



Phase 2

Planning Statement

Revised Proposal Following Refusal of UTT/21/0885/FUL for Single Dwelling

Land at Millers Brewers End Dunmow Road Takeley CM22 6QL

On Behalf of

JGL Construction and Development Ltd

October 2023

Our Ref: C23063

Phase 2 PLANNING & DEVELOPMENT LIMITED

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Quality Assurance

Site Name: Land Adj Millers, Takeley

Client Name: JGL Construction

Type of Report: Planning Statement

Author	Initials	Date
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Reviewed	Initials	Date

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Appendix 1 – Pre-Application Response

1. Introduction

1.1 This Planning Statement has been prepared by Phase 2 Planning and Development Ltd on behalf of JGL Construction and Development Ltd, hereafter referred to as the applicant, in support of a full planning application to erect a new dwellings adjacent to Millers in Brewers End, Takeley, Essex.

1.2 The description of development is as follows:

Erection of Single Chalet Style Dwelling (Revised Proposal Following Refusal of UTT/21/0885/FUL) for Single Dwelling

Purpose and Structure of this Report

1.3 The purpose of this report is to draw together the main planning issues in the consideration of this proposal.

Planning Application Documents

1.4 The submitted plans forming part of this application submission have been prepared by BRD Tech Ltd and comprise:

- BRD/23/022/001 Site and Location Plans
- BRD/23/022/002 Plans and Elevations
- BRD/23/022/003 Existing and proposed Site Sections

1.5 In addition, a number of supporting documents have been prepared in support of this planning application which comprise the following:

1. Heritage Statement by RG
2. This Planning Statement – Phase 2 Planning.

2. Site and Surroundings

- 2.1 The application site is located at Millers in Brewers End Takeley, which fronts on to Dunmow Road (B1256), but can also be accessed from Church Lane. The site is adjacent to Windmill Cottage. The land is undeveloped and has a number of perimeter trees, none of these are protected or individually of any importance. The site is bound on both the east and the south by residential development, with agricultural land to the north and west. Further new large scale residential development is found on the other side of Stortford Road. This new development also provides a direct footpath link on to the Fritchway bridleway.
- 2.2 The majority of the site itself is currently enclosed by hedging to all sides. This section of Takeley, along the north side of Stortford Road consists of detached and semi detached linear development, with some backland development and more recently, immediately opposite Church Lane, is a high density more 'estate' layout of residential dwellings.
- 2.3 The site is considered to be in a sustainable location, this is presumably common ground between the Council and the applicant given the recent planning approvals in the vicinity. Takeley is also proposed to receive new housing allocations of 1636 dwellings in the proposed Regulation draft of UDC's Local Plan, which is addressed later in this Statement.

3. Planning History

- 3.1 The site has been the subject of 2 recent applications for residential development as highlighted above, and which will be referred to below.
- 3.2 However, it will be noted that since the last application on the subject site, the following applications have been determined on the site of the adjacent farmhouse:

Proposed outbuilding for ancillary use as gym and home office to replace previously approved cart lodge under application: UTT/12/5511/FUL

Millers Brewers End Dunmow Road Takeley Bishops Stortford
Hertfordshire CM22 6QL

Ref. No: UTT/21/2801/LB | Received: Wed 08 Sep 2021 | Validated: Thu 09 Sep 2021 | Status: Approved

Proposed outbuilding for ancillary use as gym and home office to replace previously approved cart lodge under application: UTT/12/5511/FUL

Millers Brewers End Dunmow Road Takeley Bishops Stortford
Hertfordshire CM22 6QL

Ref. No: UTT/21/2800/HHF | Received: Wed 08 Sep 2021 | Validated: Thu 09 Sep 2021 | Status: Approved

- 3.3 These will be referred to below.

4. The Proposed Development

4.1 This proposal is to revert to a single dwelling, set back further into the site, and of more modest proportions than the withdrawn 20-1413/FUL.

4.2 The scheme was the subject of a pre-application request earlier this year, the response to which is attached as appendix 1 to this Statement. This confirmed that:

“Design, Layout, Scale, Appearance and Amenity (Policy GEN2 and NPPF) Two dwellings were considered to be acceptable in the refused application and as such, a single dwelling would not be considered to be detrimental to the locality or amenity in this instance.

Highways and Transport Any submitted planning application would need to be determined considering the comments from the Highways Authority, Essex County Council.

Ecology The adopted validation process of the planning applications requires a biodiversity checklist to be submitted with the application.

Environmental Health impact As part of any submitted application proposal, the Environmental Health Officer will be consulted and whilst reviewing the proposals, may propose conditions to make the proposal acceptable to safeguard the amenity of adjacent neighbours.

Landscaping A full arboricultural survey should be undertaken at an early stage to establish the quality and retention-position of important trees or any other proposed trees.”

4.3 These will be discussed in section 6, in addition to comments from ECC Place Services and the the response of officers.



5. Planning Policy

- 5.1 The statutory Development Plan for Uttlesford provides the local policy framework for the District. In this case the Saved Policies of the Uttlesford Local Plan (ULP) (2005), provides the basis for all planning decisions within the district. It contains policies relating to the location of development and protection of environmental features.
- 5.2 Although there have been 2 withdrawn versions of the Replacement Local Plan, the current draft is at an early stage and carries little weight, as policies and proposals have yet to be consulted on. A Regulation 18 draft has been released and is at the time of writing going through its Committee stages before being released for consultation.
- 5.3 The starting point in this application is that the proposal cannot be tested against a fully up-to-date Local Plan, as demonstrated above. The existing Local Plan is dated and had an end date for housing allocations of 2011. The emerging Local Development Plan will be adopted in 2025/26 at the earliest given its protracted genesis and there will still be a time lag before new allocations can be converted in to planning permissions and then housing on the ground.
- 5.4 As such the presumption in favour of a grant of planning permission applies in this case for a variety of reasons:
- the inadequacy of the 5 year supply;
 - 'absent' provision in Saved Local Plan policies for provision of housing post 2011;
 - Out of date policies relating to development outside development limits.
- 5.5 As a consequence, the tilted balance should be applied, and that planning permission should be granted in accordance with paragraph 11 of the NPPF which requires the decision maker to grant planning permission, unless, having undertaken a balancing exercise there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.

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- 5.6 The Council’s position set out in December 2022 is that it had a supply of 4.89 years. More recently, the Council have indicated that this has risen to 5.14 years. However, in a subsequent appeal decision the Inspector determined that the deliverable housing supply was closer to the 4 years submitted by the appellants (Helena Romanes hearing decision). As such we consider the housing supply is still less than 5 years, despite the fact that this is largely irrelevant due to the Plan being out of date, and the titled balance still therefore applies.
- 5.7 In this regard the following section will set out the justification for the proposals within this context.
- 5.8 The pre-application response, despite quoting policies S7 and S8, states that ***“The principle of the proposal has been deemed acceptable when the planning application UTT/21/0885/FUL was refused permission.”***
- 5.9 However, it goes on to summarise the response from ECC Place Services, which identifies that the proposal would represent:
- “a low level of less than substantial harm to significance in terms of the National Planning Policy Framework (NPPF, 2021), and making paragraph 202 relevant. I am satisfied that there would be no harm arising to the setting or significance of the Grade I listed church arising from this proposal, due to the distance and degree of physical separation from the site as well as intervening trees and foliage.”***
- 5.10 Para 202 of the Framework makes clear that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Clearly the need for housing should be part of the assessment of benefits of the scheme.

5.11 Despite this, the pre-application response simply states that as a consequence of the low level of less than substantial harm, the application would be refused, without undertaking any assessment of the benefits of the scheme.

5.12 This will be examined in the following section.

6. Consideration of the Main Issues

- 6.1. Matters of principle and detailed issues from the pre-application response have been summarised in previous sections. However, this section will detail the case for permitting the application proposals, under the following headings.

Principle

- 6.2. Given the low level of harm identified by ECC Place Services, coupled with the lack of detailed constraints raised by the pre-application response, together with an acknowledgement that the new dwelling is acceptable in principle, it is clear that any harm would be limited and would not outweigh the significant public benefits to permitting a new home on this site, given the tilted balance. Therefore, the application of paragraph 11(d) of the NPPF amounts to a clear and powerful material consideration, which amply justifies determining this scheme.
- 6.3. In addition, there will be considerable local direct economic benefits from the development. Therefore, any harm is certainly not of a degree of significance so as to outweigh the clear benefits in relation to sustainable development, which the proposals would provide. The proposal satisfies the 3 dimensions of sustainable development in terms of its economic, social and environmental objectives and therefore the development is acceptable in principle.

Other Matters

- 6.4. As set out above, there was a previous refusal 21/0885/FUL the issues raised in which are addressed below, showing the change in circumstances that justifies the application.

Reason 1: less than substantial harm to the significance of the listed building to the character and historic importance of the host Grade II heritage assets and their setting.

6.5. The response from Place services to the previous application dated 12-5-21, stated that:

“The application site is undeveloped land within the curtilage and garden of Millers Farmhouse, which positively contributes to the setting, experience and appreciation of the historic farmstead and the heritage assets set within the wider agrarian context. The creation of a pair of semi-detached dwellings in this location would inevitably have an impact upon the setting and thus the significance of the heritage assets. The Grade I listed Church of the Holy Trinity should also be included given the shared glimpsed views between the site and the heritage asset”.

6.6. It should be noted that the above approvals to the adjacent listed building have been implemented, such that the visual relationship between the pre-application land and the listed building has been all but removed, with a fence constructed between the site and the farmhouse. It has also been acknowledged in the latest pre-application response that there is no relationship between Church and site.

6.7. Similarly, the surrounding context is not seen as agrarian as the site is well screened from surrounding viewpoints.

6.8. Despite this, the design of the dwelling is such that it is one and a half storey, and appears subservient to the listed farmhouse, despite the newly constructed intervening development. It has also been set back into the plot to limit its impact, and also behind a line drawn between the farmhouse and Church, without prejudice to the fact that there is no visual relationship between the 2.

Reason 2: intensification of the use of Church Lane / B1256 Dunmow Road junction

Reason 3: limited places to pass.

6.9. At the time of previous applications, Church Lane was no more than a track which led up to the Church. Since the refusal, it has been resurfaced and widened. In addition, the application drawings show new passing places.

Reason 4: in adequate visibility splays from the site access onto Church Lane.

Reason 5: lack of access wide enough/materials

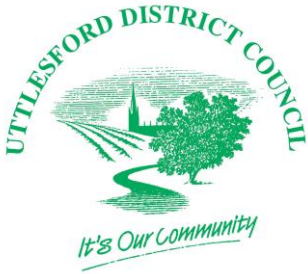
6.10. This has been addressed within the new plan.

7. Summary and Conclusions

- 7.1 Given the above, the only objection raised by officers is the quoted low level of less than substantial harm to the listed building. Taking the clear need for the tilted balance to be applied, together with the guidance of para 202 of the Framework, it is concluded that the proper balance has not been applied in the pre-application response, and if it had it would have clearly determined that the proposals should be permitted.
- 7.2 As a consequence, the District Council are respectfully requested to receive this application favourably, and to grant full planning permission in due course.

APPENDIX 1

UDC Pre-Application Response



UTTLESFORD DISTRICT COUNCIL

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

Developer
Address
Etc

08/09/2023

Your ref:

Our ref: **UTT/23/1341/PA**

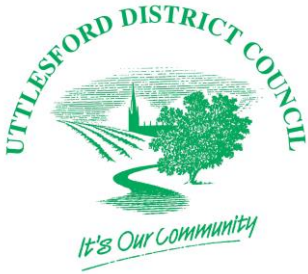
Please ask for: Michael Akinola

Dear JGL Construction Ltd

Pre-application Planning Advice Note

Further to your request for pre-application planning advice, I have set out officers' response below.

Yours sincerely.



UTTLESFORD DISTRICT COUNCIL

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Pre-application Planning Advice Note

Site Address: Millers, Brewers End, Dunmow Road, Takeley, Bishops Stortford, Hertfordshire, CM22 6QL

Proposal: seeks advice for the erection of 1 dwelling - Revised Proposal Following Refusal of UTT/21/0885/FUL

Documents submitted: location plan and site plan, floor plans and elevations.

Meeting Date: by officer and Conservation Officer (Caroline Sones)

Applicant Team: Phase 2 Planning and Development Ltd (applicant)

Council Officers: Michael Akinola (Senior Planner)

Summary of Officers' Advice

The principle of development is considered to be acceptable. However, it is considered that the proposal results in less than substantial harm due to the change in land use and character that would arise from such a development. However, the proposal is not considered to impact upon residential amenity and further assessment and information may be required in the context of ecology and highways.

The comments are views of the officer, and the applicant can submit a full application at their own discretion. This application is assessed based on the plans submitted.

Constraints of the Site:

Outside development limits
Within 2km of S.S.S.I
Within 6km of Airport
Archaeological Site - 4597
Listed buildings

National Policy

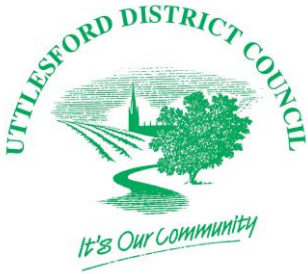
- National Planning Policy Framework (NPPF) September 2023

Uttlesford Local Plan Policies

- S7 - The Countryside
- S8 - The Countryside Protection Zone
- H4 - Backland development
- ENV2- Development affecting Listed Buildings
- GEN1 – Access
- GEN2 – Design
- GEN4 – Good Neighbourliness
- GEN8 – Vehicle Parking Standards

Supplementary Planning Documents (SPD)

- The Essex Design Guide
- Essex County Council Parking Standards



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Relevant Site History

- UTT/21/0885/FUL – Erection of a pair of semi detached dwellings and associated works – Refused

Detailed Considerations

Proposal and Context

The proposal relates to the erection of 1 dwelling - Revised Proposal Following Refusal of UTT/21/0885/FUL.

The site is roughly rectangular parcel of land that currently forms part of the garden of 'Millers' and is located to the north of the Listed Building.

Principle of Development & Land Use

The principle of the proposal has been deemed acceptable when the planning application UTT/21/0885/FUL was refused permission.

Listed property (ULP Policy ENV1 & ENV2);

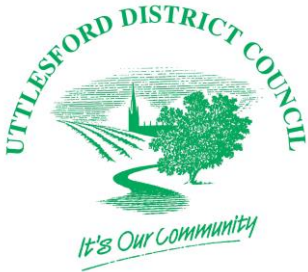
Section 66 (1) and 72 (1) of the planning (Listed Building and Conservation Areas) Act 1990 require LPA in determining planning applications affecting Conservation Area to pay special attention to the desirability of preserving or enhancing the character or appearance of that Conservation Area and listed building or its setting.

Para 195 of the NPPF requires LPA to identify and assess the particular significance of any heritage asset that may be affected by the proposal (including any development affecting the setting of a heritage asset). Paragraphs 201 and 202 require LPA to assess whether there is substantial harm, less than substantial harm or no harm to the heritage asset.

In regard to the significance of the heritage asset, the place service Conservation officer describe the "*land which is the subject of this pre-application is located in proximity to the north (rear) of Millers, a Grade II listed early nineteenth century two storey farmhouse (List entry number: 112242). Adjacent is the Stable to east of Millers, also Grade II listed (List entry number: 1112201). At a greater distance to the north of the site is the Grade I listed, Church of the Holy Trinity (List entry number: 1168843).*

There have been two previous applications for the development of this site in recent years: for a pair of semi-detached dwellings and associated works (UTT/21/0885/FUL) which was refused for reasons including harm to the setting and significance of the Grade II listed buildings, and for a large single dwelling with cartlodge and associated works (UTT/20/1431/FUL) which was withdrawn. The Ordnance Survey map published in 1897 shows the site as an orchard directly associated with the historic farmstead".

In regards to the proposal they note "*the construction of a large cartlodge on the northern boundary of the property neighbouring Millers but although this is an intervening built form I do not consider this blocks all intervisibility between the site and the listed Millers farmhouse nor severs its relationship with the development site. The subdivision of the historic farmyard has already detrimentally affected the ability to understand the historic functional relationship between the farmhouse and farmstead. However, in line with Historic England guidance,*



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where the significance of a heritage asset has been compromised in the past by unsympathetic development, consideration still needs to be given to whether additional change will further detract from or can enhance the significance of the heritage asset.

I note the revised proposal is for a single detached dwelling rather than a pair of semi-detached houses, but the impact on the setting of the Grade II listed buildings would materially remain as set out in our previous response quoted from above, representing a low level of less than substantial harm to significance in terms of the National Planning Policy Framework (NPPF, 2021), and making paragraph 202 relevant. I am satisfied that there would be no harm arising to the setting or significance of the Grade I listed church arising from this proposal, due to the distance and degree of physical separation from the site as well as intervening trees and foliage.

I think it unlikely that the introduction of any form of dwelling on this site would not result in a level of less than substantial harm to the significance of Millers and the listed former Stable due the change in land use and character that would arise from such a development and the associated environmental factors set out above”.

As such, the proposal would still be refused if it came in as submitted.

Design, Layout, Scale, Appearance and Amenity (Policy GEN2 and NPPF)

Two dwellings were considered to be acceptable in the refused application and as such, a single dwelling would not be considered to be detrimental to the locality or amenity in this instance.

Highways and Transport

Any submitted planning application would need to be determined considering the comments from the Highways Authority, Essex County Council. If you would like to obtain pre application advice from the Highway Authority, please contact the strategic Development Officer at Essex County Council Tel: 03330 130588 or by email on Development.Enquiries@essex.gov.uk

Ecology

The adopted validation process of the planning applications requires a biodiversity checklist to be submitted with the application, this will help indicate whether further survey is required. Subject to the outcome of the validation checklist, an ecological appraisal may be required. You may wish to commission protected species surveys to prevent any delays should evidence of species be found on the application site.

Environmental Health impact

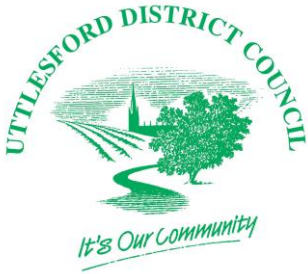
As part of any submitted application proposal, the Environmental Health Officer will be consulted and whilst reviewing the proposals, may propose conditions to make the proposal acceptable to safeguard the amenity of adjacent neighbours.

Landscaping

A full arboricultural survey should be undertaken at an early stage to establish the quality and retention-position of important trees or any other proposed trees.

Information required for planning application submission:

1. Standard application form



UTTLESFORD DISTRICT COUNCIL

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2. Location plan on an up to date map at an identified standard metric scale (typically 1:1250 or 1:2500 to fit onto A4 or A3 paper) with the red line including all land necessary to carry out the proposed development and blue line for any other land owned by the developer
3. Site plan – direction of North, proposed development in relation to the site boundaries with written dimensions (and public rights of way, trees, hard surfacing and boundary treatment where relevant) typically 1:500 or 1:200
4. Ownership certificate and notices and agricultural land declaration
5. Fee
6. Fully annotated and scaled (1:50 or 1:100) drawings showing, floor plans, elevations of the existing and proposed buildings as well as drawings showing site sections and a 'streetscene elevation' showing the relationship with the neighbouring buildings.
7. 'Determining whether an application is CIL liable' form and plan or drawing showing any chargeable development and gross internal area in square metres on each plan
8. Environmental Statement (Ecology report if required)
9. Design and Access Statement
10. Planning Statement (adequately demonstrating accordance with the key planning principles and policies).
11. Visibility splay, parking and turning.

Conclusion/Without prejudice

This advice is given at officer level and does not form a formal response or decision of the council with regard to future planning application(s) or other formal approaches. The views expressed above are given in good faith, to the best of ability, and without prejudice to the formal consideration of any future planning application, which will be subject to formal consultation, representation from neighbouring properties and ultimately decided on by the council. However, as submitted, the proposal would be refused should an application be forthcoming.



Phase 2

PLANNING &
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