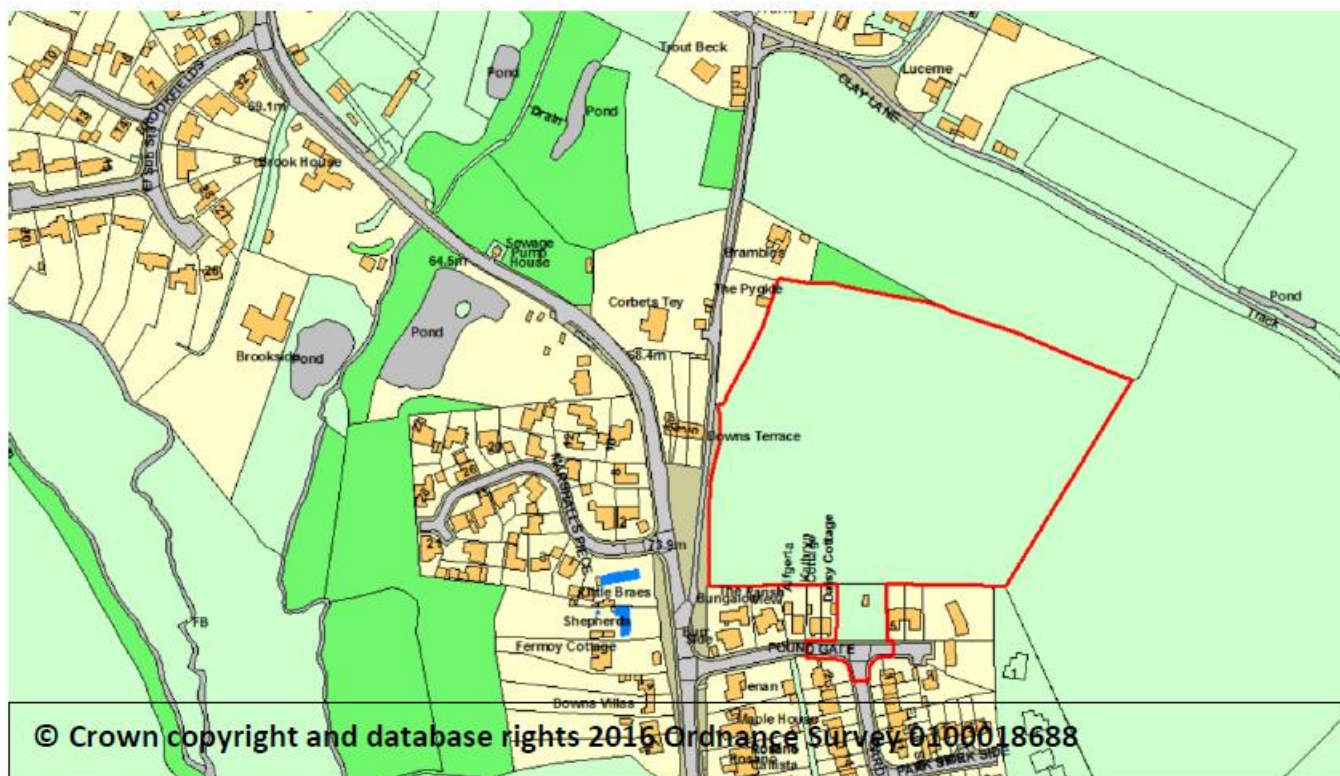


ITEM NUMBER:

REFERENCE NUMBER: UTT/21/2082/FUL

LOCATION: Land East Of Brick Kiln Lane /  
North Of Pound Gate, Stebbing.

SITE LOCATION PLAN:



Organisation: Uttlesford District Council

Department: Planning

Date: 16/02/22

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Organisation: Uttlesford District Council Date: 29 November 2021

**PROPOSAL:** Proposed erection of 60 no. dwellings with associated parking, amenity space, vehicular access, public footpaths and new trees and hedgerow.

**APPLICANT:** Mrs L Eden c/o Richstone Procurement Ltd.

**AGENT:** Arcady Architects Ltd.

**EXPIRY DATE:** 05.10.2021 (extension of time agreed to 31.03.2022).

**CASE OFFICER:** Mr C Theobald.

**NOTATION:** Outside Development Limits.

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**1.0 RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS AND SECTION 106 AGREEMENT:**

**1.1 (1) The applicant be informed that the committee be minded to refuse planning permission for the reasons set out in paragraph (3) below unless by 16 April 2022 the freehold owner enters into a binding agreement to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991 in a form to be prepared by the Head of Legal Services, in which case he shall be authorised to conclude an agreement to secure the following:**

- Provision of 40% affordable housing
- Management and maintenance of a SuDS drainage scheme
- Management and maintenance of public open space
- Provision of a Local Equipped Area for Play (LEAP) and arrangements for its management and maintenance
- Education and library financial contributions
- NHS healthcare financial contribution
- Provision of travel Information pack
- Bus service enhancement financial contribution towards public transport improvements relative to site
- Provision of community bus for Stebbing Parish with five year maintenance
- Hatfield Forest recreational mitigation strategy financial contribution
- Pay the Council's reasonable legal costs
- Pay the monitoring fee.

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

**(3) If the freehold owner shall fail to enter into such an agreement, the Assistant Director Planning shall be authorised to refuse permission at his discretion at any time thereafter for the following reasons:**

- **Failure to provide 40% affordable housing**
- **Failure to secure management and maintenance of a SuDS drainage scheme**
- **Failure to secure management and maintenance of public open space**
- **Failure to provide an equipped Local Equipped Area for Play (LEAP) and arrangements for its management and maintenance**
- **Failure to make education and library financial contributions**
- **Failure to make an NHS healthcare financial contribution**
- **Failure to provide a travel Information pack**
- **Failure to make a bus service enhancement financial contribution (relative to site) towards public transport improvements**
- **Failure to provide a community bus for Stebbing Parish with five year maintenance**
- **Failure to make a Hatfield Forest recreational mitigation strategy financial contribution**
- **Failure to pay the Council's reasonable legal costs**
- **Failure to pay the monitoring fee.**

## **1.2 Conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to commencement of development, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

- a) proposed finished levels

- b) means of enclosure
- c) hard surfacing, other hard landscape features and materials
- d) existing trees, hedges or other soft features to be retained
- e) planting plans, including specifications of species, sizes, planting centres number and percentage mix
- f) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- g) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- h) location of service runs
- i) management and maintenance details

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies ENV3, GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: To ensure that the development can be properly assimilated in time into the local landscape at this location to reduce its visual impacts.

3. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: to ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies ENV3, GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

4. Prior to commencement of development, details of the materials to be used in the external finishes of the dwellings as approved shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and shall be permanently maintained as such unless otherwise agreed in writing by the LPA.

REASON: In the interests of preserving the visual amenities of the area in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition implementation: To ensure that the resulting development has a satisfactory appearance.

5. Prior to commencement of development, a Stage 1/2 independent Road Safety Audit shall be undertaken for all highway works, including the access shown in principle on submitted drawing number 2011-505-278A and proposed bus stops on The Downs. Such designs shall be amended to the requirements of the safety audit and submitted to the highway authority for approval.

REASON: To ensure that highway safe infrastructure is provided in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition implementation: To ensure that the design and performance of the road infrastructure both within and off the site is in accordance with relevant highway standards.

6. Prior to occupation of the development, the approved access shown in principle on submitted drawing 2011-505-278A shall be provided, including necessary signing, road markings and lighting and clear to ground visibility splays which shall be retained free of any obstruction at all times thereafter.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition implementation: To ensure that the design and performance of the road infrastructure both within and off the site is in accordance with relevant highway standards.

7. Prior to first occupation, provision shall be made for a vehicle activated sign (VAS) indicating speeds on The Downs/High Street, the exact position which shall be agreed in advance with the Highway Authority.

REASON: In the interests of highway safety and amenity for pedestrians' safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

8. Prior to first occupation, two bus stops with associated drop kerb crossings shall be provided on The Downs in the vicinity of Pound Gate. The bus stops shall comprise (but shall not be limited to) the following facilities: shelters; seating; raised kerbs; bus stop markings; poles and flag type signs and timetable casings in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority in consultation with ECC Highways Authority.

REASON: In the interests of reducing the need to travel by car and promoting sustainable forms of development and transport in accordance with Policies GEN1 and GEN6 of the Uttlesford Local Plan (adopted 2005).

9. Prior to occupation, the permissive paths linking the proposed development to PROWs 46/42 to the north and 46/17 to the south and the two pedestrian links from the development shown in principle in drawing number 18/25/02 rev B shall be provided and retained thereafter.

REASON: To provide pedestrian links for residents of the development in the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policies GEN1 and GEN6 of the Uttlesford Local Plan (adopted 2005).

10. A cycleway of minimum width 2.5m shall be provided to access onto Brick Kiln Lane and shall link to the proposed access road and private drive to the north and be retained thereafter.

REASON: To provide cycle links for residents of the development in the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policies GEN1 and GEN6 of the Uttlesford Local Plan (adopted 2005).

11. No dwellings shall be occupied until such time as their associated vehicle parking areas and turning areas indicated on the approved plans have been hard surfaced and sealed. The vehicle parking areas and turning areas shall be retained for their intended purpose at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

12. All dwellings shall be provided with secure, covered cycle parking arrangements in accordance with the EPOA Parking Standards. The approved facilities shall be secure, convenient and provided prior to occupation and retained at all times.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

13. Prior to beneficial use of the LEAP as indicated to be provided for the development, secure cycle parking (such as Sheffield stands) shall be provided and retained for the LEAP at all times.

REASON: To ensure appropriate cycle parking is provided in the interest of amenity in accordance with Policy GEN8 of the Uttlesford Local Plan (adopted 2005).

14. 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and Uttlesford District Council's adopted SPD entitled "Accessible Homes and Playspace".

15. All dwellings shall be provided with electric vehicle charging points. Prior to first occupation of each relevant dwelling, its individual charging point shall be fully wired and connected, ready for first use and retained for occupant use thereafter.

REASON: To encourage/support cleaner vehicle usage in accordance with the NPPF and Policies ENV13 and GEN2 of the Uttlesford Local Plan (adopted 2005).

16. Details of renewable energy and energy efficiency measures to be used for the

dwellings beyond those already required to be incorporated into the dwellings under the latest Building Regulations shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented as part of the development (i.e. fabric first and not retrospective).

REASON: In the interests of sustainable construction in accordance with Policies GEN2 and ENV15 of the Uttlesford Local Plan (adopted 2005).

17. All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in Section 5 of the Preliminary Ecological Appraisal (Greengage, September 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This includes, but is not limited to, due diligence for nesting birds, consultation with a rabbit control specialist, general best practice during the construction phase; the installation of integrated bat and bird boxes on each property, tree mounted bird and bat boxes; retention of permeable boundaries; new native tree, hedgerow, copse, and meadow planting.

REASON: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

18. Prior to commencement of development, a Biodiversity Management Plan (BMP) shall be submitted to and approved in writing by the local planning authority. The BMP shall include the following:

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

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

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

of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: To ensure that the bio-diversity measures as recommended for the approved development are implemented in accordance with recognised ecology best practice.

19. A Skylark mitigation strategy in line with Countryside stewardship AB4 (AB4: Skylark plots - GOV.UK (www.gov.uk)) shall be submitted to the Local Planning Authority for written approval detailing the location of proposed Skylark plots on adjacent farmland where such plots shall be at least 50m from any boundary (and not the 24/25m given in RSPB guidance and as shown on the revised Proposed Site Plan 18/25/02 B) to avoid natural predators.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

20. Prior to occupation, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without the prior consent from the local planning authority.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

21. All exterior lighting for the public realm areas of the development shall be capped at the horizontal with no upward light spill.

REASON: Flight safety - to prevent distraction or confusion to pilots using STN. in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

22. In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with Land contamination risk management published by the Environment Agency. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures, a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development shall be occupied until all remedial and validation works are approved in writing.



REASON: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990 in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

## **2.0 SITE DESCRIPTION**

- 2.1. The site lies at the northern end of Stebbing village towards Bran End on the east side of Brick Kiln Lane, a single track rural lane, and on the north side of Pound Gate, a small housing estate, and comprises for the purposes of the land edged in red part of an arable field comprising 2.93 ha which slopes gently down from the east to Brick Kiln Lane. A long track comprising a public right of way (Clay Lane) lies to the north-east of the site which extends south-eastwards from Brick Kiln Lane to the east of the village settlement. A substantial tree line exists along the northern boundary of the site extending out eastwards from Brick Kiln Lane round to Clay Lane.

## **3.0 PROPOSAL**

- 3.1 This full application comprises the proposed erection of 60 no. dwellings with associated parking, amenity space, vehicular access, public footpaths and new trees and hedgerow as shown on revised Proposed Site Layout Plan ref; 18/25/02/B.

## **4.0 ENVIRONMENTAL IMPACT ASSESSMENT**

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

## **5.0 APPLICANTS CASE**

- 5.1 The application is supported by the following reports and statements to inform the application proposal:

- Planning Statement
- Design and Access Statement
- Statement of Community Involvement
- Flood Risk Assessment
- Drainage Strategy Layout
- Preliminary Ecological Assessment
- Tree Survey Report
- Landscape Visual Impact Assessment
- Phase 1 Geo-Environmental Assessment
- Transport Assessment

- 5.2 The applicant makes the case in the submission that the proposed development would represent an appropriate edge of settlement housing scheme at this location which would provide a balanced mix of dwellings with 40% affordable housing provision and which would include areas of public open space. The case is further made that the proposed scheme would represent a presumption in favour of sustainable development whereby any harms arising from the development would not be significant or demonstrable and which would be outweighed by the housing and social benefits of the proposal whereby the Council does not have a 5 year housing land supply. The scheme would be

mitigated by appropriate s106 contributions.

## **6.0 RELEVANT SITE HISTORY**

6.1 There is no relevant planning history relating to this site. The application proposal as submitted has been subject to the preliminary enquiry process whereby the Council's response to a submitted enquiry has subsequently informed the proposed site layout, albeit that the site layout has been revised since application submission.

5.2 The Council in its response to that enquiry advised that the principle of residential development at this edge of village location could be acceptable were Stebbing to be able to receive further housing in terms of growth beyond committed/built developments where villages such as Stebbing may have to receive higher housing growth due to the District Council's lack of a 5 year housing supply. It further advised that any housing layout would need to be integrated with existing patterns of development whereby some elements of the preliminary scheme had merit, such as keeping 2 storey scale development to the centre and west of the site onto the enclosed western boundary with Brick Kiln Lane where the site was lower and single storey (bungalows) on the more exposed east side of the site where this land was higher and had an interface with wider agricultural land. It was considered without prejudice that the impact of the proposed development at the site would be less harmful than another 60 dwelling scheme proposed for land at Bran End.

## **7.0 CONSULTATION RESPONSES:**

### **Natural England**

7.1 This application site falls within the currently identified Zol for recreational impacts to Hatfield Forest SSSI, NNR, whereby new housing within this zone is predicted to generate impacts and therefore will be expected to contribute towards mitigation measures, such as a financial contribution.

No objection subject to appropriate mitigation by way of a financial contribution being secured towards an agreed Hatfield Forest SAMMS recreational mitigation strategy by way of legal agreement.

### **Local Lead Flood Authority**

7.2 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission.

### **ECC Highways**

7.3 This application was accompanied by a Transport Assessment which has been reviewed by the highway authority in conjunction with a site visit and internal consultations. The assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework 2021 and in particular paragraphs 110 – 112 and the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.

The scale of the development is modest and the traffic impact would be reduced

by promotion of sustainable transport options, including the provision of pedestrian and cycle links to the village and surrounding public right of way network and contributions to the public transport strategy and bus stops located close to the site. In addition a signal activated sign is required to help reduce speeds through the village making a more pleasant and safer environment for pedestrians. The access has been subject to a technical appraisal and swept path analysis and the developer has agreed to a pre-commencement condition of an independent safety audit.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to financial mitigation measures (s106) and highway conditions:

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

#### 7.4 (Revised comments received 23 February 2022)

I am happy with the bat scoping results and this issue is now resolved. In terms of the IACPC for Great Crested Newts, Place Services will not be able to lift its holding objection until this is counter-signed by Natural England as it needs certainty that Natural England would accept this site into the licence scheme.

In terms of Skylark, the post decision skylark mitigation measures submitted are acceptable if the applicant is seeking to provide mitigation in the neighbouring field. The field which would be impacted by the development may not be too suitable for Skylark as the surrounding vegetation, and what seems to be a pole in the middle, would act as perches for predators. The proposal could, however, impact on Skylark in the neighbouring field as the proposed dwellings and vegetation along the eastern site boundary would create new perches for predators. The neighbouring field appears limited in suitability for nesting Skylark, but provision of Skylark plots will benefit any local population. Please note that in line with Countryside stewardship AB4 ([AB4: Skylark plots - GOV.UK \(www.gov.uk\)](#)) any Skylark plots should be at least 50m from any boundary vegetation/potential predator perches (not the 24/25 m given in the RSPB guidance/shown in the revised Proposed Site Plan). We would want to secure a Skylark Mitigation Strategy and provision of the Skylark plots by a condition of any consent.

### **ECC Education**

#### 7.5 The education financial contributions arising from this 60 dwelling scheme are as follows:

EY&C: 4.95 pupils generated - £85,476.60;  
Primary: 16.50 pupils generated - £284,922.00;  
Secondary: 11 pupils generated - £ 261,525.00;  
Libraries: £77.80 per unit  
TOTAL Contributions: £632,001.40

### **NHS**

#### 7.6 1.0 Introduction 1.1 Thank you for consulting West Essex Clinical Commissioning Group (CCG) on the above planning application. 1.2 I refer to the above planning application and advise that, further to a review

of the applicants' submission the following comments are with regard to the primary healthcare provision on behalf of West Essex Clinical Commissioning Group (CCG), incorporating NHS England Midlands and East (East) (NHS England).

## 2.0 Existing Healthcare Position Proximate to the Planning Application Site

2.1 The proposed development is likely to have an impact on the services of 2 GP practices operating within the vicinity of the application site. The GP practices do not have capacity for the additional growth resulting from this development.

2.2 The proposed development will likely have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. West Essex CCG would therefore expect these impacts to be fully assessed and mitigated.

## 3.0 Review of Planning Application

3.1 The planning application does not appear to include a Health Impact Assessment (HIA) or propose any mitigation of the healthcare impacts arising from the proposed development.

3.2 A Healthcare Impact Assessment has been prepared by West Essex CCG to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area. Dr Jane Halpin Peter Wightman Dr Rob Gerlis Accountable Officer Managing Director Chair

## 4.0 Assessment of Development Impact on Existing Healthcare Provision

4.1 The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 150 residents and subsequently increase demand upon existing constrained services.

4.2 The primary healthcare service directly impacted by the proposed development and the current capacity position are shown in Table 1.

Table 1: Summary position for primary healthcare services within 2km catchment (or closest to) the proposed development Premises	Weighted List Size <sup>1</sup>	NIA (m <sup>2</sup> ) <sup>2</sup>	Capacity <sup>3</sup>	Spare Capacity (NIA m <sup>2</sup> ) <sup>4</sup>
John Tasker House Surgery	15,267	702.91	10,251	-343.97
Angel Lane Surgery	11,660	408.40	5,956	-391.14
Total	26,927	1,111.31	16,207	-735.11

### Notes:

1. The weighted list size of the GP Practice based on the Carr-Hill formula, this figure more accurately reflects the need of a practice in terms of resource and space and may be slightly lower or higher than the actual patient list.

2. Current Net Internal Area occupied by the Practice

3. Based on 120m<sup>2</sup> per 1750 patients (this is considered the current optimal list size for a single GP within the East DCO). Space requirement aligned to DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services"

4. Based on existing weighted list size

4.3 The development would have an impact on primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The

proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

#### 5.0 Healthcare Needs Arising From the Proposed Development

5.1 The intention of West Essex CCG is to promote Primary Healthcare Hubs with co-ordinated mixed professionals. This is encapsulated in the strategy document: The NHS Five Year Forward View.

5.2 The development would give rise to a need for improvements to capacity, in line with both the emerging CCG and STP estates strategies, by way of extension, refurbishment, reconfiguration or potential relocation for the benefit of the patients at Angel Lane Surgery, a proportion of the cost of which would need to be met by the developer.

5.3 Table 2 provides the Capital Cost Calculation of additional primary healthcare services arising from the development proposal.

Table 2: Capital Cost calculation of additional primary healthcare services arising from the development proposals	Additional Population Growth (60 dwellings) <sup>5</sup>	Additional floorspace required to meet growth (m <sup>2</sup> ) <sup>6</sup>	Spare Capacity (NIA) <sup>7</sup>	Capital required to create additional floor space (£) <sup>8</sup>
Premises				
Angel Lane Surgery	150	10.28	-391.14	30,840
<b>Total</b>	<b>150</b>	<b>10.28</b>	<b>-391.14</b>	<b>30,840</b>

#### Notes:

1. Calculated using the Uttlesford District average household size of 2.5 taken from the 2011 Census.
2. Based on 120m<sup>2</sup> per 1750 patients (this is considered the current optimal list size for a single GP within the East DCO). Space requirement aligned to DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services"
3. Existing capacity within premises as shown in Table 1
4. Based on standard m<sup>2</sup> cost multiplier for primary healthcare in the East Anglia Region from the BCIS Public Sector Q3 2015 price & cost Index, adjusted for professional fees, fit out and contingencies budget (£3,000/m<sup>2</sup>).

5.4 A developer contribution will be required to mitigate the impacts of this proposal. West Essex CCG calculates the level of contribution required, in this instance to be **£30,840**. Payment should be made before the development commences.

5.5 West Essex CCG therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.

#### 6.0 Conclusions

6.1 In its capacity as the primary healthcare commissioner with full delegation from NHS England, West Essex CCG has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.

6.2 The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.

6.3 Assuming the above is considered in conjunction with the current application

process, West Essex CCG would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

6.4 The terms set out above are those that West Essex CCG and NHS England deem appropriate having regard to the formulated needs arising from the development.

6.5 West Essex CCG and NHS England are satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

6.6 West Essex CCG and NHS England look forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response and would appreciate acknowledgement of the safe receipt of this letter.

### **ECC Minerals and Waste**

- 7.7 The Mineral Planning Authority has no comment to make in relation to this application as the area of the proposed development site located within the sand and gravel Mineral Safeguarding Area is below the minimum Minerals Local Plan 2014: Policy S8 threshold of 5ha.

### **MAG Stansted Airport**

- 7.8 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no aerodrome safeguarding objections to the proposal subject to the following Condition:

- All exterior lighting to be capped at the horizontal with no upward light spill.  
REASON: Flight safety - to prevent distraction or confusion to pilots using STN.

### **Anglian Water**

- 7.9 ASSETS

#### Section 1 – Assets Affected

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

### **WASTEWATER SERVICES**

#### Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Felsted Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

Planning Report

#### Section 3 - Used Water Network

This response has been based on the following submitted documents: Drainage Strategy Layout. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they

should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. (1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (3) INFORMATIVE- Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. (4) INFORMATIVE – Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. (5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

#### Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented. The applicant has indicated on their application form that their method of surface water drainage is via SuDS. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Planning Strategic Enquiry. The Lead Local Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial for all concerned organisations and individuals. We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off. Please find below our SuDS website link for further information.

<https://www.anglianwater.co.uk/developers/drainage-services/sustainable-drainage-systems/>

### **UK Power Networks**

- 7.10 The Plan is an extract from our mains records of the proposed work area enclosed for your guidance. This plan only shows the cables and overhead lines owned by UK Power Networks. Please note that privately owned electricity cables or ones owned by other Independent Network. Operators may be present in this area and information regarding those cables needs to be requested from the owners.

### **Gigaclear Ltd**

- 7.11 We acknowledge with thanks your request for information on the location of our assets. Please find enclosed plan(s) showing the approximate position of our apparatus known to be in the vicinity of this site.

### **HSE**

- 7.12 The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site. However, should there be a delay submitting a planning application for the proposed development on this site, you may wish to approach HSE again to ensure that there have been no changes to CDs in this area in the intervening period.

### **Essex Police**

- 7.13 UDC Local Plan Policy GEN2 - Design (d) states" It helps reduce the potential for crime". Whilst there are no apparent concerns with the layout to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures. We would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with this policy by achieving a Secured by Design Homes award. An SBD award is only achieved by compliance with the requirements of the relevant Design Guide ensuring that risk commensurate security is built into each property and the development as a whole.

### **UDC Landscape Officer**

- 7.14 I have reviewed the submitted Landscape Visual impact Assessment (LVIA) and the revised proposed site layout and consider that the proposed development by reason of its scale, its siting on sloping land falling towards Brick Kiln Lane behind Pound Gate and the proposed boundary landscaping measures shown for the site's eastern flank boundary would not have a significantly adverse impact on the local rural landscape at this greenfield location. I do not therefore have any landscaping objections to the proposal.

### **UDC Principal Urban Design Officer**

- 7.15 (revised comments following revised site layout plan received)

Some of my original comments regarding Building for a Healthy Life still stand,



but the general principles of the housing layout have now been greatly improved. This is particularly the case for the public open space which is now overlooked by dwellings on most sides rather than being on the outside. There is an apparent logic in positioning the open space to the edge of the scheme as shown as it has greater potential to be used by existing communities as well as the new residents of the scheme. Contributions to greater pedestrian accessibility over the Stebbing High Street would improve this further. Overall, the layout revisions made have moved the scheme in the right direction in terms legibility and sense of place. The inclusion of a central 'boulevard' works well as this would make for a pleasant walking route and it also fits in with the 'boulevard' approach from the EDG.

### **UDC Housing Enabling Officer**

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

The affordable housing provision on this site will attract the 40% policy requirement as the site is for 60 units. This amounts to 24 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

It is also the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes) as well as 5% of all units to be bungalows. The application proposes 10 bungalows, including 2 affordable units, and this number of bungalows is welcomed.

The mix and tenure split of the affordable properties as proposed within the application is fine and would assist towards meeting the housing need of the district.

### **UDC Environmental Health Officer**

- 7.17 Response Summary

Thank you for your consultation on the above planning application. I have reviewed the details and information provided and make the following comments.

#### Noise

The application site outside transportation noise significance contours, it is therefore considered that traditional construction design will offer suitable mitigation to control internal noise within guideline levels and that external amenity noise will be below maximum threshold guidance limits.

#### Air Quality

The site is outside the Air Quality Management Zone and the threshold unit numbers to require a AQ Assessment. I note that electric vehicle charging points are proposed and this can be secured through planning consent conditions.

#### Contaminated Land

The Phase 1 Geo-Environmental Desk Study and Preliminary Risk Assessment submitted by Brown to Green ref 2545/Rpt 1v2 dated June 2021 concludes.

*Based on the findings of the Phase 1 Desk Study and preliminary risk assessment, it is concluded that the redevelopment of the site as residential would not introduce active pollution pathways to the identified sources of contamination. From the assessment it is considered that contamination will not pose an unacceptable level of risk to the identified receptors.*

*Based on the findings of the Phase 1 Desk Study and Contaminated Land Assessment no recommendations have been made for further site investigation or remediation.*

I have no objection to the methodology or the outcome of the assessment report as it is considered that the land contamination risk is low. A watching brief condition, however, is recommended to ensure any discovered land contamination is immediately reported to the LPA.

#### Construction

Noise and dust from the construction phase of the development has potential to cause adverse impacts and therefore a construction management plan condition is recommended.

I therefore have no objection to the application.

### **Stebbing Parish Council**

7.18 **Object:**

#### ***History:***

In October 2019 this Parish Council did not object to the applicant's plans for 2 residential dwellings (UTT/19/2342/FUL) on a site which is now proposed as the access to 60 dwellings. We previously voiced serious concern regarding entry/exit, it being directly opposite the narrow road to >50 houses in Garden Fields. The now proposed construction of a mini roundabout is too tight to accommodate the traffic flow servicing total 120+ houses. Further problems too numerous to list here will occur at the lower junction with The Downs.

#### ***UDC Local Plan & Stebbing Neighbourhood Plan:***

It is accepted that the Uttlesford Local Plan is now considerably out-of-date, but it remains the current Development Plan and Stebbing's Neighbourhood Plan (SNP) has reached Regulation 16 stage. SNP's Vision, Core Objectives and Policies have been informed and shaped by national and local policy guidance and reflect the overwhelming and clear wishes of our Community. The key issues of major importance to residents are the need to protect and enhance the landscape and heritage of the Parish, and to acknowledge that some limited, small scale growth is required to meet local housing needs, with particular emphasis on organic growth, not large estates. The Plan allocates six housing sites with capacity for between 14 to 20 homes. In addition, there are existing committed sites of at least 60 homes, 30 of which are already built. Only a few months ago, UDC confirmed a requirement for Stebbing to be 25 dwellings between 2019 and 2033. The housing proposals in the SNP and the fact that it provides for a supply of housing which more than meets the indicative UDC housing requirements, paragraph 14b of the NPPF is satisfied.

#### ***Sustainability:***

Traffic problems: Stebbing High Street and Village Centre already experience severe congestion and other safety issues due to traffic delivering goods,

passing through, visiting the community shop, church, public house and school, by car. Very few homes in the Conservation area & historic part of the village High St have on-site parking facilities and consequently residents have no choice but to park on-street. This would be exacerbated by additional traffic generated by the development.

***Increasing traffic flow beyond sustainability.***

Stebbing High Street, The Downs, Bran End, Church End and Stebbing Green cannot cope with this level of traffic. We have asked for approval of a traffic calming scheme on the High Street and we wait to learn of the feasibility and costings from Essex Highways. We consider our proposed traffic calming scheme to be an essential priority before any building could commence. *Section 106\*1*

***Local economy:*** This application does nothing to enhance the local economy. No local jobs will be created. Instead, traffic flow will be markedly increased as the residents would need to commute to their employment, doing nothing to improve carbon emissions etc. There are no proposals to improve the infrastructure of Stebbing other than an offer of land directly behind the school for parking. This parcel of land has no direct access from the street and is no use unless the landowner builds still more houses at a future date and creates such an access!

***Social support:*** The village school has total capacity of 220 pupils. It currently has 180 approx. and cannot accommodate a further 100 odd children. The nearest GP surgeries are 4 miles away and both practice lists are currently closed. It is impossible to attend GP, dental, optician, pharmaceutical, legal, banking, and other services without using a car. There are no support services for Mental Health issues at hand. The village has one pub and the church. The community shop is forced to close intermittently when volunteers are not available and is unable to carry stock to support family shopping needs.

***Social Housing: Letter from UDC Housing Enabling Officer***

The application promises 40% affordable/social housing. How can car ownership be guaranteed for these residents? We have experienced the sad plight of a young parent 'stranded' here, unable to access medical help or other services, shops, etc and it fell to the community to support her. Whilst we lend a hand willingly, it is not the Community's role, nor duty to support 'dumped' tenants to fill Developers' pockets and satisfy Local Government figures. We take serious issue with the Housing Enabling & Development Officer's words "*The mix and tenure split of the affordable properties ..... is fine and would assist towards meeting the housing need of the district*"

***Facilities : Children's play area***

The plan shows a Children's Play Area. It is woefully inadequate to serve an estate of 60 houses when there could be around 100 children in residence. Families will naturally, use the play equipment at the Mill Lane Field, where most of the apparatus is over 60yrs old. To cope with the reasonable needs of families moving into Stebbing and those already here, this would need to be replaced. *Section 106\*2*

***Travel:***

From the application, we refer to INGENT Consulting Engineers Transport Assessment for Land to the East of Brick Kiln Lane and North of Pound Gate, Stebbing, Essex, CM6 3RH

Quote from report: Pedestrian Provision:

*2.8 Walking offers a realistic option for the journey to work or study for many and is generally considered a viable travel.*

*2.11 A Public Rights of Way PROW ID 46/42 and ID 46/14 are designated by ECC through Garden Fields and east of the Site along Clay Lane providing alternate pedestrian routes around the Stebbing area and surrounding villages.*

*2.14 Cycle use is considered a feasible means of transport over short to medium distances, typically for journeys less than five kilometres*

*2.16 NCN route 16 is accessible via mainly unclassified country roads north of the village Felstead, 5km (18-minute cycle ride) south of the Site and traverses between Bishop Stortford and Braintree providing further links to NCN routes 1 and 13.*

*2.17 NCN route 16 commences at the intersection with Route 13 at Birchanger near Stansted and heads south-east along bridle paths to join an off-road disused railway path known as the 'Flitch Way'. 2.18 The Flitch Way navigates along the northern edge of the ancient royal hunting ground*

*2.21 The Site has connectivity to the local and national cycle network and although a dedicated on-road cycle lane is not present, it is foreseen cycle traffic will use the existing highway network, with its low-traffic environment.*

This assessment is complete nonsense and totally unrealistic. Journeys in and out of Stebbing are made by car. The vast majority carrying one person.

**Quote from report: Local Services and Facilities**

*2.28 To minimise car journeys and promote sustainable travel, key services and facilities should exist within walking/cycling distance of a residential development site. According to guidelines issued by the Institute of Highways and Transportation, around 800 metres is within a sensible walking distance to local amenities and offers the greatest potential to replace car trips less than 2km. With regards to cycling, the relevant guidance states that cycling has the potential to substitute car journeys under 5km. For this assessment, distances of 800m, 2km and 5km have been used for walking and cycling accessibility, respectively. 2.29 Services within walking and/or cycling distance of a residential development.*

*2.32 Table 2 demonstrates shows whilst a small number of facilities in the village are accessible by walking or cycling, services over 5 km from the Site reachable by bus. With two bus services available in the morning and afternoon weekday and Saturday, it is likely Site residents will use bus travel as a mode of transport to visit facilities in neighbouring towns if a private car is not an available option.*

*2.33 With most facilities available outside Stebbing and limited direct bus services available, it is expected the higher end of trips generated by the proposed Site will be by private car.*

The only realistic sentence in this section is the last one. All trips will be by private car. Stebbing's bus services are limited. There is no direct bus service to Dunmow, nor Braintree. During term time, school buses operate early morning and late afternoon, otherwise there is a twice daily service to Chelmsford/Wethersfield, but we would add that as the bus meanders in a very indirect route from Weathersfield to Chelmsford covering the same ground twice in some cases, it is not the sort of service someone would use if they had an alternative. It also takes an inordinate amount of time.

This assessment was obviously done by someone who has not experienced the

roads around Stebbing. Cycling on any of the roads into the village is excessively dangerous. There are no pavements and the sides of the road are worn away so there is no refuge.

***Much is made of the Fitch Way*** It is 2 miles at the nearest joining point and can be impassable with ruts and water in wet weather it is wholly ridiculous to suggest this as a solution for Stebbing. All services are outside the suggested 5k cycling distance. The scheme offers no solutions in terms of mitigating the development regarding transport issues it is unsustainable in every sense which proves unhelpful for almost all journeys.

Stebbing village operates its own mini-bus service once a week. Run by volunteers to assist those who do not have a car. The bus is old and needs replacing. Greater demand from increased numbers of residents, would mean we could not rely on volunteers and a paid driver would need to be employed.  
*Section 106\*3*

***NPPF:***

Quote from report: National Planning Policy Framework - February 2019 (NPPF)  
3.2 The Ministry of Housing, Communities & Local Government formed the National Planning Policy Framework (NPPF) and advises the Government's planning policies for England and their application. The document provides a framework within which locally-prepared plans for housing and other development can be produced.

3.3 Paragraph 102 states: - 'Transport issues should be considered from the earliest stages of plan-making and development proposals, so that: a) the potential impacts of development on transport networks can be addressed; b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated; c) opportunities to promote walking, cycling and public transport use are identified and pursued; d) the environmental impacts of traffic and transport infrastructure can be identified, assessed, and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.'

3.4 Paragraph 103 states: - 'Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

3.7 Paragraph 111 also states: - 'All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.'

Stebbing Parish Council considers the above Transport Assessment to be severely lacking in practical, common sense. It is clear all 60 houses will depend heavily for all transport needs on car use, as do current residents. This development, should it be approved, will increase traffic by min 120 -180 domestic cars, approximately 50 – 90 other traffic deliveries of supermarket shopping, internet purchases, takeaway deliveries, social visiting etc per day.

Increasing traffic flow beyond sustainability. Stebbing High Street, The Downs, Bran End, Church End, Stebbing Green cannot cope with this level of traffic. We have asked for approval of a traffic calming scheme through the High St and we await costings from Essex Highways. We consider our proposed traffic calming scheme to be an essential priority.

## **8.0 REPRESENTATIONS**

8.1 Representations have been received from neighbouring residents and the following observations have been made:

- Proposed development would have a detrimental impact on the local rural setting
- Loss of greenfield site
- Loss of agricultural land
- Impact on wildlife
- Development of 60 dwellings would be incompatible with the size of the existing settlement.
- Contrary to emerging Stebbing Neighbourhood Plan
- Stebbing is not a sustainable settlement
- Infrequent bus service through the village
- Stebbing Primary School is already over subscribed
- Impact on existing healthcare provision
- The proposal would cause traffic problems at entrance of Pound Gate at The Downs
- Drainage issues

## **9. POLICIES**

### **9.1 National Policies**

National Planning Policy Framework (NPPF) (rev. July 2021)

### **9.2 Uttlesford District Local Plan (adopted 2005)**

Policy S7 – The Countryside

Policy ENV5 – Protection of agricultural land

Policy H1 – Housing development

Policy H9 – Affordable Housing

Policy H10 – Housing Mix

Policy GEN1 – Access

Policy GEN2 – Design

Policy GEN3 – Flood Protection

Policy GEN4 – Good Neighbourliness

Policy GEN6 – Infrastructure Provision to Support Development

Policy GEN7 – Nature Conservation

Policy GEN8 – Vehicle Parking Standards

### **9.3 Supplementary Planning Guidance**

UDC Supplementary Planning Guidance – ‘Accessible Homes and Playspace’

### **9.4 Other material planning considerations**

Essex Design Guide  
ECC Parking Standards – Design and Good Practice (September 2009)  
UDC Parking Standards (February 2013)  
Interim Climate Change Planning Policy (Uttlesford District Council, 2021)

## 10 CONSIDERATION AND ASSESSMENT

The issues to consider in the determination of this detailed application are as follows:

- A Principle of development (sustainability, farmland protection, countryside protection, drainage, 5YHLS, S106 infrastructure provision, Stebbing Neighbourhood Plan status) NPPF, Policies S7, ENV5, H1, GEN3 and GEN6 – ULP);**
  - B Access considerations (Policies GEN1, GEN6 – ULP);**
  - C Design (Policy GEN2 – ULP);**
  - D Housing mix (SMHA, Policy H10 – ULP);**
  - E Affordable Housing (Policy H9 – ULP);**
  - F Impact on residential amenity (Policy GEN2 – ULP);**
  - G Impact upon protected/priority species (Policy GEN7 – ULP).**
- A Principle of development (NPPF, Policies S7, ENV5, H1, GEN3 and GEN6 – ULP)**

- 10.1 The site lies outside development limits as shown on the Proposals Map for the adopted Local Plan. As such, the proposed development would be contrary to Policy S7 of the adopted LP which states that the countryside will be protected for its own sake and that planning permission will only be given for development that needs to take place there or is appropriate to a rural area. This includes new building. The policy adds that development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. Policy S7 has been found to be partially consistent with the provisions of the NPPF following an independent review of the adopted Local Plan's consistency with the NPPF in terms of its policies (Ann Skippers) where the NPPF adopts a more proactive stance towards housebuilding in the rural areas to promote housing growth providing that a presumption in favour of sustainable development can be demonstrated compared to Policy S7 which takes a more protectionist stance towards development in the countryside.
- 10.2 The NPPF as revised (July 2021) has a presumption in favour of sustainable development and identifies three key objectives in achieving this aim, namely economic, social and environmental. Paragraph 11 of the NPPF (as revised) advises that planning permission should be granted for development proposals without delay unless 11.(i) the application of policies contained within the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or 11.(ii) any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies within the framework taken as a whole.
- 10.3 The site is not designated as a SSSI or comprises one of the other assets of particular importance as listed under paragraph 11(i). The site comprises an arable field comprising 2.93 ha and would though involve the loss of Grade 2 arable agricultural land. Whilst the loss of this arable farmland from active food

production would be regrettable in terms of food security, it is considered nonetheless that what is a comparatively small area of arable farmland compared to the wider surrounding arable agricultural landscape would not be significant and no objections are therefore raised to the removal of the site from farming under Policy ENV5 of the adopted LP.

- 10.4 The economic benefits of providing 60 dwellings as a single freestanding mid-sized development scheme within Stebbing village would help sustain the future local economy of the village, albeit it is recognised that at present there is only a community village shop and a public house, whilst at the same time it would provide temporary employment during the construction process. For these reasons, the economic objective of the NPPF would be met.
- 10.5 The proposed development as a 60 dwelling scheme would undoubtedly have an impact on local services and facilities, most notably on matters such as the Stebbing Primary School pupil roll and local healthcare provision. However, the applicant has agreed to make s106 financial contributions to help offset the social impacts of the proposal, including making contributions to education and healthcare and also to public transport improvements for the village (see further commentary below). It is therefore considered that these measures would help to meet the social objective of the NPPF.
- 10.6 The site can be viewed from higher ground to the north along Clay Lane, which is a public right of way, whilst the site is framed along its northern and western boundaries by substantial vegetation/tree lines. The existing Pound Gate development stands to the immediate south, whilst the new development comprises Ploughmans Way and Ploughmans Reach stand onto the eastern flank of Garden Fields. The effect of these opposing boundaries is such that the proposal site is contained in terms of its localised landscape setting. A Landscape Visual Impact Assessment has been submitted for the application which concludes that the visual impacts of the development would not be significant or demonstrable given the site's protected localised setting at the lowest end of the field, the emphasis of bungalows for the eastern end of the site which would reduce the visual impact and also the soft boundary treatment which would be proposed along the eastern boundary of the development site. The Council's Landscape Officer has viewed the submitted LVIA and has commented that he is unable to object to the proposal on landscape impact grounds. It is considered from this assessment therefore that the environmental objective of the NPPF is met.
- 10.7 In light of the aforementioned analysis, it is considered that the proposal would amount to a presumption in favour of sustainable development when assessed against the NPPF in terms of its economic, social and environmental objectives whereby the tilted planning balance is engaged in accordance with paragraph 11 of the NPPF.
- 10.8 The site is shown to be located within Flood Zone 1 of the Environment Agency's flood risk map which represents the lowest risk of fluvial flooding whereupon there are no rivers within the immediate vicinity of the site. The application is supported by a Flood Risk Assessment and proposed drainage strategy which has assessed the level of surface water flood risk from the proposed development at the site itself and to surrounding land. The site has been found to have good filtration and as such the private soakaways and underground attenuation crates proposed for the proposed SuDS scheme would be able to discharge the surface water generated from the development safely



into the ground whereby the underground crates would provide the opportunity for proposed swales as a site layout feature to be landscaped rather than to be deep engineered basins, notwithstanding that these should not be included within any direct public open space areas. In this respect the extracted wording from the submitted FRA states that, *“Surface water is contained and mitigated entirely within the site. Significant reduction in the rate and volume of surface water runoff in storm events up to and including the 1 in 100 year + 40% event is achieved by the development.”*

- 10.9 The submitted FRA and proposed drainage strategy have been examined by the Local Lead Flood Authority who have stated that they have found the scheme to be acceptable from a drainage perspective with advisories. As such, no drainage objections are raised under Policy GEN3 of the adopted LP.
- 10.10 Consideration has been given to the emerging and now advanced status of the Stebbing Neighbourhood Plan and the weight which should be applied to it both in terms of the allocation of housing sites within the plan identified as being suitable for housing development and the submitted proposal the subject of the current housing application. The Plan allocates a small number of houses for the Plan area in mainly linear/infill form than the 60 dwellings proposed for the current application which is intended to provide for additional housing for the village for the neighbourhood plan period over and above housing developments which have already been either committed to or recently been built within the village such as at Ploughmans Reach. The greenfield site the subject of the current planning application is not included within these housing allocated sites. The proposal is therefore contrary to the Plan in its advanced stage whereby the Plan has been subject to external examination and found to be fit for purpose in terms of its identified housing aims and objectives.
- 10.11 It is understood that if the Examiner’s Report recommends that the Plan should proceed to a local Referendum subject to minor modifications that Officers would recommend on 29 March 2022 that the plan proceeds to Referendum whereby the Plan with this recommendation would be reported to Full Council Meeting scheduled for 20 April 2022 when it would be anticipated that Full Council would ‘make’ the Neighbourhood Plan and set the local Referendum date for June 2022. The fact that the draft Neighbourhood Plan has now been a) through an examination recommending a Referendum and b) the LPA Cabinet are shortly to be asked to ‘make’ the Neighbourhood Plan and for it to proceed to Referendum are material considerations in the planning assessment of the submitted application proposal and appropriate weight must therefore be afforded to it where this weight is considered to be substantial. However, as it stands, the Plan cannot be afforded full weight as it has yet to be reported to Full Council to be ratified and has yet to be subject to a local referendum which, as previously stated, is scheduled for June 2022. Added to this, the proposal would provide 60 further dwellings against the District Council’s current housing supply deficit, which currently stands at 3.52 years, albeit up from 3.11 years from the previous year’s Housing Trajectory figure whereby this upwardly adjusted figure still remains below the 5 year housing land supply threshold with a 5% buffer as required by the NPPF and this also has to be seen as a material consideration to the proposal taken in the balance. It is therefore considered that the application proposal should be considered on its planning merits whereby detailed considerations are now discussed.

**B Access considerations (Policies GEN1, GEN6 – ULP)**

- 10.12 The proposed development would require a new vehicular access to be taken from Pound Gate on its north side where planning permission has previously been granted for two dwellings. The development would require a new mini-roundabout to be constructed at the junction of Pound Gate and Garden Fields whereby a 'boulevard' type estate road would lead off the roundabout into the proposed development. The housing layout would also include connecting permissive footpaths into the development from The Downs and from the east side of Ploughmans Way to connect to an existing public footpath network.
- 10.13 ECC highways have examined the highways aspect of this scheme in terms of highway safety and performance and have been involved in discussions with the applicant's highway engineers regarding the various technical aspects of the proposal, including safety audits for the proposed roundabout, and also discussions with the Council's Principal Urban Designer. Following this exercise, ECC Highways have advised in their formal consultation response that they do not have any highway objections to the scheme subject to appropriate highway conditions, including traffic calming measures (VAS), the provision of new bus stops on land within the highway verge along The Downs outside Pound Gate to improve public transport sustainability and also a S106 financial contribution to improve the bus service through Stebbing to link with Dunmow also in the interests of sustainability and also in the interest of modal shift whereby the current service is recognised as being deficient. The permissive footpaths shown traversing the southern end of the proposal site would help increase connectivity and permeability from/to the development from the west and south ends of the development.
- 10.14 The applicant has agreed to enter into a s106 agreement relating to the payment of a commuted sum for the aforementioned public transport improvements within the local area and connected to the site (£156,000 index linked) and also to the Parish Council's specific request for a dedicated community bus with bus driver for the parish to the sum of £110,000 where the following request has been made by Stebbing Parish Council in their representations to the current application:
- "Stebbing village runs its own mini-bus service manned by volunteers to assist those who do not have a car. The bus is old and needs replacing. Greater demand would mean we could not rely on volunteers and a paid driver would be employed. We wish to purchase a new bus at £40,000 plus £4,000 a year running costs for 5 years. **£60,000 in total.** As the bus is regulated by the local Traffic Commissioner on a non-profit making basis, a paid driver would have to be a professional with a PSA license. Using a self-employed professional driver for one day per week, is estimated @ £200 a day. £10,00 per year for 5 years **£50,000 in total. £110,000 total cost**".*
- 10.15 This volunteered s106 local infrastructure offer by the applicant is seen as welcomed in terms of meeting this requirement and therefore maintaining an essential local community service and should be taken into account when considering the s106 contributions agreed by the applicant in the round for this application proposal. No access objections are therefore raised to the proposal under Policies GEN1 and GEN6 of the adopted LP.

## **C Design (Policy GEN2 – ULP)**

- 10.16 The proposed layout comprises essentially a grid scheme with roads feeding to the side of a central spine road, including informal shared drives leading along

the flanks of the development. The accommodation schedule for the proposed development is set out below where proposed private amenity areas and proposed number of parking spaces are shown against recommended/adopted standards.

<b>Plot No.</b>	<b>No. of bedrooms B=Bungalow M=Maisonette</b>	<b>EDG compliant private amenity area (sqm)</b>	<b>Proposed private amenity area (sqm)</b>	<b>ECC minimum Parking Standards</b>	<b>Proposed parking spaces</b>
1	4	100	180	2	4
2	3	100	118	2	2
3	4	100	210	2	4
4	3	100	130	2	2
5	4	100	240	2	4
6	4	100	240	2	4
7	3	100	146	2	2
8	2	50	129	2	2
9	2	50	103	2	2
10	1=B	50	143	1	2
11	2	50	119	2	2
12	2	50	122	2	2
13	1=M	25	61	1	1
14	1=M	25	138	1	1
15	3	100	160	2	2
16	2	50	126	2	2
17	2	50	140	2	2
18	3	100	150	2	2
19	3	100	151	2	2
20	2	50	151	2	2
21	3	100	161	2	2
22	3	100	142	2	2
23	2	50	147	2	2
24	2	50	147	2	2
25	3	100	141	2	2
26	1=M	25	58	1	1
27	1=M	25	121	1	1
28	3	100	101	2	2
29	2	50	103	2	2
30	2	50	103	2	2
31	3	100	105	2	2
32	3	100	105	2	2
33	2	50	115	2	2
34	4	100	127	2	2
35	4	100	248	2	4
36	3	100	136	2	2
37	4	100	159	2	3
38	4	100	159	2	3
39	3	100	203	2	2
40	2	50	106	2	2
41	3	100	105	2	2

42	4	100	121	2	3
43	4	100	113	2	3
44	3	100	116	2	2
45	4	100	198	2	4
46	2=B	50	197	2	2
47	2=B	50	213	2	2
48	2=B	50	164	2	2
49	2=B	50	101	2	2
50	3	100	108	2	2
51	2	50	94	2	2
52	2	50	92	2	2
53	2	50	92	2	2
54	2	50	94	2	2
55	3	100	101	2	2
56	2=B	50	150	2	2
57	2=B	50	135	2	2
58	2=B	50	140	2	2
59	2=B	50	163	2	2
60	3=B	100	195	2	2

10.17 Subsequent to application submission, the scheme layout has been revised following discussions with the Council's Principal Urban Design Officer and the applicant which has resulted in the following design revisions as now shown on revised Proposed Site Layout drawing ref; 18/25/02 Rev B received on 11 February 2022:

- new dwellings are now pushed to the boundaries and where appropriate new gardens now back onto existing properties to frame the development;
- A communal green now sits within the development rather than wrapping round the boundaries and is passed through when entering the site;
- The green now includes a central LEAP, an area of wildflower meadow and a swale system in the form of a grassed depression in the ground and useable when the weather is dry (note: this would not be feasible under Health and Safety grounds);
- The swales remain located in the lowest part of the site, but has stretched out into the green;
- An active street frontage is maintained onto the green and throughout the development;
- Included memorable feature nodes throughout the scheme, including large feature trees (can be planted as mature rather than a sapling) and feature buildings to end avenue views;
- Retained bungalows to the east of the site and a new hedgerow within the public realm;
- The main access drive has been broken up so that the pathways split from the road to allow for tree lined avenues, possibly with a road side swale/French drain system if needed
- The road system is less reliant on 'engineered' adoptable roads and places more emphasis now on smaller private driveways.

10.18 The Council's Principal Design Officer is satisfied from his assessment that the revisions which have now been made to the scheme promote a stronger sense of place against Building for a Healthy Life metrics and as a result overcome the design deficiencies which were identified in the original application submission,

namely the public open space was not sufficiently integrated within the scheme and the layout as a whole did not sufficiently reflect the linear characteristics of the existing village settlement. Additionally, the more exposed eastern edge of the development with existing arable farmland has now been softened with the introduction of a looser, more informal 'farm courtyard' arrangement with a stronger planting belt along this boundary. As a result, the development is now considered to be more appropriate for its semi-rural setting.

- 10.19 Both private garden amenity areas for all plots and on-plot parking provision for all plots for the proposed development as shown on the accommodation schedule above meet and often exceed the EDG recommended standards / ECC adopted standards where this surplus in provision is welcomed. Visitor parking for the development at 15 no. spaces would be compliant under ECC adopted parking standards (60 / 0.25 = 15 spaces).
- 10.20 In terms of scale, the development purposely contains an emphasis on two storey dwellings in the centre and on the west side of the site onto its enclosed western boundary with Brick Kiln Lane where the site is at its lowest, whilst the development contains a stronger emphasis on bungalows on the more exposed east side of the site where the site is at its highest. This would have the effect of making the development 'sit' within the site better and would as a consequence have a lessening urban visual impact within the site's rural setting when viewed from medium and long views such as from the public right of way along Clay Lane. Additionally, the development would be screened by a good planting belt (which should be conditioned) to soften its impact further on rural amenity whereby this would be in sharp contrast to the hard closeboarded fence line which runs along the outside of Ploughmans Way.
- 10.21 The development incorporates a good mix of housing types and styles which closely follow the Essex Design vernacular, including good pitched roofs and good architectural detailing whereby it is intended that the appearance of the development would echo the development now built at Ploughmans Reach and Ploughmans Way to the immediate south-east of the site in terms of continuity.
- 10.22 Overall, it is considered that the various layout revisions made to this housing scheme responding positively to the Council's design requests are such that the scheme now represents an appropriate form of development in terms of layout and design at this location and no design objections are therefore raised to the scheme under Policies GEN2 and GEN8 of the adopted LP.

#### **D Housing Mix (SMHA, Policy H10 – ULP)**

- 10.23 The housing mix for the development is proposed as follows:

<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>
6	26	16	12

The above stated housing mix for the scheme between 1 bed, 2 bed, 3 bed and 4 bed dwellings provides a good varied housing mix where there is an intention by the applicant to provide more 2 bed and 3 bed more affordable / family dwellings for the scheme than 4 bed dwellings at this village location. This housing mix is considered both acceptable and welcomed for the development whereby it broadly aligns with the findings of the latest SMHA assessment which has identified there being more of a need for family dwellings across the district. No objections are therefore raised under Policy H10 of the adopted Local Plan.

## **E Affordable housing (Policy H9 – ULP)**

- 10.24 The affordable housing provision on this site would attract the normal 40% policy requirement as the site is for 60 proposed units which would equate to 24 affordable units. The tenure split would be 17 no. social rent units (71%) and 7 no. shared ownership units (29%) (70-30 split). The applicant has agreed to provide this level of affordable housing for the scheme as part of a s106 agreement. It is also the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (Building Regulations, Part M, Category 3 homes) as well as 5% of all units to be bungalows. The application proposes 10 no. bungalows, including 2 affordable, and this number of bungalows is welcomed for the site.
- 10.25 The percentage and tenure split of the affordable properties as proposed within the scheme is considered acceptable to the District Council (see Housing Enabling Officer's comments) whereby this provision would assist towards meeting the affordable housing needs of the district. No policy objections are therefore raised under Policy H9 of the adopted Local Plan. The Parish Council's comments are noted regarding the level of bus services currently provided through Stebbing and how tenants of the properties would be able to access local services further afield, i.e. in Dunmow or Braintree, if they did not have use of a car. It is the case through this application that it is proposed for a bus service enhancement strategy through the payment of a commuted sum to be included within a s106 agreement to provide for an enhanced bus service through Stebbing as well as the offer by the applicant to provide a dedicated community bus as requested by the Parish Council again through a S106 Agreement to enhance community travel to nearby towns for residents of the village (as previously discussed) and it is asserted that this s106 infrastructure provision would improve on the current situation were it to be subsequently implemented.

## **F Impact on residential amenity (Policy GEN2 – ULP)**

- 10.26 The proposal site is located on a greenfield site and the only existing dwellings which would be materially impacted by the development would be those residential properties fronting onto the north side of Pound Gate and a few properties along the east side of Brick Kiln Lane, including a recently approved small infill development. There would be a good separation distance between the proposed dwellings for the scheme in its revised form and those existing dwellings fronting onto the north side of Pound Gate whereby there would not be any significant loss of residential amenity to these properties by reason of overlooking, loss of privacy, overshadowing or overbearing effect. No residential amenity objections are therefore raised under Policy GEN2.

## **G Impact upon protected/priority species (Policy GEN7 – ULP)**

- 10.27 The proposal site has been scoped out for its potential to contain natural habitats for protected species, including bats, owls, GCN's, badgers and skylarks whereby specific species surveys have been conducted.
- 10.28 ECC Place Services have advised in their revised consultation response dated 23 February 2022 that they are satisfied with the bat scoping results and that this issue is resolved. They have advised, however, that they are presently unable to lift their previous holding objection until Natural England has confirmed

that the site can be entered into the GCN licence mitigation scheme in terms of the IACPC for Great Crested Newts. However, they have further advised that they would be able to do so when confirmation is received. The applicant has advised the LPA that it is currently awaiting confirmation from Natural England of the licence grant. Place Services' comments are noted, although it is understood that the licence is granted on a tariff payment basis which the applicant has the responsibility to pay and understood to have paid.

- 10.29 In terms of Skylarks, Place Services Ecology have advised that the post-decision skylark compensatory measures as outlined in the submitted Skylark report and as indicated on the submitted revised Proposed Site Layout Plan ref; 18/25/02/ Rev B are acceptable, but with a Countryside stewardship advisory to the applicant that any Skylark plots should be at least 50m from any boundary vegetation/potential predator perches and not the 24/25m given in RSPB guidance and as shown on the revised proposed site plan and further that a Skylark Mitigation Strategy and provision of the Skylark plots should be conditioned on any grant of planning permission. It is therefore considered that no ecology objections can be reasonably made under Policy GEN7 of the adopted LP.

## **11. CONCLUSION**

- 11.1 It is considered that the principle of building 60 dwellings at this greenfield site is acceptable against adopted Local Plan policy and against the provisions of the NPPF where the tilted planning balance is engaged in favour of the presumption of sustainable development subject to the applicant entering into a Section 106 Agreement. Matters of detail are also considered acceptable. The current status of the Stebbing Neighbourhood Plan has been taken into account for this application where it is at an advanced stage following external examination prior to being reported to Cabinet and then being subject to a local Referendum and is therefore a material consideration. As such, the Plan now carries substantial weight, although not full weight where the stated benefits of the submitted proposal as set out in this report are also material considerations in the weighted planning balance in terms of the planning merits.
- 11.2 It is therefore recommended that the application be approved subject to appropriate planning conditions and the applicant entering into a Section 106 Agreement for the Heads of Terms as referenced at the beginning of this report.

## **12. EQUALITIES**

- 12.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers, including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.