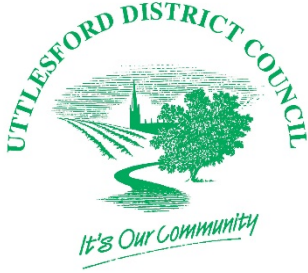


# Agenda Item 6



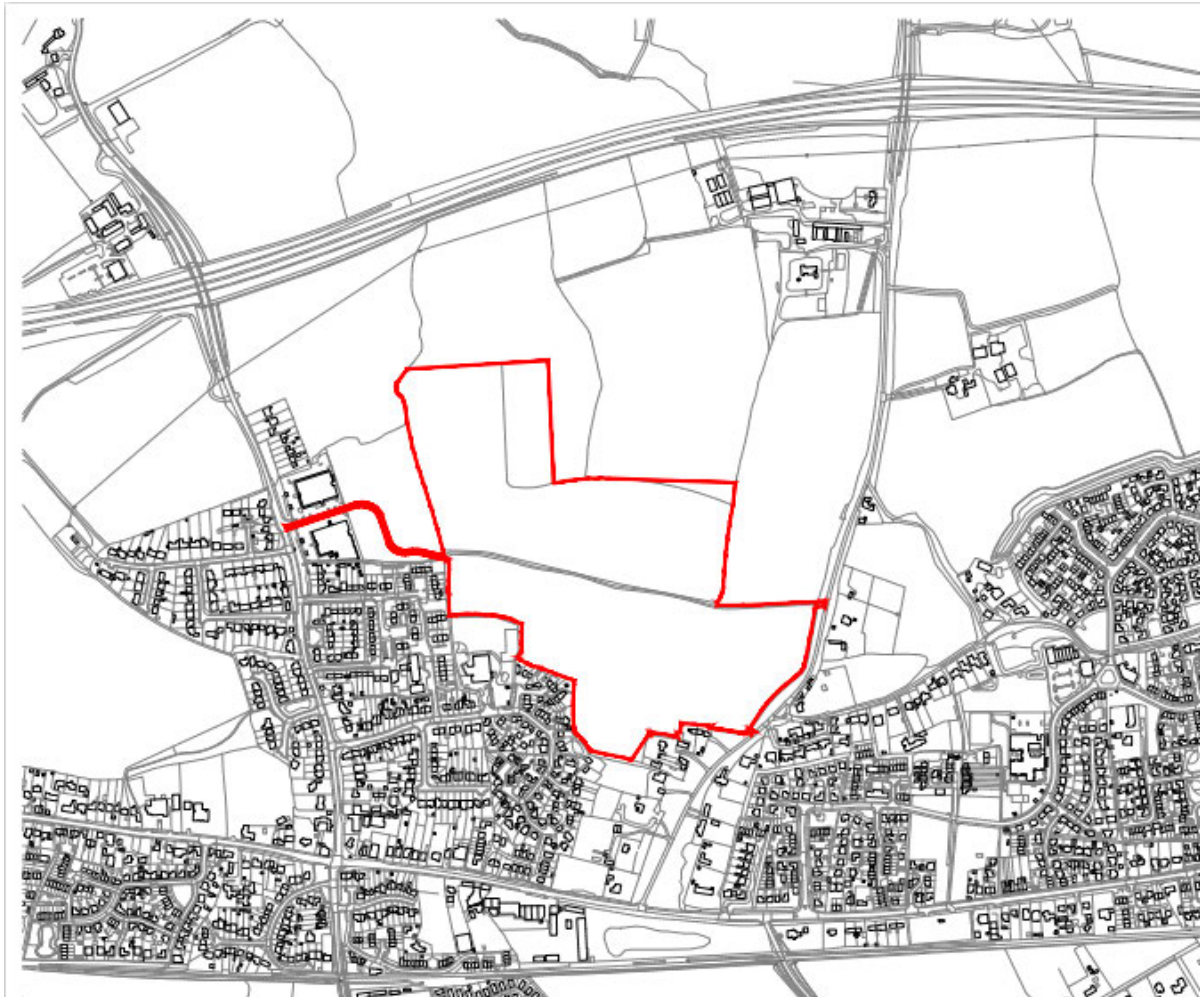
**ITEM NUMBER:** 6

**PLANNING COMMITTEE** 30 August 2023  
**DATE:**

**REFERENCE NUMBER:** UTT/23/1583/PINS

**LOCATION:** Land to the North of Roseacres, between Parsonage Road and Smiths Green Lane, Takeley, and (Land known as Bull Field, Warish Hall Farm, Takeley,

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: 7 July 2023

**PROPOSAL:** Access to/from Parsonage Road between Weston Group Business Centre and Innovation Centre buildings leading to:  
96 dwellings on Bulls Field, south of Prior's Wood, including associated parking, landscaping, public open space, land for the expansion of Roseacres Primary School, pedestrian and cycle routes to Smiths Green Lane together with associated infrastructure

**APPLICANT:** Mr J Spencer

**AGENT:** N/A

**EXPIRY DATE:** 7<sup>th</sup> September 2023

**EOT Expiry Date:**

**CASE OFFICER:** Mrs Madeleine Jones

**NOTATION:** Outside Development Limits. Countryside Protection Zone, Protected Lane (Warish Hall Road), within 250m of Ancient Woodland (Priors Wood) Grade 1, Grade II \*, Grade II Listed buildings adjacent to site. Contaminated Land Historic Land Use Within 6km of Stansted Airport. Within 2KM of SSSI. County and Local Wildlife site (Priors Wood). Tree Preservation Order (Various) Scheduled Ancient Monument (Warish Hall)

**REASON THIS APPLICATION IS ON THE AGENDA:** This is a report in relation to a major planning application submitted to the Planning Inspectorate (PINS) for determination.

Uttlesford District Council (UDC) has been designated by Government for poor performance in relation to the quality of decisions making on major applications.

This means that the Uttlesford District Council Planning Authority has the status of a consultee and is not the decision maker. There is limited time to comment. In total 21 days

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## **1. EXECUTIVE SUMMARY**

**1.1** The application is for access to/from Parsonage Road between Weston Group Business Centre and Innovation Centre buildings leading to: 96 dwellings on Bulls Field, south of Prior's Wood, including associated parking, landscaping, public open space, land for the expansion of

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Roseacres Primary School, pedestrian and cycle routes to Smiths Green Lane together with associated infrastructure

**1.2** The site formed part of a previous application UTT/21/1987/FUL which was refused for four reasons and dismissed on appeal.

**1.3** Application UTT/21/1987/FUL was refused on 20<sup>th</sup> December 2021 (following an overturn by planning committee members).

**1.4** The refusal reasons the committee members gave were:

1) The proposed form of the development is considered incompatible with the countryside setting, and that of existing built development in the locality of the site. The proposal would result in significant overdevelopment of the site, particularly to the eastern side of the site at Smiths Green Lane/ Warish Hall Lane, and Jacks Lane. The proposal would compromise the setting of the countryside, where rural development should only take place where it needs to be in that location. Further, the proposal would adversely impact upon the Countryside Protection Zone, which places strict control on new development. To conclude, the proposal would be contrary to the implementation of Policies S7 and S8 of the adopted Uttlesford Local plan 2005, and relevant sections contained in the National Planning Policy Framework 2021.

2) The proposal would have an adverse impact upon the setting of several designated and non-designated heritage assets, by way of its impacts upon the wider agrarian character adjacent to Takeley. In particular, to the north of the site is the scheduled monument of Warish Hall moated site and the remains of Takeley Priory (list entry number: 1007834).

Sited within the Scheduled Monument is the Grade I listed Warish Hall and Moat Bridge (list entry number: 1169063). The application site is considered to positively contribute to the setting, experience, and appreciation of this highly sensitive heritage asset. Further, Smith's Green Lane is identified as 'Warrish Hall Road' and 'Warrish Hall Road 1.' in the Uttlesford Protected Lanes Assessment and due consideration much be given to the protection of this non-designated heritage asset (Ref: UTTLANE156 and UTTLANE166). The proposals would result in less than substantial harm to a number of designated and non-designated heritage assets, including the significance of the Protected Lane(s), situated in close proximity to the site, which would not be outweighed by any public benefits accruing from the proposed development. The proposals are therefore contrary to the implementation of Policy ENV2, ENV4 and ENV9 of the adopted Uttlesford Local Plan 2005, and paragraphs 202 and 203 of the National Planning Policy Framework 2021.

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- 3) The proposed development does not provide sufficient mitigation in terms of its impacts upon the adjacent Ancient Woodland at Priors Wood. In particular, the location and layout of the principal roadway serving the residential and commercial development does not provide a sufficient buffer afforded to Prior's Wood, to address the potential detrimental impacts associated with the siting of a large-scale housing development adjacent to its boundary.  
The proposal is therefore considered contrary to the implementation of Policy ENV8 of the adopted Uttlesford Local Plan 2005, and relevant sections of the National Planning Policy Framework 2021.
- 4) The proposed development fails to deliver appropriate infrastructure to mitigate any impacts and support the delivery of the proposed development. The proposal is therefore considered contrary to the implementation of Policies GEN6 - Infrastructure Provision to Support Development, ENV7 - The Protection of the Natural Environment – Designated Sites, and Policy H9 - Affordable Housing, of the Adopted Uttlesford Local Plan 2005, and the National Planning Policy Framework 2021.

- 1.5 That application was subsequently dismissed at appeal reference APP/C1570/W/22/3291524 on 9 August 2022. (copy attached Appendix A)
- 1.6 This application is for part of the appeal site known as Bulls Field
- 1.7 Development has been approved on the part of the appeal site known as 7 Acres since the appeal decision (UTT/22/2744/FUL) for 4 light industrial/commercial units, one of which is intended to serve as a medical facility, with associated landscaping /parking.
- 1.8 A planning application for the Jacks part of the appeal site has also been submitted since the appeal, directly to PINS and was refused S62A/2023/0016) on 9 August 2023.
- 1.9 The applicant has taken the decision to resubmit a revised scheme relating to the Bullfields part of the appeal site, directly to the Planning Inspectorate.
- 1.10 The proposals of this application have given regard to the findings set out in the Inspector's report relating to the Appeal Scheme, and the proposals of this application seek to address the adverse impacts which the inspector identified with regard to the heritage assets within the area.

## 2. **RECOMMENDATION**

That the Director of Planning be authorised to advise the Planning Inspectorate that Uttlesford District Council make the following observations on this application:  
Details are to be outlined by the Planning Committee.

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### **3. SITE LOCATION AND DESCRIPTION:**

- 3.1** The site is located outside the development limits of Takeley and is within the Countryside Protection Zone. There are two Public Rights of Way (PROW) running through the site (PROW Takeley - 14 and Takeley - 41).
- 3.2** The site is located within the Impact Risk Zone (IRZ) of the Hatfield Forest Site of Special Scientific Interest (SSSI) located c.1.6km southwest.
- 3.3** 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 and Smiths Green. Abutting the settlement edge to the north of Takeley, the site is mostly flat and level.
- 3.4** 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 primary schools, shops and services.
- 3.5** The whole of the application site covers 19.8 hectares. The application site is that of undeveloped land set within the wider agrarian landscape adjacent to Takeley.
- 3.6** The site is located to the northeast of Takeley and comprises 12.1 ha of predominantly agricultural land. The application site is spread across from Parsonage Lane to Warish Hall Road (Smiths Green Lane).
- 3.7** There is commercial development to the west of the site, with vehicular access onto Parsonage Road. To the north of the site between Parsonage Road and Warish Hall Road is Ancient Woodland (Priors Wood) and south of this is residential development and Roseacres school. To the east of this field is an area of common land and protected lane (running along the western boundary of Warish Hall Lane. The A120 is located beyond Priors Wood to the north.
- 3.8** The development along Warish Hall Road/Smiths Green Road is linear in nature and has several listed buildings along it. Two public rights of way run across the Ballfields site (north and south), the north leading into 7 acres.
- 3.9** Heritage assets are adjacent to the site and include several Grade II listed buildings, to the north of the site is the scheduled monument of Warish Hall moated site and the remains of Takeley Priory, sited within the Scheduled Monument is the Grade I listed Warish Hall and moat.
- 3.10** The site is found within Flood Zone 1, as indicated by the Environment Agency's on-line map.

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**3.11** Prior's Wood is an area of Ancient and Semi-Natural Woodland while the verge adjoining Smiths Green Lane is designated as a village green. In addition, Smiths Green Lane, north of its junction with Jacks Lane, is designated as a Protected Lane under Local Plan Policy ENV9 (it is identified in the Uttlesford Protected Lanes Assessment as "UTTLANE 166 Warish Hall Road")

**3.12** 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 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.

#### **4. PROPOSAL**

**4.1** Access to/from Parsonage Road between Weston Group Business Centre and Innovation Centre buildings leading to 96 dwellings on Bulls Field, south of Prior's Wood, including associated parking, landscaping, public open space, land for the expansion of Roseacres Primary School, pedestrian and cycle routes to Smiths Green Lane together with associated infrastructure.

**4.2** The access is shared with existing office buildings and further commercial units recently approved (7 Acres) including a health centre.

**4.3** The proposal is for 96 dwellings of which 39 would be affordable. (The housing mix is listed below.

**4.4** The proposal would provide 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.

**4.5** The applicant has stated that the proposal would provide the following via a s106 agreement.

- 40% Affordable Housing,
- Education Contributions,
- Education land comprising 1ha of land to accommodate the expansion of Roseacres Primary School for 1FE to 2FE
- 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 to the Parsonage Road to Stansted Airport route

- Health Care contributions
- Ecology and biodiversity – contribution towards the visitor and botanical monitoring and mitigation works at Hatfield Forest
- Provision and maintenance of open space.
- Payment of UDC's and ECC's reasonable legal fees and monitoring fees.

## **5. ENVIRONMENTAL IMPACT ASSESSMENT**

- 5.1** The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

## **6. RELEVANT SITE HISTORY**

- 6.1** DUN/0229/49: Site for dwelling house. Approved with conditions.
- 6.2** DUN/0449/65: Site for industrial development. Refused.
- 6.3** UTT/0327/82: Proposed new vehicular access. Approved with conditions
- 6.4** UTT/0668/75: New access road. Approved with conditions.
- 6.5** UTT/23/0902/PINS: Consultation on S62A/2023/0016 - Full planning application for Erection of 40 no. dwellings, including open space landscaping and associated infrastructure. Refused.
- 6.6** UTT/21/1987/FUL; Land at Warish Hall Farm - 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: 24 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. Appeal Dismissed 09.08.2022.
- 6.7** **Adjoining sites**
- 6.8** UTT/22/2744/FUL; Land Known As 7 Acres Warish Hall Farm. erection of 4 no. industrial/flexible employment (Use Class E) buildings with associated landscaping and parking. Conditional approval 29 June 2023.
- 6.9** UTT/21/2488/OP - Outline planning application with all matters reserved except access for up to 88 dwellings (including affordable housing and self/custom-build plots), as well as public open space, children's play area, landscape infrastructure including a buffer to Priors Wood Ancient Woodland and all other associated infrastructure - Land East Of Parsonage Road Takeley - Approve with Conditions – 09/11/2022.



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- 6.10 UTT/22/2134/FUL - Proposed change of use of land to create extension to the existing car park serving the Weston Group Business Hub and Weston Innovation Centre, including 124no. car parking spaces with associated access and landscaping. - Weston Business Centre Parsonage Road Takeley Bishops Stortford, CM22 6PU. Approve with conditions – 13/10/2022.

7. **PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

- 7.1 No relevant pre-planning history, although an exploratory preapplication proposal meeting was held in 2016 between Council officers and an interested third party to consider the future use of the site for commercial/employment use in response to enquiries from potential firms about utilising the site for this purpose. The Council responded by saying that the principle of change of use of the site from greenfield to commercial use would be contrary to local and national policies due to its countryside location within the Countryside Protection Zone (CPZ) and therefore any proposal would need to demonstrate how the need for the proposed use would outweigh the harm it would have on the countryside (UTT/16/0956/PA).

- 7.2 UTT/20/2531/PA: Re-development of the following land parcels at Warish Hall Farm; Jacks - 2 Hectares Bull Field - 4 Hectares 7 Acres - 2.2 Hectares Initial proposal of up to 100 dwellings and 400 sqm of light industrial / commercial development.

8. **SUMMARY OF STATUTORY CONSULTEE RESPONSES**

- 8.1 All statutory consultees are required to write directly to the Planning Inspectorate (PINS) (and not the Local Planning Authority) within the 21 days period: the end date being 7 September 2023.
- 8.2 Accordingly, it should be noted that considerations/advice normally obtained from statutory consultees to assist the Local Planning Authority in the consideration of a major planning application have not been provided and are thereby not included within this report.

9. **PARISH COUNCIL COMMENTS**

- 9.1 Any comments made by the Parish Council's in relation to the proposals will be required to be sent directly to PINS within the 21 period being 7 September 2023 and are thereby not informed within this report.

10. **CONSULTEE RESPONSES**

- 10.1 All consultees' comments are required to be submitted directly to PINS (and not the Local Planning Authority) within the 21-day consultation period, which closes 7 September 2023 Accordingly, it should be noted that considerations/advice normally obtained from consultees to assist in

the determination of a major planning application have not been provided and are thereby not included within this report.

**10.2** Notwithstanding the above, the following comments have been received:

**10.3 Specialist Archaeological Advice**

**10.3.1** A certain area of targeted archaeological evaluation has been completed previously on specific areas of the development site which included a moated site and features identified in the geophysical survey. Further trial trenching in the remaining areas is required. A Written Scheme of Investigation has been submitted with the current application and is approved by the Historic Environment Advisor. The following recommendation is therefore made in line with the National Planning Policy Framework paragraph 205.

**RECOMMENDATION:** An Archaeological Programme of Trial Trenching followed by Open Area Excavation

- 1) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI and confirmed by the Local Authority archaeological advisors.
- 2) A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.
- 3) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.
- 4) The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

**Reason for Archaeological Recommendations**

The Historic Environment Record has identified that the proposed development lies within an area of known archaeological potential. The site lies to the south of the Scheduled Monument of Warish Hall, a moated site, with its origins in the medieval period whose setting will be harmed by the present development design. To the north of the site a moated enclosure is identified on early cartographic data. Other moats identified within the Takeley area have had an original construction date of 12<sup>th</sup> to 13<sup>th</sup> century. A Desk Based Assessment has been undertaken and has highlighted the potential for encountering the archaeological remains and that the likelihood is that these features would be a similar density to those identified in the surrounding area.

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The earlier evaluation also identified poste medieval features within the vicinity of the site.

Evidence from Priors Green to the south would indicate the high potential for prehistoric through to post medieval occupation within the area.

The archaeological work would comprise trial trenching across the whole area to identify the extent and depth of archaeological deposits followed by open area excavation if archaeological deposits are identified. All archaeological work should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by this office.

#### **10.4 UDC Housing Enabling Officer**

**10.4.1** The applicant is proposing to provide 39 affordable housing units which meets the 40% requirement.

**10.4.2** The applicant has included correspondence in respect of the affordable housing provision dating back to 2021 relating to a previous application but there is now a requirement for First Homes within the Uttlesford district. The applicant therefore needs to amend the affordable housing tenure mix to reflect this and to assist them I provide a link to the [UDC First Homes Planning Advice Notice 2022A.pdf](https://www.uttlesford.gov.uk/UDC_First_Homes_Planning_Advice_Notice_2022A.pdf) ([uttlesford.gov.uk](https://www.uttlesford.gov.uk)) SPD.

**10.4.3** There was mention of a Design & Access Statement (DAS) on the drawing sheet, but I could not locate one and because of this I am unable to establish where the applicant is taking their design cues from as the proposed street scenes do not appear to reflect the local vernacular.

**10.4.4** The proposed affordable housing provision includes flat blocks without a communal garden area and houses with courtyard parking rather than on-plot parking therefore not complying with the Local Residents Parking Standards 2013. The affordable houses need to have on-plot parking provision in the same way as the market properties do to ensure the development is tenure blind.

**10.4.5** Affordable plot 67 is a 2-bedroom flat-over-garage (FOG) without any private amenity space which is not acceptable.

**10.4.6** The accommodation schedule provided by the applicant does not make it clear which properties are M4(3) compliant.

#### **11. REPRESENTATIONS**

**11.1** The application was publicised by sending letters to adjoining and adjacent occupiers and by displaying site notices. Anyone wishing to make a representation (whether supporting or objecting) are required to submit their comments directly to PINS within the 21-day consultation

period ending 7 September 2023. All representations should be submitted directly to PINS within the 21-day consultation period.

UDC has no role in co-ordinating or receiving any representations made about this application. It will be for PINS to decide whether to accept any representations that are made later than 21 days.

## **12. MATERIAL CONSIDERATIONS**

**12.1** In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

**12.2** Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

- a) The provisions of the development plan, so far as material to the application,;  
(aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- b) any local finance considerations, so far as material to the application, and
- c) any other material considerations.

**12.3** Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation Area.

### **12.4 The Development Plan**

**12.4.1** Essex Minerals Local Plan (adopted July 2014)  
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)  
Uttlesford District Local Plan (adopted 2005)  
Felsted Neighbourhood Plan (made Feb 2020)  
Great Dunmow Neighbourhood Plan (made December 2016)  
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)  
Thaxted Neighbourhood Plan (made February 2019)  
Stebbing Neighbourhood Plan (made 19 July 2022)  
Saffron Walden Neighbourhood Plan (made 11 October 2022)

Ashdon Neighbourhood Plan (made 6 December 2022)  
Great & Little Chesterford Neighbourhood Plan (made 2 February 2023)

### **13. POLICY**

#### **13.1 National Policies**

##### **13.1.1 National Planning Policy Framework (2021)**

#### **13.2 Uttlesford District Plan 2005**

S7 - The countryside  
S8 - The Country Protection zone  
GEN1- Access  
GEN2 - Design  
GEN3 - Flood Protection  
GEN4 - Good Neighbourliness  
GEN5 - Light Pollution  
GEN6 - Infrastructure Provision  
GEN7 - Nature Conservation  
GEN8 - Vehicle Parking Standards  
ENV2 - Development affecting Listed Buildings  
ENV3 - Open Space and Trees  
ENV4 - Ancient monuments and Sites of Archaeological Importance  
ENV5 - Protection of Agricultural Land  
ENV7 - Protection of the Natural Environment  
ENV8 - Other Landscape Elements of Importance  
ENV10 - Noise Sensitive Developments  
ENV12 - Groundwater Protection  
ENV14 - Contaminated Land  
H1 - Housing development  
H9 - Affordable Housing  
H10 - Housing Mix

#### **13.3 Supplementary Planning Document or Guidance**

Uttlesford Local Residential Parking Standards (2013)  
Essex County Council Parking Standards (2009)  
Supplementary Planning Document- Accessible homes and play space  
homes Essex Design Guide  
Uttlesford Interim Climate Change Policy (2021)  
Uttlesford Countryside Protection Zone Study 2016  
Developers Contributions (March 2023)  
Building for a Healthy Life  
Takeley Conservation Area appraisal draft - Takeley parish Council have commissioned a conservation area - appraisal report from Place services.  
Uttlesford will be carrying out a public consultation on this report in August/September and a decision will probably be made on whether it will be adopted November/December

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**14. CONSIDERATIONS AND ASSESSMENT**

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

- 14.2**
- A) Background**
  - B) Principle of development**
  - C) Highways and parking**
  - D) Design and impact on residential amenity**
  - E) Impact on Heritage Assets and Archaeology**
  - F) Impact on natural environment**
  - G) Interim Climate Change Policy**
  - H) Air quality**
  - I) Flood risk and Drainage**
  - J) Planning Obligations**
  - K) Other matters**

**14.3 A) Background**

**14.3.1** This application follows on from an application under reference UTT/21/1987/FUL that included this part of the site. That proposal was for a 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: 24 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 and was recommended for approval by the officer, which was overturned by Planning committee and subsequently dismissed at appeal on the 09.08.2022 (attached below appendix A).

**14.3.2** The application was refused permission for the following reasons:

**14.3.3** 1 The proposed form of the development is considered incompatible with the countryside setting, and that of existing built development in the locality of the site. The proposal would result in significant overdevelopment of the site, particularly to the eastern side of the site at Smiths Green Lane/ Warish Hall Lane, and Jacks Lane. The proposal would compromise the setting of the countryside, where rural development should only take place where it needs to be in that location. Further, the proposal would adversely impact upon the Countryside Protection Zone, which places strict control on new development. To conclude, the proposal would be contrary to the implementation of Policies S7 and S8 of the adopted Uttlesford Local plan 2005, and relevant sections contained in the National Planning Policy Framework 2021.

2 The proposal would have an adverse impact upon the setting of several designated and non-designated heritage assets, by way of its impacts upon the wider agrarian character adjacent to Takeley. In particular, to the north of the site is the scheduled monument of Warish Hall moated site and the remains of Takeley Priory (list entry number: 1007834).

Sited within the Scheduled Monument is the Grade I listed Warish Hall and Moat Bridge (list entry number: 1169063). The application site is considered to positively contribute to the setting, experience, and appreciation of this highly sensitive heritage asset. Further, Smith's Green Lane is identified as 'Warrish Hall Road' and 'Warrish Hall Road 1.' in the Uttlesford Protected Lanes Assessment and due consideration much be given to the protection of this non-designated heritage asset (Ref: UTTLANE156 and UTTLANE166). The proposals would result in less than substantial harm to a number of designated and non-designated heritage assets, including the significance of the Protected Lane(s), situated in close proximity to the site, which would not be outweighed by any public benefits accruing from the proposed development. The proposals are therefore contrary to the implementation of Policy ENV2, ENV4 and ENV9 of the adopted Uttlesford Local Plan 2005, and paragraphs 202 and 203 of the National Planning Policy Framework 2021.

3. The proposed development does not provide sufficient mitigation in terms of its impacts upon the adjacent Ancient Woodland at Priors Wood. In particular, the location and layout of the principal roadway serving the residential and commercial development does not provide a sufficient buffer afforded to Prior's Wood, to address the potential detrimental impacts associated with the siting of a large-scale housing development adjacent to its boundary.

The proposal is therefore considered contrary to the implementation of Policy ENV8 of the adopted Uttlesford Local Plan 2005, and relevant sections of the National Planning Policy Framework 2021.

4 The proposed development fails to deliver appropriate infrastructure to mitigate any impacts and support the delivery of the proposed development. The proposal is therefore considered contrary to the implementation of Policies GEN6 - Infrastructure Provision to Support Development, ENV7 - The Protection of the Natural Environment – Designated Sites, and Policy H9 - Affordable Housing, of the Adopted Uttlesford Local Plan 2005, and the National Planning Policy Framework 2021.

- 14.3.4** The Planning Inspector concluded 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, that it would reduce the open character of the Country Protection Zone and would cause less than substantial harm to 11 no. designated heritage assets that would not be outweighed by the public benefits.

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**14.3.5** The proposals of this application have given regard to the findings set out in the Inspector's report relating to the Appeal Scheme, and the proposals of this application seek to address the adverse impacts which the inspector identified with regard to the heritage assets within the area

**14.3.6** The site area has been reduced, omitting the following:

- omits the Five Acres site which was approved at committee and decision notice issued on 29<sup>th</sup> June 2023
- Omits the dwellings to the north of Jacks Lane
- Omits dwellings within the land to the east of Bull fields opposite the Listed buildings. (total of 24 dwellings)
- Omits the country park.
- Omits the access's to the east of the Bull Fields site onto Smiths Green Lane
- Omits the extra tree planting to the northeast of the site.
- Omits the extension to Priors Wood
- The number of dwellings on the Bull Fields site have been reduced to 96 from 131 dwellings

**14.3.7** The scheme is therefore materially different to that dismissed at appeal. Notwithstanding this, the responses received as part of the appeal and the appeal decision help to inform the assessment of this application

#### **14.4 B) Principle of development**

**14.4.1** The NPPF has a presumption in favour of sustainable development. Paragraph 8 of the NPPF 2021 as revised states that achieving sustainable development means that the planning system has three overarching objectives, namely economic, social and environmental, which are interdependent, and which need to be pursued in mutually supported ways so that opportunities can be taken to secure net gains across each of the different objectives.

**14.4.2** Paragraph 11 of the NPPF states that for decision taking 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 planning permission unless:  
i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or  
ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

**14.4.3** The council is not currently able to demonstrate a 5-year housing land supply (5YHLS) Therefore, contributions towards housing land supply must be regarded as a positive effect.



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- 14.4.4** The site lies outside development limits and is therefore within the countryside for the purposes of the LPA's adopted Local Plan (2005) representing as it does a "greenfield" site
- 14.4.5** 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. 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.
- 14.4.6** A review of policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas and therefore should be given limited weight. Nonetheless, it is still a saved policy and carries some weight. It is not considered that the development would meet the requirements of Policy S7 of the Uttlesford Local Plan and that consequently the proposal is contrary to that policy.
- 14.4.7** While neither the site, nor the surrounding area is a valued landscape, within the meaning of paragraph 174(a) of the NPPF, the site is characterised by gently undulating farmland, and large open landscapes with tree cover appearing as blocks on the horizon
- 14.4.8** Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other things... b) recognising the intrinsic character and beauty of the countryside. It should be noted, however, that the site is not a designated site for the purposes of statutory classification within the NPPF.
- 14.4.9** It is therefore necessary to assess whether the application proposal is sustainable and a presumption in favour is engaged in accordance with the NPPF. There are three strands to sustainability outlined by the NPPF which should not be taken in isolation, because they are mutually dependent. These are all needed to achieve sustainable development, through economic, social and environmental gains sought jointly and simultaneously through the planning system
- 14.4.10** Social:  
The NPPF identifies this as supplying required housing and creating high quality-built environment with accessible local services that reflect the communities needs and supports its health, social and cultural well-being. The proposal would deliver 40% affordable housing. The proposal includes areas of open space, the change of 1ha of agricultural land for

educational use which would provide an extension to Roseacres Primary School in order to facilitate its expansion to 2FE. The proposal would also create employment opportunities.

- 14.4.11** The proposal would have a negative impact by putting more strain on the local infrastructure and demand for school spaces and local surgeries. Takeley also does not have any doctors or dentists within the village. Whilst the facilities within the village and the public transport provisions are unlikely to meet the demands of residents to fulfil their daily requirements, they do offer, the opportunity for alternative means of accessing services and facilities. In terms of the rural nature of the district, the facilities and public transport are relatively good. The siting of the development would not be unreasonable in respect of its location when taking into account the sites proximity to local services and facilities and therefore is considered to be an accessible and sustainable location.
- 14.4.12** The impact on local infrastructure could be mitigated by way of financial contributions and these could be secured by way of a s106 agreement. As such the social benefits have moderate weight in the planning balance, including contributions to an enhanced bus service locally.
- 14.4.13** Economic:  
The NPPF identifies this as contributing to building a strong, responsive and competitive economy, supporting growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure. In economic terms the proposal would have short term benefits to the local community as a result of construction activity and additionally it would also support existing local services, as such there would be some positive economic benefit.
- 14.4.14** Environmental:  
The environmental role seeks to protect and enhance the natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution and mitigating and adapting to climate change, including moving to a low carbon economy.
- 14.4.15** 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 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.
- 14.4.16** Within the appeal inspector's assessment, he stated that "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.

he 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.”

This remains the case.

**14.4.17** In addition, he stated, 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.”

**14.4.18** Furthermore, at paragraph 26 of the appeal report (APP/C1570/W/22/3291524) states that “the landscape to which this 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. 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. 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 to Priors Wood with the open agrarian enjoyment to its south.”

**14.4.19** This application has omitted the built form from the eastern end of Bullfields and removed the vehicular accesses onto the rural lane. The quality of the experience for users of PROWs would still be diminished, given the proximity of the proposed housing. The urbanising effect of the proposal of views to the woodland would still be reduced from the PROWs but they would now be partly visible from Smiths Green Lane. . 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. By so doing, the intrinsic character of the countryside would be adversely affected by the proposal in conflict with LP Policy S7. And NPPF paragraphs 130 and 174b

**14.4.20** The site is located within the countryside Protection Zone for which Uttlesford Local Plan Policy S8 applies.

**14.4.21** In 2016, Uttlesford District Council commissioned LUC to undertake an assessment of the Countryside Protection Zone (CPZ) around the airport ("Uttlesford Countryside Protection Zone Study"). The overall aim of the study was to assess the extent to which the land within the CPZ is meeting its purposes as set out in Policy S8 whereby this would enable the LPA to make informed decisions should it decide to amend the CPZ through the new Local Plan process. To this extent, as the brief noted, the study was similar to a Green Belt assessment, although acknowledging the criteria for assessment is different, whilst it was also accepted that national policy does not specifically make reference to CPZs. That said, the study commented that there are similarities between the purposes of the CPZ and those of Green Belts and other strategic planning policies, such as strategic gaps or green wedges, adding that guidance can be drawn from previous assessments of these policies.

**14.4.22** Indeed, paragraph 2.23 of the study remarks that; "There are also similarities between the purposes of the CPZ, which promotes the open characteristics of the zone, and Paragraph 137 of the NPPF, which states that 'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.' In this way, the CPZ could be described as a 'mini-Green Belt.'

**14.4.23** The adopted Uttlesford Local Plan (2005) identifies a Countryside Protection Zone (CPZ) which seeks to maintain a local belt of countryside around Stansted Airport that will not be eroded by coalescing developments.

Policy S8 of the adopted local plan states that planning permission will only be granted for development within the CPZ that is required to be there or is appropriate to a rural area, adding that there will be strict control on new development. In particular, the policy states that development will not be permitted if either:

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

**14.4.24** The application site is an open field with planting around its boundary to the north and south and it therefore contributes to the character and appearance of the countryside around the airport and the countryside Protection Zone as a whole. The site however, does adjoin the development in Takeley and Priors Wood and the A120 creates a barrier between the proposed development and Stansted Airport.

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**14.4.25** In paragraphs 31 and 32 of the Inspector considered that “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.”

**14.4.26** Despite the changes in this application compared to the appeal application, the proposal would result in an adverse effect on the open characteristics of the Countryside protection zone in conflict with policy S8 and it would result in the harm to the character and appearance of the countryside around the airport.

**14.4.27** The proposal remains contrary to the aims of Uttlesford Local Plan Policies S8 and S7.

## **14.5 C) Highways and parking**

**14.5.1** Policy GEN1 states: Development will only be permitted if it meets all of the following criteria:

- a. Access to the main road network 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 of the site must not compromise road safety and must take account of the needs of cyclists.
- d. It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to access.

**14.5.2** The development encourages movement by means other than driving a car.

The site will be served by walking and cycling routes running from east to west, linking the site to the school, then to bus services on Parsonage Road and onto shops at Takeley, Four Ashes, the walking/cycle route also connects eastwards.

**14.5.3** There is a footpath to the south of the main access road which provides pedestrian access to the proposed dwelling to /from Parsonage Road and into the rest of the development.

**14.5.4** The applicant has also agreed to make a 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 to the Parsonage Road to Stansted Airport route.

**14.5.5** The Four Ashes Junction was assessed, and part of the mitigation is to improve the junction by upgrading it with MOVA which will provide

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additional capacity as the signals will respond to changes in queues allowing more traffic through on the busiest arms. This is the same mitigation for required from Land west of Parsonage Road and so may come forward with that development or this depending on progress of the schemes. These can be secured via a s106 agreement.

**14.5.6** The previous application was not refused on highway grounds and the access to the Bullfields site is considered to be acceptable on highway grounds.

**14.5.7** All statutory consultees are required to write directly to the Planning Inspectorate (PINS) (and not the Local Planning Authority) within the 21 days period: the end date being 7 September 2023.

**14.5.8** Accordingly, it should be noted that considerations/advice normally obtained from statutory consultees to assist the Local Planning Authority in the consideration of a major planning application have not been provided and are thereby not included within this report.

#### **14.6 D) Design and impact on residential amenity**

**14.6.1** Policy GEN2 sets out the design criteria for new development. In addition, section 12 of the NPPF sets out the national policy for achieving well designed places and the need to achieve good design.

**14.6.2** The previous proposal has been the subject of pre - application advice, several meetings with the Planning Officer, Uttlesford District Councils Urban Design Officer, Specialist Heritage officers and Highway Officers. The proposal has also engaged with the Essex Quality Review Panel and presented to members at the early stages of submission. These comments have informed the design of the proposal.

**14.6.3** The current application takes those comments on board together and the proposals of this application have given regard to the findings set out in the Inspector's report relating to the Appeal Scheme, and the proposals of this application seek to address the adverse impacts which the inspector identified with regard to the heritage assets within the area.

**14.6.4** Policy H10 states that all development on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. All developments on a site of three or more homes must include an element of small two and three bed homes, which must represent a significant proportion of the total.

**14.6.5** The layout comprises a mix of 1,2,3,4 and 5-bedroom properties. Affordable housing would be provided at 40%. In line with adopted Policy H10, the proposals would provide an appropriate mix of housing and would comply with Policy H10.

ACCOMMODATION SCHEDULE - BULL FIELD											
PLOT	TENURE	CHARACTER AREA	HOUSE TYPE	UNIT SIZE (sqm)	NUMBER OF			PARKING SPACES (inc. garages)	GARAGE TYPE	ATTACHMENT	GARDEN SIZE
					STOREYS	BEDS	BEDSPACES				
1	Private	Woodland Edge	2.02.C	80	2	2	4	2	None	End of Terrace	80
2	Private	Woodland Edge	2.02.C	80	2	2	4	2	None	Mid Terrace	57
3	Private	Woodland Edge	3.05.C	95.5	2	2	4	2	None	End of Terrace	104
4	Private	Woodland Edge	3.02.C	94	2	3	5	2	None	Semi Detached	101
5	Private	Woodland Edge	3.02.C	94	2	3	5	2	None	Semi Detached	97
6	Private	Woodland Edge	3.05.B	94	2	3	5	2	None	Detached	105
7	Private	Woodland Edge	3.05.B	94	2	3	5	2	None	Detached	103
8	Private	Woodland Edge	3.05.C	95.5	2	3	5	2	None	Semi Detached	101
9	Private	Woodland Edge	3.05.C	95.5	2	3	5	2	None	Semi Detached	105
10	Private	Woodland Edge	2.02.C	80	2	2	4	2	None	Semi Detached	80
11	Private	Woodland Edge	2.02.C	80	2	2	4	2	None	Semi Detached	50
12	Private	Woodland Edge	3.03.D	95	2	3	5	2	None	Detached	87
13	Private	Woodland Edge	3.03.D	95	2	3	5	2	None	Detached	87
14	Private	Woodland Edge	2.02.C	80	2	2	4	2	None	Semi Detached	50
15	Private	Woodland Edge	2.02.C	80	2	2	4	2	None	Semi Detached	80
16	Private	Woodland Edge	3.02.C	94	2	3	5	2	None	Semi Detached	105
17	Private	Woodland Edge	3.02.C	94	2	3	5	2	None	Semi Detached	105
18	Private	Woodland Edge	3.05.B	94	2	3	5	2	None	Detached	107
19	Private	Woodland Edge	3.05.B	94	2	3	5	2	None	Detached	99
20	Private	Woodland Edge	3.05.C	95.5	2	3	5	2	None	Semi Detached	105
21	Private	Woodland Edge	3.05.C	95.5	2	3	5	2	None	Semi Detached	105
22	Private	Village Streets	3.03.D	95	2	3	5	2	None	Detached	90
23	Private	Village Streets	4.02.B	118.6	2	4	7	3	Single Integral	Detached	121
24	Private	Village Streets	3.02.C	94	2	3	5	2	None	Detached	110
25	Private	Village Streets	3.05.C	95.5	2	3	5	2	None	Semi Detached	100
26	Private	Village Streets	3.05.C	95.5	2	3	5	2	None	Semi Detached	100
27	Private	Village Streets	4.03.C	134	2	4	8	3	Single Detached	Detached	132
28	Shared Ownership	Village Streets	2.02.C	80	2	2	4	2	None	Semi Detached	72
29	Affordable Rent	Village Streets	2.02.C	80	2	2	4	2	None	Semi Detached	66
30	Private	Village Streets	3.02.C	94	2	3	5	2	None	Semi Detached	97
31	Shared Ownership	Village Streets	3.02.C	94	2	3	5	2	None	Semi Detached	101
32	Private	Village Streets	4.02.B	118.6	2	4	7	3	Single Integral	Detached	100
33	Private	Village Streets	4.02.B	118.6	2	4	7	3	Single Integral	Detached	115
34	Private	Village Streets	3.02.C	94	2	2	4	2	None	End of Terrace	116
35	Private	Village Streets	2.02.C	80	2	2	4	2	None	Mid Terrace	56
36	Private	Village Streets	2.02.C	80	2	2	4	2	None	End of Terrace	50
37	Shared Ownership	Village Streets	3.03.D	95	2	3	5	2	None	Detached	91
38	Affordable Rent	Village Streets	4.02.B	118.6	2	4	7	3	Single Integral	Detached	94
39	Affordable Rent	Village Streets	3.04.D	94	2	3	5	2	None	Detached	93
40	Affordable Rent	Village Streets	3.04.D	94	2	3	5	2	None	Detached	123
41	Affordable Rent	Village Streets	4.02.B	118.6	2	4	7	3	Single Integral	Detached	113
42	Shared Ownership	Village Streets	2.02.C	80	2	2	4	2	None	Semi Detached	53
43	Private	Village Streets	2.02.C	80	2	2	4	2	None	Semi Detached	69
44	Private	Village Streets	3.04.D	94	2	3	5	2	None	Detached	90
45	Shared Ownership	Village Streets	2.03.F	72	2	2	3	2	FCG	Detached	35
46	Private	Village Streets	4.03.C	134	2	4	8	3	Single Detached	Detached	138
47	Private	Village Streets	4.02.B	118.6	2	4	7	3	Single Integral	Detached	170
48	Private	Rural Edge	5.03.C	205	2	5	9	4	Double Detached	Detached	339
49	Private	Village Streets	5.03.C	134	2	4	8	3	Single Detached	Detached	117
50	Private	Village Streets	4.03.D	134	2	4	8	3	Single Semi	Detached	119
51	Private	Village Streets	4.03.D	134	2	4	8	3	Single Semi	Detached	116
52	Private	Rural Edge	5.02.C	198	2	5	9	4	Double Detached	Detached	290
53	Private	Rural Edge	5.03.C	205	2	5	9	4	Double Detached	Detached	296
54	Private	Rural Edge	5.02.C	198	2	5	9	4	Double Detached	Detached	267
55	Private	Rural Edge	4.03.B	137.4	2	4	8	3	Single Detached	Detached	115
56	Private	Rural Edge	5.02.C	198	2	5	9	4	Double Detached	Detached	211
57	Private	Rural Edge	5.03.C	205	2	5	9	4	Double Detached	Detached	215
58	Private	Rural Edge	5.02.C	198	2	5	9	4	Double Detached	Detached	233
59	Private	Rural Edge	4.03.B	137.4	2	4	8	3	Single Detached	Detached	185
60	Private	Rural Edge	2.05.B	103.1	1.5	2	4	2	None	Detached	81
61	Private	Rural Edge	3.06.A	111	1.5	3	6	2	None	Detached	97
62	Private	Rural Edge	3.06.A	111	1.5	3	6	2	None	Detached	94
63	Private	Rural Edge	2.05.B	103.1	1.5	2	4	2	None	Detached	120
64	Affordable Rent	Village Streets	3.04.D	94	2	3	5	2	None	Detached	91
65	Private	Village Streets	3.05.B	94	2	3	5	2	None	Detached	123
66	Private	Village Streets	4.03.C	134	2	4	8	3	Single Detached	Detached	174
67	Affordable Rent	Village Streets	2.03.F	72	2	2	3	2	FCG	Detached	NA
68	Affordable Rent	Green Link	2.02.C	80	2	2	4	2	None	End of Terrace	51
69	Affordable Rent	Green Link	2.02.C	80	2	2	4	2	None	Mid Terrace	48
70	Affordable Rent	Green Link	2.02.C	80	2	2	4	2	None	Mid Terrace	50
71	Affordable Rent	Green Link	3.03.D	95	2	2	4	2	None	End of Terrace	82
72	Affordable Rent	Key Corner	NA	50	2	1	2	2	None	Flat Block	NA
73	Affordable Rent	Key Corner	NA	70	2	2	4	2	None	Flat Block	NA
74	Affordable Rent	Key Corner	NA	70	2	2	4	2	None	Flat Block	NA
75	Affordable Rent	Key Corner	NA	50	2	1	2	2	None	Flat Block	NA
76	Shared Ownership	Key Corner	NA	50	2	1	2	2	None	Flat Block	NA
77	Shared Ownership	Key Corner	NA	70	2	2	4	2	None	Flat Block	NA
78	Shared Ownership	Key Corner	NA	70	2	2	4	2	None	Flat Block	NA
79	Shared Ownership	Key Corner	NA	50	2	1	2	2	None	Flat Block	NA
80	Affordable Rent	Key Corner	NA	50	2	1	2	2	None	Flat Block	NA
81	Affordable Rent	Key Corner	NA	70	2	2	4	2	None	Flat Block	NA
82	Affordable Rent	Key Corner	NA	50	2	1	2	2	None	Flat Block	NA
83	Affordable Rent	Key Corner	NA	55	2	1	2	2	None	Flat Block	NA
84	Affordable Rent	Key Corner	NA	50	2	1	2	2	None	Flat Block	NA
85	Affordable Rent	Key Corner	NA	70	2	2	4	2	None	Flat Block	NA
86	Affordable Rent	Key Corner	NA	55	2	1	2	2	None	Flat Block	NA
87	Affordable Rent	Village Streets	3.02.C	94	2	3	5	2	None	Semi Detached	91
88	Affordable Rent	Village Streets	3.02.C	94	2	3	5	2	None	Semi Detached	99
89	Affordable Rent	Green Link	3.03.D	95	2	3	5	2	None	Detached	93
90	Private	Green Link	5.03.C	205	2	5	9	4	Double Detached	Detached	256
91	Affordable Rent	Green Link	2.02.C	80	2	2	4	2	None	End of Terrace	74
92	Private	Green Link	2.02.C	80	2	2	4	2	None	Mid Terrace	58
93	Shared Ownership	Green Link	2.02.C	80	2	2	4	2	None	End of Terrace	49
94	Private	Green Link	5.02.C	198	2	5	9	4	Double Detached	Detached	299
95	Shared Ownership	Green Link	3.04.D	94	2	3	5	2	None	Detached	101
96	Shared Ownership	Green Link	3.04.D	94	2	3	5	2	None	Detached	102

**14.6.6** The supplementary Planning Document Accessible Homes and Playspaces also requires that developments of 10 and over should provide bungalows, this application includes four 1.5 storey properties and no single storey properties. bungalows.

**14.6.7** The dwellings to the east of the development do not exceed 2 storeys reducing the impact upon the heritage assets in the surrounding area. The development to the east of the site has been removed entirely and

development is now set back from the sensitive edge along Smiths Green Lane.

- 14.6.8** The site is located close to Stansted Airport therefore the proposal has the potential to present a bird strike hazard to Stansted Airport. Provided that the Suds does not result in the formation of regular open water and the berry bearing component of the landscape planting is kept to 10% or less of the total, which can be achieved by a relevant condition, the aerodrome Safeguarding team previously had no objections.
- 14.6.9** The site falls outside of the 57dB 16 hr LEQ of Stansted airport where Policy ENV10 would require appropriate noise mitigation
- 14.6.10** The development has been designed to minimise the potential for overshadowing or overbearing impacts. In view of the distances between neighbouring properties the proposal would not result in any material overlooking, overshadowing or overbearing impact. The proposal would provide a good and appropriate provision of public open space, including green corridors.
- 14.6.11** The design broadly reflects the previous advice of the Urban Design officer in respect of the Bull fields site.
- 14.6.12** The Essex Design Guide recommends that dwellings of 3 bedrooms or more should have private amenity spaces of 100sqm+ and 2-bedroom properties 50sqm+. The gardens of the dwellings accord with the requirements of the Essex Design Guide. Each plot has adequate private amenity space to accord with the requirements of the Essex Design Guide. The Essex design Guide states that space additional to balconies may be foregone for 1- beds (i.e 1-beds only have a balcony) if close to quality open space which they are.
- 14.6.13** The Essex Design Guide states that exceptionally, apartments adjacent to and overlooking a park or other large public space of high amenity value could be provided with a smaller amount of communal space. In this instance, apartments should also have balconies with a floor area of at least 5 sq m.

Development should provide at least 25sqm of private space for each of these plots as well as the balconies. Incorporating balconies into residential accommodation is encouraged and will be expected where the private communal space provision does not equate to 25 sq m per flat. Balconies contribute to the amenity of dwellings but are not always well-designed. They need to be positioned where they are comfortable to use and should be of sufficient size to enable use as an outside living space. All balconies should be large enough to accommodate a table and chairs to suit the occupancy of the apartment, as well as providing some additional space for planting. A gross floor area of 5 sq m per balcony should be provided for houses or apartments with more than one bedroom wherever communal or private garden size specifications cannot be met;



preferably have a southerly aspect but, in any case, receive direct sunlight for part of the day; and be positioned away from sources of noise and poor-quality air that would make them unpleasant to use.

- 14.6.14** Policy H9 states that the Council will seek to negotiate on a site for site basis an element of affordable housing of 40% of the total provision of housing.

The Council commissioned a Strategic Housing Market Area Assessment which identified the need for affordable housing market type and tenure across the District. As a result of this, the Council will require a specific mix per development proposal. The Strategic Housing Market Area Assessment supports the provision of a range of affordable housing: Affordable housing provision (rounded up to the nearest whole number) is provided as 40% on sites of 15 or more dwellings or sites of 0.5ha or more.

- 14.6.15** This application is for 96 dwellings and includes 39 affordable housing units. The submitted plan shows the affordable housing is integrated across the development and the provision of 40% to be affordable housing would be secured through the S106. The proposal includes the provision of 40% affordable housing and given the need for the district this element of the proposals is given significant weight.

- 14.6.16** The proposed affordable housing provision includes flat blocks without a communal garden area and houses with courtyard parking rather than on-plot parking therefore not complying with the Local Residents Parking Standards 2013. The affordable houses need to have on-plot parking provision in the same way as the market properties do to ensure the development is tenure blind.

- 14.6.17** Affordable plot 67 is a 2-bedroom flat-over-garage (FOG) without any private amenity space which is not acceptable.

- 14.6.18** The applicant has included correspondence in respect of the affordable housing provision dating back to 2021 relating to a previous application but there is now a requirement for First Homes within the Uttlesford district. The applicant therefore needs to amend the affordable housing tenure mix to reflect this and to assist them I provide a link to the [UDC First Homes Planning Advice Notice 2022A.pdf](#) ([uttlesford.gov.uk](http://uttlesford.gov.uk)) SPD.

- 14.6.19** The affordable housing split should be 25% being first homes in accordance with governments guidance minimum target. 5% should be shared ownership with 70% being for affordable rent.

- 14.6.20** This can be achieved by securing the mix of affordable housing via a s106 agreement.

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## **14.7 E) Impact on Heritage Assets and Archaeology**

- 14.7.1** Policy ENV2 seeks to protect the setting of listed buildings, in line with the statutory duty set out in s66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Policy ENV2 does not require the level of harm to be identified and this is an additional exercise but one that does not fundamentally alter the basic requirements of the policy. Once the level of harm under paragraph 199 of the Framework is identified, then the balancing exercise required by the Framework (here paragraph 202) must be carried out. Policy ENV2 is broadly consistent with the Framework and should be given moderate weight.
- 14.7.2** Policy ENV2 seeks to protect the fabric, character and setting of listed buildings from development which would adversely affect them.
- 14.7.3** 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.
- 14.7.4** 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.
- 14.7.5** 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.
- 14.7.6** The site is not located within a conservation area. However, the development has the potential to adversely impact the setting of several designated and non-designated asset
- 14.7.7** There are several listed buildings adjacent and close to the site including:
- Warish Hall and Moat Bridge (Grade 1 listed), Warish Hall moated site and remains of Takeley Priory Scheduled Monument (SM),
  - Goar Lodge, Grade II listed (list entry number: 1168972),

- Bull Cottages, non-designated heritage asset,
- Smiths and South Cottage, non-designated heritage asset,
- Beech Cottage, Grade II listed (list entry number: 1112212),
- The Cottage, Grade II listed (list entry number: 1306743),
- Moat Cottage, Grade II\* listed (list entry number: 112211),
- The Croft, Grade II listed (list entry number: 1168964),
- White House, Grade II listed (list entry number: 1322592),
- The Gages, Grade II listed (list entry number: 1168954),
- The Limes, non-designated heritage asset and
- Hollow Elm Cottage, Grade II listed (list entry number: 1112220)
- The pump at Pippins Grade II listed (list entry 1112210)
- Cheerups cottage Grade II listed

**14.7.8** In addition, the Protected Lane, is a non-designated heritage asset.

**14.7.9** Previous comments from the Heritage officer are “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. 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 16th century and containing fabric and artistic elements from that time. 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. . 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 13 Paragraph 4.1 CD 5.3A Appeal Decision APP/C1570/W/22/3291524 <https://www.gov.uk/planning-inspectorate> 9 of Bull and Maggots, and Prior’s Wood. To the south is Jacks Lane and the linear historic settlement of Smiths Green. 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.

**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. 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.

**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. 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.

**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 Appeal Decision APP/C1570/W/22/3291524 <https://www.gov.uk/planning-inspectorate> 10

. 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. . 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. . 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. 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. . 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."

- 14.7.10** The proposals of this application have given regard to the findings set out in the Inspector's report relating to the Appeal Scheme, and the proposals of this application seek to address the adverse impacts which the inspector identified with regard to the heritage assets within the area.
- 14.7.11** This application has removed development to the eastern part of the site (development is now set back 150m from this boundary) and the accesses across the common land to Smiths Green Land has also been removed. The proposal, by introducing an urbanising influence into the open, pastoral setting of these heritage assets, would still be to the detriment of their significance, resulting in less than substantial harm.

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- 14.7.12** All consultees are required to give their comments within the 21 days period: the end date being 7 September 2023.
- 14.7.13** Paragraph 202 the NPPF states 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 benefits of the proposal.
- 14.7.14** The proposal would provide several public benefits, including the provision of 96 dwellings, 39 affordable dwellings, open space, improved rights of way, provision of 1ha of land for the future expansion of Roseacres School, employment benefits and biodiversity enhancements.
- 14.7.15** With the appeal the inspectors stated “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” The impact to Goar Lodge and Beech Cottage, would result in a medium level of less than substantial harm.”
- 14.7.16** The impact to Goar Lodge and Beech Cottage are the listed properties most affected by the revised plans.
- 14.7.17** The updated Heritage comments for this proposal have not been provided at the time of this report but will be reported to PINS within the response period.
- 14.7.18** In terms of archaeology policy ENV4 of the adopted local plan applies.
- 14.7.19** The application was formally consulted to Place Services Historic Environment.
- 14.7.20** The Historic Environment Record has identified that the proposed development lies within an area of known archaeological potential. The site lies to the south of the Scheduled Monument of Warish Hall, a moated site, with its origins in the medieval period whose setting will be harmed by the present development design. To the north of the site a moated enclosure is identified on early cartographic data. Other moats identified within the Takeley area have had an original construction date of 12th to 13<sup>th</sup> century. A Desk Based Assessment has been undertaken and has highlighted the potential for encountering the archaeological remains and that the likelihood is that these features would be a similar density to those identified in the surrounding area.

The earlier evaluation also identified poste medieval features within the vicinity of the site.

Evidence from Priors Green to the south would indicate the high potential for prehistoric through to post medieval occupation within the area.

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A certain area of targeted archaeological evaluation has been completed previously on specific areas of the development site which included a moated site and features identified in the geophysical survey. Further trial trenching in the remaining areas is required. This can be achieved by conditions.

- 14.7.21** Subject to conditions relating to an Archaeological Programme of trial trenching the proposal would comply with Uttlesford Local Plan policy ENV4.

**14.8 F) Impact on natural environment**

- 14.8.1** Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation.

Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured. This policy is partially consistent with the NPPF but the NPPF strengthens the requirements, including the requirement for biodiversity enhancements. As such the policy has limited weight.

- 14.8.2** Policy GEN7 and paragraph 180 of the NPPF require development proposals to aim to conserve or enhance biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species.

- 14.8.3** The site is currently agricultural fields which have been regularly cropped. The application site is located adjacent to an Important and Ancient Woodland and a Local Wildlife Site (Prior's Wood). In addition, the site is within the Zone of Influence for development that could potentially adversely affect Hatfield Forest.

- 14.8.4** The ecology documents relate to the Jacks site rather than the application site (paragraph 1.3 of the ecology document June 2023).

The planning statement also refers to the provision of woodland enhancement for Priors wood including a 1ha extension to Priors wood page 54. However, this is not shown on the soft works masterplan.

- 14.8.5** The third previous reason for refusal in relation to the impacts upon the adjacent Ancient Woodland at Priors wood still needs to be assessed.

- 14.8.6** It should be noted that the appeal inspector stated at paragraph 77 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 Statement of Common Ground. 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."

#### **14.9 G) Interim Climate Change Policy**

**14.9.1** Uttlesford District Council has recently adopted an Interim Climate Change Planning Policy document.

**14.9.2** The applicant has confirmed that all the new homes will be provided with at least one installed fast charging point for electric vehicle charging. The agent has stated that electric hook up points would be provided. These can be secured by a suitably worded condition.

**14.9.3** The development would make the use of modern methods of construction to provide improved building performance, including air tightness.

**14.9.4** The development would make the use of modern methods of construction to provide improved building performance, including air tightness.

**14.9.5** Overall, the scheme would be consistent with the councils Interim Climate Change Policy and its Energy and sustainability strategies are therefore supported, subject to conditions.

#### **14.10 H) Air quality (AQ)**

**14.10.1** The application site is located in close proximity to the A120 but falls outside of the 35m zone identified as being the area where exposure to poor air quality will not be permitted. The application is accompanied by an Air Quality Assessment.

**14.10.2** The Councils Environmental Health Officer considered the previous proposals and considered that the site is suitable from an AQ perspective for residential development without the need for further mitigation, subject to an Electric Vehicle Charging Point Condition and that dust control from



the construction phase of the development can be secured through a Construction Environmental Management Plan consent condition.

This application is for a reduced number of dwellings and it is therefore likely that the proposals would comply with Uttlesford Local Plan Policy ENV13.

- 14.10.3** At the time of writing this report no updated comments have been received from the Environmental Health Officers in relation to this revised proposal. The expiry for their comments is 7 September 2023. Their comments will be passed to PINS once received.

#### **14.11 I) Flood Risk and Drainage**

- 14.11.1** Policy GEN3 requires development outside flood risk areas to not increase the risk of flooding through surface water run-off. The NPPF requires development to be steered towards areas with the lowest probability of flooding. In addition, it should be ensured that flood risk is not increased elsewhere. The site is located within Flood Zone 1, therefore is a site with the lowest risk of flooding (more than 1 in 1000 years). The application has been submitted with a Flood Risk Assessment and this indicates that the site can be developed in such a manner that flooding would not result. The Lead Local Flood Authority have been consulted and a response has not been received at the time of writing this report.

- 14.11.2** The proposal subject to conditions is likely to comply with Uttlesford Local Plan Policy GEN3 and Paragraphs 163-170 of the NPPF.

#### **14.12 J) Planning Obligations**

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

- 14.12.2** Relevant statutory and non-statutory consultees will directly provide PIN's their formal consultation response in respect to the proposals which may or may not result in the need for obligations to be secured by a Section 106 Legal Agreement. Such matters that may arise include:

- 14.12.3**
- i. Affordable housing provision (40%)
  - ii. Payment of education financial contributions; Early Years, Primary and Secondary Schools
  - iii. Financial contribution for Libraries
  - iv. School Transport

- v. Provision and long-term on-going maintenance of public open space and play area.
- vi. Highways obligations and associated financial contributions towards sustainable transport measures.
- vii. Education Land comprising approximately 1ha of land to accommodate the expansion of Roseacres Primary School for 1FE to 2FE.
- viii. Health Care contribution
- ix. contribution towards the visitor and botanical monitoring and mitigation works at Hatfield Forest for or on going of the National Trust
- x. Payments of UDC's and ECC's reasonable legal fees
- xi. Monitoring costs.

#### **14.13 K) Other matters**

**14.13.1** From 1 October 2013 the Growth and Infrastructure Act inserted two new provisions into the Town and Country Planning Act (1990) ('the Act'). Section 62A allows major applications for planning permission, consents and orders to be made directly to the Planning Inspectorate (acting on behalf of the Secretary of State) where a local planning authority has been designated for this purpose.

**14.13.2** The Planning Inspectorate will appoint an Inspector to determine the application. The Inspector will be provided with the application documents, representations and any other relevant documents including the development plan policies. Consultation with statutory consultees and the designated LPA will be carried out by the Planning Inspectorate.

**14.13.3** The LPA also must carry out its normal notification duties, which may include erecting a site notice and/or writing to the owners/occupiers of adjoining land.

**14.13.4** The LPA is also a statutory consultee and must provide a substantive response to the consultation within 21 days. This should ideally include a recommendation, with reasons, for whether planning permission should be granted or refused, and a list of conditions if planning permission is granted. However, as indicated above, the Local Planning Authority are not in possession of all the required information that would be available to it to make an informed assessment of this development proposal.

**14.13.5** The Planning Inspectorate will issue a formal decision notice incorporating a statement setting out the reasons for the decision. If the application is approved the decision will also list any conditions which are considered necessary. There is no right to appeal.

#### **15. CONCLUSION**

**15.1** The Council are unable to demonstrate a 5YHLS and that the Uttlesford Local Plan significantly predates the National Planning Policy Framework

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2021; meaning that some local policies do not fully comply with the Framework. As a consequence, paragraph 11d of the NPPF therefore applies which states that 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 there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.

- 15.2** The unique application process that is presented by this submission requires the Local Planning Authority to advise the Planning Inspectorate whether or not it objects to this proposal. Having regard to the previous planning application refused at committee (details below) and taking into account the appeal decision to that proposal, and the revisions to that previously refused scheme, it is not possible to provide a detailed assessment of all the relevant material considerations to this proposal.
- 15.3** All representations, and relevant statutory and non-statutory consultees sent straight to the Planning Inspectorate have not been taken into consideration.
- 15.4** The proposal is considered in total accordance with Policy GEN2 of the Local Plan in terms of layout, design, amenity space and separation distances
- 15.5** The housing mix is acceptable.
- 15.6** The proposal is considered acceptable in terms of highway safety, parking provision and appropriate mitigation has been secured
- 15.7** The previous third reason for refusal still stands until the submitted documents have been assessed by a specialist ecologist. Their comments are due by 7 September.
- 15.8** The proposal remains contrary to policies S7 and S8 . 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.
- 15.9** The council are still unable to demonstrate a 5YHLS and that the Uttlesford Local Plan significantly predates the National Planning Policy Framework 2021; meaning that some policies do not fully comply with the Framework.

However, paragraph 11d) makes it clear that the presumption in favour of sustainable development does not apply if the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. In this respect, Footnote 7 sets out that this includes, amongst others, designated heritage assets. It is considered that the harm caused to the

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significance of the Heritage assets would be outweighed by the public benefits of the scheme.

- 15.10** There would be no increase in flood risk and the proposed drainage subject to conditions is acceptable and therefore is in total accordance with Policy GEN3 of the Local Plan (subject to confirmation from the Sustainable Urban Drainage (SuDs team).
- 15.11** The proposal is compliant with the Uttlesford Councils adopted Interim Climate Change document.
- 15.12** It is not possible, at the time of writing this report, to comment re whether the proposal is compliant with the aims of Uttlesford Local Plan Policy ENV2.
- 15.13** The proposal would provide 96 dwellings, including 40% affordable housing.
- 15.14** Cumulative impact of the development proposals on local infrastructure can be mitigated by planning obligations and planning conditions.
- 15.15** From the information at present, the submitted proposal would on balance, taking into account the Councils lack of 5YHLS the benefits of the scheme, outweigh the harm to the character and settings of the Listed Buildings and rural setting of the area. However, the proposed development will need to be carefully considered by relevant statutory and non-statutory consultees in respect of the acceptance of the scheme and whether the scheme is capable of being satisfactorily mitigated
- 15.16** The unique application process that is presented by this submission, requires the Local Planning authority to advise the Planning Inspectorate whether or not it objects to this proposal. Having regard to the limited opportunity to consider the proposals the Planning Committee is invited to provide its comments on this proposal.

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Appendices	Appeal UTT/21/1987/FUL

## Appendix A



Appeal Decision  
3291524.pdf