

UTT/16/2865/OP (Stansted)

(Referred to Committee by Councillor Sell Reason: Overdevelopment of the site due to the intensification of the development.)

PROPOSAL: Outline application, with all matters reserved except for access and scale, for the redevelopment of the former gas holder site to provide for up to ten dwellings

LOCATION: Land North of Water Lane, Stansted

APPLICANT: Mr D Smith

AGENT: Lanpro Services

EXPIRY DATE: 10th February 2017

CASE OFFICER: Chris Tyler

1. NOTATION

1.1 Within development limits

2. DESCRIPTION OF SITE

2.1 The site lies within the centre of Stansted Mountfitchet village within close proximity to the railway station and comprises an irregular shaped parcel of enclosed land consisting of 0.12 ha which fronts onto Water Lane towards its south-western end. The rear boundary of the site backs onto Stansted Brook. The site was formerly the location of the town's gasholder, but has since over time become colonised by self-sown trees and scrub and is now overgrown. The site and the section of Water Lane in front of it slopes down from a row of attractive frontage cottages which stand onto the lane at higher ground on the site's north-eastern side, whilst the rear boundary of the site running parallel with Stansted Brook is screened by a line of mature trees.

2.2 Braemar House, a large 2½ storey commercial building with adjoining staff car park to the side stands directly opposite the site to the front across the lane with the railway line running immediately behind this building, whilst residential streets (Sunnyside and Woodfields) exist on rising ground to the rear of the site from the brook where these streets run parallel with the width of the site. Other residential properties lie to the immediate south-west beyond the end of Water Lane, which is a narrow single width adopted road which becomes unmade after the site. The lane serves as a convenient "cut through" for local residents/commuters who walk and cycle to and from the station and the Lower Street area from the adjoining residential areas

3. PROPOSAL

3.1 This outline application proposal with all matters reserved except for access and scale, for the erection of 10 No. dwellings comprising a terrace of 8 No. two bedroomed house units with undercroft parking and 2 No. one bedroomed flat units. The proposal includes private amenity areas with additional rear communal garden area to be provided as additional resident amenity space.

- 3.2 The submitted illustrative drawings show a terrace of frontage dwellings at 2½ storey height running down the slope of Water Lane which would have a staggered roof line. Each dwelling unit is shown with one resident parking bay however additional parking is provided to the side of the site. The drawings also show the width of the carriageway of Water Lane being widened into the site along its full width to allow for turning of resident cars into and out of the undercroft parking bays from/to the lane.

4. APPLICANT'S CASE

- 4.1 The applicant's agent's accompanying planning statement describes the site and its surroundings and the nature and extent of the proposed development, sets out the planning policy context for the development and provides a planning assessment insofar as it relates to the relevant issues under consideration for this outline application proposal. The planning statement concludes as follows:

- This outline application would facilitate the remediation of a site with known contaminants, which in terms of water and soil resources could be described as a sensitive location.

- The remediation of the site will allow for the development of up to 10 dwellings in a sustainable location within settlement limits. The development would provide for market homes, this site also has sufficient land within its boundaries to provide for attractive recreational spaces for the residents in compliance with policy standards.

- The existing vegetation to be retained is not considered to be of high quality in terms of specimens, although it is recognised that they provide for screening between the site and surrounding residential areas. The boundary trees and hedging will require a considerable amount of work to be undertaken to ensure that they continue to grow and provide for habitats for bats and birds. The final details of this vegetation management can be obtained through a Reserved Matters application to address Landscape.

- The flood risk associated with the site has resulted in the dwellings being located away from the northern and western boundaries as these would be the areas at the highest risk of flooding. The dwellings have been designed to accommodate flood protection measures and the site can accommodate flooding events to ensure that the risk is not increased elsewhere.

- The proposed development complies with the intent of the Essex Design Guide for residential amenity and place making principles, whilst the provision of one car parking space per dwelling is considered to be acceptable in this extremely sustainable transport location.

- The site has previously been considered by the Council and refused due to the overdevelopment of the site, subsequently this was allowed at appeal. This revised scheme reduces the number of dwellings on the site.

- It is the stated central government intention that contaminated brownfield sites should be remediated and used to boost housing delivery. The application site meets with these requirements and can deliver housing within the next five years.

- The outline application seeks to provide assurance that the means of access can be considered as addressed and that the scale of the development proposed is acceptable. Matters regarding the appearance and landscaping of the site could be

considered through Reserved Matters, a process which is considered to be appropriate as the site is not within any designated area or within the setting of a listed building.

•The principle of development is supported by National and Local Planning Policy and the economic, social and environmental benefits of the development proposal should be considered as a significant benefit within the planning balance.

•The application is considered to comply with all of the relevant planning policies and there are no material considerations which would indicate that the proposal should be refused. We would request that in accordance with the guidance of the NPPF that the development proposal is approved without delay.

5. RELEVANT SITE HISTORY

- 5.1 Detailed application for the redevelopment of the site for the erection of 10 No. dwellings comprising 8 No. terraced units and a pair of semi-detached dwellings together with carriageway widening, provision of footpath and vehicle turning area refused in 2006 on the basis of excessive height of the terrace combined with its close proximity to the narrow roadway and overbearing effect on the streetscene, inadequate and unworkable parking arrangements, including tandem parking resulting in parking on the highway to the detriment of highway safety, overdevelopment of the site, intensification of a sub-standard access road and increased conflict with pedestrians (UTT/1971/05/FUL).
- 5.2 Detailed application for the redevelopment of the site for the erection of a terrace of 7 No. two bedroomed dwellings with undercroft garages and a single dwelling with open parking spaces together with widening of Water Lane to provide a footpath and provision of new turning head approved in 2006 (UTT/0788/06/FUL). The delegated officer report for this subsequent application proposal stated that *“In design and layout terms, the proposal fits in with the grain of Stansted and achieves a satisfactory size of amenity areas and parking provision. The widening of the lane addresses concerns about access and turning and improves the lane for all users. The flood risk appears to have been addressed. The ground contamination issue is less well studied and there is evidently a problem to be solved, but the applicant requested consent with the contamination to be covered by a condition requiring a more detailed study and a remediation plan to be agreed”* (a condition was subsequently imposed on the Council’s grant of planning permission). This permission has since expired
- 5.3 The previous planning application UTT/16/0075/OP (12 dwellings) was refused by the planning committee on the 3/6/2016 due to the overdevelopment of the site, subsequently the refused decision was allowed at appeal. Therefore planning permission on this site has already been established for outline permission 12 dwellings with all matter reserved, except access and scale.

6. POLICIES

- 6.1 - Uttlesford District Local Plan 2005
- ULP Policy S1 – Settlement Boundaries for the Main Urban Areas
 - ULP Policy ENV3 – Open spaces and trees
 - ULP Policy ENV4 – Ancient Monuments and Sites of Archaeological Importance
 - ULP Policy ENV10 – Noise sensitive development
 - ULP Policy ENV12 – Groundwater protection

- ULP Policy ENV14 – Contaminated land
- ULP Policy H1 – Housing development
- ULP Policy H3 – Infilling with new houses
- ULP Policy H9 – Affordable Housing
- ULP Policy H10 – Housing Mix
- ULP Policy SM2 – Residential Development within Stansted Mountfitchet's Built up area
- ULP Policy GEN1 – Access
- ULP Policy GEN2 – Design
- ULP Policy GEN3 – Flood Protection
- ULP Policy GEN6 – Infrastructure Provision to Support Development
- ULP Policy GEN7 – Nature Conservation
- ULP Policy GEN8 – Vehicle Parking Standards

- ECC Parking Standards 2009
- UDC Parking Standards 2013

- Stansted Village Neighbourhood Development Plan (2011).

6.2 National Policies

- National Planning Policy Framework (NPPF)

7. PARISH COUNCIL COMMENTS

- 7.1 The Parish Council reiterates its previous objections to applications for development on this site (over-development, flooding, highway safety, possible contamination of the site and inadequate parking spaces).

8. CONSULTATIONS

Environment Agency

- 8.1 (Revised comments received 6 November 2016):

We would now like to remove our objection, as the site is not located within Flood Zone 3b. We now have sufficient information for us to be able to remove our holding objection subject to the two conditions described below being included in any planning permission granted. The proposed development will only meet the policy requirements of the National Planning Policy Framework to ensure the safety of residents and that flood risk is not increased elsewhere if the following planning conditions are included:

Condition 1

The development permitted by this planning permission shall be carried out in accordance with the approved flood risk assessment 'Site Specific Flood Risk Assessment, Water Lane, Stansted Mountfitchet, September 2016'. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the local planning authority.

Reason: To prevent flooding on the site and elsewhere by ensuring that compensatory storage of flood water is provided.

Condition 2

Finished floor levels shall be set no lower than 66.68m AOD.

Reason: To protect the development from flooding.

Natural England

- 8.2 Natural England has no comments to make on this application

Network Rail

- 8.3 Network Rail has no objection or further observations to make after reviewing the information provided in relation to the planning application.

NATS Safeguarding

- 8.4 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

8.5 Thames Water

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit thameswater.co.uk/buildover

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Water Comments:

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Affinity Water

- 8.6 The site is located close to or within an Environment Agency defined groundwater

Source Protection Zone (GPZ). This is a public water supply comprising a number of Chalk abstraction boreholes operated by Affinity Water Ltd. The construction works and operation of the proposed development site should be carried out in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken. For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

ECC Highways

- 8.7 The impact of the proposal as shown in principle on Proposed Site Layout Drawing No.102 is acceptable to the Highway Authority subject to highway conditions.

ECC SUDS

- 8.8 The application is on a site area of 0.12ha. We have set a threshold of commenting where 0.1ha impermeable areas or more are being created. Therefore, as the [impermeable area for the] site is likely to be below this we will not be providing bespoke comments.

ECC Ecology

- 8.9 No objections subject to the following condition regarding the submission of a of a landscape and an ecological management plan.

ECC Archaeology

- 8.10 Although no formal comments have been received from the Historic Environment Advisor, it has been identified the above application as having potential archaeological implications from the weekly list. The following recommendations are in line with the National Planning Policy Framework.

RECOMMENDATION: Desk Based Assessment followed by potential Trial trenching and Excavation.

"No development or preliminary groundworks of any kind shall take place until the applicant has secured and fully implemented a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority."

A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed of by the local planning authority through its historic environment advisors.

The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of 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 Essex Historic Environment Record shows that the proposed development lies on the site of a post-medieval gas works (EHER 40422). The gas works is recorded as being constructed in the middle of the 19th century with two gas cylinders being recorded on the site by the late 19th century. The site also lies to the west of the Scheduled Motte and Bailey Castle which would have had an associated settlement, probably in the area around Station Road and Water Lane. To the north of the Water Lane site animal bones of cattle have been recorded, although their date is unknown (HER 18552).

A recognised professional team of archaeologists should undertake the archaeological work. The work will consist of the production of a desk based assessment potentially followed by the excavation of a series of trial trenches in the area of the proposed housing, which will be expanded if archaeological deposits are identified. The District Council should inform the applicant of the archaeological recommendation and its financial implications. An archaeological brief can be produced from this office detailing the work required.

UDC Environmental Health Officer

- 8.11 The application relates to the site of the former Stansted gas works. In general the submitted assessment and the proposed remediation strategy were acceptable in previous applications with respect to human health risk. The assessment and remediation strategy will need to be updated due to the differing site layout of the present application, possible changes in site conditions since the intrusive investigation was carried out, developments in remediation techniques, and updated assessment criteria.

The Environment Agency should be consulted with respect to the risk to controlled waters.

Noise impact

The site is adjacent to the railway and close to Stansted Mountfitchet station. A noise impact assessment will be required to show how acceptable noise levels within the development can be achieved.

9. REPRESENTATIONS

- 9.1 12 letters of objection have been received (reply date 17/11/2016)
Site Notice and advertised (reply date 17/11/2016)
- Principle of development should not be accepted at this site.
 - No urgent need to develop the site as the Council can demonstrate a 5 year land supply of deliverable housing.
 - Proposal would represent overdevelopment.
 - Flood risk issue – site and bottom end of Water Lane has previously flooded. Development of site would cause flooding problems downstream and affect nearest properties. Soft and vegetated areas within the site currently slow down rate of run-off into the brook. Hard surfaced areas associated with the development would increase run-off rate into the brook to increase flood risk.
 - Scale of development inappropriate for the site and its surroundings. Scheme not compatible with existing grain, scale and pattern of local development.

- Three storey height would cause overlooking and loss of privacy across to properties within Sunnyside situated behind. Overbearing effect. Scale of the development not properly represented on the submitted elevational drawings given the slope in the site which could distort the final heights of the dwellings.
- Resident parking inadequate for two bedroomed housing units. Allocated parking has decreased from the previously approved scheme by increased number of dwellings.
- Rear garden areas would be very small. How would indicated communal amenity area be managed and maintained? Would this conflict with Environment Agency wayleaves for the brook?
- Water Lane is unsuitable to carry any more vehicular traffic due to its narrow nature without footpaths and physical condition. Where would they park/turn? How would emergency vehicles access the site?
- Poor sight lines and increased use of it through the proposed development would create a potentially increased highway danger.
- Site is contaminated and contains potentially hazardous chemicals
- Ecology concerns over protected species.
- Protected trees on the site. How could the Council ensure these are not removed by the developer?
- Cumulative negative impact on existing residents of Water Lane and on existing users of it with no added benefits accruing.

10. APPRAISAL

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

- A Principle of development with reference to sustainability objectives, previously developed land, flood risk and effect of noise generators on noise sensitive development (NPPF, ULP Policies S1, H1, H3, SM2, GEN3 and ENV10);
- B Access (ULP Policy GEN1
- C Scale (ULP Policy GEN2);
- D Contamination / ground water protection (ULP Policies ENV12 and ENV14
- E Effect on wildlife, including impact on protected species / trees (ULP Policies GEN7 and ENV3
- F Housing mix / affordable housing / infrastructure provision to support development (ULP Policies H9, H10 and GEN6);
- G Other material planning considerations – design and parking (ULP Policies GEN2 and GEN8

A Principle of development with reference to sustainability objectives, previously developed land, flood risk and effect of noise generators on noise sensitive development (NPPF, ULP Policies S1, H1, H3, SM2, GEN3 and ENV10)

- 10.1 The site falls within development limits for Stansted where ULP Policy S1 accepts development if it is compatible with the settlement. This central part of Stansted

intersected by the railway line has a very tight residential urban grain and form with narrow streets, many of a terraced nature, and dwellings, many Victorian, positioned close to the carriageway whereby this form gives a very strong sense of character to this area. The proposal to erect a terrace of dwellings adjacent to an existing frontage row of dwellings in Water Lane would therefore be consistent with this general character, would represent an appropriate form of infill development and would additionally represent a small scale site for housing within the built up area for Stansted not specifically identified on the Proposals Map to supplement larger and allocated sites for the town (ULP Policies S1, H1, H3 and SM2).

- 10.2 The site lies within easy walking distance of the railway station situated at the beginning of Water Lane which serves local commuters to London and Cambridge. The site is also within walking distance of local services and amenities located within Station Road, Lower Street and Chapel Hill and would in view of this favourable positioning be within easy reach local amenities. The NPPF has a presumption in favour of sustainable development described as the “golden thread” running through both plan-making and decision-taking. Paragraph 14 of the NPPF states that development proposals that accord with the development plan should be approved without delay. The proposed development would because of its location have a presumption in favour of sustainable development in accordance with the provisions of the NPPF.
- 10.3 The site comprises previously developed land (brownfield) as the location of the former town gasworks and has been found to be contaminated because of this former use. Paragraph 17 of the NPPF states in regard to previously developed / contaminated land that LPA’s should approve developments which “contribute to conserving and enhancing the natural environment and reducing pollution and that land for development should prefer land of lesser environmental value” and “encourages the effective use of land by re-using land that has been previously developed (brownfield land) providing that it is not of high environmental value”.
- 10.4 The proposed development would be consistent with this national advice in terms of land re-use when set against these parameters where the site is not considered to have a high environmental value (notwithstanding consideration of ecology and trees as discussed below). The Council’s adopted local plan echoes this general national policy thrust where it advises in the preamble to ULP Policy ENV14 that “The principle of sustainable development means that, where practicable, brownfield sites, including those affected by contamination, should be recycled into new uses”.
- 10.5 In terms of flood risk, the site is shown on the Environment Agency’s flood risk map as having a combination of Flood Zone 1 (lowest risk of flooding), Flood Zone 2 (medium risk of flooding and Flood Zone 3 (highest risk of flooding) where in this case the flood risk relates to fluvial flooding. The Flood Risk Assessment (FRA) accompanying the application expands upon this flood zoning, the FRA breaks down the flood zone extents whereby the lowest part of the site for just over half of the site’s width adjacent to Stansted Brook is shown as Flood Zone 3, whilst a part of the middle section of the site above this zone towards its western end at the bottom of the slope is shown as Flood Zone 2 with the greater part of the site being within Flood Zone 1.
- 10.6 The NPPF advises at paragraph 100 that “Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere” adding that local authorities should apply a sequential, risk based approach to the location of development taking into account the impacts of

climate change. The NPPF further advises that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding and that development should not be permitted if there are reasonably available sites appropriate elsewhere which have a lower probability of flooding. An Exception Test should be applied if following the application of the Sequential Test it is not possible consistent with sustainability objectives for the development to be located to those lower flooding risk areas where the NPPF goes on to say that when determining planning applications LPA's should ensure flood risk is not increased elsewhere and only consider development appropriate in areas of risk of flooding where, following the Sequential Test and, if appropriate an Exception Test that "within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed" (including use of sustainable drainage systems).

- 10.7 Two proposed dwellings and open space areas are shown to be located within the Flood Zone 3a. Four dwellings, the communal car parking area and open space are shown to be located within the Flood Zone 2. All remaining parts of the site are located within the Flood Zone 1.
- 10.8 The submitted FRA acknowledges that the building has been located in areas of least flood risk and the Sequential Approach has therefore been implemented. There is a minor infringement into Flood Zones 2 and 3 to the west of the site and, where land is to be raised from flood zone 3, compensation will be required. Mitigation of flooding has also been addressed and includes the "The finished floor levels of all the buildings proposed will be well above the fluvial flood levels.
- 10.9 The Environment Agency has been consulted on the application proposal who initially objected to the application on flood risk grounds (advice letter dated 15th November 2016), although added that the applicant could overcome its objection by revising its development proposal or flood storage compensation arrangements to ensure that there would be no loss of flood storage.

Following the submission of further flood mitigation details to the Environment Agency by the applicant's consulting engineers in response to its holding objection, the Environment Agency further advised the Council that it could still not remove its holding objection where it stated that:

Following further responses from the Environment Agency on the 16th November 2016 the holding objection was removed. Sascha Barnes reviewed the submitted information and confirmed the site not being within flood zone 3b, however any approval would be subject to the imposition of condition as stated in the FRA. Any mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may be subsequently agreed, in writing, by the local planning authority.

- 10.10 It is considered that the applicant has sufficiently demonstrated through the submission of the FRA and resulting discussions with the Environment Agency that the majority of the proposed development would be at the lowest probability of flooding (Flood Zone 1), whilst that smaller part of the development site which would be within Flood Zone 2 (Medium risk of flooding) would be addressed by agreed site-specific flood mitigation measures as previously described. The proposal

therefore complies with the flood risk advice contained within the NPPF and would comply with ULP Policy GEN3

- 10.11 The site is located within close proximity of the main London to Cambridge railway line and due consideration would therefore need to be had as to whether this noise generator would have an unreasonably detrimental effect on the occupants of the proposed dwellings as a noise sensitive development. Braemar House, the B1 premises in front of the site would have some dampening effect on the noise generated by trains passing, particularly goods trains in the night, although it would still be necessary for appropriate sound attenuation measures to be incorporated within the design of the dwellings as part of any subsequently submitted reserved matters application. The Council's Environmental Health Officer has been consulted on the application and has advised that a noise impact assessment will be required as part of any such application to show how acceptable noise reduction levels within the development site can be achieved, which can be conditioned at detailed stage (ULP Policy ENV10).

B Access (ULP Policy GEN1)

- 10.12 Access falls to be considered with this outline application. Access to the site would be via Water Lane, which is an adopted single carriageway. It is proposed within the application to widen the frontage of the site so as to be able to provide sufficient vehicle turning areas for the residents of the proposed development in and out of the lane and so as to maintain a free flow passage for pedestrians and walkers using the lane, which is used as a cut through from the west of the town to the railway station and Lower. The proposed development is shown with one vehicle space per dwelling thereby meaning there would be on average 20 No. vehicle movements per day for this 10 dwelling development assuming all of the residents had cars and were to use them daily. However, it is an argument put forward by the applicant in favour of the presumption of sustainable development given the location of the site that it is likely that some of the occupants of the dwellings would not use their cars on a day to day basis, particularly should they be railway commuters who would walk to the station and back.
- 10.13 ECC Highways have been consulted, who have not raised any highway objections to the proposal subject to Water Lane being widened outside the site and also a before and after condition survey being undertaken by the developer of the lane given the potential impact that construction traffic associated with the development is likely to have on its surface. Whilst the concerns of some local residents relating to the narrow width of Water lane from the railway station to the site and its limitations to accommodate the development have been noted, it should be noted that the lane already serves existing dwellings and a commercial premises and it is considered that there are not sufficient grounds by which to refuse the application where the development would improve the site frontage by providing a widened and improved surface carriageway with an indicated turning facility at the end of the development.

C Scale (ULP Policy GEN2)

- 10.14 In regards to scale of the proposal, the development would have quite a high site density, although as mentioned above the established residential areas surrounding the site also have a high density, including Sunnyside and Woodfields located on higher ground to the immediate north. As such, the introduction of a ten dwelling terrace on the site as proposed would not appear out of character with the area representing as it would a continuum of the terrace along Water Lane. The

development is shown for indicative scaling purposes as being at 2½ storey height, although no rear elevational details have been supplied at this outline stage, although section drawing 201 indicates that the development would be effectively three storey for the rear elevations with use of the roof spaces as the development would take advantage of the slope to the rear of the lane with internal step downs off the centre line of the dwellings.

- 10.15 It should be noted in this respect that the previously allowed planning application (UTT/16/0075/OP- 12 dwellings) showed a similar scaled terrace of dwellings along the Water Lane frontage where it was stated in the delegated officer report for that application that the terraced units would have a ridge height of 9.4m with front and rear dormers. In this respect, the scale of the proposed development would be comparable with that previously allowed scheme subject to final detailing. It is therefore considered that the indicated scale of the development would be appropriate for this site under ULP Policy GEN2.

D Contamination / ground water protection (ULP Policies ENV12 and ENV14)

- 10.16 The site is recorded by the Council as being a historically contaminated site by reason of it being the former site of the towns' gas holder. It is noted within the representations received against the current application that the effects of this previous land use can still be felt from the site today. As part of the applicant's case, it is submitted that the proposal through change of use would bring about a public benefit by removing remaining contamination from the site in favour of residential use consistent with NPPF objectives and recent government advice to direct residential development to brownfield and contaminated sites by way of remediation, particularly within sustainable urban areas.
- 10.17 The application is accompanied by a Phase 1 contamination and geotechnical dated September 2015 which describes the extent of contamination on the site and makes recommendations on how the site should be decontaminated. The 2015 desk study report has been examined by the Council's EHO who has not raised any public health objections to the residential development of the site in principle subject to decontamination and remediation conditions being imposed to protect human and other receptors as recommended in her consultation response. No objections are therefore raised under ULP Policy ENV14.
- 10.18 A Secondary Aquifer and shallow depth Chalk Principal Aquifer below this lie beneath the site where the underlying geology is that of sand and gravel and then underlying upper nodal chalk where the chalk aquifer is likely to be in hydraulic continuity with the shallow sediments beneath the site and Stansted Brook. The site because of this geology is located within a Ground Water Source Protection Zone for public potable water supplies and the development could potentially therefore have an impact on ground waters and water supply through polluting activities. The Environment Agency has reviewed the contamination and remediation desk study report submitted by the applicant and has stated that it has no objections to the proposal on groundwater protection grounds subject to appropriate conditions being imposed to prevent pollution of the water environment (ULP Policy ENV14).

E Effect on wildlife, including impact on protected species / trees (ULP Policies GEN7 and ENV3)

- 10.19 An ecological assessment report was carried out on behalf of the applicant in September 2016 to establish the extent of ecological activity on the site, including protected species, and the potential for the proposal to provide bio-diversity

enhancements for the site, including appropriate mitigation measures, together with a desk top study.

- 10.20 In terms of the impact of the development on Stansted Brook, the report of findings states that "Given the close proximity of the brook to the application site, there is the potential for pollution impacts during construction activities through chemicals and debris run-off. However, if the Environment Agency pollution control guidelines are followed, it is anticipated that the development will have a negligible adverse impact on the watercourse. The brook itself where it runs behind the site is not considered to meet the criteria of a NERC potential site due to its unnatural state with high engineered sides, silty base and complete lack of vegetation". The report of findings concludes that the proposal would achieve a net gain in opportunities for the site in terms of identified protected and non-protected species and other wildlife with the loss of existing habitats only of low ecological value providing the proposed impact mitigation measures and adoption of the agreed enhancements are carried forward as recommended in the report.
- 10.21 ECC Ecology have been consulted and has no objections subject to a LEMP condition which can be imposed at reserved matters stage which would tie in with the recommendations made within the ecology report and updated information to ensure that the proposed dwelling layout is designed in such a way as to ensure maximum gain for wildlife. As a result, no ecology objections are raised to the proposed development under ULP Policy GEN7.
- 10.22 A number of trees exist along the northern (rear) and western (flank) boundaries of the site. None of these trees are subject to a TPO, although have been surveyed for their overall condition and amenity value as described in the accompanying Arboricultural Implications Assessment Statement (site survey conducted November 2015).
- 10.23 Landscaping is a reserved matter and further discussion on trees does not therefore arise with this outline application other than to comment that there would appear from the survey be a sufficient natural screen along the site's rear boundary to screen the proposed development from the north (Sunnyside) (ULP Policy ENV3).

F Housing mix / affordable housing / infrastructure provision to support development (ULP Policies H9, H10 and GEN6)

- 10.24 It is stated that the development would be a mix of 8 No. houses and 2 No. flats/ maisonettes. This ratio between houses and flats is considered to be an appropriate housing mix for this town centre location close to the railway station and local services under ULP Policy H10. The proposal would not give rise to a requirement for a contribution towards affordable housing provision. National Planning Practice Guidance (NPPG) means that affordable housing contributions will no longer be imposed on development schemes of 10 or less dwellings, unless the floor-space of the proposed development is 1000sqm or more.

G Other material planning considerations – design and parking (ULP Policies GEN2 and GEN8).

- 10.25 The design of the proposed dwellings would improve surveillance along Water Lane from the existing terrace at the top of the site down to the dwellings beyond given the narrowness of the lane where it slopes down and would therefore improve the environment for walkers and cyclists using the lane under Secured by Design. Layout and appearance are reserved matters and therefore do not fall to be

considered with this outline application. However, it is indicated that the dwelling units are likely to be two bedroomed and that the appearance of the dwellings would likely to be influenced by the red brick terrace which stands above the site onto Water Lane whereby external materials to be used are likely to be a mix of red brick, timber and render to match this adjacent local vernacular form. In terms of compliance with Part M4(2) of the Building Regulations and wheelchair provision, the applicant's agent has advised that the need for compliance (e.g. level access and lift provision given the dwelling design) is understood and will be worked into the final design for the reserved matters application where this could ultimately influence the final dwelling layout to meet these requirements.

- 10.26 The dwellings would have rear gardens which would be less than the recommended 50sqm rear amenity areas for 2 bedroomed dwellings as set out in the Essex Design Guide whereby the gardens would range from between 30sqm and 50sqm. Normally, this would be a subsequent design reason for refusal. However, in this case, this identified rear garden deficiency would be compensated by the provision of a communal garden strip to the rear of the gardens which would run parallel with the brook, this would also act as a maintenance strip to the brook and also as a flood storage compensation area and emergency access area in the event of flood which would be accessed from a resident parking area at the lower end of the site as shown on the indicative site layout plan. In terms of impact on adjacent amenity, the development would likely to have back to back distances which would be less than 25m as recommended by the Essex Design Guide. However, amenity is a reserved matter also and assessment of amenity impact cannot be fully made until detailed design stage (ULP Policy GEN2).
- 10.27 Parking (as part of Layout) would be in the form of 2 No. space per dwelling (type A) and 1 No. space per dwelling (type B). Whilst the proposal meets the required parking provision it is also added that the sustainable location of the site combined with the fact that there would be less usage of Water Lane as a result would justify and mitigate against this lesser parking provision. ECC Highways in their consultation response have recommended that parking provision be in accordance with the adopted parking standards. Although further parking provisions have not been demonstrated the reduction of the vehicle standard may be considered if there is development within an urban area (including town centre locations) that has good links to sustainable transport". The proposal would fulfil this sustainable criteria (ULP Policy GEN8).

11. CONCLUSION

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

- A The re-use of this undeveloped former gasholder site situated within development limits close to the train station, local services and amenities for residential development as sought is considered acceptable in principle where there would be a presumption in favour of sustainable development and as the proposal would make more efficient use of the land which is also contaminated and where flood risk has been addressed in line with national and local policy (NPPF, ULP Policies S1, H1, H3, SM2, GEN3 and ENV10).
- B Access to the site and means of access into the proposed development off the highway which would involve a widening of Water Lane along the site frontage to the benefit of other lane users is considered acceptable (ULP Policy GEN1).
- C The scale of the indicated development involving a terrace of 10 No. dwellings at 2½ storey height is considered acceptable for the site where the development would respect the existing street frontage and where there is a mixture of built form and

- densities within the immediately surrounding area (ULP Policy GEN2).
- D Other material considerations in the determination of this planning application include the previously allowed planning application for 12 dwellings UTT/16/0075/OP. This revised scheme reduces the overall number of dwelling to 10.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

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

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 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 shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and 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 shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and 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 carriageway shall be widened into the application site as shown in principle on Proposed Site Layout Drawing No.102, details of which shall be first submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority prior to commencement of development. The approved scheme shall be carried out in its entirety prior to occupation of any dwelling and shall be maintained at all times.

REASON: In the interests of highway safety and accessibility in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).
The use of such pre-commencement condition is justified to ensure the highway requirements are in place prior to the occupation of the development.

5. No development shall take place until a comprehensive condition survey of Water Lane from its junction with Station Road to the application site has been completed, details of which shall be first submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The results of such "before" survey and any required repair work necessary to facilitate the passage of construction vehicles shall be submitted to and approved in writing by the local

planning authority with any repair work being carried out prior to the construction period.

REASON: In the interests of highway safety and accessibility in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

The use of such pre-commencement condition is required to ensure the highway serving the development is of sufficient standards to facilitate such development.

- 6 Following completion of the construction of the dwellings, a further comprehensive survey of Water Lane from its junction with Station Road to the application site shall be completed in accordance with the details approved in Condition 5 above. The results of the survey and any identified damage/repair work shall be submitted to and approved in writing by the Local Planning Authority. Any repair works identified in the "after" survey shall be carried out within 3 months of the completion of the construction of the dwellings to a programme to be agreed by the Local Planning Authority.

REASON: In the interests of highway safety and accessibility in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

7. The development hereby permitted shall be carried out in accordance with the approved flood risk assessment 'Site Specific Flood Risk Assessment, Water Lane, Stansted Mountfitchet. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the local planning authority.

REASON: To prevent flooding on site and elsewhere by ensuring that compensatory storage of flood water is provided in accordance with ULP Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

8. Finished floor levels shall be set no lower than 66.68m AOD.

REASON: To protect the development from flooding in accordance with ULP Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

- 9 The dwellings hereby permitted must be built in accordance with Optional Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the SPD on Accessible Homes and Playspace.

- 10 No development or preliminary groundworks of any kind shall take place until the applicant has secured and fully implemented a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority."

A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed

off by the local planning authority through its historic environment advisors.

The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of 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 Essex Historic Environment Record shows that the proposed development lies on the site of a post-medieval gas works (EHER 40422). The gas works is recorded as being constructed in the middle of the 19th century with two gas cylinders being recorded on the site by the late 19th century. The site also lies to the west of the Scheduled Motte and Bailey Castle which would have had an associated settlement, probably in the area around Station Road and Water Lane. To the north of the Water Lane site animal bones of cattle have been recorded, although their date is unknown (HER 18552). In accordance with ENV4 of the of the Uttlesford Local Plan (adopted 2005).

The use of such pre-commencement condition is required to ensure the any archaeological surveys can be established prior to the commencement of works on the site

11 No development shall take place until a landscape and ecological management plan has been submitted to and approved in writing by the Local planning authority. The plan shall include:

- a. A description and evaluation of features to be managed
- b. Ecological trends and constraints on the site that might influence management
- c. Aims and objective of management
- d. Appropriate management options for achieving the aims and objective of the project
- e. Prescriptions for management actions
- f. Preparation of work schedule
- g. Details of the body or organisation responsible for the implementation of the plan
- h. Ongoing monitoring and remedial measures.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interest of biodiversity and in accordance with ULP Policy GEN7.

The use of such pre-commencement condition is required to ensure the development will not result in a harmful impact to protected species and biodiversity.

12 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. It must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to human health, building services and controlled waters;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's

"Model Procedures for the Management of Land Contamination, CLR11".

REASON: To ensure that the approved development is not harmful to human health or other receptors in accordance with ULP Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

- 13 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, building services and controlled waters 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, 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 ensure that the approved development is not harmful to human health or other receptors in accordance with ULP Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

The use of such pre-commencement condition is required to ensure the proposed development is not harmful to human health or other receptors

- 14 The remediation scheme shall be implemented in accordance with the approved timetable of works 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) must be submitted to the Local Planning Authority.

REASON: To ensure that the approved development is not harmful to human health or other receptors in accordance with ULP Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

- 15 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.

An assessment must be undertaken in accordance with the requirements of condition 9 above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 10 above.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition above.

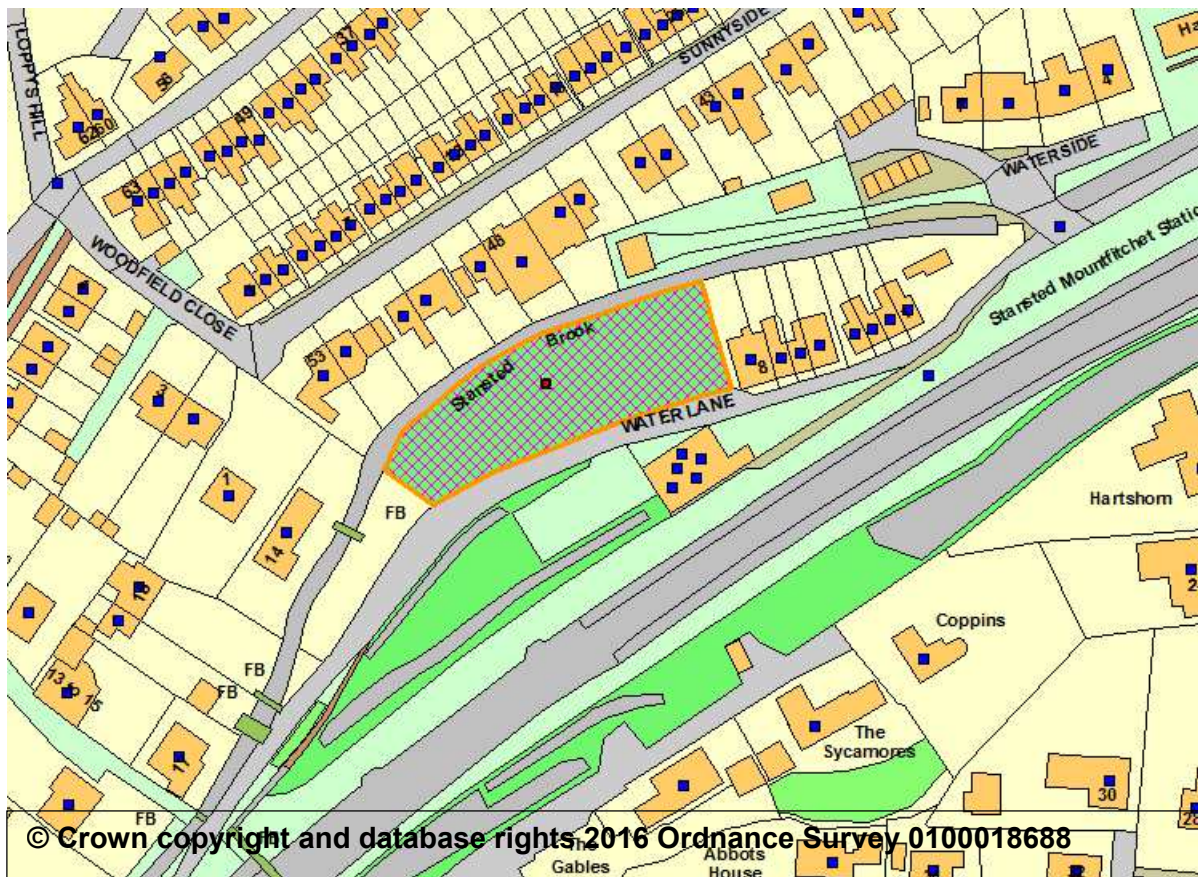
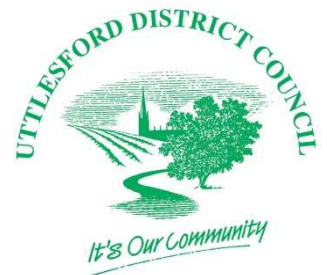
REASON: To ensure that the approved development is not harmful to human health or other receptors in accordance with ULP Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

- 16 Construction work shall not begin until a scheme for protecting the proposed noise sensitive development from noise from the railway, with provision for ventilation, has been submitted to and approved by the local planning authority; all works which form part of the scheme shall be completed before any part of the noise-sensitive development is occupied. The scheme may involve the site layout, internal layout of noise sensitive areas and/or the provision of insulation and ventilation measures, and shall be designed to achieve the following internal noise targets:
Bedrooms (23.00-07.00 hrs) 30 dB LAeq and 45 dB L_{Amax}.
Living Rooms (07.00-23.00 hrs) 35 dB LAeq
Gardens (07.00-23.00 hrs) 55 dB LAeq

REASON: To ensure that the approved development is not impacted by noise disturbance in relation to the site and nearby railway in accordance with ULP Policy ENV10 of the Uttlesford Local Plan (adopted 2005).

The use of such pre-commencement condition is required ensure the development does not result in material noise disturbance that may result in significant harm to the occupiers.

Application number: UTT/16/2865/OP
Address: Land North Of Water Lane Stansted



Organisation: Uttlesford District Council

Department: Planning

Date: 25 January 2017