

**UTT/21/0507/FUL**  
**(Call in request Cllr Driscoll)**

**PROPOSAL:** Replacement of existing 4 no. static homes with 4 no. detached houses with associated access and parking. Change of use of disused land to 1 travellers' plot.

**LOCATION:** Site at Canfield Drive, Great Canfield Road, Great Canfield, Essex

**APPLICANT:** Mr/Mrs Beaney, Smith, Lee and Lee

**AGENT:** Mrs Lucy Carpenter

**EXPIRY DATE:** Expiry date: 14.04.2021. EOT 20.06.2021

**CASE OFFICER:** Madeleine Jones

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**1.0 NOTATION**

1.1 Outside Development Limits. Within 6km of Stansted Airport. Within 259m of Local wildlife sites (Runnels Hey and Fritch Way)

**2. DESCRIPTION OF SITE**

2.1 The site comprises an authorised travellers' site of approximately 0.46 ha in area, consisting of 4 no. traveller pitches with service access road situated on the south side of Canfield Drive off Great Canfield Road, just to the south of The Fritch Way.

2.2 The site is level across its width, although has a slight fall to the rear boundary which is heavily tree screened obscuring views to the south. The eastern boundary of the site is also screened. Another static type of mobile home for which planning permission separately exists stands within a lawned plot at the front north-east corner of the site (Tandans), although this pitch lies outside the site area for the current application (see planning history below). Residential properties front onto Canfield Drive either side of the site, whilst a further property lies opposite the site entrance. Canfield Drive is an unmade private road.

2.3 Each of the pitches also have planning approval for day rooms.

2.4 There is an existing gated access that runs through the centre of the site, with the static caravans either side at the southern end of the site. The access road has landscaping to its boundaries. The access is shared with Tandans.

2.5 There is an extant planning permission for new dwellings to the west and south.

2.6 There is landscaping comprising trees and hedges on the eastern and southern boundary of the site.

2.7 To the south of Tandans there is a vacant plot with permission for one static unit. This is excluded from the application site.

### **3. PROPOSAL**

- 3.1 The proposal is for the replacement of 4 static caravans with 4no. 1 and ½ storey dwellings with associated access and parking.
- 3.2 The application includes the provision of 1 plot for a travelling family in the District. this is located at the front of the site to the south of the access driveway.
- 3.3 Each dwelling would be detached and have four bedrooms and three parking spaces
- 3.4 No trees or hedges are to be removed to facilitate the development.
- 3.5 Each dwelling would have in excess of 100m<sup>2</sup> of private amenity space.

### **4. ENVIRONMENTAL IMPACT ASSESSMENT**

- 4.1 The proposal is not EIA development, and an Environmental Assessment is not required to assess the environmental impacts of the development whereby the site does not fall within a “sensitive area”.

### **5. APPLICANT’S CASE**

- 5.1 The applicants have submitted the following documents in support of the proposal:
  - Planning Statement incorporating a Design and Access Statement and Transport Statement
  - Preliminary Ecological Appraisal
  - Biodiversity Checklist
  - Landscaping Appraisal
  - Landscape and Visual Assessment

### **6. RELEVANT SITE HISTORY**

- 6.1 UTT/18/3185/FUL: Erection of 1 no. Dwelling and detached garage. Land between Runnels Hey and Silverthorn. Appeal dismissed.
- 6.2 UTT/1617/12/FUL: Proposed two additional pitches at existing gypsy caravan site Approved with conditions.
- 6.3 UTT/0808/11/FUL: Proposed continued use of long stay caravan pitch for the use of one gypsy family. (condition .13.4- UTT/0998/08/FUL (The mobile home and touring caravan hereby permitted shall be occupied only by Mr T Boswell and Ms A Fuller and when they cease permanent occupation they shall be removed from the site within 2 weeks of this event and the land shall be restored to its former condition within 1 month in accordance with a scheme of work submitted to and approved by the local planning authority in writing) Allowed at appeal.
- 6.4 UTT/0998/08/FUL: Long stay caravan pitch for one gypsy family. Approved with conditions.
- 6.5 UTT/0520/10/OP: Outline application for the erection of four dwelling houses with double garages. Refused

- 6.6 UTT/13/0028/NMA: Non-Material Amendment to UTT/1617/12/FUL. Amend site layout re positioning of mobile home on pitch 2, improve turning, and amend landscaping approved
- 6.7 UTT/15/2526/FUL: Proposed change of use of land for two additional pitches at existing gypsy caravan site. Approved with conditions
- 6.8 UTT/17/2903/FUL: Tandans - Use of land for one additional pitch at existing gypsy caravan site approved
- 6.9 UTT/17/0462/FUL: Construction of 4 Dayrooms for existing approved Travellers Site. Approved with conditions.
- 6.10 UTT/18/2993/FUL Mayrose House, Great Canfield Road Takeley CM22 6SZ. The development proposed is demolition of existing garage to Mayrose House, construction of driveway and erection of one detached 1 1/2 storey dwelling and one single storey dwelling and two cart lodges. Allowed at appeal.
- 6.11 UTT/15/0404/FUL: Change of use of land for 2 additional pitches. Withdrawn.

## **7. POLICIES**

### **National Policies**

National Planning Policy Framework 2019 (NPPF)

### **Uttlesford Local Plan (2005)**

ULP Policy S7 – The Countryside  
 ULP Policy GEN2 – Design  
 ULP Policy GEN8 – Vehicle Parking Standards  
 ULP Policy GEN7 – Nature conservation  
 ULP Policy GEN1- Access  
 ULP Policy GEN4 – Good Neighbourliness  
 ULP Policy H1 – Housing Development

### **Supplementary Planning Documents**

Essex County Council Parking Standards  
 Accessible homes and Playspace  
 Uttlesford Local Residential Parking Standards  
 Essex Design Guide  
 Interim climate change Planning Policy

Great Canfield Village Design Statement.2009

## **8. PARISH COUNCIL COMMENTS**

8.1 The Parish Council have objected to the proposals on the following grounds:

- 8.2
- Objection potential loss of traveller's sites
  - Outside Development limits
  - The Parish Council is of the view the layout and identical design of the dwellings is urban in style and does not take account of the mixed design and architecture that makes up this part of Hope End, Great Canfield, where

properties have evolved over many years and are unique in style. This is in direct contrast to the urbanisation that has taken place to the north of the Flitch Way in Takeley and Priors Green.

- The proposal is for four large, detached dwellings on an area of 0.46 hectares, however the proposed development site including the additional travellers pitch extends beyond the 0.5 hectares that triggers a contribution to affordable housing, the Parish Council requests that this condition is applied, if approval is granted.
- Great Canfield Village design statement is a material consideration in planning and was adopted by Uttlesford in 2012. The Parish Council would draw attention to the following relevant parts of the Design Statement and would urge Uttlesford to ensure these are appropriately considered.
  - Page 19 – Guidelines point 3, ‘Particular efforts should be made to protect the rural setting of Hope End’.
  - Page 19 – Guidelines point 6, ‘Any development should maintain and strengthen visual cohesion of the village and help to renew its specific architectural traditions.’
  - Page 19 – Guidelines point 7, ‘Any application to increase housing density should consider the existing context and not materially degrade it.’
  - Page 19 – Guidelines point 8, ‘In order to protect the village character it is important that new development maintains an appropriate scale.’
  - Page 19 – Guidelines point 10, ‘Any new building should not overwhelm the fragile balance between the housing of different centuries in its area.’
- The only site access to the proposed market properties will be through the approved traveller’s site. Whilst there is no policy relevant to this, the Parish Council questions the viability of this open market housing without a change to the proposed access.

## **9. CONSULTATIONS**

### **ECC Highways**

- 9.1 No comment. Canfield Drive is private. Canfield Drive is accessed off Great Canfield Road which is unclassified. There is adequate width and visibility at the junction

### **Environmental Health**

- 9.2 The application site is outside aircraft and other transportation noise significance contours. The site is also outside the Air Quality Management Zone. It is considered that due to the limited scope of the development it will not negatively impact neighbouring properties, a precautionary land contamination conditions is however, recommended.

### **ECC Place Services Ecology**

- 9.3 No objection subject to securing biodiversity mitigation and enhancement measures.

### **NATS Safeguarding**

- 9.4 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

## **Stansted Airport Aerodrome Safeguarding**

9.5 No aerodrome safeguarding objections to the proposal subject to conditions

### **10. REPRESENTATIONS**

10.1 Neighbours have been consulted on the 22<sup>nd</sup> of February 2021 and again on 24<sup>th</sup> March 2021 (following the receipt of revised plans). Expiry date 7<sup>th</sup> April 2021

No representations have been received.

### **11. APPRAISAL**

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

- A Principle of development (Uttlesford Local Plan policy S7, NPPF, PPG)
- B Design and impact on neighbour's amenity (Uttlesford Local Plan policies GEN2, GEN4)
- C Highway safety and parking provision (Uttlesford Local plan Policies GEN1, GEN8, NPPF)
- D Biodiversity (Uttlesford Local Plan Policy GEN7, NPPF)
- E Land Contamination (Uttlesford Local Plan Policy ENV14, NPPF)
- F Affordable Housing (Uttlesford Local Plan Policy H9, NPPF, PPG)

#### **A Principle of development (S7, NPPF, PPG)**

11.1 S70 (2) of the Town and Country Planning Act 1990 states that "in dealing with a planning application the local planning authority shall have regard to the provisions of the Development Plan so far as is material to the application and to any other material considerations".

11.2 In planning policy terms, the site lies outside of any established development limits as defined by the adopted Uttlesford Local Plan 2005 (ULP). Consequently, for the purposes of planning, the site is considered to be within the countryside and subject to all national and local policies. Policy S7 of the ULP specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

11.3 Within the supporting text of policy S7, it sets out at paragraph 6.13 of the Local Plan that outside development limits, sensitive infilling proposals close to settlements may be appropriate subject to the development being compatible with the character of the surroundings and have a limited impact on the countryside will be considered in the context of Local Policy S7. A review of the Council's adopted policies and their compatibility with the NPPF has been carried out on behalf of the Council by Ann Skippers Planning. Policy S7 is found to be partly consistent with the NPPF. The protection and enhancement of the natural environment is an important part of the environmental dimension of sustainable development, but the NPPF takes a positive approach, rather than a protective one, to appropriate development in rural areas. This policy is partially compliant with the NPPF being compatible with the principles of paragraph 170(b) of the NPPF which requires decisions to be made whilst recognising the intrinsic character and beauty of the countryside. The policy strictly controls new building whereas the NPPF supports

well designed new buildings to support sustainable growth and expansion of all types of business and enterprise in rural areas. As such this reduces the weight given to the restraint implied by Policy S7 and this must be weighed against the other sustainability principles. The site is located within an area of countryside featuring sporadic linear development.

- 11.4 Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.
- 11.5 Paragraph 11 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In this regard, the most recent housing trajectory identifies that the Council has a 3.11-year land supply. As such the Council cannot demonstrate a five-year supply of deliverable housing sites.
- 11.6 The NPPF recognises that there are three standards to sustainability and that these should not be taken in isolation, because they are mutually dependent. To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 11.7 Social: The NPPF identifies this as supplying required housing and creating high quality-built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being. Planning permission was previously granted subject to a condition specifying that they be resided in by travellers meeting the definition of Annex 1, paragraph 1 of the 'Planning Policies for Traveller sites' produced by the Department of Communities, and more recently Annex 1, paragraph 1 of the NPPF, 2012. The reason for the conditions was the special circumstances and the need for the provision of traveller pitches to meet the then definition. However, the definition of traveller was amended in 2015 to exclude permanently settled travellers. (Please see below) The plots are individually owned by the 4 families, all of whom have young children. The families have settled status, operate local businesses and their children attend the local schools. They wish to construct permanent dwellings for their families to reside in, enabling them to continue to contribute to the local community and economy.
- 11.8 Economic: The NPPF identifies this as contributing to building a strong, responsive and competitive economy, supporting growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure. The development will deliver attendant economic benefits associated with the construction process and future occupation of the dwellings, as such there would be some, but limited, positive economic benefit.
- 11.9 Environment: It is considered that the proposal, through the provision of four dwellings would result in an intensification of the built form within the immediate area

that would in turn alter the character of the surrounding rural locality. This would have an urbanising effect that would be out of context with the existing pattern of sporadic, linear development and harmful to the setting and character of the countryside. As such it is fundamentally contrary to the requirement of Policy S7 to protect or enhance the character of the countryside. However, a material consideration is that at appeal under UTT/18/2993/FUL the proposal for the erection of two dwellings (one to the rear of the application site and one to the rear of Mayrose House) was allowed. The plots largely sit on the footprint of the existing static homes, that they will replace. The footprint of the proposed dwellings are marginally larger than the static homes, but not significantly so as to render them intrusive and out of character. They will remain on very generous plot sizes, with more than sufficient space for gardens and parking. Being narrow spanned with a steeply pitched roofs with projecting gables breaking down the built form, they will appear in scale and character with its surroundings and would not be incongruous or over dominant. They would be no higher than the dwelling allowed at appeal to the south-west.

- 11.10 The Planning Inspector in the recent planning appeal decision for UTT/18/2993/FUL stated *“The appeal site is located in relatively close proximity to the settlement of Takeley, which offers a number of services and facilities for future residents. I observed that the walking route to Takeley would involve pedestrians walking along Great Canfield Road, which does not have pedestrian footways and is not lit. Nonetheless, I observed that vehicles speeds were generally low along this route and therefore I do not consider that this would be a barrier to future residents walking to these services and facilities. In addition, the evidence indicates that there are bus services within Takeley which provide links to Bishops Stortford and Great Dunmow.”* Further, the Inspector advised that... *Paragraph 103 of the Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. In this instance, I consider that future residents of the dwellings would not be heavily reliant on the private motor vehicle for all day-to-day requirements. In this respect, the site is appropriate for residential development and thus it can be considered a sustainable location.”* The Inspector considered the negatives were outweighed by the positives in respect of housing supply when applying the planning balance as set out in paragraph 11 of the NPPF.
- 11.11 The LPA understand that the 4 pitches currently on the site were granted subject to conditions that they be resided in by travellers meeting the definition of annex 1, paragraph 1 of the NPPF, 2012. The reason for the conditions was the special circumstances and the need for travellers’ pitches to meet the then definition.
- 11.12 This definition within Planning policy for Travellers sites, Department for Communities and Local Government (DCLG) August 2015) has subsequently been amended in August 2015. The key change that was made to both definitions was the removal of the terms persons... who have ceased to travel permanently, meaning that those who have ceased to travel permanently will not now fall under the planning definition of a traveller for the purposes of assessing accommodation needs in a GTAA. As such from the information supplied the occupants of the existing pitches do not fall under this definition.
- 11.13 The gypsy definition in cancelled Circular 01/06 included those that, due to ill health or educational needs, had ceased travelling, and went further by including those who have effectively ‘retired’ from a nomadic lifestyle due to old age. Therefore, persons so defined had special status in planning law and benefited from the application of more favourable policies, such as rural exception site policies, when compared to an individual without special status seeking permission for a residential

caravan or home in the open countryside. This reflected a trend towards the gypsy community becoming more settled. A significant change in definition was introduced in planning policy for traveller sites in 2015 whereby gypsy status now excludes those who have ceased travelling permanently, meaning planning decisions will be made in the context of planning policy as it applies to the settled community and not within the terms of planning policy for traveller sites. The proposal therefore should be considered under policy S7.

11.14 The policy team have advised that the latest study published on January 2018 identified the following need in Uttlesford.

11.15 Taking the national average of those where it is unknown if the household in need meets the planning definition, it is likely that there is need for 1 pitch for Gypsies and Travellers that meet the 2015 planning definition.” The evidence says that there is a need for 10 pitches for families that no longer meet the planning definition, and for 0-8 pitches for families where it is unknown whether they meet the planning definition. Taking the national average for families where it is unknown whether families meet the planning definition, this 0-8 pitches is likely to be 1 (see para 1.72 Fig 21 of the ‘GTAA Summary January 2018’). But this is only an average, and it could be that all 8 of these families do meet the definition (i.e. it is unknown).

11.16 The proposal would result in the loss of Gypsy and Traveller pitches for the future, however the current occupants would also be removed from the list as they no longer would meet the 2015 definition. The proposed 4 permanent homes for travellers no longer meeting the definition will meet 40% of the identified need for homes for travellers of settled status.

11.17 As such, there is still a need for one more pitch in Uttlesford if these pitches are lost but their loss would not increase this number. At pre- application it was advised that one pitch should remain or be found to meet the existing and future needs of Travellers and Gypsies in the District. The application includes the provision of 1 plot for a travelling family in the area that is currently vacant/paddock land at the front of the site, to the western side of the access road. The site is surrounded by residential development.

11.18 In principle, although contrary to policy S7 of the adopted Local Plan, taking into consideration the dwellings recently approved at appeal to the rear of the site, the lack of five-year land supply, the replacement of the static caravans (subject to meeting design criteria and other policy requirements) would be acceptable in this location. With careful design, the impact on the character and appearance of the area can be modest. Although, the current form of development is linear along this side of the road, the dwellings allowed at appeal adjacent to the site will change the form of the surrounding buildings. The adverse impacts of the development, would be limited and on balance, the site is a suitable location for the proposed residential development and the proposal would constitute a sustainable form of development.

**B Design, scale and impact on neighbours amenity ((ULP Policies GEN2, S7, H10, & SPD: Accessible Homes and Playspace);**

11.19 Uttlesford Local Plan (adopted 2005) Policy GEN2 states amongst other things that any development should be compatible with the surrounding area, reduce crime, energy reduction, protecting the environment and amenity. The development will

not be permitted if it would have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing. The Essex Design Guide supplements this policy and the section 12 of the NPPF also relates to achieving well-designed places.

- 11.20 The replacement of the static caravans with dwellings would result in an urbanising effect of this countryside location and to this effect would cause some modest harm to the character and appearance of the area. The proposal is for four identical 1.5 height properties. A material consideration is that recently an application for 2 dwellings has been granted on the adjacent site under (UTT/18/2993/FUL. The proposed dwellings would be of the same span, height and design, but of reduced footprint and size of the newly approved properties to the north and east of the site.
- 11.21 The application has been the subject of pre- application advice and although larger than advised the design and scale of the proposed dwellings is considered appropriate for this location. When taking into account the scale of the dwellings approved at appeal on the adjoining site, it is considered that it would be unreasonable to refuse these smaller dwellings on this site.
- 11.22 The existing day rooms originally formed part of the application proposal; however these have been removed to avoid overdevelopment of the site. (A condition should also be attached to any proposal removing permitted development rights to prevent the site becoming overdeveloped and the removal of these dayrooms before occupation of the dwellings)
- 11.23 Policy H10 states that all development on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. All developments on a site of three or more homes must include an element of small two and three bed homes, which must represent a significant proportion of the total.
- 11.24 The housing mix for this application is for four, four bedroomed properties. The proposal therefore does not comply with the requirements of Uttlesford Local Plan (adopted 2005) policy H10
- 11.25 All of the units have private amenity spaces. The Essex Design Guide recommends that dwellings of 3 bedrooms or more should have private amenity spaces of 100sqm+ The gardens accord with the requirements of the Essex Design Guide. Each plot has adequate private amenity space to accord with the requirements of the Essex Design Guide
- 11.26 Due to the existing nature of the site, the proposed dwellings have the potential to result in overlooking of neighbouring dwellings (including each other) and those approved as part of UTT/18/2993/FUL, The development has been designed to minimise the potential for overshadowing or overbearing impacts. In view of the distances between neighbouring properties the proposal would not result in any material overlooking, overshadowing or overbearing impact and complies with ULP policies GEN2 and GEN4.
- 11.27 The proposal is considered to be of acceptable design and scale for the location and therefore complies with ULP policy GEN2.

- 11.28 Recently the council has adopted an Interim Climate change Planning Policy. The applicant has confirmed that all of the new homes will be provided with an installed fast charging point.

**C Highways safety and parking provision (GEN1, GEN8, NPPF)**

- 11.29 Policy GEN1 seeks to ensure development proposals would not adversely affect the local highway network and encourage sustainable transport options.
- 11.30 The access is an existing and no changes are proposed.
- 11.31 Essex County Council Highways Officers have assessed the access and have no comments to make as Canfield Drive is a private lane and is narrow with limited passing places. It is unlikely that the replacement of the static caravans with small dwellings would cause significant increases in traffic over and above that already exists to harm highway safety. The local road network is capable of accommodating the proposal. The proposal would comply with the aims of Policy GEN1 of the adopted Uttlesford Local Plan 2005.
- 11.32 The proposed properties are four bedroomed dwellings. The adopted parking standards require the provision for three parking spaces per dwelling for three+ bedroomed properties. Each property would meet the required parking standards
- 11.33 Therefore, the proposals comply with Policy GEN8 of the adopted Uttlesford Local Plan 2005

**D Biodiversity (GEN7, NPPF)**

- 11.34 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 the 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. A Biodiversity Questionnaire has to be submitted by the applicant with any application to assess the likely presence of protected species within or in close proximity to the application site. The questionnaire allows the Council to assess whether further information is required in respect of protected species and their habitats.
- 11.35 Essex County Council, Place Services, Ecology has confirmed in writing that it has no objection subject to securing biodiversity mitigation and enhancement measures, which if the application is approved can be secured by condition.
- 11.36 As such it is not considered that the proposal, subject to appropriate conditions would have any material detrimental impact in respect of protected species to warrant refusal of the proposal and accords with ULP policy GEN7.

**E Contamination (ENV14, NPPF)**

- 11.37 The application site is outside aircraft and other transportation noise significance. Environmental Health officers have recommended a condition that in the event of contamination being found at any time when carrying out the approved development that it should be reported in writing to the Local Planning Authority, in order to protect

human health. The proposal would comply with Uttlesford Local Plan (adopted 2005) Policy ENV14

**F Affordable Housing (Uttlesford Local Plan policy H9 and NPPF and PPG)**

11.38 Policy H9 states that the Council will seek to negotiate on a site for site basis an element of affordable housing of 40% of the total provision of housing

11.39 Government guidance states that there are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the written ministerial statement of 28 November 2014 and should be taken into account. These circumstances are that contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floor space of no more than 1,000 square metres (Gross internal area).

11.40 This site is 0.46 hectares and is for four dwellings, therefore there is no requirement for affordable housing provision.

**12. CONCLUSION**

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

- A The proposal is acceptable in principle
- B The design and scale of the proposal is considered to be acceptable The housing mix for the development is also considered to be acceptable. Adequate amenity space would be provided for all of the dwellings. The proposal would not result in any material detrimental impact by way of overlooking, overshadowing or overbearing impact on neighbours' amenity.
- C The proposal will not have a detrimental impact on highway safety.
- D The proposal would not materially impact upon matters of biodiversity, subject to conditions.
- E The proposal would not result in any harm to human health subject to condition.
- F There is no planning policy requirement for affordable housing.

**RECOMMENDATION – APPROVAL WITH CONDITIONS**

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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2005 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A to F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority.

Reason: To prevent the site becoming overdeveloped and in the interests of the amenity of the occupiers of adjoining dwellings and buildings in accordance with the NPPF and Uttlesford Local Plan Policy GEN2.

- 3 Infrastructure for a minimum of a single electric vehicle fast charging point shall be installed at each of the dwellings. All new parking spaces should be adaptable for electric vehicle fast charging (7-22kw) including through local electricity grid reinforcements, substation design and ducting. These shall be provided prior to occupation.

Reason: The requirement of the charging points are required to mitigate the harm for poor air quality due to the increase in vehicle movement and being within and in accordance with Uttlesford Local Plan Policy ENV13 (adopted 2005) and the National Planning Policy Framework.

- 4 In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures, a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990 in accordance with Uttlesford Local Plan Policy ENV14

- 5 During removal & 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 ULP GEN2

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

Reason: Flight safety in accordance with Uttlesford Local plan policy GEN2

- 7 During construction and in perpetuity, robust measures to be taken to prevent birds being attracted to the site. No pools or ponds of water should occur/be created

without permission. Suitable lidded bins should be provided and emptied as necessary.

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 in accordance with Uttlesford Local plan policy GEN2

- 8 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 Uttlesford Local plan policy GEN2

- 9 No reflective materials to be used in the construction of these buildings.

Reason: Flight safety - to prevent ocular hazard and distraction to pilots using STN. In accordance with Uttlesford Local plan policy GEN2

- 10 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 Uttlesford Local plan policy GEN2

- 11 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Incorporating Bat Survey Inspection (T4 Ecology Ltd., December 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

Reason: To conserve 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) in accordance with ULP policy GEN7

- 12 Prior to slab level a Biodiversity Enhancement Layout, providing the details and locations of the reasonable enhancement measures shall be submitted to, and approved in writing by, the local planning authority.

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

Reason: To enhance protected and Priority species and habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) in accordance with ULP policy GEN7

- 13 Prior to occupation a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and

where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with ULP policy GEN7

- 14 The gypsy and travellers pitch hereby approved on the site shall only be occupied by gypsies or travellers as defined by Annex 1, paragraph 1 of "Planning Policy for Travellers Sites" produced by the Department for Communities and Local Government (August 2015).

Reason: The development is acceptable in order to meet the District's shortfall in provision for gypsy and traveller sites in accordance with "Planning Policy for Travellers Sites".

- 15 Prior to occupation of the each dwelling hereby permitted , the dayroom located on that plot shall be removed from the site.

Reason: To avoid over-development of the site in accordance with Uttlesford Local Plan (adopted 2005) Plan policy S7.

- 16 Within one month of occupation of each dwelling hereby permitted, the static caravan/mobile home shall be completely removed from the plot which that dwelling occupies.

Reason: To avoid over-development of the site in accordance with Uttlesford Local Plan (adopted 2005) Plan policy S7.

- 17 The dwellings shall be built to Category 2: Accessible and adaptable dwellings (M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition and 2016 amendments. In this respect,

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

