108. Within the local area the level of air quality is generally good. There are elevated areas of pollution within the District however and there are primarily due to traffic levels. This includes a zone immediately adjacent to the A120 to the north which has previously been identified by UDC to be within a poor air quality zone although this is not an Air Quality Monitoring Area (AQMA). Within UDC there is one AQMA in Saffron Walden. There is also an AQMA at the Hockerill crossroads within Bishop's Stortford and that falls within the jurisdiction of East Herts District Council (EHDC).
- 5.109. Within the district there are a series of sites where diffusion monitoring is carried out by UDC, the closest location of which is close to the Four Ashes junction. This data has been used and modelled in accordance with published methodology and specialist software, taking into account a range of data and background information.
- 5.110. This modelling has then been used to determine the impact of the proposed development on local air quality, both in terms of human health and due to the proximity of Prior's Wood. The data has been calculated at a range of receptor locations around the Site for both the current levels of pollution and post development for oxides of nitrogen (NO<sub>x</sub>), including nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub>/ PM<sub>2.5</sub>). The data takes into account other developments in the locality, notably the committed development, which has also been assessed in terms of its traffic impact.
- 5.111. Based on the evidence it is estimated that there will be no exceedance of either short term objectives for NO<sub>2</sub> or PM<sub>10</sub>. The 'with development' scenario predicts that the development would cause NO<sub>2</sub> or PM<sub>10</sub> concentrations to increase by less than 0.1 µg/m<sup>3</sup>, at the development and nearby residential receptors. Therefore, no mitigation is required as the air quality objectives are predicted to be met and only a negligible increase in pollutant concentrations is predicted.
- 5.112. Provision will also be made for electric vehicle charge points to facilitate the increasing demand for this infrastructure as the population move to this more sustainable form of private transport. The details of the electric charge point provision can be secured via planning condition.

## Airport Safeguarding

- 5.113. Due to the proximity of the Site to London Stansted Airport it falls within the 13km safeguarding zone as a consequence of which the airport operator, Stansted Airport Limited (STAL) on behalf of owner Manchester Airport Group (MAG) are consulted.
- 5.114. The safeguarding requirements set out a range of factors to consider at the design stage for the construction and operational phase of the development. This can include height of development and construction equipment to be specified e.g. use of cranes; lighting (to prevent upward light spill); avoiding glint and glare from materials and measures to prevent bird flocking so far as possible within the layout.
- 5.115. The detailed layout of the drainage has also been carefully considered to avoid measures which will lead to safeguarding concerns. For example, standing water that might attract certain species of gulls and geese has been excluded as a potential SuDS feature. Similarly, the detailed planting species of trees and hedgerows proposed avoid any variety of berry-bearing planting that will thus prevent attraction to species of flocking birds. These details could be secured by planning condition.
- 5.116. A Bird Hazard Management Plan has been prepared by Ecology Solutions which accompanies the application. This details ecological safeguarding measures and provides the framework for a manageable plan to be subject to the imposition of a planning condition and that will thus be enforceable throughout both the construction and long-term operational phase of the development.

## Sustainable Design & Construction

- 5.117. A Sustainability Statement has been submitted in support of this application which sets out the sustainability merits of the scheme, with reference to the requirements set out in UDCs Interim Climate Change Planning Policy (2021).
- 5.118. Whilst it is not a formal SPD, the policy document pulls together a variety of suggested environmental mitigation measures across a wide spectrum of environmental and construction related best-practices. The document sets out 14 Interim Policies, each of which are addressed in the Sustainability Statement.
- 5.119. Notably the development proposes to deliver a sustainable community which offers much needed homes within the area, with associated public open space.
- 5.120. As well as the recreational opportunities which the open space brings, the inclusion of green space and tree planting throughout the proposed development will substantially benefit the area from a biodiversity perspective. A number of other ecological benefits are proposed within the development, including bat and bird boxes, and additional new habitats such as planted margins and hedgerows.
- 5.121. A number of renewable energy options have been considered but due to the Sites size and close proximity to the airport, it was not possible to include a number of these. The Sustainability Statement provides more detail on these measures.

- 5.122. Dwellings will be fitted with air source heat pumps in lieu of gas boilers. This specification would be adaptable to meet 'Future Homes Standards' which will enable the delivery low carbon homes to meet the nationally imposed timetable through changes in the building regulations. In advance of this all dwellings will be fitted with EV provision.
- 5.123. The measures outlined by the Interim Policy are therefore positively addressed by the proposals of this application.

## Community Involvement

- 5.124. As part of the appeal scheme, an extensive amount of public consultation was undertaken which informed those proposals.
- 5.125. A summary of the public consultation is set out below:
- Leaflet drops to local residents detailing a consultation webpage;
  - Online consultation page with information on the proposals and a portal for submitting comments;
  - Further leaflet drop following amendments, detailing an updated consultation webpage;
  - Updated online consultation page with information on the amendment and a portal for submitting comments; and
  - Public Exhibition on the proposals for people to understand the proposals and ask any questions as well as raising any concerns with the design team.
- 5.126. As a whole, the proposal maintains the design principles established under the previous Warish Hall Farm application (Ref. No. UTT/21/1987/FUL), which had undergone extensive public engagement as set out above. The feedback from this consultation has been taken on board and used to inform the proposals of this application. Furthermore, consultee comments from the current application (Ref. No. UTT/22/3126/FUL) are set out within Appendix B and the public consultee comments on the current application are set out at paragraph 1.11.

## Planning Obligations

- 5.127. At the time of submission UDC has not adopted a CIL charging schedule and will not be in a position to do so until such time it has adopted its Local Plan.
- 5.128. Pursuant to Section 106 (S.106) of the Town and Country Planning Act 1990, as amended, local planning authorities have the power to enter into planning obligations with any person with an interest in land for the purpose of restricting or regulating the development or use of the land. In accordance with Regulation 122 of the CIL regulations, a planning obligation must be:
- a) *Necessary to make the proposed development acceptable in planning terms;*
  - b) *Directly related to the proposed development; and*
  - c) *Fairly and reasonably related in scale and kind to the proposed development.*

- 5.129. The above tests are repeated in paragraph 56 of the Framework. Paragraph 54 states that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 5.130. Outline draft Heads of terms are set out within Appendix D to secure a range of infrastructure requirements as outlined within this Statement. A draft S106 has been previously prepared.

## 6. Summary and Conclusion

- 6.1. This Planning Statement has been prepared by Weston Homes Plc (The Applicant) in support of a full planning application made to Uttlesford District Council (UDC) in relation to the land to the north of Jacks Lane, Takeley, Essex. Takeley is identified as one of the most sustainable, larger settlements within the District. There is good access to facilities and services which support the needs for day to day living, as well as access to public transport and jobs.
- 6.2. The application is submitted as a full planning application, with detailed proposals for all elements of the application provided. Alongside details of 40no. new market and affordable homes, the application includes detailed information on proposed Site and other infrastructure, including open space provision. In summary the application includes;
- i) 40 New Homes including;
  - ii) 16 Affordable Homes; and
  - iii) New formal and informal open space.
- 6.3. This Planning Statement should be read alongside of a number of supporting documents and technical reports that have been commissioned in support of the application.
- 6.4. At the time of this application UDC is failing to demonstrate a 5-year housing land supply which is confirmed as being a **4.89** year supply against an annual Standard Method requirement of some 701 dwellings per annum (dpa), plus 5% buffer. There is also a growing waiting list for affordable rented homes and shared ownership properties which total over 1,500 people. The proposal would bring about a fully detailed, deliverable and positively beneficial quantity and mix of housing, including 40% (16no.) affordable dwellings including 3no. bungalows (exceeding the 5% requirement) which is a significant benefit of the scheme. It is clear there is an urgent and pressing need for new homes.
- 6.5. In such situations where the LPA fails to demonstrate a 5-year housing land supply, paragraph 11d triggers the engagement of the tilted balance and the presumption in favour of granting planning permission for new housing development unless any adverse impacts of doing so would **significantly and demonstrably** outweigh the benefits. The Council's adopted Local Plan saved policies, which covered the period to 2011 are considerably out of date, and the weight afforded to each of the policies is reduced where this differs from more up to date national guidance as set out within the NPPF.
- 6.6. Overall, there are limited adverse impacts that would be likely to arise from the development.
- 6.7. The Site falls within the Countryside Protection Zone and is accompanied by a fully Landscape and Visual impact Assessment. Overall, the Site is considered to be well contained within the wider landscape. Due to the high quality nature of the intervening landscape within the proposals and limited visibility, as a result of surrounding development, the proposals will make no contribution to any perceived coalescence of the settlements of Takeley and Little Canfield. The proposals will not therefore lead to a demonstrable loss of openness or bring about coalescence with the airport.

- 6.8. As set out previously, there is limited availability of brownfield sites within the district and as such, development, including for the provision of much needed new housing, will be required to be brought forward on land which has not previously been developed and outside of existing settlement boundaries. This should focus on sustainably located land which is in close proximity and well related to the existing settlement, such as the application Site. Accordingly, it is clear that development of this kind is required to come forward on site such as the application Site. Therefore, the proposals would not conflict with Policy S8.
- 6.9. There is no dispute over the fact that there is a lack of brownfield sites within the district which could facilitate development to deliver the much needed homes in the area. Therefore, it is clear that in order to address the need for housing, development will need to come forward within the countryside. The Site is a sustainably located parcel within the countryside, with good transport links, in close proximity to various amenities and well related to the existing settlement. As noted above, the proposals would not conflict with the provisions of Policy S8. With this in mind, it is contended that the Site forms an appropriate location for development of this kind.
- 6.10. The scheme proposals represent a sustainable, innovative, high quality, well-designed extension to the existing settlement edge through the establishment of clear and coherent character areas. They will be sympathetic to local character and historic patterns, including the surrounding built environment and landscape setting. As such the proposals have the ability to comply with the objectives of the National Planning Policy Framework.
- 6.11. A detailed Built Heritage Assessment has been undertaken by RPS to address the impact on any relevant heritage asset, which, in all cases, is concluded to be no harm. The layout and development in this area responds to the area and to minimise harm to designated and non-designated heritage assets in the vicinity have been minimised. Whilst this development would not result in any harm, where a different view to be concluded, the overall public benefits of the scheme forming part of the application are considered to outweigh any less than substantial harm.
- 6.12. The application proposals have therefore been carefully formulated to minimise any potential adverse impacts of developing the Site and to maximise the potential public benefits that will be realised and secured. The proposed development would therefore result in a number of significant and substantial benefits which would support the objectives of sustainable development, by providing economic, social and environmental benefits, as listed below:

(i) Economic Objectives

- Employment opportunities created through the supply and construction programme;
- Additional spending from new residents within the local economy; and
- Additional Council Tax receipts and New Homes Bonus directed to UDC.

(ii) Social Benefits

- Provision of 40no. homes, providing a range of types and sizes to meet local housing need, including chalet bungalowsterrace, detached and semi-detached dwellings;
- Provision of 40% policy compliant levels of affordable housing, providing 16 dwellings sufficient to meet the Council's need which currently stands in excess of 1,200 persons, including bungalow dwellings with ground floor sleeping accommodation;
- Support for long-term vitality and viability of the local community, including through assistance in sustaining local services and facilities; and
- Provision of additional publicly accessible open space.

(iii) Environmental Benefits

- Provision of high-quality homes as part of a carefully designed scheme within a sustainable location, reducing the need to develop less sustainable, more sensitive sites;
- Fabric first approach to reduce energy consumption;
- Provision of electric vehicle charging points for all dwellings; and
- Use of modern methods of construction to provide improved insulation and air tightness;
- Biodiversity enhancements;
- Absence of gas boilers in favour of air-sourced Heat Pumps.

6.13. There is no dispute that UDC are currently unable to demonstrate a 5-year housing land supply and as such paragraph 11d of the NPPF applies. Alternatively the presumption in favour is also likely to apply to the supply of housing which is calculated to be below the housing requirements over the previous three years. As set out in this Planning Statement, there are no adverse impacts arising as a result of the proposals which would significantly and demonstrably outweigh the benefits of the proposals, in the context of the provisions of the framework. Accordingly, planning permission should be granted.

## **Appendices**

**Appendix A: Warish Hall Farm Appeal Decision: Ref. No. APP/C/1570/W/22/3291524**

**Appendix B: Summary of consultee comments on Application Ref.  
No. UTT/22/3126/FUL**

**Appendix C: CPZ Designation Map**

**Appendix D: Draft Heads of Terms**



**Appendix A: Warish Hall Farm Appeal Decision: Ref. No.**

**APP/C/1570/W/22/3291524**



## Appeal Decision

Inquiry held on 21 June – 6 July 2022

Site visit made on 5 July 2022

**by Richard McCoy BSc MSc DipTP MRTPI IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 9 August 2022**

---

### **Appeal Ref: APP/C1570/W/22/3291524**

#### **Land at Warish Hall Farm, Smiths Green, Takeley**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Weston Homes PLC against the decision of Uttlesford District Council.
  - The application Ref UTT/21/1987/FUL, dated 9 June 2021, was refused by notice dated 20 December 2021.
  - The development proposed is "Mixed use development including: revised access to/from Parsonage Road between Weston Group Business Centre and Innovation Centre buildings leading to; light industrial/flexible employment units (c.3568sqm) including health care medical facility/flexible employment building (Use Class E); 126 dwellings on Bulls Field, south of Prior's Wood; 26 dwellings west of and with access from Smiths Green Lane; 38 dwellings on land north of Jacks Lane, east of Smiths Green Lane including associated landscaping, woodland extension, public open space, pedestrian and cycle routes".
- 

### **Decision**

1. The appeal is dismissed.

### **Procedural matters**

2. Takeley Parish Council (TPC) was granted Rule 6(6) status under the provisions of the Inquiries Procedure Rules.
3. I heard from TPC that a Heritage Assessment and Audit, dated March 2022<sup>1</sup>, which proposes a Conservation Area based on Smiths Green, was produced in support of the Neighbourhood Plan (NP). However, the NP is at the very early stages of preparation and the parties agreed that as an emerging document undergoing full consultation, it should be afforded very little weight. From my assessment, I have no reason to disagree and have dealt with the appeal on this basis.
4. Following the withdrawal of the Uttlesford Local Plan in April 2020 it was confirmed that the Council is at the early stages of preparing its new Local Plan. The Regulation 18 consultation planned to take place in June/July 2022 has been delayed. Given the new plan is in the very early stages of preparation it carries very little weight in this appeal.

---

<sup>1</sup> CD 13.10 Appendix 2

5. The development plan for the area includes the Saved Policies of the Uttlesford Local Plan (2000-2011), adopted in 2005. The policies of the Uttlesford Local Plan which are most important to the proposal under this appeal are agreed<sup>2</sup> as Policy S7 - The Countryside, Policy S8 - The Countryside Protection Zone, Policy GEN6 - Infrastructure Provision to Support Development, Policy ENV2 - Development affecting Listed Buildings, Policy ENV4 Ancient Monuments and Sites of Archaeological Importance, Policy ENV7 - The Protection of the Natural Environment - Designated Sites, Policy ENV8 - Other Landscape Elements of Importance for Nature Conservation, Policy ENV9 - Historic Landscapes and Policy H9 - Affordable Housing. Those of relevance, under paragraph 219 of the National Planning Policy Framework (NPPF), should be given due weight according to their degree of consistency with the Framework, and I return to this matter below.
6. On 7 February 2022, the Minister of State for Housing gave notice that, under powers conferred by section 62A of the Town and Country Planning Act 1990, Uttlesford District Council would be formally designated in respect of applications for planning permission for major development. The direction<sup>3</sup>, which took effect on 8 February 2022, relates to the quality of making decisions by the Council on applications for planning permission for major development under Part 3 of the Act. The decision on the proposal which forms the subject of this appeal was made before the Designation took effect and is in respect of a decision taken by the Council to refuse planning permission for major development following an Officer recommendation to approve.
7. The appellant's witness, John Russell BEng(Hons), CMILT, MIHT, who was going to give evidence on Transport, was not called while Jennifer Cooke and Tim Murphy gave evidence at the "Round Table" session on Heritage for the appellant and the Council respectively, and Charles Crawford, Jacqueline Bakker and Bobby Brown gave evidence at the "Round Table" session on Landscape Character and Appearance for the appellant, the Council and the Parish Council respectively.
8. A signed and dated Planning Obligation<sup>4</sup> by Deed of Agreement under Section 106 of the Town and Country Planning Act 1990 (S106 Agreement) was submitted by the appellant. This covers a phasing plan, affordable housing, a Prior's Wood Management Plan, public open space provision, Site of Alternative Natural Greenspace provision, a healthcare contribution, a Hatfield Forest contribution, upgrading of the public byway route and pedestrian link provision, submission of a custom build phasing scheme, and the transfer of healthcare facility land. Based on the evidence presented at the Inquiry, I consider that the obligations in the S106 Agreement meet the tests set out in the NPPF and satisfy the requirements of regulation 122 of The Community Infrastructure Levy Regulations 2010. I can therefore give the S106 Agreement significant weight and I return to these matters below.
9. In the light of the provisions of the S106 Agreement, the Council confirmed that it was no longer pursuing refusal reason 4 in respect of "a failure to deliver appropriate infrastructure to mitigate any impacts and support the delivery of the proposed development". I have dealt with the appeal on this basis although having regard to the concerns raised in representations from interested parties,

---

<sup>2</sup> SoCG CD 5.2A

<sup>3</sup> CD 4.10

<sup>4</sup> ID 40

I go on to deal with a number of these issues below under Main Issues and Other Matters.

### **Application for costs**

10. At the Inquiry an application for costs was made by Weston Homes PLC against Uttlesford District Council. This application is the subject of a separate Decision.

### **Main Issues**

11. All of the main parties agreed that the Council is unable to demonstrate a five-year supply of deliverable housing land. The Council's Monitoring Report<sup>5</sup> for 2020/21 identifies a five-year housing land supply of 3.52 years. In which case, paragraph 11d of the NPPF is engaged.
12. Against this background, I consider the main issues to be the effect of the proposal on:
- i. the character and appearance of the surrounding area, including the Countryside Protection Zone,
  - ii. the significance of nearby heritage assets including Warish Hall moated site and remains of Takeley Priory SAM, the Grade 1 listed Warish Hall and Moat Bridge, along with other designated and non-designated heritage assets,
  - iii. the adjacent ancient woodland at Priors Wood, and
  - iv. whether any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole or whether specific NPPF policies indicate that development should be restricted.

### **Reasons**

#### *Background*

13. The appeal site extends to around 25.15ha and comprises of three main land parcels known as 7 Acres, Bull Field and Jacks. 7 Acres (2.27ha) is made up of the field situated between Prior's Wood to the east and the Weston Group Business Centre to the west. Bull Field (12.1ha) is made up of the field situated west of Smiths Green Lane and bounded by Prior's Wood to the north and to the west and south by properties within North Road, Longcroft (including Roseacres Primary School field), Layfield, Longcroft and Smiths Green. Jacks (2.1ha) is a pasture field located on the eastern side of Smiths Green Lane which separates it from the rest of the appeal site. Abutting the settlement edge to the north of Takeley, the appeal site is mostly flat and level.
14. Within Uttlesford District, Takeley is one of the largest villages and is considered a 'Key Rural Settlement', the highest order of settlement below Stansted Mountfitchet village and the main towns of Great Dunmow and Saffron Walden. As such, Takeley benefits from a number of facilities and services including primary schools, shops and services.

---

<sup>5</sup> Para 6.4 SoCG CD 5.2A

15. Proposed is the erection of 188 dwellings to include 76 affordable dwellings and up to 3 No. Custom-build dwellings, along with 3568m<sup>2</sup> of flexible employment space. The proposal would also provide a medical/health facility hub building, an extension to Roseacres Primary School, an extension and enhancement of Prior's Wood, formal and informal open space provision, cycleway and pedestrian links and provision of permissive walking routes. These would be secured via the submitted S106 Agreement.
16. It is proposed to spread the development across 2no. sites, split between three character areas, as follows: Commercial Area (7 Acres); Woodland Neighbourhood/Rural Lane (East and West sections of Bull Field and entrance to Jacks) and Garden Village (Jacks).

#### *Location*

17. Saved LP Policy S7 seeks to restrict development in the open countryside directing it to the main urban areas, the A120 corridor and selected Key Rural settlements, including Takeley. The policy has three strands: firstly, to identify land outside of the settlement limits, secondly, to protect the countryside for 'its own sake', and thirdly, to only allow development where its appearance protects or enhances the particular character of the countryside within which it is set, or if there are special reasons why such development needs to be in that location. It is common ground that the proposal would be located outside the development limits for Takeley as defined by the Uttlesford Local Plan. In this respect, there would be a breach of Policy S7.

#### *Character and appearance of the countryside*

18. While neither the appeal site, nor the surrounding area is a valued landscape, within the meaning of paragraph 174(a) of the NPPF, at the District level it is located within the Broxton Farmland Plateau Landscape Character Area (LCA) as defined in the District level Uttlesford Landscape Character Assessment<sup>6</sup>. This is characterised by gently undulating farmland, and large open landscapes with tree cover appearing as blocks on the horizon and is assessed within the LCA as having a moderate to high sensitivity to change.
19. Prior's Wood within the appeal site, is an area of Ancient and Semi-Natural Woodland while the verge adjoining Smiths Green Lane is designated as a village green<sup>7</sup>. In addition, Smiths Green Lane, north of its junction with Jacks Lane, is designated as a Protected Lane<sup>8</sup> under Local Plan Policy ENV9 (it is identified in the Uttlesford Protected Lanes Assessment as "UTTLANE 166 Warish Hall Road" but it was more commonly referred to at the Inquiry as Smiths Green Lane and it is the latter name that I refer to as "Protected Lane" throughout this Decision). This is a heritage policy and I deal with this below under Heritage Assets. However, some of the criteria underpinning the designation have a landscape dimension and were covered by the landscape witnesses at the Inquiry.
20. Public rights of way that traverse the site and surrounding area include PROW 48\_40 which runs across the site from its western boundary near Parsonage Road through to Bull Field, south of Prior's Wood, PROW 48\_41 which runs across the southern section of Bull Field, PROW 48\_25 which runs along the

---

<sup>6</sup> CD 1.95 and 11.4

<sup>7</sup> ID 16

<sup>8</sup> CD 10.16

northern boundary of the eastern field (Jacks) and PROW 48\_21 which runs parallel to the Site's northern boundary, adjacent to the A120 and forms part of the Harcamlow Way – a National Trail connecting Harlow to Cambridge.

21. A Landscape and Visual Impact Assessment<sup>9</sup> (LVIA) by Allen Pyke Associates dated June 2021 was submitted with the planning application. The methodology used in the LVIA is generally compliant with GLVIA3 and identifies 19 visual receptors in respect of this proposal. I have however, in coming to my view, taken account of the appellant's landscape witness evidence<sup>10</sup> both in terms of the review of the submitted LVIA and the conclusions reached on landscape and visual effects, and in finding the area to have a medium susceptibility to change.
22. The development would be built on the edge of the village, extending the built form into the open countryside. Whilst in overall terms the proposal would have little effect on the wider LCA, in local terms the appeal site is part of an open, tranquil environment, notwithstanding the proximity of the airport and the A120, within which the Prior's Wood ancient woodland is experienced. For that reason, it has community value being an "everyday" landscape that is appreciated by the local community. Nevertheless, I agree with the appellant that in terms of that part of the appeal site which comprises 7 Acres and Jacks, it is enclosed by mature boundary planting and existing development. This sense of enclosure means that these areas of the appeal site are largely separate from the wider landscape and the LVIA identified visual receptors. Accordingly, I consider the proposal would have minimal effect in terms of landscape character and visual impact in respect of these areas.
23. However, with regard to Bull Field (west and central areas), Bull Field (east), Maggots Field and Prior's Wood, these areas of the appeal site are of a more open character and make an important contribution to the semi-rural, agrarian nature of the area to the north of the built-up areas of Takeley and Smiths Green. I observed, notwithstanding the enclosure that is created by the boundary planting, that this part of the appeal site forms a strong demarcation between the countryside and the existing urban development to the south. As such, I consider this part of the appeal site shares its affinity with the countryside with which it forms an integral and functional part.
24. In addition, Bull Field and Maggots Field give a sense of grandeur to Prior's Wood when viewed from the visual receptors of the Protected Lane and PROWs 48\_40, 48\_41 and 48\_25 (where it joins the Protected Lane), providing it with "breathing space" in the context of the existing built development evident in the wider area. By introducing development, albeit of a low density in the area of the Protected Lane (the Rural Lane Character Area), the proposal would reduce views of the woodland to glimpsed views between dwellings across formerly open countryside that would become urbanised. This would be most apparent from PROWs 48\_41 and 48\_25 (where it joins Smiths Green Lane), and the Protected Lane.
25. While I note the existing hedges along the verge of the Protected Lane, I nevertheless consider that the roofs of the proposed dwellings and the new accesses to the development would be apparent from the Protected Lane and the overall built form would be noticeable at night when street lights and other

---

<sup>9</sup> CD 1.95

<sup>10</sup> CD 13.3A

lights from the development would be likely to be seen. In addition, the quality of the experience for users of PROWs 48\_40, 48\_41 would be diminished, given the proximity of the proposed housing. It would create an urbanised environment through which the footpaths would pass in place of the current agrarian field, within which and from which, views of Prior's Wood are enjoyed. The urbanising effect of the proposal may be seen from the appellant's submitted LVIA Views and "before and after" visualisations<sup>11</sup>. By so doing, the intrinsic character of the countryside would be adversely affected by the proposal in conflict with LP Policy S7.

26. I have given careful consideration to the appellant's landscape and design evidence, including the revisions to the scheme aimed at reflecting the grain of nearby settlements. I also fully appreciate that the landscape to which the appeal site belongs is not rare, or of exceptional quality, and that the site itself has no particular landscape designation. In this sense I agree that the landscape has a moderate value. However, Bull Field and Maggots form part of the wider open countryside to the north of Takeley and Smiths Green, and are an integral part of the local landscape character. They share their affinity with the countryside. This gives this part of the appeal site a high susceptibility to change, despite the presence of nearby urbanising influences.
27. In my judgement, the development would introduce an urban form of development that would not be sympathetic to the local character and landscape setting, and notwithstanding the mitigating design measures to create green infrastructure and character areas of varying layouts and densities, in the context of Policy S7 and what I heard, I consider that no special reasons have been demonstrated as to why the development, in the form proposed, needs to be there.
28. Against this background, I consider that the proposal would have a significant adverse effect on local landscape character. It would change the intrinsic rural character of the area by introducing built development into a rural setting thereby severing the connection of Prior's Wood with the open agrarian environment to its south. This would be apparent from the Protected Lane and PROWs identified above in paragraph 24, resulting in a significantly adverse visual impact in conflict with LP Policy S7 and NPPF paragraphs 130 and 174b.

#### *Countryside Protection Zone*

29. The appeal site is also situated within the Countryside Protection Zone (CPZ) as defined in LP Policy S8. This is an area of countryside around Stanstead Airport within which there are strict controls on new development, particularly with regard to new uses or development that would promote coalescence between the airport and existing development in the surrounding countryside, and adversely affect the open characteristics of the zone.
30. The 3 areas which make up the appeal site are large pastoral and agrarian fields. 7 Acres and Jacks have planting around their boundaries while Bull Field has Prior's Wood to the north and is open to the Protected Lane on its eastern flank. While the appeal site contributes to the character and appearance of the countryside to the south of the airport, and the CPZ as a whole, it is separated from the airport by the A120 dual-carriageway and sits in close proximity to development in Takeley, Smiths Green and Little Canfield.

---

<sup>11</sup> CD 1.95 LVIA Views 3, 4, 5, 6, 7, 8 and 9 and CD 13.3B Figures 5a & 5b, and 5c & 5d

31. My attention was drawn to a number of recent decisions where planning permissions have been granted, both by the Council and on appeal, for housing developments within the CPZ. Nevertheless, taking this proposal on its merits and the site-specific circumstances of the appeal site, in particular Bull and Maggots Fields being within the countryside and open, I consider it would have its character changed by the introduction of new development. In this regard, it would result in a reduction of the open characteristics of the countryside around the airport.
32. In terms of coalescence with the airport, I acknowledge that the proposal would further increase built development between the airport and Takeley, in a location where the gap between the airport and surrounding development is less than in other areas of the CPZ. However, the open countryside between the airport and the A120, along with Priors Wood would prevent the proposal resulting in coalescence between the airport and existing development.
33. Against this background, while the factors set out above would serve to reduce the impact, the proposal would nevertheless result in an adverse effect on the open characteristics of the CPZ in conflict with LP Policy S8.

*Conclusion on the Character and Appearance main issue*

34. Drawing all of these points together, I consider that there would be conflict with LP Policy S7 in respect of the location of the development and the detrimental effect on local landscape character and visual impact. This would result in the proposal failing to protect or enhance the particular character of the part of the countryside within which it is set. In addition, I find the proposal would conflict with LP Policy S8 in terms of the adverse effect on the open characteristics of the CPZ. However, I will consider the weight to be attributed to this policy conflict later in my decision, turning firstly to address the effect on heritage assets.

*Effect on the significance of heritage assets*

35. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA) (the Act) states that special regard should be paid to the desirability of preserving the settings of listed buildings, where those settings would be affected by proposed development. The NPPF defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
36. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight attaches to the asset's conservation; the more important the asset, the greater that weight should be. Significance can be harmed through development within an asset's setting. Historic England guidance: The Setting of Heritage Assets<sup>12</sup>, indicates that setting embraces all of the surroundings from which an asset can be experienced or that can be experienced from or within the asset. Setting does not have a fixed boundary and cannot be defined, in perpetuity, as a spatially bounded area or as lying within a set distance of a heritage asset.

---

<sup>12</sup> CD 10.1



37. The significance of a heritage asset is defined in the NPPF as its value to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. Significance may be harmed by a development and it is necessary to determine the degree of harm that may be caused.
38. A Heritage Statement of Common Ground (HSoCG) was agreed between the appellant and Uttlesford District Council which identified several heritage assets that would be affected by the proposal as a development within their settings. These are: Warish Hall and Moat Bridge (Grade 1 listed), Warish Hall moated site and remains of Takeley Priory Scheduled Monument (SM), Moat Cottage (Grade II\* listed) and Hollow Elm Cottage, Goar Lodge, Beech Cottage, The Croft, White House, The Cottage, The Gages, Pump at Pippins and Cheerups Cottage (all Grade II listed)<sup>13</sup>.
39. In addition, the Protected Lane, as a non-designated heritage asset, was identified in the HSoCG as being affected by the proposal as a development within its setting. From my assessment of the proposal, I agree with the list of designated and non-designated heritage assets identified by the parties. I deal with each of them below in terms of the effect of the proposed development.
40. *Warish Hall and the associated Moat Bridge*: its significance derives from its architectural and historic interest in terms of the surviving historic fabric and design detailing from the late 13th century, with architectural features indicative of its age and historic function. The setting is well contained within the moated site given the sense of enclosure created by the surrounding mature trees. The contribution of setting to its significance is high given it is part of a planned medieval moated complex but the setting is very much confined within the immediate area of the hall and bridge. In this regard, I consider that the proposal would have no effect on the significance of this designated heritage asset.
41. *Moat Cottage, The Cottage, The Croft, White House and The Gages*: these dwellings are closely grouped within the historic, linear hamlet of Smiths Green. They each are set back from, and sit within, a residential plot with hedgerow boundaries, separated from the road by large open, grass verges. I consider that their significance derives from their architectural and historic interest, dating from around the early 16<sup>th</sup> century and containing fabric and artistic elements from that time.
42. While modern development has intruded into their settings to the east and west, their settings to the north include the open aspect of Bull Field, across its agrarian landscape to Prior's Wood. This makes a positive contribution to their significance. By introducing development into this area, the proposal would fail to preserve the settings of these listed buildings, thereby detracting from their significance.
43. *Hollow Elm Cottage*: located at the northern end of Smiths Green, its significance is predominately derived from its historic, architectural and artistic interest, being one of the earliest buildings in the hamlet. Its setting to the east includes Jacks and beyond that the late 20th century infill development of Little Canfield. The wider setting to the north and west is made up of the open fields

---

<sup>13</sup> Paragraph 4.1 CD 5.3A

of Bull and Maggots, and Prior's Wood. To the south is Jacks Lane and the linear historic settlement of Smiths Green.

44. In particular, Bull Field, Maggots Field and Prior's Wood, serve to give the setting of this designated heritage asset a sense of tranquillity which overall makes a positive contribution to its significance. The proposal, by introducing development into the area to the north and west, would fail to preserve the setting of this listed building, thereby detracting from its significance.
45. *Goar Lodge and Beech Cottage*: the significance of these heritage assets derives from their historic, architectural and artistic interest as evidenced by the surviving historic fabric. They document the local vernacular through their form, layout, building methods and materials.
46. Their shared setting is made up of the rural character of the large open grassed areas and verges of Smiths Green Lane. This is apparent when travelling south towards Smiths Green in terms of the transition from the agrarian fields of Bull Field and Maggots to the dwellings of the historic hamlet. This gives the historic context of these listed buildings. While there is an intervening hedgerow between them and Bull Field, it is possible to appreciate the historic rural context to their rear and the setting makes a high contribution to their significance. By introducing development into this area, the proposal would fail to preserve the settings of these listed buildings, thereby detracting from their significance.
47. *Cheerups Cottage*: the significance of this heritage asset is predominately derived from its historic, architectural and artistic interest as evidenced in some of the surviving historic fabric. As a vernacular building, Cheerups Cottage demonstrates the historic living expectations, building methods and materials available at the time of its construction. Standing at the northern end of Smiths Green, there is both inter-visibility and co-visibility between the listed building and Bull Field which is indicative of the wider historic rural setting which the historic maps show has undergone little change over the centuries.
48. This forms the majority of the building's setting, adding a sense of tranquillity and making a very positive contribution to the significance of this designated heritage asset. By introducing development into this area, the proposal would fail to preserve the setting of this listed building, thereby detracting from its significance.
49. *Pump at Pippins*: the pump is a 19th century example of its type. Its significance is drawn from its surviving historic fabric and the evidence it provides of historic living conditions in the area. It stands at the northern end of the hamlet of Smiths Green, close to the junction of Smiths Green and Jacks Lanes, within part of the village green. While there is recent development in the vicinity, the village green and the open countryside to the north and west demonstrate its historic rural context as a focal point of the hamlet. This forms its setting which makes a high contribution to its significance.
50. Unlike the parties who agreed that there would be no harm arising from the proposed development to the significance of the pump<sup>14</sup> I consider that by introducing development into this area, the proposal would fail to preserve the setting of this listed building, thereby detracting from its significance.

---

<sup>14</sup> Paragraph 5.7 CD 5.3A

51. *Warish Hall moated site and remains of Takeley Priory Scheduled Monument*: this scheduled monument includes a priory site situated on high ground, around 2km east of Takeley church. It contains a complete, rectangular moat which is set within a much larger moated enclosure. As a scheduled monument it is an asset of the highest significance and is of particular historical and archaeological importance.
52. The setting of this SM makes a strong contribution to its significance. Like other examples of its type in this part of England it was constructed in the rural landscape. Whilst field boundaries in this vicinity have changed over time and the site itself has become enclosed by mature trees, the fundamental agrarian land use in the vicinity of the SM has remained. The link to Prior's Wood and Bull Field in my judgement, is an important one in terms of setting. It is likely that the Priory had an ownership and functional relationship with the woodland and the SM retains its functional link to these rural features in the surrounding landscape.
53. Notwithstanding the built development in the vicinity including the airport, the A120 and the housing beyond Smiths Green to the south, I consider that this asset can be appreciated and experienced from Priors Wood and Bull Field in terms of the visual and historical functional links, and the tranquillity they provide to the SM. The undeveloped grain of the surrounding landscape character, as part of the asset's setting, makes a positive contribution to its significance.
54. The proposal would erode this character by bringing development closer to the SM within the nearby Bull Field and Maggots Field. The experience of the SM, from its southern ditch, would be adversely altered as the open agrarian landscape would be enclosed by built development. This would be harmful to the significance of the designated heritage asset.
55. In this regard, I agree with Historic England<sup>15</sup> who in its consultation response noted that it is clear that the SM draws a considerable amount of its significance from its setting. In accepting that the SM is compromised by previous development, it still however benefits from long uninterrupted views southwards towards Prior's Wood and Smiths Green. Against this background, Historic England considered there would be less than substantial harm of a moderate to high degree.
56. *Warish Hall Road and Non-Designated Heritage Asset*: the background to this is set out above in paragraph 19 including how it is referred to locally as Smiths Green Lane. For clarity, it is that section of the lane which runs north from the junction with Jacks Lane towards the A120, adjacent to Bull Field<sup>16</sup>. It is protected due to a combination of features identified in the Uttlesford Protected Lanes Assessment (UPLA). These are Diversity, Integrity, Potential, Aesthetic, Biodiversity, Group Value, and Archaeological Association. I have dealt with a number of these under landscape character and visual impact under the first main issue above (character and appearance), assessing the contribution Smiths Green Lane makes to local landscape character and the effect of the proposal upon it as a visual receptor.

---

<sup>15</sup> CD 3.1 and CD 3.3

<sup>16</sup> CD 13.2 Appellant's Heritage POE

57. In terms of this main issue, LP Policy ENV9 identifies "Protected Lanes" as part of the local historic landscape. Thus, the Protected Lane falls within the NPPF definition of a "heritage asset" as it has been "identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest".
58. While the parties disputed the extent of the Protected Lane, in my judgement, it encompasses the verges (which are registered as a village green), hedgerows and other features as identified in the evaluation criteria for the Protected Lanes contained in the UPLA. Features such as verges (including those that form part of the village green), hedgerows and ditches/ponds are an intrinsic part of the historical make-up of the Protected Lane and contribute to its significance as a non-designated heritage asset (NDHA).
59. In the wider sense, the lane has a strong visual and functional relationship with the countryside through which it passes, including Bull Field and Maggots Field making it of historic interest to the local scene and imbuing it with a high level of significance. This countryside environment forms its setting and makes a positive contribution to its significance. The proposal, by introducing development into this agrarian setting would be harmful to the rural setting of the Protected Lane by the way in which it would create new vehicular accesses on to it and would bring built form close to its western verge. The urbanising effect of the proposal on the setting of the Protected Lane and the creation of new accesses across the verges, forming gaps in the hedgerows would both directly and indirectly affect the NDHA in conflict with LP Policy ENV9, which can only be justified if "the need for the development outweighs the historic significance of the site".
60. As may be seen from my conclusion on the first main issue, I consider that in terms of landscape character and visual impact, the overall effect of the form, layout and density of the proposal would be harmful, notwithstanding the mitigation measures to be employed. That conclusion takes account of Smiths Green Lane as a landscape component and visual receptor within the overall landscape, noting that in overall terms it has not been demonstrated that the development in the form proposed needs to be there.
61. In my judgement, the consideration of the effect of the proposal on the Protected Lane as a NDHA is more focussed and deals with that stretch of Smiths Green Lane that has NDHA status. As noted above, the proposal has a number of character areas. One of these "The Rural Lane", responds to the rural character of the Protected Lane. In this regard the proposal has gone through several revisions and in the area of the Protected Lane would take the form of a low-density development that reflects the established linear form of Smiths Green Hamlet, along Smiths Green Lane. The proposed large family dwellings would be set back from the lane with a series of driveways serving small clusters of dwellings and have an appearance rooted in the local vernacular.
62. While there would be harm to the significance of the Protected Lane as a NDHA for the reasons given above, it would be mitigated to some extent by the proposed Rural Lane design characteristics regarding density and layout. This would result in a moderate level of harm as the historical significance of the lane as an artery through a countryside environment, though diminished, would still be discernible.

### *Conclusion on the Heritage Main Issue*

63. Taking all of the above together, it is clear that there would be an adverse impact on the significance of several of these designated heritage assets, arising from the failure of the proposal to preserve the settings of the listed buildings and the harm to the significance of the SM arising from development within its setting. This would be in conflict with LP Policy ENV2 which provides that development proposals that adversely affect the setting of a listed building will not be permitted and ENV4 which deals with ancient monuments and their settings.
64. In coming to this conclusion, I have had regard to the appellant's mitigation measures<sup>17</sup>. While it is argued that design, layout, density and planting within the proposal would serve to mitigate its effects, I nevertheless consider that the proposal, by introducing an urbanising influence into the open, pastoral setting of these heritage assets, would be to the detriment of their significance, resulting in less than substantial harm.
65. However, given the majority of significance in each case is derived from their surviving historical form and fabric which will not be affected by this proposal, the resulting harm would be less than substantial. The parties agree that the degree of less than substantial harm is of a low level in the case of Moat Cottage, The Croft, White House, The Cottage, The Gages and Cheerups Cottage and medium in the case of Hollow Elm Cottage. From my assessment, I have no reason to disagree.
66. In the case of Goar Lodge and Beech Cottage, for the reasons given above, I agree with the Council that the proposal would result in a medium level of less than substantial harm. However, unlike the parties who agree no effect on the Pump at Pippins<sup>18</sup>, I consider that the proposal, for the reasons set out above, would cause a medium level of less than substantial harm. In addition, in respect of the Warish Hall moated site and remains of Takeley Priory Scheduled Monument (SM), for the reasons given above, I agree with Historic England and consider the proposal would cause a moderate to high level of less than substantial harm.
67. In any event, whether or not I accept the appellant's findings regarding the degree of less than substantial harm, under NPPF paragraph 202 this harm should be weighed against any public benefits of the proposal, including securing the asset's optimum viable use and this is a matter I return to below.
68. With regard to the Protected Lane (NDHA), LP Policy ENV9 requires the need for the development to be weighed against the historic significance of the site. This is broadly consistent with NPPF paragraph 203 which requires a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset. The proposal would indirectly affect the significance of the NDHA by introducing development within its setting and directly by creating accesses onto the Protected Lane. In this case however, while the significance of the heritage asset is of a high level, the scale of the harm would be of a moderate nature, given the revisions to the scheme which has reduced the density of development in the vicinity of the Protected Lane.

---

<sup>17</sup> CD 13.2

<sup>18</sup> Paragraph 5.7 CD 5.3A

69. Against this is the significant need for housing in an area lacking a deliverable supply of five-year housing land. While the balances under the Policy and the NPPF may differ, I consider that the need for the development would outweigh the significance of the NDHA under LP Policy ENV9 and the moderate harm to significance under NPPF paragraph 203 would be outweighed by the significant benefit of the housing provision arising from the proposal. The proposal therefore, as it relates to the historic interest of the Protected Lane, would not conflict with LP Policy ENV9.

*The effect of the proposal on the adjacent ancient woodland at Prior's Wood*

70. Concerns were raised that the proposal would fail to provide a sufficient buffer between the proposal, including the access road, cycleway and dwellings, and the ancient woodland of Prior's Wood. This arises from the Standing Advice issued by Natural England and The Forestry Commission<sup>19</sup> which recommends that a buffer zone of at least 15 metres from the boundary of the woodland should be provided in all cases.

71. It should be noted that this is a separate concern to that of the effect on Prior's Wood as part of the overall landscape and character and visual impact which I have dealt with above under the 1<sup>st</sup> main issue. In that regard, I have concluded that the proximity of the development to Prior's Wood in place of an open agrarian field would result in harm to the character and appearance of the area, including Prior's Wood. The concern under this main issue is that trees within the woodland itself would be harmed by the proposed development.

72. Whilst paragraph 180(c) of the NPPF makes clear that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy, the Council's ecology advice from Place Services raised no issues as regards impacts on Prior's Wood in respect of any resulting loss or deterioration.

73. Indeed, it is common ground between the Council and the appellant<sup>20</sup> that there is no objection to the technical design of the proposal as a result of any impact on trees, and no trees within Prior's Wood are to be removed or would be impacted on directly as a result of the proposed route through the buffer. Moreover, mitigation of the impact on Prior's Wood includes the Woodland Management Plan (which is part of the S106 Agreement).

74. The parties disputed where the buffer zone should be measured from, with the appellant preferring the trunks of the trees on the outer edge of the woodland and the Council, the outer edge of the ditch. Either way, it is agreed that the 15m buffer would be breached by the cycle way along the southern edge of Prior's Wood and a 35m stretch of the access road connecting 7 Acres and Bull Field (referred to at the Inquiry as the "pinch point"). I heard, as agreed in the SoCG, that no trees within Prior's Wood would be removed or would be impacted on directly as a result of the proposed access road and cycle way route within the buffer, including the road layout at the pinch point.

75. In this regard, I agree with the Inspector in a previous appeal<sup>21</sup> concerning an issue with strong similarities to this case where that Inspector noted that

---

<sup>19</sup> CD 12.1

<sup>20</sup> Paragraphs 6.28 and 6.31 CD 5.2A

<sup>21</sup> Appeal Decision ref APP/C1570/W/21/3271310 CD 8.8

“some development is proposed within the buffer, through a mixture of road or car parking and re-grading and other landscaping works”. In considering the Standing Advice and the recommendation for a 15m buffer, that Inspector found that there was compliance with what is now para 180(c) of the NPPF. This was on the basis that “no above ground built form is proposed in that area, such as housing” and “the level of incursion is relatively minor”. I consider that the circumstances of this case are very similar.

76. That Inspector also accepted that the development that would take place would be contrary to the Standing Advice, as is the situation in the appeal before me, but went on to note that it had “been demonstrated that there would be no incursions into the root protection area”. From my assessment of this proposal, I consider that there would be no incursion into the root protection area and no harm to trees would result, as set out in the SoCG.
77. In addition, I am content from the submitted written evidence and what I heard at the Inquiry, that neither the proposed road or cycleway within the buffer or proposed housing in the vicinity, would lead to indirect effects on the ancient woodland as identified in the Standing Advice, given the proposed measures set out in the Prior’s Wood Management Plan.
78. Against this background, I consider that there would be no conflict with Policy ENV8, notwithstanding that I have found other policy conflict regarding the effect on Prior’s Wood in respect of landscape character and visual impact harm.

*Whether any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole or whether specific NPPF policies indicate that development should be restricted*

79. While I have found that the proposal would accord with LP Policies ENV8 and ENV9, and with the submission of the S106 Agreement and withdrawal of refusal reason 4 would not conflict with Policies GEN6, ENV7 and H9, I have nevertheless identified harm arising from the proposal in relation to its location outwith the defined settlement boundary of Takeley, the character and appearance of the area in terms of landscape character and visual impact, the CPZ and the effect on designated heritage assets. In this regard, the proposal conflicts with LP Policies S7, S8, ENV2 and ENV4, which are the policies that go to the principle of the proposed development, and therefore conflicts with the development plan as a whole. Having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should only be granted if there are material considerations which outweigh that conflict.
80. As set out above, paragraph 219 of the NPPF states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework, but that due weight should be given to them, according to their degree of consistency with the Framework. In addition, it is common ground that the Council is unable to demonstrate a five-year supply of deliverable housing land. Given that the most up-to-date housing land supply position before the Inquiry was 3.52 years, the shortfall is significant. In the light of NPPF paragraph 11d and associated footnote 8, the absence of a five-year supply means that the policies most important for determining this appeal are deemed to be out-of-date.

81. Dealing with each of the policies in turn, Policy S7 is important to the determination of the appeal and is of direct relevance as to whether or not the appeal site would be an appropriate location for development. The parties agreed that the proposal would conflict with the locational strands of the policy, as a result of being outwith the designated settlement boundary. However, the absence of a five-year supply is a situation that has prevailed for a number of years and it is common ground that housing supply will not be addressed until a new local plan is adopted (2024 at the earliest). Although Uttlesford scored well in the 2021 Housing Delivery Test<sup>22</sup>, with a score of 129%, the latest figures published by the Council show that in the next period it fell to 99% and is likely to fall further this year again due to reduced housing delivery in the previous monitoring year 2021/22.
82. The Council accepts that settlement boundaries must be flexible and that Policy S7 must be breached in order for a sufficient supply of houses to be provided. Against this background, I conclude that the conflict with Policy S7, with reference to it defining land outside of the settlement strategy of the plan, should be accorded limited weight. In reaching this view, I have had regard to the previous appeal decisions cited by the parties that reached contrasting views on the degree of weight to be given to breaches of Policy S7 based on the specifics of each of those particular cases.
83. In respect of recognising the intrinsic character and beauty of the countryside, I consider Policy S7, in requiring the appearance of development "to protect or enhance 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", is broadly consistent with NPPF paragraphs 130 and 174b. Consequently, having concluded that there would be significant landscape character and visual impact harm arising from the proposal without special reasons being demonstrated as to why the development in the form proposed needs to be there, I give moderate weight to this conflict with the last strand of Policy S7, given it is not fully consistent with the NPPF. In reaching this view, I have had regard to the previous appeal decisions cited by the parties that reach contrasting views on the degree of weight to be given to breaches of Policy S7 based on the specifics of each of those particular cases.
84. Turning to Policy S8 and the CPZ, I agree with the Inspector who in appeal ref. APP/C1570/W/19/3243727<sup>23</sup> concluded that Policy S8 is more restrictive than the balancing of harm against benefits approach of the NPPF, noting that the NPPF at paragraph 170 advises that decisions should recognise the intrinsic character and beauty of the countryside and that the 'protection' afforded to the CPZ in Policy S8 is not the same as the Framework's 'recognition'.
85. Given the policy is not fully consistent with the NPPF and there is a pressing need for deliverable housing land in the District, I consider that the conflict with LP Policy S8 should be given moderate weight. Again, I have taken account of the previous grants of planning permission within the CPZ both by the Council and at appeal. However, I have reached my conclusion on the weight to be given to the conflict with this policy based on the effect of the proposal on the site-specific circumstances of this case.

---

<sup>22</sup> SoCG para 6.6 CD 5.2A

<sup>23</sup> CD 8.5



86. Policies ENV2 and ENV4 both concern the historic environment. In the case of the former, while ENV2 does not contain an assessment as to whether any resulting harm is substantial or less than substantial and does not go on to require a balance of harm against public benefits, I consider that as set out the policy is broadly consistent with the NPPF and reflects the requirements of S66(1) of the Act. Nevertheless, while ENV2 requires that planning permission be withheld where there are adverse effects on the setting of a listed building (in this case there would be less than substantial harm to the significance of several listed buildings), paragraph 202 of the NPPF requires that this harm is weighed against the public benefits of the proposal, and it is that balance that I move onto below.
87. In the case of the latter, while the policy itself deals with preserving archaeology in-situ, the explanatory text makes clear that the desirability of preserving an ancient monument and its setting is a material consideration in determining planning applications. Insofar as the policy seeks to preserve an ancient monument in-situ when affected by proposed development within its setting, I consider it is broadly consistent with the Framework. In this case, I have found that the proposal would result in less than substantial harm to the significance of a scheduled monument. However, as with Policy ENV2, paragraph 202 of the NPPF requires that this harm is weighed against the public benefits of the proposal, and it is that balance that I turn to below.

*NPPF paragraph 202 balance*

88. Public benefits in respect of NPPF paragraph 202 will provide benefits that will inure for the wider community and not just for private individuals or corporations. It was not suggested that the proposal is necessary in order to secure the optimum viable use of the designated heritage assets.
89. The appellant did claim however that the proposal would bring public benefits by creating a number of jobs during the construction phase, and through the submitted S106 Agreement by securing the provision of affordable housing, a Prior's Wood Management Plan, public open space provision, Site of Alternative Natural Greenspace provision, a healthcare contribution, a Hatfield Forest contribution, upgrading of the public byway route and pedestrian link provision, submission of a custom build phasing scheme, and the transfer of healthcare facility Land.
90. In my judgement, employment and economic activity during the construction phase would be temporary benefits and many of the S106 Agreement contributions would be necessary to mitigate the impacts of the proposal on local infrastructure, climate and ecology. In which case they attract limited weight.
91. However, the proposed development would provide a mix of private, intermediate and social housing, including bungalows, flats, family dwellings and provision for custom build housing. The dwelling size and tenure mix would provide a balance of different unit sizes which contributes favourably to the supply of dwellings across all tenures. The proposed 188no. dwellings, including 76no. affordable housing units, would help address a shortfall of market and affordable housing delivery and would provide housing in a District where there has been a persistent shortfall in the delivery of five-year housing land supply.

92. It was suggested that the presence of the village green would be a complicating factor as it would need to be de-registered in order for the proposed accesses to be formed. It was noted that the appellant may be able to offer alternative land for a village green in exchange but that the outcome of any process for de-registration was not guaranteed. In this regard, my attention was drawn to several legal judgments on the matter. It was argued that this should reduce the weight given to the provision of housing as there was a question mark over the deliverability of the total number proposed.
93. However, the number of affected dwellings is low, being those accessed from the Protected Lane and would have a very limited impact on the overall number of dwellings provided. Accordingly, I consider that the provision of market and affordable housing, the extension to the Primary School to facilitate its future expansion, the provision of the medical facility, the enhancement to Prior's Wood including 10% extension and measures to secure its longer term management, the new cycleway and pedestrian links, new homes bonus, increased residential spending, the provision of over 4.5 ha of open space and the longer term employment provision from the business park extension are significant public benefits and attract significant weight.
94. Against this, applying section 66(1) of the Act is a matter to which I give considerable importance and weight. In addition, NPPF paragraph 199 states that great weight should be given to an asset's conservation (and the more important the asset, the greater the weight should be). In this case, less than substantial harm would result from the proposal in relation to Warish Hall moated site and remains of Takeley Priory Scheduled Monument and Moat Cottage, a Grade II\* listed building. Paragraph 200 of the NPPF makes clear that these are assets of the highest significance.
95. Furthermore, less than substantial harm would occur to the significance of Hollow Elm Cottage, Goar Lodge, Beech Cottage, The Croft, White House, The Cottage, The Gages, Pump at Pippins and Cheerups Cottage, all Grade II listed buildings. As pointed out above, the parties, in line with the guidance in the Planning Practice Guidance<sup>24</sup> assessed the harm on a spectrum within less than substantial. I have given my assessment above and in certain instances came to different conclusions to both parties where they found no effect on significance (Pump at Pippins) and found a higher level of less than substantial harm to the appellant (Goar Lodge, Beech Cottage and Warish Hall moated site and remains of Takeley Priory Scheduled Monument).
96. Nevertheless, even where I do agree with the appellant and place the less than substantial harm in the case of Goar Lodge, Beech Cottage and Warish Hall moated site and remains of Takeley Priory Scheduled Monument lower down the spectrum, that would still simply serve to differentiate between "substantial" and "less than substantial" harm for the purposes of undertaking the weighted balancing exercise under the NPPF. Considerable importance and great weight would still be given to the desirability of preserving the settings of listed buildings, where those settings would be affected by proposed development and to each asset's conservation, respectively. In which case, despite finding the harm in all instances to be less than substantial, the presumption against granting planning permission remains strong. It can be outweighed by material considerations if powerful enough to do so.

---

<sup>24</sup> CD 7.4

97. In this case, taking account of the extent of the shortfall in the five-year housing land supply, how long the deficit is likely to persist, what steps the local planning authority is taking to reduce it, and how much of it the proposed development would meet, and giving significant weight in terms of the extent of that shortfall and how much of it would be met by the proposed development, in addition to significant weight to the public benefits identified above, I do not consider these considerations collectively to be sufficiently powerful to outweigh the considerable importance and great weight I give to paying special regard to the desirability of preserving the settings of the listed buildings and the conservation of all of the identified designated heritage assets.
98. Having applied the balance under NPPF paragraph 202 in respect of all of the affected designated heritage assets, I have found that the public benefits would not outweigh the less than substantial harm arising. This means that under NPPF paragraph 11, d), i, footnote 7, paragraph 202 is a specific policy in the Framework that indicates that development should be restricted. Therefore, whether or not a five-year housing land supply can be demonstrated is not determinative in this appeal, and the presumption in favour of sustainable development is not available to the proposal in hand.

*Other matters*

99. In reaching my decision I have paid special regard to the legal judgments<sup>25</sup> that were drawn to my attention.
100. The appellant drew my attention to several appeal decisions<sup>26</sup> where housing developments were permitted elsewhere in the District and further afield, which it is claimed considered similar matters to this appeal. Be that as it may, I am not aware of the detailed considerations of those Inspectors on these issues, and in any event, I do not consider them to be directly comparable to the site-specific circumstances of this proposal, as set out above.
101. I have also given careful consideration to the Officer recommendation to approve the proposal, as set out in the Report<sup>27</sup>, when it came before the Council's Planning Committee. However, I consider the proposal would be harmful for the reasons given under the main issues above.
102. It is common ground between the parties that the proposal would not harmfully change the living conditions of the occupiers of nearby dwellings, or of future occupiers of the development, in respect of overlooking, overshadowing, noise, air quality and overheating. In addition, I note that in terms of highway safety, ecology, biodiversity, drainage and flood risk, the Council as advised on these matters by Essex County Council Place Services, County Highways Officer, Highways England, National Highways, Thames Water, Essex County Council Ecology and Green Infrastructure, and Natural England raised no objections, subject to suitably worded conditions being attached to any grant of planning permission. From my assessment, I have no reason to disagree although I consider these matters do not add further, or mitigate, harm rather than being in favour of the proposal.

---

<sup>25</sup> CDs 9.1 – 9.9 and IDs 20, 25, 27, 32, 33 and 34

<sup>26</sup> CD 8.1 – 8.14

<sup>27</sup> CD 4.2

103. Moreover, while these matters would accord with saved LP Policies GEN1 Access, GEN2 Design, GEN3 Flood Protection, GEN4 Good Neighbourliness, GEN7 Nature Conservation; GEN8 Vehicle Parking Standards; E3 Access to workplaces; ENV1 Conservation Areas; ENV3 Open Spaces and Trees; ENV5 Protection of Agricultural Land; ENV10 Noise Sensitive Development, ENV13 Exposure to Poor Air Quality, ENV14 Contaminated Land, Policy ENV15 Renewable Energy and H10 Housing Mix, these policies do not go to the fundamental principle of the proposal, being concerned in the main with detailed design matters. They do not alter my conclusion on the Development Plan as a whole, as set out in paragraph 78 above.

### **Planning balance and conclusion**

104. While the proposal would not be harmful in terms of the effect on Warish Hall and the associated Moat Bridge Grade I listed building, the Protected Lane, the trees within Prior's Wood and those matters set out above under other matters, and would bring public benefits including those secured by means of the submitted S106 Agreement, I have identified that the proposal would be harmful to the character and appearance of the area in terms of its adverse effect on landscape character and visual impact, would reduce the open character of the CPZ and would cause less than substantial harm to 11 no. designated heritage assets that would not be outweighed by the public benefits. Accordingly, the proposal would conflict with saved LP Policies S7, S8, ENV2 and ENV4, and NPPF paragraphs 130, 174b and 202.

105. Therefore, there are no considerations before me of sufficient weight to outweigh the totality of the harm arising nor the conflict with the development plan as a whole, giving great weight to the heritage assets' conservation.

106. For the reasons set out above, I conclude that the appeal should be dismissed.

*Richard McCoy*

Inspector

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Paul Brown QC instructed by the Council Solicitor

He called	
Jacqueline Bakker MSc CMLI	Chartered Landscape Architect and a Senior Landscape Architect at GUARDA
Tim Murphy IHBC MCIfA	Historic Environment Manager at Place Services, Essex County Council
Tim Dawes BA (Hons), MRTPI	Planning Director, Planit

### FOR TAKELEY PARISH COUNCIL:

Matthew Dale-Harris of Counsel instructed by Takeley Parish Council

He called	
Bobby Browne, CMLI MALA	Associate at Wynne Williams Associates (Landscape and Character Impacts)
Paul Harris, BSc(Hons) MASP MRTPI	Planning Director at Cerda Planning

### FOR THE APPELLANT:

James Maurici QC instructed by Mr Poole, Weston Homes PLC

He called	
Colin Pullan BA(Hons) DipUP	Head of Urban Design & Masterplanning, Lambert Smith Hampton
Charles Crawford MA(Cantab) DipLA CMLI	Director, LDA Design
Jennifer Cooke BA(Hons) PgDL MA IHBC	Director - Heritage, RPS
Peter Hadfield BSc(Hons) MSc MCIEEM	Director, Ecology Solutions
Richard Hyett MSc, BSc (Hons) MICFor MArborA	Director, Barton Hyett Associates
David Poole, BA(Hons) MA MRTPI	Senior Planning Manager, Weston Homes Plc

### INTERESTED PERSONS:

Richard Haynes BSc	CPRE Essex
Geoff Bagnall	Ward Councillor
Martin Peachy	Local Resident
Dr. Fiona Perrott-Humphrey	Local Resident
Patricia Barber	Parish Councillor
Mike Marriage	STOP The Warish Hall Development Group
Jackie Cheetham	Parish Councillor
Lorraine Flawn	Local Resident
Jim Backus	Parish Councillor

## INQUIRY DOCUMENTS

- 1 LPA Letter of Notification
- 2 Appellant Opening Statement
- 3 LPA Opening Statement
- 4 Rule 6 Party Opening Statement
- 5 Mr Hughes (CPRE) Evidence
- 6 Mr Martin Peachey Evidence
- 7 Dr F.Perrot. Humphry Evidence
- 8 Mr Backus Evidence
- 9 Ms P. Barber Evidence
- 10 Ms Jackie Cheetham Evidence
- 11 Mr G. Bagnall Evidence
- 12 Ms L. Flawn Evidence
- 13 Mr M. Marriage Evidence
- 14 Local Plan News – Timetable Amended
- 15 Defra Guidance – Common Land and town or village greens
- 16 Village Green – VG117
- 17 Application Ref. UTT/19/0604/OP – Decision, Officers Report and Site Plan
- 18 Woodland Trust Comments – 06th May 2022
- 19 Urban Design Presentation [Mr C Pullan]
- 20 Corbett v The Cornwall Council [2021] EWHC 1114 (Admin)
- 21 Letter from Nick Long (SES) to Mr David Poole – 27th June 2022
- 22 Draft Conditions
- 23 Draft S106 Agreement
- 24 CIL compliance schedule
- 25 Milne v Rochdale Metropolitan Borough Council [2001] Env. L.R. 22
- 26 Village Green Authorities
- 27 City & Country Bramshill Limited v SSHCLG [2019] EWHC 3437 (Admin)
- 28 Cost Application on behalf of the Appellant
- 29 Site Visit Map
- 30 Site Visit Itinerary
- 31 Uttlesford Draft LDS 2022
- 32 R. (on the application of Martin) v Folkstone and Hythe DC [2020] EWHC 1614 (Admin)
- 33 Hopkins Homes Ltd v SSCLG [2017] UKSC 37
- 34 R. (on the application of Ewans) v Mid Suffolk DC [2021] EWHC 511 (Admin)
- 35 Council Costs Response
- 36 Appellant Costs Reply
- 37 Closing Submissions on behalf of UDC
- 38 Closing Submissions on behalf of Takeley Parish Council
- 39 Closing Submissions on behalf of the Appellant
- 40 Signed and dated S106 Agreement

CORE DOCUMENTS

<b>Plans &amp; Documents</b>	
CD 1.1	Dwg. No. WH202_05_P_10 - Site Location Plan
CD 1.2	Dwg. No. WH202_05_P_20 - Site Ownership Plan
CD 1.3	Dwg. No. WH202_05_P_500 Rev A - Countryside Protection Zone Site Plan
CD 1.4	Dwg. No. WH202_10_P_10 Rev B - Master Plan - Character Areas
CD 1.5	Dwg. No. WH202_10_P_20 Rev B - Master Plan - General Arrangement
CD 1.6	Dwg. No. WH202_10_P_21 Rev B - Master Plan - Coloured
CD 1.7	Dwg. No. WH202_10_P_30 Rev B - Master Plan - Strategy_Refuse
CD 1.8	Dwg. No. WH202_10_P_31 Rev B - Master Plan - Strategy_Fire/ Emergency
CD 1.9	Dwg. No. WH202_10_P_32 Rev B - Master Plan - Strategy_Hard Landscaping
CD 1.10	Dwg. No. WH202_10_P_33 Rev C - Master Plan - Strategy_Affordable Housing
CD 1.11	Dwg. No. WH202_10_P_34 Rev C - Master Plan - Strategy_Boundary Treatment
CD 1.12	Dwg. No. WH202_10_P_35 Rev C - Master Plan - Strategy_Parking
CD 1.13	Dwg. No. WH202_10_P_36 Rev B - Master Plan - Strategy_Street Lighting
CD 1.14	Dwg. No. WH202_10_P_37 Rev A – Master Plan – Strategy_Cycle
CD 1.15	Dwg. No. WH202_10_P_38 Rev A – Master Plan – Strategy_Traffic Calming
CD 1.16	Dwg. No. WH202_10_P_40 - Existing Site Plan
CD 1.17	Dwg. No. WH202_10_P_50 Rev B - Proposed Site Plan - Sheet 01 of 04 [Commercial Area]
CD 1.18	Dwg. No. WH202_10_P_51 Rev B - Proposed Site Plan - Sheet 02 of 04 [Woodland Neighbourhood]
CD 1.19	Dwg. No. WH202_10_P_52 Rev B - Proposed Site Plan - Sheet 03 of 04 [Woodland Neighbourhood and Rural Lane]
CD 1.20	Dwg. No. WH202_10_P_53 Rev B - Proposed Site Plan - Sheet 04 of 04 [Rural Lane and Garden Village]
CD 1.21	Dwg. No. WH202_30_P_C.10 - Commercial Area Street Scene

CD 1.22	Dwg. No. WH202_30_P_WN.10 - Woodland Neighbourhood Street Scenes A
CD 1.23	Dwg. No. WH202_30_P_WN.11 - Woodland Neighbourhood Street Scenes B
CD 1.24	Dwg. No. WH202_30_P_WN.12 - Woodland Neighbourhood Street Scenes C
CD 1.25	Dwg. No. WH202_30_P_WN.13 - Woodland Neighbourhood Street Scenes D & E
CD 1.26	Dwg. No. WH202_30_P_RL.10 Rev A - Rural Lane Street Scenes A
CD 1.27	Dwg. No. WH202_30_P_RL.11 Rev A - Rural Lane Street Scenes B
CD 1.28	Dwg. No. WH202_30_P_RL.12 Rev A - Rural Lane Street Scenes C
CD 1.29	Dwg. No. WH202_30_P_GV.10 - Garden Village Street Scenes A & B
CD 1.30	Dwg. No. WH202_30_P_GV.11 - Garden Village Street Scenes C & D
CD 1.31	Dwg. No. WH202_55_P_C.10 - Commercial Units Plans
CD 1.32	Dwg. No. WH202_55_P_C.11 - Commercial Units Elevations
CD 1.33	Dwg. No. WH202_55_P_C.20 - Medical Centre Plans & Elevations
CD 1.34	Dwg. No. WH202_55_P_WN.10 – House Type 1A - Plans & Elevations [WN]
CD 1.35	Dwg. No. WH202_55_P_WN.11 – House Type 2B - Plans & Elevations [WN]
CD 1.36	Dwg. No. WH202_55_P_WN12 – House Type 3A - Plans & Elevations [WN]
CD 1.37	Dwg. No. WH202_55_P_WN.13 – House Types 3B V1 - Plans & Elevations [WN]
CD 1.38	Dwg. No. WH202_55_P_WN.14 – House Type 3B V2 - Plans & Elevations [WN]
CD 1.39	Dwg. No. WH202_55_P_WN.15 – House Type 3C V1 - Plans & Elevations [WN]
CD 1.40	Dwg. No. WH202_55_P_WN.16 – Proposed Plans and Elevations - House Type_3C_V2
CD 1.41	Dwg. No. WH202_55_P_WN.17 – House Type 4A - Plans & Elevations [WN]
CD 1.42	Dwg. No. WH202_55_P_WN.18 – House Type 4B-V1 - Plans & Elevations [WN]
CD 1.43	Dwg. No. WH202_55_P_WN.19 – House Type 4B-V2 - Plans & Elevations [WN]



CD 1.44	Dwg. No. WH202_55_P_WN.20 – House Type 4C - Plans & Elevations [WN]
CD 1.45	Dwg. No. WH202_55_P_WN.21 – House Type 5C - Plans & Elevations [WN]
CD 1.46	Dwg. No. WH202_55_P_WN.50 - Flat Block A - Plans & Elevations [WN]
CD 1.47	Dwg. No. WH202_55_P_WN.51 Rev B - Flat Block B - Plans & Elevations [WN]
CD 1.48	Dwg. No. WH202_55_P_WN.52 Rev A – House Type FOG - Plans & Elevations [WN]
CD 1.49	Dwg. No. WH202_55_P_RL.10 Rev A – House Type 4D* - Plans and Elevations [RL]
CD 1.50	Dwg. No. WH202_55_P_RL.11 Rev A – House Type 5A V1 - Plans and Elevations [RL]
CD 1.51	Dwg. No. WH202_55_P_RL.12 Rev A – House Type 5A V2 - Plans and Elevations [RL]
CD 1.52	Dwg. No. WH202_55_P_RL.13 Rev A – House Type 5B* - Plans and Elevations [RL]
CD 1.53	Dwg. No. WH202_55_P_RL.14 Rev A – House Type 5C* - Plans and Elevations [RL]
CD 1.54	Dwg. No. WH202_55_P_GV.10 Rev A – House Type A1 - Plans and Elevations [GV]
CD 1.55	Dwg. No. WH202_55_P_GV.11 – House Type 2B - Plans and Elevations [GV]
CD 1.56	Dwg. No. WH202_55_P_GV.12 – House Type 2C - Plans and Elevations [GV]
CD 1.57	Dwg. No. WH202_55_P_GV.13 – House Type 3B - Plans and Elevations [GV]
CD 1.58	Dwg. No. WH202_55_P_GV.14 – House Type 3C - Plans and Elevations [GV]
CD 1.59	Dwg. No. WH202_55_P_GV.15 – House Types 4C - Plans and Elevations [GV]
CD 1.60	Dwg. No. WH202_55_P_GV.16 – House Type 4D - Plans and Elevations [GV]
CD 1.61	Dwg. No. WH202_55_P_GV.17 – House Type 5A* - Plans and Elevations [GV]
CD 1.62	Dwg. No. WH202_55_P_10 Rev A - Typical Garages - Plans & Elevations
CD 1.63	Dwg. No. WH202_90_P_10 - Recreational Area/ Commercial Area

CD 1.64	Dwg. No. WH202_90_P_11 - Village Park/ Woodland Neighbourhood
CD 1.65	Dwg. No. WH202_90_P_12 - The Green/ Garden Village
CD 1.66	Dwg. No. WH202_90_P_13 - Village Park Aerial
CD 1.67	Updated Application forms - 06.10.21
CD 1.68	Design and Access Statement - June 2021
CD 1.69	Design and Access Statement Addendum - October 2021
CD 1.70	Planning Statement - June 2021
CD 1.71	Planning Statement Addendum - October 2021
CD 1.72	Affordable Housing Statement - Version 2.0 - October 2021
CD 1.73	Statement of Community Involvement - Version 2.0 - October 2021
CD 1.74	Sustainability Statement - Version 2.0 - September 2021
CD 1.75	Air Quality Assessment - May 2021
CD 1.76	Ecological Assessment - October 2021
CD 1.77	Bird Hazard Management Plan - June 2021
CD 1.78	Woodland Management Plan - October 2021
CD 1.79	Arboricultural Impact Assessment - June 2021
CD 1.80	Arboricultural Response to Comments – 28 <sup>th</sup> September 2021
CD 1.81	Arboricultural Technical Note - Airspading Investigation - October 2021
CD 1.82A	Phase 1 - Desk Study and Preliminary Risk Assessments – 7 Acres – 29 January 2021
CD 1.82B	Phase 1 - Desk Study and Preliminary Risk Assessments – Bulls Field – 3 February 2021
CD 1.82C	Phase 1 - Desk Study and Preliminary Risk Assessments – Jacks – 28 January 2021
CD 1.83	Flood Risk Assessment & SuDS Report - September 2021
CD 1.84	Response to ECC SuDS Comments: Warish Hall Farm, Smiths Green, Takeley - 20th September 2021
CD 1.85	Built Heritage Assessment - June 2021
CD 1.86	Letter - RPS (Ref: JAC27188 Warish Hall Farm) Response to Historic England. Dated: 04.10.21
CD 1.87	Letter - RPS (Ref: JCH01209 Warish Hall Farm) Response to Place Services. Dated: 06.10.21

CD 1.88	Environmental Noise impact Assessment – 14 <sup>th</sup> May 2021
CD 1.89	Letter from SES (SP) to Weston Homes (MP) - Ref: Land at Warish Hall Farm, Smith Green, Takeley, (UTT/21/1987/FUL) - 5th October 2021
CD 1.90	Transport Assessment - June 2021
CD 1.91	Transport Assessment Addendum - October 2021
CD 1.92	Residential Travel Plan - October 2021
CD 1.93	Industrial Travel Plan - October 2021
CD 1.94	Energy Statement - October 2021
CD 1.95	Landscape and Visual Impact Assessment - June 2021
CD 1.96	Letter from Allen Pyke (CR) to Weston Homes (MP) Re: Land at Warish Hall Farm, Smiths Green, Takeley (UTT/21/1987/FUL) Dated: 05th October 2021
CD 1.97	Landscape Strategy - June 2021
CD 1.98	Addendum to Landscape Strategy – September 2021
CD 1.99	Archaeology Desk Based Study Assessment - April 2021
CD 1.100	Letter from Coke Gearing (RC) to Weston Hones (SH) – Site to the rear of Parsonage Road, Takeley – 4 <sup>th</sup> November 2020
CD 1.101	Health Impact Assessment - June 2021
CD 1.102	Land at Warish Hall Farm – Education Note - June 2021
CD 1.103	Housing Typologies Document – October 2021
CD 1.104	Biodiversity Net Gain Report – October 2021
CD 1.105	Bat Survey Report – November 2021
CD 1.106	Ecology Solutions Briefing Note - Place Services Comments - 01.11.21
<b>Superseded plans and documents</b>	
CD 2.1	Dwg. No. WH202_10_P_10 - Master Plan - Character Area
CD 2.2	Dwg. No. WH202_10_P_20 - Master Plan - General Arrangement
CD 2.3	Dwg. No. WH202_10_P_21 - Master Plan - Coloured
<b>Key Consultee Responses</b>	
CD 3.1	Historic England Response – 09.07.2021
CD 3.2	Place Services Heritage Response – 04.08.2021
CD 3.3	Historic England Response – 18.10.2021

CD 3.4	Place Service Ecological Advice – 08.07.2021
CD 3.5	Place Service Ecological Advice – 01.11.2021
CD 3.6	Place Service Ecological Advice – 16.11.2021
CD 3.7	Place Service Ecological Advice – 25.11.2021
CD 3.8	Place Service Archaeological Advice – 02.08.2021
CD 3.9	Place Service Archaeological Advice – 25.10.2021
CD 3.10	Place Service Archaeological Advice – 08.11.2021
CD 3.11	Place Service Historic Building and Conservation Advice – 20.10.2021
CD 3.12	Place Service Historic Building and Conservation Advice – 04.08.2021
CD 3.13	Natural England – 29.07.2021
CD 3.14	Natural England – 27.10.2021
CD 3.15	National Trust – 29.07.2021
CD 3.16	Woodland Trust – 26.07.2021
CD 3.17	Woods under threat – 20.10.2021
CD 3.18	ECC Green Infrastructure – 08.07.2021
CD 3.19	ECC Green Infrastructure – 11.10.2021
CD 3.20	ECC Highways – 29.11.2021
CD 3.21	Highways England – 06.07.2021
CD 3.22	Highways England – 29.07.2021
CD 3.23	National Highways – 22.10.2021
CD 3.24	Landscape Officer – 30.09.2021
CD 3.25	Takeley Parish Council – 19.07.2021
CD 3.26	Urban Design Officer Comments – 16.07.2021
CD 3.27	Urban Design Officer Comments – 19.10.2021
CD 3.28	ECC Infrastructure Planning [Education] Comments - 17.08.2021
<b>Determination Documents</b>	
CD 4.1	Decision Notice – Dated: 20.12.2021 (Ref. No. UTT/21/1987/FUL)
CD 4.2	Officer Report – Dated: 29.11.2021 (Ref. No. UTT/21/1987/FUL)
CD 4.3	Planning Committee Report – 15.12.2021
CD 4.4	Uttlesford District Council Planning Committee Supplementary List of

	Representation – 15.12.2021
CD 4.5	Uttlesford Planning Committee transcript minutes – 15.12.2021
CD 4.6	Uttlesford Planning Committee – 15.12.21 – Printed Minutes
CD 4.7	Application for Land East of Parsonage Road - Committee Report – UTT/21/1488/OP – 17.04.22
CD 4.8	Application for Land West of Garnetts - Committee Report – UTT/21/3311/OP
CD 4.9	Application for Land East of Parsonage Road - Committee Report – UTT/21/1488/OP - Updated - 11.05.22
CD 4.10	Designation under Section 62A of the Town and Country Planning Act 1990
<b>Appeal Documents</b>	
CD 5.1	Appellant’s Statement of Case and appendices (January 2022)
CD 5.2	Appellant’s Statement of Common Ground Version 1.0 (January 2022)
CD 5.2A	Final agreed Statement of Common Ground between Council and Appellant
CD 5.2B	Rule 6 Party response to final agreed Statement of Common Ground
CD 5.3	Heritage Statement of Common Ground – RPS (Draft 2022)
CD 5.3A	Final agreed Heritage Statement of Common Ground between Council and Appellant
CD 5.4	Final Statement of Common Ground on character and appearance between the Council and the Appellant (awaited)
CD 5.5	Uttlesford District Council Statement of Case and appendices (March 2022)
CD 5.6	Rule 6 Party Statement of Case – Cerda (March 2022)
CD 5.7	Draft s. 106 obligation
CD 5.8	Final Agreed Statement of Common Ground on Infrastructure
<b>Development Plan Policies</b>	
CD 6.1	Extract of Uttlesford Local Plan Policy S8 – The Countryside Protection Zone
CD 6.2	Extract of Uttlesford Local Plan Policy S7 – The Countryside
CD 6.3	Extract of Uttlesford Local Plan Policy GEN1 – Access
CD 6.4	Extract of Uttlesford Local Plan Policy GEN2 – Design
CD 6.5	Extract of Uttlesford Local Plan Policy GEN3 – Flood Protection

CD 6.6	Extract of Uttlesford Local Plan Policy GEN4 – Good Neighbourliness
CD 6.7	Extract of Uttlesford Local Plan Policy GEN6 – Infrastructure Provision to Support Development
CD 6.8	Extract of Uttlesford Local Plan Policy GEN7 Nature Conservation
CD 6.9	Extract of Uttlesford Local Plan Policy ENV1 – Conservation Areas
CD 6.10	Extract of Uttlesford Local Plan Policy ENV2 - Listed Buildings
CD 6.11	Extract of Uttlesford Local Plan Policy ENV3 – Open Spaces and Trees
CD 6.12	Extract of Uttlesford Local Plan Policy ENV4 – Ancient Monuments and Sites of Archaeological Importance
CD 6.13	Extract of Uttlesford Local Plan Policy ENV5 – Protection of Agricultural Land
CD 6.14	Extract of Uttlesford Local Plan Policy ENV9 -Historic Landscape
CD 6.15	Extract of Uttlesford Local Plan Policy ENV7 - The protection of the natural environment designated sites
CD 6.16	Extract of Uttlesford Local Plan Policy ENV8 - Other landscape elements of importance for nature
CD 6.17	Extract of Uttlesford Local Plan Policy ENV10 – Noise Sensitive Development and Disturbance from Aircraft
CD 6.18	Extract of Uttlesford Local Plan Policy ENV13 – Exposure to Poor Air Quality
CD 6.19	Extract of Uttlesford Local Plan Policy ENV14 – Contaminated Land
CD 6.20	Extract of Uttlesford Local Plan Policy ENV15 – Renewable Energy
CD 6.21	Extract of Uttlesford Local Plan Policy H9 – Affordable Housing
CD 6.22	Extract of Uttlesford Local Plan Policy H10 - Housing Mix
CD 6.23	Extract of Uttlesford Local Plan Policy GEN8 - Vehicle Parking Standards
CD 6.24	Extract of Uttlesford Local Plan Policy E3 – Access to workplaces
<b>National Policy</b>	
CD 7.1	The National Planning Policy Framework - 2021
CD 7.2	Planning Practice Guidance – Appeals
CD 7.3	Planning Practice Guidance – Determining a planning application
CD 7.4	Planning Practice Guidance – Historic Environment
CD 7.5	Planning Practice Guidance – Housing and economic land availability assessment

CD 7.6	Planning Practice Guidance – Housing and economic needs assessment
CD 7.7	Planning Practice Guidance – Housing supply and delivery
CD 7.8	Planning Practice Guidance – Natural environment
CD 7.9	Planning Practice Guidance – Open space, sports and recreation facilities, public rights of way and local green space
CD 7.10	Planning Practice Guidance – Design: process and tools
<b>Appeal Decisions</b>	
CD 8.1	Appeal Decision - Land west of Parsonage Road, Takeley (119 dwellings) – 3234530 & 3234532
CD 8.2	Appeal Decision - Land off Isabel Drive and Land off Stansted Road, Elsenham (up to 99 dwellings) 3256109
CD 8.3	Appeal Decision - Land east of Elsenham, to the north of the B1051, Henham Road (up to 350 dwellings) -3243744
CD 8.4	Appeal Decision - Land south of Rush Lane, Elsenham (up to 40 dwellings) - 3242550
CD 8.5	Appeal Decision - South of the Street, Takeley (8 dwellings) - 3243727
CD 8.6	Appeal Decision - Gt Canfield Road, Takeley (135 dwellings) – 3213251
CD 8.7	Appeal Decision - Land to the south of Smith's Green, Dunmow Road, Takeley, Essex (37 dwellings) - 3235402
CD 8.8	Appeal Decision - Land west of Pennington Lane, Stansted Mountfichet (up to 168 dwellings) - 3271310
CD 8.9	Appeal Decision - Land west of Bonningtons Farm, Station Rd, Takeley (34 dwellings) - 3262826
CD 8.10	Appeal Decision - Land north of Canfield Drive, Takeley (up to 80 dwellings) - 3257122
CD 8.11	Appeal Decision - Land north of Bedwell Road, Elsenham (up to 220 dwellings) - 3274573
CD 8.12	Appeal Decision - Land at Moorthorpe Way, Sheffield - 2 March 2021 - 3258555
CD 8.13	Appeal Decision - Stansted Airport [incl Costs] - 26 May 2021 - 3256619
CD 8.14	Appeal Decision - Land to the South of Braintree Road, Felsted - 11 July 2017 - 3156864
<b>Court Decisions</b>	
CD 9.1	Court Decision - R (Filed Forge) v Sevenoaks [2015] JPL 22
CD 9.2	Court Decision - Bramshill v SSCHLG [2021] 1 WLR 5761

CD 9.3	Court Decision - Catesby v Steer [2019] 1 P&CR 5
CD 9.4	Court Decision - Williams v Powys [2018] 1 WLR 439
CD 9.5	Court Decision - Monkhill Limited V Sectary Of State For Housing, Communities And Local Government [2021] PTSR 1432
CD 9.6	Court Decision - Jones v Mordue [2016] 1 WLR 2682
CD 9.7	Court Decision - Palmer v Herefordshire Council & Anor [2017] 1 WLR 41
CD 9.8	Court Decision - Bedford BC v Secretary of State for Communities and Local Government
CD 9.9	Court Decision - LHPGT v Minister for Housing
<b>Heritage Documents</b>	
CD 10.1	Historic England GPA3 The Setting of Heritage Assets (December 2017)
CD 10.2	Historic England GPA2 Managing Significance in Decision-Taking in the Historic Environment (March 2015)
CD 10.3	Historic England Advice Note 12: Statements of Heritage Significance: Analysing Significance in Heritage Assets
NHLE List Entries:	
CD 10.4	Warish Hall and Moat Bridge (Grade 1, NHLE: 169063)
CD 10.5	Warish Hall moated site and remains of Takeley Priory Scheduled Monument (SM) (Historic England Designation No. 1007834)
CD 10.6	Moat Cottage (Grade II*, NHLE: 1112211)
CD 10.7	Hollow Elm Cottage (Grade II, NHLE: 1112220)
CD 10.8	Goar Lodge (Grade II, NHLE: 1168972)
CD 10.9	Cheerups Cottage (Grade II, NHLE: 1112207)
CD 10.10	Beech Cottage (Grade II, NHLE: 1112212)
CD 10.11	The Croft (Grade II, NHLE: 1168964)
CD 10.12	White House (Grade II, NHLE: 1322592)
CD 10.13	The Cottage (Grade II, NHLE: 1306743)
CD 10.14	The Gages (Grade II, NHLE: 1168954)
CD 10.15	Pump at Pippins (Grade II, NHLE: 1112210)
CD 10.16	Uttlesford Protected Lanes Assessment (ECC) March 2012
CD10.17	Reassessment of Warish Hall Protected Lane (166)



<b>Design Documents</b>	
CD 11.1	National Design Guide
CD 11.2	Guidelines for Landscape and Visual Impact Assessment (GLVIA3) (April 2013) (This is a book, usually parties have a copy, NOT INCLUDED IN ELECTRONIC CDs)
CD 11.3	Essex Landscape Character Assessment (2003) Extract Central Essex Farmlands (B1)
CD 11.4	Landscape Character of Uttlesford District Broxted Farmland Plateau (B10)
CD 11.5	Natural England's National Character Area profile 86 South Suffolk and North Essex Clayland
CD 11.6	Uttlesford Countryside Protection Zone Study - LUC
CD 11.7	Landscape Institute Technical Guidance Note 02/21 - Assessing landscape value outside national designations
CD 11.8	East of England Landscape Typology 'Wooded Plateau Farmlands' (Landscape East 2010)
CD 11.9	Landscape Institute Technical Guidance Note – Visual Representation of Development Proposals (17 September 2019)
CD 11.10	Email from JB (Guarda Landscape) to CC (LDA) - Request for visualisations - 13.04.2022
<b>Ancient Woodland Documents</b>	
CD 12.1	Ancient woodland, ancient trees and veteran trees: advice for making planning decisions 14 January 2022
<b>Proofs of Evidence</b>	
CD 13.1A	Appellant Proof of Evidence on Planning Matters [Mr David Poole] - 24.05.2022
CD 13.1B	Appellant Proof of Evidence on Planning Matters - Appendices [Mr David Poole] - 24.05.2022
CD 13.1C	Appellant Rebuttal Proof on Planning Matters [Mr David Poole] – June 2022
CD 13.2	Appellant Proof of Evidence on Heritage Matters - Appendices [Ms Jennifer Cooke] - 24.05.2022
CD 13.2A	Appellant Rebuttal Proof of Heritage Matters [Mr Jennifer Cooke] – June 2022
CD 13.3A	Appellant Proof of Evidence on Landscape Matters – Volume 1: Text & Appendices [Mr Charles Crawford] – 31.05.2022
CD 13.3B	Appellant Proof of Evidence on Landscape Matters – Volume 2: Figures [Mr Charles Crawford] – 31.05.2022.
CD 13.4	Appellant Proof of Evidence on Arboricultural Matters - Appendices [Mr

	Richard Hyett] - 24.05.2022
CD 13.4A	Appellant Rebuttal Proof on Arboricultural Matters [Mr Richard Hyett] – 10.06.2022]
CD 13.5A	Appellant Proof of Evidence on Ecological Matters - Appendices [Mr Peter Hadfield] - 24.05.2022
CD 13.5B	Appellant Proof of Evidence on Ecological Matters - Appendices [Mr Peter Hadfield] - 24.05.2022
CD 13.5C	Appellant Rebuttal Proof on Ecological Matters [Mr Peter Hadfield] – June 2022
CD 13.6	Appellant Proof of Evidence on Urban Design Matters - Appendices [Mr Colin Pullan] - 24.05.2022
CD 13.7	Local Planning Authority Proof of Evidence on Planning Matters [Mr Tim Dawes] – 24.05.22
CD 13.8A	Local Planning Authority Proof of Evidence on Heritage Matters [Mr Tim Murphy] – 24.05.22
CD 13.8B	Local Planning Authority Proof of Evidence on Heritage Matters - Appendices [Mr Tim Murphy] – 24.05.22
CD 13.9A	Local Planning Authority Proof of Evidence on Landscape Matters [Ms Jaqueline Bakker] – 31.05.22
CD 13.9B	Local Planning Authority Proof of Evidence on Landscape Matters _appendix 1 [Ms Jaqueline Bakker] – 31.05.22
CD 13.9C	Local Planning Authority Proof of Evidence on Landscape Matters – Appendix 2-4 [Ms Jaqueline Bakker] – 31.05.22
CD 13.10	Rule 6 Party Proof of Evidence on Planning Matters [Mr Paul Harris] – 24.05.22
CD 13.11A	Rule 6 Party Proof of Evidence on Landscape Matters [Mr Robert Browne] – 31.05.22
CD 13.11B	Rule 6 Party Proof of Evidence on Landscape Matters – Summary of Proof [Mr Robert Browne] – 31.05.22
CD 13.11C	Rule 6 Party Proof of Evidence on Landscape Matters - Appendices [Mr Robert Browne] – 31.05.22

## **Appendix B: Summary of consultee comments on Application**

**Ref. No. UTT/22/3126/FUL**

# Jack's - Warish Hall Farm, Takeley

## Summary of Consultee Comments – UTT/22/3126/FUL

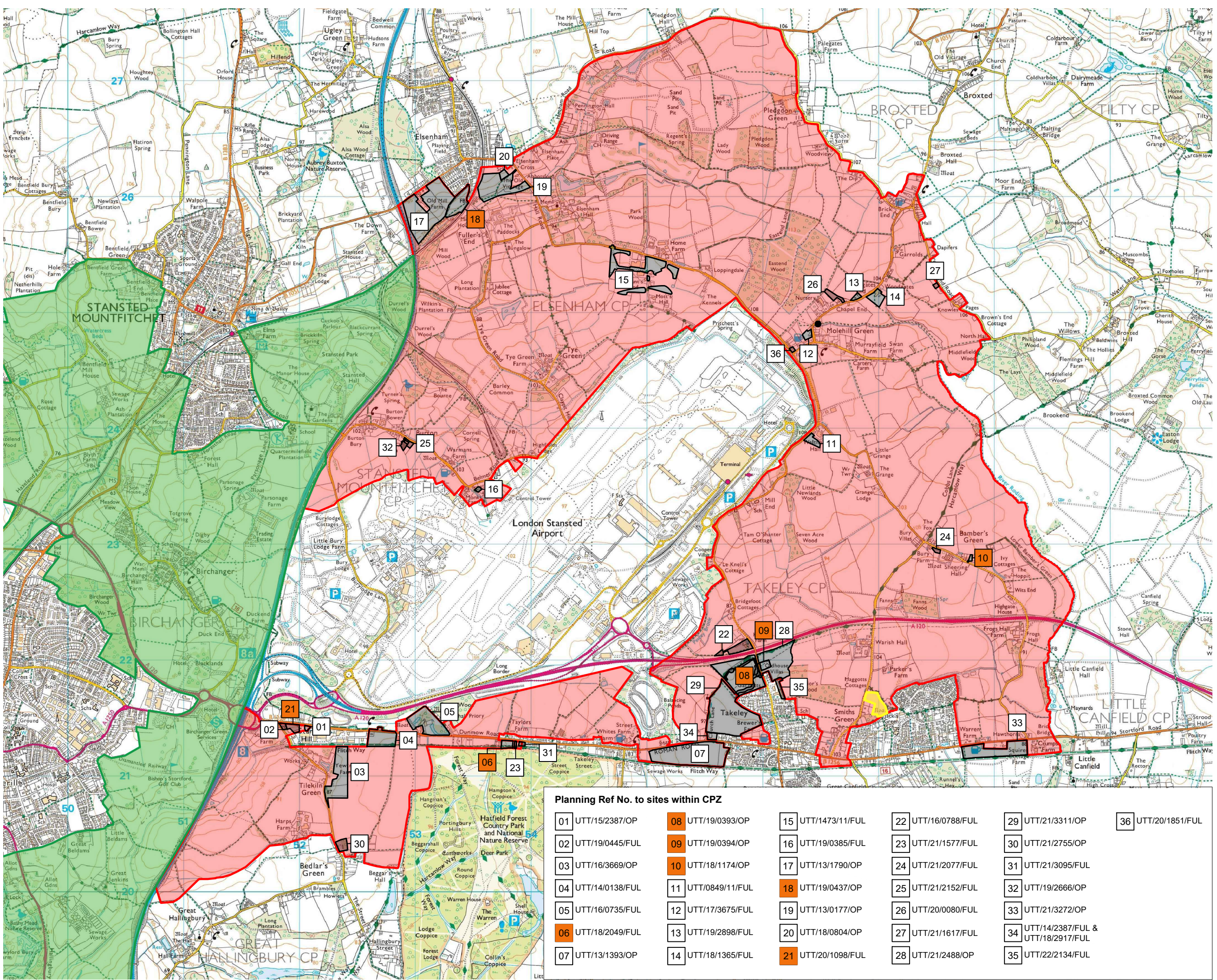
Prepared in support of the Full Planning Application  
Land at Jack's, Warish Hall Farm, Takeley, Essex.



	Consultee	Date		Summary	Response
	Place Services Mineral	06.12.22	No objection		N/A
	NATS Safeguarding	06.12.22	No objection		N/A
	Housing strategy, Enabling & Development Officer	06.12.22	Objection	Requires compliance with SHMA 2017	Updated affordable housing provision – see Dwg. No. WH202.WST.P1.ZZ.DR.PL.10.05
	Place Services - Archaeology	08.12.22	No objection	Conditions suggested	Happy with suggested conditions
	Essex Designing Out Crime Officer	08.12.22	No objection	<ul style="list-style-type: none"> <li>Concerns raised over the use of low level bollard lighting</li> <li>Finer detail required for further comments</li> <li>Welcomes further consultation if Secured by Design is sought</li> </ul>	N/A
	Thames Water	19.12.22	No objection	Conditions suggested	Happy with suggested conditions
	Takeley Parish Council	20.12.22	Objection	Conflict with policy S7 and S8. Impact on heritage assets. Significant concerns regarding the impacts on Hollow Elm and the impact of the additional cars on the protected lane.	Meeting held on 5 <sup>th</sup> January 2023 with Parish Council
	MAG Safeguarding	20.12.22	No objection	Suggested conditions	Happy with suggested conditions
	Affinity Water	21.12.22	No objection	No comments made	N/A
	Lead Local Flood Authority	22.12.22	Holding objection	<ul style="list-style-type: none"> <li>The drainage plan errors</li> <li>Please provide a detailed drainage layout</li> <li>Please can the 1 in 10 and 1 in 30 year drainage modelling be provided.</li> <li>Detailed engineering drawings of each component of the drainage scheme should be provided.</li> </ul>	Updated FRA & SuDS Report (dated: 16.02.23) submitted

	Consultee	Date		Summary	Response
	Place Services - Heritage	05.01.23		Impact on Hollow Elm Cottage – Harm would be less than substantial at the low end of the spectrum. Conditions suggested	Happy with suggested conditions
	LLFA	17.01.23	No objection	Conditions suggested	Happy with suggested conditions
	National Highways	24.01.23	No objection		N/A
	Essex Country Council Highways	11.02.23	Objection	Application does not demonstrate safe and suitable access. Lack of pedestrian footways on Smiths Green Lane, with reliance on public right of ways. No demonstration of how appropriate opportunities to promote public transport have been taken up.	
	Essex County Council Infrastructure	12.01.23	Without prejudice	Sets out requested contributions	Happy with suggested contributions
	Place Services Ecology	13.02.23	Holding objection	Insufficient ecological information on European Protect Species (Bats), Protected Species (Reptiles), Priority Species (farmland birds) and Priority habitats (hedgerows)	Place Services Officers directed to original Ecological Assessment from previous Application (Ref. No. UTT/21/1987/FUL).
	Takeley Parish Council	16.02.23	Objection	Harm to countryside, CPZ, natural environment, heritage assets. The site is unsustainable. Improved housing supply position, area already over developed.	
	Urban Design Officer	08.03.23	No objection	Minor amendments suggested	Layout updated to address suggestions
	Lead Local Flood Authority	08.03.23	Holding objection	Further detail required	Further detail provided to LLFA
	Lead Local Flood Authority	16.03.23	No objection	Conditions suggested	Happy with suggested conditions.

## **Appendix C: CPZ Designation Map**



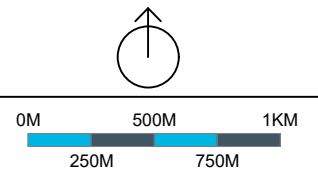
**Key:**

- COUNTRYSIDE PROTECTION ZONE (CPZ)
- SITES WITHIN CPZ
- GREEN BELT
- WESTON HOMES SITE AREA
- APPLICATION REF.UTT/20/1866/FUL
- Appeal
- Local Decision

**Rev**

B - WESTON HOMES SITE AREA ADDED AND SITES WITHIN CPZ ADDITIONS

C - ADDITIONAL PLANNING APPLICATIONS SUBMITTED WITHIN THE CPZ ADDED



**PLANNING**

**Title**  
COUNTRYSIDE PROTECTION ZONE SITE PLAN

**Site**  
WARISH HALL, TAKELEY

Date	Drawn	Checked
JAN 2022	JEP	PM

**Scale**  
1:30000@A3

Drawing No.	Rev
WH202_05_P_500	C



**Planning Ref No. to sites within CPZ**

01 UTT/15/2387/OP	08 UTT/19/0393/OP	15 UTT/1473/11/FUL	22 UTT/16/0788/FUL	29 UTT/21/3311/OP	36 UTT/20/1851/FUL
02 UTT/19/0445/FUL	09 UTT/19/0394/OP	16 UTT/19/0385/FUL	23 UTT/21/1577/FUL	30 UTT/21/2755/OP	
03 UTT/16/3669/OP	10 UTT/18/1174/OP	17 UTT/13/1790/OP	24 UTT/21/2077/FUL	31 UTT/21/3095/FUL	
04 UTT/14/0138/FUL	11 UTT/0849/11/FUL	18 UTT/19/0437/OP	25 UTT/21/2152/FUL	32 UTT/19/2666/OP	
05 UTT/16/0735/FUL	12 UTT/17/3675/FUL	19 UTT/13/0177/OP	26 UTT/20/0080/FUL	33 UTT/21/3272/OP	
06 UTT/18/2049/FUL	13 UTT/19/2898/FUL	20 UTT/18/0804/OP	27 UTT/21/1617/FUL	34 UTT/14/2387/FUL & UTT/18/2917/FUL	
07 UTT/13/1393/OP	14 UTT/18/1365/FUL	21 UTT/20/1098/FUL	28 UTT/21/2488/OP	35 UTT/22/2134/FUL	

**General Notes**

This drawing is the property of Weston Homes Plc and is issued on the condition that it is not reproduced, disclosed or copied to any unauthorised person without written consent. Levels are in AOD unless otherwise stated. Dimensions are in millimeters unless otherwise stated. Weston Homes Plc must be informed of any drawing errors immediately in writing. This drawing is for planning purposes only.

© WESTON HOMES PLC

<b>Head Office</b> Weston Group Business Centre, Parsonage Road, Takeley, Essex. CM22 6PU. T: 01279 873333	<b>London Office</b> 10 Portman Square, London. W1H 6AZ T: 0203 096 7238
--	--

mail: info@weston-homes.com



## **Appendix D: Draft Heads of Terms**

1. This Appendix sets out proposed draft 'Heads of Terms' for the planning application. It identifies the proposed financial contributions and other obligations between the relevant parties. The legal Agreement will be pursuant to Section 106 of the Town and Country Planning Act 1990, as amended (the 1990 Act).
2. These draft 'Heads of Terms' reflect pre-application discussions with Uttlesford District Council (UDC) and other stakeholders including Essex County Council (ECC) and the North West Essex Clinical Commissioning Group (CCG).
3. Parties entering the Agreement will be:
  - i. Uttlesford District Council (UDC);
  - ii. Essex county Council (ECC);
  - iii. Weston Homes Plc; and,.
  - iv. HSBC Bank Plc.
4. Regard for the level of contributions should be had to the viability of the scheme overall and the requirements of Regulation 122 of the Community Infrastructure Levy (CIL) Regulations.
5. Weston Homes has instructed Julia Berry of Reed Smith LLP, The Broadgate Tower, 20 Primrose Street, London, EC2A 2RS to act on its behalf in drafting the Agreement.
6. Draft Section 106 Heads of Terms include:
  - a) The development will provide Affordable Housing at 40% comprising a split between Social Rented (81%) and Intermediate (19%) (Shared Ownership/Discount Market Sale). 5% of the dwellings to be M4(3) wheelchair adaptable dwellings.
  - b) Education Contribution, subject to an assessment of school places and need, a financial contribution towards Early Years, Primary and Secondary Education places, including a contribution towards Secondary School Transport.
  - c) Sustainable Transport Contribution to facilitate the upgrade of bus stop within Priors Green or provision along Dunmow Road /Parsonage Road or as directed by ECC to include real time display and/or of a sum to facilitate the enhancement of cycling infrastructure to include additional priority markings or extension of the Parsonage Road to Stansted Airport route.
  - d) Heath Care Contribution; towards the expansion/upgrade of facilities within the West Essex CCG, South Uttlesford Primary Care Network.
  - e) Ecology and Biodiversity: A contribution towards the visitor and botanical monitoring and mitigation works at Hatfield Forest, for or on behalf of the National Trust. The securing of an extension to and the long term management of Prior's Wood to comply with Forestry Commission requirements.

- f) Provision and Management of Open Space; Open Space including play provision. Option to transfer to Takeley Parish Council or UDC for long term management, otherwise to ensure long term management trust or appropriate legal entity is provided together with an appropriate reasonable maintenance or management contribution.
- g) Payment of UDCs and ECCs reasonable legal fees.