



UTTLESFORD DISTRICT COUNCIL

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Mr Peter Biggs



Date: 25 August 2021

Our Ref: UTT/21/1312/PA

Please ask for: Henrietta Ashun on

Email: planning@uttlesford.gov.uk

Dear Sir/Madam

LOCATION:

Land At Pines Hill, Stansted,

Thank you for your recent request for planning advice which was received on 20th April 2021

PROPOSAL:

Development of site for 31 No. dwellings with vehicular access off Pines Hill

CONSTRAINTS

1.	Aerodrome Direction Description: Consultation of Stansted Airport (BAA) for all buildings, structures, erections and works exceeding 45 metres in height (147.6 feet). Area Colour: 45m
2.	Aerodrome Direction Description: Consultation of Stansted Airport (BAA) for all windfarm development. Area Colour: windfarm
3.	Aerodrome Direction Description: Consultation of Stansted Airport (BAA) for any development with the potential to attract birds to the vicinity of the airport, (this includes gravel extractions, landfill sites, reservoirs, sewage works, nature reserves and major landscaping schemes). Area Colour: ebirds
4.	Aerodrome Direction Description: Consultation of National Air Traffic Services (NATS) for all buildings, structures & erections exceeding 45m in height (147.6 feet). Address: NATS, Navigation & Spectrum, 4000 Parkway, Whiteley, Fareham, Hampshire. PO15 7FL Area Colour: 45m
5.	Aerodrome Direction Description: Consultation of National Air Traffic Services (NATS) for all windfarm development.

	Address: NATS, Navigation & Spectrum, 4000 Parkway, Whiteley, Fareham, Hampshire. PO15 7FL Area Colour: windfarm
6.	Metropolitan Greenbelt Description: Metropolitan Green Policy
7.	Important Woodlands Area Name: UNKNOWN
8.	Within 100m of Local Wildlife Site Location: THE MOUNT Site No: Ufd69
9.	Within 250m of Local Wildlife Site Location: THE MOUNT Site No: Ufd69
10.	Mineral Safeguarding Area Description: Sand/Gravel
11.	Outside Development Limits Description: Outside Development Limits
12.	Within 100m of railway Description: Within 100m of Railway Line
13.	Road Classification- Line Road Name: Stoney Common Road Road Number: 3004 (Private Street) Route Number:
14.	Road Classification- Line Road Name: Old Bell Close Road Number: 3004 (Private Road) Route Number:
15.	Road Classification- Line Road Name: Pines Hill Road Number: 3002 (B Road) Route Number: B1383
16.	SSSI Impact Risk Zones - Natural England ID Number - See Spreadsheet: 58
17.	Stansted Airport within 6km of Airport Description: WITHIN 6KM OF AIRPORT.
18.	Water Authority Description: Thames Water (W1)
19.	Within Development Limits Location: STANSTED MOUNTFITCHET.
20.	

HISTORY:

Planning Applications History (if any):

None.

Planning Appeals History (if any):

None.

PLANNING POLICIES:

Policy	Local Plan	Local Plan Phase
EDG - Nationally Described Space Standards		
GEN8 - Vehicle Parking Standards	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN2 - Design	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN3 - Flood Protection	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN4 - Good Neighbours	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN5 - Light Pollution	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN7 - Nature Conservation	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
H1 - Housing development	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
H10 - Housing Mix		
H10 - Accessible and Adaptable Homes		
H9 - Affordable Housing	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
S7 - The Countryside	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
S6 - Metropolitan Green Belt	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
SPD2 - Accessible homes and playspace		
ENV3 - Open spaces and trees	Uttlesford Local Plan 2005	Regulation 20 Local Plan
NPPF - National Planning Policy Framework		
Essex Design Guide		

APPRAISAL:

PRINCIPLE OF DEVELOPMENT:

The site consists of an irregular shape area of land, south of Stoney Common Road and to the east of Pines Hill Road. The site is undeveloped and comprises open land which is heavily treed in some areas.

The site lies within the Metropolitan Green Belt and outside Development Limits within the countryside. To the south and west of the site are important woodlands as identified in the Uttlesford Local Plan (adopted 2005).

Development within the Green Belt

As stated with the Local Plan (2005), a belt of countryside needs to be retained between Harlow, Bishop's Stortford, Stansted Mountfitchet and Stansted Airport as part of the regional concept of containing the urban sprawl of London. Within the Green Belt, development will only be permitted if it accords with national planning policy on Green Belts. Development permitted should preserve the permanence and openness of the Green Belt, and its scale, design and siting should be such that the character of the countryside is not harmed.

National guidance is clear that the Government attaches great importance to Green Belts. The Green Belts serves 5 purposes as explained in paragraph 138 of the National Planning Policy Framework 2021 (NPPF):

- (a) to check the unrestricted sprawl of large built-up areas;
- (b) to prevent neighbouring towns merging into one another;
- (c) to assist in safeguarding the countryside from encroachment;
- (d) to preserve the setting and special character of historic towns; and
- (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 147 of the NPPF states that appropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances noted in paragraph 148 of the NPPF, in considering any application, local planning authorities should give substantial weight to any harm that will be caused to the Green Belt. The NPPF is clear in paragraph 149 that the construction of new buildings are inappropriate with the exception of the following:

- a) buildings for agriculture and forestry;
- (b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments
- (c) 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;
- (d) the replacement of a building,
- (e) limited infilling in villages;
- (f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- (g) limited infilling or the partial or complete redevelopment of previously developed land

It is clear that the proposed development does not fall under any of the prescribed exceptions a-g and as such is clearly inappropriate development.

Furthermore paragraph 150 sets out certain forms of development which are not classed as inappropriate on the proviso that they retain the openness and do not conflict with the purposes of the land including:

- Mineral extraction
- Engineering operations
- Local transport infrastructure
- Reuse of buildings
- Material changes in the use such as outdoor sport, recreation or for cemeteries
- Development brought forwards under a Community Right to Build Order or Neighbourhood Development Order

The proposed development does not fall under any exceptions listed in paragraph 150.

Thank you for the additional submission of the Landscape and Visual Impact Assessment and the Green Belt assessment which sets out Very Special Circumstances scheme (VSCs) that apply to the scheme and concludes whether these outweigh the level of harm to the openness of the Green Belt.

We have taken into account your assessment and conclusions of the VSC which you state should be given very substantial to moderate weight as follows:

- The provision of housing to contribute towards the housing shortfall (very substantial weight)
- The provision of 48% affordable housing (very substantial weight)
- Edge of village location (substantial weight)
- Socia economic benefits (moderate weight)

In the first instance, it is considered that what is being proposed here does not fall within the definition of “appropriate development” within the Green Belt. Moreover, it is considered that the VSC which you have cited would not outweigh the harm that would be caused to the Green Belt. The proposed development is contrary to Local and National Policies and cannot be supported.

Countryside

The site lies beyond the Development Limits on land classed as countryside where policies are generally restrictive. Policy S7 looks to protect the countryside for its own sake by limiting development to that which needs to be there or is appropriate to a rural area. Policy S7 was subject to a Framework Compatibility Assessment (July 2012), concluding that it was consistent with the NPPF.

The National Planning Policy Framework (NPPF 2021) applies a presumption in favour of sustainable development. Development will only be permitted if the appearance of the development protects or enhances the particular character of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. In any case, paragraph 80 of the NPPF seeks to avoid isolated homes in the countryside unless there are special circumstances. In this regard, housing site should be within or adjacent to existing settlements to prevent sporadic development in the countryside.

As identified in the most recent housing trajectory document, Housing Trajectory 1 April 2021 (January 2021), the Council’s housing land supply is currently 3.11 years of supply. For the present time, the Council is therefore unable to demonstrate a deliverable 5 year supply of housing land. Paragraph 11 of the NPPF considers the presumption of sustainable development; this includes where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes where five year housing supply cannot be

delivered). As such the development should be assessed against the three strands of sustainable development (social, economic and environmental).

Social: The site is located, south of the settlement of Stanstead Mountfitchet. The development whilst not strictly falling within the definition of being isolated, is nevertheless located outside of any established development limits. The submission demonstrates that the site is within reasonable distance of services and amenities, which is not disputed.

It is clear that the development would provide new dwellings which is poignant as the Council is unable to demonstrate a deliverable 5-year supply of housing land.

Economic: The development will deliver a minimal economic role by the creation of small -scale employment during the construction phase and the occupier(s) of the houses would contribute to the local economy in the long term, as such there would be some limited, positive economic benefit.

Environmental: The site is outside of the development limits and currently comprises open /disused land which is overgrown and heavily treed in some parts. The proposed development would result in a built-up form which would harm the character, appearance and open form of the countryside.

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.

Therefore, a balanced approach should be applied in the assessment of the proposed development and whether the potential harm the development might cause 'significantly and demonstrably' outweighs the potential positive outcomes of the development as a whole.

The scheme does provide for a mixture of residential dwellings and there would be a modest level of economic benefit. These elements weigh in favour of the development. The location of the site is relatively close proximity to amenities and services; nevertheless it is outside of the development boundary which would be perceived as having a neutral benefit/impact. However, the harm caused on the open character and appearance of the countryside outweighs any limited potential positive outcomes of the development as a whole.

Summary

In summary, the scheme is considered inappropriate development due to its impact on the Metropolitan Green Belt and the Countryside.

CONTAMINATION:

Should an application be submitted, the Environmental Health Officer will be consulted and provide advice and may recommend conditions to safeguard the amenity of adjacent neighbours and that of future occupiers regarding any issues or concerns of land contamination, noise and air quality.

ARCHAEOLOGY:

Should a planning application be submitted the County Archaeologist would be consulted to ascertain if the proposed development would have any impact on archaeological remains.

ECOLOGY:

The NPPF no longer has a presumption in favour of sustainable development where ecology will be unduly harmed. Paragraph 175 (a) states "if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused..."

Any development which comes forward on the site will need to ensure that any ecological impacts of development would be mitigated through retention and management and the incorporation of new features. The site has the potential for protected species.

A biodiversity checklist will need to be submitted with any future application on the site which will assist in ascertaining whether any further surveys are required. Any application would need to be accompanied by necessary surveys. In the first instance, we would expect a Preliminary Ecological Assessment to be undertaken. We would advise you to appoint an Ecological Consultant to undertake the necessary surveys in accordance with Natural England's advice. The Ecology Officer would be consulted on any application which comes forward on the site to safeguard no harm to protected and priority species and habitats.

Trees

Policy ENV3 (open spaces and trees) seeks to ensure that trees and open spaces are not lost unless the need for development outweighs their amenity value.

The proposal would result in a loss of a number of trees to facilitate the development which is evidenced through the submitted plans. It is also noted that the site is in close proximity to locally important woodland.

A full application should include a tree survey (BS 5837), implications report and a tree protection plan. We would expect any development to provide necessary Root Protection Areas for the trees; and ensure any development would not create pressure on the Trees in the future. The Council's Tree and Landscaping Officer would be consulted on any proposals.

HIGHWAYS:

Any submitted planning application would need to be determined taking into account the comments from the Highways Authority, Essex County Council. If you would like to obtain pre application advice from the Highway Authority, please contact the strategic Development Officer at Essex County Council tel: 03330 130588 or by email on Development.Enquiries@essex.gov.uk. The council's minimum residential parking standards indicate the number of off-street parking spaces required; this includes:

- 2- 3 bedrooms- 2 parking spaces required
- 4+ bedrooms- 3 parking spaces required

The size parking spaces will need to be in accordance with Essex County Council Parking Standards and should measure least 2.9m by 5.5m.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/540330/BR_PDF_AD_M1_2015_with_2016_amendments_V3.pdf

FLOODING:

The site is located within Flood Zone 1 representing the lowest risk of flooding and a Flood Risk Assessment (FRA) would not be required as part of any formal submission. The Stansted Brook water course lies to the east of the site. The Environment Agency contact details and Standing advice can be found here: <https://www.gov.uk/guidance/flood-risk-assessment-local-planning-authorities>. We would also consult Essex County Council as the Lead Local Flood Authority (LLFA) and also the Environment Agency, a Flood Risk Assessment may also be required.

AFFORDABLE HOUSING:

Policy H9 states that the Council will seek to negotiate on a site to site basis an element of affordable housing of 40%. The provision of 48% affordable housing complies with the affordable

housing requirement.

DESIGN:

Policy GEN2 states that development will not be permitted unless its design meets all the following criteria and has regard to adopted Supplementary Design Guidance and Supplementary Planning Documents.

- a) It is compatible with the scale, form, layout, appearance and materials of surrounding buildings;
- b) It safeguards important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate;
- c) It provides an environment, which meets the reasonable needs of all potential users.
- d) It helps to reduce the potential for crime;
- e) It helps to minimise water and energy consumption;
- f) It has regard to guidance on layout and design adopted as supplementary planning guidance to the development plan.
- g) It helps to reduce waste production and encourages recycling and reuse.
- h) It minimises the environmental impact on neighbouring properties by appropriate mitigating measures.
- i) It would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.

If a residential new build development was considered appropriate in this location, the above requirements would need to be duly considered.

HERITAGE

North-east of the site are listed buildings and further north lies a conservation area. Any development proposal would need to be supported by a Heritage Statement to demonstrate that nearby Heritage Assets have been duly considered.

AMENITY:

In accordance with Policy GEN2, any development will need to ensure that there would be no detrimental impact on surrounding residential occupiers. This should play a key role in determining the siting of the properties in terms of their layout, separation distances and siting of fenestration. Should an application be submitted a daylight and sunlight assessment will be expected.

ACCESSIBILITY:

The Council requires all new dwellings to meet the standards in Requirement M4(2) of the Building Regulations.

CONCLUSION:

The provision of dwellings on this site would result in an inappropriate development within the metropolitan green belt and inappropriate development within the countryside, outside of the development limits, contrary to Policy S7 and the NPPF. The principle of development would not be supported and if such an application were to be submitted, it would be recommended for refusal.

Please note that conclusions cannot be drawn with respect to certain considerations due to a lack of either information (e.g biodiversity surveys) or specialist input (e.g. the highway authority).

MAKING AN APPLICATION:

Should you wish to submit an application for planning permission, please ensure that you review the advice on completing an application form and the appropriate checklist to ensure that the correct documents are included.

Further guidance on information requirements can be found in the Planning Practice Guidance, and at www.uttlesford.gov.uk/planningapplicationforms.

IMPORTANT:

Please note the following:

The advice given in this letter is based only on the information that has been submitted as part of the pre-application and it may not apply to any subsequent changes.

The application would be assessed against the national and local policies in force at the time the application is submitted.

This letter is for guidance only: You will appreciate that the views expressed above are those of an Officer which will be no way binding upon the Council or any of its Committees when considering any formal application.

The letter relates only to planning and your client will need to seek professional advice for guidance relating to building regulations.

Planning permission does not overrule your client's other statutory responsibilities, such as, but not limited to, complying with any restrictive covenants. The Council does not have access to this information so if your client is unsure about the existence of these issues, then your client should seek independent legal advice before an application is submitted.

Yours faithfully

Henrietta Ashun
Principal Planning Officer

