



# Phase 2

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DEVELOPMENT  
LIMITED

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Planning Committee Member

30 March 2017  
Our Ref: C16077

Dear Councillor

## **UTT/16/3669/OP - Outline application with all matters reserved for 35 dwellings on land South East Of Great Hallingbury Manor, Bedlars Green Road, Tilekiln Green, Great Hallingbury.**

I write to you today regarding the above highlighted planning application which has been recommended for refusal by Uttlesford District Council's Planning Department. The Officer's report on this matter is included as Item 4 on the agenda for the Council's next Development Committee on 5<sup>th</sup> April 2017, with the recommended reasons for refusal on this application summarised as follows:

1. Proposal would represent an unsustainable form of residential development;
2. Proposal would be harmful to the setting and character and appearance of the countryside;
3. Proposal would promote coalescence between the Countryside Protection Zone (CPZ) and the airport and would adversely affect the open characteristics of the zone;
4. Proposal would have unacceptable consequences in terms Highway safety and efficiency;
5. Insufficient information submitted that clearly demonstrates whether the proposed development would not increase the risk of flooding through surface water run-off; and
6. 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 proposed development has received significant support from residents in the local community with 7 letters of support received and no objections, which represents a not insignificant and unusually high level of positive responses for residential development.

I will address each reason for refusal in turn below, before providing an additional brief commentary on the relevance of National Policy and a brief conclusion at the end of this letter.

### **1. Sustainability**

The application site is sited close to Great Hallingbury which, although it has limited facilities (Church and Public House) has an active local community including weekly meetings for organisations such as the WI and Brownies. There is a bus service in Tilekiln Green and the site is within close proximity to the town of Bishops Stortford and its excellent public transport provision and wide range of higher order shops and services.

The decrease in the population of Great Hallingbury has resulted in the closure of the village school; its building and its accompanying playing field still exist, but are converted to housing and a grazing field. The provision of new housing in this location, including the provision of units of affordable housing, will help support the local community, adding to the vibrancy and vitality of the village. This development would provide local homes for local people, for those in need of starter homes and those wishing to downsize but stay within the local community thus satisfying the social aspect of sustainability.

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**Directors:** Kevin Coleman BSc (Hons) DipTP MRTPI  
Trevor Dodkins BSc (Hons) DipTP MRTPI



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# Phase 2

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The construction of new homes will provide economic benefits too, not only in terms of the construction itself but also generating an increase in local spending and additional tax revenue in the form of Council Tax to fund improved local services. The approval of houses on this site would also attract a considerable financial contribution towards school transportation provision.

In terms of the environment, the site is well screened by established planting and is not readily visible from outside the site, it is considered therefore that it would not result in significant harm to the setting of the wider countryside, satisfying the environmental strand of sustainability. Furthermore as stated in the Officer report in para 10.65, the application is acceptable on ecology grounds with no loss of protected species or habitat.

Case law makes clear that achieving sustainable development does not mean that every proposal must satisfy all three objectives (Social, Economic and Environmental sustainability) and that it is normal to expect that sustainable development will involve some trade-off between these competing desiderata. In this case it is submitted that the clear Social and Economic benefits of the scheme would more than outweigh any limited, if any, Environmental harm, and therefore it can reasonably be concluded that the scheme does indeed constitute Sustainable Development.

## **2. Countryside Setting**

As stated above, and as you will during the site visit, the site is well screened and has limited views from outside the site. Although a reserved matter, it is proposed that the landscaping scheme would ensure that boundary planting on site would be retained and strengthened to enhance and add to the existing planting to assist in screening the built form on the site from the wider countryside. The combination of existing and new planting, coupled with the relationship of the site to existing built development, means that the proposal would have no material adverse impact on the setting and character of the countryside.

## **3. CPZ**

The application site, whilst located in the CPZ, does not immediately abut the Airport boundary, and there still remains a considerable tract of land between it and the Airport. In fact the site only just falls within the CPZ with the small hamlet of Bedlars Green to the south falling outside. It is considered therefore that the proposal would not materially affect the open characteristics of the zone or promote coalescence between the airport and existing development in the surrounding countryside. Whilst recognising that the intention of the Policy is to prevent urbanisation of the area around the airport, it also has to be recognised that the CPZ already contains small hamlets and clusters of development that are existing features. Modest additions to these existing clusters, as would be the case in this instance, would not undermine the wider function of the CPZ.

## **4. Highways**

Updated plans were submitted to the Council on 15<sup>th</sup> March 2017 in order to overcome concerns raised by the Highway Authority. The proposed access point has been revised and moved to the north, see attached drawing in Appendix 1. The required visibility splays are achieved.

This revised access point has been the subject of dialogue between the applicant's Highways Consultant and the Highway Authority. The Highway Authority has by email of 21<sup>st</sup> March (see Appendix 1) confirmed that the visibility splays are now acceptable (in respect of the additional matters raised, these can be addressed



## Phase 2

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DEVELOPMENT  
LIMITED

at Reserved Matters Stage).

### 5. Flooding

The applicant has submitted a revised drainage strategy which addresses all concerns as confirmed in the attached response from ECC Flood & Water Management dated 9th March 2017 in Appendix 2.

There is therefore no basis for this reason for refusal.

### 6. Noise.

The applicant has submitted an Acoustic Assessment in support of the application and while it is acknowledged that external amenity areas will not meet the guideline thresholds, internal levels will, as agreed by the Environmental Health Officer (EHO) in his consideration of the application.

It is the Applicant's contention that the benefits of the provision of 35 dwelling houses, including a number of affordable housing units, in a District struggling to maintain its 5 year housing land supply and where the proposal has the support of the local community outweighs any potential detrimental noise impacts. After all it is the residents' choice if they wish to live in such a location.

In addition, it is worth noting that the noise level targets in BS8233 and the advice in PPG-N are all "guidance", they are not absolute limits or mandatory standards. As set out in BS8233:2104, this may be a situation where it is *"recognized that these guideline values are not achievable in all circumstances where development might be desirable. In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited."*

### National Planning Policy Framework

The application site represents previously developed land (having been formerly used a location for a marquee and for overflow parking in association with the adjacent Hotel) and national planning guidance in the NPPF strongly supports the redevelopment of previously developed land.

Secondly, and as discussed above, the proposed development is Sustainable Development in the context of the NPPF – it contributes positively to the Social and Economic roles of sustainability and has at worst a neutral impact on the Environmental role.

Thirdly, this is an application for residential development, and paragraph 49 of the NPPF makes clear that the presumption in favour of sustainable development applies to residential development,, irrespective of whether or not the Council can demonstrate a 5 Year Land Supply.

For these three reasons, the proposed development accords with the NPPF, which post dates the Council's Local Plan, and the compliance with the NPPF needs to be given significant weight in any decision.

Finally but importantly, in light of the recently revised OAHN (objectively assessed housing need) figure, as reported to Planning Policy Working Group on 22 February 2017, the up to date five year housing supply position for Uttlesford must now be below 5 years. Although the Officer's report says 5 years supply does exist, this is based on the lower need figure, so as need is now agreed to be higher, supply must be lower.



# Phase 2

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## Conclusion

Of the 6 reasons for refusal, the 2 relating to flooding and highways grounds have actually been resolved through agreement with the respective consultees.

In respect of the 4 other reasons, we have explained why we consider these to be misapplied, but in any event, we submit that the benefits of the proposed development, in particular the provision of both affordable housing and market housing to meet local needs on a site which has local community support, are significant material considerations which justify the approval of the application notwithstanding the concerns that your Officers have raised in respect of these matters.

I hope the above information is of assistance to you in coming to your decision on this application.

Yours sincerely

**Kevin Coleman**  
*Director*

[kcoleman@phase2planning.co.uk](mailto:kcoleman@phase2planning.co.uk)

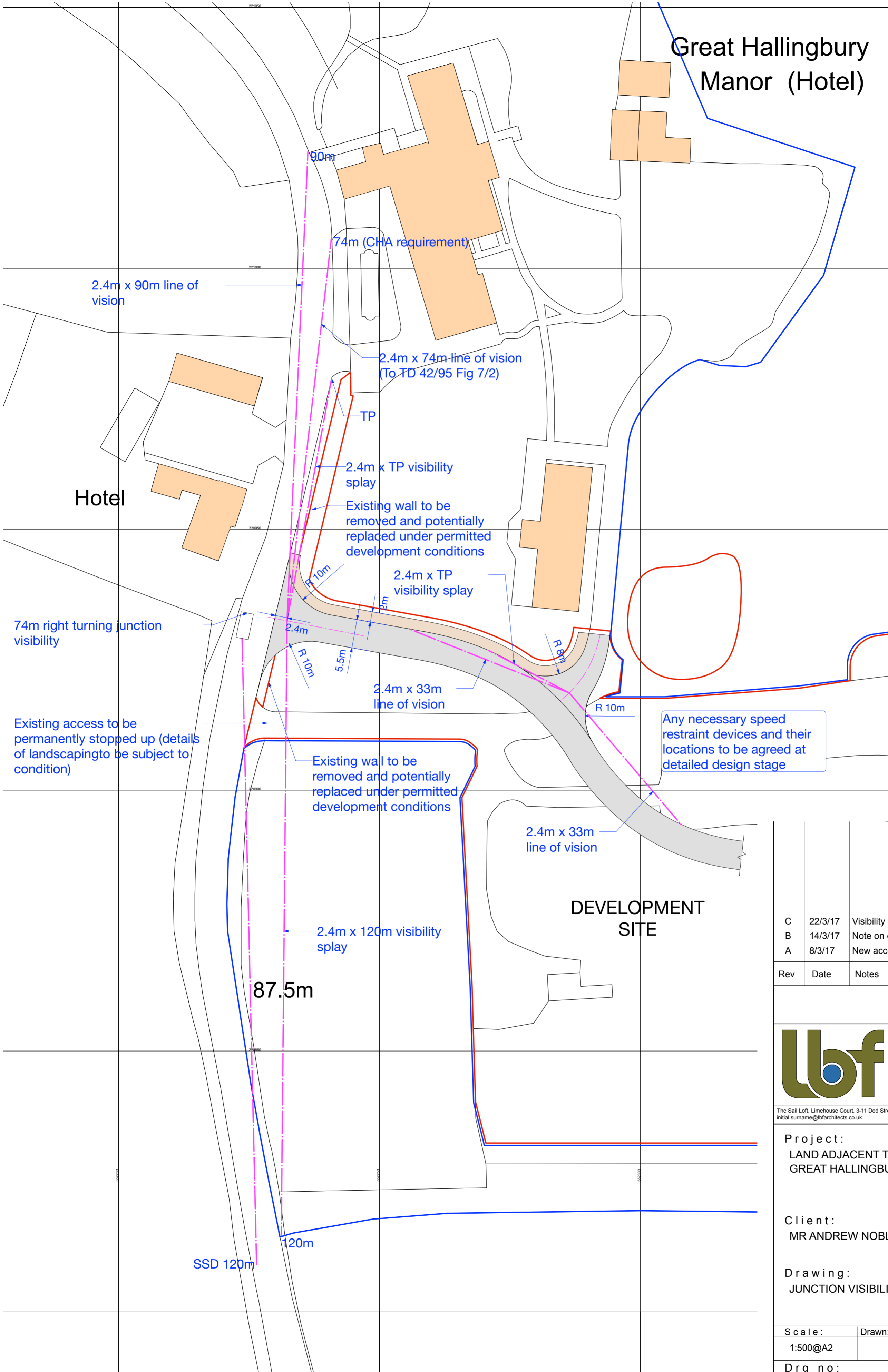


# Phase 2

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## Appendix 1

# Great Hallingbury Manor (Hotel)



Rev	Date	Notes
C	22/3/17	Visibility splay for inner junction added
B	14/3/17	Note on existing wall added
A	8/3/17	New access road and junction

**lbf** ARCHITECTS

The Sail Loft, Limehouse Court, 3-11 Dod Street, London E14 7EQ - Tel: 020 7536 2100 Fax: 020 7538 4442  
 initial.surname@lbfarchitects.co.uk [www.lbfarchitects.co.uk](http://www.lbfarchitects.co.uk)

**Project:**  
 LAND ADJACENT TO  
 GREAT HALLINGBURY MANOR

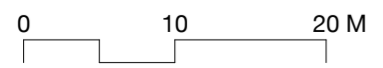
**Client:**  
 MR ANDREW NOBLE

**Drawing:**  
 JUNCTION VISIBILITY SPLAYS

Scale:	Drawn:	Checked:	Date:
1:500@A2			Feb-17

Drg no:	Rev:
2015-105-011	C

DO NOT SCALE FROM THIS DRAWING. ALL DIMENSIONS TO BE CHECKED ON SITE. REFER ANY DISCREPANCIES TO ARCHITECT. THIS DRAWING IS SUBJECT TO COPYRIGHT.



## Kevin Coleman

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**To:** kcoleman@phase2planning.co.uk  
**Subject:** UTT/16/3669/OP Great Hallingbury Manor - ECC reply to KAB - 210317

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**From:** Katherine Wilkinson, Strategic Development Engineer [<mailto:Katherine.Wilkinson@essex.gov.uk>]  
**Sent:** 21 March 2017 15:05  
**To:** [kab@the-httc.co.uk](mailto:kab@the-httc.co.uk)  
**Subject:** RE: UTT/16/3669/OP Great Hallingbury Manor - KAB to ECC - 230217x2 & 240217 & 150317 & 210317

Dear Keith,

Thank you for the revised access drawing. The visibility splays are acceptable, in order to conform emerging standards we would want the access to be 5.5m with a 2m footway on the north side. Please provide tracking of the new access and junction within the site, please provide the visibility of the junction within the site. As a detailed point junction radii are whole number numbers now due construction constraints.

Have you been able to address the limited accessibility in walking and bus access to and from the site?

Regards

Katherine

Katherine Wilkinson  
Strategic Development Engineer  
Transportation, Planning and Development

Essex County Council  
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*Please note I work Tuesday - Thursday*



# Phase 2

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## Appendix 2



Essex County Council  
**Flood & Water Management  
Planning & Environment**  
E3 County Hall  
Chelmsford  
Essex CM1 1QH



Lindsay Trevillian  
Uttlesford District Council  
Planning Services

Date: 9<sup>th</sup> March 2017  
Our Ref: SUDS-001459  
Your Ref: UTT/16/3669/OP

Dear Mr Trevillian,

**Consultation Response – UTT/16/3669/OP - Land South East Of Great Hallingbury Manor Bedlars Green Road Tilekiln Green**

We received further information which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15<sup>th</sup> April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

**Lead Local Flood Authority position**

Having reviewed the associated documents which accompanied the planning application, we do not object to granting of planning permission subject to the following conditions:

**Condition 1**

No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Run –off rates restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with the inclusion of long term storage. Information would need to be provided about the values used to calculate these rate/s and these would be further reviewed on submission.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event. Sufficient storage should also be provided for urban creep.
- Final modelling and calculations for all areas of the drainage system. It should be clearly shown how surface water up to the 1 in 100+40% will be managed on site.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy.

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
- 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.

#### **Condition 2**

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

#### **Reason**

The National Planning Policy Framework paragraph 103 and paragraph 109 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will

cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

### **Condition 3**

No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

#### **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.

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.

### **Condition 4**

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

#### **Reason**

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

## Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

### INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15<sup>th</sup> of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the

planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Whilst we have no further specific comments to make at this stage, attached is a standing advice note explaining the implications of the Flood and Water Management Act (2010) which could be enclosed as an informative along with your response issued at this time.

Yours sincerely,

**Ellie Scott**  
**Senior Development and Flood Risk Officer**  
Team: Flood and Water Management  
Service: Planning & Environment  
Essex County Council

Internet: [www.essex.gov.uk](http://www.essex.gov.uk)  
Email: [suds@essex.gov.uk](mailto:suds@essex.gov.uk)

### **Appendix 1 - Flood Risk responsibilities for your Council**

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

- Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements)

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.

- Flood recovery measures (including flood proofing and other building level resistance and resilience measures)

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is

favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Further information can be found in the Department for Communities and Local Government publications '[Preparing for Floods](#)' and '[Improving the flood performance of new buildings](#)'.

- Sustainability of the development

The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.