



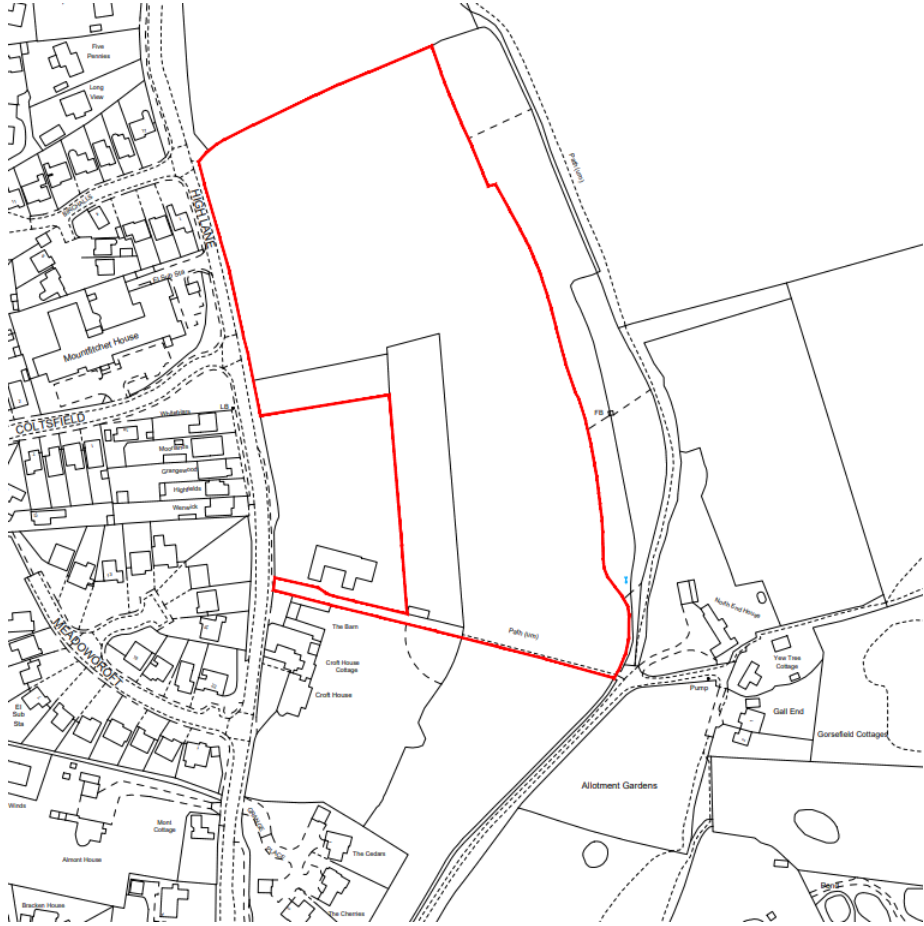
**ITEM NUMBER:** 6

**PLANNING COMMITTEE DATE:** 5 July 2023

**REFERENCE NUMBER:** UTT/22/0457/OP

**LOCATION:** Land To the East Of High Lane, Stansted.

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: June 2023**

**PROPOSAL:** Outline application with all matters reserved except for access for up to 30 no. dwellings, parking, landscaping, access, and all associated development.

**APPLICANT:** Pembridge Land Group Limited / Mr & Mrs Brierley

**AGENT:** Andrew Martin - Planning Ltd

**EXPIRY DATE:** 19 May 2022

**EOT Expiry Date:** 26 June 2023

**CASE OFFICER:** Mr Lindsay Trevillian

**NOTATION:** Outside Development Limits, Adjacent Listed Buildings, Adjacent Public Rights of Way (PROW), Close to Country Wildlife Site & Important Woodland, Tree Preservation Orders, Flood Zones 1, 2, & 3.

**REASON THIS APPLICATION IS ON THE AGENDA:** Major Application

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**1. EXECUTIVE SUMMARY**

**1.1** Outline planning permission is sought by the applicant (Pembridge Land Group Limited / Mr & Mrs Brierley) for the erection of up to 30 dwellings alongside associated works with all matters reserved apart from Access at the site known as 'Land to The East of High Lane, Stansted Mountfitchet'.

**1.2** The application site lies outside the defined settlement boundary limits and is thereby located within the countryside. Thereby the proposals are contrary to Policies S7 of the Adopted Local Plan. However, as the proposals cannot be tested against a fully up-to-date Development Plan, and the Council is currently unable to demonstrate a 5YHLS, paragraph 11 of the NPPF is engaged. As such, a detailed "Planning Balance" has been undertaken of the proposals against all relevant considerations.

**1.3** The development would provide social and economic benefits in terms of the construction of the dwellings and the investment into the local economy. The proposals would provide a modest boost to the Councils

housing supply including a policy compliant level of affordable housing (40%). Furthermore, weight has been given in respect to the biodiversity net gain, and the provision of public open spaces and play areas. Thus, taken together, significant weight to the benefits of the development have been considered.

1.4 Turning to the adverse impacts of development, the negative environmental effect of the development would be limited and localised landscape character and visual effects on the character and appearance of the countryside arising from the new built form. This would have limited to modest negative environmental effects.

1.5 Therefore, and taken together, weight to the adverse impacts have been considered in respect of development and the conflict with development plan policies. The benefits of granting planning permission would not be significantly and demonstrably outweighed by the identified adverse impacts of development.

## 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) Completion of a s106 Obligation Agreement in accordance with the Heads of Terms as set out
- B) Conditions

### **And**

If the freehold owner shall fail to enter into such an agreement, the Director of Planning shall be authorised to **REFUSE** permission following the expiration of a 6 month period from the date of Planning Committee.

## 3. **SITE LOCATION AND DESCRIPTION:**

3.1 The area of land subject to this outline planning application relates to the land known as 'Land to the East of High Lane, Stansted'. The extent of the application site is as shown by the land edged in red on the site location plan submitted in support of this application.

3.2 The site is located on the south-eastern side of High Lane and situated to the north-eastern edge of Stansted Mountfitchet village. The topography of the site slopes from north to south and across the site from west to east to the and is approximately 3.4 hectares in size.

3.3 There is no established built form contained on the site and it primary consists of a wooded plantation area. The original woodland was

planted in 1996 under a forestry commission Woodland Grant Scheme. The purpose of the scheme was to plant for commercial timber production purposes that allowed felling and replanting/restocking. The agreement became part of a Farm Woodland Premium Scheme and leased to a local farmer for 15 years up until 2011. Centrally within the site there are large oak trees which are covered by Tree Preservation Orders.

- 3.4** A Public Right of Way PROW 45\_19 extends along the southern boundary of the site from High Lane and continues to the east into the open countryside whereby it joins three other Public Rights of Way including PROW 45\_17 which extends along the eastern boundary of the site in a north south direction.
- 3.5** The site wraps around two existing residential properties known as 'Silva Place' which contains 5 self-contained flats and a detached dwelling house identified as 'The Stables' in which both front onto High Lane. To the south and beyond the PROW 45\_19, are further residential properties known as The Barn, Croft House Cottage, Croft House and three new detached houses at Grange Place which were recently granted planning permission under application ref: UTT/20/0746/FUL.
- 3.6** Further residential properties are located to the south east of the site in which two are Grade Two Listed. These are 'North End House' and 'Yew Tree Cottage'.
- 3.7** Directly to the east of the site and extending the length of the site is a small watercourse that flows into Stansted Brook. A narrow floodplain runs adjacent to the site here and is located within Flood Zone 3, however, the entirety of the Application Site is located within Flood Zone 1. Further beyond to the north and east are large expansive open fields used as arable land. To the west and on the opposite side of High Lane lies the main built form of the village containing residential dwelling varying in size, scale, and appearance.

#### **4. PROPOSAL**

- 4.1** This planning application is submitted in outline with matters relating to Scale, Layout, Appearance, and Landscaping reserved. The applicant is seeking approval in principle for Access and to develop the site for up to 30 dwellings be granted consent. This will leave the approval of the Scale, Layout, Appearance, and Landscaping to be decided later when further applications (the reserved matters) will be submitted to the Council if this outline permission is granted.
- 4.2** Although this application seeks outline planning permission, the application is accompanied by indicative parameter plans, which given an indication of how such a quantum of development could be achieved on the site including in respect of layout.

4.3 The applicant has suggested that the proposals would be made of mix of housing types, forms, and styles. As part of the proposals, 12 of 30 dwellings will be affordable housing which amounts to 40% of the total amount of housing proposed.

4.4 The final mix of both market and affordable units will be subject to discussions with the Council prior to submission of reserved matters should outline planning permission be granted, however, the indicative housing mix and tenure is set out per below:

Bedrooms	Affordable	Market	Total
2-bed Apartment	3	0	3
2-Bed House	3	0	3
3-Bed House	5	7	12
4-Bed House	1	2	3
5-Bed House	0	9	9
Total	12 (40%)	18 (60%)	30 (100%)

4.5 The height of residential development will generally be 2 storeys, with some 2½ storey dwellings indicated. The houses would be a mixture of detached, semi-detached and terrace houses along with a single apartment building.

4.6 The proposals will include a new vehicle access which will provide the main ingress point for both vehicles and pedestrians. The access will be positioned along the eastern side of High Lane to the northern part of the site. High Lane is a relatively busy road serving several residential estate roads on the west. From the access, it is proposed that a primary spine road would meander through the site with private cul-de-sacs leading off it.

5. **ENVIRONMENTAL IMPACT ASSESSMENT**

5.1 The proposal falls within 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regs). However, the proposal is for a relatively modest residential-led development. There would be localised effects on the site and surrounding area, but these would not likely result in significant effects on the environment, either alone or cumulatively with other development. Therefore, an Environmental Impact Assessment was not required as part of this reserve matters application.

6. **RELEVANT SITE HISTORY**

6.1 Application Site:

6.1.2 A search of Councils records indicates that there is no relevant recorded planning history for the application site.

## **6.2**      Surrounding sites:

**6.2.1**      Planning permission was granted consent under application ref: UTT/20/0746/FUL on the site known as Land Rear of Croft House, High Lane, Stansted for - Construction of 3 no. dwellings and associated garages. Creation of new access road. Erection of garage, and walled garden for host dwelling (approved August 2020). This site abuts the application site to the south.

**6.2.2**      Planning permission was granted consent under application ref: UTT/18/1993/FUL on the site known as Land to the West of High Lane Stansted for - 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 May 2019). This site is located approximately 150m to the north of the application site.

## **7.**      **PRE-APPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

**7.1**      Paragraph 39 of the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties and that good quality pre-application discussions enable better coordination between public and private resources, and improved results for the community. The Applicant has entered into a Planning Performance Agreement (PPA) with the Council.

**7.2**      A request from the applicant was made to the Council on 14th May 2020 to provide pre-application advice based on a 25-dwelling scheme on the site. A response was provided by the Council on 17<sup>th</sup> July 2020 which concluded that the proposals would likely not be supported unless it can be demonstrated otherwise when a full application is submitted to the Council that appropriate justification or mitigation can be agreed to address the identified harm.

**7.3**      No information has been submitted to show that the applicant has undertaken any public consultation exercise prior to the submission of this application.

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

### **8.1**      **ECC Highway Authority – No Objection**

**8.1.1**      The Highway Authority have confirmed in their formal response that from a highway and transportation perspective the impact of the proposal is acceptable subject to imposing conditions to ensure the development complies with required highway standards and to preserve highway safety.

## **8.2 ECC Local Flood Authority – No Objection**

**8.2.1** 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 subject to imposing conditions to minimise the chances of flood risk and providing appropriate surface water drainage facilities. These conditions are attached to the list of conditions outline in Section 17 of this report.

## **8.3 ECC Minerals and Waste – No Objection**

**8.3.1** 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 Essex sand and gravel Mineral Safeguarding Area is below the minimum Minerals Local Plan 2014: Policy S8 threshold of 5ha

## **9. PARISH COUNCIL COUNCIL COMMENTS**

**9.1** Stansted Mountfitchet Parish Council objects to the application for the following reasons:

- Highways – Risk to pedestrian safety as there is no provision of a footway or a formal crossing point.
- Biodiversity – Loss of established woodland leading to a loss of biodiversity.

## **10. CONSULTEE RESPONSES**

### **10.1 UDC Housing Enabling Officer – No Objection**

**10.1.1** UDC housing officers has confirmed that the provision of 40% affordable housing is required and that it is Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). The Council's Housing Strategy 2021-26 also aims for 5% of all units to be bungalows delivered as 1- and 2-bedroom units. This would amount to 2 bungalows across the whole site in which one should be 1 bed-room M4(3) building.

### **10.2 UDC Environmental Health – No Objection**

**10.2.1** No objection subject to imposing appropriately worded planning conditions if permission is approved in respect to contamination, air quality, noise, external lighting, and construction.

### **10.3 UDC Landscape Officer/Arborist – No Objection**

**10.3.1** The proposal site is covered by relatively young woodland planting. The woodland is for the greater part in poor health with stunted tree



growth and low vigour. There is evidence of extensive browsing damage. The structure of the wood is weak with limited understory development. It is considered unlikely that the woodland planting will successfully develop into a well-structured high canopy woodland.

**10.3.2** There are two mature oak trees of amenity value within the site which are the subjects of a tree preservation order (TPO No.1/76), and these are shown to be retained in the illustrative layout.

**10.3.3** The proposed development site is well contained within the wider landscape. The visual impact of the development would therefore be localised.

**10.3.4** Any approval should be subject to conditions including the submission for approval of a scheme of landscaping, including detailed planting proposals, existing trees, and hedgerows to be retained, and tree and hedge protection measures.

#### **10.4 Place Services (Conservation and Heritage) – No Objection**

**10.4.1** The officer acknowledges that there are several heritage assets close to the application site being three listed buildings. However, due to their isolation, separation distance between them and the proposed housing, along with the provision of natural screening and a green buffer within the site, it was concluded that no harm to the heritage assets would occur.

#### **10.5.3 Place Service (Archaeological) – No Objection**

**10.5.4** The Historic Environment Advisor of Essex County Council confirmed that records show that the site is located to the north of the schedule monument of Stansted Motte and Bailey Castle and potentially in an area likely to be used for industrial works associated to the Motte and Castel and connections to workhouse and gallows. Furthermore, to the east of the proposed development lies Alsa Wood cropmarks of rectilinear enclosures and World War 2 features have been identified within the vicinity of the site.

**10.5.5** It is thereby recommended that a recognised team of professionals should undertake appropriate archaeological works to comprise of a programme of archaeological trial trenching prior to works commencing on the site and that conditions should be imposed on the decision notice if permission is granted consent.

#### **10.6 Place Services (Ecology) – No Objection**

**10.6.1** The ecologist confirmed that they have reviewed all supporting documentation as submitted and that they have no objection subject to securing biodiversity mitigation and enhancement measures by way of imposing conditions of permission is approved.

## **10.7 Crime Prevention Officer – No objection**

**10.7.1** 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.

**10.7.2** 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.

**10.7.3** As this application is for outline consent, the details of the final design in respect to layout have not been finalised and thereby this would be assessed as part of any future reserve matters applications.

## **10.8 London Stanstead Airport – No Objection**

**10.8.1** The Safeguarding Authority for Stansted Airport (STN) has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no aerodrome safeguarding objections to the proposal subject to conditions imposed on the consent in respect to mitigation measures to be taken to prevent birds being attracted to the site, prevention of light spillage and no reflective materials to be used in the construction.

## **10.9 Affinity Water – No Objection**

### **10.9.1** Waste Quality

**10.9.2** The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. If any pollution is found at the site, then the appropriate monitoring and remediation methods will need to be undertaken.

**10.9.3** Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.

### **10.9.4** Water Efficiency

**10.9.5** Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as

rainwater harvesting, and grey water recycling help the environment by reducing pressure for abstractions. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning, and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking and will help in our efforts to get emissions down in the borough.

#### **10.9.6**      Infrastructure Connections

**10.9.7**      There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the applicant/developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures.

#### **10.10**      **Thames Water – No Objection**

##### **10.10.1**      Foul Water:

**10.10.2**      With the information provided, Thames Water has been unable to determine the Foul water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for FOUL WATER drainage but have been unable to do so in the time available and as such, Thames Water request that the following condition be added to any planning permission.

**10.10.3**      "No development shall be occupied until confirmation has been provided that either: - 1. Foul water Capacity exists off site to serve the development, or 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or 3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed".

##### **10.10.4**      Surface Water:

**10.10.5**      With regard to SURFACE WATER drainage, Thames Water would advise that if the developer followed the sequential approach to the disposal of surface water we would have no objection.

#### **10.11**      **Cadent Gas – No Objection**

**10.11.1**      Confirmed that they no objection to this proposal from a planning perspective, however advised that to prevent damage to their assets or interference with our rights, an informative be placed on the decision if the proposals are granted consent.

## 11. REPRESENTATIONS

11.1 The application was publicised by sending letters to adjoining and adjacent occupiers, displaying a site notice and advertising it within the local newspaper. Letter of representation were received in which the main concerns are summarised as per below.

### 11.3 **Object**

- 11.3.1
- **Infrastructure** – The proposals will result in strain to existing services that are already overstretched such as doctors, police, and schools.
  - The development will add pressure on the approach to the railway station.
  - Stansted's infrastructure simply cannot cope with any more houses or vehicles.
  - **Biodiversity** – Swifts have declined in the last 20 years and integrated swift bricks into the scheme would be really valuable conservation tool that should be used in new housing.
  - Local flora, fauna and wildlife would be hugely impacted.
  - **Woodland** – A large area of woodland would be lost which is not environmentally friendly and result in destruction to wildlife that live there.
  - Trees are good to prevent flooding and their removal will increase the chances of flood risk.
  - **Transport & Highways** – High Lane is a busy highway and a new access would increase the risk of accidents.
  - Additional vehicles and movements would result in further traffic congestion on surrounding highways and safety to pedestrians.
  - Traffic calming measures on High Lane should be given a high priority.
  - High Lane is a convenient short cut for the Airport and M11. Additional housing to the east of High Lane would exacerbate the existing problems of road safety, congestion, and pollution.
  - The proposal does not take account of pedestrian safety.
  - **Light Pollution** – Further development of this site will add to light pollution in the area.
  - **Flooding** – The proposals would increase the risk of flooding off site.
  - The culvert at the bottom of Gall End already floods. As rainfall increase in line with climate change, so does the potential for this culvert to become blocked as water levels upstream increase.
  - Gall End Lane has suffered flooding for years and without the intervention of a group of local volunteers, its impact would be more severe.
  - Lower Street through Station Road and Water Lane has suffered serious flooding in recent years with significant damage to homes and businesses.

- **Character** – The village is losing its character as a result of new developments and is in danger of turning into a small town.
- Currently the location provides a clear demarcation between Stansted and the rural environment to the north and east. To remove this recognition of the boundaries of the settlement is to change the character of Stansted as a small community to an area which represents opportunities for urban sprawl.
- This development is about cramming as many houses as possible on the outer edge of the village.
- The loss of hedgerows along High Lane alter the character of the environment. This also reduces habitat for nesting birds and other mammals.
- **Heritage** – The proposals would impact upon several nearby heritage assets.
- **Countryside** - There are several footpaths around the site at a variety of elevations which are enjoyed by residents for recreational use. This development would have an adverse impact upon the character and openness of the countryside when view these footpaths and when seen from afar.
- The site is within the countryside, and it would have a substantial adverse landscape and visual impact.
- Building here would set a precedent for the area to build on unsuitable plots and goes beyond the natural boundary of Stansted opening the countryside for further development.
- **Amenity** – The proposals during construction would result in noise and disturbance.
- **Secure by Design** – The layout of the proposals would not comply with Secure by Design guidance.

#### **11.4 Comment**

**11.4.1** The above concerns have been fully assessed in detail within the main assessment of this report.

### **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** Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation Area.

## **12.4 The Development Plan**

**12.4.1** Uttlesford District Local Plan (adopted 2005)  
Essex Minerals Local Plan (adopted July 2014)  
Great Dunmow Neighbourhood Plan (made December 2016)  
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)  
Thaxted Neighbourhood Plan (made February 2019)  
Felsted Neighbourhood Plan (made Feb 2020)  
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)  
Stebbing Neighbourhood Plan (made 19 July 2022)  
Saffron Walden Neighbourhood Plan (made October 2022)  
Ashdon Neighbourhood Plan  
Little and Great Chesterfield Neighbourhood Plan (made February 2023)

## **13. POLICY**

**13.1** National Policies

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

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

S7 – The Countryside  
GEN1 – Access  
GEN2 – Design  
GEN3 – Flood Protection  
GEN4 – Good Neighbourliness  
GEN5 – Light Pollution  
GEN6 – Infrastructure Provision  
GEN7 – Nature Conservation  
GEN8 – Vehicle Parking Standards

ENV2 – Development Affecting Listed Buildings  
ENV3 – Open Spaces and Trees  
ENV4 – Ancient Monuments and Sites of Archaeological Interest  
ENV7 – Protection of the Natural Environment  
ENV8 – Other Landscape Elements of Importance  
ENV10 – Noise Sensitive Developments  
ENV11 – Noise Generators  
ENV12 – Groundwater Protection  
ENV14 – Contaminated Land  
H9 – Affordable Housing  
H10 – Housing Mix

**13.3 Supplementary Planning Document or Guidance**

**13.4** Uttlesford Local Residential Parking Standards (2013)  
Essex County Council Parking Standards (2009)  
Supplementary Planning Document- Accessible homes and play space  
homes Essex Design Guide  
Uttlesford Interim Climate Change Policy (2021)

**14. CONSIDERATIONS AND ASSESSMENT**

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

- 14.2**
- A) Principle of Development
  - B) Suitability and Location
  - C) Countryside Impact
  - D) Character and Design
  - E) Heritage
  - F) Housing Mix and Tenure
  - G) Neighbouring Amenity
  - H) Parking and Access
  - I) Landscaping, Open Space
  - J) Nature Conservation
  - K) Contamination
  - L) Flooding
  - M) Planning Obligations
  - N) Other Issues

**14.3 A) Principle of Development**

**14.3.1** The application site is located outside the development limits of Stansted Mountfitchet within open countryside and is therefore located within the Countryside where policy S7 applies.

**14.3.2** This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. 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. A review of policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas. It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, as a consequence the proposal is contrary to that policy.

**14.3.3** The proposal cannot be tested against a fully up-to-date Development Plan, and the Council are currently unable to demonstrate a 5YHLS. In either scenario or both, in this case, paragraph 11 is fully engaged along with the "tilted balance" in favour of the proposals.

**14.3.4** Paragraph 11 requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.

**14.3.5** The "Planning Balance" is undertaken further below, but before doing so we have undertaken a wider assessment of the proposal against all relevant considerations to determine if there are impacts, before moving to consider if these impacts are adverse and would 'significantly and demonstrably' outweigh the benefits of the proposal in the planning balance.

#### **14.4 B) Suitability and Location**

**14.4.1** The Applicant submits that the proposals would represent a sustainable form of development.

**14.4.2** Although outside the settlement boundaries of the village of Stansted Mountfitchet, the new built form would be constructed adjacent to the settlement edge of the village with residential development located to the south and west, and therefore to an extent, the proposals provide a logical relationship with the existing village.

**14.4.3** Stansted Mountfitchet is identified within the Local Plan settlement hierarchy as being an "Key Urban Area" in acknowledgement of its wide variety of local amenities and facilities, being an attractive place to live, work and for recreation. Services include a retail and commercial premises, cultural and religious buildings, restaurants and public houses, education and health facilities, employment opportunities and recreation and playing fields. It is acknowledged that local bus services run through the town with several bus stops in the vicinity of the site to meet the needs of future residents.

**14.4.4** The option a public transport options linking the site to the village centre and to other larger nearby towns and rail networks, including cycling and walking helps to reduce the need to travel by private motor vehicle in recognition of sustainable transport options. It is thereby



concluded that the site is situated within an accessible and sustainable location, close to local amenities and facilities including local transport (bus & rail) links.

**14.4.5** As such, it is regarded that the application site would not be significantly divorced or isolated and that it would be capable of accommodating the development proposed in that it could be planned in a comprehensive and inclusive manner in relation to the wider area of Stansted Mountfitchet

**14.4.6** This is a case to which paragraph 78 of the NPPF applies. The purpose of paragraph 78 is to support new development in rural areas, in recognition of the benefits it can bring to rural communities. New homes create additional population, and rural populations support rural services through spending (helping to sustain economic activity) and through participation (in clubs and societies for example). There is no reason to suppose that the additional occupants of the properties on the application site would not use local facilities and participate in village life in the same way that other residents do.

**14.4.7** Therefore, the development will contribute to sustainable development by providing exactly the sort of social and economic benefits to the local community that paragraph 78 envisages. Through the additional population and activity generated, the application scheme contributes to the social and economic objectives of sustainable development.

**14.4.8** In addition to the local beneficial impact, because the application scheme would provide additional residential homes in a context where the Council is in short housing supply, and because it is widely accepted that construction activity contributes to the economy, the application scheme also contributes, in its own way, to wider social and economic sustainability objectives. These are additional material considerations that weigh in favour of the application scheme.

**14.4.9** This is also a case to which paragraphs 103 and 108 of the NPPF apply. When one takes account of the semi-rural context, the application site is in a relatively sustainable location because it offers options for accessing local facilities by non-car modes (particularly walking & cycling). Where car trips are required (which is common for rural areas), local facilities mean this can be short trips. In the context of development in the rural areas, the application scheme will also contribute to the environmental 'limb' of sustainability.

**14.4.10** For all the above reasons, it is submitted that the application scheme accords with national policy relating to support for rural communities as set out in the NPPF and contributes to sustainable development.

## **14.5 C) Countryside Impact**

**14.5.1** A core principle of the NPPF is to recognise the intrinsic and beauty of

the countryside. Paragraph 174 of the Framework further states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

- 14.5.2** Landscape Character is defined as 'a distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse'. The landscape character is that which makes an area unique.
- 14.5.3** Landscape character assessment is not a tool designed to resist all change within the landscape, rather, it recognises that landscapes are continually evolving. Understanding of character will aid decision-making in the planning sphere and can be used to ensure that any change or development does not undermine whatever is valued or characteristic in a particular landscape. It is linked to the idea of a sustainable environment in which our social and economic needs, and natural resources, are recognised.
- 14.5.4** Although not formally adopted as part of the Local Plan or forms a Supplementary Planning Document, the Council as part of the preparation of the previous local plan prepared a character assessment which provides the detailed 'profiles' of Landscape Character Areas within Uttlesford District, known as 'Landscape Characters of Uttlesford Council'.
- 14.5.5** The application site lies within the character area known as 'Stort River Valley'. The assessment notes that the 'Stort River Valley' possesses a varied character area that changes from a relatively peaceful and rural character in the north, progressing to a busier and more urban character around Stansted Mountfitchet to the south. This area is characterised as being a valley with gently sloping sides dominated by arable farmland, with a small to medium scale field pattern defined by hedgerows, tree belts and in places, woodland blocks, and continuous views down the valley from higher ground.
- 14.5.6** The assessment describes that the key characteristics that are sensitive to change are the landscape elements within that include hedgerows, tree belts, woodland blocks and copses that frame several views across and out of the area. Potential new development, which may result in the loss of these features, would change the visual character and nature of views within and to the area. Within the valley floor, small linear fields of arable farmland, fringed by wet pasture and unimproved wet grassland are also sensitive to changes in land management. The slopes of the valley are visually sensitive with long panoramic views across and along the floodplain. Views to the valley sides from adjacent Landscape Character Areas are also sensitive. Overall, this character area has relatively high sensitivity to change.
- 14.5.7** Overall, the site is representative of the local landscape character and characteristics as identified in the Uttlesford Landscape Character

Assessment. The landscape fabric of the site can be described as a medium parcel of land and is currently an area of woodland of varying age. Most trees are young in nature and of varying condition. However, there are some individual trees of maturity across the site, including veteran oaks, and the boundaries of the site are generally well vegetated. The site gradually slopes down from 80m AOD at the western boundary adjacent to High Lane down to 75m AOD at the eastern boundary. There is an extensive network of public foot paths and bridleways beyond the site boundaries.

- 14.5.8** It is acknowledged that the proposal introducing up to 30 dwellings alongside associated infrastructure will bring permanent change to the land use, visual aspects, and character of the site change.
- 14.5.9** Development of the site will inevitably lead to a change in land use from woodland to residential dwellings. The site and the visual envelope of the development will be visible from several short and long visual receptors from users of local roads including along High Lane, users of Public Rights of Way (PRoW), and nearby residential properties.
- 14.5.10** Although it is acknowledged that the proposals will result in a significant number of young trees being removed from the site to make way for the development, the proposals will in part help to conserve and seek to protect and enhance where possible positive features that are essential in contributing to local distinctiveness and sense of place through effective planning and positive land management measures. The proposals will also help to improve the integrity of the landscape, and reinforce its character, by introducing new and/or enhanced elements where distinctive features or characteristics are absent.
- 14.5.11** The proposals will allow for the retention of mature wooded boundaries, woodland to the north eastern corner, veteran trees to the centre of the site and a group of trees to the southern section, along with further individual trees dotted throughout. The application sites boundaries will, therefore, provide modest containment and concealment of the application site and help reduce the prominence of any built form outside its immediate boundaries.
- 14.5.12** The proposed indicative layout presents generally a loose knit and spacious layout with significant areas of soft landscaping interspersed and on the perimeter of the site. This will help to maintain a green collar that presents visual relief to the development and filters views into the application site public vantage points. The relatively modest density of the site similar the adjoining new and existing residential development within the locality, and the allowance for visual separation and wide spread public open space areas is such that the proposed development would be of a modest addition in respect to its prominence in the local area and the effect on the local landscape.

- 14.5.13** The development envelope of the built form would nestle into a largely contained and framed site next to existing housing to the south and opposite High Lane and the established existing and new vegetation on the boundaries would help limited/reduce the visual influence beyond the site itself and its immediate setting.
- 14.5.14** Over time the strategic green infrastructure forming part of the proposals will mature and help to enhance the existing woodland setting. This will further screen and soften views of the development. In the long-term the development is likely to be screened in the majority, with some rooflines visible within the woodland setting, from wider longer distance views and thereby reducing its visual impact.
- 14.5.15** In outlying views from the countryside from the north and east and from public footpath towards the site, the development would form part of the backdrop of the existing buildings and the settlement of Stansted Mountfitchet resulting in only a modest level of visual effect.
- 14.5.16** The design, scale, layout, and landscape of the proposed development considers the character of the woodland setting and the surrounding landscape. It is considered that the most significant level of effect is from the north and east of the site, which is considered to be low to medium.
- 14.5.17** The development proposal would have a modest visual influence on the surroundings and that the appearance of the settlement in its semi-rural landscape context would not be notably altered or harmed. The new built form would be partly screened and contained within the established structure and fabric of the site when seen from outlying countryside locations. The development would not result in a significant prominent or discordant effect and would appear as an unobtrusive addition to the settlement set behind the established boundary treatments and adjacent to existing properties. On balance, the site is assessed to be well contained within the wider landscape and visual effects are localised and are considered to be harmonious with the existing edge of Stansted Mountfitchet.

## **14.6 D) Character and Design**

- 14.6.1** In terms of design policy, good design is central to the objectives of both National and Local planning policies. The NPPF requires policies to plan positively for the achievement of high quality and inclusive design for the wider area and development schemes. Section 12 of the NPPF highlights that the Government attaches great importance to the design of the built development, adding at Paragraph 124 'The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve'. These criteria are reflected in policy GEN2 of the adopted Local Plan.
- 14.6.2** This is an outline application where appearance, layout, scale, and

landscaping are reserved matters. The application includes several indicative plans that indicate the key aspects of the design and layout such as access, position of housing, open space and landscape features. The density of the site would be approximately 10.4 dwellings per hectare if all 30 dwellings are to be constructed.

- 14.6.3** Whilst the layout of the development is a matter reserved for consideration later, the Council has to be satisfied that the site is capable as accommodating the number of dwellings proposed along with suitable space for policy compliant level of car parking, garden and open space areas and SuD's etc. It is concluded that the proposals would likely be able to accommodate the required standards, however, this would be addressed when the reserve matters applications are submitted if outline consent is granted.
- 14.6.4** The challenge for designers is to design new characterful buildings which reconcile the requirements of a modern lifestyle with the need for integration into their context. Successful and appropriate new development often has simple proportions and details, based on those of their traditional rural equivalent.
- 14.6.5** The concept plan seeks to achieve a small scale arcadian scheme of high-quality design to tie in with its rural setting and there is no reason to suggest that this cannot be appropriately designed to reflect this.
- 14.6.6** It is worth noting that unpretentious new designs which are sensitively integrated with their landscape setting often have steeper symmetrically pitched roofs and strong simple roof shapes together with a simple long narrow plan form with minimally articulated facades are typical of most semi-rural locations.
- 14.6.7** Comments are acknowledged from the Crime Prevention Officer at Essex County Council. Although layout is reserved, the current indicative plan indicates a lot of private gardens backing onto public open space areas. The final layout would need to be improved as part of any future reserve matters application to consider secure by design measures, particular in respect to defensible methods and natural surveillance. Further improvements should be given boundary treatments and those adjacent to public spaces and private garden areas should be to the rear of dwellings and not to the side.
- 14.6.8** The applicant submits that the design of the dwellings would reflect the local vernacular in terms of style, form, size, height, and materials and that these will be set out across three different character areas. They would be traditional in design to reflect the patterns and characteristics of the surrounding area and the street scene. There is no reason to suggest the design of the buildings would not be appropriately designed, however the final design, layout of the proposals would need to be assessed at reserve matter stage.

## **14.7 E) Heritage**

**14.7.1** Policy ENV 2 (Development affecting Listed Buildings) seeks to protect the historical significance, preserve, and enhance the setting of heritage assets. The guidance contained within Section 16 of the NPPF, 'Conserving and enhancing the historic environment', relates to the historic environment, and developments which may have an effect upon it.

**14.7.2** The application site lies within the setting of several heritage assets including:

- The Grade II listed, North End House (list entry number: 1221496),
- Yew Tree Cottage, also Grade II listed (list entry number: 1221497) and
- Pump 15 metres west of Yew Tree Cottage, Grade II listed (list entry number: 1275111).

**14.7.3** The Conservation Officer confirmed within their formal consultation response that due to their isolation, separation distance between the listed buildings them and the proposed housing, along with the provision of natural screening and a green buffer within the site, it was concluded that no harm to the heritage assets would occur.

**14.7.4** It is thereby concluded that proposals would comply with Policy ENV2 of the adopted Local Plan and the NPPF.

## **14.8 F) Housing Mix and Tenure**

**14.8.1** In accordance with Policy H9 of the Local Plan, the Council has adopted a housing strategy which sets out Council's approach to housing provisions. The Council commissioned a Strategic Housing Market Assessment (SHMA) which identified the need for affordable housing market type and tenure across the District. Section 5 of the Framework requires that developments deliver a wide choice of high-quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive, and mixed communities.

**14.8.2** 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 properties.

**14.8.3** To meet housing need the 40% affordable housing policy requirement must incorporate 70% affordable housing for rent, provided as either social or affordable rented housing. The remaining 30% required to meet demand for affordable shared home ownership. The First Homes Requirement (25%) can be accounted for within the 30% affordable home ownership element of the contribution. As such, the following

affordable housing contribution will be considered policy compliant:

- 70% of the affordable units will be required as affordable housing for rent.
- 25% of the affordable units on new residential developments will be required as First Homes.
- 5% of the affordable units on new residential developments will be required as Shared Ownership Housing.

**14.8.4** The application is proposing that 12 of the 30 properties are affordable which equates to 40% and thereby policy compliant. However, the Council require that 70% of the affordable provision is for affordable rent which would equate to 8 of the 12 affordable new homes upon this proposed development. The remaining 4 affordable homes will need to be made up of First Home and Shared Ownership Housing. No clarification has been provided from the applicant in respect of their intended affordable tenure mix for the proposed development at this stage.

**14.8.5** Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2 and 3 bedroom market dwellings. However, since the policy was adopted, the Council in joint partnership with Braintree District Council have issued the 'Housing for New Communities in Uttlesford and Braintree (ARK Consultancy, June 2020)'.

**14.8.6** The study recommends appropriate housing options and delivery approaches for the district. It identifies that the market housing need for 1 bed units is 11%, 2-bed units 50%, 3-bed units 35.6% and 4 or more bed units being 3.4%. Although the applicant has expressed that there would be mixture of dwellings as outline in the indicative accommodation schedule, as this is an outline application with layout reserved, the accommodation mix would be assessed at reserved matter stage if permission were to be consented for this outline application. It is advised that the applicant refers to the above accommodate needs and seeks guidance prior to the submission of any reserve matters from housing officers.

**14.8.7** 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). This would also be assessed as part of any future reserve matters if consent is given for this outline application.

## **14.9 G) Neighbouring Amenity**

**14.9.1** The NPPF requires a good standard of amenity for existing and future occupiers of land and buildings. Policies GEN2 and GEN4 of the Adopted Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

**14.9.2** The application is seeking outline permission and layout is a matter for reserve consideration at a later date and therefore it is not possible to fully assess the impact it would have on the amenity of neighbouring occupiers.

**14.9.3** However, the site is well distanced from neighbouring properties adjacent and adjoining site and could be designed appropriately such that it is not anticipated that the proposed development would give rise to any unacceptable impact on the amenities enjoyed of these neighbouring properties of future occupiers.

## **14.10 H) Parking and Access**

**14.10.1** Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must compromise road safety and take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than a vehicle.

**14.10.2** Access forms part of merits of this application and is not reserved. The site will be accessed off High Lane via a new priority junction which will serve as the main ingress point to enter and leave the site for vehicles and pedestrians.

**14.10.3** This is an outline application and therefore the internal road layout and further details will also be provided as part of the Reserved Matters. The applicant states that it is the intention that the internal layout will be designed in accordance with ECC's relevant standards.

**14.10.4** Further highway works include the construction of two uncontrolled footway crossing points with tactile paving and dropped kerbs along High Lane.

**14.10.5** The application was consulted to the lead local highway authority who confirmed that they have reviewed all the supporting documentation including the submitted Transport Assessment and undertaken a site inspection.

**14.10.6** The Highway Authority confirmed that they have considered all aspects in relation to highways including, access and safety; capacity; the opportunities for sustainable transport; and mitigation measures. The highway authority concluded that they were satisfied that with the proposed mitigation and the residual impact on the highway network will not be sever.

**14.10.7** From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to mitigation and conditions. The highway mitigation focusses on promoting sustainable transport with a travel plan supported by several new



connections for walking and cycling and pedestrian crossings.

- 14.10.8** Policy GEN8 of the Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning guidance 'Vehicle Parking Standards'.
- 14.10.9** The adopted Council Parking Standards recommended for at least 1 vehicle space for each 1-bedroom unit and at least 2 vehicle spaces for dwellings consisting of two or three bedroom dwellings and three spaces for a four or more bedroom dwelling house along with additional visitor parking. In addition, each dwelling should be provided with at least 1 secure cycle covered space.
- 14.10.10** As the final mix of housing has not been refined to date, the number of required vehicle spaces cannot be fully assessed at this time, however, the applicant should be advised of the above requirements. Notwithstanding this, it is regarded that the proposals and the site itself would be able to provide sufficient off-street parking in accordance with the standards to meet the needs of future residents.
- 14.10.11** The applicant states that the proposals will include the provision of Electric Vehicle charging infrastructure for each residential unit.
- 14.10.12** The proposals comply with Policies GEN1 and GEN8 of the Adopted Local Plan and the NPPF.

#### **14.11 I) Landscaping, Open Space**

##### Landscaping:

- 14.11.1** All larger developments should be designed around a landscape structure. The landscape structure should encompass the public open space system but should also provide visual contrast to the built environment and constitute a legible network based, where appropriate, on existing trees and hedgerows. The layout and design of the development, including landscaping, should seek to reflect the rural vernacular of the locality. Native species should be provided for structural planting and linked to existing vegetation to be retained.
- 14.11.2** In good landscape design, both soft landscaping and hard landscaping are essential elements, and both need consideration. The principal aims of a good quality landscape plan are to secure a coordinated and high standard of landscape management for the landscape areas within the site, to ensure the successful integration of the residential development with the surrounding landscape and to protect and enhance nature conservation interests in accordance with the design objectives.
- 14.11.3** Although detailed landscaping matters do not form part of this outline

planning application, an indicative Landscape Strategy has been provided which demonstrates the proposed soft landscaping scheme on the Application Site.

- 14.11.4** The applicant stipulates that the landscape strategy and the strategic vision for the site would involve a spatial arrangement envisaged for to provide a high-quality woodland landscape setting with a strong green infrastructure framework to the proposed dwellings. This would involve retaining as much as possible mature wooded boundaries, key landmark trees, and veteran oaks, as well as areas of woodland, to provide the framework for the development along with well space dwellings in an arcadian layout.
- 14.11.5** Arboriculture:
- 14.11.6** Policy ENV3 of the Adopted Local Plan stipulates that amongst other aspects that the loss of groups of trees and fine individual tree specimens through development proposals will not be permitted unless the need for the development outweighs their amenity value.
- 14.11.7** A woodland was planted on the site following the agreement between the then landowner and the Woodland Trust in 1995 with the intention that after 25 years that the woodland would be felled and sold for timber. It was agreed that following the felling of the trees that the land would revert back to its original agricultural use.
- 14.11.8** As such, there is an agreement in place for the woodland to be removed.
- 14.11.9** Nevertheless, A Tree Survey & Constraints Plan was undertaken by Hayden's Arboricultural Consultants in November 2020, with the report identifying 35 individual trees, four groups of trees, thirteen areas of trees, three hedges and one woodland on the site. These were found to be of mixed condition and age providing a variety of amenity benefits.
- 14.11.10** More recently, Hayden's Arboricultural Consultants were commissioned to undertake an Arboriculturist Feasibility Study which was submitted in support of the application proposals. The Arboriculturist Study found that:
- 14.11.11** *"the site mainly comprises young, though established, dense and unmanaged woodland. The species diversity is relatively low, with large parts of the site comprising poor quality ash. Due to the relatively young age and density of the woodland, it is currently of poor structural diversity, consisting mostly tall and slender trees with only localised areas of understory"*
- 14.11.12** Much of the woodland is either in the semi-mature or early mature stages. The largest portion of this is dominated by ash, particularly the

southern half, where there are also extensive infections consistent with die-back disease.

- 14.11.13** The exact number of the number of trees to be removed from the site is unknow but it is estimated that several hundred could be removed to make way for the development.
- 14.11.14** The applicant stipulates that the proposed scheme of 30 dwellings has been devised so that any development retains the better-quality trees on the periphery of the site for landscape planning and visual amenity purposes, together with the best quality trees within the main part of the site including the two oak trees that are subject to a TPO.
- 14.11.15** The applicant also notes that due to scale of the woodland, its poor quality, the presence of ash die back disease, and the limited ecological interest within the site, it is considered that the felling of the poorer quality trees will not have a significant effect on the environment.
- 14.11.16** It is acknowledged that the proposals would result in a significant number of trees being removed, however these trees are of a poor quality and there is an agreement in place that the woodland is to be removed and for the site to return back to its former self.
- 14.11.17** The Council's Landscape Officer confirmed that they have reviewed all documentation and indorsed the applicants' comments in that site is covered by relatively young woodland planting which is for the greater part in poor health with stunted tree growth and low vigour. The officer also confirmed that there is evidence of extensive browsing damage and that the structure of the wood is weak with limited understory development. It was concluded unlikely that the woodland planting will successfully develop into a well-structured high canopy woodland.
- 14.11.18** There are two mature oak trees of amenity value within the site which are the subjects of a tree preservation order (TPO No.1/76), and these are shown to be retained in the illustrative layout. These will be protected during the construction and operational phases of the development.
- 14.11.19** The proposed development conforms with the requirements set out in Policy ENV3 of the Uttlesford Local Plan (2005) and paragraph 103 of the NPPF.
- 14.11.20** Open Space:
- 14.11.21** In promoting healthy communities, access to high quality open spaces can make an important contribution to health and wellbeing. Open space also plays an important role in meeting the challenge of climate change and flooding through integrating Sustainable urban Drainage Systems (SuDS) and providing opportunities for conserving and

enhancing the natural environment.

**14.11.22** Open space areas should be suitably located and have appropriate proportions to their use and setting. Narrow or peripheral areas, which are difficult to access or maintain will not be considered appropriate. Open space provisions should form an integral part of the design and layout and meet the need generated by the development.

**14.11.23** The concept for this scheme is very much landscape led, the existing landscaping forms the base plan, and the development lies in and around the open space. The size of public open space has not been defined; however, the indicative landscape concept plan indicates areas of pocket parks throughout the site creating focal landscape an open space features. The use and size of the open space including children's play provision will be fully assessed as part of any future reserve matters application and should be guided by the 'Fields of Trust' guidance.

## **14.12 J) Nature Conservation**

**14.12.1** Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.

**14.12.2** The application site itself is not subject of any statutory nature conservation designation being largely used as a woodland.

**14.12.3** The proposed development intends to enhance and diversify the ecology and biodiversity on site with widespread planting and landscaping. This will create new habitats for local wildlife. Extensive species rich planting to the site will ensure the scheme is landscaped and will help to create a net biodiversity gain from the development.

**14.12.4** Place Services ecologist have reviewed the supporting documentation submitted in support of the proposals in detail and have assessed the likely impacts on protected and priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

**14.12.5** Place Services ecologist also confirm that the mitigation measures identified in the Environmental Statement should be secured and implemented in full. They also stipulated that they support the proposed reasonable biodiversity enhancements which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework. Net gain and mitigation measures would be secured by way of imposing conditions on the decision if permission were to be approved.

## **14.13 K) Contamination**

**14.13.1** Although the Council has no reason to believe the proposed site is contaminated and is not aware of any potentially contaminative past use on the site in question. It is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site in accordance with Policy ENV14 of the adopted Local Plan. The application was consulted to Council's Environmental Health Officer who suggested whilst we have no evidence that the proposed site land is contaminated, as a minimum a precautionary land contamination condition is recommended requesting that an investigation and risk assessment shall then be undertaken prior to works commencing on site.

## **14.14 L) Flooding**

**14.14.1** The NPPF states that inappropriate development in areas of high risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

**14.14.2** Based on the Environment Agency's Flood map for planning, the site is located in Flood Zone 1. To the east of the site along the Ugley Brook are areas of Flood Zone 2 & 3.

**14.14.3** New major development for housing need to include a flood risk assessment as part of their planning application, to ensure that the required form of agreed flood protection takes place. Additionally, all major developments are required to include sustainable drainage to ensure that the risk of flooding is not increased to those outside of the development and that the new development is future proofed to allow for increased instances of flooding expected to result from climate change.

**14.14.4** In respect to flooding and drainage, the application is supported by a Flood Risk Assessment. This concludes that the proposed development incorporates a sustainable drainage system including a large attenuation pond to the south of the site. In order to prevent flooding, both on and off-site attenuation and controlled discharged will be utilised to control surface water flows. These features will be designed to store the volume of water associated with a 1 in 100 year rainfall event, plus an additional allowance to account for increase rainfall due to climate change. Should it not be possible to rely solely on infiltration to drain the site, surface water runoff would drain to the Ugley Brook at no more than the existing variable greenfield runoff rates.

**14.14.5** Essex County Council who are the lead local flooding authority who stipulate that having reviewed the Flood Risk Assessment and the

associated documents which accompanied the planning application, that they do not object to the granting of planning permission subject to imposing appropriately worded conditions on the decision.

**14.14.6** The proposals, for this reason is thereby comply with to Policy GEN3 of the adopted Local Plan and the NPPF.

## **14.15 M) Planning Obligations**

**14.15.1** Paragraph 56 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levey (CIL) Regulations. The following identifies those matter that the Council would seek to secure through a planning obligation, if it were proposing to grant it permission.

- 14.15.2**
- Open Space: the provision of an appropriate amount of open space, which provides a significant area of open space for recreation for all age ranges and play areas. The open space will be subject to an appropriate management regime. Play facilities: the provision of play equipment which will be subject to an appropriate management regime.
  - Affordable Housing: 40% affordable housing (split across the affordable rent, intermediate tenures and first homes)
  - Payment of the council's reasonable legal costs.
  - Payment of monitoring fee.

## **14.16 N) Other Issues**

### Energy and Sustainability

**14.6.1** Council's supplementary planning document 'Uttlesford Interim Climate Change Policy (2021)' seeks new development proposals to demonstrate the optimum use of energy conservation and incorporate energy conservation and efficiency measure. The applicant has provided a Sustainability Statement which outlines potential technologies and strategies to achieve and met the targets in the SPD.

**14.16.2** The applicant has not provided any information as to the potential methods and techniques that may be incorporated into the final design and layout of the proposals and how these will help deliver a development that would reduce fuel use and greenhouse gas emissions, minimise energy use and input of raw materials and incorporates principles of energy conservation in relation to the design, siting, and orientation of the buildings.

**14.16.3** Nevertheless, it is suggested that a condition be imposed if outline

permission is approved that measure of renewable energy/climate control and water efficiency measures associated with the development shall be submitted to and approved to ensure that the development meets the set targets contained in the Uttlesford Interim Climate Change Policy (2021).

## **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** As a consequence of the housing supply and delivery positions, NPPF paragraph 11(d) is triggered as the policies most important for determining the proposal are out of date. NPPF paragraph 11(d)(i) is not relevant as there are no policies in the NPPF that protect areas or assets of particular importance which provide a clear reason for refusing the development. Instead, NPPF paragraph 11(d)(ii) states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

- 16.2**      Benefits of the development:
- 16.3**      The development would result the delivery of up to 30 dwellings. The shortfall in housing land supply although is not substantial being 4.89 is below the required level and has been for some time. The number of dwellings proposed would make a modest but meaningful contribution to boosting the supply of housing locally.
- 16.4**      The development would provide up to 12 affordable housing units based on a 40% requirement Policy H9 and the terms of the S106. While this level of provision is a policy requirement, significant weight can be afforded to the delivery of affordable housing.
- 16.5**      The development would secure investment and employment at the construction phase, to benefit local people and businesses. An increase in demand for council services from occupants of the development might offset any benefits from increased council tax receipts, but there would also be more expenditure in local services and facilities from new residents. Therefore, the economic benefits of the development carry moderate weight.
- 16.6**      The forecast level of biodiversity net gain would be greater than any current development plan or legal target and would result in ecological enhancements. The provision of public open space and play facilities would benefit the wider community as well as new residents and in the case of public open space could go beyond the Council's minimum requirements based on the illustrative masterplans. These benefits can be afforded moderate weight. Improvements to on-site drainage represent a benefit although are largely designed in response to the proposed development rather than explicitly addressing an existing issue.
- 16.7**      Adverse impacts of the development:
- 16.8**      Turning to the adverse impacts of development, the negative environmental effect of the development would be limited and localised landscape character and visual effects on the character and appearance of the countryside arising from the built form. This would have limited to modest negative environmental effects.
- 16.9**      Neutral Factors:
- 16.10**     All other factors relating to the proposed development have been carefully considered and are capable of being satisfactorily mitigated, such that they weigh neutrally within the planning balance. These factors include biodiversity, highways, noise, air quality, ground conditions and arboriculture.
- 16.11**     Summary:



**16.12** Therefore, and taken together, weight to the adverse impacts have been considered in respect of development and the conflict with development plan policies. The benefits of granting planning permission would significantly and demonstrably outweigh the identified adverse impacts of development. In the circumstances, the proposal would represent sustainable development in accordance with the NPPF.

**16.13** Overall, the proposals are in conformity with relevant local and national planning policies and the scheme results in a positive and sustainable form of development that is of planning merit.

**16.14** It is therefore recommended that the application be approved subject to the suggested conditions and section 106 agreement as per below.

## **17. S106 / CONDITIONS**

- 17.1**
- Provision of 40% affordable housing
  - Provision and long-term on-going maintenance of public open space (including play areas)
  - Monitoring cost
  - Council's reasonable costs

### **17.2 Conditions**

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

REASON: In accordance with Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**2** Application for approval of the Reserved Matters must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**3** The development hereby permitted must be begun no later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4** The development shall be carried out in accordance with the following approved plans: Site Location Plan Dwg Ref: 21-3140-001 and the Revised Access and Visibility Plan Dwg Ref: 2106460-002 B unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the development reflects and maintains the character of the surrounding locality and the street scene in accordance with Policies S7, GEN1 GEN2 of the Adopted Local Plan and the National Planning Policy Framework.

- 5** The location of the built development shall be carried out in general accordance with the Revised Existing and Proposed Site Plan Dwg Ref: 10176-D-AIA, and Revised Block Plan Dwg Ref: 21-3140-002 C, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the development reflects and maintains the character of the surrounding locality and the street scene in accordance with Policies S7, GEN1 GEN2 of the Adopted Local Plan and the National Planning Policy Framework.

- 6** No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- a) Verification of the suitability of infiltration of surface water for the development.
- b) This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- c) Limiting discharge rates to 2.5l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated if site is not viable for infiltration.
- d) Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- e) Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- f) Final modelling and calculations for all areas of the drainage system. The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.

- g) Detailed engineering drawings of each component of the drainage scheme.
- h) A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- i) An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

REASON: To ensure an adequate level of surface water and drainage scheme is provided to minimise the risk of on and off-site flooding in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

- 7** No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

REASON: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

- 8** Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with policy GEN3 of the Adopted Local Plan and the NPPF. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 9** The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

**10** Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

- a) The construction programme and phasing
- b) Hours of operation, delivery and storage of plant and materials used in constructing the development
- c) Details of any highway works necessary to enable construction to take place
- d) The parking of vehicles of site operatives and visitors,
- e) Details of hoarding
- f) Management of traffic to reduce congestion
- g) Control of dust and dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light, and odour.
- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.
- l) Wheel and underbody washing facilities.
- m) Routing strategy for construction vehicles

All works shall be carried out in accordance with the approved CEMP thereafter.

The approved CEMP 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: In the interests of highway safety and the control of environmental impacts on existing residential properties in accordance with Policies GEN1, ENV10 of the Adopted Local Plan and the NPPF.

**11** No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites – Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard or Model Procedure if replaced), and shall assess any contamination on the site, whether or not it originates

on the site. The assessment shall include:

- a) A survey of the extent, scale and nature of contamination;
- b) The potential risk to: Human health, Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems; and archaeological sites and ancient monuments.

REASON: To protect human health and to ensure that no future in accordance with the Policy ENV14 of the Adopted Local Plan and the NPPF.

- 12** No development shall take place in locations where (following the risk assessment) land affected by contamination is found, which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s); the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that on completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out (and upon completion a verification by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the Local Planning Authority) before the development (or relevant phase of development) is occupied.

REASON: To protect human health and to ensure that no future in accordance with the Policy ENV14 of the Adopted Local Plan and the NPPF.

- 13** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecology Appraisal (EECOS, March 2020), Bat Activity Survey (EECOS, August 2020), and Updated Ecological Walkover Survey (James Blake Associates, July 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 14** Prior to commencement of the works hereby approved, a construction environmental management plan (CEMP: Biodiversity) shall be

submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) 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.

The approved CEMP 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) and in accordance with Policy GEN7 of the Adopted Local Plan.

- 15** Prior to commencement of the works hereby approved, a Biodiversity Net Gain Design Stage Report, shall be submitted to and approved in writing by the local planning authority, using the DEFRA Biodiversity Metric 3.1 or any successor.

The content of the Biodiversity Net Gain report should include the following:

- a) Baseline data collection and assessment of current conditions on site
- b) A commitment to measures in line with the mitigation hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity
- c) Provision of the full BNG calculations, with plans for pre and post development and detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity, and ecological functionality
- d) Details of the implementation measures and management of proposals
- e) Details of any off-site provision to be secured by a legal agreement
- f) Details of the monitoring and auditing measures.

The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

REASON: In order to demonstrate measurable biodiversity net gains and allow the LPA to discharge its duties under the NPPF (2021) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 16** Prior to commencement of the works hereby approved, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 17** Prior to commencement of the works hereby approved, A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement or occupation of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.

- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 18** Details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. The exterior lighting is to be capped at the horizontal with no upward lightspill. Only the details thereby approved shall be implemented.

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) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 19** No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for;

- the parking of vehicles of site operatives and visitors,
- loading and unloading of plant and materials,
- storage of plant and materials used in constructing the development,
- wheel and underbody washing facilities.
- routing strategy for construction vehicles



- before and after condition survey to identify defects to highway, or roads to be adopted as highways, in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 20** Prior to occupation of any dwelling, the provision of an access formed at right angles to High Lane, to include but not limited to: minimum 5.5 metre carriageway width with appropriate radii to accommodate the swept path of all vehicles regularly accessing the site, two 2 metres footways, pedestrian crossing points and clear to ground visibility splays with dimensions of 2.4 metres by 70 metres as measured from and along the nearside edge of the carriageway, as shown in principle on DWG no. 2106460-002 Rev. B. Such vehicular visibility splays shall be 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 vehicles using the road junction and those in the existing public highway the interest of highway safety and in accordance with Policy GEN1 of the Adopted Local Plan and the NPPF.

- 21** Prior to occupation of any dwelling, a scheme of highway works to be implemented to include but not limited to;

- a) Provision of a 2 metre footway from the site access extending to the south along of High Lane to tie into the existing footway near 'Silva Place', as shown in principle on DWG no. 2106460-002 Rev. B.
- b) Provision of two pedestrian crossing points of High Lane to the north and south of the proposed site access, with appropriate tactile paving (as necessary) and associated pedestrian visibility splays, as shown in principle on DWG no.2106460-002 Rev. B.
- c) Footpath connection from public footpath no. 19 (Stansted Mountfitchet) into development site.
- d) Improvements to public footpath no. 19 (Stansted Mountfitchet) shall be undertaken (from High Lane to development site access, as per iii), to provide an upgraded surface suitable for all weathers to ensure functional use as a route to High Lane.

The highway scheme, to be approved by the local planning authority in consultation with the highway authority, shall be implemented prior to first occupation.

REASON: In the interests of highway safety and accessibility and in

accordance with Policy GEN1 of the Adopted Local Plan and the NPPF.

- 22** Any proposed boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

REASON: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy GEN1 of the Adopted Local Plan and the NPPF.

- 23** No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period and shall provide for the following all clear of the highway:

- a) Safe access into the site;
- b) Vehicle routing;
- c) The parking of vehicles of site operatives and visitors;
- d) Loading and unloading of plant and materials;
- e) Storage of plant and materials used in constructing the development;
- f) Wheel and underbody washing facilities.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and in accordance with Policy GEN1 of the Adopted Local Plan and the NPPF.

- 24** Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport and in accordance with Policy GEN1 of the Adopted Local Plan and the NPPF.

- 25** 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 in accordance with Policy GEN1 of the Adopted Local Plan and the NPPF.

- 26** No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been

submitted by the applicant and approved in writing by the Local Planning Authority. The approved works shall thereafter be carried out in accordance with the approved scheme.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 27** No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in condition 25 and confirmed by the Local Planning Authority

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 28** The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 29** Prior to the construction of the development hereby approved, a Bird Hazard Management Plan shall be submitted and approved by the Local Planning Authority. The Plan should include details of landscaping, especially open /public spaces and SuDS, and measures in how birdstrike avoidance is undertaken during both the construction period and in perpetuity.

REASON: Flight safety - to prevent distraction or confusion to pilots using STN in accordance with the NPPF

- 30** No reflective materials to be used in the construction of the new buildings and no solar photovoltaics to be used on site without first consulting with the aerodrome safeguarding authority for STN. An aviation perspective Glint & Glare assessment may be required.

REASON: Flight safety - to prevent ocular hazard and distraction to pilots using STN in accordance with the NPPF.

- 31** Prior to commencement of the development hereby approved, measure of renewable energy/climate control and water efficiency measures associated with the development shall be submitted to and approved in writing by the local planning authority. Thereafter, all approved

measures shall be implemented prior to the occupation of the development and thereafter retained unless otherwise agreed in writing by the local planning authority.

REASON: To ensure the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance to comply with the adopted Uttlesford Local Plan Policies ENV13 and GEN2, as well as Uttlesford District Council's Interim Climate Change Policy document (2021) and the Uttlesford Climate Change Strategy 2021-2030.

## **Appendix 1 – Statutory Consultee Responses**

### **ECC Highways**

Your Ref: UTT/22/0457/OP  
Our Ref: 52711  
Date: 14<sup>th</sup> February 2023



CC: (by email) *DM, SMO2, Chelmsford  
Cllr Ray Gooding*

Paul Crick  
Director for Highways  
and Transportation

To: Uttlesford District Council  
Assistant Director Planning & Building Control  
Council Offices  
London Road  
SAFFRON WALDEN CB11 4ER

County Hall  
Chelmsford  
Essex CM1 1QH

### Recommendation

Application No. UTT/22/0457/OP  
Applicant Pembridge Land Group Limited / Mr & Mrs Brierley  
Site Location Land To The East Of High Lane Stansted  
Proposal Outline application with all matters reserved except for access for up to 30 no. dwellings, parking, landscaping, access and all associated development

**All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.**

**From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to the following measures:**

1. Prior to occupation of any dwelling, the provision of an access formed at right angles to High Lane, to include but not limited to: minimum 5.5 metre carriageway width with appropriate radii to accommodate the swept path of all vehicles regularly accessing the site, two 2 metres footways, pedestrian crossing points and clear to ground visibility splays with dimensions of 2.4 metres by 70 metres as measured from and along the nearside edge of the carriageway, as shown in principle on DWG no. 2106460-002 Rev. B. Such vehicular visibility splays shall be 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 vehicles using the road junction and those in the existing public highway the interest of highway safety.
2. Prior to occupation of any dwelling, a scheme of highway works to be implemented, to include but not limited to;
  - i. Provision of a 2 metre footway from the site access extending to the south along of High Lane to tie into the existing footway near 'Silva Place', as shown in principle on DWG no. 2106460-002 Rev. B.

- ii. Provision of two pedestrian crossing points of High Lane to the north and south of the proposed site access, with appropriate tactile paving (as necessary) and associated pedestrian visibility splays, as shown in principle on DWG no. 2106460-002 Rev. B.
- iii. Footpath connection from public footpath no. 19 (Stansted Mountfitchet) into development site.
- iv. Improvements to public footpath no. 19 (Stansted Mountfitchet) shall be undertaken (from High Lane to development site access, as per iii), to provide an upgraded surface suitable for all weathers to ensure functional use as a route to High Lane.

The highway scheme, to be approved by the local planning authority in consultation with the highway authority, shall be implemented prior to first occupation.

**Reason:** In the interests of highway safety and accessibility.

3. Any proposed boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay. **Reason:** To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety
4. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period and shall provide for the following all clear of the highway:
  - i. Safe access into the site;
  - ii. Vehicle routing;
  - iii. The parking of vehicles of site operatives and visitors;
  - iv. Loading and unloading of plant and materials;
  - v. Storage of plant and materials used in constructing the development;
  - vi. Wheel and underbody washing facilities.**Reason:** To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.
5. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. **Reason:** In the interests of reducing the need to travel by car and promoting sustainable development and transport.
6. 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.

**The above conditions are required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.**

Informative:

- i. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The

applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.

- ii. There shall be no discharge of surface water onto the Highway.
- iii. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
- iv. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes technical check, safety audits, site inspection, commuted sums for maintenance and any potential claims under the Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required as security in case of default.
- v. Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- vi. Any signal equipment, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance.
- vii. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no. 19 (Stansted Mountfitchet) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

Note:

Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the [Essex Climate Action Commission](#) proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the [Essex Developers' Group Climate Charter \[2022\]](#) and to view the advice contained in the

## Flooding Authority

Essex County Council  
**Development and Flood Risk  
Environment and Climate Action,**  
C426 County Hall  
Chelmsford  
Essex CM1 1QH



Emma Barral  
Uttlesford District Council  
Planning Services

Date: 15 March 2022  
Our Ref: SUDS-005817  
Your Ref: UTT/22/0457/OP

Dear Ms Barral,

### **Consultation Response – UTT/22/0457/OP-Land To The East Of High Lane Stansted**

Thank you for your email received on 18 February 2022 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15<sup>th</sup> April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

#### **Lead Local Flood Authority position**

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 based on the following:

#### **Condition 1**

No works except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:



- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 2.5l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated if site is not viable for infiltration.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

#### **Reason**

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

#### **Condition 2**

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

The National Planning Policy Framework paragraph 167 and paragraph 174 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

### **Condition 3**

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

### **Reason**

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

### **Condition 4**

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

### **Reason**

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.  
<https://www.essex.gov.uk/protecting-environment>
- We would like to see the greater use of green SuDs features within the development.
- Please note that the NPPF now states that the aim of sequential testing is to steer new development areas with the lowest risk of flooding from any source

In the event that more information was supplied by the applicants then the County Council may be in a position to withdraw its objection to the proposal once it has considered the additional clarification/details that are required.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

### **Summary of Flood Risk Responsibilities for your Council**

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

### **INFORMATIVES:**

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a
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- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15<sup>th</sup> of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Yours sincerely,

**Alison Vaughan, Development and Flood Risk Officer**

Team: Green Infrastructure and Sustainable Drainage

Service: Climate Action and Mitigation

Essex County Council

Internet: [www.essex.gov.uk](http://www.essex.gov.uk)

Email: [suds@essex.gov.uk](mailto:suds@essex.gov.uk)

**Appendix 1 - Flood Risk responsibilities for your Council**

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

- Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements)

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions.

## ECC Minerals and Waste

**From:** [Emma Robinson - Planning Technician](#)  
**To:** [Planning](#)  
**Cc:** [Philip Dash - Principal Planning Officer](#)  
**Subject:** [External] FW: Planning Application Consultation - N UTT/22/0457/OP  
**Date:** 18 February 2022 13:41:39  
**Attachments:** [ufm22\\_CONS - Consultee Letter.pdf](#)

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Dear Planning team

Thank you for your email consulting the Mineral and Waste Planning Authority on the above application. 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 Essex sand and gravel Mineral Safeguarding Area is below the minimum Minerals Local Plan 2014: Policy S8 threshold of 5ha.

Many thanks

Emma

Emma Robinson  
Planning Technician  
Planning Service  
Essex County Council  
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[emma.robinson@essex.gov.uk](mailto:emma.robinson@essex.gov.uk)

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**From:** Minerals and Waste DM <[Development.Control@essex.gov.uk](mailto:Development.Control@essex.gov.uk)>

**Sent:** 18 February 2022 10:44

**To:** Emma Robinson - Planning Technician <[Emma.Robinson@essex.gov.uk](mailto:Emma.Robinson@essex.gov.uk)>

**Subject:** FW: Planning Application Consultation - N UTT/22/0457/OP

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**From:** [planning@uttlesford.gov.uk](mailto:planning@uttlesford.gov.uk) <[planning@uttlesford.gov.uk](mailto:planning@uttlesford.gov.uk)>

**Sent:** 18 February 2022 10:23

**To:** Minerals and Waste DM <[Development.Control@essex.gov.uk](mailto:Development.Control@essex.gov.uk)>

**Subject:** Planning Application Consultation - N UTT/22/0457/OP