

Representation from Mrs. D Bagnall

Proposal: S62A/2023/0027- Full Planning Application for erection of 40 Dwellings

Location: Land At Warish Hall Farm North of Jacks Lane Smiths Green Lane Takeley

I object to this application, which has already been refused as part of a larger application at the LPA Planning Committee and refused on appeal by Inspector Richard McCoy as well as a recent S62A application by Inspector Susan Hunt.

Inspectors Hunt's summary states.

1. Planning permission is refused for the development described above, for the following reasons:

1) It has not been adequately demonstrated that lighting and loss of vegetation, particularly in relation to access works and off-site proposals to improve the restricted byway Takeley 48/25 would not result in unacceptable harm to the established character and appearance of the surrounding area and to the significance of Smiths Green Lane (Warish Hall Road), a protected lane and non-designated heritage asset. This is contrary to policies S7, ENV9 and GEN2 of the Uttlesford Local Plan and paragraphs 130 c), 185 c) and 203 of the National Planning Policy Framework.

2) It has not been adequately demonstrated that safe and suitable access to and from the site for pedestrians and cyclists could be achieved which meets highway design standards whilst responding to local character and biodiversity considerations, contrary to Uttlesford Local Plan policy GEN1 and paragraphs 92, 110 and 112 of the National Planning Policy Framework. Statement of Reason.

Inspector Hunt goes on to state in her 'Statement of Reasons'.

89. In view of the limitations to such benefits, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole. As such, the proposal does not benefit from the presumption in favour of sustainable development set out in the Framework.

Conclusion

90. The applicant has failed to demonstrate that there would not be harmful effects on the character and appearance of the area and setting of the protected lane as a non-designated heritage asset (specifically including its effects during hours of darkness and removal of vegetation), and there is a lack of an agreed scheme to secure safe pedestrian and cycle access to and from the site. This conflicts with the Local Plan and the policies within the Framework when taken as a whole. The application should therefore be refused for the reasons set out above.

No mitigation has come forward to address the points raised by Inspector Hunt, as access to the front of the site is unlit and unsafe for all pedestrians and cyclists. The access is on a 'protected lane', with village green verges with no pavements or footpaths of any description.

Drawing A10 (A.10 - WH202.WST.P1.ZZ.DR.PL.10.06 - Masterplan-MASTER PLAN - BOUNDARY TREATMENT) appears to show a boundary which includes land outside the ownership of the applicant. The diagram appears to include 'village greens' as well as the frontage of a neighbouring property and an ancient footpath (byway 25) to the rear. These are clearly not in the ownership of the applicant and is, therefore, confusing.

The 'splay' diagrams(A16) show the removal of hedges and trees that would adversely impact on wildlife. Bat population use hedges as navigation for roosting and feeding purposes. The resultant light pollution would also have a detrimental impact on wildlife.

This development would result in a very visual urbanisation in an open agricultural setting. This would impact on the historic setting as pointed out by previous inspectors. Using modern materials and larger dwellings, which have higher roof lines than almost all the properties along this protected lane, as well as not being of a linear design goes against the recommendation in the Conservation Area assessment. The impact of this development on the setting of the Conservation Area of Smiths Green would be detrimental as highlighted within the 'Conservation Area and Management Plan'(CAAMP) on Page 32, which covers the kinetic views from the North, specifically 'viewpoint number 8'.

The rear access proposed in drawing no A8, appears to show the footpath being constructed of 'self-binding gravel', which, according to the 'Sensory Trust', is not the most suitable material for wheelchair users as this type of surface can be prone to moving and rutting, particularly in the winter months. This type of material can also have a detrimental impact on horses hooves. This will also require ongoing maintenance, for which there has been no provision made.

There is also a lack of clarity as to the lighting scheme, which does not appear to have been assessed by the Ecology Consultant at ECC, for its impact on wildlife.

There also appears to be significant removal of hedges and trees and the infilling of an ancient working ditch, to provide an access route to enable users to get from the site to the footpath. This ancient byway is mentioned in the 'Doomsday book' and has remained predominately untouched since that time. This byway is heavily canopied and is also utilised as a thoroughfare for deer, badgers and other protected species identified in previous ecology findings.

Inspector Susan Hunt has highlighted many impacts that result from this development. Since Inspector Hunt refused this application, Uttlesford now demonstrates in excess of a 5-year housing supply and the adjacent Conservation Area has now been formally adopted.

Maggott's Cottages are on the edge of the 'Smiths Green' Conservation Area and play an important role in the 'Kinetic Views' as identified in figures 2 and 3 of 'Tithe map 1838'. The importance of these views were recognized by the Inspector at Appeal (Ref: APP/C1570/W/22/3291524). The Protected Lane has a strong visual and functional relationship to the surrounding agricultural land and to the small settlements which it connects.

Turning to the design of the scheme, the large houses proposed on the northern boundary, adjacent to Maggott's Cottages (C1,JG01/4D,JG02&JG03/4C,JG04) appear to be overbearing on the neighbouring property, however it is not clear what the ridge heights are as there are no dimensions in the submitted documents. How can we determine a 'full' application when no dimensions are included.

The elevation of property C1,JG01 look directly into the habitable rooms and the amenity space of the neighbouring property.

The 'Boundary treatment' for the 'Northern Boundary' appears confused, as there appears to be no buffer and different materials are being proposed for the boundaries i.e. wire fencing, boarded fencing and two sections that do not describe any materials being used. Please see diagram A10 – Masterplan – Boundary Treatment.

The applicant states that 'bungalows' will be placed at the back of the site, to afford privacy to those properties along Jacks Lane. Why has this same consideration not been afforded to the neighbouring properties at the front of the site on the Northern and Southern boundaries i.e. Woodside and Maggott's Cottages.

There is no mention of how surface water run-off will be managed during construction, or, indeed, following any development. This is particularly important as the properties to the north of the site sit somewhat lower in the topography.

There is no mention of how wastewater treatment is to be managed on site, as there is no mains connection. All properties in this location of Warish Hall Road have private septic tanks.

There is also no detail of the Sub Station, this would need to be provided to ensure that any noise is suitably suppressed.

In summary, this application, although a 'full' application, is missing many key details and the applicant has failed to demonstrate why this development needs to be in this location.

I have also included my previous comments, from the previous S62A application, below, as they are still both material and relevant.

As a resident living in Takeley I am aware of the huge increase in traffic, through various developments along the main road (B1256), which I understand, is an emergency backup to the A120, should there be a major incident.

Development in this location will have a detrimental impact on the protected lane but will also have a significant impact at the junction of Smiths Green and the B1256, causing further congestion.

The Warish Hall Road has various listed buildings and a Grade 1 listed monument and, as a road, has remained almost unchanged for hundreds of years, with a backdrop of ancient woodland, a protected lane all within an agrarian landscape. I believe this to be the only such setting in Essex to have all these features along one small stretch of road. It is important we protect such rare settings.

It remains a 'much loved' local amenity space. I believe that this historic setting should be preserved for future generations.

There is an abundance of flora and fauna along these wonderful verges and hedges, which provide much needed habitats for all kinds of wildlife. Locally, bats, deer, insects, birds and protected reptiles have all been acknowledged in an ecology report conducted by Uttlesford District Council for

a previous application that was refused by the Inspector at appeal. We should, surely, be trying to preserve these diminishing rural spaces.

It should also be noted that this protected lane is also used by the last remaining farmer in Takeley and is in constant use by farming vehicles for agricultural use in the fields either side of this single track lane.

For all these reasons I object to the application, which is trying to put a small housing estate on a country lane, which is out of keeping with this rural landscape and would be totally inappropriate and dangerous, as there are no pavements or any street lighting.

Mrs D Bagnall

██████████

██████████