



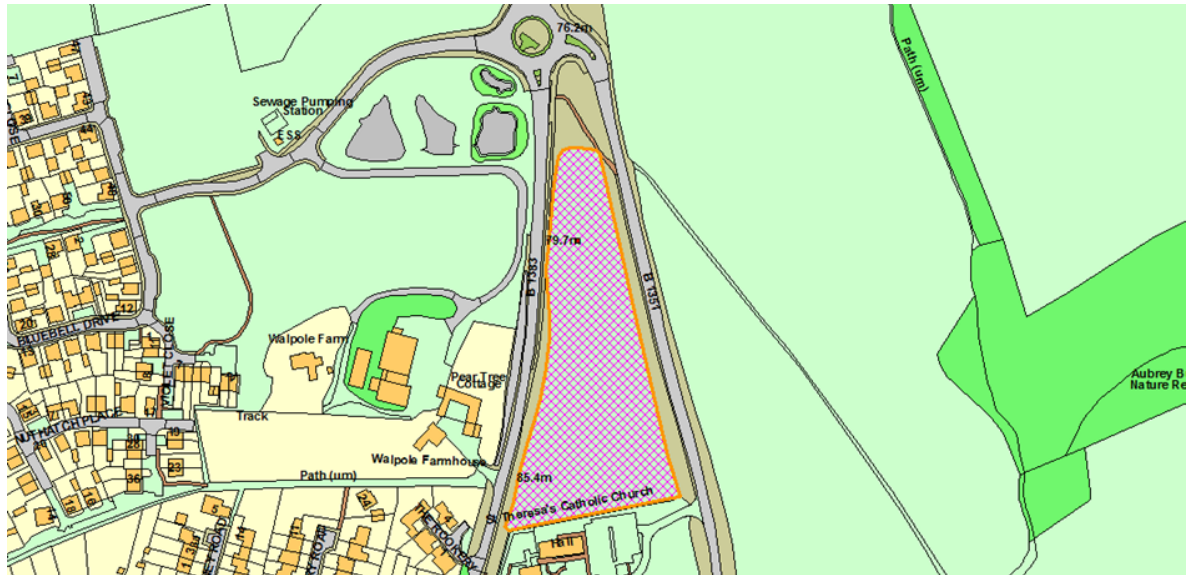
**ITEM NUMBER:** 12

**PLANNING COMMITTEE** 14 September 2022  
**DATE:**

**REFERENCE NUMBER:** UTT/21/2376/FUL

**LOCATION:** Land To The West Of, High Lane, Stansted

## SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 11<sup>th</sup> August 2022

**PROPOSAL:** Variation of condition 18 (footpaths) of planning permission UTT/18/1993/FUL - condition 18 to read "The pedestrian links, as indicated on drawing no. BRD/19/045/052 as Footpath 1 and Footpath 4, shall be constructed to a minimum width of 2 metres". The omission of footpaths 2 and 3 approved under planning application UTT/18/1993/FUL.

**APPLICANT:** Amherst Homes

**AGENT:** Tayla Morhall (Amherst Homes)

**EXPIRY DATE:** 2 September 2021

**EOT Expiry Date:** 16 September 2022

**CASE OFFICER:** Chris Tyler

**NOTATION:** Outside Development Limits

**REASON THIS APPLICATION IS ON THE AGENDA:** Considers the variation of a condition of major planning application previously determined by the Planning Committee.

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## **1. EXECUTIVE SUMMARY**

- 1.1** The proposal includes the variation of condition 18 of planning permission UTT/18/1993/FUL to include "The pedestrian links, as indicated on drawing no. BRD/19/045/052 as Footpath 1 and Footpath 4, shall be constructed to a minimum width of 2 metres" is considered acceptable and in accordance with Local and National Planning Policies. Footpaths 1 and 4 will remain as constructed, however footpaths 2 and 3 are proposed to be omitted from the development.
- 1.2** This application was deferred by the Planning Committee on the 15th December 2021 for a site visit and subsequently deferred on the 16th March 2022 for further negotiations with the applicant and consultation of the Housing Association. It is confirmed that the applicant has not agreed to any revision to the application or seek an alternative scheme to provide the footpaths. It is also noted following the deferral of the application no comments have been received from the Housing Association following directly consulting them. As such the proposal remains unchanged

following the deferral of the application from the 16<sup>th</sup> March 2022 Planning Committee meeting and has been continued to be assessed as it stands.

- 1.3** Due to the lack of adoption of the footpath steps they are now required to be constructed 5m from the existing footpath running along High Lane and Cambridge Road. As such the location of footpaths 2 and 3 will result in the loss of two sections of trees and boundary vegetation which actively soften the views of built form.
- 1.4** Footpaths 2 and 3 will result the introduction of urbanising features that are not compatible with the character of the site and surrounding rural area. Due to the gradient and steep layout of the site, footpaths 2 and 3 will not meet all the needs of the potential users. The design of the footpaths as approved would not have the potential to reduce the potential of crime.
- 1.5** The proposed variation of condition is considered acceptable and in accordance with all relevant local and national planning policies.

**2. RECOMMENDATION**

That the Director of Planning be authorised to **GRANT** permission for the development subject to those items set out in section 17 of this report.

A) Conditions

**3. SITE LOCATION AND DESCRIPTION:**

- 3.1** The application site is to the west of High Lane in the parish of Stansted Mountfitchet. The application site has recently been constructed and includes a development of 35 dwellings and associated works. As set in plan 1 (below) the overall site is bound by High Lane to the east and the B1383 Cambridge Road to the west. To the south of the site is a Catholic Church.

**4. PROPOSAL**

- 4.1** The application is to variation the wording of condition 18 (footpaths) of planning permission UTT/18/1993/FUL.

The current condition includes;

*“The pedestrian links, as indicated on drawing no. P18-0133\_01 (Rev N) as Path 1, Path 2 and Path 3, shall be constructed to a minimum width of 2 metres. REASON: In the interests of accessibility and in accordance with ULP Policy GEN1”*

This application proposes to vary the condition to state:

*"The pedestrian links, as indicated on drawing no. BRD/19/045/052 as Footpath 1 and Footpath 4, shall be constructed to a minimum width of 2 metres REASON: In the interests of accessibility and in accordance with ULP Policy GEN1. "*

Also the proposal includes the omission of footpaths 2 and 3 approved under planning application UTT/18/1993/FUL.

**4.2** It is also noted that the provision of the footpaths were secured in the S106 agreement as part of the original planning approval for the housing development (UTT/18/1993/FUL). As such a subsequent application (UTT/21/2399/DOV) requests for deed of variation relating to Section 106 agreement dated 24 May 2019 relating to UTT/18/1993/FUL to remove footpath "2" and "3" due to their public safety issues and non-policy compliance. However the Deed of Variation is not being considered under this application.

**4.3** As per the submitted Planning Statement the development the requirement of the development is as follows:

- Extensive excavation works will be required to accommodate the access,
- The lack of adoption of the footpath steps requires the construction to be 5m from the existing highway foot path.
- Loss of trees and width clearance of around 8-10m to accommodate the footpaths,
- A significant steep angle will compromise the usability of the footpath,
- Footpaths 2 and 3 do not meet the design specification in manual for Streets (2007),
- The tunnelling enclosure design of the footpath may result in antisocial behaviour,
- The verge will need to be excavated to allow for 3.5m (h) and 5m (L) retaining walls,

**4.4** Additional comments have been provided by the applicant on the 6/1/2022 setting out the reasons for the proposal as set out in the planning statement, these are briefly listed below:

**Health and Safety - Slope**

- Footpath "2" proposed at Cambridge Road is a 1:3 fall, far exceeding the maximum 1:20 fall outlined in the Manual For Streets (2007) (6.3.18).
- As both angles are so severe, the footpaths will need to be constructed with concrete steps. Highways are unwilling to adopt footpaths containing steps and have requested a 5m buffer from the highway boundary.

- We are extremely concerned over the angle of both footpaths as we do not believe they will be safe or fit for purpose for the residents or the wider community.
- As the footpaths will need to be constructed with concrete steps, most of the community will be unable to use the footpath. The elderly, disabled, parents with pushchairs, children, etc, will be unable to these steps.

### **Extensive Excavation Works**

- Due to the sloping angles, both footpaths require retaining walls. Our engineer has calculated the retaining walls required for each footpath need to be 3.2m high and 5m long.
- To safely construct the footpath and retaining walls, excavation would be required at 42° from the retaining walls. This will result in a further 10m in width of clearance in the treeline and vegetation from each road verge.
- The retaining walls will be constructed either side of the steps (at 3.2m high). This will create a structure most similar to the pedestrian steps at a subway underpass or a tunnel without a roof.

### **Road Closures**

- To accommodate the excavations required for footpaths “2” and “3”, road closures will be required for both High Lane and Cambridge Road for several days. These road closures will cause disruptions to local residents, notably on Cambridge Road as this is a main route into Stansted Mountfitchet’s centre.

### **Crime**

- Due to the large retaining structures that are needed for both footpaths, we are also very concerned over the potential for crime around the footpaths, particularly anti-social behaviour.
- Both footpaths are situated at the rear of residential properties, and we do not want these properties to become a subject of crime.
- The footpath is set in a road verge which is dense in vegetation, and without street lighting. The concrete retaining walls enclose and darken the steps further. During the winter and at night these footpaths will be blind spots within the development, with no natural surveillance. We are truly concerned the footpaths will become hotspots for crime.

## **5. ENVIRONMENTAL IMPACT ASSESSMENT**

- 5.1** Town and Country Planning (Environmental Assessment):  
The proposal has been previously screened and is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

And

Human Rights Act considerations:

There may be implications under Article 1 and Article 8 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application

## **6. RELEVANT SITE HISTORY**

### **6.1**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>
UTT/18/1993/FUL	Redevelopment of site to provide 35 no. dwellings with associated garages, drainage infrastructure, landscaping and parking including the creation of new vehicular access from High Lane and additional footpath access points from Cambridge Road and High Lane.	Approved 30/5/2019
UTT/19/2586/DOC	Application to discharge conditions 2 (remediation strategy), 3 (validation report) 4 (noise protection) 6 (surface water drainage) 7 (offsite flooding) 8 (maintenance plan) 10 (Natural England licence) 12 (archaeological programme) 15(material samples) attached to UTT/18/1993/FUL.	Approved 30/3/2020
UTT/19/3075/DOC	Application to discharge conditions 11 (Biodiversity) and 13 (Landscaping) of planning application UTT/18/1993/FUL.	Approved 27/3/2020
UTT/20/0562/FUL	Single storey rear extensions to plots 8 and 9 approved under UTT/18/1993/FUL.	Approved 23/4/2020
UTT/21/2399/DOV	Request for deed of variation relating to Section 106 agreement dated 24 May 2019 relating to	Under consideration.

	UTT/18/1993/FUL to remove footpath "2" and "3" due to their public safety issues and non-policy compliance, leaving footpath "1" and the emergency access footpath "4" for access.	
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## **7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

- 7.1** The LPA is unaware of any consultation exercise carried out by the applicant for this reserve matters application.

## **8. SUMMARY OF STATUTORY CONSULTEE RESPONSES**

### **8.1 Highway Authority**

- 8.1.1** It is regrettable the applicant/developer cannot provide path '2' (onto High Lane) and path '3' (onto Cambridge Road), as this will in part reduce the accessibility of the site by means of active travel. It was previously noted by the Highway Authority that the private pathways were constrained in nature, and may not accessible to all dependent upon the developers design (i.e. due to the level difference).

Ultimately it is considered that the loss of the two paths does not preclude pedestrian access to and from the site, and therefore, from a highway and transportation perspective the Highway Authority has no adverse objections to the variation of condition no. 18 of planning permission UTT/18/1993/FUL.

In lieu of the loss of the paths, it may be suitable for local improvements to be undertaken by the developer. The Highway Authority would seek all other highway related conditions to be applied to the planning permission UTT/21/2376/FUL, as per UTT/18/1993/FUL.

**Full response included in Appendix 1.**

## **9. PARISH COUNCIL - Objection**

- 9.1** Objection on Health and Safety grounds and conflict with UDC policy on Active Travel.

The removal of the variation forces residents to 'travel' away from the facilities/services of the village, walk in the road to reach a safe route, as well as along a footway which Highways recommended should be improved.

Condition 17 states "Prior to occupation - provision of an access formed at right angles to High Lane to include but not limited to:  
a - Min 5m carriage way width, min radii of 6m (this is King Charles Drive)



b - 2 no 2m footways

There are no walkways/footways on the site - removing the footpaths creates risks to pedestrians who will be forced to walk on the road, known as King Charles Drive.

The only retained footpath forces pedestrians to use the unimproved footway along the Cambridge Road, rather than the new footway into the centre of Stansted along High Lane.

The footpaths should be retained. The natural screen has deteriorated, traffic noise is obvious. Some trees have been cut down or are in poor health (possibly Highways), UDC should also discuss with Highways the need to plant trees along the verges to mitigate the volume of traffic noise.

## **9.2 WARD MEMBER- Objection**

**9.2.1** 2 letters of objection have been received from the Ward Member, the following provides a summary of the comments.

The applicant should be invited to submit a revised plans prior to the occupation of the dwellings,

The application is contrary to condition 18 imposed on the original planning approval, the variation of the conditions is not justified,

The non-construction of the foot paths will isolate people living in the site's affordable homes at the high-level part of the site,

The gradient of the road from the housing association homes is unusually steep and that it is dangerous for walkers in icy weather. The footpaths provided on site are only about 30 cm wide and are quite inadequate for parents with pushchairs.

The site is not a rural location and is now a urban development,

The existing trees and vegetation at the location of the approved foot paths are of a poor quality,

The approved footpaths should be completed,

The full submitted letters and photos are set out in Appendix 2.

## **10. CONSULTEE RESPONSES**

**10.1 UDC Landscape Officer**

**10.1.1** No Objection,

From a landscape perspective the removal of the footpaths will reduce the impact to the landscape and boundary of the site.

**10.2 CHP Housing Association**

**10.2.1** No comments received.

**11. REPRESENTATIONS**

**11.1** 46 notifications letters were sent to nearby properties.

**11.2 Support**

**11.2.1** N/A

**11.3 Object**

**11.3.1** A number of objections have been received; comment include:

- The removal of trees and vegetation has resulted in a 25m open gap to the boundary of the site,
- Increase of noise from loss of vegetation and boundary treatment,
- Light pollution
- Objection to the existing constructed path,
- Lack of appropriate landscaping,
- The development should be built as originally approved.

**11.4 Comment**

**11.4.1** The omission of the footpaths is to ensure:

- The construction of steep unsafe footpath/ stairs,
- Loss of 8-10m section of trees,
- No requirement for the excavation of the verge and introduction of significant retaining walls,

This application considers the variation of condition 18 resulting the omission of footpaths 2 and 3, no further considerations are included for other works at the site at the site.

**12. MATERIAL CONSIDERATIONS**

**12.1** In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the

policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

**12.2** Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

(a) The provisions of the development plan, so far as material to the application,;

(aza) a post-examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

### **12.3 The Development Plan**

**12.3.1** Essex Minerals Local Plan (adopted July 2014)  
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)  
Uttlesford District Local Plan (adopted 2005)  
Felsted Neighbourhood Plan (made Feb 2020)  
Great Dunmow Neighbourhood Plan (made December 2016)  
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)  
Thaxted Neighbourhood Plan (made February 2019)  
Stebbing Neighbourhood Plan (made July 2022)

## **3. POLICY**

### **13.1 National Policies**

**13.1.1** National Planning Policy Framework (2021)

### **13.2 Uttlesford District Plan 2005**

Policy S7 – The Countryside

Policy GEN1- Access

Policy GEN2 – Design

Policy GEN7 - Nature Conservation

Policy ENV3 - Open Space and Trees,

### **13.3 Stansted Mountfitchet Neighbourhood Plan**

Limited weight applied.

### **13.4 Supplementary Planning Document or Guidance**

## **14. CONSIDERATIONS AND ASSESSMENT**

**14.1** The issues to consider in the determination of this application are:

**14.2 A) Accessibility to the development**

**B) Design**

**C) Landscaping and Ecology**

**14.3 A) Accessibility to the development**

**14.3.1** Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within the NPPF. Local plan policy GEN1 advised development will only be permitted if it meets the following criteria:

- a) Access to the main road network must be capable of carrying the traffic generated by the development safely,
- b) The traffic generated by the development must be capable of being accommodated on the surrounding transport networks,
- c) The design of the site must not compromise road safety and must take account of the needs of other users of their highway,
- d) It must be designed to meet the needs of people with disabilities,
- e) The development encourages movement by other means other than driving car.

**14.3.2** Paragraph 100 of the NPPF (2021) states 'planning decisions should protect and enhance rights of ways and access including taking opportunities to provide better facilities.

**14.3.3** Due to the lack of the adoption by the Highway Authority the proposed foot path steps will be required to be set back and constructed 5m from the existing highway foot paths along High Lane and Cambridge Road. Due to being set back by 5m this will require extensive excavation works and will result in the foot path having a significantly steep angle to accommodate to accommodate the access to the site.

**14.3.4** Part c and d of ULP Policy GEN1 considers the safety implications of proposed accesses within development. Also, the Essex Design Guide and Urban Place Supplement Planning Document (2007) advises development should meet the needs of all users across their lifetime with ranging abilities. The design of the footpaths would only be appropriately

accessible for a minority of the residents and not in accordance with ULP Policy GEN1.

- 14.3.5** Footpaths 2 and 3 do not meet the design specification set out in the Manual for Streets (2007) where longitudinal gradients should not exceed 5% (1:20 fall) and as such the proposal is likely to compromise public safety.
- 14.3.6** The Highway Authority have been consulted and although it is considered regrettable to lose the approved access points it was previously noted by the Highway Authority that due to the constraints of the site it may not have been possible to provide the foot paths. Therefore, no objections are raised in regards to the loss of the footpaths.
- 14.3.7** It is noted the Parish Council have objected to the proposal in regard that the loss of the footpaths would result in the occupiers of the residential development to have further to travel to get to High Lane or Cambridge Road. It is agreed this is the case, however due to the steepness of the foot paths this may likely compromise public health and safety is not considered to be outweighed by requirement to travel further to access the highway network.
- 14.3.8** As such it is considered the foot paths will not meet all the needs of the potential users and as approved will not be in accordance with ULP Policy GEN1. Therefore, the variation of the condition to only include footpaths 1 and 4 is considered acceptable.

#### **14.4 B) Design**

- 14.4.1** From access and movement perspective the foot paths to be removed from the scheme are situated to the rear of the site and provide an isolated route in and out of the site. The Essex Design Guide advises there should be no need for segregated spine footpaths within development and instead pedestrian routes should be mainly along residential roads.
- 14.4.2** The location of the proposed foot paths are to the rear of plots 13 and 27 and are surrounded by vegetation along the embanked verges. Both High Lane and Cambridge Road do not include streetlights along this section of the highway, as such the required 3.5m high retaining walls will create a tunnel like enclosure. The dark environment will create blind spots with limited natural surveillance. The use of the footpaths would not have the potential to reduce the potential of crime as set out in ULP Policy GEN2 (d), The Manual for Streets Guide (2007) and the paragraph 92 (C) of the NPPF.
- 14.4.3** Objections received advise the application site is an urban residential development and not rural and therefore the introduction of the footpaths and required retaining wall and loss of boundary vegetation would be acceptable.

**14.4.4** Although the application site is a residential development, the location of the foot paths specifically along Highway Lane and Cambridge Road have a rural character which is typical of sites located at the edge of existing settlements. The large section of steep angles steps and surrounding retaining wall detailing will result in the introduction of intrusive feature in the existing boundary of the site. This additional built form along the boundaries of the site will have urbanising affect to the existing rural appearance of the highway verge.

**14.4.5** This is considered out of place and not compatible with the rural appearance to the specific location of the foot paths and will have harmful impact to the character of the site and its surroundings. This is in conflict with the aims of ULP Policies S7 and GEN2 (b) which safeguards the rural appearance of the site and advises development will only be permitted if it protects or enhances the particular character of the part of the countryside.

## **14.5 C) Landscaping and Ecology**

**14.5.1** ULP Policy ENV3 considers the loss of trees in development and advises the loss of trees through development proposals will not be permitted unless the need for the development outweigh their amenity value. The introduction of the footpaths will require significant of trees and the existing boundary vegetation of the site of a minimum of 8m per footpath.

**14.5.2** ULP Policy S7 considered development in the countryside and advised development will only be permitted if it protects or enhances the particular character of the part of the countryside.

**14.5.3** The retention of the trees and boundary vegetation has been a positive contribution to the character of the development and has provided some appropriate level of mitigation. The further loss the trees and vegetation of this will detrimentally impact the rural setting and local distinctiveness of the site. The loss of these trees cannot be replicated by new planting.

**14.5.4** Objections have been received regarding the removal of the condition and that the footpath should be built, however the introduction of the footpaths will result in the loss of a significant section of trees and boundary treatment adjacent both High Lane and Cambridge Road. Some sections have already had to be removed to accommodate the existing development, as such the loss of further existing soft landscaping is not considered to be outweighed by requirement to travel further to access the highway network.

**14.5.5** Policy GEN7 and Paragraph 179 of the NPPF seeks to ensure that development would not have a harmful effect on wildlife and biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species. Taking into account the proposal will retain the boundary vegetation and trees it is considered that this will not result in any harmful impact to ecology, wildlife or biodiversity.

No objections of further recommendation have been received from the Council's Ecology Consultant, as such unlikely that the development would have significant adverse effects on any protected species or valuable habitat. It is therefore concluded that the proposal accords with ULP Policy GEN7.

## **15. ADDITIONAL DUTIES**

### **15.1 Public Sector Equalities Duties**

**15.1.1** 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.

**15.1.2** 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.

**15.1.3** Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised.

### **15.2 Human Rights**

**15.2.1** There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

## **16. CONCLUSION**

**16.1** The variation of condition 18 of planning permission UTT/18/1993/FUL to include "*The pedestrian links, as indicated on drawing no. BRD/19/045/052 as Footpath 1 and Footpath 4, shall be constructed to a minimum width of 2 metres*" is considered acceptable and in accordance with Local and National Planning Policies.

**16.2** Footpaths 1 and 4 will remain as constructed.

- 16.3** Footpaths 2 and 3 will result the introduction of urbanising features that are not compatible with the character of the site and surrounding rural area, in conflict with ULP Policies S7 and GEN2 and the NPPF.
- 16.4** The introduction of footpaths 2 and 3 will result in the loss of two sections of trees and boundary vegetation which actively soften the views of built form. The loss of the trees will result in a harmful impact due to the established boundary features and the proposed amendment would preserve this. This is in conflict with ULP Policies S7, GEN7, ENV3 and the NPPF.
- 16.5** The design of the footpaths as approved would not have the potential to reduce the potential of crime as set out in ULP Policy GEN2 (d), the manual for Streets (2007) and paragraph 92 (c) of the NPPF.
- 16.6** Due to the gradient and steep layout of the site, footpaths 2 and 3 will not meet all the needs of the potential users and as approved will not be in accordance with ULP Policy GEN1.

No objections have been raised by the Highways Authority

- 16.7** The variation of condition 18 of planning permission UTT/18/1993/FUL to include "*The pedestrian links, as indicated on drawing no. BRD/19/045/052 as Footpath 1 and Footpath 4, shall be constructed to a minimum width of 2 metres*" is considered acceptable. The omission of foot paths 2 and 3 due to reason set out in this report is considered acceptable.
- 16.8** All previous conditions imposed on planning approval UTT/18/1993/FUL will be included and any formally discharge will still apply.

**17. CONDITIONS**

- 1** The development hereby approved shall be full accordance with the remediation details approved under condition 2 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: To protect human health and the environment and in accordance with ULP Policy ENV14

- 2** The development hereby approved shall be full accordance with the validation report approved under condition 3 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local planning authority.



REASON: To protect human health and the environment and in accordance with ULP Policy ENV14.

- 3** The development hereby approved shall be full accordance with the noise protection details approved under condition 4 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: To protect the proposed residential dwelling in regards to noise generators and in accordance with ENV11.

- 4** The development hereby approved shall be full accordance with the construction management plan approved under condition 5 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2727/DOC (12/8/2020) unless otherwise agreed in writing by the local planning authority.

REASON: This pre-commencement condition is required to ensure there is a sufficient scheme for the appropriate loading/unloading facilities are available so that the highway is not obstructed during the construction period in the interest of highway safety, also to ensure there is not any significant impact or loss of amenity to neighbouring properties in accordance with ULP Policies GEN1, GEN4

- 5** The development hereby approved shall be full accordance with the surface water drainage details approved under condition 6 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: To ensure the has a sufficient drainage scheme and to reduce the impact of flooding on the proposed development, future occupants and third-party properties during extreme events in accordance with Uttlesford Local Plan Policy GEN3, adopted 2005.

- 6** The development hereby approved shall be full accordance with scheme of off-site flooding details approved under condition 7 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: To ensure the has a sufficient drainage scheme and to reduce the impact of flooding on the proposed development, future occupants and third-party properties during extreme events in accordance with Uttlesford Local Plan Policy GEN3, adopted 2005.

- 7** The development hereby approved shall be full accordance with the maintenance plan approved under condition 8 of planning application

UTT/18/1993/FUL and formally discharged under application UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: To ensure the has a sufficient drainage scheme and to reduce the impact of flooding on the proposed development, future occupants and third party properties during extreme events in accordance with Uttlesford Local Plan Policy GEN3, adopted 2005.

- 8** All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report sections 5 and 6 (Southern Ecological Solutions, July 2018) and the Badger Survey (Southern Ecological Solutions, August 2018) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This includes bat sensitive lighting, planting which enhances the environment for bats, installation of bat boxes, due diligence regarding nesting birds, due diligence for hedgehogs when undertaking vegetation clearance, creation of hedgehog habitat, permeable boundaries for hedgehogs, retain boundary trees and hedgerows, covering of trenches at night, storing of chemicals in sealed compounds, demarcation of a 20m exclusion zone around sets prior to closure, plantings to include grassland and fruiting trees to increase forage for badgers.

REASON: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998 and in accordance with ULP Policy GEN7.

- 9** The development hereby approved shall be full accordance with the ecology details submitted under condition 10 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and S17 Crime & Disorder Act 1998 and in accordance with ULP Policy GEN7)

- 10** The development hereby approved shall be full accordance with the Biodiversity Enhancement Layout, submitted under condition 11 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/3075/DOC (27/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998 and in accordance with ULP Policy GEN7.

- 11** The development hereby approved shall be full accordance with the archaeological programme of trial trenching and excavation submitted under condition 12 of planning application UTT/18/1993/FUL and formally discharged under application UTT19/2586/FUL (30/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: The historic environmental record indicates that the proposed development site lies on the opposite side of the road from sensitive area of archaeological assets in accordance with ULP Policy ENV4.

- 12** The development hereby approved shall be full accordance with the hard and soft landscaping details as approved under condition 13 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/3075/DOC (27/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: The use of such pre commencement condition is required to ensure compatibility with the character of the area in accordance with ULP Policies S7 and GEN2 of the Uttlesford Local Plan (adopted 2005), and to prevent highway safety issues relating to surface water runoff and loose materials in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 13** The development hereby approved shall be full accordance with the tree protection plan as approved under condition 14 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2727/DOC (12/8/2020) unless otherwise agreed in writing by the local planning authority.

REASON: The use of this condition is required to ensure the protection of the existing trees during the construction of the development in accordance with Local Plan Policies ENV3 of the Uttlesford Local Plan (adopted 2005).

- 14** The development hereby approved shall be full accordance with the materials approved under condition 15 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Uttlesford Local Plan Policies GEN2 and ENV1

- 15** First and second floor flank windows serving en-suites, landings, bathroom and dual secondary dual aspect windows shall be obscurely glazed with glass of obscuration level 4 or 5 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the local planning authority. Glazing of that obscuration level shall thereafter be retained in that/those window(s).

REASON: To avoid overlooking of the adjacent property in the interests of residential amenity in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 16** Prior to occupation of any dwelling, the provision of an access formed at right angles to High Lane, as shown in principle on drawing no. E3724/100/C (dated 27/02/2017) to include but not limited to: minimum 5.5 metre carriageway width with minimum radii of 6 metres, two 2 metre footways, pedestrian crossing points, relocation of footway and guard railing to the north of the access and clear to ground visibility splays with dimensions of 2.4 metres by 70 metres to the north and 2.4 metres by 133 metres to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall retained free of any obstruction at all times.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to provide adequate inter-visibility between and in accordance with ULP Policy GEN1

- 17** The pedestrian links, as indicated on drawing no. BRD/19/045/052 as Footpath 1 and Footpath 4, shall be constructed to a minimum width of 2 metres.

REASON: In the interests of accessibility and in accordance with ULP Policy GEN1

- 18** The internal visibility splays and layout shall be provided as indicated on DWG no. P18-0133\_01 Rev N. The visibility splays shall remain free from obstruction at all times.

REASON: To ensure adequate visibility is provided, in this interest of highway safety and efficiency and in accordance with ULP Policy GEN1

- 19** No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety and in accordance with ULP policy GEN1,

## APPENDIX 1- HIGHWAY AUTHORITY

**UTT/21/2376/FUL | Variation of condition 18 (footpaths) of planning permission UTT/18/1993/FUL - condition 18 to read "The pedestrian links, as indicated on drawing no. BRD/19/045/052 as Footpath 1 and Footpath 4, shall be constructed to a minimum width of 2 metres" | Land To The West Of High Lane Stansted**

Dear Chris,

Thank you for sending details of the above variation of condition application.

It is regrettable the applicant/developer cannot provide path '2' (onto High Lane) and path '3' (onto Cambridge Road), as this will in part reduce the accessibility of the site by means of active travel. It was previously noted by the Highway Authority that the private pathways were constrained in nature, and may not be accessible to all dependent upon the developer's design (i.e. due to the level difference).

Ultimately it is considered that the loss of the two paths does not preclude pedestrian access to and from the site, and therefore, from a highway and transportation perspective the Highway Authority has no adverse objections to the variation of condition no. 18 of planning permission UTT/18/1993/FUL, dated 30<sup>th</sup> May 2021.

In lieu of the loss of the paths, it may be suitable for local improvements to be undertaken by the developer.

The Highway Authority would seek all other highway related conditions to be applied to the planning permission UTT/21/2376/FUL, as per UTT/18/1993/FUL decision notice dated 30<sup>th</sup> May 2021.

Kind regards,

**Sophie Currey | Strategic Development Officer**

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## APPENDIX 2- WARD MEMBER

15<sup>th</sup> March 2022

### PLANNING REPRESENTATION BY CLLR ALAN DEAN

#### MEMBER FOR STANSTED NORTH, UTTLESFORD DISTRICT COUNCIL

APPLICATION REFERENCE NUMBER: UTT/21/2376/FUL

LOCATION: King Charles' Drive, Stansted (previously known as Land to the West of High Lane, Stansted)

#### 1. Introduction:

1.1 My representation aims to show that this application and its forerunner, the approved application UTT/18/1993/FUL, have been mishandled by Uttlesford District Council and that the current application for the removal of pedestrian accesses 2 and 3 should be refused.

1.2 The applicant, Amherst Homes, should be invited to submit revised plans to implement the pedestrian accesses that should have been provided before the end of the year 2020 and before the occupation of any dwelling.

1.3 The houses became homes over one year ago, as far as I am aware, without intervention by the Council to require the developer to fulfil its legal obligations to provide two pedestrians accesses, numbered two (2) and three (3) under Planning Condition 18.

1.4 It is regrettable that the developer was allowed by UDC in 2020 to sell and allow occupation of the dwellings in contravention of the Council's own legally established Planning Condition 18. That failure should not be compounded simply by deleting the unfulfilled parts of the condition. The deletion is not justified.

1.5 The non-construction of Footpaths 2 & 3 would chiefly isolate people living in the site's affordable homes at the high-level part of the site belonging to CHP (Chelmsford Housing Partnership). It would be a betrayal of the rights of people who do not own their own homes, and live at the southern end of the estate, to shorter walking routes to local services in both Cambridge Road, Stansted and in Lower Street, Stansted, where the railway station is located.

1.6 I sincerely ask Planning Committee Members to be aware that the gradient of the road from the housing association homes is unusually steep and that it is dangerous for walkers in icy weather. The footpaths provided on site are only about 30 cm wide and are quite inadequate for parents with pushchairs. The road surface – which has to be used by pedestrians – is extremely smooth and, therefore, dangerous to traverse in icy weather. I have received a resident's complaint that they have slipped and fallen as a consequence. See Fig. 1.

1.7 Request: That the Planning Committee refuses the application to delete Footpaths 2 and 3 from Planning Condition 18 and invites the developer to come forward with designs to achieve the original access expectations.



*Figure 1: The steep incline of King Charles' Drive looking towards the affordable homes and showing the sub-standard width of the footway.*



*Figure 2: The Cambridge Road verge requiring much TLC before FP3 is installed.*



**2. A short but relevant history:** When the original application for what became King Charles' Drive was approved in late 2018, there was debate about pedestrian access, especially about accesses 2 & 3. Please see this representation by Stansted Mountfitchet Parish Council and the Council's formal response ("Consideration") in the planning officer's report for the Planning Committee's meeting on November 21<sup>st</sup>, 2018:

Parish Council Comments	Officers' Consideration
The step access on the eastern side from the development to High Lane should be avoided if possible. This could be achieved by re-routing it through the eastern side of the self-build plot and out onto the access road to the church	<p>A level access route is provided through the site for those with mobility issues. The stepped access is therefore an additional access rather than the only access. The removal of the steps would necessitate the removal of significant lengths of the boundary hedgerow or involve significant land take within the site to such a point that it would nullify the benefit of any permission. A ramped access would also be a significant feature on the landscape and conflict with the Neighbourhood Plan aspirations of retaining the rural setting of this entrance to the village.</p> <p>The land levels are such that re-routing the path in the location suggested would not overcome the issues identified above.</p> <p>Furthermore, as the stepped access is a secondary access it is unnecessary to insist on an alternative solution. As stated, there is a foot path along this part of the highway and it is agreed it could be improved, however this is a functioning footpath that many people are using daily and therefore it would be unreasonable for the applicant to improve this, and also it is not a necessary factor in the context of the proposed development.</p>

2.1 The above makes clear that in 2018, the planning officers' professional advice was that the conditioned access onto the pavement in High Lane at the southern end of the development was acceptable and preferable to a longer pathway through land that has since become part of the property of one of the directors of the applicant at the time, Bloor Homes.



2.2 It was recognised in 2018 that not all residents and visitors would be able to use the said accesses and that those who use wheelchairs or have other impediments would need to use the pedestrian and vehicular access at the north-eastern corner of the site to gain access to the High Lane pavement.

2.3 In 2018, I made representations at the Planning Committee that the pavement besides the subject site and beyond to the south should be upgraded by the developer. That was also a request put forward by Essex County Council Highways. Both ECC and I were rebuffed at the time by UDC planning officers who said that Bloor Homes was a reputable developer and that it would be unreasonable to require them to make safe for residents of the development the pedestrian access route to the Cambridge Road shops, cafes and businesses.

2.4 That pedestrian route remains in poor condition. Where there is a tarmac cover it is rough and uneven. A section of the route not visited and seen by the Planning Committee on 14<sup>th</sup> March 2022 was covered with a thick layer of mud on that day.

2.5 In my opinion, it is unacceptable for Uttlesford District Council to be responsible in the early 21<sup>st</sup> Century for the delivery of what can best be described as an urban carbuncle without 21<sup>st</sup> Century pedestrian accesses to the urban centres of Stansted Mountfitchet; or in any part of urban Uttlesford district.

### **3. The current application to revise Condition 18 to expunge pedestrian Footpaths 2 & 3.**

There are two weaknesses in the case put forward by the Council's planning officers in their support of the developers (now Amherst Homes and not Bloor Homes, who sold on the site and permission, having blocked a potential, gradual gradient pedestrian footpath to High Lane at the entrance to St. Theresa's Church by the grounds of a mansion built since 2018 for one of their directors). These weaknesses are:

#### **3.1 The change in council officers' stance for people with disabilities:**

3.2 Section 10, Paragraphs 10.1 - 10.3 of the officers' reports address Inequalities. The report seems to imply that the provision of Footpaths 2 & 3 would introduce unacceptable inequalities; for instance, but not spelled out, the unsuitability of these accesses for use by some people with health inequalities. If that is the reason for these imprecise paragraphs, the text is deceptive and is starkly in contradiction of the planning officers' position in 2018 as set out above in Part 1 and Paragraphs 2.1 and 2.2 above.

3.3 Paragraph 4.2 of the officers' report at its fourth bullet says: "As the footpaths will need to be constructed with concrete steps, most of the community will be unable to use the footpath. The elderly, disabled, parents with pushchairs, etc. will be unable to use these steps". **This assertion does not hold water and so is not credible.** It contradicts the extract from the 2018 original planning application report at paragraph 2, 2.1 and 2.2 above and so undermines the credibility of the current recommendation to remove the Footpaths 2 and 3.

3.4 I refer Members to the committee's report at paragraph 9 onwards: CONSIDERATION AND ASSESSMENT. At para. 9.5 is written: "Footpaths 2 and 3 do not meet the design specification set out in the manual for streets (2007) where the longitudinal gradients should not exceed 5% (1:20 fall) and as such the proposal is likely to compromise public safety." So why was it given planning permission in 2018/19?

**3.5 This argument is not credible.** The gradient of the final, most southerly section of the access road, King Charles' Drive, is between 25% and 50%. It has extremely narrow footways, well beyond the claimed limitation for the as yet to be provided access Footpaths 2 & 3. Despite that, the road and pavement contain no steps. It has no handrail. On the basis of our officers' argument above, **most of the drive's development would have to be condemned and demolished.**

3.6 Paragraph 9.9 says: "From access and movement perspective footpath (sic) to be removed from the scheme are situated to the rear of the site and provide an isolated route (sic) in and out of the site". This is untrue. Both Footpaths 2 & 3 are needed to provide the most direct routes towards the main urban centres of Stansted Mountfitchet.

### **3.7 Officer's and applicant's attitude to breaching the highway verge of trees and shrubs.**

3.8 Paragraph 9.10 refers to Footpaths 2 & 3 being surrounded by vegetation and describes the absence of street lights and the potential creation of tunnel-like enclosures. The verges in both High Lane and Cambridge Road are in a poor state of care and maintenance. The pedestrian route to the High Lane pavement is relatively unobscured by trees and can be improved with a little tender love and care (aka TLC). The state of the vegetation in the verge east of Cambridge Road is in a seriously degraded condition. There are dead sections. There are twisted trunks and exposed roots. There are poor quality trees that are leaning at about 45 degrees towards the busy highway B1383 and posing a safety risk to pedestrians and motorists. Much maintenance work and replanting are needed to create an attractive and healthy entrance to Stansted Mountfitchet from the north. Under no circumstances should the verge be left in its present condition and be abandoned by the developer, Amherst Homes.

3.9 Therefore, there is every opportunity to incorporate the Cambridge Road Footpath 3 into a scheme of necessary tree and shrubbery maintenance that should include new planting.

3.10 Paragraph 9.11 refers to an "urban effect to the existing rural appearance of the highway verge. This is considered out of place and not compatible with the rural appearance of the site...". The paragraph refers to policies "which safeguard the rural appearance of the site".

3.11 This argument in support of NOT providing safe and shorter pedestrian accesses to the urban centre is delusional. The King Charles' Drive is no longer a rural site. It is an urban site that should not be left like an unwanted carbuncle on the northern periphery of Stansted Mountfitchet without proper pedestrian connections to the community's shops, businesses, places of workshop, eating places, etc. etc. in order to save the developer money by absolving him of not being required to finish the job as agreed in 2018 and by the planning permission issued after May 2019 through Condition 18.

3.12 Paragraphs 9.15, 9.17, 9.18 and 11.2 contain similarly out-of-date passions about a rural setting that no longer exists. One can now only argue that the setting was destroyed by the granting of the associated planning permission in 2018/19. Instead, I believe that the Planning Committee should argue that the transformation should be completed wholeheartedly at this specific location and not left in some halfway-house state that will satisfy few apart from the developer, who will save money.



*Figure 3: The way out from King Charles' drive to High Lane for FP2.*



*Figure 4: The verge in High Lane to allow a route for FP2.*



#### **4. A further pedestrians' issue**

4.1 Paragraph 1.2.17 of the officers' report identifies the requirement for an access from High Lane "to include but not limited to: minimum 5.5 metre carriageway width..., two metre footways, pedestrian crossing points...." etc.

4.2 I am unable to verify whether the development has a 5.5m carriageway, but it certainly does not have 2-metre-wide footways. Those provided measure about 0.3m wide. Other requirements of this paragraph in the officers' report need to be evaluated. How does the developer propose to achieve a corrected width of 2m for Footpath 1 throughout the site?

**5. The Planning Committee is sincerely and with strong evidence urged to refuse the application to delete Footpaths 2 and 3 from Planning Condition 18.**

**The committee may wish to invite the developer to come forward with designs and actions to achieve the original access expectations established in 2018 and 2019.**

**Report and representation compiled by:**

**Cllr Alan Dean  
Member for Stansted North  
Uttlesford District Council  
15<sup>th</sup> March 2022**

## WARD MEMBER 12/03/2022

Dear Jeanette,

Thanks for calling on Thursday early evening. It was such a relief to find someone to speak to who listened. I am writing this follow-up at 04:00 Saturday. Here below are ten bullets of my thoughts on the process surrounding Agenda Item 15 for next week's Planning Committee. I will submit a full supplementary representation by Monday.

1. I have never in the past 35 years experienced such difficulty engaging with UDC planning officers than over this application. Our conversation yesterday was in marked contrast with the rest of my experience over the past three years-plus.
2. I was disturbed at the end of 2018 that planning officers seemed to consider Bloor to be a special applicant to the extent that they should be relieved of delivering a safe pavement in Cambridge Road at the request of Essex Highways/County Council planners. It was as though the 35-home development were viewed as a carbuncle bolted on the northern tip of Stansted and that, therefore, it did not really require a safe pedestrian access for residents to nearby local services. (The same attitude was taken over Bloor's earlier development at Walpole Meadows, over which I complained about the poor condition of the Cambridge Road pavement and was told by a senior officer that pedestrians could instead walk via High Lane, Lower Street and Chapel Hill to reach Cambridge Road services.
3. So, what happened? A gravel pathway now links Cambridge Road with High Lane to facilitate this circuitous "mountain route" to Cambridge Road shops and other services!
4. It seemed that Bloor Homes and now Amherst Homes have a privileged status and a specialist status in the provision of urban carbuncles in this part of Essex.
5. Cllr Sell and I met Nigel Brown at King Charles' Drive on February 11th. Verbal sympathy with the subject issue of missing pedestrian accesses was shown by Nigel. We received no subsequent feedback. I tried in vain to contact Nigel at the end of last week and the beginning of this week during my difficult attempts to compile a written representation to go in the officers' report to committee for next week's meeting.
6. At the beginning of this week Chris Tyler, the case officers for the current "expunging of pedestrian accesses" application, and for the original application, telephoned me. Mr Tyler did not wish to enter into much detailed discussion about my concerns for pedestrians. He suggested that I submit a supplementary representation once I had seen his committee report that would be published this week. He said that the planning committee Members may disagree with his recommendation to eliminate the pedestrian accesses - that HAD NOT BEEN

PROVIDED, despite a legal Condition that they should have been in place over 15 months ago!

7. You will recollect that I told you yesterday that Mr Tyler's report of autumn 2018 and his latest report argued contrary cases over whether the missing access routes need not cater for all people, especially people with disabilities, when there were alternative (albeit longer) routes - **the 2018 logic**; or whether all accesses must be of equal design and accessibility and should not be provided if any one of them would have limitations - **the 2022 logic**.
8. I was left with the feeling that Mr Tyler may not support the conclusions within the report in his name regarding the non-construction of the missing pedestrian accesses, but that he may have been instructed to recommend that conclusion.
9. I have every intention of publishing in my written representation my exceptional dissatisfactions with this application, its conditions as set out above, and the surrounding process, together with much more criticism about the poor state of the built environment and the surrounding landscape and trees.
10. In my opinion, item 15 should be removed from next week's agenda for further careful and corrective thought.

Kind Regards, Alan

Cllr Alan Dean  
Member for Stansted North  
Uttlesford District Council