



UTTLESFORD DISTRICT COUNCIL

Council Offices, London Road, Saffron Walden, Essex CB11 4ER
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The Planning Inspectorate
Room 3/J Kite Wing,
Temple Quay House,
2 The Square,
Temple Quay,
Bristol,
BS1 6PN

9th June 2023

Your ref: S62A/2023/0016

Our ref: UTT/23/0902/PINS

Please ask for Mr Laurence Ackrill on [REDACTED]
email: [REDACTED]

Dear Major Casework Team,

Regarding: Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013 (as amended).

Thank you for your letter of 27th April 2023 confirming that the Planning Inspectorate has received a valid application seeking planning permission for the Erection of 40no. dwellings, including open space landscaping and associated infrastructure at Warish Hall Farm, Smiths Green Lane, Takeley, Essex.

The Council has now had the opportunity to review all the documentation that was submitted by the Applicant in respect to the proposals and wishes to make representations in respect of this application, incorporating comments from internal/external non-statutory consultees and including observations in respect of the manner in which the application is to be determined.

The application was presented to Members of the Planning Committee on the 7th June 2023. In addition to the issues defined in the officers' Committee report, the main planning issues in respect of which the Council would like the Inspector to consider as part of their assessment of the proposals include:

Development Limits & Impact on the Character and Appearance of the Area

Chapter 15 of the NPPF (2021) contains overarching policies for conserving and enhancing the natural environment. It indicates that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Uttlesford 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 and should be given moderate weight.



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The proposed new dwellings and access 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 lights from the development would be likely to be seen. This would result in the quality of the experience of the area being diminished. The proposal would create a significant urbanised environment in place of the current pasture field. The development would introduce an urban form of development that would not be sympathetic to the local character and landscape setting, and this urbanising effect of the proposal would result in the intrinsic character of the countryside being adversely affected, in conflict with Local Plan Policy S7.

The Council considers that the proposal, due to the adverse effect upon the character and appearance of the area, particularly when viewed from the surrounding area, would be contrary to policies S7 and GEN2 of the Uttlesford Local Plan (2005).

Countryside Protection Zone (CPZ)

The site is also located within the Countryside Protection Zone for which Uttlesford Local Plan Policy S8 applies. Policy S8 states that in the Countryside Protection Zone planning permission will only be granted for development that is required to be there or is appropriate to a rural area. There will be strict control on new development. In particular development will not be permitted if either of the following apply:

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

The application site is a large pastoral field and contributes positively to the open characteristics of the CPZ and the introduction of built form on the site would result in a reduction of the open characteristics of the countryside around the airport. Therefore, the proposal would result in an adverse effect on the open characteristics of the CPZ in conflict with Local Plan Policy S8.

Impact on Heritage Assets

The proposal has the potential to adversely impact the setting of several designated and non-designated heritage assets including:

- Hollow Elm Cottage, Grade II listed (list entry number: 111220),
- Cheerups Cottage, Grade II listed (list entry number: 1112207) and
- The Protected Lane, 'Warrish Hall Road' (non-designated heritage asset).

The proposals are considered to fail to preserve the special interest of the listed building, Hollow Elm Cottage, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The harm would be less than substantial and at the low end of the spectrum with regards to the NPPF (2021).

The Council also requests that the Inspector takes into consideration the impact the proposal would have on the significance of all of the aforementioned heritage assets and to place importance upon the preservation of these assets. Of particular concern is the protected lane



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and the experience of the users of this lane and its historic significance in its open, pastoral setting of the surrounding heritage assets.

Noise

The Council are in receipt of Uttlesford District Council's Environmental Health Officer's comments in which a full copy is attached for the Inspector's information.

Nevertheless, concerns are raised in relation to the potential noise levels within the surrounding area that have not been considered as part of the applicants' noise Environmental Noise Assessment, and therefore the proposal has the potential to result in unacceptable levels of noise and disturbance to future residential occupiers of the development.

Consultation Documentation

The following documentation is provided as part of the Uttlesford District Council's consultation response in which should form part of the Inspectors assessment of the proposals.

- Officers Committee Report
- Draft Minutes of the Planning Committee Meeting (7th June 2023)
- Uttlesford District Council's Environmental Health Officer
- Smiths Green Conservation Area Map (Proposed).

Corresponding full application UTT/22/3126/FUL

Along with the comments received as part of the PINS application, consultee comments have been received relating to the aforementioned application and will be forwarded on to help form part of the Inspectors assessment of the proposals given the similarities between the two schemes:

- Design Officer
- ECC Place Services Ecology Officer
- ECC SuDS Team
- ECC Infrastructure Planning Officer
- NATS Safeguarding
- BAA Aerodrome Safeguarding
- ECC Mineral & Waste
- Place Services Archaeology
- Affinity Water

Suggested Conditions:

Following discussions by members of the Planning Committee on 7th June 2023, it was further advised to members that if the Inspector is mindful of granting consent for the works, that the additional following conditions and S106 Heads of Terms also be imposed in



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addition to those provided by consultee responses sent along with this consultation response:

Conditions:

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

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

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

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

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

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

4. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment (Ecology Solutions, October 2021), Ecology Update and Walkover Survey (Ecology Solutions, September 2022) and Bat Survey Report (Ecology Solutions, November 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

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



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The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) to include the retained and adjacent Priority habitats.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

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

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

6. No development shall take place until a Reptile Mitigation Strategy addressing the mitigation targeting reptiles has been submitted to and approved in writing by the local planning authority.

The Reptile Mitigation Strategy shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details for monitoring and remedial measures.
- i) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

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



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and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

7. A Great Crested Newt Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newt during the construction phase.

The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

8. A Biodiversity Compensation and Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Compensation and Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed compensation and enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed compensation and enhancement measures (where applicable) by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the compensation and enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

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

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

9. A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux



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drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

10. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development.

The content of the LEMP shall include the following:

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

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

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

S106 Heads of Terms

- Secondary Education: (Financial contribution of £ 175,935.00).
- School Transport: (Financial contribution of £ 37,259.20).



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- Libraries: (Financial contribution of £ 3,112.60).
- Provision of 40% affordable housing.
- Provision of 5% wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010.
- Provision and long-term on-going maintenance of public open space.
- A financial contribution towards sustainable transport measures of £112,000.

Summary:

The concerns raised above are considered to significantly and demonstrably outweigh the public benefits of the provision of housing, including affordable housing, in this location. The Council therefore RESOLVED to OBJECT to the proposed development.

Your Sincerely

Dean Hermitage MA Mgeog MRTPI
Director of Planning