

**UTT/20/0422/FUL**

(Major application) Deferred for members site visit.

**PROPOSAL:**       **Erection of 12 no. dwellings including new access and associated landscaping. Creation of parking area for adjacent playing field.**

**LOCATION:**       **Land North of Cox Ley, Hatfield Heath, Herts,**

**APPLICANT:**     **Hastoe Housing Association**

**AGENT:**         **Miss Amy Wilson**

**EXPIRY DATE:**   **21.05.2020 (Extension of time agreed to 19.02.2021).**

**CASE OFFICER:**  **Madeleine Jones**

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**1.       NOTATION**

1.1       Outside Development Limits. Metropolitan Green Belt. Tree Preservation orders. Within 6km of Stansted Airport. Public Right of Way.

**2.       DESCRIPTION OF SITE**

2.1       This application relates to a parcel of land of 0.6 hectares adjacent to the existing housing development of Broomfields and Cox Ley. The land is located directly to the north of the development limits of Hatfield Heath, within the Metropolitan Green Belt.

2.2       The site is mainly level. There is a mature vegetation screen along the western boundary of the plot. There are allotments to the north and a football pitch to the east. The land is a redundant and is overgrown scrubland.(The site does not form part of the football pitch)

2.3       The dwellings directly to the west of the land are single-storey bungalows. They are situated around an existing open green area. These properties mostly have on street parking provision, although there is an existing informal parking area to the north of the dwellings, adjacent to the application site

2.4       The dwellings directly to the west of the land are single-storey bungalows. They are situated around an existing open green area. These properties mostly have on street parking provision, although there is an existing informal parking area to the north of the dwellings, adjacent to the application site

2.5       Other properties on Broomfield's are two-storey, mainly terraced dwellings or flats. Properties in Cox Ley (to the south of the site) are mainly semi-detached properties.

2.6       There is an electricity substation adjacent (to the west) of the site access. There is an area close to the access that is used informally as parking for the football pitch

2.7       To the north of the site are allotment gardens.

2.8 To the north west of the site is a new development for affordable housing that was granted planning permission under planning reference UTT/12/5349/FUL

2.9 There is a public right of way that extends east from the access along the southern perimeter of the football pitch.

### **3. PROPOSAL**

3.1 This proposal is for the erection of 12 no. dwellings including new access and associated landscaping. Creation of parking area for adjacent playing field.

3.2 The housing mix would consist of 1 x 1 bedroom house, 6 x 2 bedroom houses, 3 x 3 bedroom houses and 1 x 4 bedroom house. The buildings would be arranged either side of the new access road.

3.3 The proposed buildings would be a mixture of 1 and a half and two-storey dwellings. The dwellings would be divided in terms of external material. Some would have rendered walls, some would be finished in timber weatherboarding cladding and some brick. The roofs would be finished in slate or red/brown plain tiles.

3.4 Access to the site would be from the existing road that serves Cox Ley.

3.5 Each new dwelling would have two parking spaces with minimum dimensions of 2.9m by 5.5m. Each dwelling would have a private rear garden area. Hard and soft landscaping is proposed along the site boundaries and between the dwellings.

3.6 Ten of the dwellings would be provided as affordable housing and two of the plots are to be market housing.

3.7 A car park would be provided for the existing football pitches.

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

4.1 The proposal is not EIA development and an environmental assessment is not required to assess the environmental impacts of the development whereby the site does not fall within a "sensitive area".

### **5. APPLICANT'S CASE**

5.1 The following documents have been submitted in support of the application:

- Design and Access Statement
- Flood Risk Assessment and Drainage Strategy
- Great Crested Newt Survey
- Preliminary Ecology Appraisal
- Transport Assessment
- Bird Survey
- Reptile survey
- Completed Biodiversity Questionnaire.
- Bat survey

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

- 6.1 UTT/13/2313/OP: Outline planning permission for the erection of 5 No. dwellings with all matters reserved. Refused. Dismissed at appeal.
- 6.2 UTT/13/1119/OP: Outline application for the erection of No. 5 dwellings with all matters reserved. Refused.
- 6.3 UTT/0290/84: Change of use of agricultural land to football pitch/playing field. Approved with conditions.
- 6.4 UTT/0808/86: Outline application for a medical centre and alteration of an existing access. Refused.
- 6.5 UTT/1193/87: Retention of building for use as changing room. Unconditional approval.

## **7. POLICIES**

### **National Policies**

- 7.1 National Planning Policy Framework (NPPF)

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

- 7.2 ULP Policy S6– Metropolitan Green Belt  
ULP Policy ENV3 – Open spaces and trees  
ULP Policy GEN1 – Access  
ULP Policy GEN2 – Design  
ULP Policy GEN4 – Good Neighbourliness  
ULP Policy GEN7 – Nature Conservation  
ULP Policy GEN8 – Vehicle Parking Standards  
ULP Policy GEN3 – Flood Protection  
ULP Policy ENV14 – Contaminated Land  
ULP Policy H9 – Affordable Housing  
ULP Policy H10 – Housing mix  
ULP Policy H11 – Affordable Housing on “exception sites”  
ULP Policy LC3 – Community Facilities

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

- 7.3 Accessible Homes and Playspace.

### **Other Material Considerations**

- 7.4 ECC Parking Standards – “Design and Good Practice” (September 2009)  
UDC Parking Standards (adopted February 2013)  
National Planning Policy Guidance (NPPG)  
Essex Design Guide

## **8. PARISH COUNCIL COMMENTS**

- 8.1 Agree with STRONG Conditions
- 8.2 In general the Parish Council recognise and agree with this proposal for affordable housing but only on condition that an improved access and egress plan is constructed and agreed and a vi-able long term surface and foul water plan is

constructed and demonstrated.'

Voting was 6 for this statement, 1 against with 1 abstention

We have had further discussions on the subject since the meeting and met with various representatives from Cox Ley at our forum on Saturday at which we discussed the following:

The residents would prefer NOT to have the road opened up between Cox Ley and Broomfields

(The Close) and indeed petitioned FOR them in the early days to prevent people using the system as a racetrack.

Issues raised by them were:

Over-development of this side of the village adding to the strain on all the services and in particular the road system, but also the already overloaded foul water drainage system.

Concern about the adequacy of the surface water drainage arrangements.

Concern about site contamination

Concern about the impact on climate change.

In view of the above I propose that we amend our statement to the proposal as follows.

'In general the Parish Council recognise and agree with this proposal for affordable housing but only on condition that a viable long term surface and foul water plan is constructed and demonstrated to have no impact on the existing systems and residences and that a robust plan is published to address the site contamination issues in full.

## **9. CONSULTATIONS**

### **ECC Highways**

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

### **Place Services (Ecology)**

- 9.2 No objections subject to securing biodiversity mitigation and enhancement measures.

### **Lead Local Flood Authority)**

(revised comments received 4<sup>th</sup> January 2021):

- 9.3 Following on from previous advice, having reviewed the flood risk assessment and associated documents, we do not object to the granting of planning permission, subject to conditions.

### **Sport England**

- 9.4 Thank you for sending me the plan showing the proposals for relocating the football pitch as an alternative to installing a ball stop netting/fencing solution along the boundary of the proposed residential development to address the ball strike risk issue.  
I would be supportive in principle because a distance of 30+ metres between the football pitch and the closest dwelling would be expected to be sufficient to minimise the risk of ball strike from the pitch and therefore negate the need for ball strike fencing/netting of a suitable height along the eastern boundary of the development i.e. the proposed 1.8m close boarded fence would be adequate.

information is formally submitted in support of the planning application:

1. Football Pitch Dimensions: Before you finalise the plans, can I request that you check that the size of the relocated football pitch meets the needs of Hatfield Heath FC. The FA recommended dimensions of a senior football pitch suitable for adult use are 100 x 64 metres while the recommended dimensions of a youth football pitch (under 15/16 age group) are 91 x 55 metres. The existing/proposed dimensions of the pitch are approximately 91 x 63 metres which falls between the two sizes. If the club need a football pitch for adult use, the relocation of the pitch should be used as an opportunity to provide a pitch which will meet the recommended dimensions although this would require the length of the pitch to be extended.

I expect that the Football Foundation will query this so it would be helpful to understand what size pitch the club needs. The submission will need to confirm that the club have been consulted and the proposed dimensions meet their requirements.

2. Site Plan: The site plan you have provided showing the existing and proposed siting of the football pitch subject to any amendments made to adjust the pitch dimensions of the relocated football pitch as set out above will need to be submitted. As the proposal to relocate the football pitch will now form part of the application (and we would seek a planning condition requiring the relocation of the pitch) you may need to either extend the red line of the planning application to include the whole of the proposed playing field or include the playing field within a blue line to show the playing field is also within the control of the applicant if this is the case.

3. Relocated Football Pitch Feasibility Study and Construction Specification: As part of the relocated football pitch will be on scrubland that has not been used for playing pitch use before, a feasibility study will be required to be prepared to assess the ground conditions and advise how a suitable quality football pitch can be constructed. The scope of the feasibility study and construction specification will need to cover the whole area of the relocated football pitch to ensure that both the existing and new areas of the pitch are constructed or enhanced to the same standard. At this stage, only a commitment to prepare such a feasibility study and construction specification for submission/approval as a pre-commencement requirement will be required as this matter can be addressed through a planning

4. Relocated Football Pitch Phasing: Confirmation that the football pitch will be relocated prior to first occupation of the residential development at the latest. Ideally, it should be relocated earlier in the construction programme to minimise any conflicts between the use of the football pitch and construction activities given the close proximity of the pitch to the construction site. The construction specification for the relocated football pitch will need to include an implementation programme for the pitch works that accords with this phasing requirement.

5. Proposed Car Park Phasing: As the proposed residential development will displace the existing informal car parking area near the site entrance used by football pitch users, details of how the development will be phased to avoid a scenario where there is no on site car parking for supporting use of the football pitch during the construction period. While the application makes provision for a new car park to serve the playing field which is welcomed, it is unclear whether this would be provided as the first phase of the development in advance of the informal parking area being lost or whether an area of informal car parking would

be retained until the new car park is completed. A phasing scenario where there is no on site car parking for football pitch users during the whole construction period should be avoided as this may cause residential amenity issues in the surrounding residential area which in turn may prejudice the use of the football pitch. Sport England's position on the application would remain as a **holding objection** until the above information has been submitted.

### **Thames Water**

- 9.5 We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk) . Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection.

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

### **Aerodrome Safeguarding**

- 9.6 No objections.

### **Housing Enabling Officer**

- 9.7 The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 ha or 15 or more units.

I am pleased to confirm that this site will be a Rural Exception Site for housing for local people to the Parish of Hatfield Heath with a cascade to neighbouring Parishes where applicable.

The 10 homes for affordable rent will help meet an evidenced housing need in this Parish and will help local residents stay in the area they require.

Two market dwellings are proposed to cross subsidise the cost of delivery. This scheme is a combination of partnership working between the community, the Council's Housing Strategy Team and Hastoe Housing Association.

I confirm the house sizes and location meet the Council's policy.

## Crime Prevention Officer

9.8 The applicant has entered into consultation with us with a view to achieving a Secured by Design award in respect of this development

## 10. REPRESENTATIONS

10.1 Neighbouring properties have been notified in writing and site notice displayed. Expiry date 31<sup>st</sup> December 2020. 37 representations have been received and a petition signed by local residents objecting to the proposal.

10.2 Summary of representations received as follows:

- The land should be safeguarded from encroachment and unrestricted sprawl of large built up areas.
- Contamination
- Overdevelopment
- Traffic- congestion
- Highway Safety
- Impact on ecology
- Pollution and noise
- Flooding and drainage
- Inappropriate development in the Metropolitan Green Belt
- The development would prejudice the use of the playing fields
- Impact on character of village
- Loss of privacy
- There are more appropriate sites for affordable housing in the village
- Dangerous access
- Insufficient parking in village
- Overshadowing of bungalows to east.
- Impact on climate change.
- Loss of agricultural land
- Inadequate infrastructure

## 11. APPRAISAL

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

- A The development of this site for residential purposes is appropriate in this location.(NPPF, ULP policies S7, S6, LC1,GEN2,H9,H10,H11, and ENV3)
  - B Design, scale and layout (ULP policies GEN2 and SPD "Accessible Homes and Playspace")
  - C Highway safety and parking provision (ULP Policies GEN1 and GEN8);
  - D Impact on residential amenity (ULP Policies GEN2 and GEN4);
  - E Impact on biodiversity (ULP Policies ENV3 and GEN7).
  - F Flooding and Drainage (ULP policy GEN3)
  - G Contamination (ULP policy ENV14)
  - H Other material considerations. -
- A The development of this site for residential purposes is appropriate in this location.(NPPF, ULP policies S6, LC1,GEN2,H9,H10,H11,and ENV3)**

- 11.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the planning policies set out in the Adopted Development Plan, unless material considerations indicate otherwise. The adopted development plan for Uttlesford comprises the Uttlesford Local Plan which was adopted in 2005.
- 11.2 In policy terms the site is located outside the development limits for Hatfield Heath as defined by the adopted Uttlesford Local Plan 2005.
- 11.3 S70 (2) of the Town and Country Planning Act 1990 states that "in dealing with a planning application the local planning authority shall have regard to the provisions of the Development Plan so far as is material to the application and to any other material considerations". S38 (6) of the Planning and Compulsory Purchase Act 2004 states 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. Paragraph 2 of the NPPF reiterates this requirement and paragraph 3 confirms that the NPPF is a material planning consideration.
- 11.4 The NPPF stresses that the purpose of the planning system is to contribute to the achievement of sustainable development. The Framework also sets out objectives for achieving this aim. Paragraph 8 of the NPPF confirms the 'presumption in favour of sustainable development' and explains that there are three dimensions to sustainable development, namely, economic; social; and environmental.
- 11.5 Paragraph 11 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. In this regard, the most recent housing trajectory identifies that the Council has a 3.1 year land supply.
- 11.6 Paragraph 11d) of the NPPF states that where there are no relevant development plan policies, or the policies which are the most important for determining the application are out of date, the LPA should grant planning permission unless (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole. One of these protected areas is land designated as Green Belt.
- 11.7 This site is located in the Metropolitan Green Belt and as such needs to be assessed under Metropolitan Green Belt policies within the NPPF within section 13 and ULP policy S6.
- 11.8 Policy S6 states that development will only be permitted if it accords with national policy on Green Belts.
- 11.9 Development permitted should preserve the openness of the Green Belt and its scale, design and siting should be such that the character of the countryside is not harmed.



- 11.10 The revised National Planning Policy Framework (NPPF) was published in July 2018 and updated in February 2019. It provides the statutory guidance for determining planning applications at a national level. It represents the most up to date central government planning policy guidance and as such is a material consideration for the determination of planning applications.
- 11.11 The National Planning Policy Framework (2019) attaches great importance to Green Belts whereby a fundamental aim is to prevent urban sprawl by keeping land permanently open.  
The National Planning Policy Framework (2019) attaches great importance to Green Belts whereby a fundamental aim is to prevent urban sprawl by keeping land permanently open.
- 11.12 The essential characteristics of Green Belts are their openness and their permanence (Paragraph 133). Paragraph 144 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the green belt. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 11.13 The NPPF confirms that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, is clearly outweighed by other considerations.
- 11.14 The proposed erection of dwellings in this location is by definition harmful to the Green Belt.
- 11.15 Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are;
- o Buildings for agriculture and forestry;
  - o Provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation and for cemeteries and burial grounds and allotments, as long as the facilities preserves the openness of the Green Belt and does not conflict with the purpose of including land within it;
  - o The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
  - o The replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces;
  - o Limited infilling in villages  
Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites) and
  - o Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development or not cause substantial harm on the openness of the Green Belt, where the development would re- use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 11.16 Several references have been made to the previously refused scheme on the site which was also dismissed at appeal. This proposal differs from that application in that this is predominantly for affordable housing and has the added benefit of the

provision of a village car park.

- 11.17 ULP policy H11 states that a development of affordable housing will be permitted outside settlements on a site where housing would not normally be permitted if it would meet all of the following criteria; (a) 100% of the dwellings are to be affordable and provided through a registered Social landlord; (b) The development will meet a particular local need that cannot be met in any other way; (c) The development is of a scale appropriate to the size, facilities and character of the settlement; and (d) The site adjoins the settlement. This proposal complies with criteria b,c and d of the above, however, only 83% (rather than 100%) of the proposed dwellings would be affordable, and as such the proposal would not be viewed as an exception site as defined by Local Plan Policy H11.
- 11.18 The development would also provide benefits in terms of delivering additional dwellings to boost housing supply, although twelve homes would only have a limited benefit. There would be minor benefits to the local economy in relation to short term employment in the construction industry and longer term support for local shops and businesses, although due to the limited scale of the development these benefits carry limited weight.
- 11.19 The Councils Housing Officer has been consulted on the application and has stated that they feel that the site will be a Rural Exception site for housing local people to the parish of Hatfield Heath with a cascade to neighbouring parishes where applicable. The 10 homes for affordable rent will help an evidenced housing need in the parish and will help local residents stay in the area they require. The two market dwellings are proposed to cross subsidise the cost of delivery. This scheme is a combination of partnership working between the community, the council's Housing Strategy Team and Hastoe Housing Association. A survey of possible sites was undertaken. Alternative option sites have been investigated. Given development obstacles at the other sites, including ecology and access problems, it was considered that this site was the most developable. The development is low key, considered to be of an appropriate scale to respect the size and character of the settlement. The design and scale of the dwellings is discussed below. The site adjoins the existing Hatfield Heath settlement area, it forms an end of a larger field and this, coupled with its proximity to the existing settlement, offers the opportunity for development to provide land for demonstrated need for affordable housing without a significant loss of Metropolitan Green Belt land.
- 11.20 The principle of this form of development, is partly contrary to National and Local Plan Policy. However, subject to the detail of the development proposals meeting the criteria of other policies in the Local Plan this development is considered to be on balance, appropriate, in view of the affordable housing provision and additional benefit of the car parking provision for the villagers.

**B Design, scale and layout (ULP policies GEN2, H10 and SPD “Accessible Homes and Playspace”)**

- 11.21 Policy GEN2 sets out the design criteria for new development. In addition, section 12 of the NPPF sets out the national policy for achieving well-designed places and the need to achieve good design

- 11.22 All of the units would have private amenity spaces. The Essex Design Guide recommends that dwellings or 3 bedrooms or more should have private amenity spaces of 100sqm+.and 2 bedroom properties 50 sq.m+. Each plot would have adequate private amenity space to accord with the requirements of the Essex Design Guide
- 11.23 Broomfields comprises an array of dwelling type, including two-storey terraces and semis, flats, and the properties closest to the application site are semi-detached bungalows. Given this variety of existing dwelling type, it is considered that the proposed development would not have any adverse impact on the character of the layout or arrangement of the existing locality. The dwellings would be one and a half or two-storey and therefore differ from the adjacent bungalows, however they would be divided by mature existing vegetation and proposed landscaping. Properties to the south in Cox Ley are mainly semi-detached properties.
- 11.24 The dwellings would be divided in terms of external material. Some would have rendered walls, some would be finished in timber weatherboarding cladding and some brick. The roofs would be finished in slate or red/brown plain tiles.
- 11.25 Policy H10 states that all development on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. All developments on a site of three or more homes must include an element of small two and three bed homes, which must represent a significant proportion of the total. The proposal would comply with ULP policy H10.
- 11.26 The proposed dwellings have been positioned and designed so that there would not be any material detrimental impact by way of overlooking, overshadowing or overbearing impact to neighbours amenity. The proposed layout of the development takes into account the position and orientation of the existing adjacent properties and the distances set out in the Essex Design guide to prevent any overlooking and loss of amenity to the occupiers of existing properties.
- 11.27 The proposal is considered to be of acceptable design and scale. The proposal would therefore comply with the requirements of ULP Policies GEN2 and GEN4

### **C Highway Safety and Parking provision (ULP Policies GEN1, GEN8)**

- 11.28 ULP Policy GEN1 states amongst other things that a) Access to the main road network must be capable of carrying the traffic generated by the development safely, and b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.
- 11.29 Following a holding objection from Essex County Council Highway officers, further information was submitted and the holding objection removed.
- 11.30 The proposed properties are a mixture of one, two, three, and four bedroom dwellings. The adopted Uttlesford District Council parking standards require the provision of two parking spaces per dwelling for two and three bedroom dwellings and three parking spaces for three+ bedroomed properties and additional visitor parking spaces.
- 11.31 In accordance with Supplementary Planning Document – Accessible Homes and Playspace the proposed dwellings would need to be accessible and designed to

Lifetime Homes Standards. In new housing developments, 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 and 2016 amendments. In this respect Part M4 (2) paragraph 2.12 relating to car parking, in order to comply with the building regulations it states:

Where a parking space is provided for the dwelling, it should comply with all of the following.

a) Where the parking is within the private curtilage of the dwelling (but not within a carport or garage) at least one space is a standard parking bay that can be widened to 3.3m

b) Where communal parking is provided to blocks of flats, at least one standard parking bay is provided close to the communal entrance of each core of the block (or to the lift core where the parking bay is internal) The parking bay should have a minimum clear access zone of 900mm to one side and a dropped kerb in accordance with paragraph 2.13d

c) Access between the parking bay and the principal private entrance or where necessary, the alternative private entrance to the dwelling is step free.

d) The parking space is level or, where unavoidable, gently sloping

e) The gradient is as shallow as the site permits.

f) The parking space has a suitable ground surface.

11.32 All of the dwellings would have sufficient parking provision to meet the adopted parking stands. Visitor parking spaces would be provided within the proposed car parking area.

11.33 A transport statement has been submitted with the application. In view of the comments received, Essex County Council Highways Authority have been consulted on the proposal and have raised no objection. Several representations raised concerns that the proposal would allow for a rat run between Cox Ley and Broomfields. The proposal does not allow for vehicles to exit the site to the west into Broomfields. The proposals therefore satisfy the requirements of ULP Policies GEN8 and GEN1

#### **D Impact on residential amenity (ULP Policies GEN2 and GEN4)**

11.34 The proposed dwellings have been positioned and designed so that there would not be any material detrimental impact by way of overlooking, overshadowing or overbearing impact to neighbours amenity. The proposed layout of the development takes into account the position and orientation of the existing adjacent properties and the distances set out in the Essex Design guide to prevent any overlooking and loss of amenity to the occupiers of existing properties. The development is quite minor in nature and would not result in significant noise and pollution to warrant refusal of the scheme.

11.35 The proposal would therefore comply with the requirements of ULP Policies GEN2 and GEN4

#### **E Impact on Biodiversity (ULP Policies ENV3 and GEN7).**

11.36 Policy GEN7 and paragraph 118 of the NPPF require development proposals to aim to conserve and enhance biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species

- 11.37 The applicant has submitted a Preliminary Ecological Appraisal (Geosphere Environmental Ltd, November 2018), a Great Crested Newt and Amphibian Survey (Geosphere Environmental Ltd, June 2019), Bat Activity Survey (Geosphere Environmental Ltd, September 2019), a Badger Survey Report (Geosphere Environmental Ltd, April 2019), a Reptile Survey (Geosphere Environmental, June 2019) and a Breeding Bird Survey (Geosphere Environmental, July 2019).
- 11.38 The Great Crested Newt and Amphibian Survey (Geosphere Environmental Ltd, June 2019) advised GCN Surveys within 500 metres of the proposed development site recorded a low population of GCN within the surrounding areas. No GCN were recorded in Ponds located 50m, 240m and 300 m from the site boundary. The Great Crested Newt and Amphibian Survey has therefore recommended that a Protected Species Method Statement will be required to prevent impacts to GCN.
- 11.39 The Bat Activity Survey (Geosphere Environmental Ltd, September 2019) has advised bat activity was predominantly recorded along the scattered trees surrounding the perimeter of the site. Bats were noted near sunset and sunrise where the static detector was installed, and as such it is likely the roosts for these species are likely to be in close proximity to the site. The proposed landscaping within the final design comprising of scattered trees and hedgerow and a wildlife corridor to the west of the site will allow for commuting and foraging opportunities for bats.  
The Bat Activity Survey has recommended that a lighting scheme should be developed with regards to best practice guidance during the detailed design stage. This can be secured as a condition of any consent
- 11.40 The Breeding Bird Survey (Geosphere Environmental, July 2019) advised a total of 39 species were recorded during the bird survey visits, out of which, 25 were considered to hold breeding territories on the site. The scrub and hedgerows provide roosting/shelter opportunities for foraging birds and are considered important on a local scale. The constraints to development onsite will be the removal of small areas of the hedgerow and scrub which will impact species of conservation concern, such as Yellowhammer. Therefore, the Breeding Bird Survey (Geosphere Environmental, July 2019) advises compensation and mitigation will be required to prevent impacts to nesting birds from this scheme.
- 11.41 The development site is situated within the Impact Risk Zone for Hatfield Forest Site of Special Scientific Interest (SSSI)/National Nature Reserve (NNR) as shown on MAGIC map ([www.magic.gov.uk](http://www.magic.gov.uk)). Therefore, Natural England's revised interim advice to Uttlesford DC (ref: HatFor Strategic Interim LPA, 5 April 2019) should be followed to ensure that impacts are minimised to this site from new residential development. As this application is less than 50 or more units, Natural England do not, at this time, consider that is necessary for the LPA to secure a developer contribution towards a package of funded Strategic Access Management Measures (SAMMs) at Hatfield Forest.
- 11.42 Specialist Ecologists have been consulted and they have no objections subject to securing biodiversity mitigation and enhancement measures. They state that the mitigation measures identified in the submitted ecological documents should be secured and implemented in full. This is necessary to conserve protected and Priority Species. Therefore, measures should be outlined within a Construction Environmental Management Plan (CEMP – Biodiversity). This should include protection of trees and hedgerows according to 'BS 5837: 2020', compensation for loss of trees and scrub, compensation for loss of bat

foraging habitat, non-licenced method statement for GCN, precautionary measures to prevent use of the site by reptiles, due diligence for badgers, and general mitigation and compensation measures for breeding birds.

They also support the proposed reasonable biodiversity enhancements within the Preliminary Ecological Appraisal (Geosphere Environmental Ltd, November 2018), Bat Activity Survey (Geosphere Environmental Ltd, September 2019 Reptile Survey (Geosphere Environmental, June 2019) and Breeding Bird Survey (Geosphere Environmental, July 2019), which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be secured via a separate Biodiversity Compensation and Enhancement Strategy. This should include compensation for loss of habitats utilised by protected and Priority species. In addition to the inclusion of bat boxes and bat bricks and night scented flowers, installation of integrated and external bird boxes designed to target a mix of species recorded during the surveys, hedgehog gaps in fencing and the planting of native trees/hedgerows as part of the landscaping scheme.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

As such subject to conditions the proposal would comply with the aims of ULP policy GEN7

#### **F Flooding and Drainage ((ULP Policy GEN3; NPPF)**

- 11.43 Policy GEN3 requires development outside flood risk areas to not increase the risk of flooding through surface water run-off. The NPPF requires development to be steered towards areas with the lowest probability of flooding. In addition, it should be ensured that flood risk is not increased elsewhere. The comments received from the Parish Council and numerous concerns regarding flooding and drainage have been noted. Following a holding objection for additional information, the Local Lead Flood authority now have no objections to the proposal subject to the conditions application would comply with Policy GEN3 and the NPPF

#### **G Contamination (ULP policy ENV14)**

- 11.44 Policy ENV14 states that before development, where a site is known or strongly suspected to be contaminated, and this is causing significant harm, or pollution of controlled waters a site investigation, risk assessment, proposals and timetable for remediation will be required.
- 11.45 The constraints list does not show that the site is located in previously contaminated land and it not considered that the proposal would result in significant harm.

#### **H Other Material Considerations**

- 11.46 The proposal includes a public benefit of an additional 28 parking spaces to provide public parking for the adjacent football pitch. Sport England's comments have been noted, however the football pitch is an existing provision and does not form part of this application.

Representations have been received in respect of the school and surgery being oversubscribed, however, there are no planning policies that require contributions/provision in respect of health and education for a proposal of this scale.

## 12. CONCLUSION

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

- A The proposal, on balance is acceptable in principle.
- B The design and scale of the proposal is considered to be acceptable. The housing mix for the development is also considered to be acceptable. Adequate amenity space would be provided for all of the dwellings.
- C It has been demonstrated that sufficient parking provision can be accommodated on the site to comply with ULP policy GEN8. The proposal would comply with ULP policy GEN1.
- D The proposal would not result in any material detrimental impact by way of overlooking, overshadowing or over bearing impact on neighbours amenity.
- E The application provides sufficient information and evidence to demonstrate that the proposals (subject to conditions) would not adversely affect protected species. As such the proposals comply with policy GEN7
- F The proposal would not give rise to flooding issues subject to appropriate conditions and complies with policy GEN3.

### RECOMMENDATION – CONDITIONAL APPROVAL WITH S106 AGREEMENT

**(I) The applicant be informed that the Planning Committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Head of Legal Services, in which case he shall be authorised to conclude such an obligation to secure the following**

- (i) Provision of 10 affordable housing units**
- (ii) Payment of the Council's reasonable legal costs**
- (iii) Payment of monitoring fee**

**(II) In the event of such an obligation being made, the Assistant Director Planning shall be authorised to grant permission subject to the conditions set out below**

**If the freehold owner shall fail to enter into such an obligation by 29<sup>th</sup> March 2021 the Assistant Director Planning shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:**

- (i) Inadequate provision of affordable housing**
- (ii) Non Payment of the Council's reasonable legal costs**
- (iii) Non payment of monitoring fee**

#### 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. No works except demolition shall takes 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:

- Limiting discharge rates to 1l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. Where this results in an outfall smaller than 50mm, significant sediment and debris removal, in line with what is discussed in section 2.9 of the Flood Risk Assessment REV03 191490, should be utilised. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- 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.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of 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 and highlighting any minor changes to the approved strategy.

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.

- 3 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 163 and paragraph 170 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.

- 4 Prior to occupation 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 prior to occupation 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 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.

- 6 Prior to occupation of the development, the access arrangement as shown in principle on DWG no. HA-839-P01 Rev. A (Site Plan), to connect into Cox Ley, shall be provided.

Reason: To ensure vehicles enter and leave the highway in a controlled manner and that appropriate access is provided, in the interests of safety. This condition is required to ensure that 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.

- 7 No dwelling shall be occupied until the associated parking and/or turning head indicated on the approved plans has been provided. The vehicle parking and turning heads shall be retained in this form at all times.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interest of highway safety and that appropriate parking is provided. This condition is required to ensure that 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.

- 8 Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity. This condition is required to ensure that 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.

- 9 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant

local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport. This condition is required to ensure that 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 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period and shall provide for the following all clear of the highway:
- i. Safe access into the site;
  - ii. The parking of vehicles of site operatives and visitors;
  - iii. Loading and unloading of plant and materials;
  - iv. Storage of plant and materials used in constructing the development;
  - v. Wheel and underbody washing facilities.
  - vi. Comprehensive highway condition survey before and after construction from Broomfield junction with A1060 Stortford Road to the application site, and reinstatement / repair to the satisfaction of the Highway Authority

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety. This condition is required to ensure that 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.

- 11 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety. This condition is required to ensure that 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.

- 12 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the - Preliminary Ecological Appraisal (Geosphere Environmental Ltd, November 2018), the Great Crested Newt and Amphibian Survey (Geosphere Environmental Ltd, June 2019), Bat Activity Survey (Geosphere Environmental Ltd, September 2019), the Badger Survey Report (Geosphere Environmental Ltd, April 2019), Reptile Survey (Geosphere Environmental, June 2019) and Breeding Bird Survey (Geosphere Environmental, July 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the protection of trees and hedgerows according to 'BS 5837: 2020', compensation for loss of trees and scrub, compensation for loss of bat foraging habitat, non-licensed method statement for GCN, precautionary measures to prevent use of the site by reptiles, due diligence for badgers, and general mitigation and compensation measures for breeding birds.

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species

Regulations (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with ULP policy GEN7

- 13 Prior to commencement a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with ULP policy GEN7.

- 14 Prior to commencement a Great Crested Newt Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newts during the construction phase. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with ULP policy GEN7

- 15 Prior to slab level a Biodiversity Compensation and Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Compensation and Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) Timetable for implementation demonstrating that works are aligned with

the proposed phasing of development.

- d) locations of proposed enhancement measures by appropriate maps and plans;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) in accordance with ULP policy GEN7

- 16 Prior to occupation A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate technical specification) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.  
All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with ULP policy GEN7.