



ITEM NUMBER: 9

PLANNING COMMITTEE DATE: 18 September 2024

REFERENCE NUMBER: UTT/23/2496/FUL

LOCATION: Land West Of High Street, Stebbing, Essex

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: April 2024**

PROPOSAL: Erection of 28 residential dwellings (comprising 14 affordable and 11 private market homes together with 3 self-build plots) and local affordable employment unit/flexible community space; provision of public open space and associated local amenity facilities (activating Local Green Space allocation); together with integrated landscaping and car parking (to include additional community parking facility)

APPLICANT: Montare LLP

AGENT: Magenta Planning Ltd- Nigel Bennett

EXPIRY DATE: 5 January 2024

EOT Expiry Date 23 September 2024

CASE OFFICER: Chris Tyler

NOTATION: Outside Development Limits

REASON THIS APPLICATION IS ON THE AGENDA: Major Planning Application.

1. EXECUTIVE SUMMARY

- 1.1** Full planning permission is sought for a residential development of 28 dwellings and employment unit/flexible community space; provision of public open space and associated local amenity facilities (activating Local Green Space allocation); together with integrated landscaping and car parking (to include additional community parking facility).
- 1.2** The application site lies outside the defined settlement boundary limits and is located within the countryside. Thereby the proposals are contrary to Policy S7 of the Adopted Local Plan.
- 1.3** The Council is able to demonstrate a housing land supply of 4.12 years. The December 2023 version of the NPPF allows councils who publish a Regulation 19 Plan with a Policies Map to only have to demonstrate a 4 year HLS to gain protection from the 'presumption in favour. However, due to the Council's performance on the Housing Delivery Test, which measures housing completions, the 'tilted balance' in Paragraph 11(d)

of the NPPF still applies automatically for housing applications. The emerging Local Plan identifies Stebbing as a settlement to make provision for non-strategic housing allocations. This includes a residual requirement of 109 dwellings to be allocated through non-strategic allocations up to 2041. Due to its stage of preparation the emerging local is afforded limited weight.

- 1.4** As set out in this report the assessment of this application includes an overall balancing exercise, Local Green Space balancing exercise, and Heritage balancing exercise. It is noted the benefits of the proposed development are not outweighed by the harm. Taking into account the NPPF with respect to the determining issues, it is considered that the conflicts with Development Plan is overridden in this instance. Regards has been had to all other materials considerations and it is concluded that planning permission should be granted.

2. RECOMMENDATION

2.1

That the Strategic 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 application site comprises two, linked parcels of land located to the west of the High Street in Stebbing. They are referenced as sites A&B (North field) and C&D (South Field) with areas of 3.64ha and 2.15ha respectively, comprising rough grazing land, located adjacent to the existing settlement boundary of the village.

- 3.2** The proposed development sites lie west of Stebbing High Street - between the existing, historic village to the south, and the more recent housing to the north. Situated in close proximity to the Primary School.

- 3.3** Between the two separate sections of land is Stebbing Park and a Schedule Monument (The Mount: a motte castle in Stebbing Park). The nearby by property of Stebbing Park is a grade I* Listed building and to

the south of the site is the Conservation Area. There are also a number of public footpath throughout the site.

4. PROPOSAL

4.1 This planning application seeks full planning permission for the erection of 28 residential dwellings (comprising 14 affordable and 11 private market homes together with 3 self-build plots), together with:

- Local employment unit/flexible community space;
- Provision of public open space
- Associated local amenity facilities (activating Local Green Space allocation);
- Landscaping and car parking (to include additional community parking facility)

4.2 The residential development is proposed to be split into 4 sections that front Stebbing High Street and will include individual highway access points. Each plot includes the following:

4.2.1 Plot A - Brook Ridge

Ribbon development traversing the slopes'

Characterised by views over the valley, open aspects, and close proximity to Stebbing Brook

Features detached family homes, mostly 3 - 4 bedrooms, with a few large 2 bedroom homes.

4.2.2 Plot B - Lower Downs

Housing cluster creating a threshold into wider landscape'

Characterised by its agrarian setting, open grazing land, rooted in the soil and earth-based agriculture

Detached family homes ranging from 2 - 4 bedrooms.

4.2.3 Plot C - The Woodlands 'Close

Knit development signifies the entrance to the established pedestrian pathway overlooking the valley'

Characterised by the enclosed, woodland setting, bounded on all sides

Features three, 2 storey, self-build, detached, family homes of approximately 140 sqm.

4.2.4 Plot D - School Hill 'Extension of the village grain'

Represents a transition between the heritage setting to the south and more recent housing to the north

Features starter / affordable rent / shared ownership homes overlooking the valley with varied massing similar to historic farmyards that have been adapted over time.

Includes purpose-built, accessible housing that faces and engages with Stebbing High Street and is characterised by a front-facing courtyard, with individual front porches, situated over the top of enclosed, accessible private parking garages at the lower ground level.

4.3 56% of the total are to be affordable housing units (14 units), this includes:

Plot D - 14 dwellings comprising of:

- 8 no. affordable rent homes (3 x 1 bed, 4 x 2 bed, 1 x 3 bed) of which, 3 are wheelchair accessible,
- 3 no. first time buyer homes (3 x 1 bed)
- 3 no. shared ownership home (1 x 2 bed, 2 x 3 bed)

Plot C - 3 no. self-build detached houses.

4.4 The proposed dwellings would be predominantly 2 to 2 ½ storeys, with a small section of 3 storey buildings and would range from larger detached properties set within larger plots to smaller semi-detached plots and short terraces.

4.5 The proposed housing would comprise of off-street car parking spaces to each unit. 56% of the total are to be affordable housing units (14 units)

4.6 The proposal would include areas of public open space to the western and eastern boundaries of the site, a children's play space and a small community / commercial building towards the eastern boundary.

5. ENVIRONMENTAL IMPACT ASSESSMENT

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

6. RELEVANT SITE HISTORY

6.1 There is no planning history related to this proposal.

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 The Localism Act requires pre-application consultation on certain types of planning applications made in England.

7.1.1 There has been previous pre-application dialogue (without prejudice) with UDC Officers (initially through a Planning Performance Agreement

(PPA) and latterly through a separate pre-application process); Essex County Council; the Essex Quality Review Panel (EQRP); Local Councillors; and with the local community.

7.1.2 This involved a series of both virtual and in-person meetings and discussions with the various stakeholders involved, as summarised below:-

- 26th April 2021:- PPA meeting with UDC Officers including presentation of initial concept scheme
- 28th October 2021:- Presentation to EQRP
- 11th March 2022:- PPA meeting with UDC Officers and Local Councillors including further presentation of conceptual scheme (post EQRP) together with question and answer session
- 22nd June 2022:- Public Consultation event held at The White Hart PH within the village; see Appendix 1 for Montare's 'Welcome to The Mount' consultation brochure and feedback results
- 25th October 2022:- Meeting with Head of Planning and Head of Development Management to discuss way forward in light of the Stebbing Neighbourhood Plan (SNP) made on 20th July 2022
- 11th May 2023:- Pre-application meeting held with Head of Development Management and Senior Planning Officer (request made on 13/03/23), with subsequent formal advice issued on 29th June 2023 (including both planning and heritage feedback)
- 24th July 2023:- Meeting with Housing Officer to discuss affordable housing proposal; fully endorsed scheme in excess of policy expectations

7.2 Full details of the applicant's engagement and consultation exercises conducted is discussed at section 3 within the submitted Planning Statement.

7.3 Pre application advice was provided by UDC on 29 June 2023. That concluded due to the impact to the Local Green Space and conservation/ heritage harm and the lack of information that demonstrates the harm is mitigated or outweighed by the very special benefits of the scheme, I am unable to support the proposed development. Any proposed application would need to clearly demonstrate how the benefits of the scheme outweigh the harm.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority – No Objections

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

- Construction of suitable visibility splays,
- Delivery of foot way,
- Provision and delivery of agreed crossing,
- Appropriate vehicle and cycle parking,
- Provision of residential travel pack.

8.2 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 conditions).

8.3 Historic England- Objection

8.3.1 The proposals would have a harmful impact on the setting of the scheduled motte castle by impacting on important views of the monument within the landscape and on its visual relationship with the historic settlement along High Street; they would also impact on the grade II* listed Stebbing Park by encroaching on open fields that contribute to its prominence.

8.3.2 Harm to the conservation area would be twofold: by diminishing the prominence of one of its key landmarks, and by eroding the rural feel that contributes strongly to its special character.

8.3.3 Because the proposals will cause harm to these assets, it will need to be considered in line with paragraphs 199, 200 and 202. When it comes to weighing up this harm to heritage, the Council will need to consider whether any public benefits that the Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004).

8.3.4 Any Information held by the organisation can be requested for release under this legislation. In terms of heritage as a public benefit, the benefits do not outweigh the harm caused by the erosion of the rural character that contributes to the assets and the visual interference of the dwellings into the settings of the motte castle and Stebbing Park. Consequently, the proposals cannot be supported and therefore recommend the application is withdrawn or else refused.

9. Stebbing Parish Council Comments – Objection.

9.1 Stebbing Parish Council (SPC) objects to this speculative application which is seen as a direct challenge to the ‘made’ Stebbing

Neighbourhood Plan and specifically the inappropriate attempts to undermine the democratically made decision of Stebbing residents to vote Yes at the Referendum in June 2022 at 97% of the votes recorded. The Stebbing Neighbourhood Plan reflects the thoughts ideas and ultimately the will of the community balanced against planning policies and requirements. This application seems to effectively ignore and try to negate them.

9.2 This application is on two pieces of pastureland that are part of a much bigger agricultural holding. They are outside the Development Limits and adjacent to the Conservation Area, forming breaks that separate the dwellings on the west side of the High Street and those on the Downs. These two fields are designated as Local Green Spaces in the Stebbing Neighbourhood Plan (SNP) and should be treated as Green Belt when development is proposed in them. (NPPF para. 103) To do this the applicant must show and prove very special circumstances as to why development should be allowed. Whilst the applicant's covering letter says they have identified circumstances, nowhere are these highlighted or explained. What they show are superficial promises; offers; ideas; and reasons but nothing with real substance.

9.3 Stebbing Parish Council consider this application contrary to the Stebbing Neighbour Plan.

9.3.1 STEB1
This application for 28 dwellings does not respect Stebbing's Heritage, it is adjacent to the Conservation Area and does not contribute positively to the street scene, it is not sympathetic to the neighbouring buildings or street scene, especially, creating a continuous line of dwellings.

9.3.2 STEB2 – Green Infrastructure & Development
This application's proposals do not enhance the visual characteristics of either of these two Local Green Spaces.

9.3.3 STEB4 – Local Green Spaces
Local Green Spaces (LGS) designated within the neighbourhood plan are in accordance with the NPPF paragraphs 101-103 and were examined and considered by the Inspector of the Plan to be consistent with the NPPF.

9.3.3.1 They stated that the Field Opposite the School '.....is valued for its historic importance and is popular with walkers who enjoy the views across the site it is adjacent to the Mill Lane recreation ground and Cricket Field but lies mainly outside the conservation area with only a small element falling within the conservation area.

9.3.3.2 Policies for managing development within Local Green Spaces should be consistent with those for Green Belt. The relevant paragraphs in the

NPPF that illustrate this are Para 147; 148; 149. Stebbing Parish Council regard the construction of new buildings in this application are inappropriate.

9.3.4 STEB7: Important & Protected Views

9.3.4.1 Stebbing Parish Council (SPC) does not believe that the application with all its proposals, is in any way sympathetic or necessary to the local character including landscape settings, that respect the views both looking towards the Downs from the 'Mount' (Motte); views from the Downs towards the 'Mount' and from the Downs towards Stebbing Park. The views are open, agrarian, and valued greatly by residents. The Landscape Partnership report explains the criteria behind their recommendations.

9.3.5 STEB9(2) - Design Principles & Location of New Development (part 2)
These application sites are within the countryside and outside of the Development Limits and do not meet this Policy or ULDP 2005 S7. The two identified Local Green Spaces are not Exception Sites' therefore to suggest Affordable housing with market housing is contradictory to this policy, nor does SPC believe that these proposals meet NPPF paragraph 80(e) as the design is not of exceptional quality nor appropriate in the setting.

9.3.6 STEB10/11 – Meeting Local Needs/Affordable Housing
The implication within the applicant's supporting material is that affordable rent housing will be allocated to local people, implying that Stebbing residents will be housed in at least eight rentals. As far as Stebbing Parish Council is aware there is only one Housing Association that will allocate to residents of the host community. Therefore, cannot comply with policies.

9.3.7 STEB15 – Supporting the Local Economy

9.3.7.1 The inclusion of the Commercial / Community use building within this application is detrimental to the amenity of the surrounding area of the Local Green Space. This area although offering community car parking for the school and the local community is also parking for the Class E-commercial building. Stebbing Parish Council considers that this creates an urbanisation of the High Street and will cause harm. It should also be noted that the proposed entrance to the commercial building, car park and affordable housing if allowed would cut across the yellow zigzag lines marking the school area, the Parish Council think this unacceptable and contrary to policy. This proposed inclusion is contrary to STEB15.

9.3.7.2 The village does not need a commercial building of any sort, so close to the village school. Please see the criteria in this Policy which this application is contrary to. Please note the applicant states in Paragraph

2.3 of the Planning Statement that there are various commercial premises within easy walking distance of the application site this SPC would say is an inaccurate statement.

9.3.8 STEB19 – Protection and Provision of Open Space, Sports Facilities and Playing Pitches Stebbing Parish has a variety of open spaces, sports facilities and playing pitches as can be seen on page 63 of the Neighbourhood Plan. Stebbing Parish Council owns and /or maintains many of the above for the benefit of the residents of the Parish. The others are ned/managed by community members. The proposed development with its Open Space does not enhance this space but detracts from it. Stebbing Parish Council is very aware of the cost of maintaining, improving, or enhancing all its assets and would therefore ask.

9.3.8.1 Who would be responsible for the upkeep of these so-called improvements to the designated Local Green Spaces?

9.3.8.2 Where would the financing of this upkeep come from and for how long?

9.3.8.3 Who would be responsible for the management plan for the maintenance and continued enhancement of the allegedly improved biodiversity?

9.3.8.4 Would the residents of the dwellings should this application be successful (including the affordable rental dwellings) be tied to a management company?

9.3.8.5 Stebbing Parish Council (SPC) note the space designated for village events. This is not needed as Mill Lane Field is easily accessible for all residents this being the venue for example of the annual Village Fete.

9.3.9 STEB20 – Protection of Leisure & Community Facilities
Stebbing needs no other Community-based buildings in the village, it is very well served as may be expected it has the richness to serve the various needs within the community. These can be seen on pages 63 & 64 of the SNP. Therefore, the proposal for a community-based building is unnecessary and a superfluous suggestion in a village that is so well served. It should be noted that this building would appear to sit above the dwelling given permission in the curtilage of Laurel House.

9.3.10 STEB21 – Health & Medical Care

9.3.10.1 Many residents use medical practices that are not in Great Dunmow, so to make the assumption that the NHS charge /costings would go towards local practices would be inaccurate and in fact, would actually be in a different ICCB area also.

9.3.11 STEB22 – Promoting Sustainable Travel
Stebbing Parish is greatly concerned with the addition of 4 new highway accesses and two footpaths onto the High Street and the Downs There

appears to be no provision for a footpath on the roadside of the development for either of the proposed developed fields.

- 9.3.11.1** This will not encourage walking or children on bikes it should be noted that apart from the core part of the High Street there are footpaths/pavements on one side and then on the other side of the road throughout the village.

- 9.3.12** Highways
SPC is greatly concerned about the 4 accesses into these 4 separate sub-divisions of the two designated Local Green Spaces. our concerns are:
 - 9.3.12.1** Access to the proposed commercial building, car park and affordable housing would be cut through the zigzag hazard lines opposite the school. SPC finds that unacceptable.

 - 9.3.12.2** The next two entrances are on the bend which allied to being on either side of the driveways for Falcons and Stebbing Park exacerbates the danger of usage the entrance to plot A is on the straight where cars speed up even more so than just passing plot B

- 9.3.13** Biodiversity
This application promises an increase of 10% in Biodiversity, however, to achieve that they will have to:
 - 9.3.13.1** bring the built form into what has been two open fields /meadows with their own wildlife using and living in them.

 - 9.3.13.2** animals and birds etc will be disturbed by the building of the dwellings, their continued residents' lives impacting on these fields where this was a minimal impact previously.

 - 9.3.13.3** Manage the area – who will do this and where will the money come from?

 - 9.3.13.4** The Parish Council to give an example has just recently created a Woodland Walk at the bottom of Mill Lane Field with the help of a grant from UDC's Climate Change and Biodiversity Grant Scheme. There is already an increase in biodiversity, and we are managing this for improvement. We also have a management plan for Stebbing Green which is a 'Local Wildlife Site.' This all takes continuing financing, but there is no explanation of how much or where the funding might come from for this and all other 'benefits' muted in this application

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer – No Objection.

10.1.1 Thank you for consulting me on this application for 28 new dwellings including 14 affordable homes. The proposed affordable housing provision would therefore exceed the 40% affordable housing policy requirement.

10.1.2 I can confirm that the applicant consulted me regarding the proposed affordable housing mix for the site at an early stage and so the proposed mix will provide a good range of affordable properties to meet the identified housing need.

10.1.3 The proposed mix includes 3 wheelchair accessible properties for affordable rent which will assist those upon the Housing Register in need of this type of property.

10.1.4 Each of the affordable properties exceed the Nationally Described Space Standards (NDSS).The bespoke design for the proposed development and the variation in the proposed finishes is to be commended.

10.1.5 The community parking facility should assist with alleviating traffic congestion during school drop-off and pick-up times

10.2 UDC Environmental Health – No Objection.

10.2.1 No concerns raised in relation to the impact of the development upon the residents of neighbouring properties, or future occupiers of the proposal, subject to conditions.

10.3 Anglian Water- No Objection

10.3.1 No objections subject to conditions

10.4 ECC Infrastructure – No objection subject to contributions.

10.4.1 A development of this size can be expected to generate the need for the following financial contribution to mitigate the need for education places based on 28 dwellings:

- Secondary Education: (Financial contribution of £117,555)
- School Transport: (Financial contribution of £21,903.20)
- Libraries: (Financial contribution of £2,178.40)

10.5 NHS – No objection subject to contributions.

10.5.1 The proposed development would deliver 28 dwellings, which based on an average occupancy of 2.4 occupants per dwelling will create circa 67.2 new patient registrations.

Total General Medical Service monies requested: 28 dwellings x £1,292.00 = £36,176.00

10.6 UDC Roadside Special Verge Officer- Objection.

10.6.1 Stebbing Special Roadside Verge / LoWS Ufd.270 is opposite the application site and requires protection during the period of construction. I therefore Object to this application because the SRV / LoWS needs to be included in a Construction Environmental Management Plan to protect it during a period of construction.

10.7 Aerodrome Safeguarding – No Objection.

10.7.1 No aerodrome safeguarding objections to the proposal subject to conditions.

10.8 UDC Principal Conservation Officer

10.8.1 This Advice Note follows an additional Site Visit with the Applicant's Project Manager and Heritage Consultant, and a visit to the privately owned Stebbing Park and Scheduled Monument. Visits to the privately owned sites noted were attended by UDC only.

10.8.2 The proposed development site is highly sensitive, with adjacencies to listed buildings, a Conservation Area, and a Scheduled Monument. I have reviewed the recently submitted information by residents regarding the Scheduled Monument and Listed Buildings, and the suggestion of redesign by the applicant team.

10.8.3 Based on the additional information, my previous comments still stand. In my opinion the proposal results in less than substantial harm to the heritage assets in proximity, and I consider the level of harm to be at the low to medium end of the scale. To clarify, the proposed development would not directly affect the fabric of the heritage assets, but it would inevitably affect their setting which at present is understood within the open and rural landscape. Additionally, the proposal results in harm to the character of the area as it erodes aspects of the agrarian nature of the Site.

10.8.4 The proposal appears proportionate to the post WWI developments. However, it should be noted that continued change throughout time can diminish aspects that were considered to contribute to the original defining character, and therefore is the basis of my assessment of the level of harm. Equally, harm does not prohibit development. Where less than substantial harm has been identified,

there is potential for the Application to be justified if on balance, the public benefits can outweigh the harm.

10.8.5 As highlighted in my previous comments I believe that the scheme has positive aspects. The scheme has been sensitively designed to respond to its context and although its presence would be perceptible, it would not affect the ability to appreciate the significance of nearby heritage assets. The design layout responds to its context and includes a high-quality landscape and architectural scheme. If the Application were to be approved, I would suggest that Conditions associated with materials, detailing and construction methods are attached to ensure exceptional design quality is maintained through to construction.

10.9 Place Services (Archaeology) – No objection.

10.9.1 No objections, the submitted trial trenching has found little archaeological deposits present within the area of the housing. Some features were present but these were largely undated. At present with the existing layout this office would require no further archaeological excavation in the trial trenched areas.

10.10 Place Services (Ecology) - Objection

10.10.1 Holding objection due to insufficient ecological information on European Protected Species (Great Crested Newts and bats), protected species (reptiles) and Priority habitats (Hedgerows and Lowland Mixed Deciduous Woodland).

10.11 Essex Police- No objection

10.11.1 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. Without suitable boundary treatments doors and windows to the rear will be accessible which if left open even whilst the property is occupied risks being taken advantage of by criminals. 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 benefitting both the resident and wider community

11. REPRESENTATIONS

11.1 Site notice/s were displayed on site and 60 notifications letters were sent to nearby properties. The application was also advertised in the local press. The following summary also considers the comments received from the Stebbing Neighbourhood Plan Steering Group.

11.2 Summary of Objections

- 11.2.1**
- Transport survey was not conducted at an appropriate time,
 - The village lack infrastructure,
 - In conflict with the Neighbourhood Plan and Local Plan
 - Impact to highway safety, traffic increase
 - Impact to historic views,
 - Not in character with the village,
 - No sustainable,
 - Outdated sewage works,
 - Flooding issues,
 - Community building not required,
 - Harmful impact to ecology,
 - The village has already expanded in recent years,
 - The verges are is common land and believed to be owned by the Parish.
 - Loss of green spaces,
 - Harmful to heritage assets,
 - Supply for housing within the SNHP is already exceeded,
 - Insufficient ecology survey undertaken,
 - The application is ad hoc and speculative and there is no justification for it.
 - The public benefits are outweighed by the harms of the development,
 - The Heritage Impact Assessment does not include sufficient information and inaccuracies and omissions,
 - Erosion of greenbelt
 - Overlooking and loss of privacy,
 - The proposed parking area is pointless and won't be used,
 - Light pollution

Summary of Support

- Sympathetic design of the houses,
- Its exceptional sustainability credentials and features
- The extremely generous level of affordable housing that will be provided, way beyond UDC policies (both existing and emerging)
- Provision of car parking,
- The local green space looks like a great asset for Stebbing; it will become a real thing and deliver tangible amenity benefits rather than just being a notional allocation in the Neighbourhood Plan.
- The provision of a new community building or indeed local affordable employment space would be great for the future of the village
- There are bio-diversity gains
- Young people need somewhere to live and should be encouraged to stay in their local area; these proposals will definitely help, particularly with the high level of affordable homes.

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 Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Felsted Neighbourhood Plan (made 21 February 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon and Rickling Neighbourhood Plan (made 28 June 2021)
Thaxted Neighbourhood Plan (made 21 February 2019)
Stebbing Neighbourhood Plan (made 19 July 2022)
Saffron Walden Neighbourhood Plan (made 11 October 2022)
Ashdon Neighbourhood Plan (made 6 December 2022)
Great and Little Chesterford Neighbourhood Plan (made 2 February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2023)

13.2 Uttlesford District Plan 2005

13.2.1 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
ENV5 – Protection of Agricultural Land
ENV7 – Protection of the Natural Environment
ENV8 – Other Landscape Elements of Importance
ENV10 – Noise Sensitive Developments
ENV12 – Groundwater Protection
ENV14 – Contaminated Land
H1 – Housing development
H9 – Affordable Housing
H10 – Housing Mix

13.3 Neighbourhood Plan

13.3.1 Stebbing Neighbourhood Plan- made 19 July 2022

Policies:

STEB1 – Respecting Stebbing’s Heritage- Design and Character
STEB2 - Green Infrastructure and Development
STEB4 - Local Green Space
STEB6 – Important Open Gaps
STEB7 – Important and Protected Views
STEB9 – Design Principles and Location of New Development
STEB10 – Meeting Local Needs
STEB11 - Affordable Homes
STEB13 – Managing Flood Risk and Drought Mitigation
STEB14- Renewable Energy

13.4 Supplementary Planning Document or Guidance

13.4.1 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) Character, Appearance and Heritage**
 - C) Neighbouring Amenity**
 - D) Archaeology**
 - E) Affordable Housing Mix and Tenure**
 - F) Access and Parking**
 - G) Nature Conservation & Trees**
 - H) Climate Change**
 - I Contamination**
 - J) Flooding**
 - K) Planning Obligations**
 - L) Any other Material Considerations**

14.3 A) Principle of development

14.3.1 Housing Delivery

14.3.2 The 2023 National Planning Policy Framework (NPPF) establishes the overarching principles of the planning system, including the requirement of the system to “drive and support development” through the local development plan process. It advocates policy that seeks to significantly boost the supply of housing and requires local planning authorities to ensure their Local Plan meets the full, objectively assessed housing needs for market and affordable housing.

14.3.3 The council can demonstrate a 4.12 year housing land supply – not 5 years. Whilst it has published Regulation 19 Local Plan and policies map, its performance against the Housing Delivery Test is below 75% and thus the policies which are most important for determining the application are considered ‘out-of-date’. Where policies are out of date, the NPPF states that permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development, or if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

14.3.4 In situations where the presumption, above, applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan (NhP) is likely to significantly and demonstrably outweigh the benefits, provided the NhP is less than five years old and meets its identified housing requirement.

14.3.5 In regards to the Regulation 19 of Uttlesford Draft Local Plan 2021 – 2041, only limited weight can be applied, owing to its stage of preparation. It is noted Stebbing would be considered as a settlement that would include non-strategic allocations. This includes a residual requirement of 109 dwellings to be allocated through non-strategic allocations up to 2041. The proposal would be in line with the overarching objectives of adopted policy in delivering additional housing in the district, subject to consideration of all other relevant policies of the development plan, as discussed below.

14.3.6 Development Limits

14.3.7 Paragraph 78 of the NPPF states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this.

14.3.8 The application site is located outside of the development limits and in the countryside. Policy S7 of the Local Plan 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.

14.3.9 Policy S7, sets out at paragraph 6.13 of the Local Plan that outside development limits, sensitive infilling proposals close to settlements may be appropriate subject to the development being compatible with the character of the surroundings and have a limited impact on the countryside will be considered in the context of Local Policy S7.

14.3.10 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 and therefore should be given limited weight. The proposal would be located to the south of the High Street in Stebbing, this is adjacent to residential development. Whilst the proposal would have a limited and localised impact on the local landscape, the proposal would not meet the requirements of Policy S7 of the Local Plan and that, consequently the proposal is contrary to that policy.

14.3.11 Stebbing Neighbourhood Plan STEB 6, considers the open gaps separating the Character Areas of Bran End and Church End with The Core Village. Development should ensure that there is no harm to the

setting and appearance and identity of each of the three Character Areas.

14.3.12 Stebbing Neighbourhood Plan STEB7 considers Important and Protected Views, development proposals must respect views in and out of the village that contribute to the setting and appreciation of the visual qualities of the historic core of the village, its setting and the surrounding landscape. The proposals would result in some harm on the setting of the scheduled motte castle by impacting on important views of the monument within the landscape and on its visual relationship with the historic settlement along High Street.

14.3.13 Stebbing Neighbourhood Plan STEB 9 considers development within defined development limits, allocated and infill sites Proposals for new development that are of high quality design and in sympathy with the traditional built character of Stebbing will be supported where they are well-related to the existing pattern of development within:

- The defined development limits
- The allocated sites
- Infill sites

14.3.14 It is not considered the proposal accords with the location of development set out in policy STEB9 or the exception list.

14.3.15 Loss of Agricultural Land

14.3.16 Paragraph 174(b) of the Framework states “Planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland”.

14.3.17 Annex 2 of The Framework defines “best and most versatile land” as land in grades 1, 2 and 3a of the Agricultural Land Classification.

14.3.18 Local Plan Policy ENV5 (Protection of Agricultural Land) states that development of the best and most versatile (BMV) agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. It further states that where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.

14.3.19 The policy is broadly consistent with the Framework which notes in paragraph 174(b) that planning decisions should recognise the economic and other benefits of BMV agricultural land, whilst the footnote to paragraph 174 states that where significant development of

agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. However, the Framework does not require development proposals to have undertaken an assessment of alternative sites, as this policy implies, and in this regard the policy is not fully consistent with the Framework and should therefore be given reduced weight.

14.3.20 Most of the agricultural land within Uttlesford District is classified as best and most versatile land. It is inevitable that future development will probably have to use such land as the supply of brownfield land within the district is very restricted. Virtually all the agricultural land within the district is classified as Grade 2 or 3 with some areas of Grade 1.

14.3.21 The location of the development forms part of Grade 3 agricultural land therefore classified as best and most versatile land, the relatively small loss can only be afforded very limited weight in relation to the conflict with this policy. Therefore, the loss of agricultural land in this location is not considered to give rise to significant conflict with Policy ENV5 or paragraph 174b of the Framework, which would warrant refusing the application in its own right on this ground.

14.3.22 Local Green Space

14.3.23 The application site is located within the designated Local green Space as set out in the Policy maps of the made Stebbing Neighbourhood Plan, these include: Parcel E- Field opposite Stebbing Primary School and Parcel F – Field opposite The Downs. Neighbourhood Plan Policy STEB 4 Considers Local Green Spaces are demonstrably special to the Parish of Stebbing and justify their designation.

14.3.24 The NPPF sets out the following:

14.3.25 Paragraph 105:

14.3.26 The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.

14.3.27 Paragraph 107:

14.3.28 Policies for managing development within a Local Green Space should be consistent with those for Green Belts.

14.3.29 Therefore the requirement of the managing development in Local Green Space should be in accordance with section 13 of the NPPF and

particularly paragraph 154 which sets out what is considered inappropriate development and certain exceptions. The proposal will not constitute any of the exceptions set out in paragraph 154 and therefore should only be approved if the very special circumstances of the development outweigh the harm.

14.3.30 As to considerations of appropriateness, preservation of openness and conflict with planning policy, these should be applied in light of the nature of a particular type of development. Whether a proposed facility would preserve the openness of the site is largely a matter of planning judgement.

14.3.31 Several factors could be relevant in applying “openness” to the facts of a case, notably, how built up the site is now and how built up it would be if development occurred, and the visual impact on the aspect of openness which the site presents. Matters which may need to be considered include, but are not limited to the following:

- spatial and visual aspects (the visual impact of the proposal may be relevant, as could its volume);
- the duration of the development, and its remediability; and
- the degree of activity likely to be generated, such as traffic generation.

14.3.32 The absence of any development, the additional new built residential accommodation would clearly have an impact on openness. The site is undeveloped open land and is heavily treed in some areas. The site is open plot between two sections of built form within the rural settlement before giving way to the wider countryside to the north of the site, this makes a positive contribution to preventing encroachment into the countryside.

14.3.33 In addition, because the proposal will include the introduction of 4 individual highway access points and proposed parking spaces for the school and internal roads this would also increase the permanent built form on the site. The character of the site is strongly defined as a mainly undeveloped area to the west of the High Street, to the east of the High Street the built form includes a linear approach. It is considered proposal would introduce a form of urbanised development along the High Street and land to the west of the High Street transforming the open character of the site.

14.3.34 Local Green Space Balance

The proposed development includes a number of planning benefits, however paragraph 154 of the NPPF advises the balancing exercise should consider whether the very special circumstances of the development outweigh the harm, the following list the very special circumstances in terms of the Local Green Space and weight applied.

- In terms of whether the very special circumstances, these include:

- 50% affordable housing units (14 units)- significant weight
- Contribution to the supply of housing- substantial weight
- 3 self-build dwellings- moderate weight
- Construction of Community building- moderate weight
- Enhancement of the access to Local Green Space- significant weight
- Enhancement to the landscape features of the public open space – significant weight
- Increase accessibility to the Local Green Space- significant weight
- Provision of community car park- moderate weight
- Securing 18.6% Bio diversity net gain- significant weight

14.3.35 Although substantial weight that must be afforded to any harm to the loss of Local Green Space it is considered that the very special circumstances that will directly enhance the Local Green Space includes; the public accessibility of the land from 2.24% to 84.67% coverage with the active ‘Landscape-led’ design incorporating pathways; routes and cycle links to encourage physical activity and social interaction (walkable communities). These enhancements together with other very special circumstances listed in the above paragraph are considered to cumulatively have significant weight that could outweigh the harm to the public open space that is caused by the development.

14.3.36 In terms of very special circumstances, it is considered that the quantitative and qualitative improvements to the Local Green Space facilitated by the application proposals would make an entirely positive contribution to the ‘special’ character of the land and increase its significance from a local perspective, particularly in terms of its resultant recreational value and the exceptional biodiversity gains delivered, whilst also acknowledging local heritage assets. The very special circumstances have been demonstrated outweigh the harm. Therefore are not in conflict with the aims of Neighbourhood Plan Policy STEB4 and paragraphs 107, 152, 153 of the NPPF. The harm caused by the development is outweighed by the very special circumstances.

14.4 B) Character, Appearance and Heritage

14.4.1 A core principle of the NPPF is to recognise the intrinsic and beauty of the countryside. Paragraph 180 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.

- 14.4.2** The application site is on the edge of the settlement. Local Plan Policy S7 has several objectives, among them to seek development that recognises the intrinsic character and beauty of the countryside. The aim is reflected in NPPF paragraph 180 in recognising the intrinsic character and beauty of the countryside, including economic and other benefits of trees and woodland.
- 14.4.3** 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.
- 14.4.4** The effect of the proposal to the existing character of the immediate site would have a major to moderate adverse, although this would be localised. This is due to the change of the undeveloped land to a residential development. Whilst there would be new landscaping the urbanisation would not completely visually contained and likely to result in a level of change to the wider landscape setting, especially from western views to the site.
- 14.4.5** To the east of the site there is a fairly tight urban grain and linear built form this is appropriate within the development limits. The proposal seeks to introduce significant built form to the site that would be invisible from the High Street. The overall density, scale and mass of the new dwellings would create an introduction of built form that would have some harm to the character and appearance of the site and surrounding area, the site positively contributes to the rural character and appearance of the area, as most of the land is open and verdant in appearance and character.
- 14.4.6** In regards to the appearance of the development the dwellings, commercial building dwellings will be of a traditional form and appearance that include a high quality design that is individually designed to be accommodated within the site. 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.
- 14.4.7** The proposal accords with section B1C of the UDC Design Code in regards to building types and density. The proposal will provide buildings that will respect the character of the local area or should contribute to its own distinctive, but complementary character and provide a bespoke

design solution opposed to of the shelf housing types, in accordance with section B1.G of the UDC Design Code.

14.4.8 The effect of the proposed on the existing character of the immediate site is considered to be major to moderate adverse. This is due to the change of the undeveloped agricultural field to a residential development, however the proposed changes in the appearance from the west of the site would not necessarily have far stretching views. Important view points along the High Street have been identified in the submitted Landscape Assessment and the location of the proposed housing has been located to protect these viewpoints.

14.4.9 The design of the detached dwellings are based on the simple, pitched barn form that is characteristic in and around Dunmow echoing the agrarian nature of the site and surrounds. Typical 2 and 3 bed homes feature good quality living spaces, with ample glazing and outdoor terraces offering views over the valley. Southern exposure is mitigated in summer months with extended roof canopy / bris soleil to help mitigate the hottest summer sun, and strategic planting of deciduous trees. Detailed, thermally efficient designs will incorporate sustainable, locally appropriate materials, and provide energy efficient, high-quality homes. All new homes will meet or exceed the Nationally Described Space Standards, and Building Regulations - offering added features such as EV charging points and study spaces for every home. Such design quality features can be secured by condition.

14.4.10 The proposed properties are to be built to a high standard using traditional materials and set back from the internal roads to provide separation and planting. The existing topography of the site has been taken into account and the siting of the proposed properties allows for level changes to be contained within rear gardens and predominantly along boundary lines.

14.4.11 Heritage

14.4.12 The site is located adjacent to the northern boundary of the Stebbing Conservation Area, an area designated for its special character. The site is in proximity of the historic core that includes the High Street, Church End and Mill Lane. Also nearby heritage assets include:

Stebbing Park
Listed Building Grade: II*

Stebbing Park Barn
Listed Building Grade: II

The Mount:
Scheduled Monument

- 14.4.13** Due consideration should therefore be made to whether the proposal will have a harmful impact to the setting of the heritage asset as set out in ULP Policies ENV1, ENV2 and the statutory duties under Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 14.4.14** The Council's Principal Conservation Officer considers the proposal's design would not completely mitigate the change from its current, open character. In addition, the development would be perceptible from neighbouring properties and visible in part from the existing road network. The proposal is low-density when considering the site area available and is thoughtfully set away from the nearby heritage assets. The use of landscaping to provide a buffer between the new development and heritage assets assists in reducing harm to the character of the area.
- 14.4.15** The proposal results in less than substantial harm to the significance of the heritage assets outlined in Section 3.0 and is at the low to medium end of the scale, in line with Paragraphs 208 of the NPPF. The proposal appears proportionate to the nearby post WWI developments. However, it should be noted that continued change throughout time can diminish aspects that were considered to contribute to the original defining character, and therefore is the basis of my assessment of the level of harm. Equally, harm does not prohibit development. Where less than substantial harm has been identified, there is potential for the Application to be justified if on balance, the public benefits can outweigh the harm.
- 14.4.16** Historic England was consulted as part of this application and has advised the proposals would have a harmful impact on the setting of the scheduled motte castle by impacting on important views of the monument within the landscape and on its visual relationship with the historic settlement along High Street; they would also impact on the grade II* listed Stebbing Park by encroaching on open fields that contribute to its prominence.
- 14.4.17** Harm to the conservation area would be twofold: by diminishing the prominence of one of its key landmarks, and by eroding the rural feel that contributes strongly to its special character.
- 14.4.18** Heritage Balance
- 14.4.19** The harm to the designated heritage assets would be less than substantial. Even so, such harm is a matter of considerable importance and weight in the determination of this application. Paragraph 208 of the NPPF requires that the harm to the significance of the listed building must be weighed against the public benefits of the proposal.
- 14.4.20** The public benefits include:

- 50% affordable housing units (14 units)- substantial weight
- Contribution to the supply of housing- substantial weight
- 3 self-build dwellings- moderate weight
- 5% of the affordable dwelling will be first homes –moderate weight
- Contribute to the local economy, during construction and future occupation of the houses- moderate weight
- Construction of Community building- moderate weight
- Enhancement of the Local Green Space- substantial weight
- Increase accessibility to the Local Green Space from 2.24% to 84.67%- substantial weight
- Provision of community car park- moderate weight
- Securing 18.6% Bio diversity net gain- significant weight.

14.4.21 The proposal includes a significant level of public benefit. Some economic benefits would also be derived from the construction of the development, the occupation of the dwellings, community building and also provides some support to local services and facilities.

14.4.22 Taken in isolation, and without consideration of location, the above factors could amount to significant public benefits, the less than substantial harm to the heritage assets as set out in this report are considered to be outweighed by the public benefits.

14.4.23 As such it is considered the proposal accords with ULP Policies ENV1, ENV2, ENV4 and the statutory duties under Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The development would also be in accordance with paragraphs 203 and 208 of the NPPF and Neighbourhood Plan STEB1.

14.5 C) Neighbouring Amenity

14.5.1 Policy GEN2 also seeks to ensure that development would not have a materially adverse effect on residential amenity. Due to the retention of the landscaping and boundary treatment will have to be implemented to ensure no loss of amenity and capability with the neighbouring properties.

14.5.2 The distance between the proposed development and the orientation of it site with neighbouring properties is considered sufficient to not result

in a loss of privacy or overlooking to neighbouring properties. The altered layout of the scheme ensures the properties will have sufficient private amenity space; this is contributed by the distance between properties and landscaping features as such it is considered that the development is in accordance with the aims of GEN2 and the NPPF.

14.5.3 The submission includes a site plan that shows that the proposed dwellings built form would be sufficiently 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 in terms of noise, outlook, daylight or privacy. As such, the proposal would comply with Policies GEN2 and GEN4 of the Local Plan and the NPPF 2023.

14.5.4 ULP Policy GEN4 and ENV11 advises that development will not be permitted where noise would cause a material disturbance to occupiers to surrounding properties.

14.5.5 The introduction of the dwellings will result in an increase of noise and disturbance, mainly due to the increase of vehicular movement within the site, that being said this would not be any further material increase than the existing use of the site.

14.5.6 In regards to external lighting, due to location of the development it is recommended a condition is included to secure details of lighting external lighting prior to its installation, in accordance with ULP Policy GEN5.

14.6 D) Archaeology

14.6.1 In accordance with Policy ENV4 of the adopted Local Plan, the preservation of locally important archaeological remains will be sought unless the need for development outweighs the importance of the archaeology. It further highlights that in situations where there are grounds for believing that a site would be affected, applicants would be required to provide an archaeological field assessment to be carried out before a planning application can be determined, thus allowing and enabling informed and reasonable planning decisions to be made.

14.6.2 The ECC Archaeological Team have been consulted in regards to the development, the applicants have submitted a Heritage impact assessment which integrates an archaeological desk based assessment within it. They have also undertaken a geophysical survey across the main development areas and undertaken trial trenching in the proposed housing areas. It is advised the trial trenching has found little archaeological deposits present within the area of the housing. Some features were present but these were largely undated. At present with the existing layout this office would require no further archaeological excavation in the trial trenched areas.

14.6.3 The development of the site is therefore unlikely to have any direct impact on archaeological remains of significance. It is therefore considered that the proposed development complies with Policy ENV4 of the Local Plan.

14.7 E) Affordable Housing Mix and Tenure

14.7.1 In accordance with Policy H9 of the Local Plan, the Council has adopted a housing strategy which sets out the 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 National Planning Policy 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.

14.7.2 The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Council's policy requires 40% on all schemes over 0.5 ha or 15 or more properties. The affordable housing provision on this site will attract the 40% policy requirement as the development proposes up 28 properties. This amounts to up to 11 affordable housing properties, however it is noted the application exceed the affordable dwellings requirement with 50% provision (14 units).

14.7.3 Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2- and 3-bedroom market dwellings. The proposal includes a good mix of smaller units, it is noted the Council's Housing Enabling officer has advised that pre the pre application has resulted in a good range of affordable properties to meet the identified housing need. Therefore, the mix is in accordance with the ULP Policy H10 and Stebbing Neighbourhood Plan Policies STEB10, STEB11 and is meeting local and district wide needs and provide appropriate market housing for the area in this regard.

14.8 F) Access and Parking

14.8.1 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.

14.8.2 The application site would be accessed from 4 proposed highway access points along the High Street and pedestrian routes are proposed to the open green space top the west of the site.

- 14.8.3** Concerns have been raised as part of the public consultation on the application in relation to the proposal impact in terms of increase in traffic and highway safety, especially due to the proximity of the site to the nearby Primary School.
- 14.8.4** Following the submission of additional information, including a revised access details and Stage 1 Safety audit ECC Highways have advised that subject to conditions they do not have any objections.
- 14.8.5** The Highway Authority also seeks that the developer delivers a new pedestrian crossing and foot way along the High Street, the details of this are to be approved prior to the occupation of the development. Also a construction management plan should be condition to ensure highway safety during the construction of the development.
- 14.8.6** The submitted Transport Strategy document considers that not only benefits the development, but also enables wider reaching benefits for existing Stebbing residents and beyond.
- 14.8.7** The robust transport strategy seeks to minimise private car use, whilst recognising the residual need for car-based travel in such locations.
On-site measures will include:
- EV active charging facilities for each unit planned from the outset;
 - Maintaining and enhancing access to existing bus services;
 - Safe, secure and easily accessed cycle storage for each unit, including visitors;
 - Visitor car parking and ability to accommodate servicing and deliveries on-site;
 - Shared use Community car parking designed to accommodate and relocate existing on-street parking associated with the Stebbing Primary School,
 - Home working space within each unit.
- 14.8.8** Policy GEN8 of the Local Plan advises 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'.
- 14.8.9** The adopted Council's Residential Parking Standards (2013) 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.

14.8.10 As such, the proposals and the site itself provide sufficient off-street parking in accordance with the standards to meet the needs of future residents, The provision of electric vehicle charging infrastructure could be secured by way of an appropriately worded planning.

14.8.11 Overall, the proposals comply with Policies GEN1 and GEN8 of the Adopted Local Plan and the NPPF.

14.9 G) Nature Conservation & Trees

14.9.1 Nature Conservation

14.9.2 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.

14.9.3 The Council's Ecology Consultant has reviewed the ecology appraisal submitted with the application and confirm they are satisfied that there is sufficient ecological information to determine the application. No objections have been raised subject to the imposition of conditions regarding:

- The development shall be in accordance with the submitted ecology appraisal,
- Submission and approval of natural England License,
- Submission and approval of Environmental Management Plan,
- Reptile Mitigation strategy,
- Lighting Scheme.

14.9.4 Subject to the imposition of conditions it is considered the proposed development will not have a harmful impact on protected species or biodiversity and is in accordance with Policies GEN7, ENV8.

14.9.5 ULP Policy ENV8 considers whether development will harmful impact Special verges and advises development will only be permitted if the need for the development and required mitigation outweighs the harm to the nature conservation of the site. Although the Councils' Special Verges Officer has objected to the development, however they have advised the proposed development requires a Construction Management Plan. It is considered this could be conditioned to be submitted and approved by the LPA prior to commencement of the development.

14.9.6 Trees

14.9.7 The Council's Landscape Officer has not provided specific comments on tree removals, however, it is noted new native trees would be planted along the north-eastern and south-eastern boundary of the site, in areas of public open space and along new streets, totally 81 new trees. Wildflower grassland would also be planted around the sustainable drainage ponds and in the public open space within the south-eastern part of the proposed development. This would ensure that the tree cover to be lost to facilitate access would be adequately replaced in terms of quantum and quality within the application site.

14.10 H) Climate Change

14.10.1 Policy GEN2 of the Local Plan seeks to ensure that the design of new development helps to minimise water and energy consumption. Uttlesford Interim Climate Change Policy and Stebbing neighbourhood plan Policy STEB14 advises how developments should demonstrate the path towards carbon zero and low energy schemes. The NPPF seeks to ensure that new development should avoid increased vulnerability arising from climate change. More so, developments should help to reduce greenhouse gas emissions.

14.10.2 The applicant has provided limited information in regards to this matter how therefore a condition requiring further details of the renewable energy/climate control measures is therefore necessary.

14.10.3 The proposals follows the Energy Hierarchy, with priority given to minimising carbon emissions through reduced energy demand prior to consideration of low carbon and renewable energy supply options. This approach also helps ensure lower operating costs to the benefit of affordability for the end user.

14.10.4 A range of sustainable design and construction features are proposed including:

- Highly thermally efficient building fabric;
- Air Source Heat Pumps (ASHP) will be applied to the residential hot water demand, and potentially space heating as well; ASHP will be applied to the non-residential uses's space heating;
- PV will be mounted at roof level to reduce the overall grid electricity demands;
- The 10% renewable target for predicted energy requirements will be comfortably exceeded;
- Highly efficient lighting to be included;
- Water saving sanitary fittings and appliances to deliver a water efficient development;

- Sustainable Drainage Systems (SuDS) to be provided;
- A series of measures to enhance the bio-diversity value of the Site will be incorporated;
- Suitable waste and recycling facilities will be provided within the Development to collect and segregate wastes;
- The use of materials with a low lifecycle environmental impact and embodied energy;
- Efficient construction and operational waste management.

14.10.5 The proposed development is considered to be in accordance with the Interim Climate Change Policy 2021, Local Plan Policy GEN2 and the NPPF.

14.11 I) Contamination

14.11.1 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.

14.12 J) Flooding

14.12.1 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.

14.12.2 The Environmental Agency's website and the Council's policy maps has identified the site is within a fluvial Flood Zone 1; an area that is at low risk of flooding.

14.12.3 New major development for housing needs 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.

14.12.4 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.

14.12.5 The proposals, for this reason thereby comply with ULP Policy GEN3, Neighbourhood plan STEB13 and the NPPF.

14.13 K) Planning Obligations

14.13.1 Paragraph 57 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 Levy (CIL) Regulations. The following identifies those matter that the Council would seek to secure through a planning obligation, if it were proposing to grant planning permission.

- 14.13.2**
- Provision of 50% affordable housing and self- build units`
 - 25% of Affordable housing being First Homes.
 - Provision of 5% wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010,
 - Maintenance of SuDS including on-going maintenance of drainage, systems where their outfall is beyond the site,
 - Provision and long-term on-going maintenance of public open space,
 - Provision and management of community building,
 - Provision and management of parking area,
 - Secondary Education: (Financial contribution of £117,555),
 - School Transport: (Financial contribution of £21,903.20),
 - Libraries: (Financial contribution of £2,178.40),
 - NHS: (Financial contribution of £36,176.00),

14.14 L) Any Other Material Considerations

14.14.1 The emerging local plan includes a range of relevant policies. However, owing to the stage of preparation its policies are afforded limited weight. The evidence base that underlies the emerging plan is also a material consideration.

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. PLANNING BALANCE AND CONCLUSION

16.1 Paragraph 226 of the NPPF allows for Council's that have reached Regulation 18 or 19 stage of the plan-making process, including the publication of both a policies map and proposed allocations towards meeting housing need, to only be required to identify deliverable sites equating to a minimum of 4 years' worth of the local housing need. Paragraph 226 was engaged on 8th August 2024, following UDC publication of its Regulation 19 Local Plan. As of 20th August 2024[1] the Council can demonstrate a 4.12 years housing land supply (which includes a 20% buffer).

16.2 On the 30 July 2024, the Government published its proposed changes to the NPPF for consultation (closing on 24th September 2024). These changes include removing paragraph 226 in its entirety and if this is change is made this will remove the 4 year housing land supply position. This would mean that the housing land supply position will revert back to the requirement to demonstrate a 5 year housing land supply regardless of the position with the emerging Local Plan. However the results of the latest Housing Delivery Test indicate Uttlesford is only delivering 58% of it's require housing need. As such, the council must continue engaging the presumption in favour of sustainable development under paragraph 11(d) of the NPPF.

16.3 It is noted Stebbing would be considered as a settlement that includes non-strategic allocations in the emerging local plan. However, its allocation of 109 dwelling within the emerging plan has not been tested at examination and it thus afforded limited weight. This includes a residual requirement of 109 dwellings to be allocated through non-strategic allocations up to 2041. Although only limited weight can be applied to the draft Local Plan the proposal this should be given limited

weight in the balancing exercise. The made Stebbing Neighbourhood Plan is less than five years old and meets its indicative housing need, established in 2020.

16.4 The amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. Being out of date does not mean that a policy carries no weight. A review of Policy S7 concluded that this takes a more restrictive approach to development in the countryside compared to the NPPF which takes a more positive approach, and this could affect the delivery of housing. However, it is broadly consistent with the NPPF in terms of seeking to protect the character and appearance of the countryside and thereby carries limited weight.

16.5 In respect to addressing the benefits of the proposed development, the following sets out the benefits and weight applied.

- 50% affordable housing units (14 units)- substantial weight
- Contribution to the supply of housing – substantial weight
- 3 self-build dwellings- moderate weight
- 5% of the affordable dwelling will be first homes- moderate weight
- Contribute to the local economy, during construction and future occupation of the houses- moderate weight
- Construction of Community building- moderate weight
- Enhancement of the Local Green Space- substantial weight,
- Increase accessibility to the Local Green Space from 2.24% to 84.67% - substantial weight
- Provision of community car park- moderate weight
- Securing 18.6% Bio diversity net gain- substantial weight.

16.6 Turning to the adverse impacts of development, the negative environmental effect of the development would be the harmful impact caused to the landscape character and visual effects on the character and appearance of the countryside from the introduction of built form in this location, albeit this would be localised and would not result in a significant level of landscape harm from wider views.

16.7 The proposal would result in the loss of Local Green Space. Local Green Spaces (LGS) designated within the neighbourhood plan, policies for managing development within Local Green Spaces should be consistent with those for Green Belt. Although there would be a loss of this area due to the introduction of the dwellings, the proposal will increase the

accessibility to the Local Green Space from 2.24% to 84.67%. It is considered that the very special circumstances which have been cited would outweigh the harm caused by the development, the proposal would therefore not be in conflict with Stebbing Neighbourhood Plan STEB1.

16.8 The proposal would also result in less than substantial harm to the visual significance of the nearby heritage assets, these include:

- Stebbing Park,
- Stebbing Park Barn,
- The Mount.

16.9 A heritage balance has been made at paragraph 14.4.13 of this report and concludes the development would include significant public benefits that would outweigh the heritage harm.

16.10 As set out in this balancing exercise, the Local Green Space Balance and Heritage Balance it is noted the benefits of the proposed development is not outweighed by the harm. Taking into account the more up- to-date nature of the NPPF with respect to the determining issues, it is considered that the lack of accordance with the Development Plan is overridden in this instance. Regards has been had to all other materials considerations and it is concluded that planning permission should be granted.

17. S106/ CONDITIONS

17.1 S106 HEADS OF TERMS

- 17.2**
- Provision of 50% affordable housing,
 - Provision of 3 self-build dwellings
 - 25% of Affordable housing being First Homes,
 - Provision of 5% wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010,
 - Maintenance of SuDS including on-going maintenance of drainage, systems where their outfall is beyond the site,
 - Provision and long-term on-going maintenance of public open space,
 - Provision and management of community building,
 - Provision and management of parking area,
 - Secondary Education- financial contribution,
 - School Transport- financial contribution,
 - Libraries- financial contribution,
 - NHS - financial contribution,
 - Pay the Council's reasonable legal costs,
 - Pay the County Council's monitoring fee,
 - Pay the Uttlesford District Council monitoring fee.

17.3 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 The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

PRE COMMENCEMENT

- 3 Prior to the commencement of the development hereby approved a Construction Method Statement shall be submitted and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (a) the parking of vehicles of site operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials used in constructing the development
- (d) the control of noise from construction, including the hours of working and hours of deliveries
- (e) safe access to site
- (f) wheel washing facilities
- (g) measures to control the emission of dust and dirt during construction
- h) Details of a complaints procedure with a designated person on site responsible for complaint handling
- h) protection of the special verge- LoWS UTT29 / Ufd.270 The Downs Stebbing

REASON: The use of such pre commencement condition is required to protect the amenity of surrounding residential premises in accordance with Policies GEN1, GEN2, and GEN4, ENV8 of the Uttlesford Local Plan (adopted 2005)

- 4 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 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 and in accordance with ULP Policy GEN3 and the NPPF.

- 5 Prior to construction of the development hereby approved a scheme for foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority.

The foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

REASON: To prevent environmental and amenity problems arising from flooding and in accordance with ULP Policy GEN3.

- 6 Any works which will impact the breeding or resting place of Great Crested Newt, shall not 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 (as amended) authorizing the specified activity/development to go ahead; or

b) a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or

c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.”

REASON: To conserve protected 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 s17 Crime & Disorder Act 1998 and in accordance with ULP Policy GEN7.

- 7 Prior to the commencement of the development 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) to include a precautionary working method statement for bats and trees, protection of Stebbing Brook and of The Downs, Stebbing Special Roadside Verge/Local Wildlife Site.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present onsite.

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), s40 of the NERC Act 2006 (as amended) and PoliciesGEN7 and ENV7 of the Uttlesford Local Plan (2005).

- 8 Prior to the commencement of the development hereby approved a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the local planning authority.

The Reptile Mitigation Strategy shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.

- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.”

REASON: To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 (as amended), s40 of the NERC Act 2006 (as amended) and Policy GEN7 of the Uttlesford Local Plan (2005).

SLAB LEVEL

- 9 Prior to any works above slab level, a Biodiversity Enhancement Strategy for biodiversity enhancements, prepared by a suitably qualified ecologist in line with the recommendations of the National Vegetation Classification Survey (MKA Ecology, November 2022), Preliminary Ecological Appraisal (Hybrid Ecology Ltd., September 2021), Biodiversity Net Gain Assessment (Tim Moya Associates, September 2023), Hedgerow Mitigation (Austin Design Works, July 2024) and Proposed Hedgerow Mitigation Planting Plans, drawing no. GA 603 (Austin Design Works, July 2024), 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 of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details 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 2023, s40 of the NERC Act 2006 (as amended) and Policies GEN7 and ENV8 of the Uttlesford Local Plan (2005).

- 10 Prior to any works above slab level details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details prior to occupation of the dwelling hereby approved and shall be maintained as such in perpetuity.

The landscaping details to be submitted shall include:

- a) proposed finished levels (including earthworks to be carried out);
- b) means of enclosure of the land (boundary treatments);
- c) hard surfacing and other hard landscape features and materials;
- d) existing trees, hedges or other soft features to be retained;
- e) planting plans including specifications of species, sizes, planting centres, number and percentage mix;
- f) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife;
- g) details of siting and timing of all construction activities to avoid harm to all nature conservation features;
- h) management and maintenance details.

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

REASON: To preserve the character and appearance of the area, to safeguard residential amenities, to preserve the significance of the heritage assets and to secure details of the new planting/boundary treatments, in accordance with the adopted Uttlesford Local Plan Policies S7, GEN2 and the National Planning Policy Framework (2023).

- 11 No development above slab level shall commence until the external materials of construction for the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

REASON: In the interests of the appearance of the development and to accord with Policy GEN2 of the Uttlesford Local Plan 2005.

- 12 Prior to any work above slab level details of any renewable features/ climate control measures associated with each dwelling shall be submitted and approved in writing by the Local Planning Authority. The renewable features/ climate control measures shall installed prior to the occupation of the dwellings and retained as such thereafter.

REASON: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance to comply with Policies ENV15 and GEN2 of the Uttlesford Local Plan (adopted 2005) and Uttlesford District Council's Interim Climate Change Policy document (2021).

PRE OCCUPATION

- 13 Prior to the occupation of the development 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 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), s40 of the NERC Act 2006 (as amended) and Policies GEN7 and ENV8 of the Uttlesford Local Plan (2005).

- 14 Prior to occupation of any dwelling, the 2-metre footway sections as shown in principle on DWG no 425.065369.00001_PD01 Rev A, to include but not limited to, pedestrian locations that achieve the required pedestrian visibility splays in accordance with the observed speeds of the road, shall be provided. For the avoidance of doubt, this shall include full depth construction and surfacing.

REASON: In the interest of highway safety and accessibility and in accordance with ULP Policy GEN1.

- 15 Prior to occupation of any dwelling an appropriate pedestrian crossing facility (zebra or alternative type) in the vicinity of the school and as shown in principle on DWG no 425.065369.00001_PD01 Rev A, to include but not limited to, reinstatement works to full height kerbing on the footway to the southeast whilst maintaining access for property named Laurel House, shall be provided.

REASON: In the interest of highway safety and accessibility and in accordance with ULP Policy GEN1.

- 16 The dwellings shall not be occupied until such time as the vehicle parking for that specific dwelling as indicated on the approved plans, have been provided. The vehicle parking areas and associated turning areas 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 interests of highway safety and in accordance with ULP Policy GEN1.

- 17 Prior to the occupation of the development hereby approved, a lighting design scheme shall be submitted to and approved in writing by the local planning authority.

The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

The lighting scheme should also avoid any adverse impacts on residential neighbours from obtrusive/spill-over light, or glare.

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

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and ULP Policy GEN7 and neighbouring amenity (GEN4 and GEN5)

- 18 “Prior to occupation, a “lighting design strategy for biodiversity” in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

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

- 19 Prior to occupation of the development each vehicular access shall be constructed with an appropriate radii or simple dropped kerb crossing arrangement and width to accommodate the swept path of all vehicles regularly accessing the site for the intended purpose, as well as appropriate visibility splays as per the observed speeds of the road, to the highway boundary and to the existing carriageway. The visibility splays shall be maintained clear to ground in perpetuity.

REASON: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety and in accordance with ULP Policy GEN1.

- 20 Prior to the occupation of the development hereby approved an Employment and Skills Plan (ESP) shall be submitted and approved by the Local Planning Authority. This shall include how the developer will engage with and maximise local labour and skills opportunities.

REASON: In order to access education for the post 16 year-olds including skills development and assisting both residents and businesses progression into, and through, sustainable employment, including apprenticeships and in accordance with ULP Policy GEN6.

- 21 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 ULP Policy GEN1.

COMPLIANCE

- 22 All mitigation measures and/or works shall be carried out in accordance with the details contained in the National Vegetation Classification Survey (MKA Ecology, November 2022), Reptile Survey report (MKA Ecology, November 2022), Tree Assessment Technical Note (MKA Ecology, November 2022), Great Crested Newt Environmental DNA Surveys letter report (MKA Ecology, August 2022), Preliminary Ecological Appraisal (Hybrid Ecology Ltd., September 2021), Biodiversity Net Gain Assessment (Tim Moya Associates, September 2023), Technical Memorandum (SLR Consulting Ltd., June 2024), Hedgerow Mitigation (Austin Design Works, July 2024) and Proposed Hedgerow Mitigation Planting Plans, drawing no. GA 603 (Austin Design Works, July 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”

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), s40 of the NERC Act 2006 (as amended) and Policies GEN7 and ENV8 of the Uttlesford Local Plan (2005).

- 23 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and the following mitigation measures detailed within the FRA:

Infiltration testing in line with BRE 365. If infiltration is found unviable the run-off rates from the site should be limited to 1 l/s for Parcel 1 and 1 l/s for Parcel 2.

Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of 45% climate change.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON:

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective treatment of surface water runoff to prevent pollution

And in accordance with ULP Policy GEN3 and the NPPF.

- 24 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 on each parcel, 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 and in accordance with ULP Policy GEN 3 and the NPPF.

- 25 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 and in accordance with ULP Policy GEN 3 and the NPPF.

- 26 If during any site investigation, excavation, engineering, or construction works evidence of land contamination is identified, the applicant/developer shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to ensure that the site is made suitable for its end use.

REASON: To protect human health and the environment and in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

27 A minimum of a single electric vehicle charging point shall be installed at each of the dwellings. These shall be provided, fully wired and connected, ready to use before first occupation.

REASON: To encourage/support cleaner vehicle usage in accordance with the NPPF and ULP Policies ENV13 and GEN2 of the Uttlesford Local Plan (adopted 2005)”.and in accordance with the guidance in Approved Document S 2021.

28 Unless stated in the application the dwellings hereby approved shall be built in accordance with Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure a high standard of accessibility, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005), the SPD entitled 'Accessible Homes and Playspace' and the Planning Practice Guidance.

29 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 and in accordance with ULP Policy GEN1 and the NPPF.

30 Any air source heat pumps to be installed at the development shall be specified and designed, enclosed, or otherwise attenuated to ensure that noise resulting from their operation shall not exceed the existing background noise level as measured at the nearest noise sensitive receptor inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014

REASON: To safeguard the residential amenity of neighbouring properties from the impact of noise and disturbance, in accordance with ULP Policy GEN4 and the NPPF.

APPENDIX 1- HISTORIC ENGLAND



Mr Chris Tyler
Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex
CB11 4ER

Direct Dial: 01223 582784

Our ref: P01567469

15 November 2023

Dear Mr Tyler

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**LAND WEST OF HIGH STREET, STEBBING , ESSEX
Application No. UTT/23/2496/FUL**

Thank you for your letter of 16 October 2023 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Summary

The sites proposed for development comprise two areas of pasture located within the setting of Stebbing Park - the historic site of the manor of Henry de Ferrers, which includes a scheduled motte castle and a grade II* listed building. The application sites fall outside of but are adjacent to Stebbing Conservation Area. The proposal is for the change of use and implementation of 28 dwellings across two separate development sites also including community parking and local amenity facilities.

The proposals would have a harmful impact on the setting of the scheduled motte castle by impacting on important views of the monument within the landscape and on its visual relationship with the historic settlement along High Street; they would also impact on the grade II* listed Stebbing Park by encroaching on open fields that contribute to its prominence.

Harm to the conservation area would be twofold: by diminishing the prominence of one of its key landmarks, and by eroding the rural feel that contributes strongly to its special character.

Because the proposals will cause harm to these assets, it will need to be considered in line with paragraphs 199, 200 and 202. When it comes to weighing up this harm to heritage, the Council will need to consider whether any public benefits that the



development delivers outweigh the harm and that they can only be delivered in this particular location.

In terms of heritage as a public benefit, the benefits do not outweigh the harm caused by the erosion of the rural character that contributes to the assets and the visual interference of the dwellings into the settings of the motte castle and Stebbing Park. Consequently, the proposals cannot be supported and therefore recommend the application is withdrawn or else refused.

Historic England Advice

Significance of the assets

Stebbing Park is a prominent site within Stebbing village. It comprises the site of the historic manor of Henry de Ferrers, one of the Norman lords who took ownership of the village from Siward, the former Saxon ruler.

Stebbing Park includes The Mount, a well-preserved motte castle, built between the 11th to the 13th centuries on a prominent spur facing the Stebbing Brook. West of the motte and nestled on a picturesque parkland setting with views over the river lies the manor complex: the principal building is a mid-16th century timber framed structure with later additions and alterations; it also includes other ancillary buildings, such as a 13th century barn, which still survive.

The relation between manor and motte is of relevance. Historic Ordnance Survey maps show a bridge over the ditch and a winding path to what could possibly had been an eye catcher or folly on top, presumably visible from the land around. The park seems would have included gardens/pleasure grounds south and west of the house and west of the motte. Later maps show an imposing tree-lined avenue providing access to the complex from the road leading to the village, which still survives.

The complex is a key landmark in the village. Its location on rising grounds at the north end of High Street provides a counterpart to St Mary's Church on the opposite end: religious and civil power either end of the historic settlement create a memorable image that illustrates the balance of power in the settlement in medieval times.

Due to the nature, location of the monument and topography of the site, neither the motte castle nor the former manor are easily recognised when moving along High Street and The Downs. In this instance, it is the openness of the pasture fields that surround the site, their rural and tranquil character in opposition to the busy High Street, which is crucial to our understanding of the site and its prominence and make an important contribution to its significance.



Historic England

Stebbing manor and The Mount form an important group in the landscape, in continuous occupation from the Norman Conquest onwards. The significance of Stebbing Park and the structures within it is recognised in their heritage designations: The Mount is a scheduled monument; the principal building at Stebbing Park, a grade II* listed building.

In turn, the significance of Stebbing and its special character was recognised on its early designation as a Conservation Area, back in 1977.

Stebbing Neighbourhood Development Plan 2019 - 2033 (SNDP) was adopted in 19 July 2022 by the District Council as part of the statutory development plan. The plan establishes a vision for the evolution and long-term sustainability of Stebbing Parish and village. It sets out a vision for the future of the parish and planning policies which will be used to determine planning applications locally.

Impact of the proposals

The sites that are proposed for development comprise two large areas of pasture along the west side of The Downs north of High Street - North Field and South Field. The proposal is for the change of use of the land for residential and considers the construction of 28 dwellings alongside community parking and local amenity facilities. Housing would be grouped in four clusters - Plots A, B, C and D - on a cul-de-sac arrangement. The land closer to the monument would be left open and landscaped.

The principle of developing this land for residential would introduce considerable instances of harm to the significance of a number of highly graded heritage assets through development within their setting, namely, the complex of designated assets - scheduled monument and grade II* listed building - in Stebbing Park, as well as to the setting of the conservation area. Furthermore, the proposals would go against the policies and vision set up in the Stebbing Neighbourhood Development Plan. Consequently, Historic England has strong concerns on heritage grounds.

Planning Policy

The statutory requirement to have special regard to the desirability of preserving a listed building, its setting and any features of special interest (s. 16, Planning (Listed Building and Conservation Areas) Act 1990) must be taken into account by your authority when making its decision.

The NPPF reflects this by making the conservation and enhancement of the historic environment, a fundamental part of its policy, including, in the case of heritage assets, requiring local planning authorities to look for opportunities to enhance or better reveal



their significance (paragraph 206); compliance with both the statutory requirements can only be achieved by seeking to enhance the special interest of the heritage assets.

Paragraph 199 states that harm of any level requires clear and convincing justification, with great weight being given to the conservation of the heritage assets in question. Paragraph 200 goes on to say that harm - of any level - requires a clear and convincing justification.

Paragraph 202 asks that, where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Historic England Position

We appreciate the applicant's ambition for these sites but their relevance in relation to the setting of the scheduled motte castle, the grade II* Stebbing Park, and the conservation area is quite significant and makes it quite sensitive to development. This sensitivity was recognised on their designation as Local Green Spaces in the adopted Neighbourhood Development Plan.

The Mount. The relation of Stebbing Park with the village and the church is of importance, as it contributes to our understanding of its strategic location in relation to the historic settlement, the river and the relationships established between them. Views of the houses nestled along High Street and the motte castle are available from the higher grounds of the South Field. The development of plots C and D on this site would introduce built development precisely on the areas where these views are afforded. This would be harmful primarily to the setting of the motte castle but would also impact on the prominence of Stebbing Park as a whole.

Stebbing Park. The tree-lined avenue is a significant component of Stebbing Park, a reference of its important status. Views of this avenue are most prominent from the public footpaths across the North Field, in The Downs. The development of Plots A, B and C would encroach on open fields that contribute to the wider setting of the former manor, detracting from its prominence and harming its significance.

Stebbing Conservation Area. Harm to the significance of the conservation area would be twofold: First, by detracting from the prominence of one of its key landmarks - the seat of power of Stebbing Park. Second, by eroding the open, rural feel that forms an important component of its special character, most particularly on this specific character area. The proposed development would destroy the remaining sense of openness and views into the countryside along the west side of The Downs north of



High Street by enclosing the lane with residential development.

In that regard, it needs to be noted the consideration given to Local Green Spaces (Policy STEB2) and Important and Protected Views (Policy STEB7) in the adopted SNDP. The North and South Field subject of the current application are designated Local Green Spaces. Relatedly, Views 4-7 would be impacted as a result of the proposed development.

The proposal will be harmful to the significance of a number of heritage assets. The harm is considerable and needs to be given appropriate weighting in the decision-making process. When it comes to weighing up this harm to heritage, the Council will need to consider whether any public benefits that the development delivers outweigh the harm and that they can only be delivered in this particular location, and against the determinations on the adopted Neighbourhood Plan.

We note the Amenity Benefits document included as part of the submission. In heritage terms, the benefits do not outweigh the harm caused by the erosion of the rural character that contributes to the assets and the visual interference of the dwellings into the settings of the motte castle and Stebbing Park. Consequently, the proposals cannot be supported and recommend the application is withdrawn or else refused.

Recommendation

Historic England objects to the application on heritage grounds. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 199, 200 and 206.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

In addition, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 asks you to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

We also draw your attention to section 38(6) of the Planning and Compulsory Purchase Act 2004, which asks you to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

APPENDIX 2- LEAD LOCAL FLOOD AUTHORITY

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



Chris Tyler
Uttlesford District Council
Planning Services

Date: 1st February 2024
Our Ref: SUDS-007076
Your Ref: UTT/23/2496/FUL

Dear Mr Tyler,

Consultation Response – UTT/23/2496/FUL - Land West Of High Street Stebbing Essex

Thank you for your email received on 26/01/2024 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 15th 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

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and the following mitigation measures detailed within the FRA:

- Infiltration testing in line with BRE 365. If infiltration is found unviable the run-off rates from the site should be limited to 1 l/s for Parcel 1 and 1 l/s for Parcel 2.
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of 45% climate change.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective treatment of surface water runoff to prevent pollution.

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.

Reason

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 on each parcel, 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 also have the following advisory comments:

- 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>
- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. Planning applications with outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures Flood risk assessments: climate change allowances - GOV.UK (www.gov.uk)
- Please note that where discharge is to a public sewer, consent from the relevant authority will be required. The links can be found below.
<https://www.anlianwater.co.uk/developing/drainage-services/sustainable-drainage-systems/>
<https://www.thameswater.co.uk/developers>
- Any works to a ditch may require a S23 Ordinary Watercourse Consent. Please see the below link for more information and how to apply.
<https://flood.essex.gov.uk/maintaining-or-changing-a-watercourse/>

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 GIS layer should be sent to suds@essex.gov.uk.
- 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 15th 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.

APPENDIX 3- HIGHWAYS AUTHORITY

Your Ref: UTT/23/2496/FUL
Our Ref: 57235
Date: 10th April 2024



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/23/2496/FUL
Applicant	Montare LLP
Site Location	Land West Of High Street Stebbing Essex
Proposal	Erection of 28 residential dwellings (comprising 14 affordable and 11 private market homes together with 3 self-build plots) and local affordable employment unit/flexible community space; provision of public open space and associated local amenity facilities (activating Local Green Space allocation); together with integrated landscaping and car parking (to include additional community parking facility)

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 the development each vehicular access shall be constructed at right angles, with an appropriate radii or simple dropped kerb crossing arrangement and width to accommodate the swept path of all vehicles regularly accessing the site for the intended purpose, as well as appropriate visibility splays as per the observed speeds of the road, to the highway boundary and to the existing carriageway. The visibility splays shall be maintained clear to ground in perpetuity. **Reason:** to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.
2. 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.

3. Prior to occupation of any dwelling, the 2-metre footway sections as shown in principle on DWG no 425.065369.00001_PD01 Rev A, to include but not limited to, pedestrian crossing points at appropriate locations that achieve the required pedestrian visibility splays in accordance with the observed speeds of the road, shall be provided. For the avoidance of doubt, this shall include full depth construction and surfacing. **Reason:** In the interest of highway safety and accessibility.
4. Prior to occupation of any dwelling an appropriate pedestrian crossing facility (zebra or alternative type) in the vicinity of the school and as shown in principle on DWG no 425.065369.00001_PD01 Rev A, to include but not limited to, reinstatement works to full height kerbing on the footway to the southeast whilst maintaining access for property named Laurel House, shall be provided. **Reason:** In the interest of highway safety and accessibility.
5. The proposed development shall not be occupied until such time as the vehicle parking areas indicated on the approved plans, have been provided. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority. **Reason:** To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety
6. 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 / powered two wheeler parking is provided in the interest of highway safety and amenity.
7. 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.

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 or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
- ii. 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.

- iii. There shall be no discharge of surface water onto the Highway.
- iv. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.
- 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. 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. 21 (Stebbing), public footpath no. 12 (Stebbing), public footpath no. 10 (Stebbing), 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.

APPENDIX 4- ACCOMODATION SCHEDULE

Plot A	Type	Bedrooms	Parking	Garden (sqm)	Tenure
A1	1 + 1/2 storey detached dwelling	3	2	100+	Market
A2	2 storey detached dwelling	3	2	100+	Market
A3	2 storey detached dwelling	2	2	100+	Market
A4	2 storey detached dwelling	4	3	100+	Market
A5	2 storey detached dwelling	4	3	100+	Market
A6	2 storey detached dwelling	2	2	100+	Market
			2 visitor spaces		
Plot B					
B1	2 storey detached dwelling	2	2	100+	Market
B2	2 storey detached dwelling	2	2	100+	Market
B3	2 storey detached dwelling	4	3	100+	Market
B4	2 storey detached dwelling	2	2	100+	Market
B5	2 storey detached dwelling	3	2	100+	Market
			2 visitor spaces		
Plot C					
C1	2 storey detached dwelling	3	2	100+	Self build
C2	2 storey detached dwelling	3	2	100+	Self build
C3	2 storey detached dwelling	2	2	100+	Self build
			1 visitor space		
Plot D					
D1	Alms houses	1	1	Balcony	Affordable rent
D2	Alms houses	2	2	Balcony	Affordable rent
D3	Alms houses	1	1	Balcony	Affordable rent
D4	Alms houses	2	2	Balcony	Affordable rent
D5	Alms houses	1	1	Balcony	Affordable rent
D6	Flat	1	1	Balcony	First home
D7	Flat	1	1	Balcony	First home
D8	2 Storey Terrace House	2	2	50+	Affordable rent
D9	Bungalow	1	1	50+	First home
D10	2 Storey Semi detached	2	2	50+	Affordable rent
D11	2 Storey Semi detached	3	2	100+	Affordable rent
D12	2 Storey Semi detached	3	2	100+	Shared ownership
D13	2 Storey Semi detached	2	2	50+	Shared ownership
D14	2 storey detached	3	2	100+	Shared ownership
			4 visitor spaces		
Commercial unit	GF GIA - 104sqm 1st GIA - 61sqm		23 school/ commercial parking		

Market	Affordable rent	First home	Shared ownership	Self build
11	8	3	3	3