



UTTLESFORD DISTRICT COUNCIL

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Ms C Richmond
[REDACTED]
[REDACTED]
[REDACTED]

Date: 30 March 2020

Our Ref: UTT/19/3118/PA

Please ask for: Chris Tyler on
[REDACTED]

Email: planning@uttlesford.gov.uk

Dear Ms C Richmond

LOCATION:

Junction of Pines Hill and Limeklin Lane, Pines Hill, Stansted, CM24 8EX

Thank you for your recent request for planning advice please find the following formal response.

PROPOSAL:

Erection of 14 dwellings

CONSTRAINTS

1.	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
2.	Aerodrome Direction Description: Consultation of National Air Traffic Services (NATS) for all buildings, structures & erections exceeding 15m in height (49.2 feet). Address: NATS, Navigation & Spectrum, 4000 Parkway, Whiteley, Fareham, Hampshire. PO15 7FL Area Colour: 15m
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 Stansted Airport (BAA) for all windfarm development. Area Colour: windfarm

5.	<p>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</p>
6.	<p>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</p>
7.	<p>Article 4 ARTICLE 4</p>
8.	<p>Within 500m of District Boundary Neighbour: East Hertfordshire District</p>
9.	<p>Metropolitan Greenbelt Description: Metropolitan Green Policy</p>
10.	<p>Important Woodlands Area Name: UNKNOWN</p>
11.	<p>Landfill Site (within 250m) Description: WITHIN 250M OF LANDFILL SITE.</p>
12.	<p>Within 250m of Local Wildlife Site Location: THE MOUNT Site No: Ufd69</p>
13.	<p>Mineral Safeguarding Area Description: Sand/Gravel</p>
14.	<p>Outside Development Limits Description: Outside Development Limits</p>
15.	<p>Parish Edge Description: Within 200m of Parish Boundary - check Constraints map</p>
16.	<p>Protected Lane Lane ID: UTTLANE42 Location: Stansted Mountfitchet - Limekiln Lane.</p>
17.	<p>Road Classification- Line Road Name: Pines Hill Road Number: 3002 (B Road) Route Number: B1383</p>
18.	<p>Road Classification- Line Road Name: Limekiln Lane Road Number: 3004 (Unclassified) Route Number:</p>
19.	<p>SSSI Impact Risk Zones - Natural England ID Number - See Spreadsheet: 58</p>
20.	<p>Stansted Airport within 6km of Airport Description: WITHIN 6KM OF AIRPORT.</p>
21.	<p>TPO Area Polygons Reference Number: 1/77/04 Category: 1 Tree Type: Various see schedule</p>
22.	<p>TPO Area Polygons Reference Number: 1/77/04</p>

	Category: 2 Tree Type: Beech
23.	TPO Area Polygons Reference Number: 1/77/04 Category: 1 Tree Type: Pine
24.	Water Authority Description: Thames Water (W1)
25.	

HISTORY:

Planning Applications History (if any):

Reference No.	Status	Decision Date	Proposal
UTT/13/2621/FUL	AC	15/11/2013	Single storey extension to existing lounge to form new dining area
UTT/1170/83	AC	19/12/1983	Conversion of existing building to form residential home for elderly persons
UTT/0859/83	W	28/11/1983	Change of use of dwelling to residential home for up to 16 elderly persons
UTT/1487/86	AC	17/11/1986	Proposed extension to store shed
UTT/1471/86	R	01/12/1986	Construction of a dwelling
UTT/1269/96/FUL	R	13/03/1997	Erection of two storey side and rear extension to Nursing Home to provide additional accommodation
UTT/0517/94/FUL	AC	11/07/1994	Two storey extension to west elevation (alternative to planning permission UTT/1162/93/FUL)
UTT/1162/93/FUL	AC	16/12/1993	Two storey extension to west elevation
UTT/0813/91	AC	02/09/1991	Proposed single storey extension
UTT/1154/03/TPO	TA	04/08/2003	Reduce by 25% 5 No. Lime trees and fell 1 No. Sycamore tree

Planning Appeals History (if any):

Reference No.	Status	Decision Date	Proposal

PLANNING POLICIES:

Policy	Local Plan	Local Plan Phase
S6 - Metropolitan Green Belt	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005

GEN1 - Access	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN2 - Design	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN7 - Nature Conservation	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN8 - Vehicle Parking Standards	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
H9 - Affordable Housing	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV3 - Open spaces and trees	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV9- Historic Landscapes	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
SPD2 - Accessible homes and playspace Uttlesford Local Parking Standards EDG - Essex Design Guide ECP - ECC Parking Standards (Design & Good Practice)September 2009 NPPF - National Planning Policy Framework		

APPRAISAL:

The site includes an Article 4 Directive which removed permitted development rights for the erection, construction, improvement or alteration of a gate, fence, wall or other means of enclosure comprised within Class A Part 2 of Schedule 2 to the General Permitted development Order 1995 (as amended).

The following documents re relevant to the interpretation of the above policies:

- SPD- accessible homes and Playsafe
- Developer Contributions Guidance
- The Essex Design Guide
- Parking Standards: Design and Good Practice
- Local Residential Parking Standards

The following documents are also relevant to the planning assessment:

National Planning Policy Framework
 Planning Practice guidance: Housing- Optional Technical Standards

Appraisal

Location of the Development

The application site is within the Metropolitan Greenbelt, ULP Policy S6, further details of appropriate development within the Greenbelt are considered in the NPPF.

Part 13 of the NPPF sets out how development within the Greenbelt should be assessed. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Green Belt serves five purposes:

- 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.

Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt, exceptions to this include:

- 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; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- 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, provided the new building is in the same use and not materially larger than the one it replaces;
- 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, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development;or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The proposal includes the development of the site and including the introduction of 14 dwellings to be accessed from the Limekiln Lane, although at this point the submitted plans are indicative and the principle of this is addressed. The proposed dwellings will result in the introduction of built form of this amount will be a obtrusive and dominating addition to the Green Belt, no provisions or exceptions are set out in the NPPF for this type of development.

Paragraph 144 of the NPPF advises when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very

special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

As such the following paragraph sets out what constitutes a very special circumstances. Firstly this will depend on the weight of each of the factors put forward and the degree of weight to be accorded to each is a matter of the decision taker. At this stage we are assessing the principle of the development as such a decision has not been formed.

The proposed development site is not considered previously developed land and therefore a planning balance exercise is included, as follows:

	Material Consideration	Details	Weight to be afforded	Impact balancing exercise
1	The contribution to a 5 year housing supply	The councils currently does not have a 5 year housing supply.	Moderate	Positive
2	Provision of affordable housing.	Although positive it is no considered significant, the site is not previously developed land.	Moderate	Positive
3	In appropriate development of the Green belt	The proposals are inappropriate development within the Green Belt which is, by definition, harmful to the Green Belt	Substantial	Negative
4	Impact on openness	It has been concluded that the proposals will impact on the openness of the Green Belt. Substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other	Substantial	Negative

		harm, is clearly outweighed by other considerations.		
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This is considered the balancing assessment to the development, the scale of development including the associated development of the land for gardens, roads, and urban forms of development is significant and will have an impact on openness of the Green Belt themselves in addition to the significant harm from the dwellings. Substantial weight is afforded to the above points and in a balancing assessment this will have a negative impact that is not outweighed by the positives, As such it is considered the proposed development would be in conflict with the aims of ULP Policy S6 and the NPPF.

Notwithstanding the above the proposal will likely have a harmful impact to the open character of the site and street scene resulting in the introduction of domestic form and appearance.

Highway Safety and Access

The proposed dwellings and business would accessed via the existing highway access along Lime kiln lane, this is likely to result in a significant increase and therefore due consideration should be made to highways safety.

Policy GEN1 requires development to meet a number of criteria in relation to access and highway safety, this includes:

- Access to the main road network must be capable of carrying the general traffic generated by the development.
- The traffic generated by the development must be capable of being accommodated on the surrounding transport network.
- The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people with impaired mobility.

The proposed development will utilise the existing access point from the highway, from my desk top assessment whilst on my site visit I did not notice any obvious highways issues and any future planning application should clearly demonstrate that the vehicles visiting can easily be manoeuvred within the site, this includes, cars and delivery vehicles. The proposed parking provision should be addressed, however due to the scale of the site; I do not envisage any issues with this. Parking should accord with the adopted Uttlesford Residential Parking Standards and Essex County council Parking Standard (2009) please find the following link

https://www.essex.gov.uk/Environment%20Planning/Development-in-Essex/Documents/Parking_Standards.pdf

If you wish to obtain specific pre application advice from the Highway Authority please contact the strategic Development Officer at Essex County Council tel: 03330 13058
mineralsandwasteDM@essex.gov.uk

Affordable Housing

ULP Policy H9- considered the requirement for affordable housing. As set out in this policy all development of sites within Stansted Mountfitchet, on sites of 0.5 hectares or of 15 dwellings or more- 40% affordable housing will be negotiated.

As such due to the scale of the site an affordable housing provision is likely to be required. Firstly the site is more than 0.5 hectares and the provision for affordable housing will be required as set out in ULP Policy H9, this is also in accordance with the aims of the NPPG as the proposal is more than 10 dwellings.

Trees/biodiversity/ecology

Given the nature of the site, an ecological appraisal may be required. The adopted validation process of the planning applications requires a biodiversity checklist to be submitted with the application, this will help indicate whether further survey are required.

The site may provide habitats for protected species. We would consult our ecologist (ecology.placeservices@essex.gov.uk web: [REDACTED]) on any planning application, but you may wish to commission protected species surveys to prevent any delays. If this assessment indicates that further surveys should be undertaken these must be done prior to the submission of the application. Failure to do so is likely to result in the application being refused.

Open spaces and trees

ULP Policy ENV3 considers the loss of open spaces and visually important trees. The site includes a number of tree preservation orders which may be impacted by the development, as such a survey of the site and trees that will be impacted by the proposed development should be included.

I am of the opinion that the proposed development of the site will result in a significant harmful impact to the open character of the Metropolitan Green Belt. This is in conflict with the aims of the NPPF and ULP Policy S6; as such I conclude I could not support this proposal.

Historic Landscapes

ULP Policy ENV9 considers whether development is likely to have a significant harm to the protected lanes as defined in the proposal maps. The development will not be permitted unless it outweigh the historic significance of the site. Limekiln Lane is a designated protected lane and as such due consideration should be made to this. The development should ensure the proposed access to the site does not have a material impact to the protected lane and verges. This could be as a consequence of the proposed visibility requirements for the access point and future intensification of the lane.

CONCLUSION:

I am of the opinion that the proposed development of the site will result in a significant harmful impact to the open character of the Metropolitan Green Belt. This is in conflict with the aims of the NPPF and ULP Policy S6; as such I conclude I could not support this proposal.

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



Chris Tyler
Senior Planning Officer

