



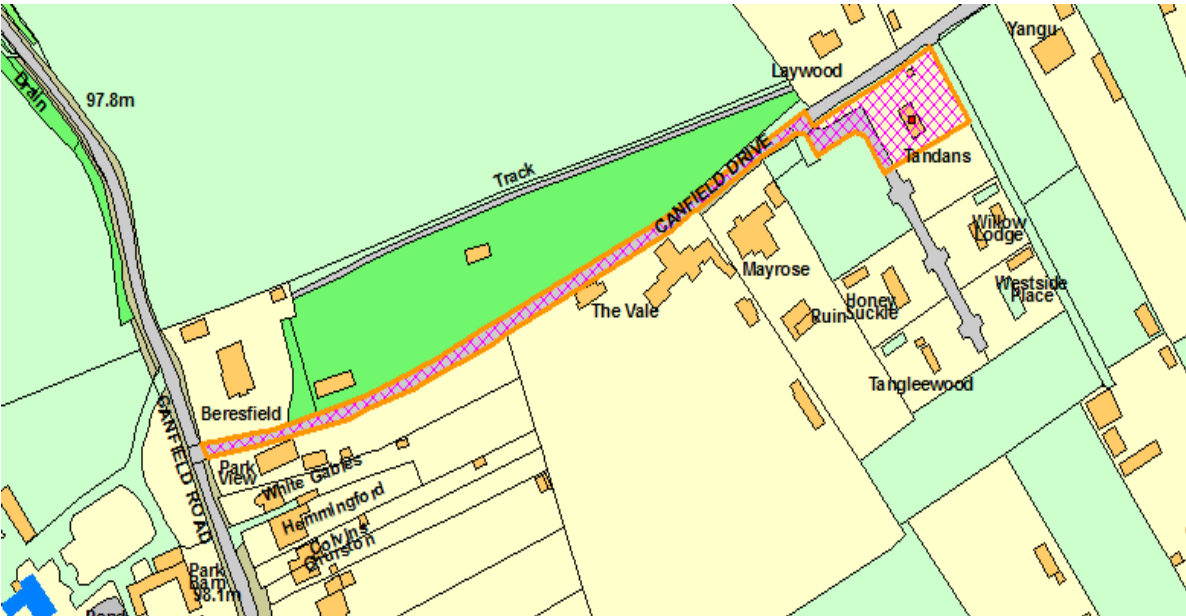
ITEM NUMBER: 6

PLANNING COMMITTEE DATE: 13TH April 2022

REFERENCE NUMBER: UTT/21/3204/FUL

LOCATION: TANDANS, GREAT CANFIELD ROAD, TAKELEY

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: April 2022

PROPOSAL: Replacement of existing static home with detached house with associated access and parking.

APPLICANT: Ms T Woollard & Mr T Boswell

AGENT: Mrs Lucy Carpenter

EXPIRY DATE: 21st December 2021

EOT Expiry Date: 18th April 2022

CASE OFFICER: Madeleine Jones

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

REASON THIS APPLICATION IS ON THE AGENDA: **Called in by Cllr Driscoll Reason for call in:**

1. Loss of a further traveller pitch in the district, following a net loss of three on this site in recent months.
2. The impact on the remaining two approved and unoccupied pitches on the site.
3. The scale of the proposed dwelling, a five-bedroom home in comparison to the neighbouring properties.
4. Lack of landscaping plans.

1. EXECUTIVE SUMMARY

- 1.1** This is an application for the removal of the existing static home and sheds on the site and their replacement with a permanent dwelling overlapping the footprint of the existing static unit.
- 1.2** The proposed dwelling would have 5 bedrooms and be located outside Development Limits.
- 1.3** 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 pitch do not fall under this definition.

- 1.4 It would result in the loss of 1 travellers pitch but the current occupants (Mr. & Mrs. Boswell, Ms. Woollard and Mr. D. Woolard) would be removed from the list as they no longer meet the definition.

2. **RECOMMENDATION**

That the Interim Director of Planning and Building Control be authorised to **GRANT** permission for the development subject to those conditions set out in section 17 of this report.

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The site is located to the south of Canfield Drive off Great Canfield Road, just to the south of the Flitch Way.
- 3.2 The site comprises an authorised traveller's pitch with a static home that sits centrally within the plot.
- 3.3 The access to this plot is via a gated access that runs through the site and serves 6 other travellers pitches (4 of which now have extant planning permissions for dwellings) and leads onto Canfield Drive. One of the travellers' pitches (immediately south of the application site) is within the same ownership as the applicant. This plot has permission for one static unit. This is excluded from the application site
- 3.4 The site has hedging to the north and eastern boundaries and hardstanding to its frontage. There is a low hedge across part of the sites frontage.
- 3.5 There is a small fenced off area to the rear of the static home.
- 3.6 There are residential properties either side of the entrance of the site that front onto Canfield Drive. Further dwellings line Canfield Drive, with detached houses to either side, but predominantly to the southern side.
- 3.7 Canfield Drive is an unmade private road.

4. **PROPOSAL**

- 4.1 This is an application for the removal of the existing static home and sheds on the site and their replacement with a permanent dwelling overlapping the footprint of the existing static unit.
- 4.2 The property would have 5 bedrooms.
- 4.3 A Planning Statement, Biodiversity Checklist and a Preliminary Ecological Appraisal support the application.
- 4.4 There are three parking spaces provided with an electric charging point.

4.5 There would be no changes to the existing boundary treatments.

5. ENVIRONMENTAL IMPACT ASSESSMENT

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

6. RELEVANT SITE HISTORY

Reference	Proposal	Decision
UTT/18/3185/FUL:	Erection of 1 no. Dwelling and detached garage. Land between Runnels Hey and Silverthorn	Appeal dismissed.
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
UTT/1617/12/FUL	Proposed two additional pitches at existing gypsy caravan site	Approved with conditions.
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
UTT/0998/08/FUL	Long stay caravan pitch for one gypsy family	Approved with conditions.

UTT/15/2526/FUL	: Proposed change of use of land for two additional pitches at existing gypsy caravan site	Approved
UTT/0520/10/OP	Outline application for the erection of four dwelling houses with double garages.	Refused
UTT/17/2903/FUL	Use of land for one additional pitch at existing gypsy caravan site	Approved
UTT/17/0462/FUL	Construction of 4 Dayrooms for existing approved Travellers Site	Approved with conditions
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
UTT/21/0507/FUL	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.	Approved with conditions.
UTT/22/0025/FUL	Proposed erection of 1 no. detached dwelling to replace existing static home (alternative scheme to plot 2 approved under UTT/21/0507/FUL).	Approved with conditions
APP/C1570/C/18/3 219384	Land to the north of Birchanger Lane. Change of use of land for the stationing of caravans and mobile homes for residential purposes and ancillary works attached without the benefit of a grant of planning permission.	Appeal allowed

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

7.1 N/A

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

8.1.1 No comments

9. PARISH COUNCIL COMMENTS

9.1 Objection

- Lack of clarity on traveller pitch need in Uttlesford
- Policy S7 and GEN2
- Policy H10
- Great Canfield Village Design Statement

10. CONSULTEE RESPONSES

10.1 MAG Aerodrome Safeguarding

10.1.1 No objections subject to conditions

10.2 UDC Environmental Health

10.2.1 No objections

10.3 NATS Safeguarding

10.3.1 No objection

10.4 Place Services (Ecology)

10.4.1 No objection subject to securing biodiversity mitigation and enhancement measures

11. REPRESENTATIONS

11.1 A site notice was displayed on site and 23 notifications letters were sent to nearby properties.

11.2 No representations have been received.

12. MATERIAL CONSIDERATIONS

12.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the "Considerations and Assessments" section of the report. The

determination must be made in accordance with the plan unless material considerations indicate otherwise.

12.2 Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

(a) The provisions of the development plan, so far as material to the application,;

(a) a post-examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

12.3 The Development Plan

12.3.1 Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Felsted Neighbourhood Plan (made Feb 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)

13.0 POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2021)

13.1.2 Planning Policy for Traveller Sites

13.2 Uttlesford District Plan 2005

13.2.1 S7 – The countryside Policy
GEN1- Access Policy
GEN2 – Design Policy
GEN4 - Good Neighbourliness Policy
GEN7 - Nature Conservation Policy
GEN8 - Vehicle Parking Standards Policy
ENV4 - Ancient monuments and Sites of Archaeological Importance Policy
ENV14 - Contaminated Land
H1 – Housing Development

13.3 Supplementary Planning Document or Guidance

13.3.1 Uttlesford Local Residential Parking Standards (2013)

Essex County Council Parking Standards (2009)
Supplementary Planning Document- Accessible homes and play space
homes Essex Design Guide
Uttlesford Interim Climate Change Policy (2021)
Great Canfield Village Design Statement (2009)

14. CONSIDERATIONS AND ASSESSMENT

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

14.2 **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)

14.3 **A) Principle of development**

14.3.1 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".

14.3.2 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.

14.3.3 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.

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.

14.3.4 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.

14.3.5 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.

14.3.6 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.

14.3.7 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 (UTT/0998/08/FUL) for a long stay caravan pitch for one gypsy family.

14.3.8 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

14.3.9 Environment:

It is considered that the proposal, through the provision of one dwelling 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 and the recently approved application UTT/21/0507/FUL for the 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.

The proposed dwelling would overlap the footprint of the existing static home, that it will replace. The footprint of the proposed dwelling is larger than the static home, but not significantly so as to render it intrusive and out of character. It is of similar scale and design as those approved to the south of the site.

14.3.10 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-today 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

- 14.3.11** The LPA understand that the 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.
- 14.3.12** 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 pitch do not fall under this definition.
- 14.3.13** 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.

- 14.3.14** The Parish council have raised concerns in relation to the lack of clarity on traveller pitch need in Uttlesford.
- 14.3.15** A recent appeal, 9TH October 2021, APP/C1570/C/18/3219384, allowed for change of use of land for the stationing of caravans and mobile homes for residential purposes and ancillary works, subject to conditions, at land to the north of Birchanger Lane, Birchanger, CM23 5QA. condition 2 requires the site not to be occupied by any persons other than gypsies and travellers as defined in annex 1 of planning policy for travellers sites, august 2015 (or its equivalent in replacement national policy) This application provided six new pitches. The inspector stated that limited weight should be afforded to the GTTSAA
- 14.3.16** The GTAA has not been updated, however, the policy team have published in December 2021 an updated 5YHLS statement for gypsies and travellers.
- 14.3.17** This states that with regard to provision for Gypsies & Travellers who meet the PTTS definition:
- Known: There was no projected need to 2033 and no pitches have been provided as of December 2021
 - Unknown: The maximum projected need to 2033 is for 8 pitches, however, the most likely projected need is for 1 pitch. 8 pitches have been provided; therefore, we have exceeded the most likely need. 4 G&T households will move into bricks and mortar and will then have settled status.

With regards to the other two remaining approved pitches on the adjacent site planning permission would be required if the plots were to be used for dwellings rather than for gypsies and travellers (as per the conditions attached to those permissions) and would be dealt with on merit/current planning policy at that time.

- 14.3.18** This proposal would result in the loss of a Gypsy and Traveller pitch for the future; however, the current occupants would also be removed from the list as they no longer would meet the 2015 definition.
- 14.3.19** 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 caravan (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.

14.4 B) Design and impact on neighbour's amenity (Uttlesford Local Plan policies GEN2, GEN4)

14.4.1 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.

14.4.2 The proposed dwelling would be of similar scale and design as those approved adjacent, to the south of the site. The parish councils comments have been noted and the justification for the property being five bedrooms is that Mr Boswell is of ill health and will live on the ground floor and his daughter and family will live with him to care for him.

14.4.3 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 and to the south of the site under UTT/21/0507/FUL AND UTT/22/0025/FUL it is considered that it would be unreasonable to refuse the proposed dwelling on this site.

14.4.4 The dwelling would have more than 100m² private amenity space and as such would accord with the requirements of the Essex Design Guide for the size of the dwelling.

14.4.5 The dwelling has the potential to overlook any future unit adjoining the south of the site. This can be prevented by the use of a suitably worded condition.

14.4.6 The proposal would not result in any material overlooking, overshadowing or overbearing impact, subject to condition, and complies with ULP policies GEN2 and GEN4.

14.4.7 The proposal is considered to be of acceptable design and scale for the location and therefore complies with ULP policy GEN2.

14.5 C) Highway safety and parking provision (Uttlesford Local plan Policies GEN1, GEN8, NPPF)

14.5.1 Policy GEN1 seeks to ensure development proposals would not adversely affect the local highway network and encourage sustainable transport options.

14.5.2 The access is an existing and no changes are proposed.

14.5.3 The proposed property is a five bedroomed dwelling. The adopted parking standards require the provision for three parking spaces per dwelling for three+ bedroomed properties. The proposal would meet the required parking standards.

14.5.4 Therefore, the proposals comply with Policy GEN8 of the adopted Uttlesford Local Plan 2005.

14.6 D) Biodiversity (Uttlesford Local Plan Policy GEN7, NPPF)

14.6.1 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 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. A preliminary Ecological Appraisal has also been submitted in support of the application.

14.6.2 There is the potential for foraging/commuting bats and nesting birds to be present on site. Mitigation measures have been identified in the submitted Preliminary Ecological Appraisal (Sept 2021)

14.6.3 Essex County Council, Place Services, Ecology has confirmed in writing that it has no objection subject to securing the biodiversity mitigation and enhancement measures, which if the application is approved can be secured by condition

14.6.4 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.

14.7 E) Land Contamination (Uttlesford Local Plan Policy ENV14, NPPF)

14.7.1 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

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

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

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

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

15.2 Human Rights

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

16. CONCLUSION

16.1 The following is a summary of the main reasons for the recommendation.

16.2 The proposal is acceptable in principle.

16.3 The design and scale of the proposal is considered to be acceptable. Adequate amenity space would be provided. The proposal would not result in any material detrimental impact by way of overlooking, overshadowing or overbearing impact on neighbours' amenity.

16.4 The proposal will not have a detrimental impact on highway safety.

16.5 The proposal would not materially impact upon matters of biodiversity, subject to conditions.

16.6 The proposal would not result in any harm to human health subject to condition.

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

REASON: To protect human health and the environment and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990 in accordance with the adopted Uttlesford Local Plan 2005 - Policy ENV14

3 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (T4 Ecology, September 2021) 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 Uttlesford Local Plan Policy GEN7

4 Prior to any works above slab level a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

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

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

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 s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Uttlesford Local Plan Policy GEN7

- 5 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 (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. 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 Uttlesford Local Plan Policy GEN7

- 6 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 the adopted Uttlesford Local Plan 2005 Policy GEN2

7 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 the adopted Uttlesford Local Plan 2005 - Policy GEN2

8 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 - Bird strike 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 Bird strike to aircraft using Stansted Airport in accordance with the adopted Uttlesford Local Plan 2005 - Policy GEN2

9 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 Stansted Airport, In accordance with the adopted Uttlesford Local Plan 2005 - Policy GEN2

10 No solar photovoltaics to be used on site without first consulting with the aerodrome safeguarding authority for Stansted Airport.

REASON: Flight safety - to prevent ocular hazard and distraction to pilots using Stansted Airport, In accordance with the adopted Uttlesford Local Plan 2005 - Policy GEN2

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

REASON: Flight safety - to prevent ocular hazard and distraction to pilots using Stansted Airport, in accordance with the adopted Uttlesford Local Plan 2005 - Policy GEN2

12 Infrastructure for a single electric vehicle fast charging point shall be installed at the proposed dwelling. 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 2021.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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 in respect of the proposed dwellings, 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 National Planning Policy Framework 2021 and the adopted Uttlesford Local Plan 2005 - Policy GEN2.

- 14 The proposed permanent 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 adopted Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace

15. The windows in the southern elevation shall be obscure glazed with glass of obscuration level 4 or 5 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the local planning authority. Glazing of that obscuration level shall thereafter be retained in that/those window(s).

REASON: To avoid overlooking of the adjacent site in the interests of residential amenity in accordance with Uttlesford Local Plan Policy GEN2

- 16 Other than the windows shown on the approved drawings to which this planning permission relates, no windows or other form of opening shall be inserted into the southern elevations of the building hereby permitted without the prior written consent of the local planning authority.

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