

## **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:**

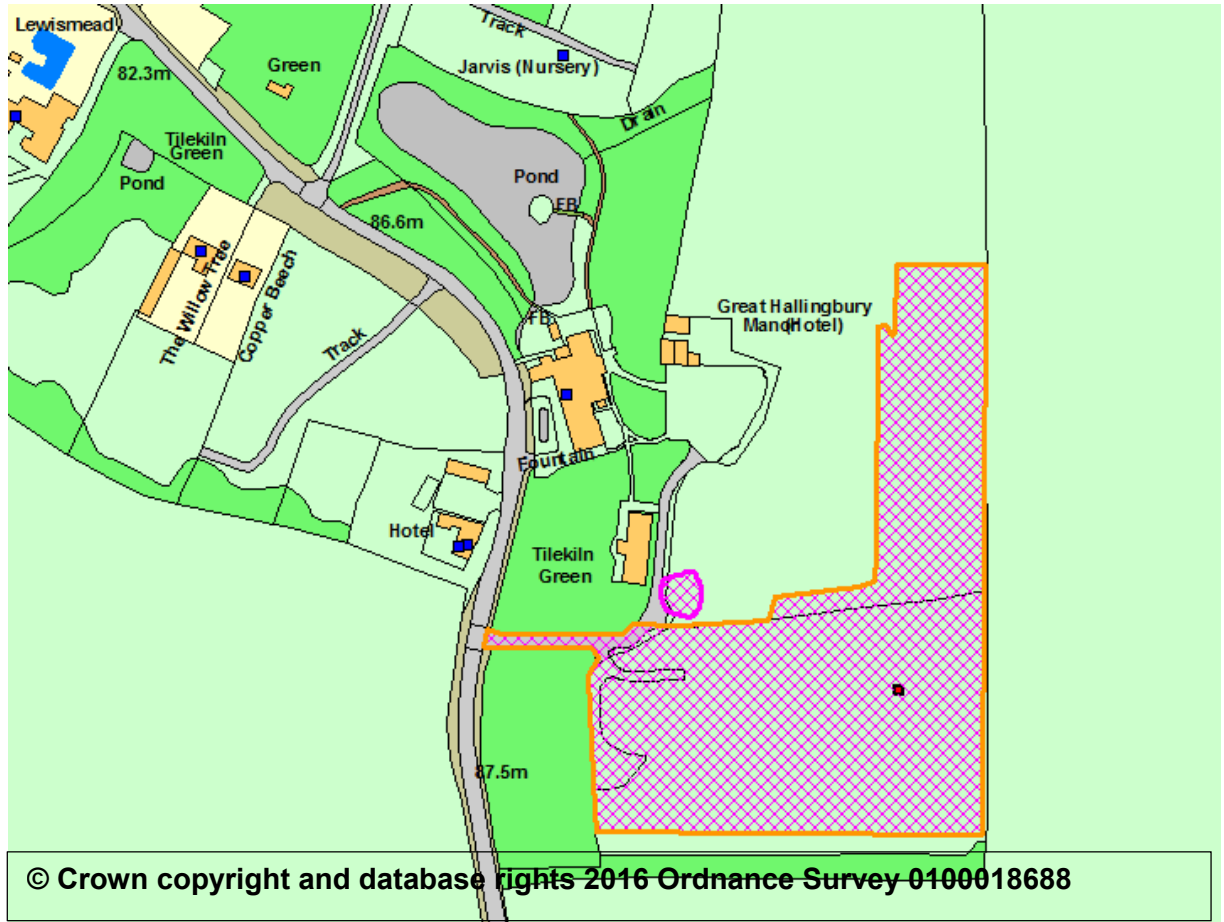
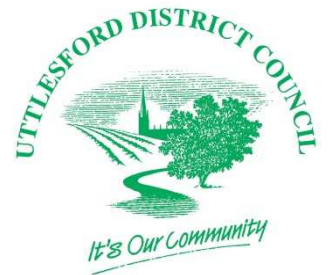
1. Paragraphs 7 and 14 of the NPPF set out that there is a presumption in favour of sustainable development whilst the policies in paragraphs 18 to 219, taken as a whole, constitute what the Government's view of what sustainable development. The proposal would represent an unsustainable form of residential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