



# Uttlesford District Council

Chief Executive: Dawn French

## Planning

**Date:** Wednesday, 05 April 2017  
**Time:** 14:00  
**Venue:** Council Chamber  
**Address:** Council Offices, London Road, Saffron Walden, CB11 4ER

**Members:** Councillors R Chambers, J Davey, P Fairhurst, R Freeman, E Hicks, J Lodge, J Loughlin, A Mills, V Ranger (Chairman), H Ryles.

## AGENDA PART 1

### Open to Public and Press

- 1 Apologies for absence and declarations of interest**  
To receive any apologies for absence and declarations of interest.
  
- 2 Minutes of the previous meeting** 5 - 8  
To consider the minutes of the meeting held on 8 March 2017
  
- 3 UTT-16-3566-FUL - Stansted Airport Terminal** 9 - 28  
To consider application UTT-16-3566-FUL
  
- 4 UTT-16-3669-OP - Land Adj to Great Hallingbury Manor, Great Hallingbury** 29 - 50  
To consider application UTT-16-3669-OP
  
- 5 UTT-16-3255-FUL - Little Maypole, Thaxted** 51 - 70  
To consider application UTT-16-3255-FUL

<b>6</b>	<b>UTT-17-0216-FUL - Land at Wood End, Widdington</b> To consider application UTT-17-0216-FUL	71 - 80
<b>7</b>	<b>UTT-16-3634-HHF- 5 Whitegates, Holders Green Road, Lindsell</b> To consider application UTT-16-3634-HHF	81 - 84
<b>8</b>	<b>UTT-16-3635-HHF - No. 3 Bentall, Willows Green, Main Road Felsted</b> To consider application UTT-16-3635-HHF	85 - 88
<b>9</b>	<b>UTT-17-0167-HHF -12 Cromwell Road. Saffron Walden</b> To consider application UTT-17-0167-HHF	89 - 92
<b>10</b>	<b>Chief Officer's Report, Appeals Chart</b> To consider the Chief Officer's Report	93 - 98

## **MEETINGS AND THE PUBLIC**

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The agenda is split into two parts. Most of the business is dealt with in Part 1 which is open to the public. Part II includes items which may be discussed in the absence of the press or public, as they deal with information which is personal or sensitive for some other reason. You will be asked to leave the meeting before Part II items are discussed.

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**PLANNING COMMITTEE held at COUNCIL OFFICES LONDON ROAD  
SAFFRON WALDEN at 2pm on 08 March 2017**

Present: Councillor V Ranger (Chairman)  
Councillors R Chambers, J Davey, P Fairhurst, R Freeman, E  
Hicks, J Lodge, A Mills and H Ryles.

Officers in attendance: A Bochel (Democratic Services Officer), N Brown  
(Development Manager), P Snow (Democratic and Electoral  
Services Manager), K Denmark (Development Management  
Team Leader), B Ferguson (Democratic Services Officer),  
Elizabeth Smith (Temporary Legal Officer) and C Theobald  
(Planning Officer).

The Democratic and Electoral Services Manager introduced Alistair Bochel and  
Ben Ferguson as new members of the democratic services team.

**PC52 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

An apology for absence was received from Councillor J Loughlin.

*Councillors Freeman and Fairhurst declared a non-pecuniary interest as  
members of Saffron Walden Town Council.*

*Councillor Mills declared a non-pecuniary interest as he knew the applicants for  
item 7 on the agenda (application UTT/16/3062/HHF).*

**PC53 MINUTES**

The minutes of the meeting held on 8 February 2017 were approved and signed  
by the Chairman as a correct record.

**PC54 CHIEF OFFICER'S REPORT, UTT/15/3537/FUL SAFFRON WALDEN**

UTT/15/3537/FUL; Residential development of five houses with  
garages/carports and removal of remaining bridge abutment, Goddards Yard  
(Phase II) Thaxted Road, Saffron Walden.

The Development Manager recommended agreeing a Deed of Discharge  
removing the Section 106 Obligation concerning affordable housing  
contributions attached to this permission in the light of Government changes to  
National Planning Practice Guidance confirming that contributions should not be  
sought from developments of ten units or less.

He explained that, at the time the permission was granted, a legal challenge  
had been made to the change to the NPPG issued by written Ministerial  
Statement on 28 November 2014 so the change to the guidance had not come  
into effect. A Court of Appeal decision in May 2016 had now reinstated the  
change announced in November 2014 giving legal effect to the amended  
guidance. As the development had not commenced, the applicants had

requested reconsideration of the Section 106 Obligation as they were fully entitled to do.

Councillors Freeman, Fairhurst and Lodge all expressed reservations about the removal of the affordable housing obligation on the grounds that it was wrong to remove retrospectively conditions correctly applied at the time.

The Temporary Legal Officer clarified that the Court of Appeal decision required the Council to remove the Section 106 obligation as the development had not commenced. The Development Manager confirmed that this was the only application affected by the Court of Appeal ruling and would not have widespread repercussions for other permissions granted.

The recommendation to allow a Deed of Discharge was then proposed and seconded and agreed following a vote.

RESOLVED to allow a deed of discharge removing the requirements of the Section 106 Obligation concerning affordable housing contributions on planning permission UTT/15/3537/FUL dated 12 July 2016.

**PC55 UTT/16/3255/FUL THAXTED**

Application for the construction of 9 dwellings with associated parking and landscaping – Little Maypole, Thaxted.

RESOLVED that the following application be deferred.

**PC56 UTT/16/3549/FUL – BROXTED**

Application for the demolition of sections of former hotel and outbuildings, the conversion of former barn and modern extension to 3 dwellings, conversion of former staff dwelling to 1 dwelling, restoration and conversion of Church Hall and Brewhouse to 3 dwellings with new cart lodge, extension to the western section of the former hotel and conversion to 1 dwelling with new cart lodge, alteration to the rear driveway and erection of 2 dwellings with cart lodges, erection of open cart lodging and storage areas and associated landscaping, alterations to vehicular and pedestrian access - Whitehall Hotel, Church End, Broxted for Mr B Martin.

RESOLVED that the application be approved subject to the conditions in the report.

It was also agreed to amend condition 3 and to include an informative note – that the open-space should be protected in any future planning decisions to retain the character of the building.

*The Chairman recorded the Committee's thanks to Mr Martin for providing access to the site.*

**PC57 UTT/16/3550/LB - BROXTED**

Application for the demolition of sections of former hotel and outbuildings, the conversion of former barn and modern extension to 4 dwellings, conversion of former staff dwelling to 1 dwelling, restoration and conversion of Church Hall and Brewhouse to 2 dwellings with new cart lodge, extension to the western section of the former hotel and conversion to 1 dwelling - Whitehall Hotel, Church End, Broxted for Mr B Martin.

RESOLVED that the application be approved subject to the conditions in the report.

PC58

**UTT/16/3062/HHF - HIGH EASTER**

Application for the proposed construction of a retractable swimming pool enclosure over an existing pool - Pentlow End, Slough Road, High Easter for Mr B Littler

Referred to Committee by Councillor S Barker if recommended for refusal for the following reasons: A swimming pool cover at this height will not be visually intrusive in the countryside, there is no effect on neighbours, the installation will enable the pool to rely solely on solar panel heating and the use of oil will be eliminated saving carbon emissions.

RESOLVED that the application be approved as it was not detrimental to the listed building and was environmentally safer, and subject to a condition to place a time limit on the commencement of the development.

*Mr Littler spoke in support of the application.*

The meeting ended at 3.06 pm





**UTT/16/3566/FUL – TAKELEY**

**MAJOR**

**PROPOSAL:** A dedicated terminal facility for arriving passengers (34,384sqm); an associated forecourt; and altered access and service roads

**LOCATION:** Proposed Terminal at Gorefield Road, Stansted Airport, Takeley

**APPLICANT:** London Stansted Airport Limited

**AGENT:** Mr A Andrew

**EXPIRY DATE:** 23 March 2017

**CASE OFFICER:** Karen Denmark

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**1. NOTATION**

1.1 Within Stansted Airport Development Limits, Policy Area AIR1.

**2. DESCRIPTION OF SITE**

2.1 The application site is located to the east of the terminal building and to the west of the Radisson Hotel. It covers approximately 1.8ha and is predominantly brownfield land. The site includes an area of car parking, service road (Gorefield Road), contractors parking, waste storage facilities and contains a bus loop and passenger arrivals gate. To the north west is the TTS track and maintenance bay and to the south east is the forecourt and surface access structure associated with the terminal. There is a band of planting separating the forecourt and the site and the hotel.

**3. PROPOSAL**

3.1 The proposal relates to the erection of a dedicated arrivals terminal with associated forecourt, alterations to access and service roads. Gorefield Road is proposed to be realigned to continue to provide emergency and service vehicle access to the terminal and train station.

3.2 The proposed terminal building is designed as a contemporary response to the existing terminal. It would be a rectangular structure having a length of 146m and a span of 101m. It would be a subservient structure to the terminal and have a height of 20m, in comparison to the terminal's height of 24m.

3.3 The proposed arrivals building will function over 3 levels, facilitating three separate arrivals processes for international, common travel area (CTA – passengers from the UK, Ireland, Isle of Man, Channel Isles) and domestic passengers. The Ground level is to provide a domestic arrivals gate and baggage reclaim hall and the baggage handling facilities; the mezzanine level will accommodate Customs and the baggage reclaim hall for international and CTA arrivals; and Border and Immigration facilities to be provided at the higher Concourse level.

3.4 The proposed development would provide new floorspace, comprising:

<b>Arrivals Building Floors</b>	<b>Area (Gross External)</b>
<i>Ground Level</i> (Baggage factory and domestic passenger arrival gate and baggage reclaim)	13,278m <sup>2</sup>
<i>Mezzanine Level</i> (International and CTA baggage reclaim hall, Customs, and meeting hall)	14,900m <sup>2</sup>
<i>Concourse Level</i> (Immigration for international terminating passengers)	6,206m <sup>2</sup>
<b>Total</b>	<b>34,384m<sup>2</sup></b>

- 3.5 The proposal would result in the need to reconfigure the external areas to provide a new dedicated forecourt. This would provide short and convenient level or ramped links to the existing public transport services (train, bus and coach stations and on-airport car parks).

#### **4. APPLICANT'S CASE**

- 4.1 The application is accompanied by the following documents:

Planning Statement  
Design and Access Statement  
Phase 1 Ecology Survey  
Transport Statement  
Flood Risk Assessment  
Archaeological Desk-based Assessment  
Sustainability Assessment

- 4.2 Conclusions of Planning Statement:

The assessment of the planning acceptability of the proposed arrivals building needs to have regard to the following:

- a) The extent of development plan support;
- b) The extent of any conflict with the development plan; and
- c) The extent of any planning benefit.

This statement has undertaken this exercise in detail, assessing each of the individual elements and thus providing the basis for a planning judgement to be taken. The outcome of this exercise is that the proposed development:

- a) Is supported by Policy AIR1 of the Uttlesford Local Plan;
- b) Is compatible with other development plan policies including design, sustainability, accessibility, archaeology, ecology, flood risk and sustainable drainage;
- c) Has no conflict with the development plan; and
- d) Has material benefits identified in the form of improving customer service standards, making best use of existing airport capacity, bring about wider economic benefits and improve the local amenity value of the airport.

In conclusion, the proposed arrivals building is in overall accordance with the development plan. A grant of planning permission for the proposed works detailed in this planning application would therefore be appropriate.

## **5. RELEVANT SITE HISTORY**

5.1 There is an extensive site history in respect of the development of the airport. The two most relevant applications are:

UTT/1000/01/OP: Extension to the passenger terminal; provision of additional aircraft stands and taxiways, aircraft maintenance facilities, cargo handling facilities, aviation fuel storage, passenger and staff car parking and other operational and industrial support accommodation, alterations to airport roads, terminal forecourt and the Stansted rail, coach and bus station; together with associated landscaping and infrastructure. Approved 16 March 2003.

5.2 UTT/0717/06/FUL: Extension to the passenger terminal; provision of additional aircraft stands and taxiways, aircraft maintenance facilities, offices, cargo handling facilities, aviation fuel storage, passenger and staff car parking and other operational and industrial support accommodation; alterations to airport roads, terminal forecourt and the Stansted rail, coach and bus station; together with associated landscaping and infrastructure as permitted under application UTT/1000/01/OP but without complying with Condition MPPA1 and varying Condition ATM1 to 264,000 ATMs. Stansted Airport, Stansted/Birchanger/ Elsenham/ Takeley. Refused 30 November 2006, Allowed at Appeal 8 October 2008.

5.3 The 2001 application included the provision of a two bay extension to the south west elevation of the existing terminal to provide additional capacity to accommodate an uplift in passengers from 15mppa to 25mppa.

5.4 The 2006 application (2008 consent) saw the uplift in passenger numbers from 25mppa to 35mppa. This included broadly the same infrastructure as the 2001 application including the two bay extension to the terminal building. The extension has not been constructed. The 2008 consent has been implemented by work commencing on the extension to the fuel farm.

## **6. POLICIES**

### **6.1 National Policies**

- National Planning Policy Framework (2012)
- Aviation Policy Framework (2013)

### **6.2 Uttlesford Local Plan (2005)**

- S4 – Stansted Airport Boundary
- AIR1 – Development in the Terminal Support Area
- GEN1 – Access
- GEN2 – Design
- GEN3 – Flood Protection
- GEN5 – Light Pollution
- GEN7 – Nature Conservation
- E3 – Access to Workplaces
- LC2 – Access to Leisure and Culture Facilities

## **7. PARISH COUNCIL COMMENTS**

7.1 Does not object in principle. This is a replacement of the 2003 extension and must now expect the 2003 permission to become null and void. All of the planning conditions which were to be triggered by the opening of the terminal extension approved in 2003, will now be triggered by the opening of this new dedicated arrivals building. It is in the public interest for the layout of the pick-up zone and its associated access arrangements to be required to be submitted for approval by UDC and not left to the airports permitted development powers. Proposal fails to provide an adequate drainage strategy. Very concerned about the damaging effects of light pollution given the rural setting/surroundings (Molehill Green, Takeley residents north of B1256). The design of the terminal is such that there seems no adequate mitigation. List of recommendations including:

- Internal lighting should be reflected back into the terminal
- An overhang should be designed to the front of the building to diffuse light
- No additional external lighting to illuminate outside seating/eating area
- Various requirements with regards to accessibility
- More jobs for local people
- Improved night flight restrictions

## **8. CONSULTATIONS**

### **ECC Ecology**

8.1 Recommendations within the Phase 1 Ecology report should be followed. Informative in relation to wild birds.

### **ECC Education**

8.2 As the proposed development's impact has already been assessed as part of an application in 2008, an education contribution based on the non-residential floorspace will not be required.

### **ECC Highways**

8.3 This application is for infrastructure within the airport boundary and does not seek to increase the permitted passenger numbers of 35 million per annum, therefore the impact on the highway has been assessed and mitigation measures approved. The highway authority would want a proportion of the existing section 106 monies brought forward to part fund the proposed capacity improvements to Junction 8 of the M11. It is understood that there are existing mechanisms for doing this and these should be implemented as soon as possible.

8.4 From a highway and transportation perspective the impact of the proposal is acceptable subject to conditions requiring a Construction Method Statement and the updating of the Airport Surface Access Strategy.

### **ECC Flood & Water Management**

8.5 12 January 2017: Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we object to the granting of planning permission due to an inadequate surface water drainage strategy.

- 8.6 6 March 2017: We have received further information from the applicant which provides this Council with an additional opportunity to assess and advise on the proposed surface water drainage strategy. We do not object to the granting of planning permission subject to conditions.

### **Highways England**

- 8.7 Offer no objection.

### **London Stansted Airport (Safeguarding)**

- 8.8 The proposed development has been examined from an aerodrome safeguarding aspect and we subsequently recommend that a condition be attached to any approval granted requiring a Bird Hazard Management Plan. Informative required in relation to Cranes and Tall Equipment.

### **NATS**

- 8.9 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company (NERL) has no safeguarding objection to the proposal.

### **Natural England**

- 8.10 Natural England has assessed this proposal using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which Elsenham Woods SSSI, Hatfield Forest SSSI and High Wood, Dunmow SSSI have been notified. We therefore advise your authority that these SSSIs do not represent a constraint in determining this application. Refer to Standing Advice for protected species.

### **Planning Policy**

- 8.11 This new arrivals building would be an appropriate use of land within the Terminal Support Area to which Policy AIR1 of the adopted Local Plan relates. The new building would be an alternative to the unimplemented 29,000 sqm 2 bay SW extension to the terminal which was originally granted full planning permission as part of expansion to 25mppa in 2003, and subsequently rolled forward into the 35mppa planning permission (UTT/0717/06/FUL – Generation 1) granted on appeal by the Secretary of State in 2008. Generation 1 planning permission has now been implemented solely by virtue of works at the Fuel Farm, but passenger throughput is expected to exceed 25mppa by about April of this year.
- 8.12 When the Generation 1 planning permission was granted, the Secretaries of State imposed conditions limiting passenger throughput and the number of Air Transport Movements (ATMs) to the levels assessed in the Environmental Statement that accompanied the application. Conditions ATM1-4 should therefore be reimposed on any grant of planning permission for the new arrivals building as it is the opening of this building that will not enable expansion beyond 25mppa with the associated uplift in ATMs.
- 8.13 The 2013 Aviation Policy Framework requires that all airport development

proposals are accompanied by clear surface access proposals, and Policy GEN1 of the Local Plan similarly requires clarity, in particular in meeting the needs for people with disabilities. It is somewhat surprising that this application has been submitted with only an overmarked indicative road layout plan rather than fully worked-up proposals. Under the airport's permitted development powers (Part 8 Class A of the General Permitted Development Order, the only condition for the exercise of those powers is that the Local Planning Authority is consulted about the works before they are carried out. The Order is silent on how the authority's views are to be expressed and taken into account although in practice there is likely to be an exchange. In view of the significance of the new building, it is considered that it would be in the public interest for the layout of the pick-up zone and its associated access arrangements to be required to be submitted by condition for approval by the local planning authority and not left to the airport's permitted development rights.

## **9. REPRESENTATIONS**

9.1 This application has been advertised and 22 letters of representation have been received. Notification period expired.

9.2 Letters of support have been received from the following organisations:

- Stansted Airport Chamber of Commerce
- Bishop's Stortford Chamber of Commerce
- Business Stortford
- Essex Chambers of Commerce
- Visit Essex
- Haven Gateway Partnership
- Cambridge Network
- London First
- South East Local Enterprise Partnership
- Ryanair
- Arriva
- National Express
- Greater Anglia (Abellio East Anglia Limited)
- ABTA
- Jet2.com
- Dixons Travel
- Kinetics
- Moneycorp
- Greater Anglia Customer Panel

9.3 General comments include:

- Investment in new terminal facilities important given the need for additional capacity
- Need to make full and efficient use of our airports
- Stansted must have the terminal infrastructure required to allow people, goods and services to enter and exit the country safely and efficiently
- Beneficial to the local economy
- Direct and indirect stimulus to local economy will be of benefit to Uttlesford and beyond
- Airport has opportunity to further develop its business market and attract

- airlines serving destinations further afield
- Needs modern facilities for benefit of its users
- Airport is major employer and extremely important for local economy and generation of future economic growth within Essex and further afield
- Stansted is the largest private sector employment hub in Essex
- Has plans to develop professional and technical skills training with the support of South East Local Enterprise Partnership
- Continued growth of Stansted is important to our businesses, not just in meeting demand for air travel and global connectivity, but also as a major employer, export gateway and source of economic growth in the East of England
- High quality air connections critical to economic health of London, South East and East of England
- Of vital economic importance for London to make best use of its existing aviation assets
- Airports are generally heavily constrained on capacity, but Stansted does have the ability to provide more passenger growth
- London 2036: An agenda for jobs and growth – many priority areas for action relate to making most of existing aviation assets
- Support proposal (but not the excessive cost of these plans)
- Efficient operation at Stansted is critical to Ryanair's on-time performance and long term success
- Support plans to enhance the passenger experience, especially improve the immigration process
- Future growth and development at Stansted Airport will help support the bus services in local area
- Proposals will have a positive effect on the bus network surrounding Stansted Airport
- Last year created two new London-Stansted coach services, adding an extra 5,000 seats per day supported by additional vehicles and drivers, with 23 new driving jobs created
- Delivered £7m worth of investment in new vehicles on Stansted routes since August 2014
- New Arrivals building present an important opportunity to explore further potential service enhancements at Stansted
- Improved capacity at Stansted necessitates more off-peak traffic and our flexible coach network would be well-placed to support this
- Hope the Airport use this development as an opportunity to further increase public transport mode share
- Our service is an integral part of the surface access strategy for Stansted Airport for passengers and airport's employees
- Service has contributed to significant increase in passenger numbers over recent years
- Direct Cambridge service to Stansted Airport opens up the catchment area and provides a cost effective and environmentally friendly option for passengers to travel
- Continued growth and success of Stansted Airport important to our business
- Efficient operation at Stansted is critical to Jet2.com and Jet2holidays long-term success
- Investment will help to cater for growing passenger demand at airport
- One of the attractions of travelling through Stansted Airport is the almost seamless link between the terminal building and the railway station

supporting it

- Current capacity allows 1700 seated passengers an hour travelling to or from London and 400 to or from Cambridge
- Estimated footfall for year ending 31 March 2016 was an increase in 33% on the previous year and 47% on five years previously
- If numbers travelling through airport expand then separation between incoming and outgoing passengers will be vital
- New terminal would mean outgoing passengers will approach station from end of tracks, increasing security

9.4 Letter received from Stop Stansted Expansion raising following points:

- Seek assurance proposed dedicated arrivals building is in lieu of two-bay extension
- Applicant's planning obligations which were to be triggered by the opening of the two-bay terminal extension will now be triggered by opening of the new dedicated arrivals building
- UDC takes advice from professional transport consultants and is satisfied that access to rail, bus and coach services by arriving passengers will not be degraded as a result of there being a dedicated arrivals building
- UDC is satisfied with the aesthetics of the proposed new building which is intended to sit alongside the award winning main terminal building
- Applicant will be required to agree a list of measures with UDC to minimise light pollution from the proposed new arrivals building
- UDC reviews STAL's planning responsibilities and obligations under existing permissions to ensure that their effectiveness would not be impaired by granting permission for this application, and to obtain a renewed commitment from STAL to full and timely compliance with all of its existing planning responsibilities and obligations

9.5 Letter received from Stansted Airport Consultative Committee (STACC) raising following points:

- Support because use of proposed building should considerably enhance the experience of airline passengers and others using the airport
- There is an important lack of precision about the actual passenger capacity of the proposed arrivals building itself and of the extended and enhanced departures building
- Weakens the underpinning argument for the capacity, size and dimensions of proposed building
- Probable increase in 'interlining' passenger numbers where the importance of an easy flow between the new and existing building will become even more pronounced
- Absence of projected numbers as between domestic and international passengers
- Would have been preferable for design to allow new building to fit seamlessly alongside existing terminal
- The nine metre gap between two buildings detracts visually from overall design and risks becoming a 'wind tunnel'
- Stepped frontage might well be a hazard – would be a concern for passengers of restricted mobility (PRMs) and particularly for visually impaired people as no handrails
- Lift sizes may comply with minimum standards set out in Approved Document Part M but will cause considerable inconvenience and irritation



for many passengers including PRMs

9.6 One general letter of representation has been received raising the following points:

- Stansted Airport is an Airport, a place from which and which people and goods depart or arrive by aircraft
- MAG have chosen to change use of terminal to a shopping mall
- 60% of floorspace in existing terminal is dedicated to shopping mall
- Passengers have no choice but to follow the twisting/meandering walkway through it
- Current layout no longer suitable for use for which it was designed
- Unsuitable for business passengers who want to get to departure gate as quickly as possible
- Unsuitable for leisure passengers who have to drag their young families around the torturous route
- Stansted Airport has been turned into an unfriendly and unsuitable place for travelling passengers
- Proposed design is very different compared with the award winning existing building – just another glass wall and should be refused
- Shopping area should be reduced in existing building negating the need for a dedicated arrivals terminal
- Any conditions which were applied when the current terminal was approved must continue until they are fully implemented

## 10. APPRAISAL

The issues to consider in the determination of the application are:

- A Principle of development (ULP Policies S4, AIR1; NPPF; Aviation Policy Framework)
- B Design and lighting (ULP Policies GEN2, GEN5; NPPF)
- C Accessibility (ULP Policies GEN1, E3, LC2; NPPF)
- D Impacts on biodiversity (ULP Policy GEN7; NPPF)
- E Drainage and flooding (ULP Policy GEN3; NPPF)
- F Other material planning considerations

### **A Principle of development (ULP Policies S4, AIR1; NPPF; Aviation Policy Framework)**

10.1 The application site is located within the boundary of Stansted Airport where Policy S4 permits development directly related or associated with the airport to be carried out. Policy AIR1 specifically restricts development to, inter alia, landside road and rail infrastructure and other airside operational uses. The preamble to the policy states that development must respect the integrity of the design of the terminal building.

10.2 The Aviation Policy Framework seeks to set out a strategy for a vibrant aviation sector including making best use of existing capacity to improve performance, resilience and the passenger experience. One of the aims is to improve efficiency at the border. Paragraph 1.72 of the Framework states that the government is committed to “*improve the passenger experience so that we achieve the best possible experience for people visiting or returning to the UK, whilst at the same time maintaining our border security.*”

- 10.3 The Planning Statement sets out an overview of how MAG wishes to deliver its sustainable growth policy. The Airport's Sustainable Development Plan (SDP) 2015 sets out its ambition to make the best and most efficient use of the single runway. This includes extending the network of air services and investing in infrastructure and facilities to create the best possible experience and service for both passengers and airlines.
- 10.4 Passenger numbers have increased by 35% since MAG acquired the airport in 2013. The SDP considers that existing terminal can most efficiently handle around 25mppa. It acknowledges that there is an extant consent for a two-bay extension to the terminal. The SDP also considered alternatives to the extant consent and that some further enlargement of floorspace may be required in order to accommodate operational and airline needs, enhancements to the customer experience and regulatory requirements.
- 10.5 The Planning Statement considers the options of carrying out the extant consent and the benefits of the proposal the subject of this application. The benefits of this standalone proposal are argued as being:
- Enabling much improved environmental performance from the use of new building technology;
  - Providing capability and flexibility to meet peak demands;
  - Provide bespoke facilities for arriving passengers which are adaptable for changing border controls; and
  - Being the least disruptive option to the operation of the terminal during construction
- 10.6 The principle of additional terminal floorspace is already established with the extant consent granted under UTT/0717/06/FUL which permitted a two-bay 29,000sqm extension to the existing terminal. This proposal relates to the construction of an alternative in the form of a standalone, purpose built arrivals building with a floorspace of 34,384sqm, an increase of 5,384sqm.
- 10.7 The proposed increase in floorspace would ensure the terminal facilities could be future proofed to provide for modern technology and the flexibility needed to meet ever changing passenger, airline and regulatory requirements.
- 10.8 Subject to other policy considerations, it is considered that the principle of the proposed new terminal building is acceptable and in accordance with Uttlesford Local Plan Policies S4 and AIR1.

## **B Design and lighting (ULP Policies GEN2, GEN5; NPPF)**

- 10.9 It is proposed that the new terminal would be a rectangular structure having a length of 146m and a span of 101m. It would be a subservient structure to the terminal and have a height of 20m, in comparison to the terminal's height of 24m. There would be an 8m gap between the existing terminal and the proposed new structure, although there would be a link at the rear of the building to allow for connectivity for passengers.
- 10.10 It is not proposed to replicate the design of the existing terminal which is an award winning design by Sir Norman Foster. However, it is proposed to continue the 18m x 18m modular form of the principal terminal. It is proposed the new building would be constructed with an aluminium curtain wall system with clear glazing to the front 15m of the building. The remainder would be constructed with a

proprietary composite insulated metal panel system in grey anthracite. The building would have modular skylights.

- 10.11 In terms of appearance, the proposed building would be appropriate in this location. The scale of the building would be subservient to the main terminal thus reinforcing the prominence of the departures building both in terms of its function and importance in terms of design
- 10.12 The building has been designed using passive energy efficiency measures which seek to maximise solar gain and use of natural daylighting whilst minimising heat gain and losses from air infiltration. It has also been designed around the inclusion of new sustainable technologies and environmental initiatives. Water and waste management are also integral to the design. The use of a standalone building rather than an extension to the 1990's building ensures that better energy efficiency and sustainable design aspects can be achieved.
- 10.13 Policy GEN2 seeks to ensure the proposed development would not give rise to loss of privacy, loss of daylight, overbearing impacts or overshadowing, albeit predominantly concerned with impacts on residential properties. The proposed building would be located adjacent to the Radisson Hotel with a 16m separation distance between the two buildings. The element of the building proposed to be constructed with clear glazing would be approximately 15m forward of the front elevation of the hotel. At ground floor level within the hotel there are restaurants and gym facilities at the western end. Whilst there may be a degree of loss of outlook from the restaurants this would not be so significant as to warrant refusing the application. It must be taken in the context of the setting of an operational airport and the relationship between the two buildings would be appropriate.
- 10.14 Some concern has been raised about the potential for light pollution from the new building given the fact that there is no screen or canopy to the front elevation. No details of lux values or light spill drawings have been supplied with the application. It is considered that the potential for light spillage can be controlled by condition if planning permission is granted for the proposed development. Overall, it is considered the proposed development is in accordance with Uttlesford Local Plan Policies GEN2 and GEN5.

### **C Accessibility (ULP Policies GEN1, E3, LC2; NPPF)**

- 10.15 Policy GEN1 relates to access and this basically covers two separate areas. Firstly, is access to the main road network which must be capable of carrying the traffic generated by the proposal. In addition, the development should encourage movement by means other than the private car. In this instance the principle of the development has previously been granted under UTT/0717/06/FUL, together with the uplift in passenger numbers to 35mppa.
- 10.16 The Transport Statement submitted with the application sets out that currently around 50% of passengers use public transport when accessing the airport. Similarly around 27% of employees also use public transport and a further 5.7% car share.
- 10.17 The improvements to the public transport infrastructure and the necessary mitigation measures and improvements to the road network have already been carried out or are in place with requirements set out in S106 Legal Obligations/Unilateral Undertakings. In view of this the ECC Highways Officer has no objections to the proposals, although they would want a proportion of the

existing section 106 monies brought forward to part fund the proposed capacity improvements to Junction 8 of the M11. The mechanisms are in place to enable this to happen and as such this does not need to be addressed in this application.

- 10.18 With regards to accessibility within the site, Policy GEN1 requires the development to be designed to meet the needs of people with disabilities. Similarly Policy E3 requires developments to include the highest standards of workplace accessibility and inclusion for all people regardless of disability, age or gender. Policy LC2 requires tourist facilities to be inclusive to all.
- 10.19 There are two elements to accessibility within the development site. Firstly there is the accessibility within the building. Secondly, accessibility outside the building and gaining access to onward travel modes including public transport and the private car.
- 10.20 The arrivals building would be set out over three floors which would enable the segregation of passengers and direct them to the facilities that they are required to access. International arrivals would be directed to the concourse level of the building and directed through immigration. From here they would be directed down slopes to a mezzanine level where the baggage reclaim area would be located. It is at this level that passengers would exit the building after passing through Customs.
- 10.21 Passengers travelling within the Common Travel Area would be directed straight to the mezzanine floor to the baggage reclaim and then exit the building after passing through Customs. Domestic passengers would be directed to a lower ground floor level where there would be a separate baggage reclaim area. They would then be directed up to the mezzanine level and exit the building without the need to pass through Customs.
- 10.22 Internal accessibility appears to be relatively good for passengers, particularly those with limited mobility. However, some concern has been raised by STACC about the size of the lifts only being 8 man lifts. It is felt that these would result in possible delays and customer frustration. These comments are noted, but it is also noted that the Design and Access Statement states that *“all lifts will have an internal car size that matches or exceeds the minimum 1100mm x 1400mm (8 persons) in Part M”*. It has been confirmed that the internal specifications for lifts has not yet been set and it is intended that the terminal will be accessible to all.
- 10.23 With regards to accessibility outside the proposed terminal, it is proposed passengers would have direct access to rail, coach and car park facilities. This would be means of steps or ramps which connect to these facilities underneath the existing terminal forecourt. However, full details of these access arrangements have not been submitted with the application as the applicant is relying on their permitted development rights to carry out these works.
- 10.24 Whilst full details of these works have not been given it is intended that there would be access via steps or ramps, thus ensuring all areas are accessible to all. The forecourt area will include the use of tactile and warning surfaces, including slip resistant materials for disabled and wheelchair users, in line with relevant guidance on the use of tactile paving and good contemporary practice for pavements. New signage and lighting will be provided in the area.
- 10.25 The site access will retain the DDA compliant principles of the existing operation and existing stairs, ramps and escalators will be retained, as will existing

pavements, cross overs, dropped and raised kerbs. On balance it is considered that the proposals comply with the relevant policies.

#### **D Impacts on biodiversity (ULP Policy GEN7; NPPF)**

- 10.26 Policy GEN7 seeks to protect biodiversity, both species and habitats. In addition to biodiversity and protected species being a material planning consideration, there are statutory duties imposed on local planning authorities. Section 40(1) of the Natural Environment and Rural Communities Act 2006 states “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.” This includes local authorities carrying out their consideration of planning applications. Regulation 9(3) of the Conservation of Habitats and Species Regulations 2010 requires “A competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive and Birds Directive so far as they may be affected by the exercise of those functions”.
- 10.27 The application is accompanied by a Phase 1 Ecological Survey. This assesses the site, the proposed development and the potential impacts on biodiversity, including potential impacts on nearby SSSIs.
- 10.28 There are no protected habitats within the development site, this being largely brownfield with areas of amenity grassland, rough grassland and ephemeral and short perennial vegetation. There is a patch of ornamental plantation woodland, a short hedgerow and a few ornamental trees within the site, most notably adjacent to the car park and hotel.
- 10.29 There were no protected species recorded on the site. There are no habitats suitable for roosting or foraging bats. However, the site does provide pockets of habitat suitable for nesting birds. The Survey recommends that clearance of these areas is carried out outside the bird breeding season, or after being checked for nests by a suitably qualified ecologist immediately prior to removal. The ECC Ecologist has no objections to the proposals subject to the recommendations of the report being implemented.
- 10.30 With regards to potential impacts on SSSIs, the site is located within the Impact Risk Zone for Elsenham Woods SSSI, Hatfield Forest SSSI and High Wood, Dunmow SSSI. Natural England has been consulted on the proposals and they advise that these SSSIs do not represent a constraint in determining this application. Therefore, the proposals comply with Policy GEN7.

#### **E Drainage and flooding (ULP Policy GEN3; NPPF)**

- 10.31 The application site lies within Flood Zone 1 with a low probability of fluvial or tidal flooding. In terms of surface water flooding, areas in the centre of the site and on the boundary to the north and south are identified as being at risk, and this is classified as high risk. The risk of groundwater flooding is shown as being between 25% to 50% and therefore medium risk.
- 10.32 The proposed development would increase the impermeable area within the airport boundary by 0.43ha. This would increase the surface water runoff rate from 354 l/s for a 1 in 100 year storm at pre-development to 732 l/s for a 1 in 100 year storm including 40% climate change allowance.
- 10.33 The airport has an existing drainage network which manages water across the

site. The proposals would feed into this existing network which has sufficient attenuation capacity to accommodate the estimated runoff from the proposed development. The proposals have been considered by the LLFA who raise no objections subject to conditions. The proposals therefore comply with Policy GEN3.

## **F Other material planning considerations**

10.34 Whilst this proposal is a standalone application for the new terminal building, it is an alternative to a scheme that has the benefit of planning permission. This scheme replaces the element of the extant scheme that triggered the restrictions in respect of air transport movements. Therefore, it is necessary to impose these conditions on this consent.

10.35 The Parish Council has raised the point of requiring improved night flight restrictions. Currently the Government sets the night flight restrictions at Stansted and it has just concluded a consultation on a new regime that would run until 2022. The Council commented on this consultation and is awaiting the outcome. Whilst the Government favours locally negotiated restrictions in the future, this would be an option should a planning application be submitted for expansion beyond 35mppa.

## **11. CONCLUSION**

The following is a summary of the main reasons for the recommendation:

- A The proposed development of a new arrivals terminal is in accordance with Policies S4 and AIR1.
- B The design of the proposed building is considered to be acceptable, subject to a condition requiring the submission of lighting details.
- C The proposals comply with Policies GEN1, E3 and LC2 with regards to accessibility within the building. Whilst full details of the external access arrangements haven't been given, the Design and Access Statement sets out the principles which would be in accordance with the policies.
- D The proposals would not have any adverse impacts on biodiversity or protected species, nor negative impacts on nearby SSSIs. They therefore comply with Policy GEN7.
- E The proposals would not give rise to increased flood risk and comply with Policy GEN3.
- F As an alternative to the extension to the terminal previously granted conditions in relation to air transport measures will need to be imposed on this consent.

## **RECOMMENDATION – APPROVAL WITH CONDITIONS**

### **Conditions**

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

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to the erection of the development hereby approved samples of the materials to be used in the construction of the external surfaces of the development hereby

permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the development in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

JUSTIFICATION: This pre-commencement condition is required to ensure the development can be carried out using materials which are appropriate for this location, thus enabling them to be sourced in good time.

3. No works shall take place until a detailed surface water drainage scheme for the development, demonstrating how it will relate to the existing airport wide drainage system, has been submitted to and approved in writing by the local planning authority. The scheme should be based on sustainable drainage principles and include but not be limited to:
- Agreement of the development's discharge rates in line with existing drainage infrastructure already in place for Stansted Airport
  - Ensuring that the airports existing drainage system has sufficient available storage to ensure that the development does not lead to off airport flooding during all storm events up to and including the 1 in 100 year plus 40% climate change event.
  - Final modelling and calculations for the relevant areas of the drainage system.
  - The appropriate level of treatment for all runoff leaving the development site, in line with the CIRIA SuDS Manual C753.
  - Detailed engineering drawings of the relevant components of the drainage scheme.
  - A final drainage plan for the development site which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
  - A written report summarising the principles of the scheme and to the drainage of terminal building.

The scheme shall subsequently be implemented prior to occupation.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective operation of SuDS features over the lifetime of the development; to provide mitigation of any environmental harm which may be caused to the local water environment, in accordance with Uttlesford Local Plan Policy GEN3 (adopted 2005).

JUSTIFICATION: Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

4. No works shall take place until a Maintenance Plan detailing the maintenance arrangements and activities/frequencies for the development, has been submitted to and agreed in writing by the local planning authority. Subsequently the development shall be carried out in accordance with the Maintenance Plan.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

JUSTIFICATION: Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

5. Prior to the commencement of the development hereby permitted,
  - a) A detailed investigation of that site shall be carried out, the method and extent of which shall previously have been agreed in writing with the local planning authority, to establish the degree and nature of any contamination present and to determine its potential for pollution of the water environment, and
  - b) Details of appropriate measures to prevent pollution of groundwater and surface water of and from that site have been submitted to and approved in writing by the local planning authority. The approved measures shall subsequently be carried out as approved.

REASON: To ensure the development of the site does not result in the contamination of local watercourses and provide mitigation of any environmental harm which may be caused to the local water environment, in accordance with Uttlesford Local Plan Policy GEN3 (adopted 2005).

JUSTIFICATION: Failure to provide the above required information before commencement of works may result in the installation of a system that may increase flood risk or pollution hazard from the site.

6. Prior to the commencement of the development hereby permitted, a written statement providing details of water efficiency measures, including metering, that will be incorporated into the development shall be submitted to and approved in writing by the local planning authority. Subsequently the development shall be carried out in accordance with the approved details.

REASON: In the interests of the promotion of sustainable forms of development and construction and to meet the requirements contained in adopted SPD Energy Efficiency and Renewable Energy Adopted October 2007, and in accordance with Uttlesford Local Plan Policy GEN2 (adopted 2005).

JUSTIFICATION: Failure to provide the above required information before commencement of works may result in a building design which may have to be reconfigured in order to accommodate the necessary measures, resulting in delay to the development.

7. Prior to the commencement of the development hereby permitted, a construction management plan shall be submitted to and approved in writing by the local planning authority. The plan as submitted shall include a) routes to be used by contractors' vehicles moving to and from the site (and the appropriate signing thereof), b) temporary noise protection measures relating to the development, c) management of surface water during construction, and d) construction management proposals (eg hours of working, wheel washing and dust suppression measures). The plan shall subsequently be implemented as approved for the duration of the development being carried out.

REASON: In the interests of neighbours' amenity in accordance with Uttlesford Local Plan Policies GEN2 and GEN4 (adopted 2005).



JUSTIFICATION: Failure to provide the above required information before commencement of works may result in development commencing and resulting in harm to neighbours' amenity.

8. Prior to the commencement of the development hereby permitted, a written statement providing details of waste recycling measures for the development shall be submitted to and approved in writing by the local planning authority. Subsequently, the waste recycling measures shall be implemented as approved.

REASON: In the interests of the promotion of sustainable forms of development and construction in accordance with Uttlesford Local Plan Policy GEN2 (adopted 2005).

JUSTIFICATION: Failure to provide the above required information before commencement of works may result in a building design which may have to be reconfigured in order to accommodate the necessary measures, resulting in delay to the development.

9. Prior to the commencement of the development hereby permitted, a written statement providing details of energy efficiency measures that will be incorporated into the development shall be submitted to and approved in writing by the local planning authority. Subsequently, the development shall be carried out in accordance with the approved details and retained.

REASON: In the interests of the promotion of sustainable forms of development, in accordance with Uttlesford Local Plan Policy GEN2 (adopted 2005).

JUSTIFICATION: Failure to provide the above required information before commencement of works may result in a building design which may have to be reconfigured in order to accommodate the necessary measures, resulting in delay to the development.

10. Prior to the commencement of the development hereby permitted a Bird Hazard Management Plan for the construction of the development shall be submitted to and approved in writing by the local planning authority, in consultation with the Safeguarding Authority for Stansted Airport. The submitted plan shall include, as a minimum, details of the monitoring of any standing water within the site, temporary or permanent.

The Bird Hazard Management Plan shall be implemented as approved and shall remain in place during the construction phase of the development. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the local planning authority, in consultation with the Safeguarding Authority for Stansted Airport.

REASON: It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Stansted Airport.

JUSTIFICATION: Failure to provide the above required information before commencement of works may result in development endangering the safe movement of aircraft and the operation of Stansted Airport.

11. Prior to the commencement of the development hereby permitted, a scheme for the prevention of light pollution and light spill from the terminal building shall be

submitted to and approved in writing by the local planning authority. The scheme shall include measures to cut-off light spill above the horizontal plane. Subsequently, the development shall be implemented in accordance with the approved details.

REASON: A scheme to prevent light pollution is required in order to control light spillage, in accordance with Uttlesford Local Plan Policy GEN5 (adopted 2005).

12. The development hereby permitted shall be carried out strictly in accordance with the recommendations set out in the Phase 1 Ecology Survey.

REASON: In the interests of protecting biodiversity, protected species and habitats, in accordance with Uttlesford Local Plan Policy GEN7 (adopted 2005).

13. ATM1: Subject to ATM2 below, from the date that the terminal hereby permitted opens for public use, there shall be at Stansted Airport a limit on the number of occasions on which aircraft may take-off or land at Stansted Airport of 264,000 ATMs (Air Transport Movements) during any 12 calendar month period, of which no more than 243,500 shall be PATMs (Passenger Air Transport Movements) and no more than 20,500 shall be CATMs (Cargo Air Transport Movements).

ATM2: The limit in condition ATM1 shall not apply to aircraft taking-off or landing at Stansted Airport in any of the following circumstances, namely

- (a) The aircraft is not carrying, for hire or reward, any passengers or cargo,
- (b) The aircraft is engaged on non-scheduled air transport services where the passenger seating capacity of the aircraft does not exceed ten,
- (c) The aircraft is required to land at the airport because of an emergency or any other circumstances beyond the control of the operator and commander of the aircraft, and
- (d) The aircraft is engaged on the Queen's flight, or on a flight operated primarily for the purposes of the transport of government Ministers or visiting Heads of State or dignitaries from abroad.

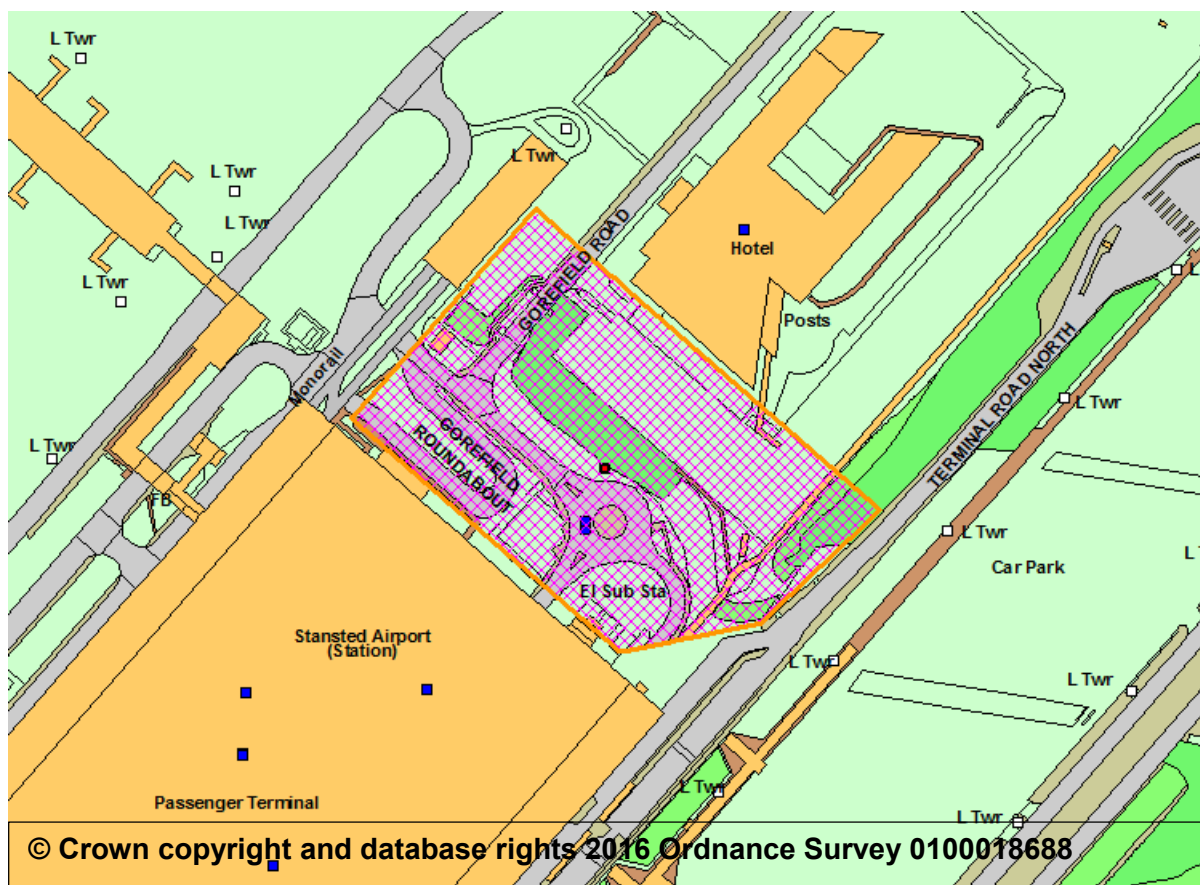
The total number of take-offs and landings by aircraft in categories (a) and (b) above combined shall not exceed 10,000 in any 12 calendar month period.

ATM3: For the purposes of condition ATM2(a) an aircraft is not to be taken as carrying, for hire or reward, any passengers or cargo by reason only that it is carrying employees of the operator of the aircraft or of an associated company of the operator. And for the purposes of condition ATM2(b) an aircraft is engaged in non-scheduled air transport services if the flight on which it is engaged is not part of a series of journeys between the same two places amounting to a systematic service.

ATM4: For the purposes of condition ATM3, a company shall be treated as an associated company of the operator of the aircraft if either that company or the operator of the aircraft is a body corporate of which the other is a subsidiary or if both of them are subsidiaries of one and the same body corporate.

REASON: The Environmental Assessment submitted with application UTT/0717/06/FUL only assessed the environmental impacts of 264,000 ATMs, therefore it is necessary to limit the ATMs to this level to ensure the effects of the development are no more than those assessed.

Application Number: UTT/16/3566/FUL  
Address: Proposed Terminal at Gorefield Road, Stansted Airport



Organisation: Uttlesford District Council  
Department: Planning  
Date: 21 March 2017



## **UTT/16/3669/OP – GREAT HALLINGBURY**

*(Called in by Cllr Keith Artus, Reason: that it is essential for providing both affordable housing and market housing in a village that has been desperate for both types for a considerable time. There is proven need for both).*

**PROPOSAL:** Outline application with all matters reserved for 35 dwellings.

**LOCATION:** Land adjacent to Great Hallingbury Manor, Tilekiln Green, Great Hallingbury.

**APPLICANT:** Mr A Noble

**AGENT:** Phase 2 Planning & Development Ltd

**EXPIRY DATE:** 24<sup>th</sup> March 2017

**CASE OFFICER:** Lindsay Trevillian

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### **1. NOTATION**

1.1 Outside development limits, Countryside Protection Zone.

### **2. DESCRIPTION OF SITE**

2.1 The application site as outlined in red on the submitted location plan is located on the eastern side of Tilekiln Road approximately 680m south east of Dunmow Road (B1256) on the northern outskirts of the village of Great Hallingbury. The site itself is irregular in shape, relatively level and is approximately 19,457sqm or just under 2 hectares in size.

2.2 The site is vacant of any built form and remains as open grassland. Extensive vegetation in the form of hedgerows consisting of a mixture of shrubs and bushes along with a variety of tree species are located along the side and rear boundaries of the site and is particularly dense along the front boundary. There is currently no vehicle access into the site.

2.3 The site is located outside the development limits with Great Hallingbury Manor adjoining the northern boundary. Surrounding the site are large open fields used for agriculture to the south east and west. Hatfield Forest which is located approximately 500m to the east is a SSSI, the M11 motorway is located 1km to the west and Stansted Airport is located 700m to the north.

### **3. PROPOSAL**

3.1 Outline consent is sought for the erection of 35 dwellings with all matters reserved.

3.2 The application is accompanied by illustrative master plan (ref: 2015-105-007-Areas rev F) which illustrates the general layout of the residential scheme that includes the single vehicle access point onto Tilekiln Road, the principle of the road network within the site and the layout and siting of the proposed dwellings. In addition, the layout includes a local open space area centrally positioned within the site and 5535sqm of allotments within the northern eastern corner of the site.

3.3 Although design and appearance is reserved for latter assessment if outline permission is granted, the applicant states within their Design and Access Statement that the proposal would incorporate a range of housing types including one bedroom maisonettes, two and three bedroom bungalows, and two, three, four and five bedroom houses.

3.4 An illustrative breakdown of the accommodation is set out below:

Unit Type	Affordable	Private
1 bedroom houses	2	0
2 bedroom houses	4	0
2 bedroom bungalow	0	2
3 bedroom bungalow	0	3
3 bedroom houses	2	6
4 bedroom houses	0	8
5 bedroom houses	0	8
<b>Total</b>	<b>8</b>	<b>27</b>

3.5 It has been stated that the dwellings would be predominantly two storeys in height with some being three storeys and building styles within the development would range from terrace style buildings, semi-detached and detached buildings that contain different sizes and scale and have an assorted use of externally finishing materials and detailing. In addition, the provision of five bungalows has been provided as part of the development. Each of these dwellings within the development would be provided with off street parking spaces and its own private amenity space.

**4. APPLICANT’S CASE**

4.1 The applicant has provided a Design and Access Statement and a Planning Statement of Conformity in support of a planning application to illustrate the process that has led to the development proposal, and to explain and justify the proposal in a structured way. In addition further information in relation to technical issues such as a Preliminary Ecological Appraisal, a Flood Risk and Suds Statement and a Great Crested Newts Survey, noise survey have also been submitted in support of the proposal.

4.2 The applicant considers that the proposed residential scheme would provide much needed family homes in a sustainable location that would not result in significant harm to the setting of the wider countryside. It is concluded that the proposal accords with policies contained within the Uttlesford District Council’s Local Plan as well as the National Planning Policy Framework.

**5. RELEVANT SITE HISTORY**

5.1 UTT/16/0964/OP - Outline application with all matters reserved for 35 dwellings (withdrawn)

**6. POLICIES**

**6.1 National Policies**

- National Planning Policy Framework

The Aviation Policy Framework (APF)  
Circular 01/03 of the Town Country Planning Act (Safeguarding aerodromes,  
technical site and military explosives storage areas)

## 6.2 Uttlesford Local Plan (2005)

- Policy S7 – The Countryside
- Policy S8 – The Countryside Protection Zone
- Policy GEN1 – Access
- Policy GEN2 – Design
- Policy GEN3 – Flood Protection
- Policy GEN4 – Good Neighbourliness
- Policy GEN6 – Infrastructure Provision to Support Development
- Policy GEN7 – Nature Conservation
- Policy GEN8 – Vehicle Parking Standards
- Policy ENV3 – Open Spaces & Trees
- Policy ENV5 – Protection of Agricultural Land
- Policy ENV7 – Protection of Natural Environment
- Policy ENV10 – Noise sensitive development and disturbance from aircraft
- Policy H9 – Affordable Housing
- Policy H10 – Housing Mix

## 6.3 Supplementary Planning Policy

- SPD Accessible Homes & Play Space
- SPD Renewable Energy
- SPD Parking Standards Design & Good Practice September 2009
- SPD Essex Design Guide
- SPD Developer Contributions Guidance

## 7. PARISH COUNCIL COMMENTS

7.1 Great Hallingbury Parish Council supports the proposed development for the following reasons:

- A precedent has already been set for development within the Countryside Protection Zone.
- The parish council is of the opinion that the provision of this number of new houses in the village would contribute to the housing needed in Uttlesford, and provide housing for first time buyers and those wishing to downsize.
- Where an increase in traffic would be created, much of it would use the access via Start Hill to the M11 or A120, and into Bishop's Stortford, therefore not creating excessive numbers through the village centre.
- The application includes the 'gift' to Uttlesford of 8 Affordable Houses.

## 8. CONSULTATIONS

### ECC Flood and Water Management:

8.1 Objects:-

Having reviewed the drainage strategy and the associated documents which accompanied the planning application, we object to the granting of outline planning permission based on the following:

- 8.2 The Drainage Strategy submitted with this application does not comply with the requirements set out Essex County Council's Outline Drainage Checklist. Therefore the submitted drainage strategy does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

**ECC Highways:**

- 8.3 Objects:-

From a highway and transportation perspective the impact of the proposal is NOT acceptable. As far as can be determined from the submitted plans the required vehicular visibility splays of 2.4m x 120m northbound and 74m southbound cannot be achieved within highway land or land under control of the applicant. The lack of such visibility would result in an unacceptable degree of hazard to all road users to the detriment of highway safety.

**ECC Education:**

- 8.4 No objection-

Essex County Council request that any permission for this development be granted subject to a S106 agreement to mitigate its impact on education. Should the final development result in the suggested unit mix, the following contribution would be payable;

The primary education contribution would be £117,712.98

The secondary school transportation contribution would be £27,838.80

Total sum of £145,551.78

**ECC Historic Environment officer:**

- 8.5 No objection:-

Subject to conditions in relation that an Archaeological Programme of Trial Trenching followed by Open Area Excavation is undertaken prior to any works commencing on site.

**ECC Ecology Advice:**

- 8.6 Objects for the following reasons:-

Thank you for consulting us with regard to the above application. I refer you to our responses – dated 1st June 2016 and 9th August 2016- in relation to the previous planning application for this site- ie UTT/16/0964/OP. These comments are still relevant to this recent application and should be appended to it. Our strong in principle objection to developing this site still stands due to the loss of most of the unimproved grassland, an 'irreplaceable habitat'.

- 8.7 Previous comments made under application UTT/16/0964/OP:

- 8.8 As the development takes up the entire site footprint, avoidance is not possible. In this regard, a system of biodiversity offsetting (whereby a similar sized area of land is purchased and managed long term as unimproved grassland) should be



committed to. Translocation of turves may be appropriate but this would also require land to be set-aside. In order to remove our objection, we need to be confident that the applicant has committed to off-site compensation. Further information on offsetting can be obtained from the Environment Bank.

**Essex Wildlife Trust:**

8.9 Objects:-

The desktop study does not include a data search from EWT Biological Records Centre. Consequently no information has been provided on Local Wildlife Sites (LoWS). Such information is required in order to properly assess the impacts of the proposed development.

8.10 CIEEM guidelines for preliminary ecological appraisal state that local environmental records centres must be consulted as part of the desk top study.

8.11 The PEA should also include a map showing the location of the application site in relation to habitats of ecological importance, including nearby local wildlife sites.

**National Trust**

8.12 Objects:-

The proposed development of 35, two storey dwellings has not changed significantly from the previous submission UTT/16/0964/OP and remains visible from within Hatfield Forest and will have a negative impact on the visual setting of this noted heritage assets. As such, the visual impact of the proposal upon Hatfield Forest and the wider countryside is of concern and contrary to local and national planning policy.

**UDC Housing officer**

8.13 The affordable housing provision on this site will attract the 40% policy requirement as the site is for 35 (net) units. This amounts to 14 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

**Thames Water:**

8.14 No objection:-

With the information provided Thames Water, has been unable to determine the waste water infrastructure needs of this application. Should the Local Planning Authority look to approve the application ahead of further information being provided, we request that conditions are applied.

**Stansted Airport:-**

8.15 Objects:-

The application is a re-submission of a previously withdrawn application and now contains an acoustic assessment by Sharps Gayler LLP. Nevertheless, the Airport does not consider that there is material change with the proposed residential use of the site given the prevailing noise climate.

- 8.16 Stansted Airports previous comments made for the withdrawn application concluded:
- 8.17 In respect of this application, the guidance indicates that planning permission should not normally be granted where noise exposure greater than 57 Leq would be experienced at night (23:00 – 07:00) unless there are no alternative quieter sites available. For day time noise, the guidance advised that noise should be taken into account when determining planning applications within the 57 – 66 leq contour.
- 8.18 The application is therefore contrary to paragraph 20 of the NPPF, paragraph 3.19 of the APF and policies ENV10 & GEN2 (part c) of the Uttlesford Local Plan and should be refused.
- 8.19 The issue in relation to noise is comprehensively addressed within section H of this appraisal.

**NATS Safeguarding:**

- 8.20 No objection:-

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

**Natural England:**

- 8.21 No objection: – Natural England has no comment to make on this application.

**Highways England:**

- 8.22 No objection

**UDC Policy officer:**

- 8.23 Objection:-

This development would not be appropriate to its location because of exposure of future residents to adverse impacts from noise from aircraft from Stansted Airport.

**UDC Environmental Health Officer:**

- 8.24 Objection:-

I have assessed the proposed application and accompanying acoustic report by Sharps Gayler, dated 14<sup>th</sup> December 2016 and wish to make the following comments;

The report provides information on the Noise Exposure Contours for Stansted Airport indicating that the site is between the 63 dB and 66 dB LAeq (16hr). Unfortunately the report does not provide surveyed noise data. For this reason, it is reasonable to assume in the absence of any measured data that outside amenity areas will be exposed to a day time noise level of 66dB LAeq. At night the expectant noise level is given to be 63dB LAeq (8hr).

## 9. REPRESENTATIONS

9.1 The application was publicised by sending 47 letters to adjoining occupiers, displaying of a site notice and advertising it within the local newspaper. Four letters of support were received at the time of writing this appraisal confirming the below:

- The application will present the opportunity to purchase a house.
- The scheme will encourage younger people into the village.

In addition one letter of support was received at the time of writing this appraisal from recently retired parish councillors who made the following comments:

- There has been support for this small development from Great Hallingbury villages right from the offset when first discussed in 2011.
- The proposed development continues to have local support and will provide much needed affordable housing.
- From the long experience on the Great Hallingbury Planning Committee, we both believe that application UTT/16/0964/OP ticks all the boxes and should smoothly pass through the planning process to enable the developer to start work without delay.

## 10. APPRAISAL

The issues to consider in the determination of the application are:

- A The principle of development of this site for residential development (ULP Policies S7, GEN2 and NPPF)
- B Visual Impact and Impact upon the Countryside. (ULP Policy S7, S8 & GEN2, and NPPF)
- C Design and Master Plan Principles (ULP Policies GEN2 & GEN4, GEN8, NPPF Essex Design Guide)
- D Access to the site and highway issues (ULP Policies GEN1, GEN8 and NPPF)
- E Mix of Housing and Affordable Housing (ULP Policies H9, H10 and NPPF)
- F Biodiversity and Protection of Natural Environment (ULP Policies GEN7, GEN2 ENV7, ENV8 and NPPF)
- G Drainage and Flood Risk (ULP Policies GEN3, GEN6 and NPPF)
- H Residential Amenity (ULP Policy GEN2, GEN4, ENV10, NPPF & The Aviation Policy Framework )
- I Impact upon Stansted Airport (Circular 01/03 of the Town Country Planning Act and the NPPF)
- J Infrastructure provision to support the development (ULP Policy GEN6 and the NPPF)

### **A The principle of development of this site for residential development (ULP Policies S7, GEN2 and NPPF)**

10.1 The application site consists of a modest area of just under 2 hectares in size located within the open countryside on the outskirts of Great Hallingbury. The site is outside the development limits of Great Hallingbury as defined by the Local Plan and is therefore located within the countryside where ULP Policy S7 applies. This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within

which it is set or there are special reasons why the development in the form proposed needs to be there.

- 10.2 The Council has carried out a review of the adopted policies and their compatibility with the NPPF. The Review found Policy S7 to be partly consistent with the NPPF in that the protection and enhancement of the natural environment is an important part of the environmental dimension of sustainable development but that the NPPF takes a positive approach, rather than a protective one. As a consequence, whilst Policy S7 is still relevant to the consideration of this application, there remains a presumption in favour of sustainable development as set out in Paragraph 14 of the NPPF.
- 10.3 Paragraph 49 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 10.4 The most recent housing trajectory was presented to the Planning Policy Working group on 8 June 2015 with an updated statement presented to the Group on 26 November 2015. The Council is required to identify annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. The Council considered that it is a '5% authority' and this has been supported by the Local Plan Inspector and at a number of appeals.
- 10.5 The Statement explains that until the Council has determined its objectively assessed need it considers its housing requirement is between 568 to 580 dwellings a year. The Council estimates that 3530 dwellings will be delivered over the next 5 years which provides the District with between 5.1 – 5.3 years of supply, depending on the housing target, but including a 5% buffer.
- 10.6 However since the above figures were published, it is now more likely that the Council can provide a lower figure of 5 years of supply rather than 5.1 - 5.3 as indicated which includes a 5% buffer.
- 10.7 Nevertheless, the Council can demonstrate a deliverable 5 year supply of housing land. Notwithstanding this, applications have to be considered against the guidance set out in Paragraphs 6 - 15 of the NPPF. The Council needs to continue to consider, and where appropriate, approve development which is sustainable and meets its housing objectives.
- 10.8 Although the Council can demonstrate in excess of a 5 year supply of housing land, the NPPF still requires local planning authorities to continue to consider, and where appropriate, approve development which is sustainable. Paragraphs 7 and 14 of the NPPF set out that there is a presumption in favour of sustainable development whilst the policies in paragraphs 18 to 219, taken as a whole, constitute what the Government's view of what sustainable development in England means in practice for the planning system.
- 10.9 Paragraph 7 of the NPPF sets out the three dimensions of sustainable development as being economic, social and environmental and a key consideration therefore is whether the proposed application satisfies these three roles. The NPPF specifically states that these roles should not be undertaken in isolation, because they are

mutually dependent. To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously. It is therefore necessary to consider these three principles.

- 10.10 Economic Role: The NPPF requires that development should contribute to building a strong, responsive and competitive economy by ensuring, amongst other things, that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.
- 10.11 The application site is located beyond the defined boundaries of the village settlement and is not currently identified for development. The proposal put forward for assessment represents a very significant scale of residential development in relation to the existing settlement as a whole. Any new development of this type should function as part of the settlement of Great Hallingbury.
- 10.12 There is little in the way of local amenities and services within the village of Great Hallingbury and although there is some form of public transport, the bus service along Tilekiln is limited. Thereby future occupiers would be heavily dependent of the use of motor vehicles to access desired facilities further afield. As such it is regarded that the application site is significantly divorced and isolated.
- 10.13 Although it is accepted that the application site is capable of accommodating the development proposed, it is not accepted that it is located in the right place or that development could be planned in a comprehensive and inclusive manner in relation to the settlement of Great Hallingbury. The proposal itself would bring about very little economic benefits to the settlement of Great Hallingbury as there is little opportunity for employment. It is only the local public house which could potentially benefit from the proposal due to increase clientele from future occupiers of the development.
- 10.14 There is no doubt that the proposal would help contribute in providing economic support to the wider surrounding area particular the town of Bishops Stortford and further beyond, however this does not provide a comprehensive approach to development but instead would lead to a fragmentary or disconnected approach as future occupiers would be heavily dependent of the use of motor vehicles to access desired facilities further afield due to the limited connectivity. This is not ideal as it would obviously conflict with any environmental approach of what constitutes as sustainable development.
- 10.15 Although some positive economic contribution would come about during the construction process of the scheme and potentially to the town of Bishop Stortford and Takeley, it however brings very little to the table in terms of positive economic benefits to the settlement of Great Hellingbury itself. As a result, the development does not satisfy the economic dimension of sustainability in the NPPF.
- 10.16 Social Role:
- 10.17 The NPPF identifies this as supplying required housing and creating high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being.
- 10.18 The proposal would include the erection of 35 dwellings with ancillary infrastructure. It would be capable of providing some of the day to day needs for future occupiers and there is no reason in why the built environment should not be high quality as required by the Framework, but this would be subject to later consideration under a

reserved matters application.

- 10.19 However the application site is considered to be rather isolated with amenities limited to just a public house, village hall, church and a private primary school within the settlement and due to its limited public transport connectivity to other larger villages and towns, most trips would start with the use of a motor vehicle. It is therefore considered that the future residents would be dependent upon the wider community for their health, social and cultural well-being as well as jobs due to the relatively isolated location and lack of connectivity of the site in terms of limited public transport.
- 10.20 It is not considered, therefore, that the proposal adequately meets the needs of present and future generations and would not satisfy the social dimension of sustainability as set out in Paragraph 7 of the NPPF.
- 10.21 Environmental Role:
- 10.22 The NPPF identifies this as contributing to protecting and enhancing our natural, built and historic environment, including, inter alia, improvements to biodiversity and minimising waste.
- 10.23 Hatfield Forest which is a SSSI and ancient woodland is located approximately 500m to the east however given the relevant distance the site is set away, it is not foreseen that the proposal would have any adverse impacts upon this forest.
- 10.24 The proposal would however result in a significant degree of built form that would erode into the open countryside creating a large expansive development which does not relate to the settlement. As such, it is considered that the application has not demonstrated that it would satisfy the third sustainable dimension of the NPPF.
- 10.25 As a result of the above, it is considered that the application as submitted proposes a development which is not sustainable. In these circumstances, there can be no presumption in favour of development as advised by Paragraph 49. It is considered that there is also no need for the development to be in the location proposed at the current time and that it is also contrary to Policy S7 of the Local Plan and the NPPF.

**B. Visual Impact and Impact upon the Countryside. (ULP Policy S7, S8 & GEN2, and NPPF)**

- 10.26 Policy S7 is a policy of general restraint which seeks to restrict development to that which needs to take place there, or is appropriate to a rural area in order to protect the character of the countryside. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. In addition, the site falls within the countryside protection zone where policy S8 is similar to policy S7 although in addition it also stipulates that development will not be permitted if either the new buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside or it would adversely affect the open countryside.
- 10.27 Policy GEN2 seeks to ensure that development will be of an appropriate design and mitigates any potential harm. The Core Principles of the NPPF confirm that planning should recognise '*the intrinsic character and beauty of the countryside*' and the impact of development on the countryside is an accepted and material

consideration.

- 10.28 Although it is acknowledge there is some screening and that the application site is generally well contained, views are obtained from a number of adjoining properties, and roads in the immediate vicinity and from more distant areas occupying elevated topography.
- 10.29 Although the application is in outline with all matters of layout, scale, appearance, landscaping and access to be considered at the reserved matters stage, the illustrative Masterplan demonstrates how the site could be developed. This shows the built development within a vacant plot of meadowland of approximately 2 hectares in size.
- 10.30 Apart from the master plan indicating the potential of further vegetation planting along the boundaries, the planning submission does not clearly demonstrate or provide strategic objectives for the landscape treatment of the application site, including the retention of existing landscape features, or how they are to be reinforced or enhanced and what opportunities have been explored for recreation and habitat connectivity throughout the application site
- 10.31 The area is rural in character and does not read as part of Great Hallingbury but as the wider countryside that surrounds it. The proposed residential development would significantly affect the character of the site and the surrounding area.
- 10.32 Great Hallingbury is essentially a linear settlement without any so called back land development. The proposed development would be at odds with the existing historic settlement pattern; and the scale of the development is disproportionate in relation to the existing settlement. The development would form a significant intrusion into the countryside which would be readily visible many vista points. Whilst a scheme of tree and hedge planting could to some extent ameliorate the visual impact of the proposed development, its overall impact on the landscape would not be significantly reduced.
- 10.33 It is considered that there is no justification for the development of the application site. The site contributes significantly to the rural quality and character of the area around Great Hallingbury and this will be substantially eroded if the development proceeds. It is considered therefore that the development would give rise to unacceptable adverse impacts upon the character and appearance of the countryside, contrary to Policy S7 of the Local Plan and also to Policy S8 in that the development would promote coalescence between itself and the airport. The proposal is also contrary to the core principles of the NPPF which aim to conserve and enhance the natural environment and to recognise the intrinsic character and beauty of the countryside.

**C. Design and Master Plan Principles (ULP Policies GEN2 & GEN4, GEN8 and Essex Design Guide)**

- 10.34 The application has been submitted in outline planning application with all matters, including layout and appearance being reserved. Notwithstanding this the submitted outline planning application should reflect the design and scale principles that the development is seeking to achieve.
- 10.35 The master plan proposes a mixing of house types throughout the site consisting of terraces, semi-detached and detached dwelling housing. It has been indicated that the scale of the residential units will be 2 and 3 stories in height with some being

single storey bungalows.

- 10.36 Whilst it is most likely that a good design approach to the elevational treatments of dwellings would be satisfactory, the masterplan indicates a significant proportion of terrace style dwelling units which is at odds to the pattern of detached dwellings found within the settlement of Great Hallingbury. This in itself does not reflect the vernacular style, form and scale of the settlement and wider area and is therefore deemed to be inappropriate.
- 10.37 The master plan indicates that the general highway layout of the site would consist of a singular road dissecting the central part of the site with small cul-de-sac's. The residential units would front onto the internal highways with overall density of the site expected to be approximately 19 dwellings per hectare.
- 10.38 It has already been acknowledge that the pattern of development within Great Hallingbury is essentially a linear with no high density or substantial built form spread over a defined area. It is regarded that the proposed development would be at odds with the existing historic settlement pattern; and the scale of the development is disproportionate in relation to the existing settlement.
- 10.39 It is foreseen that the proposal would be able to achieve adequate amenity space and sufficient off street parking in accordance with the Essex Design Guidance and the Adopted Parking Standards however this would be assessed at a reserved matter stage.
- 10.40 Although some of the dwelling units would have on plot parking, it is however noted that there are a number of parking courts proposed within the development. The Parking Standards Design and Good Practice September 2009 sets out within the Design and Layout section examples of good design which enable parking provision to be successfully integrated into residential developments. Parking courts are not generally considered to be appropriate for the rural nature of Uttlesford and "on plot" parking should be the normal approach.
- 10.41 It is considered that the design layout and number of parking courts proposed are unacceptable and would most likely not be supported under a reserve matters application.

**D. Access to the site and highway issues (ULP Policies GEN1, GEN8 and NPPF)**

- 10.42 Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must not compromise road safety and to take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than the car.
- 10.43 The application does not includes details of the proposed vehicle access as this is to be determined at reserve matter stage however it has been stated that a single vehicle access point off Tilekiln Road would be proposed for vehicles to enter and exit the site.
- 10.44 The application was consulted to Essex County Council Highways who object to the proposal as far as can be determined from the submitted plans the required vehicular visibility splays of 2.4m x 120m northbound and 74m southbound cannot be achieved within highway land or land under control of the applicant. The lack of such visibility would result in an unacceptable degree of hazard to all road users to



the detriment of highway safety.

- 10.47 The proposal would therefore be contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

**E. Mix of Housing and Affordable Housing (ULP Policies H9, H10 and NPPF)**

- 10.48 The application proposes a development of 35 dwellings, with the Design and Access Statement indicating a mix of dwellings ranging from 1 to 5 bedroom properties.
- 10.49 Policy H9 requires that 40% affordable housing is to be provided on sites having regard to market and site conditions. The applicant has confirmed that 8 of the 35 dwelling units proposed would be affordable housing. This equates to approximately 23% which is well short of Council policy. For the development to comply with Council's policy, the development would have to consist of at least 14 dwelling units being affordable.
- 10.50 Although this is not a reason for refusal under this outline application as the proposal is for whether the principle of the development is acceptable or not, the applicant should be mindful that if a reserve matter application was to be lodge, it would be expected that 40% of the proposed units to be affordable and not 23% as currently implied.
- 10.51 ULP Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2 and 3 bedroom market dwellings. However, since the policy was adopted, the Strategic Housing Market Assessment (SHMA) has identified that the market housing need is generally for dwellings with three or more bedrooms. The Council's stance is that this should equate to approximately 50% of the dwellings.
- 10.52 This is a material consideration because the SHMA constitutes supporting evidence for the Local Plan, which itself requires the housing mix requirements in the SHMA to be met in order to achieve compliance with Policy H2. It is considered that the proposal is capable of providing an acceptable mix of one, two, three, four and five bedroom market dwellings across the development is appropriate.
- 10.53 In addition, it has been stated that five of the dwelling units are to be bungalows which more than meets the 5% required by policy.
- 10.54 The final design and size of units would be determined at the reserved matters stage and it is considered that, subject to the above in respect to providing the right of affordable housing provision, the application is capable of providing an acceptable mix of dwellings.

**F Biodiversity and Protection of Natural Environment (ULP Policies GEN7, GEN2 and ENV7 and ENV8)**

- 10.55 Existing ecology and natural habitats found on the site must be safeguarded and enhanced and new opportunities for increasing the biodiversity should be explored. Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.

- 10.56 Paragraph 98 of Circular 06/05 states *'that presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would likely to result in harm to the species or its habitat'*. Furthermore, the NPPF states that *'the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible'*.
- 10.57 The application site itself is not subject of any statutory nature conservation designation being largely an open field with mature trees and hedgerows scattered throughout.
- 10.58 The application is supported by a Preliminary Ecological Appraisal dated December 2015, a Botanical Site Report and a Great Crested Newt Survey both dated July 2016.
- 10.59 The Great Crested Newt Survey returned negative results, indicating likely absence and the Botanical report concluded that the site should be classed as unimproved grassland.
- 10.60 Essex County Council's ecology officer noted that great crested newts (GCN) were not found to be present in Pond 1 – and therefore no further work is required in respect of GCN.
- 10.61 ECC Ecology officer further stated that the comments made under the previous withdrawn application ref: UTT/16/0964/OP are still relevant to this application and should be appended to it.
- 10.62 The Ecology officer stated within their previous response that as the development takes up the entire site footprint, avoidance is not possible, a system of biodiversity offsetting (whereby a similar sized area of land is purchased and managed long term as unimproved grassland) should be committed to.
- 10.63 In summery the ecology officer states that there strong objection to developing this site still stands due to the loss of most of the unimproved grassland, an irreplaceable habitat.
- 10.64 However given that no protected species were found on site, officers consider it to be unreasonable for the applicant be required to carry out the above as stipulated by County and therefore officers do not agree to this.
- 10.65 It is considered therefore that the application is acceptable on ecology grounds and that subject to the imposition of appropriately worded conditions if permission were to be granted, the proposal would be consistent with the policies contained within the Uttlesford District Local Plan as Adopted (2005) and the National Planning Policy Framework.

**G Drainage and flooding (ULP Policies GEN3 and GEN6)**

- 10.66 The NPPF states that inappropriate development in areas of high risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 10.67 The development site lies within Flood Zone 1 (low probability of flooding) as defined

by the Environmental Agency. The Framework indicates that all types of development are appropriate in this zone and hence there is no requirement for sequential or exemption testing.

- 10.68 The planning submission was accompanied by a Flood Risk Assessment (FRA) which provides strategic and technical guidance in relation to surface and foul water runoff, flood risk mitigations measures and Sustainable Urban Drainage Systems (SUDS).
- 10.69 The application was referred to Essex County Council's SUDs department who are the Lead Local Flood Authority. They stated that after reviewing the Flood Risk Assessment and the associated documents which accompanied the planning application, we object to the granting of outline planning permission based on:
- 10.70 The Drainage Strategy submitted with this application does not comply with the requirements set out Essex County Council's Outline Drainage Checklist. Therefore the submitted drainage strategy does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.
- 10.69 In particular, the submitted drainage strategy fails to:
- Demonstrate that a suitable run off rate has been chosen.
  - Provide sufficient calculations
- 10.70 As the above information has not been submitted, the local planning authority is unable to accurately assess whether the proposed development would not increase the risk of flooding through surface water run-off. The proposal would therefore be contrary to the National Planning Policy Framework and Local Policy GEN3 of the Uttlesford District Local Plan as Adopted (2005).

## **H Residential Amenity (ULP Policy GEN2, GEN4, ENV10, NPPF & The Aviation Policy Framework )**

- 10.71 Policy GEN2 requires that developments are designed appropriately and that they provide an environment which meets the reasonable needs of all potential uses and minimises the environmental impact on neighbouring properties by appropriate mitigating measures. The NPPF also requires that planning should seek to secure high quality design and a good standard of amenity for all existing and further occupants of land and buildings.
- 10.72 The site is generally divorced from existing residential properties with the exception of Great Hallingbury Manor (hotel). Other than this property the remaining of the site is surrounded by large expansive open fields.
- 10.73 The relative separation distance between Great Hallingbury Manor and the proposed area of housing as illustrated on the master plan within the site and the orientation are such that it is considered that no significant adverse harm would be cause to the amenities of adjoining property occupier's particular in relation to loss of light, privacy and visual blight.
- 10.74 In terms of future residents, the illustrative Masterplan shows the general disposition of the site. The site is large enough to ensure that appropriate levels of amenity can be designed in at the detailed stage.

10.75 In relation to noise issues, The National Planning Policy Framework (NPPF) refers to pollution and noise at paragraphs 109, 120 and 123. Paragraph 109 states that the planning system should prevent new development from being adversely affected by unacceptable levels of noise pollution. Paragraph 120 states to prevent unacceptable risks from pollution, decisions should ensure new development is appropriate for its location. Paragraph 123 indicates that decisions should aim to avoid noise given rise to significant adverse impacts on health and quality of life as a result of a new development.

Policy ENV10 of the adopted Uttlesford Local Plan (Noise Sensitive Development and Disturbance from Aircraft) states housing and other noise sensitive development will not be permitted if the occupants would experience significant noise disturbance. Further to this, Policy GEN2 states that development will not be permitted unless “it provides an environment which meets the reasonable needs of all potential users”.

10.76 The Aviation Policy Framework (APF) states:

10.77 *3.12 The Government’s overall policy on aviation noise is to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise, as part of a policy of sharing benefits of noise reduction with industry.*

10.78 *3.13 This is consistent with the Government’s Noise Policy, as set out in the Noise Policy Statement for England (NPSE) 93 which aims to avoid significant adverse impacts on health and quality of life.*

10.79 Policy guidance indicates that planning permission should not be granted where noise exposure greater than 57db would be experienced at night (23:00 – 07:00) unless there are no alternative quieter sites available. For day time noise, the guidance advised that noise should be taken into account when determining planning applications within the 57 – 66 leq contour and that where appropriate conditions should be imposed to ensure an adequate level of protection.

10.80 The Noise Exposure Contours for Stansted Airport 2014 report (published by the CAA in August 2015) indicates that the site lies within the 57 Leq contour for night noise (23:00 – 07:00) as measured in 2013 and 2014 based on actual aircraft movements. For day noise (07:00 – 23:00) the site lies within the 63 Leq contour.

10.81 Given the above, the quality of life would be affected by noise having a significant effect on the day to day activities outlined in paragraph 20 for future residents of housing developments.

10.82 It is noted that people would know what they were buying but not all future residents would necessarily have a choice, for example some of the affordable housing occupants would have no choice at all.

10.83 As a result of the development, there would be conflict with Paragraphs 109, 120 and 123 and one of the core principles of the Framework which is to always seek to secure a good standard of amenity for all future occupiers of buildings. In particular the proposal would not avoid noise given rise to significant adverse impacts to the quality of life of future residents. In addition the proposal is contrary to paragraph 3.12 & 3.13 of the Aviation Policy Framework and policies ENV10 & GEN2 (part c) of the Uttlesford Local Plan and should be refused.

## **I Impact upon Stansted Airport (Circular 01/03 of the Town Country Planning Act and the NPPF)**

- 10.84 Circular 01/03 of the Town Country Planning Act (Safeguarding aerodromes, technical site and military explosives storage areas) requires Local Planning Authorities to consult the relevant consultee before granting planning permission for any development within the relevant radius of an officially safeguarded civil or military aerodrome which is likely to attract birds. The application site lies approximately 700m SSW of the approaches for the 05 runway within the safeguarded area and the relevant consultee in this instance is Air Operations at Stansted Airport.
- 10.85 A local planning authority will need to consider not only the individual potential bird attractant features of a proposed development but also whether the development, when combined with existing land features, will make the safeguarded area, or parts of it, more attractive to birds or create a hazard such as bird flight lines across aircraft flightpaths.
- 10.86 The primary aim is to guard against new or increased hazards caused by development. Although the landscaping is set to be determined as a reserve matter, the applicant should be advised that the siting of housing in this location due to the general paraphernalia that is associated with housing would encourage further bird habitation. Thereby the final design of the development should reflect this fact and discourage berry plant species and apply appropriate drainage and flooding storage facilities.

## **J Infrastructure provision to support the development (ULP Policy GEN6 and the NPPF)**

- 10.89 Local Plan Policy GEN6 requires that development makes provision at the appropriate time for infrastructure that is made necessary for the development. The NPPF also requires such facilities to be provided to enhance the sustainability of communities and residential environments.
- 10.90 The application was consulted to Essex County Council' infrastructure planning officer who has requested that any permission for this development be granted subject to a S106 agreement to mitigate its impact on education. Should the final development result in the suggested unit mix, a total sum of £145,551.78 is summered for education mitigation.
- 10.91 It is considered that the proposal would be capable of meeting the needs of future residents and would not place undue pressure on existing facilities within Great Hallingbury and the locality subject to these provisions, and the completion of a satisfactory S106 Agreement.
- 10.92 In view of the above, it is considered that the necessary infrastructure could be provided to meet the needs of the development and could be in accordance with Policy GEN6 of the Local Plan and the NPPF.

## **11. CONCLUSION**

The following is a summary of the main reasons for the recommendation:

- A The principle of the development is deemed to be inappropriate as it is considered that the proposal does not meet the three strands of what constitutes as sustainable

development jointly and simultaneously and therefore is contrary to the National Planning Policy Framework.

- B It is considered that the development would give rise to unacceptable adverse impacts upon the character and appearance of the countryside and fails to preserve and enhance the intrinsic character and beauty of the countryside contrary to local policies and the National Planning Policy Framework. In addition it would promote coalescence between it and the airport.
- C All matters are reserved and although the indicative master plan shows a few concerns that would need to be resolved specifically in relation to the number of inappropriate parking courts and mix of building styles, it is considered that an appropriate design concept could be achieved.
- D The local planning authority is unable to accurately assess whether the proposed development would result in adverse impacts upon highway safety due to inappropriate and a lack of information submitted in support of the planning application.
- E The final design and size of the units would be determined at the reserved matters stage however it is considered that the application subject to providing a 40% affordable housing provision, proposes a scheme that is capable of providing an acceptable mix of dwellings including an appropriate bungalow provision.
- F It is concluded that the with appropriate mitigation measure by way of planning conditions, the proposal would not result in a significant harm to the ecology and biodiversity of the surrounding area.
- G The local planning authority is unable to accurately assess whether the proposed development would not increase the risk of flooding through surface water run-off due to inappropriate and a lack of information submitted in support of the planning application.
- H Although the proposal would most likely not result in detrimental impacts to the amenities of surrounding occupiers, due to it inappropriate siting under the flight path of Stansted Airport, the proposal would result in the future occupants of the development experiencing significant noise and disturbance thereby resulting in an unacceptable harm.
- I The proposed development would not result in and safeguarding issues although this would need to be further addressed at a reserve matters stage if outline consent were to be granted.
- J It is considered that the necessary infrastructure could be provided to meet the needs of the development and could be in accordance with Policy GEN6 of the Local Plan and the NPPF.

## **RECOMMENDATION – Refuse.**

### **Reasons of refusal:**

1. Paragraphs 7 and 14 of the NPPF set out that there is a presumption in favour of sustainable development whilst the policies in paragraphs 18 to 219, taken as a whole, constitute what the Government's view of what sustainable development. The proposal would represent an unsustainable form of residential development

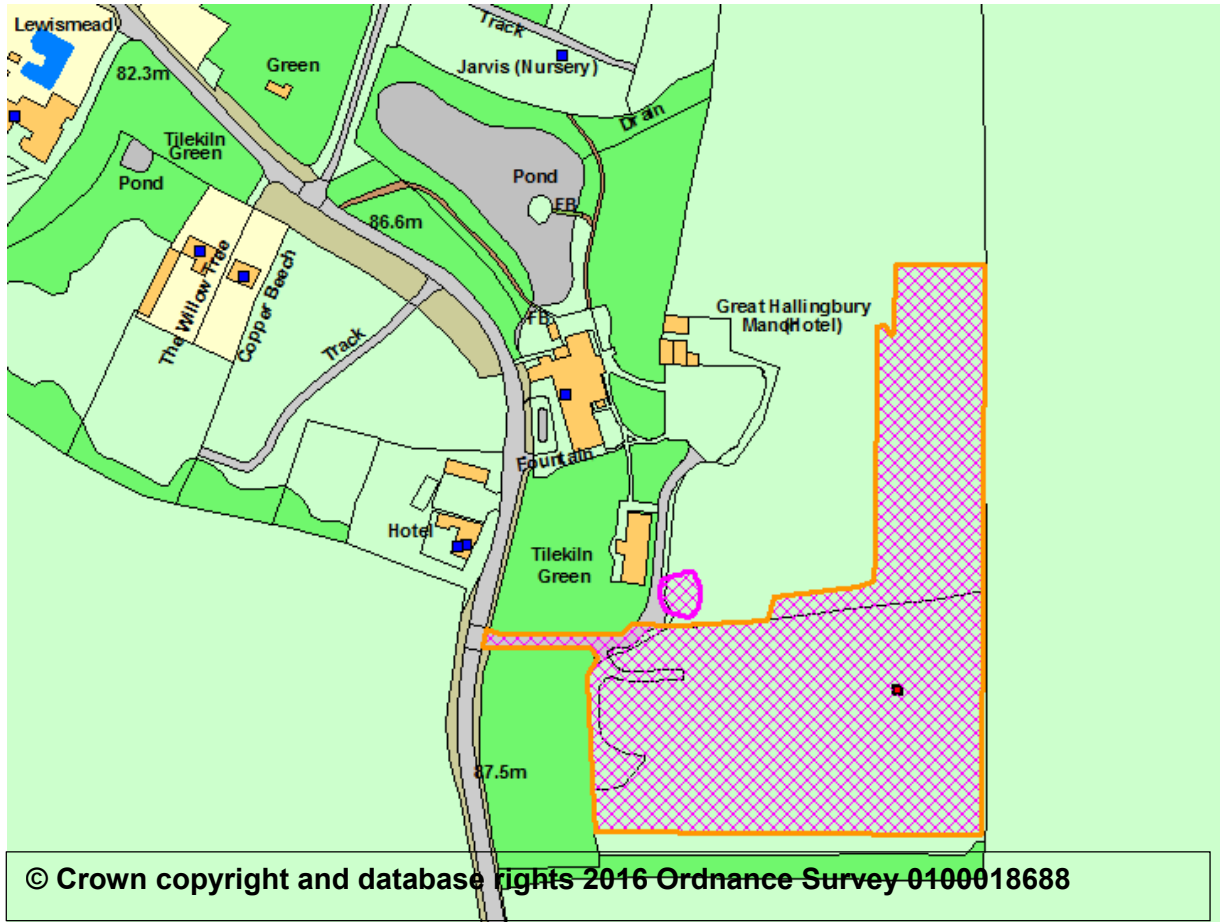
at this isolated and exposed rural location outside the development limits of Great Hallingbury. The site has poor connectivity with adjacent settlements and there would be a dependency upon the car by residents of the development to travel to work and to use essential local services such as health and education given that the site is poorly served by public transport. In addition to the little economic benefits it would provide to the settlement of Great Hallingbury, it would result in an unsatisfactory urban expansion that would erode into the open countryside thereby having an environmental impact. In the circumstances, the proposed development fails to contribute to the achievement of sustainable development as defined within the National Planning Policy Framework.

2. The site is within the area identified in the Uttlesford District Local Plan as being outside the established development limits and therefore the site is considered to be within the countryside. The development to construct 35 dwelling units would result in a significant intensification in the built form within the immediate area that would intern alter the character of the surrounding locality and have an urbanising effect that would be out of context with the existing pattern of development and harmful to the setting and character and appearance of the countryside. No adequate special reasons have been provided why the development in this form proposed needs to take place to outweigh the harm that it causes. The development is therefore contrary to Policies S7 of the Uttlesford District Local Plan as Adopted (2005) and the National Planning Policy Framework.
3. The site is within the area identified in the Uttlesford District Local Plan as being within the Countryside Protection Zone. The development to construct 35 dwelling units would promote coalescence between it and the airport and would adversely affect the open characteristics of the zone. The development is therefore contrary to Policy S8 of the Uttlesford District Local Plan as Adopted (2005) and the National Planning Policy Framework.
4. Insufficient information was submitted with the application that clearly demonstrates whether the proposal will not have unacceptable consequences in terms of highway safety and efficiency. In particular, as far as can be determined from the submitted plans the required vehicular visibility splays of 2.4m x 120m northbound and 74m southbound cannot be achieved within highway land or land under control of the applicant. The lack of such visibility would result in an unacceptable degree of hazard to all road users to the detriment of highway safety. Therefore the proposal is contrary to policy GEN1 of the Uttlesford Local Plan as Adopted (2005 ) and the National Planning Policy Framework.
5. Insufficient information was submitted with the application that clearly demonstrates whether the proposed development would not increase the risk of flooding through surface water run-off. In particular, the Drainage Strategy submitted with this application does not comply with the requirements set out Essex County Council's Outline Drainage Checklist and it does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. As such the Local Authority was unable to accurately assess whether the proposal would result in the increase risk of flooding within and surrounding the site. The proposal is therefore contrary to paragraph 103 of the NPPF and policy GEN3 of the Uttlesford Local Plan Policies as Adopted (2005).
6. The proposal constitutes as a noise sensitive development and by reason of its sitting in close proximity to the direct flight path of Stansted Airport, the proposal would result in detrimental harm to the future occupants of the housing in relation to excessive noise and disturbance as a result of overhead aircraft. The proposal is

therefore contrary to paragraph 20, 109, 120 and 123 of the NPPF, paragraph 3.12 & 3.13 of the Aviation Policy Framework and policies ENV10 & GEN2 (part c) of the Uttlesford Local Plan as Adopted (2005).



Application Number: UTT/16/3669/OP  
 Address: Land South East Of Great Hallingbury Manor  
 Bedlars Green Road, Tilekiln Green, Great Hallingbury



Organisation:	Uttlesford District Council
Department:	Planning
Date:	21 March 2017



**UTT/16/3255/FUL - THAXTED**

(MINOR)

**PROPOSAL:** Residential development for the construction of 9 dwellings with associated parking and landscaping.

**LOCATION:** Land at Little Maypole, Thaxted.

**APPLICANT:** Mr M Wellings

**AGENT:** Greenhayes Planning

**EXPIRY DATE:** 20<sup>th</sup> January 2017

**CASE OFFICER:** Lindsay Trevillian

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**1. NOTATION**

1.1 Outside development limits,

**2. DESCRIPTION OF SITE**

2.1 The application site as outlined in red on the submitted location plan is located at the end of the cul-de-sac known as Little Maypole on the settlement edge of the town of Thaxted. The site itself is mainly rectangular in shape, has a slight slope that falls away from east to west and consists of approximately 0.32 of a hectare.

2.2 Although the site is currently vacant of any built form, it should be noted that extant planning permission for the erection of a Short Breaks Centre for up to 8 residents can still be lawfully carried out as works on this permission (ref: UTT/0302/09/FUL) have commenced due to the carrying out of some excavation works. The site is general overgrown with little in the way of mature vegetation and consists of a post and rail fence along its boundaries.

2.3 The site currently has a single gated vehicle access point off Little Maypole that is used to provide access for vehicles.

2.4 Residential dwelling units that consist of a variety of different building forms, sizes and scales are located to the east of the site that front onto Newbiggen Street and along the southern boundary of the site that front onto Clair Court. Large open fields used for agriculture are located to the north and west of the site. Playing fields consisting of sports pitches, clubrooms and a playground are located to the north east of the site.

**3. PROPOSAL**

3.1 The applicant seeks planning permission for the construction of 9 dwelling houses with associated parking and landscaping.

3.2 The dwellings would be arranged in three blocks of terrace style housing with each block containing 3 units. They would be set out in a linear formation running in a north south orientation centrally positioned within the middle of the site with the principle elevations facing Little Maypole. The form of the dwellings would be 2

storey with 6 of the 9 units having further living accommodation within the roof space. The maximum height of the dwellings would be 8.4m high to the ridgeline. The dwellings would be externally finished from an assorted use of materials and detailing containing plain tile roofs, black weatherboard siding and local stock brickwork.

- 3.3 The proposed scheme would consist of 100% open market housing. No on site affordable housing or contribution is proposed as part of this scheme. The provision of the housing mix would be:

3 x 3 bedroom dwellings  
6 x 4 bedroom dwellings

- 3.4 Each of these dwellings within the development would be provided with off street parking spaces and its own private amenity space.

#### **4. APPLICANT'S CASE**

- 4.1 Extensive pre-application meetings with the Local Planning Authority were held in which general advice was taken into consideration regarding the final design and layout of the application.

- 4.2 The applicant has provided a Design and Access Statement and a Planning Statement of Conformity in support of a planning application to illustrate the process that has led to the development proposal, and to explain and justify the proposal in a structured way. In addition further information in relation to technical issues such as ecological mitigation & enhancement strategy, surface water drainage strategy, transport statement and acoustic feasibility study to name just a few have also been submitted in support of the proposal.

- 4.3 The applicant considers that the proposed residential scheme would provide much needed family homes in a highly sustainable location that would not result in significant harm to the setting of the wider countryside. It is concluded that the proposal accords with policies contained within the Uttlesford District Council's Local Plan as well as the National Planning Policy Framework.

#### **5. RELEVANT SITE HISTORY**

- 5.1 DUN/0647/69 – Site for residential development (refused)

UTT/0302/09/FUL - Proposed erection of a Short Breaks Centre for up to 8 residents (approved with conditions).

- 5.2 It should be noted that the above planning permission has been implemented due the digging and filling of part of the foundations and thereby the permission is extant and still can be lawfully carried out.

#### **6. POLICIES**

- 6.1 **National Policies**

- National Planning Policy Framework

- 6.2 **Uttlesford Local Plan (2005)**

- Policy S7 – The Countryside
- Policy GEN1 – Access
- Policy GEN2 – Design
- Policy GEN3 – Flood Protection
- Policy GEN4 – Good Neighbourliness
- Policy GEN6 – Infrastructure Provision to Support Development
- Policy GEN7 – Nature Conservation
- Policy GEN8 – Vehicle Parking Standards
- Policy ENV2 – Development effecting listed buildings
- Policy ENV8 – Other Landscape Elements of Importance for Nature Conversation
- Policy H1 – Housing development
- Policy H9 – Affordable Housing
- Policy H10 – Housing Mix

### 6.3 **Supplementary Planning Policy**

- SPD Accessible Homes & Play Space
- SPD Parking Standards Design & Good Practice September 2009
- SPD Essex Design Guide

## 7. **PARISH COUNCIL COMMENTS**

### 7.1 Thaxted Parish Council objects for the following reasons:

- The site sits outside of the development limits of the village as defined in the 2005 Adopted Local Plan, contra to Policy S7 relating to development in the countryside.
- The applicants claim that a material start on site was made in that a foundation trench was dug. The position of this trench however appears to be out of line with the consented drawings and as such would imply there was never any intention to implement the scheme as proposed. Considered on that basis the land can only be regarded as open countryside with a lapsed consent for development that was granted based on an 'exception', is not viable. The proposed use is private residential and cannot therefore be regarded as 'exceptional' in the context of countryside protection policies.
- The outline shown on the historic respite centre application ref UTT/14/1033/OP confirms that approximately a third of the site covered by the current application has no previous status, even if a material start had been made on the respite centre scheme. We would therefore rejected on the basis of layout and density of buildings.
- The effect on the character and appearance of the surrounding area such as Bellrope Meadow which was so heavily criticised in the LUC document commissioned by English Heritage in 2013/14 entitled 'Evaluating the Impact of Housing Development on the Historic Environment'.
- Of equal concern, though is that the units proposed are three storeys in height. This is justified on the basis that the land slopes to the west away from the existing Little Maypole housing. The design in terms of height and elevational treatment is out of context with the Thaxted character. Viewed from the critical position on the footpath to the north. Similarly, boundary treatment along the northern perimeter is described as 'post and rail with low level hedging'. The impact on the important Chelmer Valley landscape would be unacceptable and views from the footpath seriously compromised.
- Liz Lakes have produced a landscape character assessment Lake Associates have now published their findings. The subject site falls into parcel LPLCA 16.

Each parcel is assessed in terms of its capacity to accommodate development having regard to impact on the landscape. Parcel LPLCA 16 is assessed as having a 'low' capacity to accept development. 'Low' indicates the most sensitive areas of landscape and the site is therefore considered unsuited to development.

- The previous planning permission for the respite centre has lapsed and is of no consequence anyway since the use was wholly different.
- The previous consent related in any case, to only a part of the site shown on the current application.

## **8. CONSULTATIONS**

### **ECC Highways:**

8.1 No objection:-

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to imposing conditions.

### **ECC Ecology Advice:**

8.2 No objection:-

Subject to imposing planning conditions.

### **Natural England:**

8.3 Natural England has no comments to make on this application.

### **NATS Safeguarding:**

8.4 No objection:-

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

### **Airside OPS Limited**

8.5 No objection:-

The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with any safeguarding criteria. Accordingly, the Aerodrome Safeguarding Authority for Stansted Airport has no safeguarding objections to the proposal.

### **UDC Conservation officer:**

8.6 No objection:-

The proposed scheme would not cause adverse harm to any Listed Buildings, Conservation Area or Scheduled Ancient Monument. I have no objections in principle.

**UDC Landscape officer:**

8.7 Concerns raised:-

The proposed development would be visually detrimental on the qualities of the site and surrounding area. The proposed housing would have visual prominence in views taken from the public footpath running between Watling Lane and Walden Road (FP 49-97). The development would also be visible in the approach to Thaxted from the north along the Walden Road, presenting a broader built edge. The existing Little Maypole housing has an unsettling prominence in the landscape in views taken from Walden Road and the footpath (FP 49-97) and the proposed new housing would further compound this. Maintaining the open rural character of this part of the River Chelmer valley is considered to be of particular importance in retaining the sensitive relationship between the village and its rural setting.

**UDC Environmental Health officer:**

8.8 No objection:-

I have no objection in principle with the application. I agree with the conclusion in the acoustic feasibility study 15026.AFS.01 dated 9th November 2016 prepared by KP Acoustics in that the development may be affected by aircraft noise from Stansted Airport. Further noise investigations are required to identify the risks to the future users of the property and where necessary measures to ensure that the property is suitable for habitable use. This can be imposed by way of appropriate conditions.

**9. REPRESENTATIONS**

9.1 The application was publicised by sending 187 letters to adjoining occupiers and the displaying of site notices. 161 letters of objection have been received at the time of writing this appraisal that raise the following concerns:

- The site is outside the Thaxted development boundary and any new development would be contrary to policy S7 of the adopted local plan.
- Market housing cannot be regarded as 'exceptional' in the context of countryside protection policies.
- This would merely be back filling into the countryside.
- The proposal would have an impact on the Chelmer Valley landscape and views from footpath and highways into the historic town would be compromised. This point in particular was highlighted in the Inspectors decision following the Public Enquiry on the Gladman application for 120 houses on the adjoining field to this proposed development.
- The design and appearance of the units are out of character with the Thaxted Character.
- The concept of 9 three storey town houses perched on a hill would dominate the area and totally out of context.
- The previous planning permission for the respite centre has lapsed.
- The permission for the respite centre was single storey, covered part of the site and not all of it and it was classified as an exception site and permission was granted on this basis.
- The town of Thaxted has already absorbed a huge amount of housing.
- The site is within a parcel of land, recently identified by the Liz Lake Study as being particularly sensitive and least suited to development.

## 10. APPRAISAL

The issues to consider in the determination of the application are:

- A The principle of development of this site for residential development (ULP Policies S7, GEN2 and NPPF)
- B Visual Impact and Impact upon the Countryside. (ULP Policy S7, ENV8 & GEN2, and NPPF)
- C Whether the layout, design and appearance of the proposal is acceptable (NPPF, Local Policy GEN2)
- D Impact upon the setting of the heritage assets (ULP ENV1, NPPF and Listed Building and Conservation Area Act 1990)
- E Access to the site and highway issues (ULP Policies GEN1, GEN8 and NPPF)
- F Mix of Housing and Affordable Housing (ULP Policies H9, H10 and NPPF)
- G Biodiversity and Protection of Natural Environment (ULP Policies GEN7, GEN2 ENV7, ENV8 and NPPF)
- H Drainage and Flood Risk (ULP Policies GEN3, GEN6 and NPPF)
- I Residential Amenity (ULP Policies GEN2 & GEN4 and NPPF)

### **A The principle of development of this site for residential development (ULP Policies S7, GEN2 and NPPF)**

- 10.1 The application site consists of a modest area of land approximately 0.32 of a hectare in size located within the open countryside on the edge of the settlement of Thaxted. The site is outside the development limits of Thaxted as defined by the Proposals Map and is therefore located within the countryside where ULP Policy S7 applies. This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.
- 10.2 The Council has carried out a review of the adopted policies and their compatibility with the NPPF. The Review found Policy S7 to be partly consistent with the NPPF in that the protection and enhancement of the natural environment is an important part of the environmental dimension of sustainable development but that the NPPF takes a positive approach, rather than a protective one. As a consequence, whilst Policy S7 is still relevant to the consideration of this application, there remains a presumption in favour of sustainable development as set out in Paragraph 14 of the NPPF.
- 10.3 Paragraph 49 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 10.4 The most recent housing trajectory was presented to the Planning Policy Working group on 8 June 2015 with an updated statement presented to the Group on 26 November 2015. The Council is required to identify annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. The



Council considered that it is a '5% authority' and this has been supported by the Local Plan Inspector and at a number of appeals.

- 10.5 The Statement explains that until the Council has determined its objectively assessed need it considers its housing requirement is between 568 to 580 dwellings a year. The Council estimates that 3530 dwellings will be delivered over the next 5 years which provides the District with between 5.1 – 5.3 years of supply, depending on the housing target, but including a 5% buffer.
- 10.6 However since the above figures were published, it is now more likely that the Council can provide a lower figure of 5 years of supply rather than 5.1 - 5.3 as indicated which includes a 5% buffer.
- 10.7 The Council can demonstrate a deliverable 5 year supply of housing land. Notwithstanding this applications have to be considered against the guidance set out in Paragraphs 6 - 15 of the NPPF. The Council needs to continue to consider, and where appropriate, approve development which is sustainable and meets its housing objectives.
- 10.8 Although the Council can demonstrate in excess of a 5 year supply of housing land, the NPPF still requires local planning authorities to continue to consider, and where appropriate, approve development which is sustainable. Paragraphs 7 and 14 of the NPPF set out that there is a presumption in favour of sustainable development whilst the policies in paragraphs 18 to 219, taken as a whole, constitute what the Government's view of what sustainable development in England means in practice for the planning system.
- 10.9 Paragraph 7 of the NPPF sets out the three dimensions of sustainable development as being economic, social and environmental and a key consideration therefore is whether the proposed application satisfies these three roles. The NPPF specifically states that these roles should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously. It is therefore necessary to consider these three principles.
- 10.10 Economic Role: The NPPF requires that development should contribute to building a strong, responsive and competitive economy by ensuring, amongst other things, that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.
- 10.11 The application site is located beyond the defined boundaries of the village settlement although it does currently have extent planning permission for works as detailed above within this appraisal. The proposal put forward for assessment represents a modest scale of residential development in relation to the existing settlement as a whole. Any new development of this type should function as part of the settlement of Thaxted and the area as a whole where most facilities, services and employment will be found.
- 10.12 The village of Thaxted has a reasonable amount of local amenities and services to facilitate the needs of its local residents that includes schools, public houses, shops, a church, doctors surgery, community buildings and restaurants to name just few.
- 10.13 As such it is regarded that the application site would not be significantly divorced or isolated and that it would be capable of accommodating the development proposed in that it could be planned in a comprehensive and inclusive manner in relation to

the settlement of Thaxted.

- 10.14 The proposal itself would bring economic benefits to the settlement of Thaxted supporting local services and amenities such as the those mentioned above as a result of the future occupiers of the development. In addition the proposal would provide some positive economic contribution during the construction process of the development.
- 10.15 Although it is noted that there are limited opportunities for employment within the village, it is regarded that the application site has reasonable connectivity to larger nearby towns by way of public transport such as Great Dunmow and Saffron Walden and those further beyond. As such the proposal would also help contribute in providing economic support to the wider surrounding area.
- 10.16 As a result, the development provides a positive economic approach that satisfies the economic dimension of sustainability in the NPPF.
- 10.17 Social Role: The NPPF identifies this as supplying required housing and creating high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being.
- 10.18 The proposal would include the erection of up to 9 dwellings with ancillary infrastructure. It would be capable of providing some of the day to day needs for future occupiers and the built environment would be of a high quality as required by the Framework.
- 10.19 The application site is approximately 500m from the village centre in where most of the local amenities and facilities are. In addition public footpaths along both sides of Newbiggen Street provide easy commuting to these facilities. It is considered that although the application site is on the edge of the village, it would form an inclusive development that would provide convenient access to the local services within Thaxted and to the wider surrounding area.
- 10.20 Future occupiers could rely on the village to provide most of their day to day needs such as health, social and cultural well-being as well as shopping ensuring and promoting the village as an appropriate mixed and well balanced community.
- 10.21 It is considered that the proposed development has been designed to ensure access gives priority to sustainable transport options such as walking, cycling and public transport which thereby reduces the need and reliance on private cars.
- 10.22 The proposal would make a contribution towards the delivery of the housing needed for the district and housing would be designed to be accessible as per Part M of the Building Regulations.
- 10.23 As a result, the development provides a positive approach that satisfies the social dimension of sustainability in the NPPF.
- 10.24 Environmental Role: The NPPF identifies this as contributing to protecting and enhancing our natural, built and historic environment, including, inter alia, improvements to biodiversity and minimising waste.
- 10.25 The application site is a modest size plot of open land in the countryside that backs onto existing residential development. It is recognised that the proposal would have some limited impacts as it would result in the encroachment of built form into the

open countryside however given that the principle of developing the site has already been established and these works can still be carried out, it is considered that the proposed works would not cause further significant material harm compared to what may be erected. To help reduce potential harm, the applicant as part of the proposal, has incorporate measures to safeguard and mitigate were possible to enhance the environment in and around the site. Some of these measures include enhancing biodiversity, and providing re-inforce planting along the boundaries, provide sustainable drainage systems, and the dwelling units themselves would be energy efficient and low carbon new homes.

- 10.26 The scheme would help to fulfil the three principles of sustainable development. As such the proposals would comply with the positive stance towards sustainable development in this respect as set out in the NPPF and the presumption in favour of approval, unless material considerations indicate otherwise. Officers have applied significant weight to this and consider that the more recent national policy set out in the NPPF should take precedence over Policy S7 of the Local Plan.
- 10.27 In consideration of the above the development is sustainable development and the principle of the proposal is acceptable in this context.

**B. Visual Impact and Impact upon the Countryside. (ULP Policy S7, ENV8 & GEN2, and NPPF)**

- 10.28 Policy GEN2 seeks to ensure that development will be of an appropriate design and mitigates any potential harm. The Core Principles of the NPPF confirm that planning should recognise '*the intrinsic character and beauty of the countryside*' and the impact of development on the countryside is an accepted and material consideration.
- 10.29 Indicative long distance views are provided within the submitted Design and Access Statement in support of the application from various public vantage points. The indicative images indicates that the application site is generally well contained although views are obtained from a number of properties, PROWs and roads in the immediate vicinity and from more distant areas occupying elevated topography across the Chelmer Valley itself.
- 10.30 The Design and Access Statement confirms that the proposed development has been shaped, in part, by the findings and this has informed the proposed layout of the residential areas as well as the extent and arrangement of the countryside.
- 10.31 It is acknowledge that the proposed would erode into the open countryside however given the location of the site on the edge of settlement boundary backing onto existing residential gardens and the nature and character of the proposal, the site itself and its wider setting, it is considered that the proposal would only result in limited harm in terms of the visual impact as a whole on the character and appearance of this part of the countryside.
- 10.32 Weight has also been given in relation to the proposed mitigation measures in which the applicant suggests that in addition to other benefits, reinforced landscaping would help mitigate the impact of the development upon the wider countryside. However it is noted that even with the proposed reinforced measures, the proposal would still be largely seen from a number of public vantage points. Nevertheless, it is considered that views towards the development would be predominantly seen in context of with the settlement itself rather than resulting in significant visual and landscape impacts to the wider countryside.

- 10.33 It is acknowledged that the proposal would alter the character of the site from an open plot of land with extent planning permission on the settlement edge of Thaxted to an urban residential development as a result of the proposal. However, it is considered that on balance, although the proposal would extend into the open countryside the benefits of the development particular that of supplying much needed housing within the district and utilising a plot of land with extant permission thereby protecting other greenfield sites and that it is within a sustainable location would outweigh the limited harm it would have upon the open countryside.
- 10.34 Key to local concerns which was also raised by the Parish Council was the fact that the subject site has been identified as having a 'low capacity to accept development' within the Liz Lake landscape character assessment. It should be noted that that this assessment was conducted on behalf of the Parish Council to help in the preparation of the local neighbourhood plan. As the Neighbourhood plan is not adopted in any form, there is no policy argument to give any material weight at all to the Liz Lake Landscape Assessment.
- 10.35 It is also noted that Council's landscape officer had some concerns in relation to the developments impact upon maintaining the open rural character of this part of the River Chelmer valley as it is considered to be of particular importance in retaining the sensitive relationship between the village and its rural setting. For the reasons given above within this appraisal, officers consider that it would not lead to a detrimental impact upon the open character of the Chelmer Valley and its sensitive relationship with the village.

**C. Whether the layout, design and appearance of the proposal is acceptable (NPPF, Local Policy GEN2)**

- 10.36 The guidance set out in Paragraph 58 of 'The Framework' stipulates that the proposed development should respond to the local character, reflect the identity of its surroundings, optimise the potential of the site to accommodate development and is visually attractive as a result of good architecture.
- 10.37 Local Plan Policy GEN2 seeks to promote good design requiring that development should meet with the criteria set out in that policy. Regard should be had to the scale form, layout and appearance of the development and to safeguarding important environmental features in its setting to reduce the visual impact of the new buildings where appropriate. Furthermore, development should not have a materially adverse effect on the reasonable occupation and enjoyment of residential properties as a result of loss of privacy, loss of daylight, overbearing or overshadowing.
- 10.38 The design and access statement provides details of the rationale behind the proposed development. This follows an assessment of the constraints and opportunities of the site, the design and appearance of the residential units and landscape objectives.
- 10.39 The guidance contained within the Essex Design Guide and the general character of the built form and siting of within the Thaxted has been considered in the overall design of the proposed development. The design of the buildings generally reflects the local vernacular of the surrounding built form.
- 10.40 The proposed dwelling units in blocks of three would be a mirror image to one another that would represent a pleasing blend of traditional features along with more

contemporary elevational details. The suggested geometry and design of the fenestration would result in proportions of void to solid compatible with many historic buildings in Thaxted. Furthermore, the proposed mixture of finishing material of plain tiles, good quality brickwork and weatherboarding would be in keeping with local vernacular pallet.

- 10.41 The scale of the dwellings has been proposed with regard to the character of the surrounding locality which predominantly contains two story dwellings but combined, detached, semi-detached and terrace units. The dwellings would be well proportioned, articulated and reflect the patterns of characteristics of surrounding built form.
- 10.42 The site plans shows the existing gated access to be retained creating a single route into the site. This route then splits into two distinct directions as vehicles entre into the site offering access to either the northern or southern half of the site.
- 10.43 A large parking court is located to the front of the site and although the dwellings have some on plot parking, the majority of the residential parking is located opposite the housing. This is not ideal as large parking courts should be avoided and all parking should be on plot to the side of dwellings however officers considered that on balance, this layout is appropriate. In particular, the layout would not be at odds to the character of the area as the adjoining properties to the east have large parking courts to the rear and the proposal would be broken up with soft planting. Furthermore it would not result in remote parking for the occupiers of the dwellings. As such the design and layout of the parking court is considered to be acceptable.
- 10.44 In accordance with local policy GEN2, the Council will require developers to provide new homes, which are designed to lifetime homes standards. These standards will apply to all new housing, including flats. If permission is granted a planning condition would be imposed to ensure that all dwellings within the scheme comply with Part M of the Building Regulations, which secures the process to enable the delivery of lifetime wheelchair adaptable homes.
- 10.45 The development has also taken into account the general principles regarding 'Secure by Design' in terms of its layout. Public spaces, such as parking areas, have been design to be overlooked to provide natural security to the public realm.
- 10.46 For a three or more bedroom dwelling unit, the provision of 100sqm of amenity area has been found to be acceptable and a workable minimum size that accommodates most household activities in accordance with the Essex Design Guide. In addition to the minimum size guidance, the amenity space should also be totally private, not be overlooked, provide and outdoor sitting area and should be located to the rear rather than the side.
- 10.47 Each residential unit within the scheme has been provided with at least the minimum private garden sizes as stipulated above to meet the recreational needs of future occupiers.

**D. Impact upon the setting of the heritage assets (ULP ENV1, NPPF and Listed Building and Conservation Area Act 1990)**

- 10.48 Key to local concerns within representation letters and the Parish Council was the effect that the development would have upon the setting of the Thaxted Church and the town conservation area which was a reason for refusal for the adjoining Gladmans site which was a large residential scheme that was dismissed at appeal.

- 10.49 Although there are no nearby listed buildings and the conservation area is some distance away, the potential effect of the development on the heritage assets have been taken into consideration. The main issue to address is whether the proposed development is in accordance with the Listed Building and Conservation Area Act 1990, the National Planning Policy Framework and local policy ENV2.
- 10.50 Paragraph 133 of the Framework states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss.
- 10.51 Furthermore, paragraph 134 of the Framework 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 public benefits of the proposal, including its optimum viable use.
- 10.52 The application was consulted to Councils conservation officer who stated that the proposed scheme would not cause adverse harm to any Listed Buildings, Conservation Area or Scheduled Ancient Monument.
- 10.53 The proposal is significantly smaller in terms of its size and scale and therefore it is considered it would not result in the same detrimental impact as the residential scheme that was recently dismissed on the adjoining site upon the heritage assets contained within Thaxted.
- 10.54 Consequently, officers consider that the proposal would cause less than substantial harm to the setting of the conservation area, and listed buildings included that of the church and would provide sufficient public benefits such as providing additional housing. The development is in accordance with the Listed Building and Conservation Area Act 1990, the National Planning Policy Framework and local policy ENV2.

**E. Access to the site and highway issues (ULP Policies GEN1, GEN8 and NPPF)**

- 10.55 Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must not compromise road safety and to take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than the car.
- 10.56 The application includes details of the proposed access to the site from Little Maypole which runs off Newbiggen Street.
- 10.57 The application was accompanied by a Transport Assessment which concluded that the development would not adversely affect highway safety of the free flow of traffic on the local road network, supplies adequate cycle and vehicle parking. Consequently the proposal would not have an unacceptable transport impact on the highway network.
- 10.58 The application was consulted to Essex County Council Highways who confirmed that they had no objection to the proposal subject to conditions being imposed on any granted permission.

- 10.59 In relation to the amount of traffic generated from the development, the Highway Authority has not made an objection in terms of the potential impact on the surrounding road network. As a result, it is considered that the amount of traffic generated from the development could be accommodated and that there would be no impact upon the traffic flow on the surrounding road network particularly along Newbiggen Street.
- 10.60 The proposal also provides a safe convenient pedestrian access into the village centre of Thaxted and to the nearby bus stops. This would help encourage movement by other means than a car from the site and be beneficial in that it would help ensure and take into account the needs of cyclists, pedestrians or people who are mobility impaired to gain access into the village of Thaxted and beyond.
- 10.61 The proposed vehicle access is deemed acceptable and that the proposed development would cause no harm to matters of highway safety. The development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.
- 10.62 Policy GEN8 of the Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning Guidance 'Vehicle Parking Standards.
- 10.63 The Adopted Council Parking Standards recommends that a minimum of one vehicle space be provided for a one-bedroom unit, two spaces for a two or three bedroom dwellings, and three spaces for a four-bedroom dwelling house along with additional visitor parking spaces. In addition each dwelling should also be provided with at least 1 secure cycle covered space.
- 10.64 The proposal makes provisions for at least 2 car parking spaces for dwellings consisting of three bedrooms and three spaces for those dwellings containing 4 bedrooms. A total of 26 off street parking spaces are provided which includes 2 visitor parking spaces which would be accommodated within on and off street parking bays. In addition secure cycling would be provided for each residential unit within the site. The number and size of the off street parking meets the requirements of the Adopted Parking Standards to ensure that adequate parking is provided.
- 10.65 All appropriate size vehicles including emergency and refuse vehicles would be able to access the site. All refuse storage points would be located within 25m carry distance.
- 10.66 It is concluded that the proposed development would cause no harm to matters of highway safety.

**F Dwelling mix and Affordable Housing provisions (NPPF, Local Policies H9 & H10)**

- 10.67 Paragraph 50 of the Framework requires that developments deliver a wide choice of high quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 10.68 In accordance with National Planning Guidance, there is no statutory requirement to provide on-site affordable housing or an offsite financial contribution for a housing scheme that has 10 or less dwellings proposed. For this reason, no affordable

housing is proposed as part of this scheme.

- 10.69 ULP Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2 and 3 bedroom market dwellings. However, since the policy was adopted, the Strategic Housing Market Assessment (SHMA) has identified that the market housing need is generally for dwellings with three or more bedrooms.
- 10.70 This is a material consideration because the SHMA constitutes supporting evidence for the Local Plan, which itself requires the housing mix requirements in the SHMA to be met in order to achieve compliance with Policy H2. Although a better design response would be to incorporate some smaller 2 bedroom units across the scheme, on balance given the size of the housing development in general is limited to 9 dwellings, officers consider the mix of three and four bedroom units across the development is appropriate. There is no requirement for bungalows to be provided as part of the dwelling mix.

## **G Biodiversity and Protection of Natural Environment (ULP Policies GEN7, GEN2 and ENV7 and ENV8)**

- 10.71 Existing ecology and natural habitats found on the site must be safeguarded and enhanced and new opportunities for increasing the biodiversity should be explored. Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.
- 10.72 Paragraph 98 of Circular 06/05 states *'that presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would likely to result in harm to the species or its habitat'*. Furthermore, the NPPF states that *'the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible'*.
- 10.73 The application site itself is not subject of any statutory nature conservation designation being largely an overgrown field with limited vegetation.
- 10.74 The application is supported by an Ecological Appraisal dated December 2016. This Appraisal considers the site to have low ecological value with potential for nesting birds, and low potential for reptiles only. The vegetation on site is understood to be less than one year old having been cultivated prior.
- 10.75 Essex County Council's ecology officer who had no objections concluded that although no further surveys are necessary, the Ecological Appraisal sets out a number of precautionary measures to protect species during works and thereafter these should all be adhered to.
- 10.76 It is considered therefore that the application is acceptable on ecology grounds and that subject to the imposition of appropriately worded conditions; the proposal would be consistent with the policies contained within the Uttlesford District Local Plan as Adopted (2005) and the National Planning Policy Framework.

## **H Drainage and flooding (ULP Policies GEN3 and GEN6)**

- 10.77 The NPPF states that inappropriate development in areas of high risk flooding



should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

- 10.78 The development site lies within Flood Zone 1 (low probability of flooding) as defined by the Environmental Agency. The Framework indicates that all types of development are appropriate in this zone and hence there is no requirement for sequential or exemption testing.
- 10.79 The planning submission was accompanied by a surface water drainage strategy which provides strategic and technical guidance in relation to surface and foul water runoff, flood risk mitigations measures and Sustainable Urban Drainage Systems (SUDS). The report concludes that the proposed scheme incorporates suitable flood resilient/resistant measures on a site that is within a low probability of flooding. The report states that the proposed development could be constructed and operated safely in flood risk terms and is therefore an appropriate development in accordance with the NPPF.
- 10.80 It is considered that the proposed application would not give rise to increase flood risk on the site or elsewhere subject to appropriate mitigation measures.

**I Whether the proposal would cause harm to the amenities of adjoining property occupiers (NPPF and ULP Policies GEN2 & GEN4).**

- 10.81 Policy GEN2 requires that developments are designed appropriately and that they provide an environment which meets the reasonable needs of all potential uses and minimises the environmental impact on neighbouring properties by appropriate mitigating measures. The NPPF also requires that planning should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 10.82 The relative separation distance between adjoining dwellings and the proposed area of housing as illustrated on the master plan within the site and the orientation are such that it is considered that no significant adverse harm would be caused to the amenities of adjoining property occupiers particular in relation to loss of light, privacy and visual blight. In addition it is considered that there would not be a significant impact to adjoining occupiers in relation to general noise and disturbance. Furthermore, no significant harm would occur in relation to the amenities that will be enjoyed by the future occupiers of the development.
- 10.93 It is considered therefore that the development could be accommodated without significant adverse impact upon the amenity of existing and future residents in accordance with Policy GEN2 and the policies of the NPPF.

**Other issues:**

- 10.94 The National Planning Policy Guidance provides guidance in regards to procedures which are required in establishing whether an EIA is required. This guidance requires the local planning authority (LPA) to consider whether the proposed development is described in Schedule 1 or 2 of the Regulations.
- 10.95 Schedule 2 identifies 13 different categories, of which Class 10 is 'Infrastructure Projects' and the development proposed falls within the description of sub section - (b) 'Urban development projects'. The proposal does not exceed the thresholds and it is not, located in wholly or partly within a 'sensitive area' as defined by the

Regulations.

- 10.96 On the evaluation of the information submitted by the applicant, and the Council's knowledge of the local area and its environment, bearing in mind that it is not required having full knowledge of every environmental effect; it is considered that the proposed development is not likely to give rise to significant environmental effects on the environment. An Environmental Impact Assessment (EIA) is therefore not required for the proposed development shown on the submitted drawings by the applicant.
- 10.97 On the basis of the above it is considered that an Environmental Statement is not required to be submitted with any planning application for the proposed development.
- 10.98 There may be implications under Article 1 and Article 8 of the Human Rights Act First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

## **11. CONCLUSION**

The following is a summary of the main reasons for the recommendation:

- A The principle of the development is deemed to be appropriate in that it would be of a sustainable development in accordance with the National Planning Policy Framework.
- B It is acknowledged that the proposal would extend into the open countryside however given that extant planning permission exists, and that it is within a sustainable location that will blend into the backdrop of the village, on balance it is considered that the benefits of the development particular that of supplying much needed housing within the district would outweigh the limited harm it would have upon the open countryside.
- C The size, scale and siting of the proposed development is appropriate in that the design and appearance would reflect the character of the surrounding locality and the street scene.
- D The proposed development would not result in substantial harm upon the setting of the surrounding heritage assets.
- E It is concluded that the proposed development would cause no harm to matters of highway safety or result in unwanted traffic congestion.
- F There is no requirement to provide on-site affordable housing and it is regarded that an appropriate mix of dwelling units have been provided across the development.
- G It is concluded that the with appropriate mitigation measure by way of planning conditions, the proposal would not result in a significant harm to the ecology and biodiversity of the surrounding area.
- H There are no objections from either the local flooding or water authorities and as such it is considered that the proposed development would not give rise to increase flood risk on the site or elsewhere subject to appropriate mitigation measures.

- I It is considered that the development could be accommodated without significant adverse impacts upon the amenities of existing and future residents.

## **RECOMMENDATION – Approval subject to the conditions**

### **Conditions:**

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

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Notwithstanding the details shown on the submitted plans, the external finishing materials of the works hereby approved shall be submitted and approved in writing by the Local Planning Authority prior to any works commencing on site. The works approved shall be constructed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the appearance of the development in accordance with Policy GEN2 and ENV1 of the Uttlesford Local Plan (adopted 2005).

JUSTIFICATION: The details of materials would need to be submitted for approval prior to the commencement of the development to ensure that the resulting appearance of the development is safeguarded and the amenity of the surrounding locality is protected.

3. The development hereby approved shall be carried out in accordance with the submitted 'Ecology Appraisal' prepared by DF Clark dated December 2016 unless otherwise agreed in writing by the local planning authority.

REASON: In the interest of protecting the natural habitat and protected species in accordance Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

4. Prior to the commencement of the development, a scheme of sound insulation measures must be submitted to and approved in writing by the Local Planning Authority. The scheme must demonstrate that suitable internal noise levels can be achieved as set out in BS 8233: 2014. The measures must be implemented prior to occupation of the dwelling hereby permitted.

REASON: The site requires appropriate noise mitigation and sound proofing to noise sensitive development in accordance with local policies ENV11 and GEN4 and the National Planning Policy Framework.

5. Prior to commencement of the development, details of hard and soft landscaping (including planting, hard surfaces and boundary treatment) must be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works must be carried out in accordance with the approved details.

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping must be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years

from the completion of the development die, are removed or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works must be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure compatibility with the character of the area, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005). This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

JUSTIFICATION: The landscaping would help enable the development as a whole to integrate into the wider setting within this rural setting and ensure a sense of well-being for future occupiers and therefore it is essential that these details are submitted for approval in advance of the works being undertaken.

6. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: to ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with policy GEN2 of the Uttlesford Local Plan (adopted 2005)

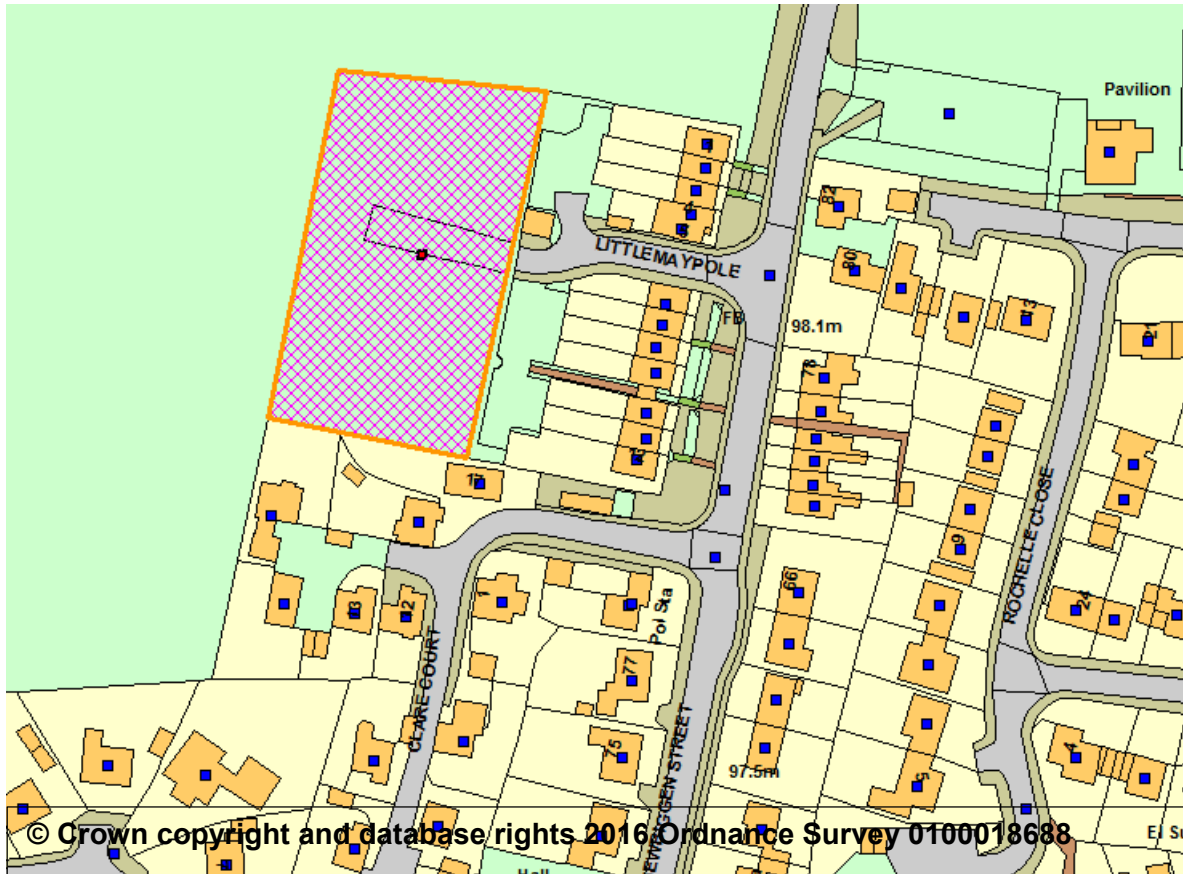
7. Prior to the first occupation of the development, the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purposes.

REASON: In the interest of highway safety in accordance with policy GEN1 of the Uttlesford District Local Plan as Adopted (2005) and the NPPF.

8. All of the dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace

Application Number: UTT/16/3255/FUL  
Address: Land at Little Maypole, Thaxted



Organisation:	Uttlesford District Council
Department:	Planning
Date:	21 March 2017



## **UTT/17/0216/FUL - WIDDINGTON**

(Referred to Committee by Cllr Parry. Reason: In the public interest.)

**PROPOSAL:**        **Erection of two detached dwellings, associated garaging and community orchard**

**LOCATION:**        **Land at Wood End, Wood End, Widdington**

**APPLICANT:**     **Mr & Mrs Switzer and Mr & Mrs Truscott**

**EXPIRY DATE:**   **3 April 2017**

**CASE OFFICER:**  **Luke Mills**

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### **1.        NOTATION**

1.1        Countryside.

### **2.        DESCRIPTION OF SITE**

2.1        The site is located off Wood End in Widdington. It comprises open grassland, bounded by trees and hedging.

### **3.        PROPOSAL**

3.1        The application is for planning permission to erect two detached houses, which would be accessed via a shared driveway off Wood End. A double garage would be provided to the front of each house, and an orchard would be planted beyond the rear garden boundaries.

### **4.        ENVIRONMENTAL IMPACT ASSESSMENT**

4.1        The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

### **5.        APPLICANT'S CASE**

5.1        The following documents accompany the application:

- Planning Statement
- Statement of Need – Switzer Family
- Statement of Need – Truscott Family
- Preliminary Ecological Appraisal (PEA) (Updated 08/03/2017)
- Letter in response to representations, dated 9 March 2017

### **6.        RELEVANT SITE HISTORY**

6.1        A number of applications for residential development on the site have been refused in recent years – in 2012 (UTT/2459/11/FUL & UTT/12/5166/FUL), 2013 (UTT/13/2322/FUL) and 2014 (UTT/14/1987/FUL). Each application was followed by a dismissed appeal.

## **7. POLICIES**

- 7.1 S70 of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.
- 7.2 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

### **Uttlesford Local Plan (2005)**

- 7.3
- S7 – The Countryside
  - GEN1 – Access
  - GEN2 – Design
  - GEN3 – Flood Protection
  - GEN6 – Infrastructure Provision to Support Development
  - GEN7 – Nature Conservation
  - GEN8 – Vehicle Parking Standards
  - ENV2 – Development affecting Listed Buildings
  - ENV3 – Open Spaces and Trees
  - ENV5 – Protection of Agricultural Land
  - H1 – Housing Development
  - H9 – Affordable Housing
  - H10 – Housing Mix
  - LC3 – Community Facilities

### **Supplementary Planning Documents/Guidance**

- 7.4
- SPD – Accessible Homes and Playspace (2005)
  - Developer Contributions Guidance Document (Feb 2016)
  - The Essex Design Guide (2005)
  - Parking Standards: Design and Good Practice (2009)
  - Uttlesford Local Residential Parking Standards (2013)

### **National Policies**

- 7.5
- National Planning Policy Framework (NPPF) (2012)
    - paragraphs 14, 17, 32, 34, 39, 47-49, 50, 55, 58, 73, 103, 112, 118, 131-134
  - Planning Practice Guidance (PPG)
    - Planning obligations
    - Housing – Optional Technical Standards
    - Planning and flood risk: Reducing the causes and impacts of flooding

### **Other Material Considerations**

- 7.6
- Widdington Village Design Statement 2009 (VDS)
  - West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA) (2015)
  - Uttlesford Strategic Flood Risk Assessment (SFRA) (2016)

## **8. PARISH COUNCIL COMMENTS**



8.1 Does not wish to comment.

## **9. CONSULTATIONS**

### **Natural England**

9.1 Does not wish to comment.

### **Place Services (Ecological Advice)**

9.2 No objections, subject to conditions.

### **Aerodrome Safeguarding Authority (London Stansted Airport)**

9.3 No objections.

### **Highway Authority (Essex County Council)**

9.4 No objections, subject to conditions.

### **Councillor J Parry**

9.5 Supports the application.

## **10. REPRESENTATIONS**

10.1 Neighbours were notified of the application by letter and a notice was displayed near the site. A number of representations have been received, raising points both in support of the proposal and in opposition to it. These are summarised below.

10.2 Points in support:

- Provision of a community facility
- Efficient use of land
- Compatible with the character and appearance of the area
- Contribution of the applicants to the village
- Contributes to meeting a need for housing
- Development need not be constrained to defined settlement boundaries
- No adverse effects from vehicle movements
- The site serves no agricultural purpose

10.3 Points in opposition:

- The site is outside the village development envelope
- The site is in a conservation area
- Harm to the character and appearance of the area
- Concerns regarding the viability and maintenance of the orchard
- The identity of the applicant should not have a bearing on the decision
- Residential development has been consistently resisted on this site, by both the Council and the Planning Inspectorate
- Approval would set a precedent for further inappropriate development
- Adverse effect on road safety
- Adverse effect on the condition of the road
- Inadequate sustainable transport opportunities

- Loss of privacy at neighbouring premises
- Loss of amenity at neighbouring premises from parked vehicles
- Deficiencies within the submitted documents
- Inadequate infrastructure to support the development

10.4 Most of the above points fall within the scope of the below appraisal. However, the following issues do not:

- The identity of the applicants, and their personal contributions to the village, do not have a bearing on the decision.
- The site is not in a conservation area.
- Planning decisions must be made on the basis of the application's individual merits, not on the basis of precedents.
- Maintenance of the road surface is the responsibility of the highway authority.
- Any deficiencies in the submitted documents have been checked and resolved if necessary.

## 11. APPRAISAL

The issues to consider in the determination of the application are:

- A Location of housing (S7, H1 & 55)
- B Character, appearance and heritage (S7, GEN2, ENV2, ENV3, 17, 58, 131-134 & VDS)
- C Sustainable transport (GEN1 & 34)
- D Road safety (GEN1 & 32)
- E Accessibility (GEN2 & PPG)
- F Amenity (GEN2 & 17)
- G Flooding (GEN3, 103, PPG & SFRA)
- H Infrastructure (GEN6)
- I Biodiversity (GEN7 & 118)
- J Parking (GEN8 & 39)
- K Agricultural land (ENV5 & 112)
- L Affordable housing (H9, 50 & PPG)
- M Housing mix (H10, 50 & SHMA)
- N Housing land supply (47-49)
- O Public open space (LC3 & 73)

### **A Location of housing (S7, H1 & 55)**

11.1 The site is located outside the Development Limits identified in the Local Plan. Policy S7 indicates that housing should not usually be permitted in such a location, unless it represents 'infilling'. It is considered that the proposal does not fall within this definition because the site represents a large gap between existing houses, relative to the established pattern of development. The proposal therefore conflicts with Policy S7, as well as Policy H1 on the basis that the site is not previously developed land.

11.2 Notwithstanding the abovementioned conflict with the development plan, it is considered that the proposal is consistent with the locational objectives of paragraph 55 of the NPPF. It should be noted that this view represents a departure from that of the Planning Inspector deciding on the most recent appeal (UTT/14/1987/FUL). The reason is that the NPPF and the associated PPG (under the heading 'Rural housing') make it clear that there should be no in-principle objection to the growth of

existing settlements. The application site is within the perceived extent of the village and so residential development accords with this policy.

**B Character, appearance and heritage (S7, GEN2, ENV2, ENV3, 17, 58, 131-134 & VDS)**

11.3 It is considered that the open, undeveloped site makes a valuable contribution to the rural character of this loosely developed part of the village. Therefore, while the building designs would be compatible with the varied, often traditional, styles in the vicinity, it is considered that residential development and the consequent loss of openness would cause significant harm to the character and appearance of the area. This represents a conflict with Policy S7 and paragraphs 17 and 58 of the NPPF, albeit there is accordance with Policy GEN2 in relation to the building designs. The identified harm also represents a conflict with the guidance at page 30 of the VDS.

11.4 On a distinct, but related, matter, it is considered that there would be no significant harm to the setting of the adjacent Grade II listed building, known as Old Forge, due to the separation distance and substantial landscaping. The proposal therefore accords with Policy ENV2 and paragraphs 131-134 of the NPPF. It should be noted that, in coming to this view, regard has been had to the Council's statutory duty under S66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990.

11.5 The submitted drawings indicate that the Lime trees on the western site boundary, which are the subject of a Tree Preservation Order (Ref. 6/91/32), would be retained. It is considered that conditions could be used to secure a suitable level of detail on the condition of the trees and any protection measures for the construction period, thereby ensuring accordance with Policy ENV3.

**C Sustainable transport (GEN1 & 34)**

11.6 Widdington contains a small range of services and facilities, including a village hall and public house, and an hourly bus service provides access to nearby towns and villages, including Newport, Saffron Walden and Bishop's Stortford. Nevertheless, it is considered likely that the occupants of the proposed dwellings would rely heavily on the car to access services, facilities and places of work. It is therefore concluded that the proposal conflicts with Policy GEN1 and paragraph 34 of the NPPF.

**D Road safety (GEN1 & 32)**

11.7 The existing vehicular access off Wood End would be shared by the two proposed dwellings. Taking into account the comments of the highway authority, it is considered that this arrangement would be both safe and suitable, subject to the use of appropriate conditions. It is therefore concluded that the proposal accords with Policy GEN1 and paragraph 32 of the NPPF.

**E Accessibility (GEN2 & PPG)**

11.8 Policy GEN2 is supplemented by the SPD entitled 'Accessible Homes and Playspace', which indicates that the proposed dwellings should be built in accordance with the Lifetime Homes standards. However, this policy has effectively been superseded by the PPG, which explains that enhanced accessibility should be sought only by reference to the optional requirements in the Building Regulations. The proposal would accord with this policy, subject to the use of a condition securing compliance with Requirement M4(2) of the Building Regulations.

**F Amenity (GEN2 & 17)**

- 11.9 Policy GEN2 is supplemented by The Essex Design Guide, which includes guidance on amenity space, privacy and daylight. Taking into account this guidance, it is considered that the proposed rear gardens would be of a suitable size, and that there would be no significant adverse effects on the amenity of existing or future residents. It is therefore concluded that the policies on amenity contained within Policy GEN2 and paragraph 17 of the NPPF.

**G Flooding (GEN3, 103, PPG & SFRA)**

- 11.10 Policy GEN3 contains the Local Plan policy for flooding, although this has effectively been superseded by the more detailed and up-to-date flood risk policies in the NPPF and the accompanying PPG. The SFRA confirms that the site is not in an area at risk of flooding and, as the development is for less than 10 dwellings, national policy does not require the use of a sustainable drainage system. It is therefore concluded that the proposal would not give rise to any significant adverse effects with respect to flood risk, such that it accords with the policies in the NPPF and PPG.

**H Infrastructure (GEN6)**

- 11.11 Taking into account the nature and scale of the development, and the above consultation responses, it is considered that there would be no requirement for improvements to off-site infrastructure. It is therefore concluded that the proposal accords with Policy GEN6.

**I Biodiversity (GEN7 & 118)**

- 11.12 The application is accompanied by a Preliminary Ecological Appraisal, which has been updated during the course of the decision-making process. Taking into account the comments of the Council's ecological consultant, it is considered that the submitted information demonstrates that there would be no significant harm to any protected species or valuable habitats, subject to the use of appropriate conditions. It is therefore concluded that the proposal accords with Policy GEN7 and paragraph 118 of the NPPF, and the orchard would in fact provide some degree of enhancement to the biodiversity value of the site.

**J Parking (GEN8 & 39)**

- 11.13 Policy GEN8 is supplemented by two adopted documents containing minimum residential parking standards. While the proposed garages do not meet the minimum size requirements, the ample parking areas on the proposed driveways ensure that sufficient off-street parking provision would be made. It is therefore concluded that the proposal accords with Policy GEN8, which remains relevant in the context of paragraph 39 of the NPPF due to the likely reliance on the car to access services, facilities and places of work.

**K Agricultural land (ENV5 & 112)**

- 11.14 The site is regarded as 'best and most versatile' (BMV) agricultural land due to its Grade 2 classification. Nevertheless, the harm arising from its development would be limited because the land is not in productive agricultural use, it is small in agricultural terms and the high quality of land across the majority of the District

means that some loss is inevitable. It is therefore concluded that the proposal conflicts with Policy ENV5 and paragraph 112 of the NPPF, albeit the harm would be limited.

#### **L Affordable housing (H9, 50 & PPG)**

- 11.15 Policy H9 is supplemented by the Developer Contributions Guidance Document, which indicates that the proposed development should make a financial contribution of £50,000 towards affordable housing provision in the District. However, paragraph 50 of the NPPF and the associated PPG indicate that no contributions should be required because the development is for less than 11 dwellings and the combined floorspace would be less than 1000 sq m.

#### **M Housing mix (H10, 50 & SHMA)**

- 11.16 The proposal includes the provision of one 3-bedroom dwelling, in accordance with Policy H10, the SHMA and paragraph 50 of the NPPF.

#### **N Housing land supply (47-49)**

- 11.17 Taking into account the recent appeal decisions regarding applications UTT/13/0808/OP and UTT/13/1043/OP, it is considered that the Council can demonstrate a five-year housing land supply (including a 5% buffer) in the context of paragraphs 47-49 of the NPPF. It is therefore concluded that the provision of two additional dwellings represents a negligible positive effect.

#### **O Public open space (LC3 & 73)**

- 11.18 The proposal includes the provision of a community orchard to the rear of the proposed dwellings. While Policy LC3 provides support for such community facilities, this is conditional on the proposal meeting three criteria. As the application does not demonstrate that there is a need for the facility and that the need cannot be met within the settlement boundary, it is concluded that the proposal does not received support from Policy LC3, which is considered consistent with paragraph 73 of the NPPF.

### **12. CONCLUSION**

The following is a summary of the main reasons for the recommendation:

- A The proposal does not accord with the development plan due to conflicts with policies S7, H1, GEN1, ENV5 and H9.
- B The NPPF removes the in-principle objection to residential development in policies S7 and H1, and the associated PPG removes any requirement for affordable housing contributions. The policy on sustainable transport recognises that opportunities will be limited in rural areas so, taking into account the compliance with paragraph 55, the harm arising from the reliance on private car use would be limited in this case. Furthermore, the harm arising from a conflict with paragraph 112 is negligible. Nevertheless, the harm that would be caused to the character and appearance of the rural area would be substantial, such that it would significantly and demonstrably outweigh the positive effects. It is therefore concluded that the proposal does not amount to 'sustainable development' in the context of the NPPF.
- C Regard has been had to all other material considerations, and it is recommended

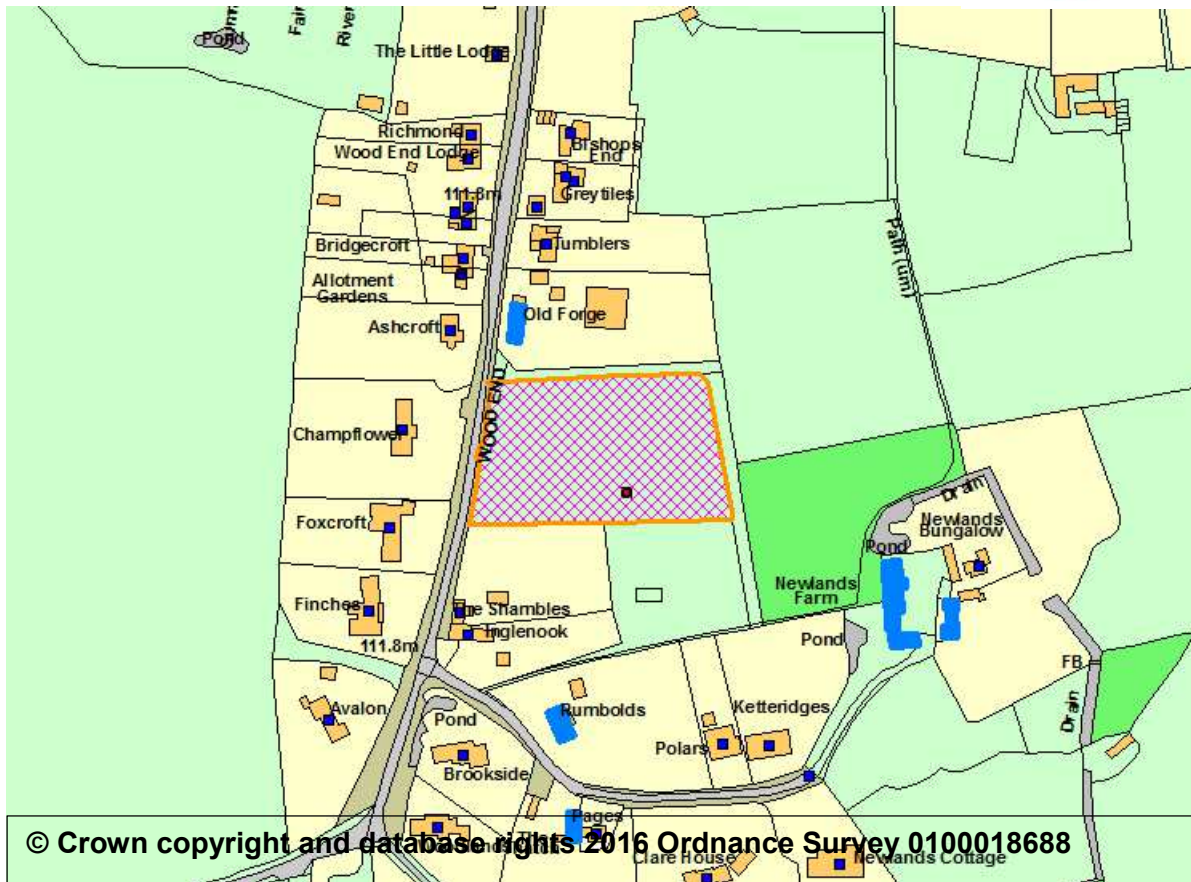
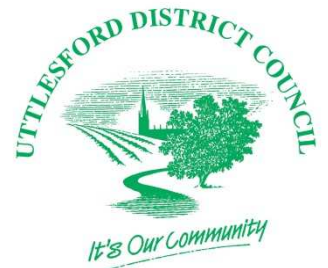
that planning permission should be refused.

## **RECOMMENDATION – REFUSAL**

### **Reasons**

1. The proposed development would cause the loss of an open, undeveloped area, to the detriment of the rural character and appearance of the area and in conflict with Policy S7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

Application Number: UTT/17/0216/FUL  
Address: Land at Wood End, Wood End Widdington



Organisation: Uttlesford District Council  
Department: Planning  
Date: 21 March 2017





**UTT/16/3634/HHF - LINDSELL**

(Uttlesford District Council application)

**PROPOSAL:** Proposed vehicular crossover and construction of hardstanding

**LOCATION:** 5 Whitegates, Holders Green Road, Lindsell

**APPLICANT:** Uttlesford District Council

**EXPIRY DATE:** 17<sup>th</sup> March 2017

**CASE OFFICER:** Clive Theobald

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**1. NOTATION**

1.1 Outside Development Limits.

**2. DESCRIPTION OF SITE**

2.1 No.5 Whitegates comprises a two storey semi-detached local authority constructed dwelling with garden plot which together with Nos.1, 2, 3, 4 and 6 Whitegates are situated on the east side of Holders Green Road, Lindsell. Further dwellings lie to the north of Whitegates, whilst a line of dwellings lie along the west side of Holders Green Road which extend down past the site running to the south.

2.2 The ground at the front of No.5 Whitegates comprises an open and informal hardstanding surface for the parking of vehicles which extends across most of the width of the site frontage which dips down slightly from the back edge of the road carriageway into the site across a former ditch line consistent with the remaining open frontages for Whitegates with an open plan grassed area behind extending up to the dwelling. A pedestrian entrance pathway runs at an angle from the north-west front corner of the site to the front door of the dwelling.

2.3 None of the dwellings at Whitegates currently have vehicular crossovers onto the highway, although Nos.2, 3, 4 and 6 Whitegates also have informal hardstanding run-ins of some description at the front of their properties (No.1 has a dedicated parking space at the side of the dwelling leading off a side entrance track). Holders Green Road is a Class 3 highway, whilst the strip of land running north-south in front of Nos.1-6 Whitegates from the back edge of the carriageway to the former ditch line forms part of the adopted highway.

**3. PROPOSAL**

3.1 This householder application relates to the formation of a vehicular crossover onto Holders Green Road for No.5 Whitegates and the construction of a vehicular hardstanding space behind as shown on drawing Env 2016/4. The proposed works would also include the breaking out and removal of the existing pedestrian entrance path to the front door of the dwelling and its replacement with a shortened and widened entrance path at 1.2m width to meet the disabled requirements of the Council tenant occupier, although this part of the proposed works does not require planning permission and is not included within the description for the current application.

- 3.2 The new crossover would have an overall width of 6.1m comprising two transition kerbs and five dropped kerbs with tarmac finish and concrete edgings and would be constructed to ECC Highway specification standards. A new Aco drain would run parallel behind the crossover which would drain to a new soakaway. The hardstanding to be constructed behind the crossover would also be finished in tarmac with concrete edgings.

#### **4. APPLICANT'S CASE**

- 4.1 None submitted given the nature of the submitted application.

#### **5. RELEVANT SITE HISTORY**

- 5.1 There is no relevant site history.

#### **6. POLICIES**

##### **6.1 National Policies**

- National Planning Policy Framework

##### **6.2 Uttlesford Local Plan (2005)**

- ULP Policy GEN1 - Access
- ULP Policy GEN2 - Design
- ULP Policy GEN8 - Parking Standards
- ECC Parking Standards – Design and Good Practice (Sept 2009)

#### **7. PARISH COUNCIL COMMENTS**

- 7.1 Lindsell Parish Meeting's Planning Committee comments that it has no objection to this application, but would like to be sure that the tarmac hardstanding is concrete edged to avoid breaking out of the edges.

#### **8. CONSULTATIONS**

##### **ECC Highways**

- 8.1 The impact of the proposal is acceptable to the Highway Authority from a highway and transportation perspective as shown in principle on drawing no. Env 2016/4.

#### **9. REPRESENTATIONS**

- 9.1 Neighbour notification period expires 9 February 2017. No representations received.

#### **10. APPRAISAL**

The issues to consider in the determination of the application are:

- A Access (ULP Policy GEN1)
- B Design (ULP Policy GEN2)
- C Parking Standards (ULP Policy GEN8)

##### **A Access (ULP Policy GEN1)**

- 10.1 The formation of a new vehicular crossover at No.5 Whitegates would formalise vehicular access arrangements for this Council property where it is understood that the works have been requested by the tenant occupier, notwithstanding that none of the other Council properties within Whitegates currently have the benefit of crossovers. However, it is the case that it would be open for other Council tenants at Whitegates to approach the Council for a similar vehicular crossover request over the frontage highway strip.
- 10.2 ECC Highways have been consulted on the application and have not raised any highway objections to the proposal on access grounds. The proposed works would therefore comply with ULP Policy GEN1.

**B Design (ULP Policy GEN2)**

- 10.3 The crossover would be designed and constructed to ECC Highway specification standards and would drain to a new soakaway. The proposed works would therefore comply with ULP Policy GEN2. The comments from Lindsell Parish Council requesting that the edges of the proposed hardstanding be also laid in concrete edgings to prevent tarmac break up have been noted and UDC Property Services have confirmed in response that it would have concrete edgings.

**C Parking Standards (ULP Policy GEN8)**

- 10.4 The hardstanding parking space to be constructed behind the new crossover would measure 5.5m x 3.6m and would meet the parking bay requirements of the disabled tenant occupier. The proposal would therefore comply with ULP Policy GEN8 in relation to adopted parking bay standards.

**11. CONCLUSION**

The following is a summary of the main reasons for the recommendation:

- A The proposed vehicular crossover would be acceptable in terms of access (ULP Policy GEN1).
- B The vehicular crossover would be acceptable in terms of design (ULP Policy GEN2).
- C The vehicular hardstanding space would be acceptable in terms of adopted parking bay standards (ULP Policy GEN8).

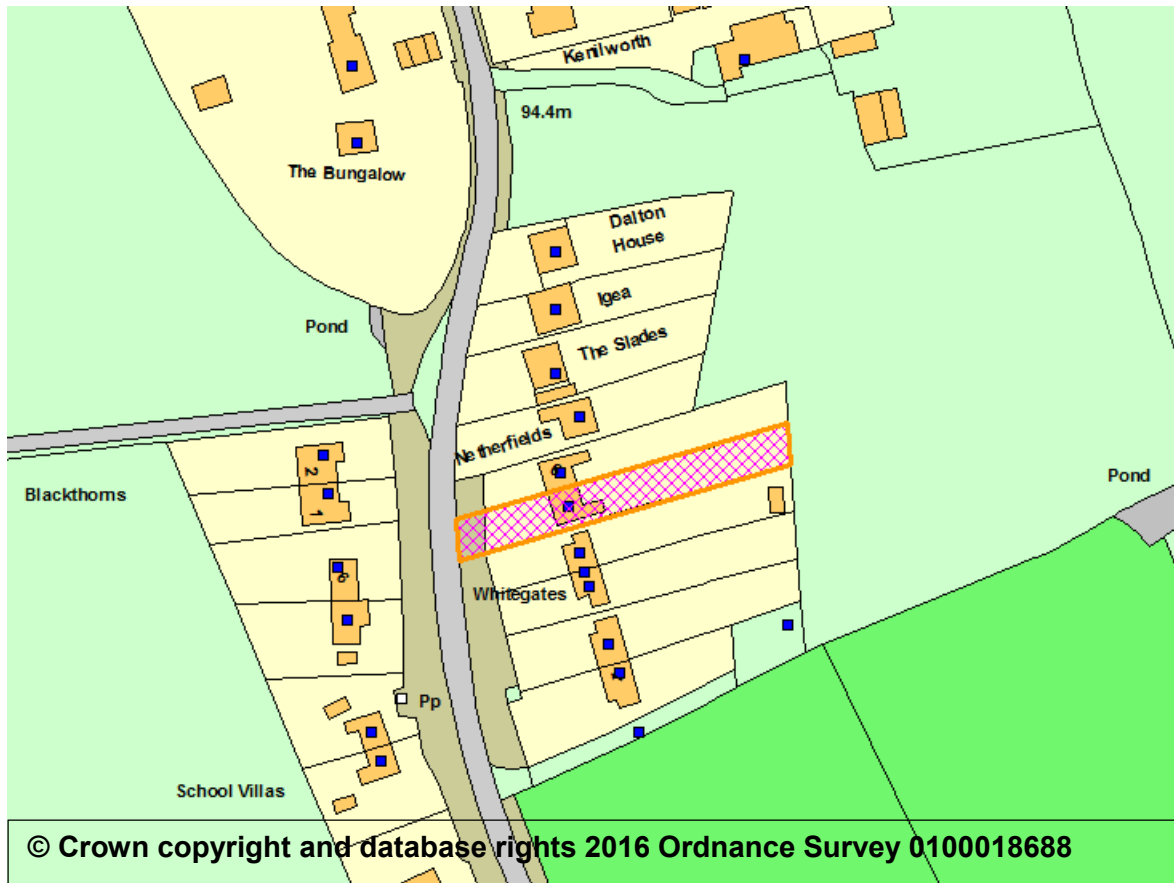
**RECOMMENDATION – APPROVAL WITH CONDITIONS**

**Conditions**

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

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Application Number: UTT/16/3634/HHF  
Address: 5 Whitegates, Holders Green Road Lindsell



Organisation: Uttlesford District Council  
Department: Planning  
Date: 21 March 2017

**UTT/16/3635/HHF - FELSTED**

(Uttlesford District Council application)

**PROPOSAL:** Proposed vehicular crossover

**LOCATION:** No.3 Bentalls, Willows Green, Main Road, Felsted

**APPLICANT:** Uttlesford District Council

**EXPIRY DATE:** 15 March 2017 (Extension of time agreed)

**CASE OFFICER:** Clive Theobald

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**1. NOTATION**

1.1 Outside Development Limits.

**2. DESCRIPTION OF SITE**

2.1 No.3 Bentalls comprises a two storey semi-detached local authority constructed dwelling with garden plot which together with Nos.1, 2 and 4 Bentalls are situated on the east side of Main Road, Willows Green at its southern end. Further dwellings lie to the south of Bentalls, whilst a long line of frontage bungalows lie along the west side of Main Road which extend down past the site running to the south.

2.2 The ground at the front of the dwelling at No.3 Bentalls consists of a wide unmade compacted hardstanding surface laid for the parking of vehicles that does not benefit from a vehicular crossover onto the highway unlike at Nos.1, 2 and 4 Bentalls that do currently benefit from such crossovers onto Main Road. A privet hedge partially screens the property frontage to the side of the entrance area extending from the front corner of No.2 Bentalls, whilst a smaller crossover exists for a pedestrian gate which leads into No.3 Bentalls in a gap in the frontage hedge. Main Road is a Class 3 highway.

**3. PROPOSAL**

3.1 This householder application relates to the formation of a vehicular crossover onto Main Road for No.3 Bentalls as shown on drawing Env 2016/3. The new crossover would have an overall width of 6.3m comprising two transition kerbs and five dropped kerbs with tarmac finish and concrete edgings and would be constructed to ECC Highway specification standards. A new Aco drain would run parallel behind the crossover which would drain to a new soakaway.

**4. APPLICANT'S CASE**

4.1 None submitted given the nature of the submitted application.

**5. RELEVANT SITE HISTORY**

5.1 There is no relevant site history.

**6. POLICIES**

## 6.1 National Policies

- National Planning Policy Framework

## 6.2 Uttlesford Local Plan (2005)

- ULP Policy GEN1 - Access
- ULP Policy GEN2 - Design

## 7. PARISH COUNCIL COMMENTS

- 7.1 No comments.

## 8. CONSULTATIONS

### ECC Highways

- 8.1 The impact of the proposal is acceptable to the Highway Authority from a highway and transportation perspective as shown in principle on drawing no. Env 2016/3.

## 9. REPRESENTATIONS

- 9.1 Neighbour notification period expires 9 February 2017. No representations received.

## 10. APPRAISAL

The issues to consider in the determination of the application are:

- A Access (ULP Policy GEN1)
- B Design (ULP Policy GEN2)

### A Access (ULP Policy GEN1)

- 10.1 The formation of a new vehicular crossover at No.3 Bentalls would formalise vehicular access arrangements for this Council property as it is the case that the tenant occupiers currently have to “bump” the pavement to gain access onto the informal hardstanding parking area laid out behind. The crossover would eliminate this inconvenient practice and in so doing would improve highway safety for all users of the highway along this section of Main Road as well as providing a consistency of approach with the crossovers already in place for Nos.1, 2 and 4 Bentalls at this residential location.

- 10.2 ECC Highways have been consulted on the application and have not raised any highway objections to the proposal on access grounds. The proposed works would therefore comply with ULP Policy GEN1.

### B Design (ULP Policy GEN2)

- 10.3 The crossover would be designed and constructed to ECC Highway specification standards and would drain to a new soakway. The proposed works would therefore comply with ULP Policy GEN2.

## 11. CONCLUSION

The following is a summary of the main reasons for the recommendation:

- A** The proposed vehicular crossover would be acceptable in terms of access (ULP Policy GEN1).
- B** The vehicular crossover would be acceptable in terms of design (ULP Policy GEN2).

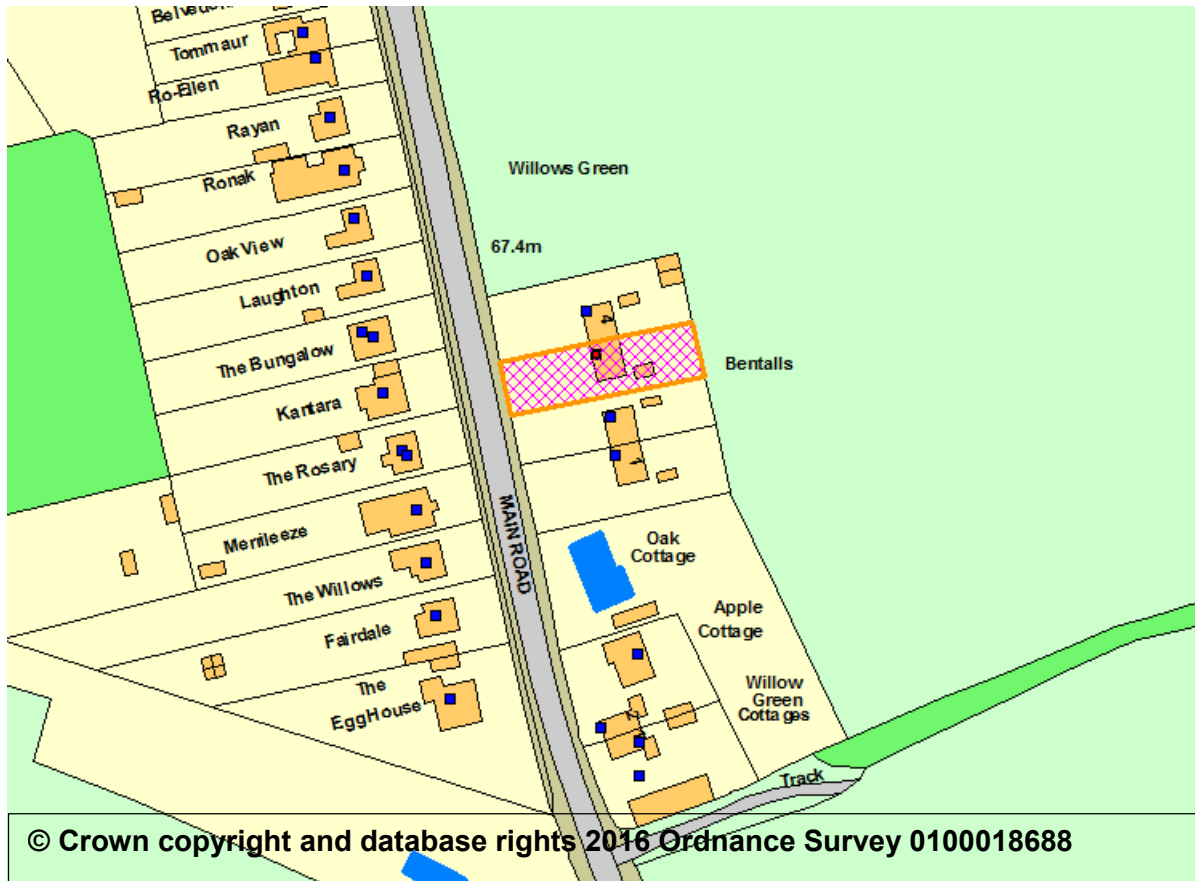
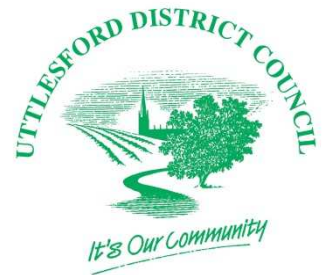
**RECOMMENDATION – APPROVAL WITH CONDITIONS**

**Conditions**

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

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Application Number: Address: UTT/16/3635/HHF  
Address: 3 Bentalls, Willows Green, Main Road Felsted



Organisation: Uttlesford District Council  
Department: Planning  
Date: 21 March 2017



**UTT/17/0167/HHF - SAFFRON WALDEN**

(Referred to Committee Reason: UDC Employee)

**PROPOSAL:** Replacement of peg tiles with Marley cement board cladding to front elevation

**LOCATION:** 12 Cromwell Road Saffron Walden

**APPLICANT:** Mr A Scraggs

**EXPIRY DATE:** 07 March 2017

**CASE OFFICER:** Rosemary Clark

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**1. NOTATION**

1.1 Within Development Limits

**2. DESCRIPTION OF SITE**

2.1 The application site comprises a two-storey end of terrace dwelling situated on a residential development to the south of Saffron Walden town. The dwelling is located on a slightly elevated site from the road with hardstanding to the front. The property benefits from a small porch extension to the front. The dwelling is finished in part hanging tiles, white cladding and red brick with a concrete tiled roof. The dwellings in this vicinity are predominately two storey semi-detached or terraced dwellings finished in a variety of materials that have evolved over the years.

**3. PROPOSAL**

3.1 This application relates to the proposed change of materials to the front (north elevation) at first floor level. The existing hanging tiles will be replaced with Marley cement board cladding.

**4. APPLICANT'S CASE**

4.1 N/a

**5. RELEVANT SITE HISTORY**

5.1 N/a

**6. POLICIES**

**6.1 National Policies**

- National Planning Policy Framework

**6.2 Uttlesford Local Plan (2005)**

- S1 – Development within settlement limits  
- GEN2 - Design  
- H8 – Home extensions and alterations

## 7. TOWN COUNCIL COMMENTS

7.1 Parish consulted – No objection

## 8. CONSULTATIONS

## 9. REPRESENTATIONS

9.1 4 Neighbours consulted – No responses received

## 10. APPRAISAL

The issues to consider in the determination of the application are:

A Whether the proposal would respect the size, scale and appearance of the original dwelling (ULP Policies S1, GEN2 and H8)

B Whether the proposal would adversely affect the visual amenity of the locality (ULP Policies GEN2 and H8)

### **A Whether the proposal would respect the size, scale and appearance of the original dwelling (ULP Policies S1, GEN2 and H8)**

10.1 The dwelling is situated within the development limits of Saffron Walden; therefore the principle of modest extensions and alterations is acceptable in accordance ULP Policy S1.

Local Plan Policies H8 and GEN2 indicate that development should respect the appearance of the existing dwelling with regard to size, design and appearance. The proposal put forward here relates to the replacement of the existing hanging tiles to the first floor front (north) elevation with cement board cladding. Whilst this proposal obviously would change the outward appearance of the dwelling, it needs to be assessed whether this would be unduly harmful to the overall appearance of the dwellings within the locality. The properties in this area are predominately typical 1970/1980's style dwellings that have been altered and extended over the years. The materials used vary greatly in this locality. On balance it is considered that the proposed changes would not be harmful to the appearance and setting of the dwelling and would therefore comply with the relevant policies.

### **B Whether the proposal would adversely affect the visual amenity of the locality (ULP Policies GEN2 and H8)**

10.2 As mentioned above, the proposed change of materials would alter the appearance of the dwelling. However, it is considered that the changed would not be unduly harmful to the street scene as a whole as they represent a popular material that is currently being widely used on properties of this era. It is considered that the proposal complies with ULP Policies GEN2 and H8.

## 11. CONCLUSION

The following is a summary of the main reasons for the recommendation:

A In terms of design the proposed changes would not adversely affect the appearance of the dwelling and therefore comply with Uttlesford Local Plan Policies S1, GEN2 and H8

- B The nature and location of the proposals would not have an adverse impact on the street scene as a whole and therefore the visual amenity of the area would not be harmed as a result of this proposal, thus complying with Uttlesford Local Plan Policies GEN2 and H8.

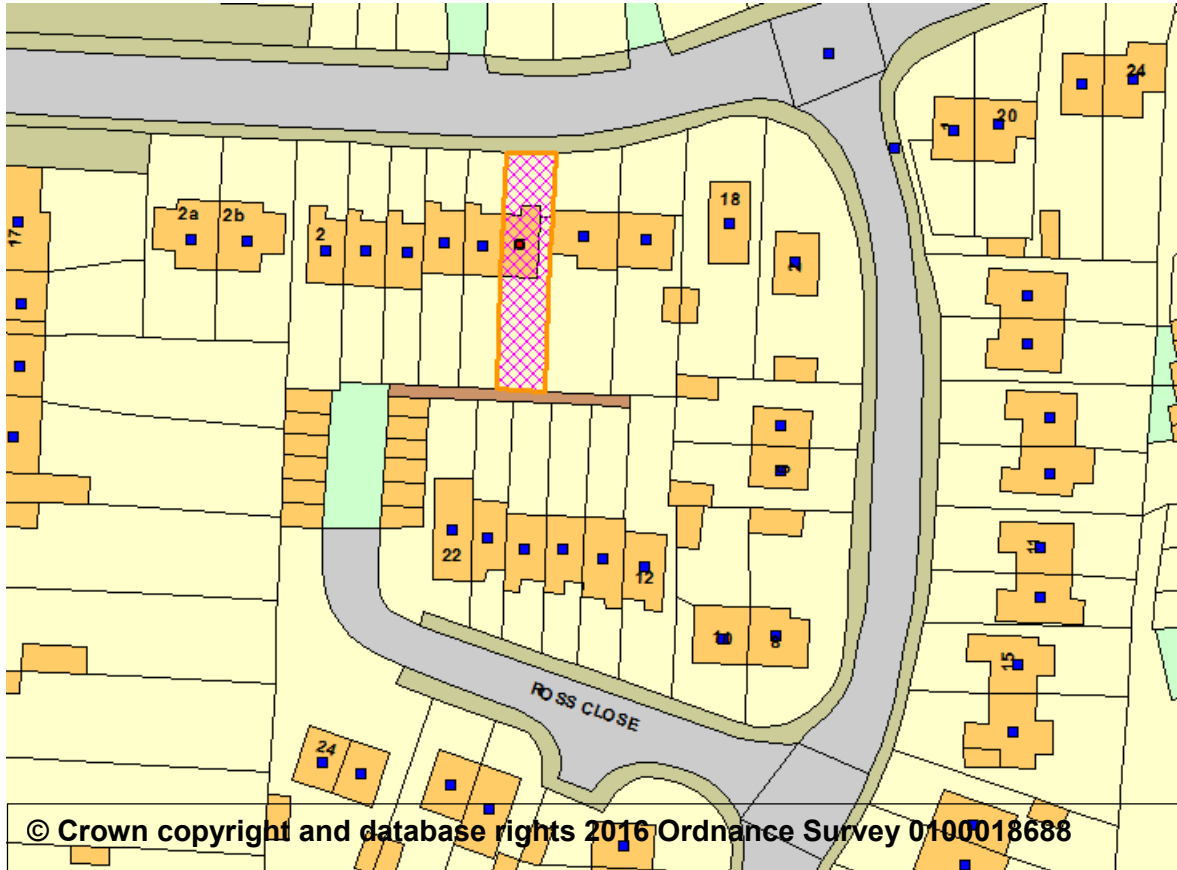
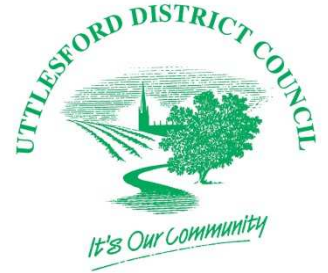
## **RECOMMENDATION – APPROVE WITH CONDITIONS**

### **Conditions**

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

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Application Number: UTT/17/0167/HHF  
Address: 12 Cromwell Road, Saffron Walden



Organisation: Uttlesford District Council  
Department: Planning  
Date: 21 March 2017

**Title: Appeal Decisions**

**16.11.2016 – 16.03.2017**

**Author: Nigel Brown**

<b>SITE ADDRESS</b>	<b>APPLICATION NO</b>	<b>DESCRIPTION</b>	<b>APPEAL DATE &amp; DECISION</b>	<b>DECISION BY OFFICER/OVERTURNED BY COMMITTEE</b>
Potash Farm Hempstead Road Radwinter Saffron Walden Essex CB10 2TH	UTT/16/0783/OP	Outline application, with all matters reserved except for access, for the erection of 2 no. dwellings with garages and new access	30.01.2017  Appeal Dismissed	N/A
2 Ashdon Road Saffron Walden CB10 2AA	UTT/16/1460/OP	Outline application with all matters reserved, except for access, the demolition of garage and carport and the erection of 1 no. dwelling with garage and creation of new access	02.03.2017  Appeal Allowed	Committee 23.08.2016

Land Rear Of 75 Walden Road Sewards End Saffron Walden Essex CB10 2LG	UTT/15/3822/OP	Outline application for the erection of 2 no. dwellings and garages with all matters reserved except access	02.12.2016  Appeal Dismissed	N/A
48 Long Horse Croft Saffron Walden CB11 4BJ	UTT/16/1746/HHF	Retrospective application for erection of a two storey side extension	16.11.2016  Appeal Dismissed	N/A
Village Hall Sewards End Radwinter Road Saffron Walden Essex CB10 2LG	UTT/16/0844/OP	Outline application, with all matters reserved matters except for access, for the erection of 36 no. dwellings, 1 no. village shop, extension to existing village hall, new access and alterations to existing access	09.02.2017  Appeal Dismissed	N/A

<p>The Gables Bannister Green Felsted Dunmow CM6 3ND</p>	<p>UTT/16/2058/HHF</p>	<p>Proposed erection of a double garage.</p>	<p>09.02.2017  Appeal Dismissed</p>	<p>N/A</p>
<p>Saracens Head Chequers Lane Dunmow Essex CM6 1ED</p>	<p>UTT/16/0931/LB</p>	<p>Proposed two storey side extension to create 6 no. Bedrooms and associated landscaping.</p>	<p>30.01.2017  Appeal Allowed</p>	<p>N/A</p>
<p>The Rectory House High Cross Lane Little Canfield CM6 1TB</p>	<p>UTT/16/1238/HHF</p>	<p>Retention of detached cartlodge as built, variation in design to that approved under UTT/15/0698/HHF</p>	<p>16.11.2016  Appeal Dismissed</p>	<p>N/A</p>

Land North Of Broad Halfpenny Upper Green Road Langley Saffron Walden Essex	UTT/15/3742/OP	Outline application. all matters reserved except for access, for the erection of 1 no. single storey dwelling	04.01.2017  Appeal Dismissed	N/A
21 Tyler Avenue Flitch Green CM6 3GB	UTT/16/1992/HHF	Proposed loft conversion with rear dormers and veranda	09.02.2017  Appeal Dismissed	N/A
The Yard Bardfield End Green Thaxted Dunmow Essex CM6 3PX	UTT/15/3363/OP	Outline application, with appearance and landscaping reserved, for the erection of 1 no. dwelling	18.11.2016  Appeal Dismissed	N/A



<p>1 Hill Court Shire Hill Saffron Walden Essex CB11 3WA</p>	<p>UTT/16/1774/HHF</p>	<p>Retrospective application for the erection of a boundary fence.</p>	<p>16.11.2016  Appeal Dismissed</p>	<p>N/A</p>
<p>Willow Lodge Feathers Hill Hatfield Broad Oak Bishops Stortford Hertfordshire CM22 7HB</p>	<p>UTT/16/1298/HHF</p>	<p>Proposed construction of new first floor, two storey front and single storey front and rear extensions</p>	<p>13.02.2017  Appeal Dismissed</p>	<p>N/A</p>
<p>2 Ashdon Road Saffron Walden CB10 2AA</p>	<p>UTT/16/1461/HHF</p>	<p>Creation of new access and parking</p>	<p>02.03.2017  Appeal Allowed</p>	<p>Committee 23.08.2016</p>

Saracens Head Chequers Lane Dunmow Essex CM6 1ED	UTT/16/0930/FUL	Proposed two storey side extension to create 6 no. Bedrooms and associated landscaping.	30.01.2017 Appeal Allowed	N/A
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