

UTT/18/1993/FUL - (STANSTED)

(Major)

(Deferred on the 24th October 2018 to Review Proposed Pedestrian Crossing)

PROPOSAL: **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.**

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

APPLICANT: **Bloor Homes**

AGENT: **Pegasus Group**

EXPIRY DATE: **5th December 2018**

CASE OFFICER: **Chris Tyler**

1. NOTATION

- 1.1 Outside Development Limits, airport safeguarding, within 2km SSSI, Flood Zone 2 and 3.

2. DESCRIPTION OF SITE

- 2.1 The application site is separated into two parcels of land. The site is located off east and west of High Lane in the parish of Stansted Mountfitchet. The application site covers 1.55ha and is currently arable fields with no existing buildings. Access to the site is via a gap in the hedgerow off High Lane and the site most eastern corner. The larger site is bounded by High Lane to the east and the B1383 Cambridge Road to the west. To the south of the site is a Catholic Church. Also, included in the application site is a smaller triangle piece of land directly to the east of High Lane.
- 2.2 To the north of the site is a drainage ditch recently constructed during the construction of Walpole Farm on the neighbouring residential site. The south of the site slopes down towards the north of the site, also the western boundary along Cambridge Road slopes down to High Lane.

3. PROPOSAL

- 3.1 This full planning application is for the development of the site to provide 35 dwellings with associated garages, drainage, landscaping and parking. The proposal includes the introduction of a new pedestrian access points from Cambridge Road and High Lane, with the vehicular access taken from High Lane.
- 3.2 The layout plan demonstrates a mix of:
- 4 x 1 bed

20 x 2 bed
7 x 3 bed
4 x 4 bed

The mix includes a mix of bungalows, semi-detached and detached properties.

3.3 Forty percent (14 units) affordable housing is proposed and this includes:

4 x 1 bed
6 x 2 bed
4 x 3 bed

The affordable housing would be provided as a single bungalow and a mixture of two-storey dwellings.

3.4 All dwellings consist of private amenity space, consistent with the Essex Design Guide.

3.5 Road access is provided along High Lane, with further pedestrian accesses provided along High Lane and Cambridge Road.

3.6 As part of the application the site to the east of High Lane is allocated for drainage infrastructure and includes a Sustainable Urban Drainage System.

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 Town and Country Planning (Environmental Assessment):

The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

And

Human Rights Act considerations:

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

5. APPLICANT'S CASE

5.1 The application is supported with the following accompanying documents:

- Design and access statement
- Flood risk assessment
- Landscape and visual assessment
- Energy statement
- Planning statement
- Ecology appraisal
- Transport statement
- Noise assessment
- Arboriculture impact assessment

6. RELEVANT SITE HISTORY

6.1 There are no previous planning applications linked to this site. However, the neighbouring residential development to the west of Cambridge Road is a material

consideration.

UTT/13/1618/OP - Outline application for redevelopment of land to provide approximately 160 dwelling houses, up to 600 square metres of commercial (B1) floorspace, approximately 0.45ha reserved for educational uses, seven full size allotments, paddock and community woodland area with associated open space, landscaping, access, parking and drainage – Granted 1 April 2014

7. POLICIES

7.1 National Policies

7.2 National Planning Policy Framework (2018)

7.3 **Uttlesford Local Plan (2005)**

Policy S1 – Development limits for Main Urban Areas

Policy S7 - The Countryside

Policy GEN1 – Access

Policy GEN2 – Design

Policy GEN3 – Flood Protection

Policy GEN4 – Good Neighbourliness

Policy GEN6 - Infrastructure Provision to Support Development

Policy GEN7 - Nature Conservation

Policy GEN8 - Vehicle Parking Standards

Policy ENV1 – Design of Development within Conservation Areas

Policy ENV5 – Protection of Agricultural Land

Policy ENV11- Noise Generators

Policy ENV12 – Protection of Water Resources

Policy ENV15- Renewable Energy

Policy H9 - Affordable Housing

Policy H10 - Housing Mix

7.4 **Supplementary Planning Documents/Guidance**

SPD “Accessible Homes and Playspace”

Essex Design Guide

ECC Parking Standards: Design and Good Practice (2009)

UDC Residential Parking Standards (2013)

7.5 **Stansted Mountfitchet Community Plan (2011)**

The document identified that Stansted has enlarged over the years and states that any further attempts to significantly enlarge Stansted would be resisted.

8. PARISH COUNCIL COMMENTS

8.1 Stansted Parish Council (Dated 13th August 2013):

This detailed application has now been considered by the Council. Members were agreed that the principle of development on this site was agreed by the Parish Council and the Neighbourhood Development Plan group. However, the detail and layout of the application is inadequate and it cannot therefore be supported. After much discussion, members agreed to make the following points to be borne in mind if the plan is amended or if the planning committee is minded to grant permission

a) Off-site footpath links - ask that the developers be required to work with the landowner of the land to the east to create a new footpath alongside the Ugley Brook to join to the informal path running along the southern boundary of the Aubrey Buxton Nature Reserve

b) A zebra crossing should be installed on the B1383 Cambridge Road to enable safe pedestrian access between this site and the larger site to the west of the main road as that is where community facilities are provided. In addition, the footway from the junction with High Lane south to the junction with Five Acres needs to be widened (by removing the narrow grass strip) to complete the pedestrian links to Cambridge Road services.

c) The step access on the eastern side from the development to High Lane should be avoided if possible. This could be achieved by re-routing it through the eastern side of the self-build plot and out onto the access road to the church.

d) The amount of public open space is insufficient and it should be centrally located.

e) About 50% of the proposed dwellings have tandem parking which is not acceptable and visitor parking needs to be spread throughout the site. In order to achieve d) above and a proper parking layout, it may be necessary to reduce the number of dwellings on the site.

f) We would like to see the affordable housing element gifted to a CLT.

g) Seek absolute assurance from the Environment Agency that the proposals for the flood attenuation system will work given the change in ground levels along the length of High Lane. Who will maintain this area?

h) Query the number of Waste Collection Points and how realistic this system is.

i) The site as a whole is not future-proofed for the purposes of the residents and does not meet the concept of Lifetime Homes.

j) Grit/salt bins need to be provided for vehicular and pedestrian routes/steps.

k) Traffic calming measures to be provided for High Lane.

l) There are a number of community assets located at the northern end of the site, eg the village Knight Sign, a commemorative seat and tree. Seek a condition requiring the developers to relocate (at their own expense) these items to a more suitable location should the Parish Council consider this action to be necessary, and to replace any which may be damaged as a result of that process.

m) Seek relocation of the bus stops on the B1383 to more suitable locations.

n) Seek financial contribution of ten thousand pounds for access for all-weather paths to be created at the Aubrey Buxton Nature Reserve.

o) Seek donation to the new pavilion for the Stansted Hall and Elsenham Cricket Club.

p) Seek wheel-washing condition for all construction vehicles and regular road sweeping.

9.0 **CONSULTATIONS**

9.1 **UDC Environmental Health**

9.2 No Objections

9.3 A noise assessment and a geo-environmental assessment have been undertaken and have been submitted with the application. Both suggest that the site is suitable for residential development subject to some mitigation works. These are discussed in more detail below.

9.4 In terms of Air Quality, the site does not appear to be located in an AQMA and is not a large scale residential development. As such it would not be classed as a major development in terms of air quality impacts and no air quality assessment has been submitted for the application. Whilst it may not be appropriate to request an assessment or large scale air quality mitigation works, depending on local policy it may be reasonable to expect contributions to more sustainable travel through the provision of electric vehicle charging points etc.

9.5 Land Contamination:

A combined Phase I Desk Top Study & Phase II Intrusive Site Investigation have been undertaken by Harrison Geotechnical Engineering. This has identified two elevated samples for Arsenic on site which exceed the S4UL General Assessment Criteria for arsenic. No other evidence of elevated contamination levels or exceedances were identified for a range of organic and inorganic contaminants across the site.

9.6 The consultants have then sought to explain that the S4UL screening criteria are very conservative in their derivation, and that there is European Research from the Bioaccessibility Research Group of Europe (BARGE) which focusses on the bioaccessibility of certain contaminants, including arsenic, that suggests higher screening levels would be more appropriate when considering human risk assessment. Although this is an unusual approach, it should also be noted that there are naturally occurring levels of arsenic commonly found in soils that can exceed the S4UL screening values. It is therefore not considered that the elevated concentrations found in the two samples should be seen as a barrier to development, subject to appropriate remediation of the localised hotspots identified on site.

9.7 The geo environmental report also identified elevated levels of ground gases and as such, gas protection measures may be required in the design and construction of the houses to be built on site.

9.8 It is therefore recommended that the following condition is attached to any consent granted for the development to require a remediation strategy to address the localised elevated arsenic concentrations as “hotspots”, and to confirm the gas protection measures to be incorporated in the dwellings to be constructed on site:

Conditions

9.9 Contaminated Land Remediation

No development approved by this permission shall take place until a Phase 3 Remediation Strategy, to address the contamination risks identified in the Harrison Geotechnical Engineering Site Investigation Report dated April 2018 (Ref: GC21474), has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action should areas of unexpected contamination be identified.

9.10 Contaminated Land Validation

Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

9.11 Noise

No development shall take place until a scheme for protecting the proposed dwellings from noise from road traffic has been submitted to and approved in writing by the local planning authority. The scheme shall follow the recommendations identified in the Ardent Consulting Engineers Noise Assessment Report (Ref: 182790-01A) dated July 2018. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

9.12 Prior to the commencement of the development, a detailed construction management plan 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 materials
- c) Details of any highway works necessary to enable construction to take place
- d) Parking and loading arrangements
- 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, air quality and dust, light and odour.

9.13 **SUDS**

9.14 Having reviewed the flood risk assessment and the associated documents which accompanied the planning application, acting on behalf of ECC we do not object to the granting of planning permission based on the following conditions:

9.15 Condition 1- No works shall take place until the following, as part of the detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the local planning authority. 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. Details of how contamination of groundwater can be mitigated, particularly the risk through the pond, as it located within groundwater source protection zone.

9.16 Condition 2- no works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water runoff and groundwater during construction works and to prevent pollution has been submitted and approved in writing by the local planning authority. The scheme shall subsequently be implemented as approved.

9.17 Condition 3- No works shall take place until a maintenance Plan detailing the arrangement of 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 LPA. If any part of the maintenance is by a maintenance company 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 request by the LPA.

9.18 **The Environment Agency**

9.19 The proposed development has been reviewed, it is concluded that because the foul drainage is connecting to a main sewer and the dwellings are not in Flood Zones 3, we would have no objection to the application and no further comments to add.

9.20 **ECC Ecology**

9.21 No objection subject to securing biodiversity mitigation and enhancement measures. Summary

9.22 Recommended conditions

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

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

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

2. SUBMISSION OF A COPY OF THE EPS LICENCE FOR BADGERS

The following works to redevelop Land To The West Of High Lane Stansted shall not in in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or
- b) a statement in writing from the relevant licensing body to the effect that it does

not consider that the specified activity/development will require a licence.

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

3. BIODIVERSITY ENHANCEMENT LAYOUT

A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal Report sections 5 and 6 (Southern Ecological Solutions, July 2018) and the Badger Survey (Southern Ecological Solutions, August 2018) shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species)

9.23 **ECC Archaeology**

9.24 The proposed development has been assessed in regards to archaeological features, the following conditions are recommended.

No development or groundworks shall commence until an archaeological programme of trial trenching and excavation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted to and approved in writing by the LPA.

Reason: The historic environmental record indicates that the proposed development site lies on the opposite side of the road from sensitive area of archaeological assets.

9.25 **Aerodrome Safeguarding**

9.26 Initial Holding Objection received, subsequently further information has been submitted.

Thank you for supplying this information; if the pond is designed to be dry, holding water only after rainfall and with a quick draw down time then this will reduce any potential attractant to hazardous species of birds. Ideally a dry basin would drain in under three days for a 100 year storm event. However, 80 hours will not result in a significant attractant beyond that available in the wider environment. Therefore, I am content to withdraw our objection.

9.27 **Thames Water**

9.28 Thames Water would advise that with regards to waste water networks and waste water process infrastructure capacity, we would not have any objections to the above planning application, based on the information provided.

The application indicates that surface water will not be discharged to the public network and as such Thames Water has no objections.

9.29 **Essex Police- Crime Prevention**

9.30 We are pleased to see a section within the design and access statement in regards to crime prevention. We still welcome the opportunity to consult further with the developer to assist with the compliance with approved document Q.

9.31 **Essex County Council- Infrastructure Planning Officer**

9.32 The proposed development of this scale can expect to generate the need for up to 2.79 early years and childcare places, 9.30 primary school, and 6.20 secondary school places. If the development is approved there would be the need for additional school places, the formula for infrastructure contribution is calculated as outlined in the developer guide to infrastructure contributions. Based on the demand generated by this proposal as set out above, a developer contribution of £142,113.00 is sought to mitigate on local school provision.

9.33 **Highways Authority**

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

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway in the interest of highway safety.

2. The existing footway along Cambridge Road between Five Acres and roundabout at the junction with High Lane shall be widened to a minimum of 2 metres for the entire length.

Reason: In the interests of pedestrian safety and accessibility.

3. The pedestrian links, as indicated on drawing no. P18-0133_01 (Rev N) as Path 1, Path 2 and Path 3, shall be constructed to a minimum width of 2 metres.

Reason: In the interests of accessibility.

4. The internal visibility splays and layout shall be provided as indicated on DWG no. P18-0133_01 Rev N. The visibility splays shall remain free from obstruction at all times. Reason: To ensure adequate visibility is provided, in this interest of highway safety and efficiency.

5. 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. The parking of vehicles of site operatives and visitors;

- iii. Loading and unloading of plant and materials;
- iv. Storage of plant and materials used in constructing the development;
- v. 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.

6. No dwelling shall be occupied until the associated parking and/or turning head indicated on the approved plans has been provided. The vehicle parking and turning heads shall be retained in this form at all times. Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interest of highway safety and that appropriate parking is provided.

7. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

8. 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.

9. 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.

9.35 **Highways Authority (Additional)**

The Highway Authority would not support the introduction of a pedestrian crossing along Cambridge Road.

This decision is based partially on the criteria that Essex County Council have in place for the assessment of pedestrian crossing requests and for practical reasons.

Essex County Council crossing criteria

Crossings are only provided where there are sufficient numbers of pedestrians and vehicles to meet the County's guidance. This is measured as PV2 (where P = Pedestrians numbers and V = Vehicle numbers). This is a formula that is applied by the engineers once they have the pedestrian and vehicle data for the site.

A vehicle survey and pedestrian count have not taken place to allow the formal calculation to be made but based on the experience of officers and lack of a desire line/attractors at the proposed locations the number of pedestrians wishing to cross

Cambridge Road would be very low.

Practical matters

Traffic speeds are anticipated to be over 35mph at the proposed crossing locations on Cambridge Road, and therefore a zebra crossing would not be appropriate at these locations. Signal-controlled crossings are normally the only option on high-speed roads (40mph and above) and could cost in-excess of £140,000.00

Furthermore from a practical viewpoint there is no footway provision on the western side of Cambridge Road and it is unlikely that a footway can be provided within the limits of public highway. The scheme would therefore likely be dependent on the acquisition of third party land.

The Highway Authority would not support the provision of a pedestrian crossing point and do not believe that it is necessary to make the proposed development acceptable in planning terms.

It is expected that the vast majority of pedestrians from the proposed development would walk south along Cambridge Road or High Lane, to access public transport and local services.

Suitable pedestrian crossing facilities are available near the proposed development at the new roundabout serving the Walpole Farm development. It is worthy of note that the Transport Assessment accompanying the Walpole Farm development suggested that pedestrian movement between Walpole Farm and local services and facilities would be made via Poulteney Road, Rainsford Road and Croasdaile Road and not via Cambridge Road.

9.36 **UDC Landscape Officer**

9.37 The proposal site is a broadly triangular arable field bound High Lane to the east and the Cambridge Road to the west, to the south is the site of St. Theresa of Lisieux Roman Catholic Church. Mature field hedges and trees mark the boundaries. The site relatively gently slopes down the valley side some 10m+ from the high ground in the south to the valley bottom in the north.

9.38 Development on this site would introduce built forms on the valley side, which is not considered visually desirable and would to some degree compound the detrimental visual intrusion into the open countryside which has occurred with the residential development presently under construction at the Walpole Farm site to the north west. It is acknowledged that the proposal site is identified as a residential allocation site in the emerging Local Plan (Regulation 19). Six units are proposed to be 2.5 storeys and it is considered that in order to reduce the visual impact of the development that the height of buildings should not exceed 2 storeys.

9.39 Any approval should be subject to a fully detailed scheme of soft and hard landscaping, means of enclosure, and protective measures for trees and hedges to be retained.

9.40 **UDC Housing Officer**

9.41 It is confirmed the affordable mix of housing is acceptable.

10 **REPRESENTATIONS**

10.1 The neighbouring properties have been consulted of the application. The scheme has been advertised on site and within the local press.

A total of 6 letters of objections have been received, this includes the following:

- The site includes a plot to the east of high lane that will promote further development;
- Congestion;
- Highway safety;
- Amend speed limits;
- The proposal will result in criminal activity;
- Lack of visitor parking;
- Poor Parking Layout;
- Flooding;
- Drainage;
- Lack of open space;
- The development is high density;
- Impact on rural landscape;
- Change in local character;
- Loss of agricultural land;
- Urban sprawl;
- Pollution;
- Inappropriate accessible access;
- Construction disruption;
- The maintenance of the proposed drainage;
- Impact to Biodiversity and protected species

10.2 Summary of representations:

The representations received (objectors) are in the main focused on what is considered to be an inappropriate development of the site, the proposed dwellings will result in an intensification through dwelling net gain and serious impacts on the character of the site, highway safety/inappropriate access arrangements. Further objection relate to flooding and the impact to biodiversity and protected species.

10.3 A number of objectors highlight that Policy S7 sets out that the 'countryside should be protected for its own sake'. As Uttlesford's own Compatibility Assessment (September 2012) recognises, the 2012 NPPF (and now the 2018 NPPF) set out that whilst decisions should recognise the intrinsic character and beauty of the countryside, national policy does not include protection for its own sake. The NPPF takes a positive approach, rather than a protective one to development in the countryside, supporting development in sustainable locations.

10.4 In regards to the comments made by the Parish Council the following table considers point by point the comments submitted and whether the proposed planning obligations are considered appropriate.

10.5 Paragraph 56 of the NPPF advises that:
Planning obligations must only be sought where they meet all of the following tests:
a) necessary to make the development acceptable in planning terms;
b) directly related to the development; and
c) fairly and reasonably related in scale and kind to the development.
The parish council requests have been tested against these.

Parish Council Comments	Consideration
<p>Off-site footpath links - ask that the developers be required to work with the landowner of the land to the east to create a new footpath alongside the Ugley Brook to join to the informal path running along the southern boundary of the Aubrey Buxton Nature Reserve.</p>	<p>Necessary – The proposal has been designed to link into the existing footpath network and supplements these with new links through the site. It is well-connected to the wider area and therefore does not generate a requirement for off-site footpath link.</p> <p>Directly related – The requested links are off-site and are not directly related to the proposal. Furthermore, the developer does not have control over third party land and therefore the deliverability of such a footpath cannot be guaranteed.</p> <p>Fair and reasonable – the requirement to deliver a link across third party land is neither fair nor reasonable. Furthermore, the scale of this requirement is disproportionate to the scale of the development.</p> <p>This requirement is considered to fail all three tests.</p>
<p>A zebra crossing should be installed on the B1383 Cambridge Road to enable safe pedestrian access between this site and the larger site to the west of the main road as that is where community facilities are provided.</p> <p>In addition, the footway from the junction with High Lane south to the junction with Five Acres needs to be widened (by removing the narrow grass strip) to complete the pedestrian links to Cambridge Road services.</p>	<p><u>Crossing</u> A crossing has already been provided at the new roundabout junction of Walpole Farm on the south side of the roundabout and close to the site boundary. This has recently been the subject of a Road Safety Audit and has passed.</p> <p>Discussions with the highway authority have revealed a lack of support for either a zebra crossing or a signalised crossing as it is not needed and fails the design criteria for the location of such features. As a consequence, the request is unnecessary and is neither fair nor reasonable.</p> <p>It is worthy of note that there is not a pedestrian footpath to the west of Cambridge Road and much of the land is set on an incline. Therefore, the provision of a crossing further along Cambridge Road is unachievable without</p>

	<p>significant engineering works further increasing the disproportionate scale of the request relative to the proposal.</p> <p>The request is considered to fail 2 of the 3 tests.</p> <p><u>Footway widening</u> The footway widening is an existing aspiration of the County Council and therefore is not directly related to the development. A footway link already exists along Cambridge Road as does a route along High Lane. The widening of the Cambridge Road footway is therefore unnecessary. The proposal relates to 35 units and therefore the widening of the footway cannot be said to be fairly and reasonably related to the scale of the development. This request is therefore considered to fail all three tests.</p>
<p>The step access on the eastern side from the development to High Lane should be avoided if possible. This could be achieved by re-routing it through the eastern side of the self-build plot and out onto the access road to the church</p>	<p>A level access route is provided through the site for those with mobility issues. The stepped access is therefore an additional access rather than the only access. The removal of the steps would necessitate the removal of significant lengths of the boundary hedgerow or involve significant land take within the site to such a point that it would nullify the benefit of any permission. A ramped access would also be a significant feature on the landscape and conflict with the Neighbourhood Plan aspirations of retaining the rural setting of this entrance to the village.</p> <p>The land levels are such that re-routing the path in the location suggested would not overcome the issues identified above.</p> <p>Furthermore, as the stepped access is a secondary access it is unnecessary to insist on an alternative solution. As stated there is a foot path along this part of the highway and it is agreed it could be improved, however this is a functioning footpath that many people</p>

	are using daily and therefore it would be unreasonable for the applicant to improve this, and also it is not a necessary factor in the context of the proposed development.
The amount of public open space is insufficient and it should be centrally located.	The scale of the proposal does not generate a need for on-site public open space and is close to new provision at nearby Walpole Meadows. There is no planning justification for such a request and for that reason it fails all 3 tests.
About 50% of the proposed dwellings have tandem parking which is not acceptable and visitor parking needs to be spread throughout the site. In order to achieve d) above and a proper parking layout, it may be necessary to reduce the number of dwellings on the site.	There is tandem parking within the site, however this is consistent with other residential developments. Tandem Parking is acceptable on-plot, within the curtilage of a dwelling but should be discouraged in areas which offer general access, e.g. parking courts, The provision of tandem parking reduces the uptake of spaces, often used instead for bin storage in rear parking courts, and their provision encourages on-street parking.
We would like to see the affordable housing element gifted to a CLT.	The legal agreement is being drafted to provide the opportunity for UDC to deliver the affordable housing should it choose to do so in the future. There is no justification to require the use of a CLT to deliver this facility
Seek absolute assurance from the Environment Agency that the proposals for the flood attenuation system will work given the change in ground levels along the length of High Lane. Who will maintain this area?	No objections have been made by the Environment Agency. Also covered by conditions 6, 7 and 8, which require the submission of further information including maintenance arrangements
Query the number of Waste Collection Points and how realistic this system is.	A refuge and waste strategy has been provided, for the scale of the site it is considered appropriate.
The site as a whole is not future-proofed	LTH has been replaced by part M of the

for the purposes of the residents and does not meet the concept of Lifetime Homes.	Building Regulations. The design of the proposal complies with these requirements that form part of the approved plans
Grit/salt bins need to be provided for vehicular and pedestrian routes/steps.	The majority of the site is to be adopted by the Highway Authority and therefore if required for the scale of the site this may be provided in the future.
Traffic calming measures to be provided for High Lane.	No objections have been made by the Highway Authority in regards to Highway Safety. Such a request therefore fails all 3 tests.
There are a number of community assets located at the northern end of the site, eg the village Knight Sign, a commemorative seat and tree. Seek a condition requiring the developers to relocate (at their own expense) these items to a more suitable location should the Parish Council consider this action to be necessary, and to replace any which may be damaged as a result of that process.	The proposal does not disrupt this area and therefore the request is not directly related to the proposal, is unnecessary and is not fairly or reasonably related to the scale of the proposal.
Seek relocation of the bus stops on the B1383 to more suitable locations.	The bus stops have been provided in accordance with the requirements of the highway authority through the s278 process. This request is therefore unnecessary and not directly related to the development. It would also fail the test of being fairly and reasonably related to the scale of the proposal. As such, this request fails all 3 tests.
Seek financial contribution of ten thousand pounds for access for all-weather paths to be created at the Aubrey Buxton Nature Reserve.	The nature reserve is a significant distance from the application there is no direct link to the proposed development. This request is not directly related to the development and is not necessary to make the development acceptable. It would also fail the test of being fairly and reasonably related to the scale of the proposal. As such, this request fails all 3 tests.

Seek donation to the new pavilion for the Stansted Hall and Elsenham Cricket Club.	This request cannot be said to be directly related to the development and is not necessary to make the development acceptable. It would also fail the test of being fairly and reasonably related to the scale of the proposal. As such, this request fails all 3 tests. The requested contribution would result in disproportionate financial burden to the applicant and would fail the test of reasonableness.
Seek wheel-washing condition for all construction vehicles and regular road sweeping.	This is secured by proposed condition 5g.

10.6 In regards to the objections and comments made all material planning issues will be considered the following appraisal.

11 APPRAISAL

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

- A The principle of the development of this site for residential (ULP Policy S7,ENV13,ENV11, ENV2, ENV3,ENV4 and the NPPF)
- B Design (Layout and Parking) (ULP policies GEN2 and GEN8)
- C Access (ULP Policy GEN1).
- D Affordable Housing, Education Contributions, Housing Mix (ULP Policies H9, H10 GEN6)
- E Protected species and biodiversity (ULP Policy GEN7);
- F Flood Risk and drainage (ULP Policy GEN3; NPPF)
- G Impact on residential amenity (ULP Policies GEN2 and GEN4).
- H Other

A The principle of the development of this site for residential (ULP Policy S7,ENV13, ENV2,ENV3, ENV4 and the NPPF)

11.1 The scheme is for 35 residential units, of which 14 would be affordable and the remainder would be market housing. In policy terms the dwellings would be outside of the development limits of Stansted Mountfitchet as defined by Uttlesford's adopted Local Plan. Consequently for the purposes of planning, the site is considered to be within the Countryside and subject to all national and local policies.

11.2 The site is therefore subject to the provisions of Policy S7. Policy S7 is a policy of general restraint which seeks to restrict development to that which needs to take place there, or is appropriate to a rural area in order to protect the character of the countryside. 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. This policy seeks to protect the rural area from inappropriate development

and permission will only be given for development which is appropriate to the rural area or needs to take place there. Permission will only be given for development which protects or enhances the character of the countryside in which it is set or there are special reasons why the development needs to be there. The proposal relates to a form of development which is inappropriate in a rural area and which does not need to take place there. The proposal is therefore contrary to Policy S7. 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.

- 11.3 S70 (2) of the Town and Country Planning Act 1990 states that "*in dealing with a planning application the local planning authority shall have regard to the provisions of the Development Plan so far as is material to the application and to any other material considerations*". S38 (6) of the Planning and Compulsory Purchase Act 2004 states that "*if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.*" As such it considered the NPPF is a material consideration in the assessment of this development.
- 11.4 Notwithstanding the above, paragraph 78 of the NPPF seeks to avoid isolated homes in the countryside unless there are special circumstances. While there is no published definition of 'isolated', it is considered that the PPG supports the view that housing sites should be within or adjacent existing settlements. The effect is to prevent sporadic development in the countryside, while supporting the growth of existing settlements of almost any size due to the associated economic and social benefits. As such it is considered although the development is outside of the development limits it will in fact support the growth of existing settlement.
- 11.5 Paragraph 11 of the NPPF considers the presumption of sustainable development, this includes where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes where five year housing supply cannot be delivered). As identified in the most recent housing trajectory document, Housing Trajectory 1 April 2018 (October 2018), the Council's housing land supply is currently 3.46 and 4.45 years supply. For the present time, the Council is therefore unable to demonstrate a deliverable 5 year supply of housing land.
- 11.6 This means that applications for sustainable development outside development limits will need to continue to be granted where appropriate to ensure the level of housing supply is robust and provides a continuous delivery of housing. Moreover, the proposal should be considered against the three strands of sustainable development including economic, social and environmental.
- 11.7 Economic: The NPPF identifies this as contributing to building a strong, responsive and competitive economy, supporting growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure. In economic terms the proposal would have short term benefits to the local economy as a result of construction activity and additionally it would also support existing local services, as such there would be some positive economic benefit.
- 11.8 Social: The NPPF identifies this as supplying required housing and creating high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The

proposal would make a contribution towards the delivery of the housing needed in the district, including provision of (40% affordable housing) 14 affordable housing units. Stansted Mountfitchet is considered a sustainable location with good services to other nearby towns and centres of employment.

The proposal would also have a negative impact by putting more strain on the local infrastructure and demand for school places; as such due consideration is made to whether the effects of the proposed development can be mitigated. While there may be some conflict with the NPPF in terms of sustainable transport modes, it is considered that the proposal accords with the more flexible approach within the NPPF. In conclusion, the proposal in the form proposed would not be in conflict paragraph 2 of the NPPF regarding the fact that it is in a sustainable location and will contribute to the social role of sustainable development.

- 11.9 Environmental: The environmental role seeks to protect and enhance the natural, built and historic environment. The NPPF recognises the intrinsic character and beauty of the countryside. The site is tucked on to the existing settlement and is a wedge of land between two individual roads. The proposal would introduce an element of built form within the open countryside, which would have some impact on the character of the area. This impact would need to be weighed against the benefits.
- 11.10 The site forms part of an existing agricultural field and is bound by mature landscaping, at present the mature vegetation would preserve a harmful intrusion into the open countryside and any harm to the particular character of the countryside surrounding the site. The retention of a majority of the boundary trees line and hedging and new landscape proposals would help minimise the impact of the development on the character of the area.
- 11.11 A landscape and visual impact assessment has been submitted with the application landscape, making reference to Essex landscape characteristics and parameters landscape theory and methodology and also visual amenity appraisal. The conclusion from the findings of the report are as follows:
- 11.12 The Site does not lie within or near any land subject to a national or local statutory landscape designation. There are no public rights of way within the Site which are publicly accessible. There is a network of public right of way covering the wider area. The site is predominantly contained by vegetation including trees and hedgerow along its boundary. Only glimpsed views will be seen from the adjacent roads, with the topography and existing boundary vegetation restricting direct views of the built form. Views from the surrounding rural public rights of way will be similarly restricted, with glimpsed or partial views of the tops of built form visible as part of wider panoramic views from short sections of the routes. The proposed layout and existing vegetation has ensured a sensitive approach to the development allowing the proposals to be easily absorbed into the predominantly visually contained Site. Proposed tree planting throughout the development and along its boundaries has helped to enhance tree cover. With the additional proposed planting the sites biodiversity has a net gain. This landscape and visual impact assessment has considered potential effects relating to the Site and surrounding landscape and visual amenity. This has guided the progression of design mitigation measures which have been incorporated into the layout of the Site to limit potential effects identified within the assessment of landscape character, features and visual amenity.
- 11.13 The Council's Landscape Officer has been consulted; although no objection has

been received it is considered the development will result in some degree of visual intrusion. However, the site has been included in the emerging draft local plan for residential development, also the positioning of the development will be in close proximity to other new residential development (Walpole Farm) and the main settlement of Stansted Mountfitchet it is considered the proposed landscape and character of the site would be compatible with its surroundings.

- 11.14 In conclusion and with the imposition of conditions, it is considered that the residential development could be successfully accommodated within the site and surrounding landscape without unacceptable effects on the landscape character or visual amenity.
- 11.15 Representations have been received in respect of potential harm in respect of air pollution. Impact on air quality is closely related to highway capacity in terms of creating congestion, and geography of the local road network in terms of dispersion of emissions. The site is not in an area currently monitored for air quality (AQMA) and Environmental Health Officers have been consulted, who confirm that they are not concerned in respect of air quality issues and that they have no objections.
- 11.16 Additional traffic at the times of school opening and closing will make up a relatively small proportion of the total emission load when assessed over a 12 month period, which the annual mean based air quality objectives require. Users of the facilities can minimise the impact by adopting non car travel, particularly considering the site's sustainable location.
- 11.17 In respect of the development on the character and setting of nearby Listed Buildings. Policy ENV2 states: that development proposals that adversely affect the setting of a listed building will not be permitted. The nearest listed building is Walpole Farmhouse which is grade II Listed Buildings and 50m respectively from the application site's boundaries. In view of the separation distance there would be limited visual impact on the setting of the listed buildings.
- 11.18 This site very much nestles into the settlement and development here would not bring about any notable landscape or visual impact implications in the wider setting. This is a self-contained site, although to the east of the site is a separate parcel, of land this is designated for drainage infrastructure and with little if any relationship to the outlying landscape setting of Stansted Mountfitchet. Due to the close proximity with the historic settlement of Stansted Mountfitchet an archaeological programme of trial trenching followed by an open area excavation would be required. This can be achieved by appropriate conditions.
- 11.19 It is considered that the weight should be given to the requirement to provide a 5 year land supply and the housing provision which could be delivered by the proposal would outweigh the harm identified in relation to rural restraint set out in ULP Policy S7. The site is sustainable in terms of economic, social and environmental feature and therefore taking into account the benefits of the proposal it is considered that the principle of the development is acceptable.

B Design (Layout and Parking) (ULP policies GEN2 and GEN8)

- 11.20 All of the units would have private amenity spaces. The Essex Design Guide recommends that dwellings or 3 bedrooms or more should have private amenity spaces of 100sqm+ and 2 bedroom properties 50 sqm+. The gardens shown in the plans indicate that they would accord with the requirements of the

Essex Design Guide and each plot would have adequate private amenity space.

- 11.21 The proposed properties are a mixture of one, two, three, and four bedroom dwellings. The adopted Essex County Council parking standards require the provision for one parking space for a one bedroomed dwelling, two parking spaces per dwelling for two and three bedroom dwellings and three parking spaces for three+ bedroomed properties and additional visitor parking spaces. In accordance with Supplementary Planning Document – Accessible Homes and Playspace the proposed dwellings would need to be accessible and designed to Lifetime Homes Standards. Also, the proposal would need to comply with accessible and adaptable dwellings M4(2) of the Building Regulations.
- 11.22 As set out within the application each property would meet the required parking standards. A number of the parking spaces are in a tandem design this would be compatible with other large residential schemes which have been approved (Walpole Farm) and although not an ideal parking layout it does not give rise to any concerns regarding on-street parking. There is sufficient space for nine unallocated parking spaces within the development to provide visitors parking. Therefore, the proposals comply with Policy GEN8.
- 11.23 Refuge collection points have been demonstrated within the site, also the submission of a refuge tracking plan which actively demonstrates sufficient distance for refuge collection. This is considered an acceptable refuge scheme.
- 11.24 The applicant has indicated that they are prepared to enter into a S106 legal agreement in order to secure the provision and ongoing maintenance of the site and landscaping.
- 11.25 In regards to the design and appearance of the development, the dwelling will be of a traditional form and appearance that would be comparable to other local residential developments (Walpole Farm). The layout of the scheme ensures the properties will have sufficient private amenity space; this is contributed by the distance between properties and landscaping features. In regard to the surrounding character of the site the development will include the retention of the vast majority of trees and hedgerows which run around the site's perimeter and provide a high level of natural screening. Streets and areas of landscaping/open space benefit from high levels of natural surveillance from proposed dwellings. The dwellings are sensitively sited which would protect the amenity of neighbouring land uses. Based on a site area 1.55ha, the average net density of the proposed development equates to 23 dwellings per hectare (dph). The density allows for a range of dwellings across the site with varying sizes and tenures to be delivered whilst addressing the constraints of the site.
- 11.26 As shown on the submitted Building Heights Plan the proposed dwellings are predominantly 2 storeys in height with a small amount 2.5 storey dwellings proposed in key locations to provide distinctiveness in the street scene at lower ground levels. An element of single storey dwellings is also proposed in the form of bungalows. As such taking due consideration of the above it is considered the proposed development includes an acceptable design scheme and is in accordance with ULP Policy GEN2.

C Access (ULP Policy GEN1).

- 11.27 The application includes the formation of a new vehicular access road along High Lane, also two pedestrian accesses along Cambridge Road and a single pedestrian

access along High Lane.

- 11.28 Access is one of the main reasons for local representation against the submitted scheme. The application includes a transport statement (Wormald Burrows Partnership Limited July 2018); this concludes the proposed development access junction has ample capacity to accommodate the predicted flows along High Lane and the predicted generated flows in the horizon year five after the date of planning application. A new roundabout at the junction of B1383 Cambridge Road and High Lane, north of the development site is now in operation, it is considered to have ample spare capacity to accommodate the proposed development flows, committed development flows and the growth background flows.
- 11.29 The Highways Authority has been consulted and no objections have been made, a number of minor revisions have been made accommodate the new access points and to ensure the proposed development will not have a detrimental impact to Highway Safety. ECC Highways have carefully considered the revised information received from the applicant's highway consultants and are now satisfied that the existing access arrangement is suitable for the proposed development without causing a highway danger, as such the proposal is considered acceptable under ULP Policy GEN1.
- 11.30 In regards to introduction of a new pedestrian, this is not part of the proposed development as submitted in the planning application, however due to constraints of the existing highways that surround the site it is considered that the introduction of a proposed pedestrian crossing would not be supported by the Highway Authority.

Furthermore the transport statement included with the neighbouring residential development of Walpole Farm indicated that the main pedestrian link for the site will use the crossing at the new roundabout and pedestrian links along High Lane to enter the main central area of Stansted Mountfitchet. This was considered acceptable by the Highways Authority for the approved 140+ dwellings (UTT/15/2746/DFO). As such the proposed 35 dwellings considered in this application would also utilise this method of crossing Cambridge Road, the introduction of 35 dwellings would not result in such a significant increase that will result in a harmful intensification of use of the highway crossing at the roundabout.

D Affordable Housing, Education Contributions, Housing Mix (ULP Policies H9, H10, GEN6)

- 11.31 Affordable Housing:
Policy H9 states that the Council will seek to negotiate on a site for site basis an element of affordable housing of 40% of the total provision of housing. The Council commissioned a Strategic Housing Market Area Assessment which identified the need for affordable housing market type and tenure across the District. As a result of this the Council will require a specific mix per development proposal.
- 11.32 The site area is 1.5 hectares and as such a provision of 40% affordable housing is required. The proposal now includes 14 affordable units. The Housing Enabling Officer has confirmed that the proposed mix of affordable housing is acceptable. The affordable housing is integrated across the development; therefore it is considered the proposal accords with ULP Policy H10.
- 11.33 The housing mix and parking provision of the individual plots for this application is

as per the table below.

Plot	Bedrooms	Garden Size	Parking	Affordable
1	3	100sqm+	3	
2	4	100sqm+	3	
3	4	100sqm+	3	
4	3	100sqm+	3	
5	2	50sqm +	2	
6	2	50sqm +	2	
7	4	100sqm+	3	
8	2	100sqm +	3	
9	2	100sqm +	3	
10	2	50sqm +	2	
11	2	50sqm +	2	
12	2	50sqm +	2	
13	3	100sqm +	3	
14	2	50sqm +	2	
15	2	50sqm +	2	
16	2	50sqm +	2	
17	2	50sqm +	2	Y
18	1(flat)	25sqm +	1	Y
19	1(flat)	25sqm +	1	Y
20	1(flat)	25sqm +	1	Y
21	1(flat)	25sqm +	1	Y
22	3	100sqm +	2	Y
23	4	100sqm +	3	
24	2	50sqm +	2	
25	2	50sqm +	2	
26	3	100sqm	2	Y
27	3	100sqm	2	Y
28	2	50sqm +	2	Y
29	2	50sqm +	2	Y
30	2	50sqm +	2	Y
31	2 (Bungalo w)	50sqm +	2	Y
32	2 (Bungalo w)	50sqm +	2	Y
33	2	50sqm +	2	Y
34	2	50sqm +	2	
35	2	50sqm +	2	

11.34 The applicant has indicated that they are prepared to enter into a Section 106 legal agreement to secure provision of the affordable housing. Subject to this agreement being completed, the proposal would comply with the requirements of Policy H9.

11.35 Education Contributions:

The proposed development is located within the Stansted Mountfitchet. According to Essex County Council's Infrastructure Planning Officer the proposed development of this scale can expect to generate the need for up to 2.79 early years and childcare places, 9.30 primary school, and 6.20 secondary school places. If the development is approved there would be the need for additional school places, the formula for infrastructure contribution is calculated as outlined in the developer guide to infrastructure contributions. Based on the demand generated by this proposal as set out above, a developer contribution of £142,113.00 is sought to mitigate on local school provision

- 11.36 The developer has indicated that they are prepared to enter into a Section 106 legal agreement to secure the payment of contributions towards education provision to mitigate the scheme. The proposal therefore subject to compliance with the s106 agreement requirements would comply with Policy GEN6.
- 11.37 It should be noted that the Parish Council's comments have been taken into consideration. However, the bulk of the requests are either not material or are considered disproportion to the size and scale of the scheme and in consideration of works which have been already undertaken as part of the neighbouring site. AS a result these would not be CIL complainant or in accordance with the NPPF.

E Protected species and biodiversity (ULP Policy GEN7 and ENV8)

- 11.38 Policy GEN7 and paragraph 174 of the NPPF seeks to ensure that development would not have a harmful effect on wildlife and Biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species. Policy ENV8 requires the protection of hedgerows, linear tree belts, and semi-natural grasslands. A protected species survey has been submitted with the planning application (Southern Ecological Solutions July 2018). The results of ecology surveys have been used to guide the layout to ensure minimal impact on ecological receptors. To adhere to planning policy and relevant wildlife legislation further works have been recommended for badgers.

The following precautionary methods should also be employed:

- Bat sensitive lighting should be used within the site to mitigate for any adverse effects upon boundary and sensitive habitats potentially of use to local bat populations;
 - Site clearance should be undertaken outside the bird nesting season (March to August inclusive) or immediately after an ecologist has confirmed the absence of nesting birds;
 - Clearance of scrub and boundary vegetation during autumn to avoid impacts on hedgehogs, and;
 - Retention and protection of boundary hedgerows and trees to industry standard.
- 11.39 It is predicted that any potential adverse impacts from the proposed development upon specific protected species/habitats can be mitigated in line with relevant wildlife legislation and planning policy. Essex County Council Ecologists have been consulted and have no objection subject to a condition regarding ecological measures.

11.40 As such it is considered the proposed development will not have a harmful impact on protected species or biodiversity and is in accordance with Policy GEN7 and the National Planning Policy Framework.

F Flood Risk and drainage (ULP Policy GEN3; NPPF)

11.41 Policy GEN3 requires development outside flood risk areas to not increase the risk of flooding through surface water run-off. The NPPF requires development to be steered towards areas with the lowest probability of flooding. In addition, it should be ensured that flood risk is not increased elsewhere.

11.42 The main residential development is located in flood zone 1 where development is considered appropriate. The subsequent site to the east of High lane which will include drainage infrastructure is within flood zones 2 and 3.

11.43 The application includes a Flood risk assessment (Wormald Burrows Partnership Limited December 2017), this concludes that, the majority of the site is located within Flood Zone 1. EA flood maps and the NPPF identifies that a site within Flood Zone 1 is suitable for residential development. To mitigate the risk of flooding for the small part of the site within flood zone 2/3 the layout and drainage infrastructure have been designed to ensure no houses or drainage sits within the flood zone.

11.44 ECC SUDS and The Environment agency have been consulted and have made no objections in regards to flooding and drainage subject to the imposition of conditions. The proposals subject to conditions would comply with Policy GEN3 and the NPPF.

G Impact on residential amenity (ULP Policies GEN2 and GEN4).

11.45 The indicative scheme submitted shows that the proposed dwellings as sited is unlikely to give rise to a significant loss of residential or visual amenity to adjacent residential occupiers situated to the immediate south of High Lane and to the west along Cambridge Road. The comments submitted in regards to construction noise and disturbance is noted, the use of a planning condition in regards to the storage and loading and unloading of construction goods could be imposed should planning permission be granted. Any noise from construction will not result in permanent issue and will be resolve on completion of the development.

H Other

11.46 In terms of archaeology, and contamination these matters are acceptable subject to conditions and therefore in accordance with Policies ENV4 and ENV12.

12. CONCLUSION

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

A It is considered that the weight to be given to the site's sustainable location and requirement to provide a 5 year land supply and the housing provision which could be delivered by the proposal would outweigh the harm identified in relation to rural restraint set out in ULPPolicy S7. Therefore the principle of the development is acceptable and fulfils the 3 strands of sustainability.

B The layout and design of the development is acceptable. No significant loss of residential amenity will arise from the proposals. The amenity areas and parking

provision are appropriate and the proposal complies with policies GEN2 and GEN8. The housing mix for the development is also acceptable (ULP Policy H10).

- C The means of access to the proposal site is considered acceptable, whilst the access arrangements would not give rise to a danger to highway safety (ULP Policy GEN1). Refuse arrangements would also be acceptable (ULP Policy GEN2).
- D The affordable housing mix and tenure split for the development is acceptable and complies with Policies H9 and GEN6.
- E The proposal would not be harmful to protected priority species subject to recommended mitigation and compensation measures (bats, hedgehogs) being conditioned and implemented (ULP Policy GEN7).
- F The proposal, subject to the imposition of planning condition will not result in any significant increase of flood risk and therefore complies with Policy GEN3 and the NPPF.
- G The indicative layout submitted shows that impacts on residential amenity are likely to be insignificant (ULP Policies GEN2 and GEN4).

RECOMMENDATION – APPROVAL WITH CONDITIONS SUBJECT TO A S106 LEGAL OBLIGATION.

(I) The applicant be informed that the Planning Committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by the 30 November 2018 the freehold owner enters into a binding obligation to cover the matters set out below under S106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Head of Legal Finance, in which case he shall be authorised to conclude such an obligation to secure the following:

- (i) Provision of 40% affordable housing
- (ii) Payment of contributions towards Education Provision
- (iii) Management arrangements: the site will include areas of land that will require ongoing management and maintenance.
- (vi) Pay the Council's reasonable legal costs
- (vii) Pay the monitoring fee

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

(III) If the freehold owner shall fail to enter into such an obligation the Director of Public Services shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:

- (i) No provision of affordable housing
- (ii) non-payment of contribution towards education provision.
- (iii) Management arrangements: the site will include areas of land that will require ongoing management and maintenance.

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

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

2. Prior to the commencement of the development hereby approved a Phase 3 Remediation Strategy, to address the contamination risks identified in the Harrison Geotechnical Engineering Site Investigation Report dated April 2018 (Ref: GC21474), shall be submitted to and approved in writing by the Local Planning Authority.

The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action should areas of unexpected contamination be identified.

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

3. Prior to the occupation of the development hereby approved a validation report shall be submitted to and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

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

4. No development shall take place until a scheme for protecting the proposed dwellings from noise from road traffic has been submitted to and approved in writing by the local planning authority. The scheme shall follow the recommendations identified in the Ardent Consulting Engineers Noise Assessment Report (Ref: 182790-01A) dated July 2018

REASON: To protect the proposed residential dwelling in regards to noise generators and in accordance with Policy ENV11 of the Uttlesford Local Plan (adopted 2005)..

5. Prior to the commencement of the development hereby approved, a detailed construction management plan 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 materials
- c) Details of any highway works necessary to enable construction to take place
- d) Parking and loading arrangements
- 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, air quality and dust, light and odour.

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

6. Prior to the commencement of the development hereby approved a detailed surface water drainage scheme for the site shall be submitted to and approved in writing by the local planning authority. This should include 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. Also, details of how contamination of groundwater can be mitigated, particularly the risk through the pond, as it located within groundwater source protection zone.

The development thereafter shall be carried out in strict accordance with these details and shall not be changed without prior written approval from the Local Planning Authority.

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

7. Prior to the commencement of the development hereby approved a scheme to minimise the risk of offsite flooding caused by surface water runoff and groundwater during construction works and to prevent pollution shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented as approved and not changed without prior written approval of the Local Planning Authority.

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

8. Prior to the occupation of the development hereby approved a maintenance plan detailing the arrangement of who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies shall be submitted to and agreed in writing, by the Local Planning Authority. If any part of the maintenance is by a maintenance company 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 request by the Local Planning Authority.

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

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

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

REASON: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998 and in accordance with ULP Policy GEN7 (adopted 2005).

10. Prior to the commencement of the development of the Local Planning Authority shall be provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

REASON: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998 and in accordance with ULP Policy GEN7 (adopted 2005).

12. Prior to the development hereby permitted an archaeological programme of trial trenching and excavation shall be secured and undertaken in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

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

13. Prior to commencement of the development hereby approved, details of all hard and soft landscaping (including planting, hard surfaces and boundary treatment) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years

from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.

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

14. Prior to the commencement of the development tree protection measures for the trees to remain shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved protection measures, subsequently; the approved measures shall not be changed without the prior written consent of the local planning authority.

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

15. Prior to the commencement of the development hereby approved samples of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the Local Planning Authority.

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

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

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

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

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to provide adequate inter-visibility between and in accordance with ULP Policy GEN1 (adopted 2005).

18. The pedestrian links, as indicated on drawing no. P18-0133_01 (Rev N) as Path 1, Path 2 and Path 3, shall be constructed to a minimum width of 2 metres.

REASON: In the interests of accessibility and in accordance with ULP Policy GEN1 (adopted 2005).

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

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

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

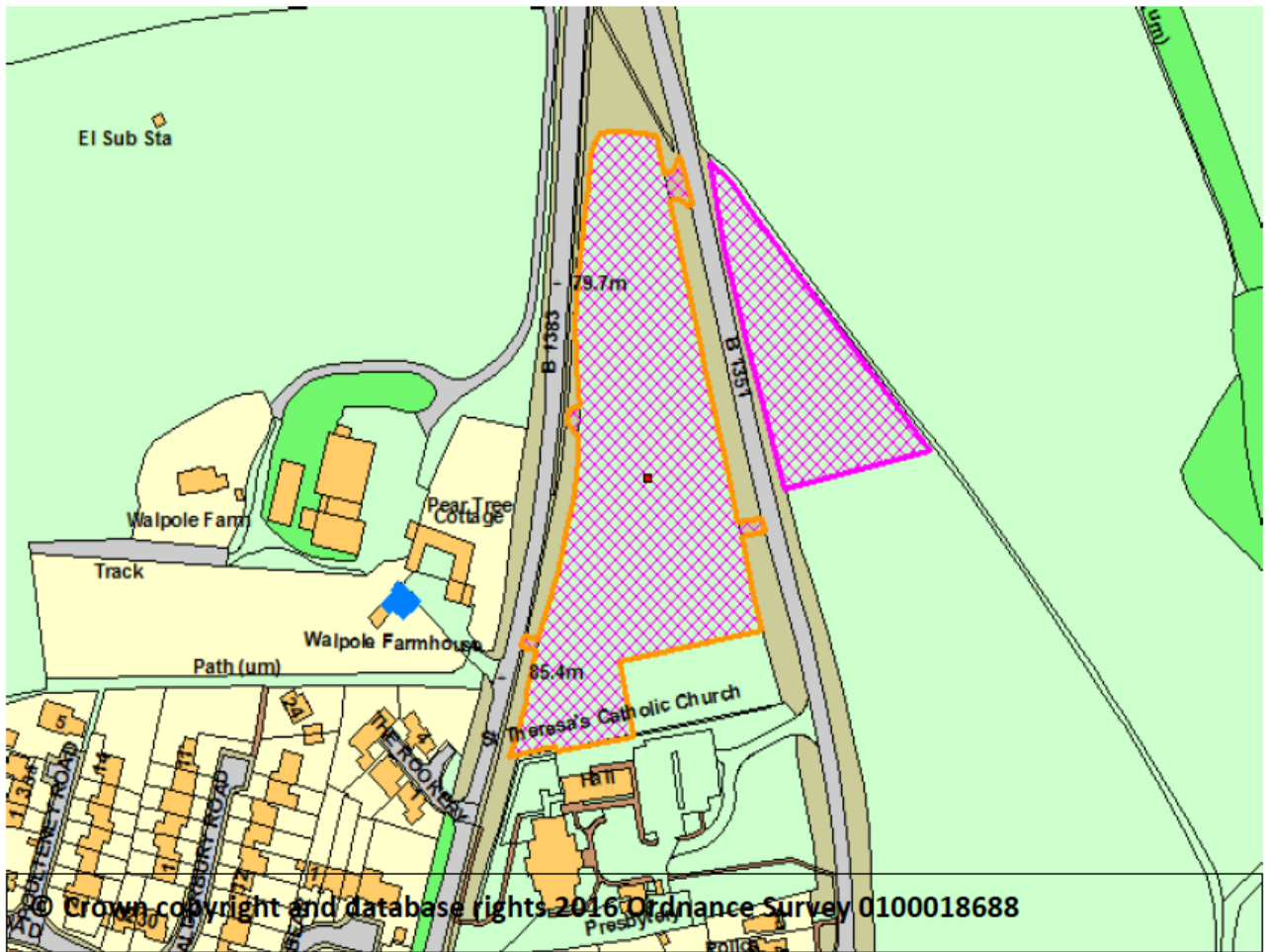
REASON: To avoid displacement of loose material onto the highway in the interests of highway safety and in accordance with ULP policy GEN1,

ADDENDUM

The planning application was presented to the planning committee on the 24th October 2018 and was deferred to review the opportunities to provide an improved crossing facility on Cambridge Road, in the vicinity of the site. The intension is to report this progress back to the planning committee to consider whether the approval of the site should stand or whether a decision to refuse the scheme should be made.

Advice has been sought from the Highways Authority to whether the introduction of a pedestrian crossing would be appropriate. The comments received by the Highways Officer have been included in paragraph 9.35. Overall The Highway Authority would not support the provision of a pedestrian crossing point due to the constraints of the Highways and do not believe that it is necessary to make the proposed development acceptable in planning terms.

Furthermore paragraph 11.30 considers that the crossing at the new roundabout of Walpole Farm was considered acceptable by the Highway authority for 140+ dwellings (UTT/15/2746/DFO). As such the proposed 35 dwellings considered in this application would also utilise this method of crossing Cambridge Road, the introduction of 35 dwellings would not result in such a significant increase that will result in a harmful intensification of use of the highway crossing at the roundabout.



Organisation: Uttlesford District Council

Department: Planning

Date: 10 October 2018