



**ITEM NUMBER:** 16

**PLANNING COMMITTEE DATE:** 18 September 2024

**REFERENCE NUMBER:** UTT/24/0323/FUL

**LOCATION:** Land Adjacent Goodacres, Church End, Broxton, Essex

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: 28 August 2024

**PROPOSAL:** Erection of 1 no. dwellinghouse and garage with associated access parking and landscaping

**APPLICANT:** Stepton Limited

**AGENT:** Mr Rory Baker, Ceres Property

**EXPIRY DATE:** 14.08.2024

**EOT EXPIRY DATE:** 1 October 2024

**CASE OFFICER:** Genna Henry

**NOTATION:** Outside Development Limits  
Within 2km of S.S.S.I  
Within 6km of Airport (Stansted Airport)  
Within 57dB 16hr LEQ (Stansted Airport)  
Mineral Safeguarding Area - Sand/Gravel

**REASON THIS APPLICATION IS ON THE AGENDA:** Councillor Interest - Councillor Christian Criscione is the applicant

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## **1. EXECUTIVE SUMMARY**

**1.1** Full planning permission is sought by the applicant for the erection of 1no. dwellinghouse and associated cartlodge, access provisions and parking along with landscaping.

**1.2** The site comprises of a rectangular shaped plans approximately 0.15ha, located outside the development limits of Broxted to the west of the site.

**1.3** Less than substantial harm has been identified to the setting of adjacent grade listed building at Thatched Cottage, however, on balance, Officers take the view that due to the limited adverse impacts of the proposal, these do not 'significantly or demonstrably' outweigh the benefits of the proposed development

## 2. **RECOMMENDATION**

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) Conditions

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

- 3.1 The application site is located to the west of Broxted Road, Church End, Broxted and south of Church End Lane.
- 3.2 It comprises of a rectangular shaped plot approximately 0.15ha and has been described as an undeveloped parcel of land by the application in their covering letter.
- 3.3 The application site is situated between the dwellings known as, Goodacres, to the east, and Thatched Cottage to the west. The latter is a grade II listed property. To the north of the site lies the dwelling known as Mulberry House.
- 3.4 The site does not currently benefit from a direct vehicle access and, therefore, forms part of the proposal.
- 3.5 The immediate locality is generally characterised by a sporadic character of development, although, the plot along the eastern boundary of Goodacres has recently been granted outline permission for up to 7no. residential dwelling (ref. UTT/23/0493/OP).
- 3.6 The site is bound to the east, west and north by dwellings with more development that has been consented, but not built out.

## 4. **PROPOSAL**

- 4.1 The proposal is for the erection of 1no. residential dwelling with a separate detached garage along the western boundary.
- 4.2 The application is also for the associated, vehicle access works, parking and landscaping.

## 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	Reference	Proposal	Decision
	UTT/23/0493/OP (Land East of Goodacres)	Outline planning application for the erection of up to 7 no. residential dwellings with all matters reserved except access	Approved
	UTT/19/2874/OP	Outline planning application with all matters reserved for the erection of 2 no. semi-detached dwellings	Withdrawn

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

7.1 No pre-application advice sought.

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

### 8.1 **Highway Authority**

8.1.1 No objection, subject to conditions and informatives.

### 8.2 **Manchester Airport Group**

8.2.1 No objections subject to relevant conditions and informatives.

## 9. **PARISH COUNCIL COMMENTS**

9.1 The development fails to comply with ULP Policies (2005) GEN1, GEN2, GEN4, GEN5, ENV2 and H3, the NPPF (2023) para. 200/201 and 206/207 and Historic England advice note 3 is also relevant.

9.1.2 Policy GEN1 (Access): the additional house is on a single track lane and generation more vehicle movements. Doubtful the lane can accommodate extra traffic GEN1(a) and the development will not encourage movement by means of other vehicles GEN(e). Also contrary to NPPF (2023) sustainability criteria.

9.1.3 Due to the narrow lane, there are likely to be disruptions from construction works and damage to the road. The proposed dwelling is likely result in a substantial increase vehicle movements within the locality vicinity on a daily basis.

9.1.4 Notwithstanding comments from the Highways Authority, the proposal does not meet policy standards for access and safety.

9.1.5 Policy GEN2 (Design): concerns with surface water drainage and highways suggested impermeable surfaces condition. The local area has drainage issues and impermeable surfaces are likely create additional issues. No general provision for sewage disposal in Broxted Church End

and existing residents rely on tanks or treatment plants. Local ditches hold standing water so cannot cope with additional discharges.

- 9.1.6** Policy GEN4 / GEN5: Increased lighting resulting from the proposals likely to cause material disturbance or nuisance to occupants of surrounding properties. Cannot be assumed that the site will provide sufficient screening.
- 9.1.7** Policy ENV2 (Listed Buildings): Development would not be in keeping with the surroundings of Thatched Cottage. Also contrary to NPPF (2023) heritage/historic environment criteria and Historic England's advice on the setting of a listed building. The development proposes limited public benefit.
- 9.1.8** Policy H3 (New house within Development Limits): Broxted is outside development limits and, thus, it is a windfall site and does not meet criteria of H3.
- 9.1.9** Concerns regarding the quality of the internal/external noise environment.

## **10. CONSULTEE RESPONSES**

### **10.1 UDC Environmental Health**

- 10.1.2** Contamination: Due to the historic agricultural use of the site and the sensitive end use for residential purposes with gardens, it is imperative that contamination risks on site are identified, assessed and where necessary remediated to a suitable standard.
- 10.1.3** Suggested contamination conditions were suggested to assess the ground conditions and for subsequent investigations and remediation, were necessary.
- 10.1.4** Noise: The Environmental Health Officer was satisfied with the Noise Assessment submitted and the quality of the internal noise environment.
- 10.1.5** Informatives were also suggested.

### **10.2 Place Services (Conservation and Heritage)**

- 10.2.1** The application site is adjacent to Thatched Cottage, grade II listed, and the significance of the building derives primarily from its age, architectural interest as a rural vernacular dwelling. The open green agrarian landscape setting of the listed building and its prominence in the street scene also contribute to its significance in enabling its historic function and architectural interest to be appreciated.
- 10.2.2** Large detached dwellings were constructed surrounding Thatched Cottage over the twentieth century which has effectively eroded the agrarian landscape setting of the listed building. Furthermore, the

proposed development will be in close proximity to the heritage asset with associated activities, movements and domestic paraphernalia, all with permanent effect. The proposal would further erode the historically open green space to the east of the building and would result in some residual harm to its significance.

**10.2.3** The proposed development will represent a low level of less than substantial harm to the significance of listed Thatched Cottage in terms of the NPPF (2023).

### **10.3 Place Services (Ecology)**

**10.3.1** No objection, subject to informatives and conditions relating to mitigation measures, Great Crested Newt Method Statement and Biodiversity Enhancement Layout.

### **10.4 Place Services (Archaeology)**

**10.4.1** No comment received.

### **10.5 Ward Councillor**

**10.5.1** No comments received.

## **11. REPRESENTATIONS**

**11.1** Site and press notice/s were displayed on site and 7 notifications letters were sent to nearby properties.

### **11.2 Support**

**11.2.1** Not applicable.

### **11.3 Object**

**11.3.1** As application ref. UTT/17/0798/HHF was refused, surely this application is also contrary to ULP (2005) Policy ENV5 and paragraphs 132/133 of the NPPF (2023).

- The dwelling is too close to the adjacent property at Thatched Cottage
- Together with the approved residential units to the east of Goodacres, another dwelling in this gap in the village is not needed
- Out of character within the immediate locality, particularly to Goodacres and Thatched Cottage (grade II listed)
- Proposed driveway opens onto a narrow poorly visible road with frequently used bus stop for school children and there are no current pedestrian provisions
- Proposed dwelling will overlook Thatched Cottage, Mulberry House and Goodacres, reducing sunlight to these properties impacting residents well-being

- The area supports significant wildlife, including horses, deer, rabbits, squirrels and foxes. The development would negatively impact this wildlife and detract from the village's rural character and charm
- Broxted lacks the infrastructure and essential amenities
- There are only two dwellings on the southern portion of Church End Lane
- Place Services (Conservation) were previously not supportive of the previous scheme UTT/19/2874/OP (subsequently withdrawn)
- Current 30mph speed limit is rarely adhered to and Essex Highways frequently set up road diversions through Church End
- The soft verges which border Mulberry House are constantly being damaged by high volumes of traffic and large vehicles
- The proposed property will have direct line of site to Thatched Cottage, Mulberry House, and Goodacre House. Both properties and gardens will be impacted.
- There is a high degree of wildlife that inhabits the area in question such as Redkites, bats and swifts. Any further change to this modest area (given the implication of UTT/23/0493/OP) will cause significant harm to the wildlife that inhabits this rural location and be at the detriment to the villages character.
- New housing is not sustainable given the limitations of the village
- A site notice was posted in the area.
- Potential conflict of interest due to the applicant being a Councillor

#### **11.4 Comment**

**11.4.1** Comments relating to the heritage sensitive, the nature of the development, harms to character of the area/adjacent properties, increased housing density in the area and highways implications will be addressed in the assessment below.

**11.4.2** Comments regarding the advertisement of the proposed development. A site notice was posted near the site on 10.07.2024.

**11.4.3** The application will not be considered under delegated powers and has been scheduled to be discussed at Planning Committee, as it is indicated on the application form that the applicant is Councillor Christian Criscione of Flitch Green and Little Dunmow.

**11.4.4** With regards to impacts to wildlife ECC Ecology have been duly consulted.

#### **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 February 2020)  
Great Dunmow Neighbourhood Plan (made December 2016)  
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)  
Thaxted Neighbourhood Plan (made February 2019)  
Stebbing Neighbourhood Plan (made July 2022)  
Saffron Walden Neighbourhood Plan (made October 2022)  
Ashdon Neighbourhood Plan (made December 2022)  
Great & Little Chesterford Neighbourhood Plan (made February 2023)  
Uttlesford District Council: District-Wide Design Code (June 2024)

## **13. POLICY**

### **13.1 National Policies**

**13.1.1** National Planning Policy Framework (2023)

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

**13.2.1**

S7	The Countryside
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GEN1	Access
GEN2	Design
GEN3	Flood Protection
GEN4	Good Neighbourliness
GEN5	Light Pollution
GEN7	Nature Conservation
GEN8	Vehicle Parking Standards
ENV2	Development affecting Listed Building
ENV3	Open Space and Trees
ENV4	Ancient Monuments and Sites of Archaeological Importance
ENV5	Protection of Agricultural Land
ENV10	Noise Sensitive Development
ENV14	Contaminated land
H1	Infilling with new houses
H10	Housing Mix

### **13.3 Supplementary Planning Document or Guidance**

Uttlesford Local Residential Parking Standards (2013)  
 Essex County Council Parking Standards (2009)  
 Supplementary Planning Document – Accessible homes and playspace  
 Supplementary Planning Document – Developer’s contributions  
 Essex Design Guide  
 Uttlesford Interim Climate Change Policy (2021)  
 Uttlesford District Council: District-Wide Design Code (June 2024)

## **14. CONSIDERATIONS AND ASSESSMENT**

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

- 14.2**
- A) Principle of Development**
  - B) Design, Character and Heritage Implications**
  - C) Landscaping, Arboriculture and Nature Conservation**
  - D) Residential and Neighbouring Amenity**
  - E) Vehicle Access, Parking and Highway Safety**
  - F) Flood Risk and Surface Water Drainage**
  - G) Environmental Health and Contamination**
  - H) Other Matters**

**14.3 A) Principle of development**

**14.3.1** The application site is located outside development limits of any defined villages of towns within the district and thereby it is designated as being within the countryside whereby Policy S7 applies.

**14.3.2** It is acknowledged that ULP (2005) Policy S7 is not fully consistent with the NPPF (2023), in that protecting the countryside for its own sake is more restrictive than the Framework. Although, the LPA considers that aspects of Policy S7 are still relevant in the determination of applications outside development limits within the countryside.

- 14.3.3** Thus, where Policy S7 stipulates that ‘development will be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there is special reason why the development in the form proposed needs to be there’. The LPA deems this criteria still relevant for assessing applications outside development limits. Furthermore, the Planning Inspector states in recent appeal examples (e.g. ref. APP/C1570/W/20/3251991) that with regards to Policy S7 significant weight should be afforded to this policy when considering proposals in the countryside.
- 14.3.4** ULP (2005) Policy H3 is targeted for proposals within development limits and states that infilling with new houses will be permitted on land if the development would be compatible with the character of the settlement and, depending on the location of the site, its countryside setting. Although, the preamble of the Policy H3 states at paragraph 6.1 that ‘if there are opportunities for sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements these will be acceptable if development would be in character with the surroundings and have limited impact on the countryside in the context of existing development’.
- 14.3.5** *Applying Policy ENV5*
- 14.3.6** The site comprises Grade 2 (‘Very Good’ quality) agricultural Land (Agricultural Land Classification 2010, Natural England), being part of the districts best and most versatile agricultural land (BMV). Despite the loss of BMV land, contrary to Policy ENV5, good quality agricultural land is plentiful within the locality, meaning this policy conflict holds limited weight, although the site is within an agricultural/rural context but seeks to support an existing rural business.
- 14.3.7** Thus, in light of the above ULP Policies (2005) referenced above and with regard to the NPPF (2023), the Development Plan and all other material considerations, the ‘Planning Balance’ will be undertaken further below, but before doing so a wider assessment of the proposal against all relevant considerations to determine if these impacts are adverse and whether these would ‘significantly and demonstrably’ outweigh the benefits of the proposal in the planning balance.
- 14.3.8** Suitability and Location
- Broxted is clearly outside development limits, however, the application site is physically located between two existing dwellings and the wider locality is characterised by residential properties, particularly to the west Brick End and Cranham Road. Nonetheless, this portion of Broxted is generally characterised by limited amenities and services.
- 14.3.9** It is recognised that the proposed development would be located between three existing properties, with other residential developments planned

within the immediate locality. As such, the site cannot be reasonably considered as isolated. However, this does not mean that it will be sustainable in terms of access to shops, services, community facilities in which future occupants can rely upon.

**14.3.10** For the 'proximity to services' the location is inappropriate because access to key services and facilities (e.g. supermarkets), sustainable public transport, employment and leisure opportunities is very limited, which means that for the majority of journeys the only practical option would be the use of cars. Although, it could be argued that, the new dwelling could support local services in nearby villages, complying with paragraph 83 of the NPPF (2023). It is acknowledged this contribution would be minimal, and as such, it would hold very limited weight in decision-making.

**14.3.11** It is also worth noting that there are bus stops nearby that facilitate access to nearby amenities. Bus route numbers 316 and 318 provide are in close proximity to the site i.e. Cranham Road and Moor End Lane which are both within 200m of the application site. These routes both provide services between Stanstead Airport and Saffron Walden.

**14.3.12** In summary, although not completely ideal due to the lack of facilities in Broxted, the proposed development would on balance be a suitable location for housing having regard to the accessibility of services and facilities. Therefore, it would accord with ULP Policy GEN1(e) and paragraphs 108 and 114(a) of the NPPF (2023).

**14.3.13** Countryside Impact

The NPPF (2023) states that planning decisions should contribute to and enhance the natural environment by recognising the intrinsic character and beauty of the character of the countryside (para. 180(b)).

**14.3.14** Landscape Character is defined as 'A distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse.'<sup>1</sup> The landscape character is that which makes an area unique.

**14.3.15** The proposed development seeks permission for 1no. residential unit which would be situated between two properties to the east and to the west of the site. Further east of Goodacres, the plot of land to the east has also been approved for up to 7no. dwellings. The specifics of design, heritage implications, will be discussed further below, however, the current proposal is for a single dwelling near to existing residential developments.

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<sup>1</sup> The Countryside Commission and Scottish Natural Heritage (2002) Landscape Character Assessment: Guidance for England and Scotland (CAX 84), the Countryside Commission and Scottish Natural Heritage, April 2002.

- 14.3.16** The neighbour comments regarding this application site suggest that the development would appear out of character within the village and that additional residential development within the area is excessive. These comments are noted, although, with regards to the impacts to the countryside the proposed dwelling would be situated between 3 properties to the north, east and west.
- 14.3.17** Furthermore, the proposed dwelling is modest in scale and has been designed as a chalet style bungalow, comprising of 1.5 storeys with roof level accommodation. The proposed height is 6 metres and the dwelling itself would be sited approximately 20-25 metres away from both properties at Thatched Cottage and Good acres. Therefore, it is not considered that the proposed dwellings would be cramped within the plot or the surrounding the area and the proposed development would still contribute to a loose pattern of development within the countryside setting.
- 14.3.18** The proposed site plan indicates landscaping along the eastern and western boundaries, but limited details have been submitted within the current scheme. As such landscaping details, could be secured through a suitably worded planning condition.
- 14.3.19** Overall, given the site location being situated between the two existing dwellings, the shape of the plot and the apparent distances between the two dwellings, the visual impact from the south (including the Public Right of Way) is not considered to be significant. Also, the site plans indicates that the proposed site boundaries would be a post and rail fencing which are generally low level and limited in materials. The site boundary for the site is already marked out by the adjacent properties and would not appear cramped within the plot. Thus, it is held that the site boundaries will, therefore, provide substantive containment and concealment of the application site and help reduce the prominence of any built form within its immediate boundaries.
- 14.3.20** In views from the countryside towards the site, the proposed development would form part of the backdrop of the existing buildings resulting in only low to medium level of visual effect. The landscape and visual implications of this proposed development are still regarded to have a low level and modest nature for a development such as this.
- 14.3.21** Notwithstanding the potential harms to the setting of the adjacent listed building (to be discussed further below), the development would have limited visual influence on the surroundings and that the appearance of the dwelling in a semi-rural setting would not be notably altered or harmed. Furthermore, the new built form would be 1.5 storeys, contained within the existing site boundaries of the adjacent sites and the proposed development could be screened by further landscaping to limit views from the outlying countryside locations. Thus, the development would not be prominent or discordant element and appear as an unobtrusive addition

to the area set within the established boundary treatments and adjacent to existing properties.

**14.3.22** In light of the above, it is considered the proposal complies with ULP Policies S7 and H3, where applicable, paragraph 135 of the NPPF (2023).

#### **14.4 B) Design, Character and Heritage Implications**

##### **14.4.1** Heritage Implications

**14.4.2** To the west of the application site lies Thatched Cottage, a grade II listed building. ECC Place Services (Heritage Officer) has been consulted with regards to the current application and has concluded with the following;

**14.4.3** *‘Whilst I appreciate that the current proposal is for a single detached dwelling of 1.5 storeys with a detached modestly scaled open fronted cartlodge, rather than a pair of semi-detached houses, in my opinion, the effects of developing this site which would further erode the historically open green space to the east of the listed building would result in some residual harm to its significance.’*

**14.4.4** *In conclusion, in my opinion the proposed development of the site will represent a low level of less than substantial harm to the significance of listed Thatched Cottage in terms of the National Planning Policy Framework (NPPF, December 2023). The local planning authority should also have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.’*

**14.4.5** In the extracted response above, the Heritage Officer references a previous application at the site which was later withdrawn for a pair of detached dwellings (ref UTT/19/2874/OP). Notwithstanding this, with regards to the proposed single dwelling, the Heritage advice acknowledges that historically Thatched Cottage was an isolated rural dwelling and that its prominence within the street scene contribute to its significance. However, it was later stated that the erection of Mulberry House, Goodacres and Crabscode to the north, east and west of the listed building has eroded the agrarian landscape setting of the grade II heritage asset.

**14.4.6** Despite the proposed dwelling would be situated within the existing open undeveloped plot to the east of Thatched Cottage, the distance between the heritage asset and existing dwelling at Goodacres is approximately 56 metres. Therefore, as it has been acknowledged that there has already been existing harms to the agrarian landscape, by virtue of the adjacent properties. Thus, Officers are of the view that an additional dwelling approximately 26m to the east of the grade II listed building would not result in severe adverse harm to the significance of the listed Thatched Cottage.

- 14.4.7** The ECC Conservation Officer has stated that the proposal would result in less than substantial harm to the designated heritage asset with some residual harm to its significance. While it is not Officers intention to increase the harm to the adjacent listed property, but it is evident from response from Place Services that agrarian open character has already been eroded from the twentieth century with the erection of three dwellings surrounding the property.
- 14.4.8** Furthermore, the proposal is for one dwelling within a plot with an established boundaries and so the development contributes to the rural loose pattern of development that is characterised by the immediate locality.
- 14.4.9** Where it has been identified that less than substantial harm would result from a proposal, the Local Planning Authority has a duty to weigh this harm against the public benefits of the proposal (as per para. 208 of the NPPF 2023). The proposed development proposes a single dwelling, albeit minimal, makes a contribution to the Councils 5 Year Housing Land Supply (5YHLS). Other public benefits result from the local economic benefits from the construction, in terms of labour and purchasing construction supplies. Also, it has already been stated that the additional residential accommodation would also support local amenities and services in nearby settlements.
- 14.4.10** In light of the above, the proposal is considered to comply with Uttlesford Local Plan Policy (2005) ENV2 and the NPPF (2023).
- 14.4.11** Design  
In terms of design policy, good design is central to the objectives of both National and Local Planning Policies. The NPPF (2023) 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 para. 131 'The creation of high quality, beautiful and sustainable 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. In addition at para. 135 it also states that planning decisions should ensure developments 'function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development'.
- 14.4.12** The proposed dwelling would be situated towards the northern boundary, would be 1.5 storeys and stand at approximately 6 metres in height. The overall design is akin to the property at Goodacres, in that it is 1.5 storeys in height and would be rendered and finished in white. Timber white windows with black rainwater goods and red roof tiles are also proposed.

**14.4.13** An open fronted cartlodge is also proposed although the materials are not clear. Although, the plans indicate the structure would appear as a pitched roof and with potentially weatherboarding materials.

**14.4.14** Overall, the design of the dwelling with associated cartlodge is considered appropriate and sensitive to its location, in terms of scale and materials palette. Given the heritage sensitivities of the site, a condition securing the details of the materials would be appropriate.

**14.4.15** Layout

**14.4.16** In terms of layout, the proposed dwelling would be setback from the road to the north by approximately 18 metres and would share a similar building line with the adjacent properties at Goodacres and Thatched Cottage. Although, the proposed siting of the dwelling would be sited further back within the plot than the adjacent properties and so the proposal would not sit prominently within the immediate locality.

**14.4.17** Also, the separation distances between Goodacres and Thatched Cottage would be approximately 26m and 23m respectively and the development would still contribute to the loose pattern of development within the immediate locality.

**14.4.18** For these reasons, it is considered the proposed layout will preserve and enhance the existing boundaries but also makes a positive contribution to the immediate locality and the rural countryside setting. Also, the design of the dwelling along with suggested materials are appropriate in this location.

**14.4.19** Therefore, the proposal is considered to comply with Uttlesford Local Plan Policies GEN2, ENV2 and the NPPF (2023).

**14.5** **C) Landscaping, Arboriculture and Nature Conservation**

**14.5.1** Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for development outweighs the importance of the feature of nature conservation. Where the site includes protected species measures to mitigate and/or compensate for the potential impacts of development must be secured.

**14.5.2** ECC Ecology have been consulted on the application and have made no objections to the proposals, but requested a number of conditions relating to biodiversity mitigation and enhancement measures.

**14.5.3** The UDC Landscaping Officer has not been consulted the current application, although there are limited details in terms of landscaping provided. Although, it is considered that a hard and soft landscaping condition could be added in the event the application is recommended for approval.



**14.5.4** In light of the above, it is not considered that the proposal would have material detrimental impact in respect of protected species/habitats or landscaping provided relevant conditions are complied with. Thus, the proposal accords with ULP Policy GEN7 and the NPPF (2023).

#### **14.6 D) Residential and Neighbouring Amenity**

**14.6.1** At para. 135(f) of the NPPF (2023) requires a good standard of amenity for existing and future occupiers of land and buildings. ULP Policies GEN2 and GEN4 of the Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

**14.6.2** In terms of overlooking and loss of privacy, given the separation distances of the adjacent properties, it is not considered the adjacent sites would suffer adverse harms to neighbouring amenity. No flank windows are proposed at first floor level.

**14.6.3** In terms of private amenity space of the proposed dwellings and the internal floor areas of the dwellings, it is considered the future occupants would have sufficient internal space and external space and in accordance with the Nationally Described Space Standards (2015) and the Uttlesford Design Code (2023).

#### **14.7 E) Vehicle Access, Parking and Highway Safety**

**14.7.1** ECC Highways has been consulted and recommended a number of conditions relating to site access and parking provisions. Also it is considered the development meets the Uttlesford Residential Parking Standards (2013) and the Essex County Council Parking Standards (2009).

**14.7.2** Comments have been received regarding highway and pedestrian safety, although, no objections have been raised by the Highway Authority.

**14.7.3** In the event, the application would be recommended for approval, the highways/access conditions will be applied where appropriate.

#### **14.8 F) Flood Risk and Surface Water Drainage**

**14.8.1** The NPPF (2023) states that inappropriate development in areas of high risk of 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.

**14.8.2** A check of the Environment Agency's website and the Council's policy maps has identified the site as being located in Flood Risk Zone 1. The Framework indicates that all development are appropriate in this zone and hence there is no requirement for sequential or exception testing. It is not

expected that the proposals would lead to significant harm to increase flood risk of both the application site and the surrounding area and thereby complies with Policy GEN3 of the adopted Local Plan.

- 14.8.3** Notwithstanding the above, a comment has been raised due to the increase in hardstanding and potential for the development to increase flooding resulting from poor surface water drainage within the area and poor sewage. The application constitutes a minor development and, therefore, there is no requirement for the LPA to consult on these matters. However, given the concerns raised, surface water drainage conditions could be added to ensure suitable drainage is proposed at the site, however as the application is for a single dwelling which does not cover a large portion of the plot, the LPA consider it would be unreasonable to add a suite of drainage conditions for a single dwelling. In the event the application is approved, the discharge of materials/landscaping conditions could ensure that any hard surfaces are permeable. With regards to the sewage comments, the applicant would be required to contact the relevant water authority, where appropriate.

#### **14.9 G) Environmental Health and Contamination**

- 14.9.1** The Environmental Health Officer has commented on the application and with regards to land contamination, conditions to assess the ground conditions, site investigations and remediation were suggested. Officers are of the view this would be prudent to add subsequently secured by way of an appropriately worded planning condition.

- 14.9.2** Similarly with regards to noise implications, the Environmental Health Officer was satisfied with the Noise Impact Assessment submitted. The mitigation measures proposed were deemed appropriate and would ensure the internal noise environment is acceptable and not adversely affected by the external noise sources. Thus, it was also suggested that the proposed noise mitigation measures were secured by planning condition, which Officers view this to be appropriate.

#### **14.10 H) Other Matters**

- 14.10.1** The Council's supplementary planning document 'Uttlesford Interim Climate Change Policy (2021)' seeks new development proposals to demonstrate the optimum use of energy conservation and incorporate energy conservation and efficiency measures

- 14.10.2** To ensure that the development adopted renewable energy/water efficiency measures were implemented where appropriate. It would be prudent to add such conditions, if the application were recommended for approval.

## **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 Planning Balance**

**16.2** 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<sup>[1]</sup> the Council can demonstrate a 4.12 years housing land supply (which includes a 20% buffer).

**16.3** 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 change is made this will remove the 4 year housing land supply position.

This will 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. UDC thus assume that this is the direction of travel and that while the Council can currently demonstrate a 4 year housing land supply this will revert to 5 years in the short-term. Given these unusual circumstances the Council has decided to continue engaging the presumption in favour of sustainable development under paragraph 11(d) of the NPPF.

**16.4** In light of the above, the Planning Balance of paragraph 11(d)(ii) of the NPPF (2023) tilts in favour of development, as the benefits include:

**16.5** *Benefits of the development*

- Modest contribution to the Council's 5 Year Housing Land Supply
- The development would also provide a small social, economic benefits in terms of the construction of the dwellings and investment in the local economy;

**16.6** *Adverse impacts of the development*

- Less than substantial harm to the setting of the adjacent dwelling at Thatched Cottage
- The proposal would result in a low impact on the character and appearance of the area and the openness of the countryside.

**16.7** Therefore, on balance, Officers are of the view that due to the limited adverse impacts of the proposal, these do not 'significantly or demonstrably' outweigh the benefits of the proposed development. For these reasons, and in accordance with para. 11(d) of the NPPF (2023), the application is hereby recommended for approval.

**17.** **CONDITIONS**

**17.1** **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.

- 3 Prior to the commencement of the development hereby approved, details of all external finishing materials including window and door openings shall be submitted and approved in writing by the Local Planning Authority. The approved works shall thereafter be constructed in accordance with the approved details.

REASON: In the interest of preserving the character and appearance of the surrounding area in accordance with Policy GEN2 and ENV2 of the Uttlesford District Local Plan 2005 (as Adopted) and the National Planning Policy Frameworks.

- 4 Prior to commencement of the development hereby approved, 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 dwellings hereby approved, and shall be maintained as such in perpetuity.

The landscaping details to be submitted shall include:

- a) proposed finished levels (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 and protected via Tree Preservation Order(s) trees, hedges or other soft features to be retained;
- e) planting plans for the woodland planting, 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 protect the character and openness of the countryside location, to protect trees and hedges to be retained (including TPO trees) and avoid unnecessary damage to their rooting systems, as well as to ensure no loss of amenity for the neighbouring occupiers and the occupants of the dwelling hereby approved, in accordance with the adopted Uttlesford Local Plan Policies S7, GEN2, GEN4, ENV2, the Essex Design Guide, and the National Planning Policy Framework (2023).

- 5 Prior to the commencement of the development hereby approved, all mitigation measures and/or works shall be carried out in the details contained in the Preliminary Ecological Appraisal (James Blake December 2023) 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. Thereafter, the appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

The enhancement measures and/or works shall be carried out strictly in accordance with the approved details and shall be maintained as such thereafter.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority 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 Natural Environment and Rural Communities (NERC) Act 2006 (as amended) and in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2023).

- 6 Prior to the commencement of development hereby approved, a Great Crested Newt Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newt during the construction phase.

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

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023, s40 of the NERC Act 2006 (as amended) and Policy GEN7 of the Uttlesford Local Plan (2005).

- 7 Prior to the works above slab level, a Biodiversity Enhancement Layout for biodiversity enhancements listed in Preliminary Ecological Appraisal (James Blake Associates, December 2023) shall be submitted to and approved in writing by the local planning authority.

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

- a) detailed designs or product descriptions for biodiversity enhancements; and
- b) locations, orientations and heights for biodiversity enhancements on appropriate drawings.

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

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023, s40 of the NERC Act 2006 (as amended) and Policy GEN7 of the Uttlesford Local Plan (2005).

- 8 During construction works and until completion of the development hereby approved, nuisances shall be avoided as per the following compliance measures:

- a. No waste materials should be burnt on the site, instead they should be removed by licensed waste contractors.
- b. No dust emissions should leave the boundary of the site.
- c. Noisy activities shall be located away from the periphery of the site.
- d. Hours of works: works should only be undertaken between 0800 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays
- e. The developer shall comply with the Uttlesford Environmental Code of Development Practice at all times which sets out expectations of developers please see

[https://www.uttlesford.gov.uk/media/1228/Environmental-Code-of-Development-Practice/pdf/Environmental\\_Code\\_of\\_Development\\_Practice\\_May2011\\_PDFA.pdf?m=636989614149100000](https://www.uttlesford.gov.uk/media/1228/Environmental-Code-of-Development-Practice/pdf/Environmental_Code_of_Development_Practice_May2011_PDFA.pdf?m=636989614149100000)

REASON: To safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies GEN2, GEN4, and the National Planning Policy Framework (2023).

- 9 No development shall take place until a Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination has been submitted to and approved in writing by the Local Planning Authority. This report shall adhere to BS10175:2011.

Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation adhering to BS 10175:2011 shall be submitted to and approved in writing by the Local Planning Authority. Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 remediation scheme shall be submitted for approval in writing by the Local Planning Authority. This scheme shall detail measures to be taken to mitigate any risks to human health, groundwater and the wider environment. Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before operation use of the development approved.

The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report, unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

REASON: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990 and in accordance with ULP Policy ENV12 and ENV14.

- 10 If during any site investigation, excavation, engineering, or construction works evidence of land contamination is identified, works shall cease and it must be reported in writing immediately to the Local Planning Authority. The contamination shall be investigated by a competent person in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and The Environment Agency Land Contamination Risk Management (LCRM) and other current guidance deemed authoritative for the purposes, to the satisfaction of the Local Planning Authority, to ensure that the site is made suitable for its end use.

Where remediation is necessary, a remediation scheme must be prepared and submitted for the approval in writing of the Local Planning Authority Following completion of measures identified in the approved remediation scheme a verification report must be prepared and approved in writing by the Local Planning Authority.

No part of the development should be occupied until all remedial and verification works are approved in writing.

REASON: To ensure that the proposed development does not cause harm to human health, the water environment and other receptors in accordance with the adopted Uttlesford Local Plan (2005) Policies GEN2, ENV12, ENV14, and the National Planning Policy Framework (2023).

- 11 Prior to the occupation of development, details of a scheme of noise mitigation measures in full compliance with all recommendations of the submitted acoustic report (Environmental Noise Assessment, dated 14th



June 2024, ref.ENV380-BROX-001) shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, all approved noise mitigation measures shall be implemented prior to the occupation of the development and thereafter retained unless otherwise agreed in writing by the local planning authority.

REASON: To protect human health and ensure the future occupiers enjoy a good acoustic environment, in accordance with the adopted Uttlesford Local Plan Policy ENV10, and the National Planning Policy Framework (2023).

- 12 Prior to first occupation of the development, the road access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres to the northwest and 2.4 metres by 43 metres to the northeast, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided and retained free of any obstruction at all times.

REASON: To ensure that appropriate access and visibility is provided, in the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan as Adopted (2005) and the NPPF (2023).

- 13 The dwelling shall not be occupied until the associated parking provision and/or turning head indicated on the approved plans (drawing ref. 711, Means of Access Plan, Parcel B) has been implemented on site. The vehicle parking and turning heads shall be retained in this form at all times.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interest of highway safety and that appropriate parking is provided in accordance with Policy GEN1 & GEN8 of the Uttlesford Local Plan as Adopted (2005) and the National Planning Policy Framework (2023).

- 14 Prior to commencement of the development hereby approved, details of renewable energy/climate control and water efficiency measures associated with the development shall be submitted to and approved in writing by the local planning authority. Thereafter, all approved measures shall be implemented prior to the occupation of the development and thereafter retained unless otherwise agreed in writing by the local planning authority.

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

- 15 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Class A, B, C, D, E or F of the Order shall take place on the site without the prior written permission of the Local Planning Authority.

REASON: To prevent harm to the Countryside in accordance with Policy S7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework 2023) in the interest of visual amenity.

- 16 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.

REASON: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport.

- 17 During construction and in perpetuity, robust measures to be taken to prevent species of birds that are hazardous to aircraft being attracted to the site. No pools or ponds of water should occur/be created without permission.

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 STN.

- 18 In the interests of aviation safety, measures to minimise and manage the creation of dust and smoke should be implemented for the full duration of all construction works, including demolition and excavation, in accordance with the advice of Stansted Airport and the Civil Aviation Authority.

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.

- 19 The development hereby permitted shall be provided in accordance with the guidance in Approved Document S 2021 and shall be built in accordance with Optional Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with the adopted Uttlesford Local Plan Policy GEN2, and the adopted Supplementary Planning Document 'Accessible Homes and Playspace'.

## **APPENDIX 1 – Highway Authority**

**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 first occupation of the development, the road access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres to the northwest and 2.4 metres by 43 metres to the northeast, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided and retained free of any obstruction at all times.  
**Reason:** To provide 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.
2. Prior to first occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be 4.0 metres as shown in the Proposed drawing and shall be provided with an appropriate vehicular crossing of the highway verge.  
**Reason:** To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policy DM1.
3. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.  
**Reason:** To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent verge/carriageway in the interest of highway safety in accordance with policy DM1.

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

**Reason:** To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

5. Prior to first occupation of the development, the vehicle parking spaces shown in the Proposed Site Plan drawing has been constructed appropriately hard surfaced ready for use. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking and turning area shall not be used for any purpose other than the parking and turning of vehicles that are related to the use of the development.

**Reason:** To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

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 parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

**The above conditions are required to ensure that the development accords with the National Planning Policy Framework 2023 (NPPF) and the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.**

Informative:

- i. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
- ii. 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. The applicant should be made aware of the potential relocation of the utility apparatus in the highway; any relocation shall be fully at the applicant's expense.
- v. 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.

## APPENDIX 2 – Manchester Airport Group

### Consultation Response:

Black – Conditions

Green – Informatives

The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict with aerodrome Safeguarding criteria. We have no objection subject to the following conditions and informatives:

- Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.

Reason: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport.

- No lighting directly beneath the roof lights that will emit light upwards – only downward facing ambient lighting to spill from the roof lights upwards – ideally, automatic blinds to be fitted that close at dusk.

Reason: Flight safety - to prevent distraction or confusion to pilots using Stansted Airport.

- During construction and in perpetuity, robust measures to be taken to prevent species of birds that are hazardous to aircraft being attracted to the site. No pools or ponds of water should occur/be created without permission.

- 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 STN.

- The applicant's attention is drawn to the procedures for crane and tall equipment notifications, please see: <https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/>

- In the interests of aviation safety, measures to minimise and manage the creation of dust and smoke should be implemented for the full duration of all construction works, including demolition and excavation, in accordance with the advice of Stansted Airport and the Civil Aviation Authority.

Reason: Flight safety – dust and smoke are hazardous to aircraft engines; dust and smoke cloud can present a visual hazard to pilots and air traffic controllers.

**It is important that any conditions or advice in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Stansted Airport, or not attach conditions which Stansted Airport has advised, it shall notify Stansted Airport, and the Civil Aviation Authority as specified in the Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.**

Name	Position	Date
Diane Jackson	MAG Aerodrome Safeguarding Authority	Monday, 24 June 2024