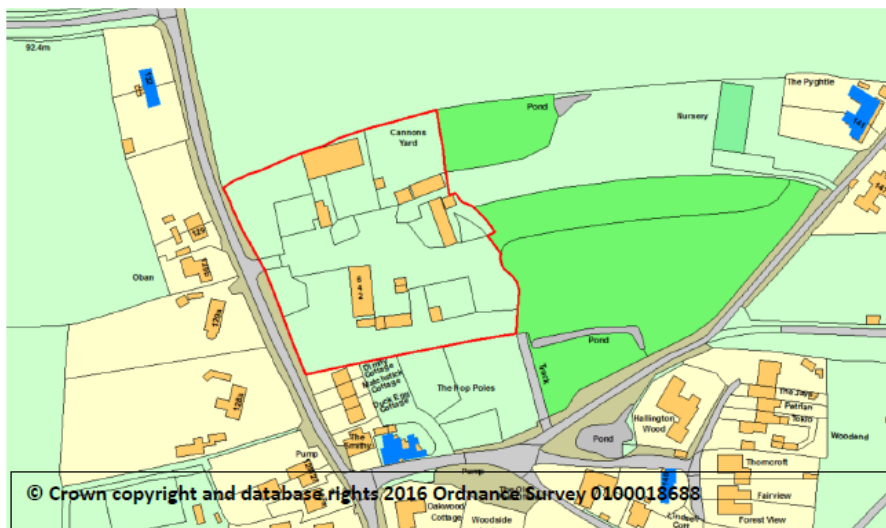


**ITEM NUMBER:**

**REFERENCE NUMBER: UTT/21/2755/OP**

**LOCATION: Cannons Yard, Bedlars Green, Bedlars Green, Great Hallingbury, CM22 7UZ**

**SITE LOCATION PLAN:**



Organisation:	Uttlesford District Council
Department:	Planning
Date:	21 February 2022

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**Organisation: Uttlesford District Council      Date:**

**PROPOSAL:** Outline application with all matters reserved for 14 no. dwellings (Class C3), parking, landscaping and all associated development

**APPLICANT:** Mr Lee Kirtland

**AGENT:** Mr Olivier Spencer

**EXPIRY DATE:** EOT: 25.02.2022

**CASE OFFICER:** Madeleine Jones

**NOTATION:** Outside Development Limits. Contaminated Land. site within 2KM of SSSI. Tree Preservation Order. Within 6km of Stansted Airport. Within Stansted Airport 57dB 16 hr LEQ. Countryside Protection Zone.

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**1. RECOMMENDATION: CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION**

**1.1 S106 HEADS OF TERMS -**

Provision of 42% affordable housing  
Monitoring Cost

**1.2** The applicant be informed that the committee be minded to refuse planning permission for the reasons set out in paragraph (3) below unless by 15 June 2022 the freehold owner enters into a binding agreement 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 an agreement to secure the following:

- (i) Provision of affordable housing
- (ii) Monitoring cost

**1.3** In the event of such an agreement being made, the Director Public Services shall be authorised to grant permission subject to the conditions set out below.

**1.4** If the freehold owner shall fail to enter into such an agreement, the Director of Public Services shall be authorised to refuse permission at his discretion at any time thereafter for the following reasons:

Lack of provision of affordable housing

**CONDITIONS:**

- 1 Approval of the details of layout, access, scale, landscaping and appearance (hereafter called "the Reserved Matters") must be obtained from the Local Planning Authority in writing before development commences and the development must be carried out as approved.

REASON: In accordance with Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Application for approval of the Reserved Matters must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The development hereby permitted must be begun no later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4 Prior to occupation of any dwelling, the provision of an access formed at right angles to Tilekiln Green, to include but not limited to: minimum 6 metre carriageway width with appropriate radii (minimum of 8 metres), and clear to ground visibility splays with dimensions of 2.4 metres by 43 metres, in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway the interest of highway safety and 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.

- 5 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and 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.

- 6** 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.

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 and 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 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 and 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** 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.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport and 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** 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:

- Verification of the suitability of infiltration of surface water for the development.

We would expect to see further testing undertaken in winter to reflect the most conservative management. This should be based on detailed infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753. Designing for infiltration should also take into consideration  
Ground water levels

- Where infiltration is not viable the scheme should be 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. 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. 10% should be included for urban creep.
- 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 in accordance with Uttlesford Local Plan Policy GEN3

**10**

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 in accordance with Uttlesford Local Plan Policy GEN3

**11**

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 in accordance with Uttlesford Local Plan Policy GEN3.

- 12** During demolition & construction, robust measures must be taken to control dust and smoke clouds.
- Reason: Flight safety – dust and smoke are hazardous to aircraft engines; dust and smoke clouds can present a visual hazard to pilots and air traffic controllers in accordance with Uttlesford Local Plan Policy GEN2
- 13** During construction, robust measures to be taken to prevent birds being attracted to the site. No pools of water should occur and prevent scavenging of any detritus.  
The landscaping scheme should minimise the use of berry-bearing species.
- Reason: Flight safety – Bird strike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Bird strike to aircraft using STN in accordance with Uttlesford Local Plan Policy GEN2
- 14** All exterior lighting to be capped at the horizontal with no upward light spill.
- Reason: Flight safety - to prevent distraction or confusion to pilots using STN in accordance with Uttlesford Local Plan Policy GEN2
- 15** No reflective materials to be used in the construction of these buildings.
- Reason: Flight safety - to prevent ocular hazard and distraction to pilots using STN in accordance with Uttlesford Local Plan Policy GEN2
- 16** No solar photovoltaics to be used on site without first consulting with the aerodrome safeguarding authority for STN. A Glint & Glare assessment may be necessary.
- Reason: Flight safety - to prevent ocular hazard and distraction to pilots using STN in accordance with Uttlesford Local Plan Policy GEN2
- 17** No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:
- (i) a survey of the extent, scale and nature of contamination.
  - (ii) an assessment of the potential risks to human health, adjoining land, groundwater and surface waters.
- Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.
- 18** No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, and the natural environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation

objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

- 19** The remediation scheme shall be implemented in accordance with the approved timetable of works and prior to the commencement of development other than that required to carry out the remediation, unless otherwise agreed by the local planning authority. Within 2 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out, including photos as proof of works undertaken) must be submitted to the Local Planning Authority.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

- 20** In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority and work halted on the part of the site affected by the unexpected contamination. Any land contamination identified shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

- 21** Infrastructure for a minimum of a single electric vehicle fast charging point shall be installed at each of the dwellings. All new parking spaces should be adaptable for electric vehicle fast charging (7-22kw) including through local electricity grid reinforcements, substation design and ducting. These shall be provided prior to occupation.

Reason: The requirement of the charging points are required to mitigate the harm for poor air quality due to the increase in vehicle movement and being within and in accordance with Uttlesford Local Plan Policy ENV13 (adopted 2005) and the National Planning Policy Framework.

- 22** Details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. Only the details thereby approved shall be implemented

Reason: To protect amenity in accordance with Uttlesford Local Plan Policy GEN4

- 23** No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been

submitted by the applicant and approved in writing by the local planning authority.

Reason: The Historic Environment Record shows that the proposed application is located within an area of known sensitive archaeological deposits. The proposed development is located at Bedlar's Green Brick and Tile Works comprising the majority of the area of the former complex (EHER15677). Bedlar's Green Brick and Tile Works were located on the east side of the road between Bedlar's Green, a hamlet of Great Hallingbury, and Start Hill, immediately north of the Smithy and the Hop Poles Public House. By the late 1870's to 1923 this brick and tile works was on lease to Cannon and Sons, the freehold being owned by the Houblon family of Hallingbury Place. The Brickyard was part of the Hallingbury Estate which was sold by Major Archer Houblon on 25th October 1923. It was "a valuable Brickyard comprising brickfield with kiln and shed". F. Cannon and Sons continued manufacture here until 1937 or later. The works were derelict in 1981. There is therefore the potential for post-medieval archaeological remains associated with the Brick and Tile Works being impacted on by the proposed development. In accordance with Uttlesford Local plan Policy ENV4

- 24** No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 23 above.

Reason: The Historic Environment Record shows that the proposed application is located within an area of known sensitive archaeological deposits. The proposed development is located at Bedlar's Green Brick and Tile Works comprising the majority of the area of the former complex (EHER15677). Bedlar's Green Brick and Tile Works were located on the east side of the road between Bedlar's Green, a hamlet of Great Hallingbury, and Start Hill, immediately north of the Smithy and the Hop Poles Public House. By the late 1870's to 1923 this brick and tile works was on lease to Cannon and Sons, the freehold being owned by the Houblon family of Hallingbury Place. The Brickyard was part of the Hallingbury Estate which was sold by Major Archer Houblon on 25th October 1923. It was "a valuable Brickyard comprising brickfield with kiln and shed". F. Cannon and Sons continued manufacture here until 1937 or later. The works were derelict in 1981. There is therefore the potential for post-medieval archaeological remains associated with the Brick and Tile Works being impacted on by the proposed development. In accordance with Uttlesford Local plan Policy ENV4

- 25** The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: The Historic Environment Record shows that the proposed application is located within an area of known sensitive archaeological deposits. The proposed development is located at Bedlar's Green Brick



and Tile Works comprising the majority of the area of the former complex (EHER15677). Bedlar's Green Brick and Tile Works were located on the east side of the road between Bedlar's Green, a hamlet of Great Hallingbury, and Start Hill, immediately north of the Smithy and the Hop Poles Public House. By the late 1870's to 1923 this brick and tile works was on lease to Cannon and Sons, the freehold being owned by the Houblon family of Hallingbury Place. The Brickyard was part of the Hallingbury Estate which was sold by Major Archer Houblon on 25th October, 1923. It was "a valuable Brickyard comprising brickfield with kiln and shed". F. Cannon and Sons continued manufacture here until 1937 or later. The works were derelict in 1981. There is therefore the potential for post-medieval archaeological remains associated with the Brick and Tile Works being impacted on by the proposed development. In accordance with Uttlesford Local plan Policy ENV4

- 26** No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact /cause failure of local underground sewerage utility infrastructure in accordance with Uttlesford Local plan Policy ENV12

- 27** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Sweco, November 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Uttlesford Local Plan policy GEN7

- 28** Any works which will impact suitable terrestrial or aquatic habitat for Great Crested Newts shall not in any circumstances commence unless the local planning authority has been provided with either:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
  - b) a method statement relating to a registered site supplied by an individual registered to use a Great Crested Newt Low Impact Class Licence; or

c) a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or

d) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence

Reason: To conserve protected 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 s17 Crime & Disorder Act 1998 in accordance with Uttlesford Local Plan policy GEN7

**29**

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) including for Hazel Dormouse, common reptile species, Badger and nesting birds.

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.

i) Containment, control and removal of any Invasive non-native species present on site

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) as updated by the Environment Act 2021 in accordance with Uttlesford Local Plan policy GEN7

**30**

Prior to works above slab level a Biodiversity 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 Enhancement Strategy shall include the following:

a) Purpose and conservation objectives for the proposed enhancement measures including those recommended in the Ecological Impact Assessment (Sweco, November 2021) and additional integrated bird and bat boxes;

- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation;
- 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 prior to occupation 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 Uttlesford Local Plan policy GEN7

**31** Prior to occupation a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed including planting of new species-rich hedgerows.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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 Uttlesford Local Plan policy GEN7

**32** 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 lighting contour plans, Isolux drawings and technical specifications) 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 Uttlesford Local Plan policy GEN7

## **2. DESCRIPTION OF THE SITE :**

- 2.1** The site is located to the north of Bedlar's Green and is currently a brownfield site used for industrial and commercial use. The site is located on the eastern side of Tilekiln Road and is approximately 1 hectare in size. The site is relatively flat.
- 2.2** The site was a former brick and tile works in the hamlet of Bedlars Green.
- 2.3** To the south of the site is the Grade II listed public house, the Hop Poles, a nineteenth – century pub built of brick and a grey slate roof. To the north – west of the site are grade II listed 131 and 132 Harps Farm Lane, a pair of C17 timber framed and plastered cottages with a hipped thatched roof.
- 2.4** The characteristic pattern of development of the area is linear development along the main roads, with houses facing towards the principal streets.
- 2.5** To the north of the site are agricultural fields and there is woodland to the east. There are residential dwellings to the south which run along the road and detached properties immediately opposite the site.
- 2.6** The site has trees that are subject to Tree Preservation Orders and there are mature trees and hedging on the site, especially to the site's boundaries.
- 2.7** Bedlar's Green is a small hamlet adjacent to the village of Great Hallingbury and is outside the development limits.
- 2.8** Hatfield Forest located to the east of the site is a SSSI. The M11 motorway is located 1500km to the west and Stansted Airport is located 1500m to the north. Bishops Stortford rail services are approximately 2.5 miles from the site. Bus services are available from Start hill which is approximately 1 mile to the north of the site.

## **3. PROPOSAL**

- 3.1** The proposal is for outline planning permission for the erection of 14 dwellings with all matters reserved

- 3.2 The proposal would use the existing access to the site.
- 3.3 An indicative plan has been submitted showing a mix of 2,3 and 4 bedroomed, detached and semi-detached dwellings.
- 3.4 The proposal would include the provision of 42% of Affordable Housing units.
- 3.5 All dwellings would have on plot parking and the indicative plans show 4 additional visitor parking spaces.
- 3.6 The indicative plans show that there is adequate space on the site for all properties to have in excess of 100M2 private amenity space.
- 3.7 The proposal would include additional new boundary planting.
- 3.8 The proposal would include the demolition of the existing industrial units

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

- 4.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

#### 5. **APPLICANTS CASE**

- 5.1 The application is supported by the following documents:

Tree Survey  
Arboricultural Impact Assessment  
Transport Statement  
Surface Water Drainage Strategy  
Planning Statement  
Phase 1 Desktop Study Report  
Landscape and Visual Appraisal  
Ecological Impact Assessment  
Design and Access Statement  
Biodiversity Checklist.  
Noise Assessment  
SUDS Checklist  
Sustainable Construction Checklist

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

DUN/0198/52: Six bungalows. Refused  
DUN/0057/66: Site for residential development. Refused  
DUN/0281/56: Site for residential. Refused  
DUN/0580/67: Erection of storage building. Refused  
DUN/0580/72; Site for 10 no new dwellings with garages. Refused.  
UTT/0115/93/FUL: Retention of liquid petroleum gas storage compound.  
Unconditional approval  
UTT/0478/93/FUL: Retrospective application for the retention of office and store within builder's compound. Unconditional approval  
UTT/0623/06/FUL: Erection of single storey extension to workshop/office building. Approved with conditions.

UTT/0668/93/FUL: Renewal of permission for the erection of warehouse and store (UTT/1337/88). Approved with conditions.  
UTT/0725/87: Proposed chapel of rest and change of use to funeral directors and builders' workshop and yard. Approved with conditions  
UTT/0731/83: Proposed workshop store and mess room to replace existing building. Approved with conditions  
UTT/0792/98/REN: Renewal of permission for erection of warehouse and store. Refused  
UTT/0956/96/FUL: Retention of hardstanding and use for parking of minibus, trailer and cars. Approved with conditions.  
UTT/1216/80; Outline application for erection of 7 detached houses and replacement of builders' store. Change of use of part of site from builders' yard to residential. Refused  
UTT/1337/88: Proposed warehouse and store. Approved with conditions  
UTT/2178/89: Change of use for part of site from builders' yard to open storage compound. Refused.  
UTT/20/2863/PA: Redevelopment of site for demolition of existing buildings and residential development of the site for 12 dwellings  
UTT/16/3669/OP: Outline application with all matters reserved for 35 dwellings. Conditionally approved. (This is in relation to a site to the north)  
UTT/20/0336/DFO: Details following outline approval UTT/16/3669/OP for the erection of 35 no. Dwellings - details of appearance, landscaping, layout scale and access. Approved with conditions. (Site to the north)

## **PRE-APPLICATION DISCUSSIONS**

UTT/20/2863/PA: Re-development of site for demolition of existing buildings and residential development of the site for 12 dwellings.

## **7. CONSULTATION RESPONSES:**

### **Great Hallingbury Parish Council**

**7.1** No objections

### **Place Services Built Heritage**

**7.2** The site affected by the application is a former brick and tile works located in the hamlet of Bedlar's Green. To the south of the site is the Grade II listed public house, the Hop Poles (list entry no: 1112039), a nineteenth-century pub built of brick with a grey slate roof. To the north-west of the site are Grade II listed 131 and 132 Harps Farm Lane (list entry no: 1322664), a pair of late seventeenth-century timber-framed and plastered cottages with a hipped thatched roof.

The setting of Hop Poles is principally formed by the neighbouring houses clustered around the crossroads. To the side and rear, it occupies a generous plot with a large pub garden and car park. The application site forms part of its wider setting but makes little positive contribution to the experience and understanding of Hop Poles. The setting of 131 and 132 Harps Farm Lane is formed by the open, agricultural fields surrounding and opposite it. This would be preserved, and the proposed development would be largely screened by the band of mature vegetation around it. Whilst development of the site would lead to an intensification of domestic use, including impacts such as noise, light spill and increased traffic movement,

these are considered to be at the low end of the scale in their impact on the settings of the listed buildings.

There is therefore no in principle objection to some development upon the site, however, it is considered that the proposed density and layout of the development does not respond sympathetically to local character and distinctiveness, contrary to NPPF (2021) para 197c.

The characteristic pattern of development of the area is linear development along the main roads, with houses facing towards the principal streets. The creation of a cul-de-sac is out of keeping with the development pattern of the area and the impact would be suburbanising, harming the character of the rural hamlet.

In my view, a more sympathetic layout, which better responds to the character and historic development pattern of the local area, would be achievable on this site

### **ECC Highways**

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

### **Historic England**

- 7.4 No comments

### **ECC Ecology**

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

### **Suds Lead Local Flood Authority**

- 7.6 No objections subject to conditions

### **MAG – Aerodrome Safeguarding**

- 7.7 No objections subject to conditions

### **Environmental Health**

- 7.8 Conditions are recommended to mitigate as far as possible against environmental noise.

This service has viewed the submitted Herts & Essex Site Investigations Phase I Desk Top Study dated July 2021 and agree with the recommendations in section 17. In view of this report and the historic commercial use, and the fact that the proposed development is for a very contamination-sensitive end use of residential occupancy with gardens, it is imperative to ensure that any contamination risks that may be present on site are identified, assessed and where necessary remediated to a suitable standard. This can be secured by a suitably worded condition.

NPPF 2018 supports provision of measures to minimise the impact of development on air quality by encouraging non car travel and providing infrastructure to support use of low emission vehicles.

*A condition requiring charging points for electric vehicles is requested.*

In view of the rural location of the site, it is essential to ensure that any external lighting is properly designed and installed to avoid any adverse impacts on residential neighbours from obtrusive/spill-over light, or glare. A condition is recommended to secure this.

**Affinity Water**

7.9 No comment

**Specialist Archaeological Advice**

7.10 The Historic Environment Record shows that the proposed application is located within an area of known sensitive archaeological deposits. The proposed development is located at Bedlar's Green Brick and Tile Works comprising the majority of the area of the former complex (EHER15677). Bedlar's Green Brick and Tile Works were located on the east side of the road between Bedlar's Green, a hamlet of Great Hallingbury, and Start Hill, immediately north of the Smithy and the Hop Poles Public House. By the late 1870's to 1923 this brick and tile works was on lease to Cannon and Sons, the freehold being owned by the Houblon family of Hallingbury Place. The Brickyard was part of the Hallingbury Estate which was sold by Major Archer Houblon on 25th October, 1923. It was "a valuable Brickyard comprising brickfield with kiln and shed". F. Cannon and Sons continued manufacture here until 1937 or later. The works were derelict in 1981. There is therefore the potential for post-medieval archaeological remains associated with the Brick and Tile Works being impacted on by the proposed development.  
Recommendation for archaeological programme of investigation to include building recording and below ground excavation.

**NATS Safeguarding**

7.11 No safeguarding objection to the proposal

**Housing Enabling & Development Officer**

7.12 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. The application site is for 14 units but exceeds 0.5 hectares and so requires 40% affordable housing provision. This amounts to 6 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.  
It is also the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes) and it is recommended that it is a 2-bedroom bungalow for affordable rent.  
The recommended mix and tenure split of the properties are given below; this mix should be indistinguishable from the market housing.

	2 bed house	2 bed bungalow M4 (3)	3 bed house	total
Affordable Rent	1	1	1	3



Shared Ownership	1	0	2	3
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It is noted that the application site is proposing to deliver 42% affordable housing and for both the affordable and market homes to meet the required parking standards and exceed the minimum requirements for private gardens. It is recommended that the proposed new homes also meet the Nationally Described Space Standards (NDSS).

### **Crime Prevention Tactical Advisor**

- 7.13** Whilst there are no apparent concerns with the layout to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.  
We would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with this policy by achieving a Secured by Design Homes award. An SBD award is only achieved by compliance with the requirements of the relevant Design Guide ensuring that risk commensurate security is built into each property and the development as a whole.

### **Thames Water**

- 7.14** No objections.  
The proposed development is located within 15 metres of a strategic sewer. A condition securing a Piling Method Statement is recommended.

### **UK Power Networks**

- 7.15** Should your excavation affect our Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV) UK Power Networks should be contacted to obtain a copy of the primary route drawings and associated cross sections

### **Cadent Gas**

- 7.16** No objections.

## **8. REPRESENTATIONS**

No representations have been received. Expiry date 28<sup>th</sup> October 2021

## **9. POLICIES**

### **9.1 National Policies**

National Planning Policy Framework (2021)  
Planning Policy Guidance

### **9.2 Uttlesford District Local Plan 2005**

ULP Policy S7 – Outside Development Limits.  
ULP Policy S8 – Countryside Protection Zone  
ULP Policy H9 – Affordable Housing  
ULP Policy H10 – Housing Mix  
ULP Policy GEN1 – Access

ULP Policy GEN2 – Design  
 ULP Policy GEN4 – Good Neighbourliness  
 ULP Policy GEN7 – Natural Conservation  
 ULP Policy GEN8 – Vehicle Parking Standards  
 ULP Policy ENV4 – Sites of Archaeological Importance  
 ULP Policy ENV13 – Exposure to Poor Air Quality  
 ULP Policy ENV14 – Contaminated Land  
 ULP Policy GEN5 – Light Pollution  
 ULP policy ENV3 – Tree Preservation order.

**9.3 Supplementary Planning Document/Guidance**

SPD – Accessible Homes and Playspace  
 Essex Design Guide  
 ECC Parking Standards – Design and Good Practice (September 2009)  
 UDC Parking Standards (adopted February 2013)  
 Interim Climate Change Planning policy

**10 CONSIDERATION AND ASSESSMENT:**

- A** Principle of development of this site for residential purposes– (NPPF, ULP Policies S7, S8 and H3)
- B** Access, parking and highway safety (ULP Policies GEN1, GEN8)
- C** Design and impact on neighbour’s amenity, including noise ((ULP Policy (GEN2, GEN4 H10 and SPD “Accessible Homes and Playspace”);
- D** Affordable housing (ULP Policy H9)
- E** Biodiversity ((ULP Policies GEN7 and ENV3)
- F** Flood risk and drainage (ULP policy GEN3)
- G** Impact upon Heritage Assets (ULP policies ENV2 and ENV4)
- H** Climate Change (Interim Climate change Planning Policy)

**A Principle of development of this site for residential purposes– (NPPF, ULP Policies S7, S8 and H3)**

**10** The site is located outside the development limits fo Great Hallingbury and is therefore located within the countryside where Uttlesford Local plan Policy S7 applies.

**10.1** Policy S7 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** A review of policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas. It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, therefore the proposal is contrary to that policy.

**10.3** 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.

- 10.4** The National Planning Policy Framework 2021 describes the importance of maintaining a five-year supply of deliverable housing sites. The council's housing land supply currently falls short of this and is only able to demonstrate a supply of 3.5 years (Five Year Housing Land Supply update April 2020).
- 10.5** Paragraph 11 of the NPPF considers the presumption of sustainable development, this includes where there are no relevant development plan policies, or where policies which are most important for determining the application are out-of-date. This includes where the five-year housing supply cannot be delivered. As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11). The provision of 14 residential dwellings would make a valuable contribution to housing supply within the district.
- 10.6** As advised, this presumption in favour of sustainable development is increased where there is no 5-year land supply for housing. In this regard, the most recent housing trajectory for Uttlesford District Council identifies that the Council has a 3.5-year land supply. Therefore, contributions toward housing land supply must be regarded as a positive effect
- 10.7** It is therefore necessary to assess whether the application proposal is sustainable and a presumption in favour is engaged in accordance with the NPPF. There are three strands to sustainability outlined by the NPPF which should not be taken in isolation, because they are mutually dependent. These are all needed to achieve sustainable development, through economic, social, and environmental gains sought jointly and simultaneously through the planning system.
- 10.8** Social: 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  
The proposal would deliver social benefits by way 14 dwellings, including 42% affordable houses. The proposal would therefore make a contribution towards the delivery of housing needed in the district.. The proposal would also create employment opportunities during the construction stage. Existing employment on the site would be lost or relocated to other sites.
- 10.9** The site is considered to be rather isolated with amenities limited to a public house, village hall, church and private primary school. Transport connectivity to other villages and towns is limited and it is likely that the occupants of the houses would need to rely on a car.

- 10.10** Economic: The NPPF identifies this as contributing to building a strong, responsive and competitive economy, supporting growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure. In economic terms the proposal would have short term benefits to the local economy as a result of construction activity and additionally it would also support existing local services, as such there would be some positive economic benefit
- 10.11** Environmental: The environmental role seeks to protect and enhance the natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. Paragraph 174 of the NPPF requires that planning policies should contribute to and enhance the natural and local environment by, amongst other matters, recognising the intrinsic beauty and character of the countryside. The Framework therefore reflects the objective that protection of the countryside is an important principle in the planning system and is one that has been carried forward from previous guidance (and is unchanged from the way it was expressed in previous versions of the NPPF).
- 10.12** The site is also located within the Countryside Protection Zone surrounding Stansted Airport. Local Plan Policy S8 relates to the CPZ and specifies that planning permission will only be granted for development that is required to take place there or is appropriate to a rural area and there will be strict control on new development. In additional, if new buildings or uses would promote coalescence between the airport and existing development in the countryside or it would adversely affect the open characteristics of the zone, development will not be permitted.
- 10.13** The proposal would introduce an element of built form which would have some impact on the character of the area, however the site already has several buildings on the site. These buildings would be demolished and replaced. The application is for outline planning and therefore the design, appearance and layout would be considered at reserved matters stage. The dwellings, however, should be of traditional design and the layout in a farmstead/courtyard design or of traditional cottages (of one and half stories) so as to be compatible with its rural setting and surroundings.
- 10.14** There are residential dwellings to the south of the site and opposite the site, and it is therefore considered that housing is a more appropriate use of the site than the existing. The development of the site would not be unduly out of character with the area.
- 10.15** A material consideration is that recently planning permission for housing on a site further north for 35 dwellings was granted under planning reference UTT/16/3669/OP. At that time Uttlesford had a five-year land supply, that is not the case now and therefore there is a greater need for housing in the district.
- 10.16** A further material planning consideration is that the National Planning Policy Framework (NPPF) at paragraph 120 advises that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate

opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. This site is a brownfield site.

**10.17** Paragraph 123 of the NPPF further states that LPA's should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs.  
One of the core planning principles of the NPPF is that Local Planning authorities shall encourage the effective use of land by reusing land that has been previously (brownfield land) provided that it is not of environmental value. This site is not of environmental value, apart from the trees subject to tree preservation orders remaining.

**10.18** It is considered that the weight to be given to the requirement to provide a 5 year land supply and the housing provision, especially the affordable housing which could be delivered by the proposal would outweigh the harm identified in relation to rural restraint set out in ULP policy S7 and S8. On balance it is considered that the principle of development of this site for residential use is acceptable

**B Access, parking and highway safety (ULP Policies GEN1, GEN8)**

**10.19** Policy GEN1 seeks to ensure development proposals would not adversely affect the local highway network and encourage sustainable transport options.

**10.20** The existing access would be reused.

**10.21** Essex County Council Highways officers have assessed the access and consider the proposal to be acceptable.

**10.22** In view of the above it is considered that the proposal, subject to conditions, would comply with the aims of Policy GEN1.

**10.23** The indicated properties are a mixture of two, three-bedroom and four-bedroom dwellings. The adopted Essex County Council parking standards require the provision for two parking spaces per dwelling for two- and three-bedroom dwellings and three parking spaces for three+ bedroomed properties and additional visitor parking spaces

**10.24** 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 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.

The indicative plans comply with the above.

**10.25** It has been demonstrated that the proposal would be able to meet the required parking standards. There is sufficient space for four unallocated parking spaces within the development to provide visitor parking Therefore, the proposals comply with Policy GEN8 of the adopted Uttlesford Local Plan 2005

**C Design and impact on neighbour’s amenity, including noise ((ULP Policy (GEN2, GEN4 H10 and SPD “Accessible Homes and Playspace”);**

**10.26** 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.

**10.27** The indicative housing mix and parking provision of the individual plots for this application is as per the table below.

Plot	Housing type	Garden size m <sup>2</sup>	Parking
1	3 Bed	166	2
2	2 Bed	105	2
3	3 Bed	126	2
4	3 Bed	216	2
5	2 Bed	108	2
6	2 Bed	102	2
7	4 Bed	189	3
8	4 Bed	188	3
9	3 Bed	230	2
10	4 Bed	348	3
11	4 Bed	168	3
12	3 Bed	116	2
13	2 Bed	108	2
14	2 Bed	212	2
Visitor			4

**10.28** The housing mix is broadly consistent with Strategic Housing Market Housing report and Uttlesford Local Plan Policy H10.

**10.29** All 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 100m<sup>2</sup> and dwellings with 2 bedrooms should have private amenity space of 50m<sup>2</sup>. The gardens shown in the plans show that each plot would have adequate private amenity space to accord with the requirements of the Essex Design Guide.

- 10.30** Local Plan Policy GEN2 requires that development does not cause an unacceptable loss of privacy, loss of daylight, overbearing impact or overshadowing to neighbouring residential properties. The proposed development can be designed to accord with the separation distances contained within the Essex Design Guide and so as not to result in a material detrimental impact on neighbour's amenity by way of overlooking, overshadowing or overbearing impact.
- 10.31** The site is located within the vicinity of Stansted Airport, within the 60dB-63dB LEQ noise contour for Stansted airport and therefore the noise of future residents is a material consideration. Accordingly, Environmental Health Officers were consulted.
- 10.32** A noise assessment was submitted with the application and this report indicated that enhanced sound insulation and ventilation measures would be able to achieve acceptable average internal noise levels and these can be secured by a suitably worded condition. It is noted that external measured levels from all sources will be in excess of guideline external recommendations, due to aircraft noise which cannot be mitigated. It is considered that as planning permission for housing on the adjacent site was approved and on a site to the north which is closer to the airport, that it would not be reasonable to refuse the application on these grounds. The Uttlesford DC Environmental Health Officer have recommended conditions being attached to any permissions granted requiring the development being in accordance with the details identified in the SES Report Ref ENV321- HALL-001 dated 21<sup>st</sup> September 2021 submitted with the application.
- 10.33** Local Plan policy GEN2 sets out general design criteria for new development and requires that development is compatible with the scale, form, layout, appearance and materials of surrounding buildings. The Essex Design Guide supplements this policy and the section 12 of the NPPF also relates to achieving well-designed places.
- 10.34** The application has been submitted in outline planning application with all matters, including layout and appearance being reserved. There is sufficient space on the site to enable the dwellings to be designed so as not to have any detrimental impact on neighbours amenity and so that they would be compatible with the scale, form, layout and appearance of surrounding properties.
- 10.35** A Phase 1 Desk top study dated July 2021 has been submitted. In view of this report and the historic commercial use of the site it is essential to ensure that any contamination risks that may be present on site are identified, assessed and where necessary remediated to a suitable standard. This can be achieved by a suitably worded condition. The proposal would comply with Uttlesford local Plan policy ENV14.

**D Affordable Housing (ULP Policy H9)**

- 10.36** Policy H9 states that the Council will seek to negotiate on a site for site basis an element of affordable housing of 40% of the total provision of housing
- 10.37** The Strategic Housing Market Area Assessment supports the provision of a range of affordable housing: Affordable housing provision (rounded up to the nearest whole number) 40% on sites of 15 or more dwellings or sites of 0.5ha or more.
- 10.38** This site is 1 hectares and is the application for fourteen dwellings, therefore there is a requirement for 40% affordable housing provision.
- 10.39** The applicant has indicated that they are prepared to enter into a S106 legal agreement to provide 42% (6 dwellings) as affordable housing. The proposal would comply with Uttlesford Local Plan Policy H9.

**E Biodiversity ((ULP Policies GEN7 and ENV3)**

- 10.40** Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.  
A Biodiversity Questionnaire has to be submitted by the applicant with any application to assess the likely presence of protected species within or in close proximity to the application site. The questionnaire allows the Council to assess whether further information is required in respect of protected species and their habitats. The proposal is for the demolition of the existing buildings and as such has the potential to impact on bats.  
An Ecological Impact Assessment, an Arboricultural Impact Assessment, Phase 1 Desk Top Study Assessment have been carried out and specialist ecologists have been consulted.
- 10.41** An Impact Assessment and conservation Payment Certificate countersigned by Natural England, relating to the Great Crested Newt District Level Licensing scheme has been submitted for this site. It is recommended that submission of copy of the GCN DLL be secured by a condition of any consent.
- 10.42** All trees with potential to support roosting bats will be retained. Additionally a wildlife Sensitive Lighting Strategy should also be delivered for this scheme and secured by condition to avoid impacts to foraging and commuting bats, especially on the vegetated boundaries. The retained trees and hedgerows, which are also Priority habitats, have been moved outside of the proposed gardens. These Priority habitats should be managed for the benefit of wildlife. Management prescriptions should be outlined within a Landscaped and Ecological Management Plan (LEMP) and secured by a condition of any consent.
- 10.43** Essex County Council, Place Services, Ecology has confirmed in writing that it has no objection subject to the securing and implementation of biodiversity mitigation identified in the Ecological Impact Assessment (November 2021), which if the application is approved can be secured by condition. This is



necessary to conserve and enhance protected and Priority species particularly bats, Hazel Dormouse, reptiles, Badger, nesting birds and Hedgehog.

**10.44** Japanese Knotweed, a non-native, invasive species listed on Schedule 9 of the wildlife and countryside Act (1981) has been found on the site and therefore should the application be approved a Construction Environmental Management plan for biodiversity should be secured by condition.

**10.45** As such it is not considered that the proposal, subject to appropriate conditions would have any material detrimental impact in respect of protected species to warrant refusal of the proposal and accords with ULP policy GEN7.

**F Flood risk and drainage (ULP policy GEN3)**

**10.46** Policy GEN3 requires development outside 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 site is located within flood zone 1, therefore it is a site with the lowest risk of flooding (more than 1 in 1000 years). The proposals subject to conditions would comply with Policy GEN3 and the NPPF

**G Impact upon Heritage Assets (ULP policies ENV2 and ENV4)**

**10.47** Policy ENV2 states: that development will not be permitted if it would adversely affect the setting of a listed building.

**10.48** Adjacent to the site, to the south is the Grade II Listed public house, the Hop Poles, a nineteenth-century pub of brick with a grey slate roof. To the north west of the site on the opposite side of the road, are Grade II listed 131 and 132 Harps Farm Lane, a pair of late seventieth- century timber framed and plastered cottages with a hipped thatched roof.

**10.49** The setting of Hop Poles is principally formed by the neighbouring houses clustered around the crossroads. To the side and rear, it occupies a generous plot with a large pub garden and car park. The application site forms part of its wider setting but makes little positive contribution to the experience and understanding of Hop Poles. The setting of 131 and 132 Harps Farm Lane is formed by the open, agricultural fields surrounding and opposite it. This would be preserved, and the proposed development would be largely screened by the band of mature vegetation around it.

**10.50** Whilst development of the site would lead to an intensification of domestic use, including impacts such as noise, light spill and increased traffic movement, these are considered to be at the low end of the scale in their impact on the settings of the listed buildings.

**10.51** Specialist conservation advice is that there is therefore no in principle objection to some development upon the site, however, it is considered that the proposed density and layout of the development does not respond sympathetically to local character and distinctiveness, contrary to NPPF (2021) para 197c. They state that the characteristic pattern of development of the area is linear development along the main roads, with houses facing

towards the principal streets. The creation of a cul-de-sac is out of keeping with the development pattern of the area and the impact would be suburbanising, harming the character of the rural hamlet.

**10.52** Taking into account the existing buildings on the site and that the NPPF, section 11 states that planning decisions should promote an effective use of land in meeting the need for homes, while safeguarding and improving the environment and ensuring safe and healthy living conditions. The revised indicative layout of a cul de sac arrangement, although does not follow the pattern of surrounding properties, demonstrates, on balance, that a development on the site would be acceptable and is in line with pre-application advice, in that the design should be of a farmstead layout/courtyard of traditional cottages. It is considered that the impact on the neighbouring listed buildings would be low and would be acceptable.

**10.53** The historic environment record shows the proposed application is located within an area of known sensitive archaeological deposits. The proposed development is located at Bedlar's Green Brick and Tile Works comprising the majority of the area of the former complex (EHER15677). Bedlar's Green Brick and Tile Works were located on the east side of the road between Bedlar's Green, a hamlet of Great Hallingbury, and Start Hill, immediately north of the Smithy and the Hop Poles Public House. By the late 1870's to 1923 this brick and tile works was on lease to Cannon and Sons, the freehold being owned by the Houblon family of Hallingbury Place. The Brickyard was part of the Hallingbury Estate which was sold by Major Archer Houblon on 25th October 1923. It was "a valuable Brickyard comprising brickfield with kiln and shed". F. Cannon and Sons continued manufacture here until 1937 or later. The works were derelict in 1981. There is therefore the potential for post-medieval archaeological remains associated with the Brick and Tile Works being impacted on by the proposed development. Accordingly, specialist archaeological advice was sought, and they recommend conditions are secured in relation to an Archaeological programme of investigation to include building recording and below ground excavation.

## **H Climate Change (Interim Climate Change Planning Policy)**

Subsequently to the pre application advice being given an Interim climate change planning Policy has been adopted. The applicant has confirmed that all of the new homes will be provided with at least one installed fast charging point, and that they are willing to use solar panels/heat pumps and water butts provided that UDC agrees to their external appearance at the reserved matters stage.

## **10. EQUALITIES**

**10.1** The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular, the

Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**11. CONCLUSION**

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

**A** It is considered that the weight to be given to the requirement to provide a 5 year land supply and the housing provision which could be delivered by the proposal would outweigh the harm identified in relation to rural restraint set out in ULP policies S7 and S8. The site is a brownfield site, where National Planning Policy Framework (NPPF) at paragraph 120 advises that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. Therefore, in balancing planning merits, it is considered that planning permission should be granted for the development.

**B** The access is acceptable. It has been demonstrated that sufficient parking provision can be accommodated on the site to comply with ULP policy GEN8

**C** The final design and size of the units would be determined at the reserved matters stage however it is considered that the application proposes a scheme that is capable of providing an acceptable mix of dwellings on the site.

**D** If approved, a provision of 42% of affordable housing would be secured by a s106 agreement

**E** The application provides sufficient information and evidence to demonstrate that the proposals (subject to condition) would not adversely affect protected species, subject to planning conditions. As such the proposal complies with policy GEN7

**F** The site is at low risk of flooding

**G** The proposal would have a low impact on the setting and character of the listed buildings near to the site and subject to conditions, the proposal would protect Heritage assets in accordance with the provisions of Policy ENV4 of the Local Plan.

**H** The applicant has stated that all of the new homes will be provided with at least one installed fast charging point, and that they are willing to use solar panels/heat pumps and water butts

**11.2 RECOMMENDATION:**

It is therefore recommended that the application be approved subject to conditions and s106 agreement