

ITEM NUMBER:

13

**PLANNING COMMITTEE
DATE:**

18 September 2024

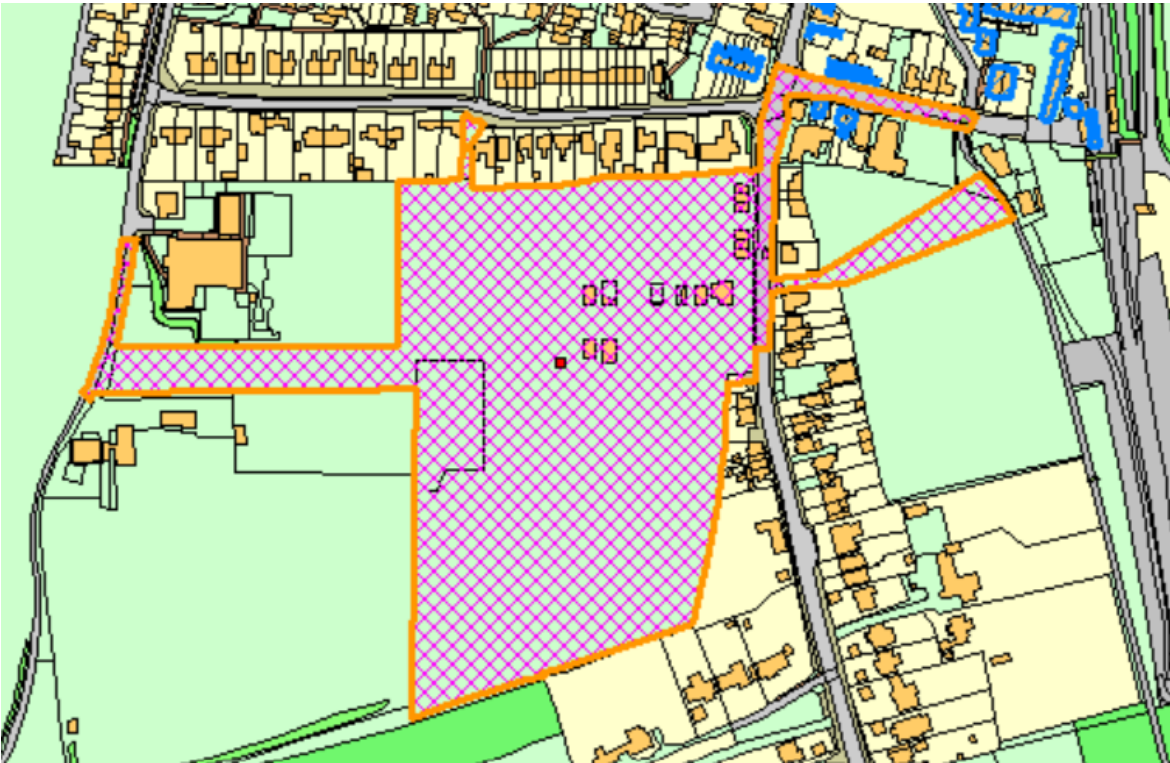
REFERENCE NUMBER:

UTT/24/1363/FUL

LOCATION:

Land West of London Road, Newport, Essex

SITE LOCATION PLAN:



© Crown copyright and database rights 2021 Ordnance Survey 010018688
Organisation: Uttlesford District Council Date: 05 August 2024

PROPOSAL: S73 application to vary condition 12 (provision of real time passenger info) of UTT/20/2632/FUL

(Construction of 89 new dwellings, vehicular access from London Road and associated parking, open space and landscaping. Including the provision of ball catch netting for the recreation club, a car park and associated access for Newport Primary School including landscaping improvements, an off-site playground highway improvements to the bridleway and associated development.)

- to amend the wording of the condition to 'Prior to 60% occupation'

APPLICANT: Hill Partnerships

AGENT: Hill Partnerships

EXPIRY DATE: 23 August 2024

EOT Expiry Date 25 Sept 2024

CASE OFFICER: Chris Tyler

NOTATION: Newport Outside Development Limits, abuts onto a conservation area

REASON THIS APPLICATION IS ON THE AGENDA : Variation of Condition of Major Application

1. **EXECUTIVE SUMMARY**

1.1 The principle of the development of this site for the construction of 89 new dwellings, vehicular access and associated works was approved under planning approval UTT/20/2632/FUL and has been implemented. This proposed variation to condition 12 of extant planning permission ref: UTT/20/2632/FUL intends to amend the installation trigger for the provision of Real Time bus service displays, from prior to the occupation to prior to 60% occupation of the development.

1.2 The proposed variation of condition 12 will not result in any adverse planning harm in respect to the development and specifically encouraging

movement by means other than driving a car and supporting sustainable transport modes. Although the installation of Real Time - bus service screens have not been provided prior to the occupation they will be installed and operational prior to 60% of the occupation of the development. Once installed these will encourage movement by means other than car for the future occupiers of the site.

1.3 The variation of condition 12 does not result in material change to the overall principle of the development and is considered acceptable and will still be in accordance with ULP Policy GEN1, Policy M1 of the UDC Design Code and the NPPF.

1.4 In compliance with paragraph 15 of the S106 agreement of planning application UTT/20/2632/FUL, if the Council agrees in writing following an application under Section 73 of the 1990 Act to vary or release of any condition contained in the Permission or the existing deed shall be deemed to bind the varied permission and to apply in equal terms to the new permission. As such there is not a requirement to vary the existing S106 agreement.

2. RECOMMENDATION

That the Strategic Director of Planning be authorised to GRANT permission for the development(s) subject to those items set out in section 17 of this report –

A) Approve the variation of condition 12 subject to the re-imposition of all other conditions.

3. SITE LOCATION AND DESCRIPTION:

3.1 The site comprises an area of 5.07ha in size located in the southern part of Newport. The site is bounded on the east by London Road and the residential properties fronting that road and to the north by the residential development fronting onto Frambury Lane. The western boundary is formed by Newport County Primary School and Newport village recreation ground with residential properties to the south and agricultural land and the M11 motorway beyond. The application site incorporates a narrow area of land which lies between the primary school and recreation grounds and extends up to the bridleway to the west.

4. PROPOSAL

4.1 This S73 application considers the variation of condition 12 (provision of real time passenger info) of UTT/20/2632/FUL to amend the trigger of the condition from prior to the occupation of the development to prior to 60% occupation of the development.

4.2 Approved condition 12 includes:

4.2.1 Prior to first occupation the bus stops on either side London Road, Newport in the vicinity of Station Road (opposite and adjacent to) shall be provided with the provision of real time passenger information, such real time information shall be provided to the specification of the highway authority.

4.2.2 REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

4.3 Proposed variation to condition 12:

4.3.1 Prior to 60% occupancy across tenure (market and affordable housing) of the development, the bus stops on either side London Road, Newport in the vicinity of Station Road (opposite and adjacent to) shall be provided with the provision of real time passenger information, such real time information shall be provided to the specification of the highway authority.

4.3.2 REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

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

Reference	Proposal	Decision
UTT/22/1848/FUL	Variation of condition 2 (approved development shall be carried out in accordance with the approved plans) attached to UTT/20/2632/FUL	Approved 24/11/22
UTT/20/2632/FUL	Construction of 89 new dwellings, vehicular access from London Road and associated parking, open space and landscaping. Including the provision of ball catch netting for the recreation club, a car park	Approved 24/5/2022

	and associated access for Newport Primary School including landscaping improvements, an off-site playground highway improvements to the bridleway and associated development.	
UTT/19/0210/DO C	Application to discharge Condition 3 (revised floorplans) attached to UTT/15/1869/FUL allowed on appeal APP/C1570/W/16/316601. Part discharged under UTT/18/1964/DOC and now supplying details regarding Plots 84, 87 & 88	Discharged in full on 3/4/2019
UTT/18/1964/DO C	Application to discharge conditions 3(revised floor plans and elevations) 4(samples and details) 6(bird hazard management plan) and 7(biodiversity enhancement management) following approval on appeal UTT/15/1869/FUL Appeal Ref: APP/C1570/W/16/3166101 dated 27.10.2017.	Discharged in part on 1/11/2018
UTT/18/0559/DO C	Application to discharge condition 15 (archaeological investigation) following approval on appeal of UTT/15/1869/FUL appeal ref 17/00010/REF dated 27.10.2017	Refused to discharge on 4/4/2018
UTT/15/1869/FUL	Erection of 94 residential dwellings including flexible mixed use building (Use Classes B1, D1 or D2); open space, landscaping and new access	Refused on 18.11.2016 Allowed on appeal

7. **PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

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

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Lead Local Flood Authority

8.1.1 No comments raised.

9. PARISH COUNCIL

9.1 No Objections.

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health

10.1.1 I have reviewed the above application and have no comments to make in relation to Environmental Protection is that all EP conditions attached to the original application (UTT/20/2632/FUL) should be copied over and attached to this application if planning permission is granted.

10.2 Place Services (Conservation and Heritage) – No objection

10.2.1 No comments to raise.

10.3 ECC Ecology- No objections

10.3.1 We have reviewed the above application and have no comments to make in relation to ecology apart from that all ecology conditions attached to the original application (UTT/20/2632/FUL) should be copied over and attached to this application if planning permission is granted.

10.4 Essex Police

10.4.1 We thank you for notification of this application to vary condition 12 and have no comment in relation to this application.

10.5 Stansted Airport Aerodrome Safeguarding

10.5.1 Thank you for consulting with the aerodrome safeguarding authority for Stansted Airport, we have no objection to the Variation.

11. REPRESENTATIONS

11.1 A site notice was displayed on site and 259 notifications letters were sent to nearby properties. The planning application was also advertised in the local press.

11.2 Support

11.2.1 N/A

11.3 Object

11.3.1 N/A

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,;

(a) 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 Section 73 of the Town and Country Planning Act 1990 enables an applicant to apply to develop land without compliance with conditions attached to an extant permission. The Local Planning Authority may amend or remove condition but may not amend any other part of the permission and therefore the original permission remains intact. It will form a separate permission in its own right. Therefore, this means that a developer may elect which permission to implement.

12.5 The Development Plan

12.5.1 Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)

Felsted Neighbourhood Plan (made Feb 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made 19 July 2022)
Saffron Walden Neighbourhood Plan (made October 2022)
Ashdon Neighbourhood Plan (made 6 December 2022)
Great & Little Chesterford Neighbourhood Plan (made 2 February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2023)
National Planning Policy Guidance (NPPG)

13.2.1 Uttlesford District Plan 2005

ULP Policy S3 – Other Development Limits
ULP Policy S7 – The Countryside
ULP Policy H1 – Housing Development
ULP Policy H3 – New Houses within Development Limits
ULP Policy H9 – Affordable Housing
ULP Policy H10 – Housing Mix
ULP Policy GEN1 – Access
ULP Policy GEN2 – Design
ULP Policy GEN3 – Flood Protection
ULP Policy GEN4 – Good neighbourliness
ULP Policy GEN5 – Light Pollution
ULP Policy GEN7 – Natural Conservation
ULP Policy GEN8 – Vehicle Parking Standards
ULP Policy ENV1-Design of Development within Conservation Areas
ULP Policy ENV2- Development affected Listed Buildings
ULP Policy ENV5 – Protection of Agricultural Land
ULP Policy ENV11 – Noise Generators
ULP Policy ENV14 – Contaminated Land
ULP Policy ENV15 – Renewable Energy

13.3 State name of relevant Neighbourhood Plan in this title

13.3.1 Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)

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

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2**
- A) Access and Transport**
 - B) Infrastructure S106 Contributions**
 - C) Any Other Material Considerations**

14.2.1 The principle of the development of this site for the construction of 89 new dwellings, vehicular access and associated works has been established by the approval of planning permission (UTT/20/2632/FUL) and is considered a significant materials consideration. The proposed variation of condition does not result in material change to the overall principle of the development.

14.3 A) Access and Transport

14.3.1 Policy GEN1 seeks to development encourages movement by means other than driving a car. Condition 12 includes the provision of real time information at the nearby bus stop, these would be provided through by the applicant as part of the ongoing highway works.

14.3.2 Due to delays regarding the of technical approval of the S278 works for the highway and going delay in the obtaining licences to work on the highway the developer has concentrated on delivering the main new access to the site. Now this is complete the applicant has to apply to do the further highway works to the bus stops to provide the real time information displays.

14.3.3 London Road has often being used as diversion route for any works in the area, including works to the M11. Essex Highways have understandable reluctant to approve works on London Road when it is being used as a diversion route.

14.3.4 As such to provide a realistic approach to the delivery of the real time display it is proposed to vary condition 12 from pre-occupation to 60% occupation of the development. It is noted the Highway Authority have been consulted in regard to this application and no comments or further recommendations have been received.

14.3.5 Whilst the provision of the real time display not be provided prior to the occupation of the development is unfortunate, the provision of the real time display at 60% occupation will still encourage movement by means other than car for the future occupiers of the site. This will also be in accordance with Policy M1 of the UDC Design Code which supports the use of public transport modes.

14.4 B) Infrastructure S106 Contributions

14.4.1 The proposed variation of condition 12 does not required any amendment to the S106 agreement. As such in compliance with paragraph 15 of the previous S106 agreement of planning application UTT/20/2632/FUL that confirms if the Council agrees in writing following an application under section 73 of the 1990 Act to vary or release of any condition contained in the Permission or the existing deed shall be deemed to bind the varied permission and to apply in equal terms to the new permission.

14.4.2 Taking the above into account it is considered that the application provides sufficient infrastructure to support the proposed development. It is therefore concluded that the proposal accords with Policy GEN6.

14.5 C) Any Other Material Considerations

14.5.1 The following policy is included in emerging UDC Local Plan submission and therefore has been considered in the assessment of this application; this policy holds some limited weight.

14.5.2 **Core Policy 27:** Assessing the impact of Development on Transport Infrastructure.

14.5.3 Development proposals should:

14.5.4 Prioritise active travel over the use of the car, including providing walking and cycling connections to key services in the town and permeability to existing settlements. Contribute towards the improvement of all sustainable modes of transport including public transport.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

15.1.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

15.1.2 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

15.2 Human Rights

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

16. CONCLUSION

16.1 The principle of the development of this site for the construction of 89 new dwellings, vehicular access and associated works was approved under planning approval UTT/20/2632/FUL and has been implemented. This proposed variation to condition 12 of extant planning permission ref: UTT/20/2632/FUL intends to amend the installation trigger for the provision of Real Time bus service displays, from prior to the occupation to prior to 60% occupation of the development.

16.2 The proposed variation of condition 12 will not result in any adverse planning harm in respect to the development and specifically encouraging movement by means other than driving a car and supporting sustainable transport modes. Although the installation of Real Time - bus service screens have not been provided prior to the occupation they will be installed and operational prior to 60% of the occupation of the development. Once installed these will encourage movement by means other than car for the future occupiers of the site.

16.3 The variation of condition 12 does not result in material change to the overall principle of the development and is considered acceptable and in accordance with ULP Policy GEN1, Policy M1 of the UDC Design Code and the NPPF.

16.4 In compliance with paragraph 15 of the S106 agreement of planning application UTT/20/2632/FUL, if the Council agrees in writing following an application under Section 73 of the 1990 Act to vary or release of any condition contained in the Permission or the existing deed shall be deemed to bind the varied permission and to apply in equal terms to the new permission. As such there is not a requirement to vary the existing S106 agreement.

17. CONDITIONS

1 The development to which this permission relates to shall begin by the 24th May 2025, in compliance with the expiration of 3 years from the decision date of planning approval UTT/20/2632/FUL.

REASON: To comply with the requirements of Sections 73 and 91 of the Town and Country Planning Act 1990 (as amended).

- 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.

- 3** The development hereby approved shall be carried out in accordance with the details of the materials submitted and approved under discharge of condition application UTT/22/3169/DOC.

The development shall be carried out in accordance with these approved details or any variation as may subsequently be agreed in writing by the LPA.

REASON: In the interests of the appearance of the development, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the NPPF

- 4** The development hereby approved shall be carried out in accordance with the details of landscaping submitted and approved under discharge of condition application UTT/22/2969/DOC.

The development shall be carried out in accordance with these approved details or any variation as may subsequently be agreed in writing by the LPA.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

- 5** All hard and soft landscape works shall be carried out in accordance with the approved details shall thereafter be retained as such. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

REASON: In the interests of the appearance of the site and area and for the safety of all residents and visitors in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

- 6** The development hereby approved shall be carried out in accordance with the details of the common area management plan submitted and approved under discharge of condition application UTT/22/2969/DOC.

The development shall be carried out in accordance with these approved details or any variation as may subsequently be agreed in writing by the LPA.

REASON: To ensure an acceptable standard of development is provided and maintained in compliance with Policies GEN2 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

- 7** 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace.

- 8** The development hereby approved shall be constructed in accordance with the construction management plan approved under discharge of conditions application UTT/22/2182/DOC, unless written permission is given by the Local Planning Authority.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1 of the Highway Authority's Development Management Policies February 2011 and Policy GEN1 of the Uttlesford Local Plan 2005.

- 9** Prior to first occupation of the development, the accesses and pedestrian crossing point on London Road, as shown in principle on submitted drawing 056-QVA-HA-J1-DR-C-0571 rev7, shall be provided. The primary access shall be a minimum of 5.5m width with two 2m width footways. Both accesses shall have clear to ground visibility splays with dimensions of 2.4m by 45m in both directions, as measured from and along the nearside edge of the carriageway they shall be retained free of any obstruction at all times thereafter.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Policy GEN1 of the Uttlesford Local Plan 2005.

- 10** Prior to 60% occupation of the development the highway works between the school and the access to the recreation ground shown in principle on drawing number 056-QVA-HA-J2-DR-C-0581 rev1 and DR-C-0585 rev 1 shall be provided and thereafter be retained as approved. The road width shall be a minimum of 4.8m with a footway of minimum 1.8m. Bollards in the car park shall be placed so as to allow turning of a refuse vehicle and the road shall be designed with a 20mph speed limit.

REASON: To provide safe and suitable access to the proposed car park in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Policy GEN1 of the Uttlesford Local Plan 2005.

- 11** Prior to 60% occupation of the development a footway/cycle of minimum width 2.5m shall be provided between the site and the bridleway 41/16 as shown in principle in drawing number 056-NTA-XX-00-DR-L-0519 REV P04, it shall be hard, smooth, level, durable, and safe in all weathers and situated clear of any hedging. The footway/cycleway shall be retained as such thereafter.

REASON: To provide safe and suitable access for pedestrians and cyclists in the interest of highway safety and promoting sustainable travel in accordance with policy DM1 and DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Policy GEN1 of the Uttlesford Local Plan 2005.

12 **CONDITION VARIED**

Prior to 60% occupancy of the development hereby approved, the bus stops on either side London Road, Newport in the vicinity of Station Road (opposite and adjacent to) shall be provided with the provision of real time passenger information, such real time information shall be provided to the specification of the highway authority.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- 13** 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 in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- 14** Prior to the occupation of any building electric vehicle charging points shall be provided for all the dwellings these shall be incorporated within the residential garage(s) or accessible from any on plot parking space associated with that dwelling. Thereafter these charging points shall be maintained and retained as provided.

REASON: To provide residents with access to more sustainable forms of transport in accordance with DM9 of the Essex Development Management Policies (2011) Policy GEN1 of the Uttlesford Local Plan 2005 and the NPPF.

- 15** The development hereby approved shall not be implemented other than in accordance with the recommended acoustic mitigation measures outlined in the acoustic report by Ensaf Noise Impact Assessment reference AC109054- 1R5 dated 23rd September 2020 and shall thereafter be retained as approved.

REASON: To safeguard the amenities of the occupiers on the site, the neighbourhood and to comply with policy GEN4 Uttlesford Local Plan (adopted 2005) and the NPPF .

- 16** The development hereby approved shall be constructed in accordance with the Construction Method Statement approved under discharge of conditions application UTT/22/2182/DOC.

The development shall be carried out in accordance with these approved details or any variation as may subsequently be agreed in writing by the LPA.

REASON: To safeguard the amenities of the surrounding neighbours and to comply with policy GEN4 Uttlesford Local Plan (adopted 2005) and the NPPF.

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

REASON: To ensure the safety of occupants and the amenity of neighbouring residents and to comply with policies GEN4 of the Uttlesford Local Plan 2005 and the NPPF.

- 18** All mitigation measures and/or works shall be carried out in accordance with the details contained the Preliminary Ecological Appraisal (Cambridge Ecology, September 2020), Reptile Report, Bat Activity Surveys Report, and Ecological Mitigation and Enhancement Plan (The Ecology Partnership, September 2020); Landscaping Masterplan, Softworks Masterplan, and On Site Street Lighting Plan (Trivselhus, September 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This includes, but is not limited to, the strict adherence to the Ecological Mitigation and Enhancement Masterplan, post development monitoring of biodiversity, and the use of a specialist contractor to remove a stand of Japanese Knotweed.

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy EcGEN7 of the Uttlesford Local Plan 2005

- 19** Works within 20m of an active badger sett, including exclusion fence installation and garden creation, shall not in in any circumstances commence unless the local planning authority has been provided with either:

- a. a licence issued by Natural England pursuant Badger Protection Act 1992 authorizing the specified activity/development to go ahead; or
- b. a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

REASON: To conserve protected species and allow the LPA to discharge its duties under and Badger Protection Act 1992 and s17 Crime & Disorder Act 1998 and Policy GEN7 of the Uttlesford Local Plan 2005.

- 20** The development hereby approved shall be constructed in accordance with the details approved under discharge of conditions application UTT/22/1830/DOC, unless written permission is given by the Local Planning Authority.

The development shall be carried out in accordance with these approved details or any variation as may subsequently be agreed in writing by the LPA.

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 Policy GEN7 of the Uttlesford Local Plan 2005

21 The development hereby approved shall be constructed in accordance with the sustainable drainage details submitted and approved under discharge of condition application UTT22/2969/DOC.

The development shall be carried out in accordance with these approved details or any variation as may subsequently be agreed in writing by the LPA.

REASON:

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

To ensure the effective operation of SuDS features over the lifetime of the development.

To provide mitigation of any environmental harm which may be caused to the local water environment

Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site and in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

22 The development hereby approved shall constructed in accordance with the drainage details submitted and approved under discharge of condition application UTT/23/0130/DOC.

The development shall be carried out in accordance with these approved details or any variation as may subsequently be agreed in writing by the LPA.

REASON: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. 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.

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 and comply with Policy GEN3 of the Uttlesford Local Plan 2005.

- 23** The development hereby approved shall be constructed in accordance with the surface water maintenance details submitted and approved under discharge of condition application UTT22/2969/DOC.

The development shall be carried out in accordance with these approved details or any variation as may subsequently be agreed in writing by the LPA.

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 and comply with Policy GEN3 of the Uttlesford Local Plan 2005.

- 24** 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 comply with Policy GEN3 of the Uttlesford Local Plan 2005.

- 25** No extension, enlargement, alteration or provision within the curtilage of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A - F of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

REASON: The Local Planning Authority considers that given the sensitive location of the site, permitted development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and to comply with Policy GEN2 of the Uttlesford Local Plan 2005.

- 26** During construction robust measures must be taken to control dust and smoke clouds.

REASON: Flight safety - dust and smoke are hazardous to aircraft engines; dust and smoke clouds can present a visual hazard to pilots and air traffic controllers in accordance with Policy GEN2 of the Uttlesford Local Plan 2005.

- 27** During construction, robust measures to be taken to prevent birds being attracted to the site. No pools of water should occur and prevent scavenging of any detritus.

REASON: Flight safety - Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using MAN in accordance with Policy GEN2 of the Uttlesford Local Plan 2005.

- 28** All exterior lighting to be capped at the horizontal with no upward light spill.

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

- 29** No solar photovoltaics to be used on site without first consulting with the aerodrome safeguarding authority for STN.

REASON: Flight safety - to prevent ocular hazard and distraction to pilots using STN in accordance with Policy GEN2 of the Uttlesford Local Plan 2005.

- 30** The development hereby approved shall be full accordance with the tree protection details submitted and approved under discharge of condition application UTT/22/3170/DOC.

The development shall be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.

REASON: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

- 31** No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority. Any trees or plants which within a period of 5 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.

REASON: To avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

32 The development hereby approved shall be constructed in accordance with the details of underfloor heating as submitted and approved under discharge of conditions application UTT/23/1920/DOC.

The development shall be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.

REASON: To ensure that the development is sustainable and makes efficient use of energy and materials complies with the Interim Climate Change Policy.

33 The development hereby approved shall be constructed in accordance with the pollution management scheme and sustainable urban drainage systems details submitted and approved under discharge of condition application UTT22/2969/DOC.

The development shall be carried out in accordance with these approved details or any variation as may subsequently be agreed in writing by the LPA.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended and prevent pollution in accordance with Policy GEN3 of the Uttlesford Local Plan 2005.

34 The air source heat pumps to be installed 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 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 ensure the proposal does not result in any adverse impact on reasonable occupation of nearby noise sensitive development, in accordance with ULP policies ENV11 and GEN4.

APPENDIX 1- Lead local Flood Authority

Thank you for consulting us on UTT/24/1363/FUL - S73 application to vary condition 12 (provision of real time passenger info) of UTT/20/2632/FUL.

Upon review of the application and the associated documents, we do not have any comments to make.

Kind regards,

Gemma

Gemma Parson (she/her)
Development and Flood Risk Officer
Environment Climate Action | Climate & Adaptation | GI & SuDS