



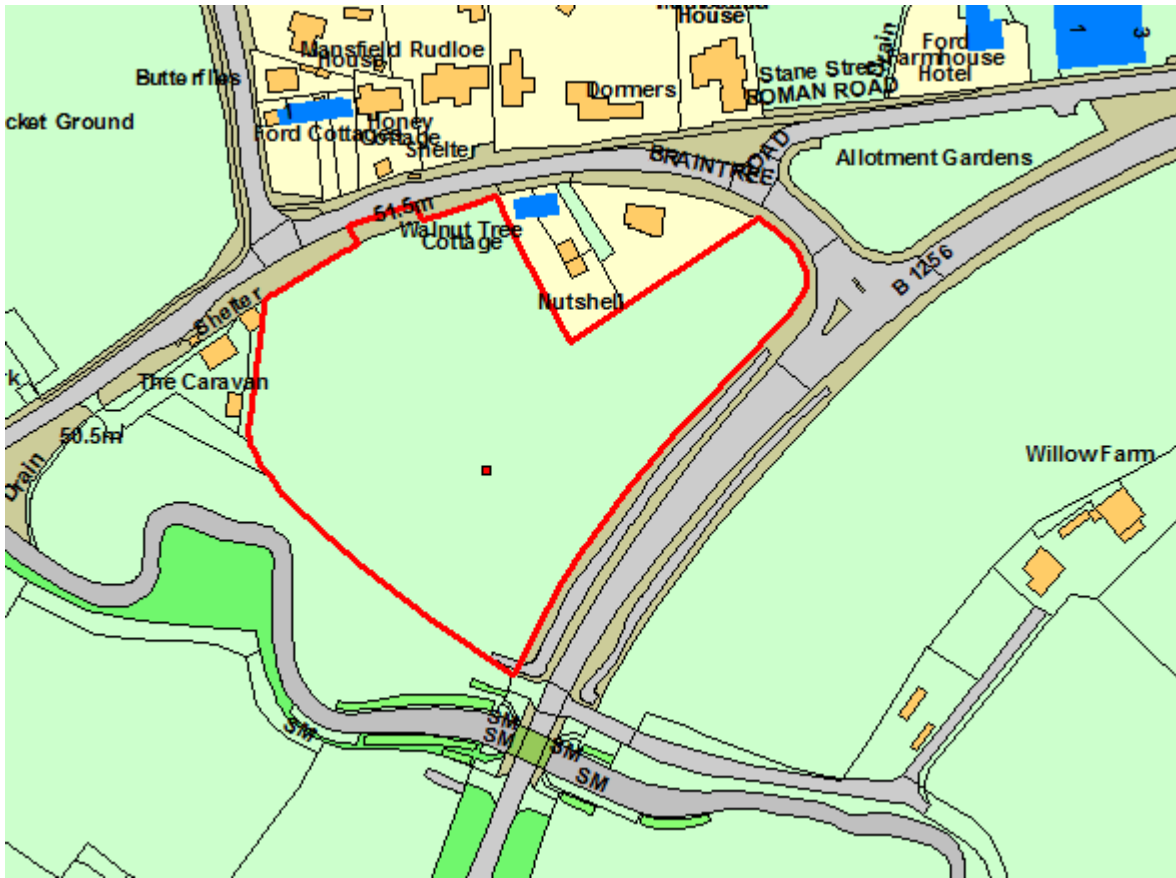
**ITEM NUMBER:** 9

**PLANNING COMMITTEE DATE:** 21 June 2023

**REFERENCE NUMBER:** UTT/23/0475/OP

**LOCATION:** Land to south of Braintree Road, Dunmow,

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: June 2023

**PROPOSAL:** Outline planning application (all matters reserved except for access) for the construction of 20 no. dwellings alongside associated parking, access and landscaping works.

**APPLICANT:** Mr Fern

**AGENT:** Mrs Danielle Lawrence – DHA Planning

**EXPIRY DATE:** 16 February 2023

**EOT Expiry Date:** 14 April 2023

**CASE OFFICER:** Tom Gabriel

**NOTATION:** Outside Development Limits

**REASON THIS APPLICATION IS ON THE AGENDA:** Major application

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## **1. EXECUTIVE SUMMARY**

- 1.1** The scheme seeks outline planning permission for up to 20 dwellings with the same design and layout as proposed in the previous application on the site (ref. UTT/22/1404/OP), which was refused at the Planning Committee meeting on 23.11.2022. This application is now the subject of an appeal. One of the reasons for refusal was *'The proposal would result in less than substantial harm to the adjacent heritage assets known as Walnut Tree Cottage and Nutshell Cottage and would fail to preserve the special interest of these listed buildings, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, through inappropriate development to their setting. The development is further contrary to Policy ENV2 of the Uttlesford Local Plan 2005 (Adopted) as well as Paragraph 202 of the NPPF being relevant.*
- 1.2** The applicants have elected to re – submit this application because they consider that at the time of determination, the Planning Committee were not made aware of the grant of planning permission in 2019 for the erection of a dwelling on land adjacent to Nutshell and Walnut Tree Cottages (ref. UTT/19/2554/FUL ).

1.3 The previously submitted plans did not show the location of the consented dwelling, however it was referred to in the Planning Statement. The applicant considers that irrespective of the fact the new dwelling was not shown on their plans, the Local Planning Authority should have made reference to it when the scheme was presented to the Planning Committee as it is a material consideration. Although the recently refused application is currently at appeal, the application has been re-submitted to enable to the Local Planning Authority to consider the application with all the available relevant information.

1.4 Due to the proximity of the Grade II Listed Walnut Tree Cottage and Nutshell Cottages and the presence of four dwellings in Ford Cottages to the north east of the site, on the northern side of Braintree Road, the Conservation Officer determined that the proposed development would cause a less than substantial harm to the setting and significance of nearby heritage assets.

## 2. **RECOMMENDATION**

That the Director of Planning be authorised to **GRANT** permission for the development subject to those items set out in section 17 of this report -

- A) Completion of a s106 Obligation Agreement in accordance with the Heads of Terms as set out
- B) Conditions

### **And**

If the freehold owner shall fail to enter into such an agreement, the Director of Planning shall be authorised to **REFUSE** permission following the expiration of a 6 month period from the date of Planning Committee.

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

3.1 The application site comprises an irregular shaped parcel of land measuring 1.55 ha, situated to the east of Great Dunmow. The majority of the site is enclosed by mature trees and hedgerows, with views only available into the site at the junction of Braintree Road and the B1256 to the east. The site falls outside the development limits of Great Dunmow and would therefore be considered open countryside in planning terms.

3.2 There is a pair of Grade II listed cottages located immediately northeast of the site, otherwise referred to as 'Walnut Tree Cottage' and 'Nutshell'. The cottages front Braintree Road to the north and are separated from the subject site by tree planting and hedgerows. There is also a terrace of four cottages – 'Ford Cottages' – on the northern side of Braintree Tree.

**3.3** The area of the site in which development is proposed is located within Flood Zone 1 which is at the lowest risk of flooding. A very small area of proposed private garden space to the southwest of the site is in Flood Zone 2. A portion of the site further to the southwest is in Flood Zone 3 where it is intended open space shall be provided.

**3.4** The Constraints Map also indicates the easternmost edge of the site falls within a designated archaeological site. A further archaeological site runs approximately 40m to the south and south-west of the boundary.

#### **4. PROPOSAL**

**4.1** This planning application is submitted in outline with matters relating to scale, layout, appearance, and landscaping reserved. The applicant is seeking approval in principle to develop the site for up to 20 dwellings and for the details of access to be granted consent. This will leave the approval of the scale, layout, appearance, and landscaping to be decided at a later date when further applications (the reserved matters) will be submitted to the Council if this outline permission is granted.

**4.2** Although this application seeks outline planning permission, the application is accompanied by indicative parameter plans, which give an indication of how such a quantum of development could be achieved on the site including in respect of layout.

**4.3** The applicant has suggested that the proposals would be made up of a mix of housing types, forms, and styles. Up to 20 new dwellings are proposed, of which up to 8, or 40% of the total, are to be affordable housing units.

**4.4** A significant area of public open space is to be provided to the western edge of the site.

#### **5. ENVIRONMENTAL IMPACT ASSESSMENT**

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

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

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>
UTT/22/1404/OP	Outline planning application (all matters reserved except for access) for the construction of 20 no. dwellings alongside associated parking, access and landscaping works.	Refused

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

7.1 The Local Planning Authority is unaware of any consultation exercise carried out by the applicant for this proposal.

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

### **8.1 Highway Authority – No objections (from the previous application)**

8.1.1 This application was accompanied by a Transport Assessment which has been reviewed by the highway authority in conjunction with a site visit and internal consultations. The assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework 2021 and in particular paragraphs 110 – 112, the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures. Page 163 8.1.2 8.1.3.

The access has been subject to a safety audit and the visibility splays conform the surveyed speed of the road. A proportionate contribution to a safety scheme that Essex Highways is currently designing for the junction of the B1256, and Braintree Road is required to mitigate the impact on this junction. A footway is required to connect to the existing network and facilitate pedestrian access.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to mitigation and conditions.

(from the previous application) From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions regarding the submission and approval of a construction management plan prior to the commencement of development; the provision of the access and footways prior to first occupation; the provision of a payment towards a road safety scheme; and the provision of residential travel packs for the dwellings, prior to first occupation.

### **8.2 Local Flood Authority**

8.2.1 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to conditions.

### **8.3 Environment Agency**

8.3.1 We deemed this application to fall under our Local Flood Risk Standing Advice note 9 having reviewed the application.

### **8.4 Manchester Airport Group**

- 8.4.1** The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict with aerodrome Safeguarding criteria. We have no objection to this outline proposal subject to the future details of landscaping and SuDS and conditions to prevent hazardous birds being attracted to the site and conditions to prevent upward light spill.

**9. TOWN COUNCIL COMMENTS**

**9.1** Objection:

This application would urbanise the gateway into Great Dunmow causing a significant impact on the surrounding heritage assets, particularly Nutshell and Walnut Cottage both of which are listed buildings. The proposal is contrary to Policy S7- impact on the countryside. The proposed development is outside the development limits and was not listed in the call for sites. Junction 8 of the B1256 has had eight accidents reported from 2019-2022 and is an accident black spot. The proposed access onto Braintree Road is close in proximity to St Edmunds Lane, where visibility in and out of this junction is already poor. The proposed access is in between St Edmunds Lane to the left and the bus layby to the right, which is currently insufficient in depth to accommodate the bus when stationary, resulting in single file traffic. Braintree Road, although it currently has a 30mph speed limit, due to the length and gradient of the road vehicles are continuously exceeding the speed limit to access the B1256, which is a 60mph road. The B1256 is the main road leading to Braintree and Chelmsford from Great Dunmow and although it is classified as a B road it is currently accommodating A road traffic. Another development in this area will cause gridlock for residents and further accidents due to the sheer volume of traffic. We strongly object to this proposed application.

**10. CONSULTEE RESPONSES**

**10.1 ECC Education**

**10.1.1** Comments include:

As the unit size and mix has not been advised, I have assumed they will all be houses of 2 or more bedrooms. With reference to the details above, a development of this size can be expected to generate the need for up to 1.8 Early Years and Childcare (EY&C) places; 6.0 primary school places, and 4.0 secondary school places.

- 10.1.2** The proposed development is located within Great Dunmow south ward and will create the need for an additional 1.8 childcare places. According to latest available childcare sufficiency data, there are 5 early years and childcare providers within the ward. Overall, a total of 31 unfilled places were recorded.

- 10.1.3** As there are sufficient places available in the area, a developers' contribution towards new childcare places will not be required for this application.
- 10.1.4** The demand generated by this development would require a contribution towards the creation of additional primary school places. A developer contribution of £103,608 index linked to Q1- 2020, is sought to mitigate its impact on local primary school provision.
- 10.1.5** In terms of secondary schools, the demand generated by this development would require a contribution towards the creation of additional places and/or a new education facility. A developer contribution of £95,100 index linked to Q1-2020, is sought to mitigate its impact on local secondary school provision.
- 10.1.6** A contribution toward Post 16 education is not required.
- 10.1.7** An Employment and Skills Plan (ESP) should be developed to set out how the developer will engage with and maximise local labour and skills opportunities.
- 10.1.8** Having reviewed the proximity of the site to the nearest primary and secondary school, Essex County Council will not be seeking a school transport contribution at this time. However, the developer should ensure that safe direct walking and cycling routes to local primary and secondary schools are available.
- 10.1.9** ECC may seek contributions to support the expansion of the library service to meet customer needs generated by residential developments of 20+ homes. A developer contribution of £1,556 is therefore considered necessary to improve, enhance and extend the facilities and services provided.
- 10.1.10** In order to secure the delivery of the various infrastructure improvements and to meet the needs arising from development growth, ECC needs to monitor Section 106 planning obligations to ensure they are fully complied with on all matters. The Monitoring Fee will be charged at a rate of £550 per obligation.
- 10.1.11** Both Central and Local Government have a crucial role to play in identifying opportunities to maximise employment, apprenticeships, and to invest in skills to realise personal and economic aspirations. ECC has a role to play in supporting Local Planning Authorities and helping to ensure that the development industry has the necessary skills to build the homes and communities the county needs. In the current economic climate and national skills shortage, ECC supports Uttlesford District Council in requiring developers to prepare an 'Employment and Skills Plan' (ESP) seeking to drive forward an increase in construction employability levels and workforce numbers.



**10.1.12** If planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on primary and secondary education and libraries.

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

**10.2.1** The application site is an area of undeveloped agricultural land bounded by the Braintree Road to the east, the B1256 to the south and the River Chelmer and agricultural land to the west. The site is located to the west and south of Grade II listed Walnut Tree Cottage (listed as Nutshell Walnut Tree Cottage, List entry number 1107854), a pair of two storey timber framed and plastered cottages which have been dated to the eighteenth century but which map evidence suggests are more likely to date to no earlier than the mid-nineteenth century. To the north of the site on the north side of Braintree Road are Grade II listed Ford Cottages (List entry number 1107899), a terrace of four two storey dwellings of brick and timber frame construction. These have been dated to the late eighteenth century. To the north-east of the site, also on the north side of Braintree Road are the two Grade II listed buildings of Ford Farm (List entry numbers 1328208 and 1107877) an early nineteenth century brick farmhouse and associated former farm buildings. Grade II listed Dunmow Park (List entry number 1119640) which is a timber framed and plastered house dated to the late seventeenth or early eighteenth century is located at some distance to the south-west of the site and is unlikely to be affected by the proposed development.

**10.2.2** There is intervisibility between all of the nearby listed buildings and the site, and the land proposed for development is in particularly close proximity to Walnut Tree Cottage, whilst there is a slightly greater degree of physical separation from Ford Cottages and Ford Farm. The development site forms part of the historic agricultural setting of all of the above listed buildings (which has been eroded by twentieth century development including the introduction of the B1256 road) and provides a valuable buffer between the westwards spread of development in Great Dunmow and the listed buildings. As a valuable part of their agrarian setting, the site makes a contribution to significance and the ability to appreciate that significance: to a greater extent for Walnut Tree Cottage and Ford Cottages and to a lesser extent for Ford Farm.

**10.2.3** Historic England's The Setting of Heritage Assets GPA Note 3 (2017) notes that where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. The advice also suggests a number of attributes which may help to elucidate the contribution of setting, and of relevance in this case are the open nature of the site, its green space and vegetation, trees to the boundary and the former functional relationship between the land, the farm buildings and the cottages. The site is part of the surrounding landscape character and historic pattern of land use. Development of the quantum proposed

will introduce the negative urbanising effects of increased movement, noise and activity as well as light spill which will be exacerbated by diurnal and seasonal changes.

**10.2.4** In my opinion, the proposed introduction of 20 no. dwellings and associated access and landscaping on this site will fail to preserve the special interest of Walnut Tree Cottage and Ford Cottages contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework (NPPF, 2021) I concur with the submitted Heritage Statement that this represents less than substantial harm to the significance of the designated heritage assets, making Paragraph 202 relevant. However, in my view this will be at the lower to mid part of the scale for Walnut Tree Cottage, and at the low end of the scale for Ford Cottages.

### **10.3 UDC Environmental Health**

#### **10.3.1 Contaminated Land**

The Council has no reason to believe this site is contaminated and is not aware of any potentially contaminative past use, however, it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site. A condition regarding land contamination is recommended.

#### **10.3.2 Environmental Noise**

The Eastern Edge of the site is located next to the busy B1256 which is likely to be the dominate noise source that will impact on future occupiers of the proposed development. Whilst this is not considered a barrier to development, it is important to ensure that a suitable noise mitigation scheme is incorporated into the design and construction of the new dwellings, to ensure future occupiers are able to enjoy a good acoustic environment. A condition regarding a noise assessment is therefore recommended.

#### **10.3.3 Construction/ Demolition**

This development has the potential to cause noise and dust impacts on the existing surrounding residential properties. Conditions regarding a construction method statement and the protection of the amenity of existing residential properties close to the site are therefore recommended.

**10.3.4** A condition requiring charging points for electric vehicles is requested. Suggested Informative Energy saving and renewable technologies should be considered for this development in addition to the electric vehicle charge points, such as solar panels, ground source heat pumps etc in the interests of carbon saving and energy efficiency.

### **10.4 Anglian Water**

#### **10.4.1 Section 1 – Assets Affected**

There are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

**10.4.2 Section 2 – Wastewater Treatment**

The foul drainage from this development is in the catchment of Great Dunmow Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

**10.4.3 Section 3 – Used Water Network**

It is noted that Foul Water Foul flows would be discharged to the Anglian Water foul sewer network. The likely connection would be to manhole 5000 to the west of the site however this sewer is a 100mm sewer and there is no capacity to accommodate the flows from the development. The sewer size required for this site is a 150mm sewer. It is also noted that further investigations would be undertaken. Therefore, the development has the potential to have an unacceptable risk of flooding/or pollution from the network. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. We therefore request a condition requiring phasing plan and/or on-site drainage strategy.

**10.4.4 Section 4 – Surface Water Disposal**

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re- consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

**10.4.5** Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. We therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy.

**10.4.6** Conditions are recommended.

**10.5 Essex Police**

**10.5.1** The development should meet the Designing Out Crime criteria.

**10.6 UDC Housing**

**10.6.1** The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 ha or 15 or more properties

**10.6.2** The affordable housing provision on this site will attract the 40% policy requirement as the site is for up to 20 properties. This amounts to up to 8 affordable housing properties and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

**10.6.3** Based upon the need identified in the SHMA 2017 the following affordable rented housing is recommended: -

	2 bed house	3 bed house	Total
Affordable rented	3	3	6

**10.6.4** In addition to the 6 affordable rented homes there is a requirement for 2 properties to be delivered as First Homes at a discount of 30% below market value and at or below a price cap of £250,000 after the discount has been applied.

**10.6.5** It is also the Councils' policy to require 5% of the total number of dwellings (one property) to be delivered as wheelchair accessible (building regulations, Part M, Category 3 homes) upon sites of between 10 and 20 properties.

**10.6.6** Homes should meet the following standards: 1 bed property house 2 people, 2 bed properties house 4 people and 3 bed properties house 5 people. Ideally, the new homes should meet the Nationally Described Space Standards (NDSS) and the size of private gardens adhere to the recommendations within the Essex Design Guide.

**10.7 ECC Archaeology**

**10.7.1** No objection subject to conditions regarding the submission of a programme of archaeological investigation, the carrying out of the investigation and the submission of a post- investigation report.

**11. REPRESENTATIONS**

**11.1** A site notice was displayed on site and 253 notification letters were sent to nearby properties. The planning application was also advertised in the local press.

## **11.2 Object**

### **11.2.1** Comments raised include:

- Loss of privacy of both neighbouring dwellings and their gardens;
- Impact on Green Belt land
- Noise pollution
- Harm to highway and pedestrian safety
- The site should remain with its countryside feel, as a 'soft' entrance to the town
- The proposal is not in keeping with the area
- Urban creep
- The grant of permission of a one and a half storey bungalow should not be a precedent for a major development
- The site is too near a river
- Loss of flora and fauna, including habitat- important hedging and trees
- Imposed housing targets are a thing of the past: thing application should be refused
- Loss of open space
- More pressure on doctors, schools and local amenities
- The application should be put on hold until the appeal on the site is determined
- Impact on listed buildings
- Out of keeping with the area – the development is not within an urban area
- Impact on flooding
- It is not a very sustainable site due to its siting and the location of facilities within the town  
Impact on a tree covered by a Tree Preservation Order

## **11.3 Comment**

**11.3.1** All material planning merits will be considered in the following report.

## **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 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)
- Stebbing Neighbourhood Plan (made 19 July 2022)
- Saffron Walden Neighbourhood Plan (made 11 October 2022)
- Ashdon Neighbourhood Plan (made 6 December 2022)
- Great & Little Chesterford Neighbourhood Plan (made 2 February 2023)

## **13. POLICY**

### **13.1 National Policies**

- 13.1.1** National Planning Policy Framework (2021)

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

- Policy S1 – Development Limits for the Main Urban Areas
- Policy S8 – The Countryside Protection Zone
- Policy GEN1 – Access
- Policy GEN2 – Design
- Policy GEN3 – Flooding
- Policy GEN4 – Good Neighbourliness
- Policy GEN5 – Light Pollution
- Policy GEN7 – Nature Conservation
- Policy GEN8 – Vehicle Parking Standards
- Policy ENV2 – Development Affecting Listed Buildings
- Policy ENV3 – Open Spaces and Trees
- Policy ENV4 – Ancient Monuments and Sites of Archaeological Interest
- Policy ENV5 – Protection of Agricultural Land
- Policy ENV7 – Protection of the Natural Environment
- Policy ENV8 – Other Landscape Elements of Importance
- Policy ENV10 – Noise Sensitive Developments
- Policy ENV12 – Groundwater Protection
- Policy ENV14 – Contaminated Land
- Policy H9 – Affordable Housing

Policy H10 – Housing Mix

### **13.3 Great Dunmow Neighbourhood Plan**

Policy DS8: TDA: Building for Life  
Policy DS9: Hedgerows  
Policy DS10: Eaves Height  
Policy DS11: Rendering, Pargetting and Roofing  
Policy DS12: Integration of Affordable Housing  
Policy DS13: Local Housing Needs  
Policy LSC1: Landscape, Setting and Character  
Policy LSC3: The Chelmer Valley  
Policy NE3: Street Trees on Development Sites  
Policy NE4: Screening  
Policy GA3: Public Transport

### **13.4 Supplementary Planning Document or Guidance**

Uttlesford Local Residential Parking Standards (2013)  
Essex County Council Parking Standards (2009)  
Supplementary Planning Document- Accessible homes and play space homes  
Essex Design Guide  
Uttlesford Interim Climate Change Policy (2021)

## **14. CONSIDERATIONS AND ASSESSMENT**

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

- 14.2**
- A) The Principle of Development**
  - B) Suitability and Location**
  - C) Countryside Impact Page**
  - D) Character and Design**
  - E) Heritage**
  - F) Housing Mix and Tenure**
  - G) Residential Amenity**
  - H) Parking and Access**
  - I) Landscape and Open Space**
  - J) Nature Conservation**
  - K) Flood Risk and Drainage**
  - L) Planning Obligations**
  - M) Other Issues**

### **14.3 A) The Principle of the Development**

**14.3.1** The application site is located outside the development limits of Great Dunmow and is therefore located within the countryside where policy S7 applies.

**14.3.2** This policy 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. A review of policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas. It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, as a consequence the proposal is contrary to that policy.

**14.3.3** The proposal cannot be tested against a fully up-to-date Development Plan, and the Council are currently unable to demonstrate a 5-year housing land supply (4.89 years is the current figure). In either scenario or both, in this case, paragraph 11 of the NPPF is fully engaged along with the "tilted balance" in favour of the proposals.

**14.3.4** Paragraph 11 of the NPPF requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.

**14.3.5** The "Planning Balance" is undertaken further below, but before doing so we have undertaken a wider assessment of the proposal against all relevant considerations to determine if there are impacts, before moving to consider if these impacts are adverse and would 'significantly and demonstrably' outweigh the benefits of the proposal in the planning balance.

#### **14.4 B) Suitability and Location**

**14.4.1** The Applicant submits that the proposals would represent a sustainable form of development. Great Dunmow lies approximately 0.6 miles east of the development to the Town Centre. Great Dunmow is defined as a 'main urban centre'. The site falls outside Braintree Road and the B1256, a main transport link into Great Dunmow. Policy S1 is clear in that major urban extensions are supported, if in accordance with all relevant policies in the adopted Local Plan.

**14.4.2** Although outside the development limits of Great Dunmow, the application site would be located adjacent to the main urban boundary of the town and would therefore be generally contained within the established structure, backdrop, and fabric of the main urban settlement. The proposal, therefore, provides a strong and logical relationship with the existing settlement

**14.4.3** Great Dunmow as one of the main urban settlements within Uttlesford provides a wide variety of local facilities and services that are within



walking/ cycling distance from the application site, including local shops, restaurants and public houses, schools, playing fields and cultural and religious buildings. The application site is situated within an accessible and sustainable location, close to local amenities and facilities including local transport (bus routes). A regular bus service runs along Braintree Road connecting the site to the nearby towns of Braintree, Great Dunmow and further beyond. In addition, buses also provide connections to Stansted Airport and Bishop's Stortford Train Station, which provides further links for commuters working in London. Full details of the site's accessibility are provided within the supporting Transport Assessment.

**14.4.5** It is therefore considered that the application site would not be significantly divorced or isolated and that it would be capable of accommodating the development proposed as it could be planned in a comprehensive and inclusive manner in relation to the wider area of Great Dunmow.

**14.4.6** In addition to the local beneficial impact, because the application scheme would provide additional residential homes in a context where the Council is in short housing supply, and because it is widely accepted that construction activity contributes to the economy, the application scheme also contributes, in its own way, to wider social and economic sustainability objectives. These are additional material considerations that weigh in favour of the application scheme.

**14.4.7** This is also a case to which paragraphs 105 and 110 of the NPPF apply. When one takes account of the semi- rural context, the application site is actually in a relatively sustainable location because it offers options for accessing local facilities by non- car modes (particularly walking & cycling). Where car trips are required (which is common for rural areas), local facilities mean this can be short trips. In the context of this development, the application scheme will also contribute to the environmental 'limb' of sustainability. The comments of the objectors to the application regarding the site's accessibility by pedestrians are noted. However, it is considered that the local amenities are accessible on foot and by bicycle.

**14.4.8** The proposal would have a negative impact by putting more strain on the local infrastructure and demand for school places and local surgeries. The impact on local infrastructure could be mitigated by way of financial contributions as identified by the consultees, and these could be secured by way of s106 legal obligation.

**14.4.9** For the above reasons, it is submitted that the application scheme accords with national policy relating to support for rural communities as set out in the NPPF and contributes to sustainable development.

## **14.5 C) Countryside Impact**

**14.5.1** A core principle of the NPPF is to recognise the intrinsic and beauty of the countryside. Paragraph 174 of the Framework further states that the

planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

- 14.5.2** The proposed scheme is for up to 20 residential units which will optimise the use of an underutilised parcel of land whilst at the same time taking careful consideration of its locality. A density (13 dwellings per hectare) as proposed in this scheme in this location would not be significantly out of place with the surrounding character due to its design concept considering the wider natural, historic and built environment.
- 14.5.3** It is acknowledged that there are some open views towards Dunmow Park and further beyond. Outlying views from the countryside towards the site are in many cases interrupted by buildings and vegetation that are located on the boundaries and adjacent to the site. The visual envelope, i.e. the area from which the site can be seen, is relatively modest due to the position of the built form and landscaping surrounding the site from both Braintree Road and the B1256.
- 14.5.4** A Landscape Visual Appraisal (LVA) and a Landscape Masterplan has been prepared to assess the topography of the area, vegetation, the geology, public highway including PRowS ( Public Right of Ways) and areas of settlements. The most prominent viewpoints for each area of landscape visual importance were identified that a clear view into the site will be created on the western boundary where the footpath link within the site breaks through the existing vegetation to the PRow. This view into the site will be met directly with the open space on the western end of the subject site and with parkland style tree planting in the foreground.
- 14.5.5** The report acknowledges that a clear view into the site will be created on the western boundary where the footpath link within the site breaks through the existing vegetation to the PRow. This view into the site will be met directly with the open space on the western end of the subject site and with parkland style tree planting in the foreground.
- 14.5.6** The proposal would continue the existing streetscape character of Braintree Road connecting the eastern boundary of the subject site with mixed native hedgerow and trees, enhancing habitat corridors around the site. This mitigation planting will continue the existing landscape character of the boundaries of the subject site which obscure these long- distance views.
- 14.5.7** Visibility is likely to increase during the construction of the proposed built form, dependent on the construction equipment, which is used, however this will be for a limited period, and once construction is complete the built form will blend with the surrounding dwellings to the northwest. Landscape mitigation is provided to soften the proposed built form and create appropriate landscape character on the site, whilst enhancing biodiversity.

**14.5.8** The development would have a limited visual influence on the surroundings and that the appearance of the settlement in its semi-rural landscape context would not be notably altered or harmed. The new built form would be partly screened and contained within the established structure and fabric of the settlement when seen from outlying countryside locations. The development would not be prominent or discordant and would appear as an unobtrusive addition to the settlement set behind the established boundary treatments and adjacent to existing properties. Objection has been raised on the grounds that the grant of permission for the dwelling at Lilac Cottage should not be used as a precedent for the grant of this application. However, the recommendation for this application is being made on the application's own merits, irrespective of the application at Lilac Cottage.

## **14.6 D) Character and Design**

**14.6.1** In terms of design policy, good design is central to the objectives of both National and Local planning policies. The NPPF requires policies to plan positively for the achievement of high quality and inclusive design for the wider area and development schemes. Section 12 of the NPPF highlights that the Government attaches great importance to the design of the built development, adding at Paragraph 126 'The creation of high- quality buildings and places is fundamental to what the planning and development process should achieve'. These criteria are reflected in Policy GEN2 of the adopted Local Plan.

**14.6.2** This is an outline application where appearance, layout, scale, and landscaping are reserved matters. The application includes a number of indicative plans that indicate the key aspects of the design and layout such as access, position of housing, open space, and landscape features. The density of the site would be 13 dwellings per hectare and there would be a mixture of housing types.

**14.6.3** Whilst the layout of the development is a matter reserved for consideration at a later date, the Council has to be satisfied that the site is capable as accommodating the number of dwellings proposed along with suitable space for policy compliant level of car parking, garden, and open space areas, SuDs and the other planning considerations.

**14.6.4** The challenge for designers is to design new characterful buildings which reconcile the requirements of a modern lifestyle with the need for integration into their context. Successful and appropriate new development often has simple proportions and details, based on those of their traditional rural equivalent.

**14.6.5** It is worth noting that unpretentious new designs which are sensitively integrated with their landscape setting often have steeper symmetrically pitched roofs and strong simple roof shapes together with a simple long narrow plan form with minimally articulated facades are typical of most semi- rural locations.

**14.6.6** The applicant submits that the design of the dwellings would reflect the local vernacular in terms of style, form, size, height, and materials. They would be traditional in design to reflect the patterns and characteristics of the surrounding area and the street scene. There is no reason to suggest the dwellings would not be appropriately designed, however the final design, layout of the proposals would need to be assessed at reserve matter stage.

## **14.7 E) Heritage**

**14.7.1** Policy ENV 2 (Development Affecting Listed Buildings) seeks to protect the historical significance, preserve and enhance the setting of heritage assets. The guidance contained within Section 16 of the NPPF, 'Conserving and Enhancing the Historic Environment', relates to the historic environment, and developments which may have an effect upon it.

**14.7.2** The application site is an area of pastureland located on the eastern edge of Great Dunmow, between Braintree Road and the B1256. The site is not located in a conservation area but is within the setting of several heritage assets, including:

- Nutshell and Walnut Tree Cottages, Grade II listed (list entry number: 1107854),
- Ford Cottages, Grade II listed (list entry number: 1107899)
- Dunmow Park, Grade II listed (list entry number: 1119640)
- Ford Farmhouse, Grade II listed (list entry number: 1328208) and
- Outbuildings at Ford Farm, Grade II listed (list entry number: 1107877)

**14.7.3** Place Services' Conservation Officer was formally consulted on the application. The response states the application site, as historically undeveloped pastureland, is considered to result in a positive contribution to the setting of the abovementioned heritage assets and contributes to their rural character, set within the agrarian landscape. The proposed development would result in some adverse impact when assessed against GPA Note 3, resulting in the harmful urbanisation of the agrarian landscape and the erosion of the agrarian setting of the heritage assets and harming their significance. In particular, the proposed development would adversely impact the setting of Ford Cottages and Nutshell and Walnut Tree Cottage, resulting in a level of less than substantial harm, towards the low end of the spectrum for that of Ford Cottages. With regards to Nutshell and Walnut Tree Cottage, the proposed development would encompass the majority of the assets immediate setting, which is a significant concern, therefore it is suggested that this harm is within the low-medium scale of the spectrum. However, the setting of these two listed buildings has already been harmed through the erection of the dwelling immediately to their east (Lilac Cottage). The proposed 20 dwellings the subject of this application would be screened from the listed

cottages by the existing boundary of trees and hedges on the site. It is considered that the proposed development would accordingly have an acceptable impact upon the setting of those listed buildings and would not materially harm their setting.

- 14.7.4** It is not considered the proposal would result in harm to the significance of Ford Farmhouse, the outbuilding at Ford Farm or to harm the significance of Dunmow Park. Moreover, it is expected that details of scale, appearance, landscaping and boundary treatments would be secured within a Details Following Application, and this would be a bespoke response to the location.
- 14.7.5** Paragraph 200 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 14.7.6** Paragraphs 201 and 202 of the NPPF address the balancing of harm against public benefits. If a balancing exercise is necessary (i.e. if there is any harm to the asset), considerable weight should be applied to the statutory duty where it arises. Proposals that would result in substantial harm or total loss of significance should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (as per paragraph 201), whereas paragraph 202 emphasises that where less than substantial harm will arise as a result of a proposed development, this harm should be weighed against the public benefits of a proposal, including securing its optimum viable use.
- 14.7.7** It has been found that the proposals would result in 'less than substantial harm' at the lower to medium end of the spectrum to the setting and significance of the heritage assets as identified by the Conservation Officer. It is recognised that the proposals would result in up to 20 additional dwelling houses including the provision of 40% affordable units in a time where the Council is in need of housing which can be regarded to be of significant weight in respect to public benefits.
- 14.7.8** It is concluded that this significant benefit would overcome the identified harm upon the heritage assets. The proposals thereby comply with policy ENV2 of the adopted Local Plan and the NPPF.

## **14.8 F) Housing Mix and Tenure**

- 14.8.1** In accordance with Policy H9 of the Local Plan, the Council has adopted a housing strategy which sets out Council's approach to housing provisions. The Council commissioned a Strategic Housing Market Assessment which identified the need for affordable housing market type and tenure across the district. Section 5 of the NPPF requires that developments deliver a wide choice of high- quality homes, including

affordable homes, widen opportunities for home ownership and create sustainable, inclusive, and mixed communities.

- 14.8.2** The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Council's policy requires 40% on all schemes over 0.5 ha or 15 or more properties. The affordable housing provision on this site will attract the 40% policy requirement as the site is for up to 20 properties. This amounts to up to 8 affordable housing properties.
- 14.8.3** Based upon the need identified in the Strategic Housing Market Assessment, the following affordable rented housing is recommended: - 3 x 2 bed houses and 3 x 3 bed houses - Total Affordable rented – 6 houses. In addition to the 6 affordable rented homes, there is a requirement for two properties to be delivered as First Homes at a discount of 30% below market value and at or below a price cap of £250,000 after the discount has been applied.
- 14.8.4** All dwellings are required to meet the standards in the Technical Housing Standards – Nationally Described Space Standards document (2015). This would be reviewed at the Reserved Matters stage.
- 14.8.5** Policy H10 of the Local Plan requires developments of three or more dwellings to provide a significant proportion of small 2- and 3- bedroom market dwellings. However, since the policy was adopted, the Council in joint partnership with Braintree District Council have issued the 'Housing for New Communities in Uttlesford and Braintree (ARK Consultancy, June 2020)'. This recommends appropriate housing options and delivery approaches for the district. It identifies the market housing need for one bed units is 11%, for two bed units is 50%, for three bed units is 35.6% and for four or more bed units is 3.4%. Although the applicant has expressed that there would be mixture of dwellings, no accommodation schedule has been provided. As this is an outline application with layout reserved, the accommodation mix would be assessed at the reserved matters stage if permission were to be consented for this outline application.
- 14.8.6** It is also the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). This would be secured by way of a planning condition. This is also shared via Great Dunmow Neighbourhood Plan (GDNP) policy DS8 which seeks applicants for major residential development to submit a Building for Life 12 (BfL12) assessment in support of the application. A self- assessment by developers may be submitted with either a full planning application or reserved matters application in cases where outline planning permission has been granted.
- 14.8.7** Relevant policies from the GDNP (DS12 and DS13) also mirror the above Local Plan policies in that affordable housing requirements must always be properly integrated with easy, accessible, safe and comprehensive

footpaths and cycleways in accordance with this Plan's Getting Around policies (including safer routes to schools). Affordable housing must be designed as integral to the development.

Policy DS13 of the GDNP states the housing mix should adhere to the following principles:

- At least 60% of the total number of units provided should be 3 bedrooms or fewer
  - At least 19% of the total number of units provided should be 2 bedrooms or fewer.
- \* At least 5% of dwellings on all schemes of over 20 units should be 1- or 2-bedroom dwellings suitable for the elderly.

**14.8.8** The proposed development could be required at the reserved matters stage to comply with these requirements, thus complying with policy.

## **14.9 G) Residential Amenity**

**14.9.1** The NPPF requires a good standard of amenity for existing and future occupiers of land and buildings. Policies GEN2 and GEN4 of the Local Plan state that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

**14.9.2** The application is seeking outline planning permission and layout is a matter reserved for consideration at a later date and therefore it is not possible to fully assess the impact it would have on the amenity of neighbouring occupiers. However, the site is well distanced from neighbouring properties adjacent to and adjoining the site and could be designed appropriately such that it is not anticipated that the proposed development would give rise to an unacceptable impact on the amenities enjoyed by the occupants of neighbouring properties. While it is noted that a loss of privacy for the newly built cottage adjacent to the site (Lilac Cottage) has been raised as an objection to the proposed development, in the absence of detailed plans of the proposal (as the scheme is in outline at this stage), it is not easy to fully assess this impact. However, the boundary treatment between the plots 12 – 15 and Nutshell and Walnut Tree Cottages and Lilac Cottage is a screen of established trees and vegetation. Moreover, the distance between the rear of the proposed dwellings 14 and 15 and the side/ rear of the dwelling at Lilac Cottage (as shown on the indicative plan 30229A/10) is around 22m. While this is a little short of the Council's standard 25m back to back distance, the view from the dwellings on plots 14 and 15 to Lilac Cottage is obscured by the trees and other vegetation on the boundary between the sites (and the view is not directly back to back). The distance between the dwellings on plots 10 and 11 and Lilac Cottage (where the boundary treatment is less well screened) exceeds the 25m distance. It is therefore considered that the proposed development would not have a harmful impact upon the amenities of the surrounding occupiers.

## **14.10 H) Parking and Access**

- 14.10.1** Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they do not compromise road safety and take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than a vehicle.
- 14.10.2** The submitted plans indicate the provision of a single priority junction from Braintree Road within the northern part of the site which would provide the main vehicle ingress point in and out of the site. This is an outline application and therefore the internal road layout and further detail would be provided as part of the Reserved Matters.
- 14.10.3** The development would provide a section of new footway along the site frontage to Braintree Road and an uncontrolled crossing point to further encourage travel by non- car modes. The submitted Transport Statement calculates the proposed development would generate up to 13 two-way vehicle trips during the weekday am and pm peak hours. This level of trip generation, an average of just one additional vehicle every 4 – 5 minutes on the local highway network at peak times, is considered to result in an immaterial impact and could not be classed as severe in the context of the NPPF.
- 14.10.4** The Highway Authority has been consulted about the application. The Transport Assessment was undertaken with reference to the National Planning Policy Framework 2021 and in particular paragraphs 110 – 112 and the following were considered: access and safety; highway capacity; the opportunities for sustainable transport; and mitigation measures.
- 14.10.5** The access has been subject to a safety audit and the visibility splays conform to the surveyed speed of the road. A proportionate contribution to a safety scheme that Essex Highways is currently designing for the junction of the B1256 and Braintree Road is required to mitigate the impact on this junction. A footway is required to connect to the existing network and facilitate pedestrian access.
- 14.10.6** The Highway Authority conclude that from a highway and transportation perspective, the impact of the proposal is acceptable subject to the appropriate mitigation and conditions as outlined in Section 17 of this report.
- 14.10.7** Policy GEN8 of the Local Plan states development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning Guidance 'Vehicle Parking Standards'. As the final mix of housing has not been determined, the number of required vehicle and cycle parking spaces cannot be fully assessed. However, the applicant should be advised of the above requirements.



**14.10.8** Notwithstanding the above, it is considered that the proposals and the site itself would be able to provide sufficient off- street parking to meet the standards and the needs of the future residents of the site. The applicant states that the proposals will include the provision of Electric Vehicle charging infrastructure on plot for each residential unit.

#### **14.11 I) Landscaping and Open Space**

**14.11.1** Landscaping is a reserved matter. However, all larger developments should be designed around a landscape structure. This should encompass the public open space but should also provide visual contrast to the built environment and constitute a legible network based, where appropriate, on existing trees and hedgerows. The layout and design of the development, including landscaping, should seek to reflect the rural vernacular of the locality. Native species should be provided for structural planting and linked to existing vegetation to be retained.

**14.11.2** In good landscape design, both soft and hard landscaping are essential elements, and both need consideration. The principal aims of a good quality landscape plan are to secure a coordinated and high standard of landscape management for the landscape areas within the site, to ensure the successful integration of the residential development with the surrounding landscape and to protect and enhance nature conservation interests in accordance with design objectives. It is recommended that a high- quality landscape plan for the proposal would be supported.

**14.11.3** The proposals would include the retention of hedgerows and trees along the boundaries of the site and individual and groups of trees are proposed to be planted within the development to help define spaces and soften the building forms. There is a veteran walnut tree on the site and concern has been raised to the impact of the development on this tree. However, as this application is in outline with only access being considered, the siting of the dwellings in relation to the tree in question can be considered in detail at the reserved matters stage. Furthermore, new native planting is proposed to strengthen all around the site in accordance with the submitted Landscape Masterplan. This would help to provide natural screening of the development and enhance the public realm in order to enrich the public open spaces to achieve a better sense of wellbeing and place- making for future residents.

**14.11.4** The indicative illustrative masterplan indicates public open space in the western side of the site. A clear view into the site will be created on the western boundary where the footpath link within the site breaks through the existing vegetation to the PRoW. This view into the site will be met directly with the open space on the western end of the subject site and with parkland style tree planting in the foreground. It is considered that the indicative landscaping scheme would assist in the integration of the development into the surrounding area in a visually suitable manner.

## **14.12 J) Nature Conservation**

**14.12.1** Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species, and requires the potential impacts of the development to be mitigated. The application site itself is not subject of any statutory nature conservation designation being largely used as an arable field.

**14.12.2** Place Services Ecology confirm that the mitigation measures identified in the Preliminary Ecological Appraisal Revision A and the Reptile Survey should be secured and implemented in full, in order to conserve and enhance protected and priority species. Place Services also confirm that they support the proposed reasonable biodiversity enhancements which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 174d of the NPPF. Net gain and mitigation measures would be secured by way of imposing conditions on the decision if permission were to be approved.

## **14.13 K) Flood Risk and Drainage**

**14.13.1** The NPPF states that inappropriate development in areas of high- risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

**14.13.2** The site lies within Flood Zones 1, 2 and 3. However, the developable area would be located outside the 1 in 100 plus climate change flood extent and finished floor levels would set a minimum of 300mm above the design flood level.

**14.13.3** A Flood Risk Assessment has been carried out which acknowledges that a large area in the west of the site is shown to be at risk of surface water flooding, however this closely matches the fluvial flood extent and therefore the developable area avoids this area at of land at risk of flooding.

**14.13.4** It is proposed that surface water runoff would discharge to the River Chelmer at the 1 in 1 greenfield runoff rate. The report states that this would be achieved through the incorporation of attenuation basins, permeable paving and below ground tanks, providing water quality, quantity, amenity, and biodiversity benefits. The report states that appropriate treatment would be incorporated into the surface water drainage system to ensure that the quality of water discharged is acceptable. This would be achieved through the incorporation of a treatment train of SuDS including permeable paving and attenuation basins. Proprietary treatment systems would also be incorporated if required, to be confirmed post planning. Rainwater harvesting is also proposed in the form of water butts to reduce demand on potable water. The assessment concludes that the proposed development would not be

at a high risk of flooding and would not increase the risk of flooding elsewhere, while managing surface water runoff in a sustainable manner, in line with local and national planning policy.

**14.13.5** The Lead Local Flood Authority do not object to the granting of planning permission subject to conditions. The Environment Agency have raised no comment and have referred the Local Planning Authority and the Developer to their standing advice. Anglian Water raise no objection and proposed a condition and a number of informatives. The development is thereby compliant with Policy GEN3 of the Local Plan and the NPPF.

#### **14.14 L) Planning Obligations**

**14.14.1** Paragraph 57 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matters that the Local Planning Authority would seek to secure through a planning obligation :-

**14.14.2** The following affordable rented housing is recommended: - 3 x 2 bed houses and 3 x 3 bed houses - Total Affordable rented - 6 houses. In addition to the 6 affordable rented homes, there is a requirement for two properties to be delivered as First Homes at a discount of 30% below market value and at or below a price cap of £250,000 after the discount has been applied.

**14.14.3** A sum of £40,000 to be paid to the Local Highways Authority to contribute to the design and implementation of a safety scheme at the junction of B1256 and Braintree Road.

**14.14.4** The demand generated by this development would require a contribution towards the creation of additional primary school places. A developer contribution of £103,608 index linked to Q1- 2020, is sought to mitigate its impact on local primary school provision.

**14.14.5** The demand generated by this development would require a contribution towards the creation of additional places and/or a new education facility. A developer contribution of £95,100 index linked to Q1-2020, is sought to mitigate its impact on local secondary school provision.

**14.14.6** An Employment and Skills Plan (ESP) should be developed to set out how the developer will engage with and maximise local labour and skills opportunities.

**14.14.7** A developer contribution of £1,556 is therefore considered necessary to improve, enhance and extend library facilities and services provided.

**14.14.8** Payment of the council's reasonable legal costs.

**14.14.9** Payment of monitoring fee.

**14.15 M) Other Issues**

**14.15.1 Noise and Disturbance**

Policy ENV10 of the Local Plan aims to ensure that wherever practicable, noise sensitive developments such as residential housing should be separated from major sources of noise such as roads, rail and air transportation.

**14.15.2** The eastern edge of the site is in close proximity to the B1256, which has the potential to cause noise disturbance to future occupants. Satisfactory internal and external noise levels can generally be achieved by means of sound insulation, barriers, or careful design. The Council's Environmental Health Officer has recommended a condition to safeguard the amenity of future occupiers from transport noise.

**14.15.3 Air Source Heat Pumps**

The submitted Sustainability Statement states external heat pump units could be installed on roof areas and provide heating and cooling to the conditioned areas via the Variable Refrigerant Flow (VRF) System. However, the Environmental Health Officer states that air source heat pumps are a potential source of noise that could impact on the noise environment of the site unless suitably designed, enclosed, or otherwise attenuated to ensure that the noise resulting from their operation does not exceed the existing background noise level.

**14.15.4 Construction/ Demolition**

This development has the potential to cause noise and dust impacts on the existing surrounding residential properties and conditions are recommended to protect the amenity of existing residential properties close to the site.

**14.15.5 Contaminated Land**

The Council has no reason to believe this site is contaminated and is not aware of any potentially contaminative past use. However, it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site and therefore a condition is recommended.

**14.15.6 Air Quality**

Policy ENV13 of the Local Plan states new development that would involve users being exposed on an extended long-term basis to poor air quality outdoor near ground level will be refused.

The NPPF supports the provision of measures to minimise the impact of development on air quality by encouraging non- car travel and providing infrastructure to support use of low emission vehicles. A condition requiring charging points for electric vehicles is requested.

#### **14.15.7 Energy and Sustainability**

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 measure. The applicant has provided a Sustainability Statement which outlines potential technologies and strategies to achieve and met the targets in the SPD. The applicant has also confirmed that they are committed to securing the installation of on-plot electric vehicle charging infrastructure as part of the strategy to reduce carbon emissions and promote sustainable travel.

**14.15.8** The potential methods and techniques incorporated into the final design and layout of the proposals will help deliver a development that would reduce fuel use and greenhouse gas emissions, minimise energy use and input of raw materials and incorporates principles of energy conservation in relation to the design, siting, and orientation of the buildings. It is suggested that suitable techniques by way of minimising energy use and cutting greenhouse gases will be imposed by way of conditions if this outline permission is granted consent.

**14.15.9** This is further supported via the site's proximity to Great Dunmow and accessibility to the wider settlement via sustainable transport methods including cycle and walking, as well as buses. The inclusion of Electric Vehicle Charging points supports the overall aims of the Interim Climate Change Policy.

### **15. ADDITIONAL DUTIES**

#### **15.1 Public Sector Equalities Duties**

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

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

good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

## **15.2 Human Rights**

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

## **16. PLANNING BALANCE AND CONCLUSION**

**16.1** Uttlesford District Council is unable to demonstrate a 5 YHLS and as a consequence, paragraph 11d of the NPPF applies. This states that 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 there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.

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

**16.3** In respect to addressing the benefits of the proposed development, the provision of up to 20 dwellings including up to eight of them being affordable would represent a boost to the district's housing supply, mindful of the housing land supply situation and the need for housing in the district. The dwellings would be of a higher energy efficiency and lower carbon emissions in respect to the current Building Regulations.

**16.4** The development would provide economic and social benefits in terms of the construction of the dwellings and supporting local services and amenities providing investment in the local economy. Further consideration has also been given in respect to the net gains for biodiversity.

**16.5** The proposals would also provide upgraded highway works including the provision of a footway to be provided along the southern side of the

B1256, from the proposed access to tie in with the existing footway to the east and the bus stop to the west it shall include a drop kerb crossing.

- 16.6** Thus, taken together, significant weight to the benefits of the development should be added.
- 16.7** Turning to the adverse impacts of development, the negative environmental effect of the scheme would be limited and localised landscape character and visual effects on the character and appearance of the countryside and limited harm to the role of the countryside protection zone arising from the extension of built form. This would have limited to modest negative environmental effects.
- 16.8** It has been found that the proposals will result in 'less than substantial harm' at the lower to medium end of the spectrum to the setting and significance of the heritage assets as identified by the Conservation Officer.
- 16.9** All other factors relating to the proposed development have been carefully considered and are capable of being satisfactorily mitigated, such that they weigh neutrally within the planning balance. These factors include biodiversity, highways, noise, air quality, ground conditions and arboriculture.
- 16.10** Therefore, and taken together, weight to the adverse impacts have been considered in respect of development and the conflict with development plan policies. The benefits of granting planning permission would significantly and demonstrably outweigh the identified adverse impacts of development. The proposed development would therefore represent sustainable development in accordance with the NPPF.
- 16.11** It is acknowledged that the Great Dunmow Neighbourhood Plan (GDNP) is a material consideration in the determination of this application. Whilst out of date, as per the provisions of Paragraph 14 of the NPPF, the proposal has been assessed against its relevant policies and has been found to meet the policy criteria outlined above relating to design, layout, housing need and housing criteria, although much of these must be addressed at the reserved matters stage.
- 16.12** Overall, the proposals are in conformity with relevant local and national planning policies and the scheme results in a positive and sustainable form of development that is of planning merit. It is therefore recommended that the application be approved subject to the suggested conditions and a section 106 agreement as laid out below.

**17. S106 / CONDITIONS**

- 17.1**
- (i) Provision of 40% affordable housing
  - (ii) 5% of units to be constructed to M 4 (3) – wheelchair accessible standards

- (iii) Financial contribution £40,000.00 to provide sustainable highway improvements.
- (iv) Financial contribution of £103, 608.00 towards Primary School provision.
- (v) Financial contribution of £95,100. 00 towards Secondary School provision.
- (vi) Provision of an Employment and Skills Plan (ESP)
- (vii) Financial contribution of £1,556 towards improved and enhanced library services
- (viii) Pay the Council's legal costs.
- (ix) Pay the Monitoring fee

## **17.2 Conditions**

- 1** Approval of the details of layout, scale, landscaping, and appearance (hereafter called "the Reserved Matters") must be obtained from the Local Planning Authority in writing before development commences and the development must be carried out as approved.

REASON: In accordance with Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2** Application for approval of the Reserved Matters must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3** The development hereby permitted must be begun no later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4** As part of the Reserved Matters the location of the built development shall be in general accordance with Location Plan Dwg Ref: 30229A/01 C, the Proposed Site Plan Dwg Ref: 30229A/03A, the Illustrative Site Layout Plan Dwg Ref: 30229A/10, the Illustrative Street Scene Dwg Ref: 30229A/20 and the Landscape Plan Dwg Ref: 0500/22/B/20.



REASON: To ensure the development reflects and maintains the character of the surrounding locality and the street scene in accordance with ULP Policies S7, GEN2, ENV2 of the Uttlesford Local Plan (2005) adopted and the NPPF 2021.

- 5** No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for
- (i) the parking of vehicles of site operatives and visitors
  - (ii) loading and unloading of plant and materials
  - (iii) storage of plant and materials used in constructing the development
  - (iv) wheel and underbody washing facilities
  - (v) routing strategy for construction vehicles
  - (vi) before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011 and in accordance with ULP Policy GEN1 and GEN4 of the Uttlesford Local Plan 2005 (adopted) and the NPPF 2021.

- 6** No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

REASON: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed. In accordance with ULP Policy GEN3 of the Uttlesford Local Plan 2005 (adopted) and the NPPF 2021.

**7** Concurrent With Reserved, Matters Prior To Commencement: Biodiversity Net Gain Design Stage Report, in line with Table 2 of CIEEM Biodiversity Net Gain report and audit templates (July 2021), shall be submitted to and approved in writing by the local planning authority which provides measurable biodiversity net gain, using the DEFRA Biodiversity Metric 3.1 or any successor. The content of the Biodiversity Net Gain report should include the following:

- Baseline data collection and assessment of current conditions on site
- A commitment to measures in line with the Mitigation Hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity
- Provision of the full BNG calculations, with detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality
- Details of the implementation measures and management of proposals
- Details of any off-site provision to be secured by a planning obligation
- Details of the monitoring and auditing measures. The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

REASON: In order to demonstrate measurable net gains and allow the LPA to discharge its duties under the NPPF (2021) and in accordance with ULP Policy GEN7 of the Uttlesford Local Plan 2005 (adopted).

**8** No development shall commence until a scheme of noise mitigation has been submitted and approved in writing by the Local Planning Authority. Details shall be included in the scheme of the design, layout, and acoustic noise insulation performance specification of the external building envelope, having regard to the building fabric, glazing and ventilation. The scheme shall be based on insulation calculations provided in British Standard 8233:2014 and shall be designed to achieve the following noise targets: Bedrooms (23.00-07.00 hrs) 30 dB LAeq and 45 dB LAm<sub>ax</sub>. Living Rooms (07.00-23.00 hrs) 35 dB LAeq The scheme as approved shall be fully implemented prior to occupation of the residential units and shall be retained thereafter and not altered without prior approval.

REASON: To ensure that the development will not cause harm in accordance with Policy ENV11 of the Uttlesford Local Plan 2005 (adopted) and the NPPF 2021.

JUSTIFICATION: future occupiers may be adversely affected by transport noise and so the LPA needs to be satisfied that sufficient mitigation measures can be achieved to protect occupiers before the development can begin.

**9** No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning

authority. The statement shall specify the provisions to be made for the control of noise and dust emanating from the site and shall be consistent with the best practicable means as set out in the Uttlesford Code of Development Practice. The approved Statement shall be adhered to throughout the construction period.

REASON: In the interests of the amenity of surrounding locality residential/business premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 10** No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: The Historic Environment Record identifies the proposed for development as being within an area of potentially sensitive archaeological deposits along Stane Street. Medieval finds have been identified within the site and its direct vicinity (EHER1340, 52388) in accordance with ULP Policy ENV4 of the Uttlesford Local Plan 2005 (adopted) and the NPPF 2021.

- 11** No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
  - Limiting discharge rates to 2.2l/s for all storm events up to and including the 1 in 100-year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
  - Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100-year plus 40% climate change event.

- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event OR, if impractical-
- Demonstrate that features are able to accommodate a 1 in 10-year storm events within 24 hours of a 1 in 30-year event plus climate change
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy. The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

**REASON:**

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment

Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site. In accordance with ULP Policy GEN3 of the Uttlesford Local Plan 2005 (adopted) and the NPPF 2021.

- 12** Prior to the construction above damp-proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

**REASON:** To prevent environmental and amenity problems arising from flooding in accordance with ULP Policy GEN3 of the Uttlesford Local Plan 2005 (adopted) and the NPPF 2021.

- 13** Concurrent With Reserved Matters, prior to any works above slab level: A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal Revision A (James Blake Associates, July 2022)

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 prior to occupation and all features shall be retained in that manner thereafter.

REASON: To enhance Protected and Priority Species 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 of the Uttlesford Local Plan 2005 (adopted) and the NPPF 2021.

- 14** 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. Thereafter, the dwelling(s) shall be maintained as such in perpetuity unless otherwise agreed in writing by the local planning authority.

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

- 15** The development hereby permitted shall provide 1 dwelling that is built in accordance with the guidance in Approved Document S 2021 and shall be built in accordance with Requirement M4(3) (Wheelchair Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition. Thereafter, the dwelling(s) shall be maintained as such in perpetuity unless otherwise agreed in writing by the local planning authority.

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

- 16** Prior to occupation a footway of minimum width 2m shall be provided along the southern side of the B1256, from the proposed access to tie in with the existing footway to the east and the bus stop to the west it shall include a drop kerb crossing.

REASON: To ensure safe access for pedestrians in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and ULP Policy GEN1 of the Uttlesford Local Plan 2005 (adopted) and the NPPF 2021.

- 17** Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and ULP Policy GEN1 of the Uttlesford Local Plan 2005 (adopted) and the NPPF 2021.

- 18** Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site. In accordance with ULP Policy GEN3 of the Uttlesford Local Plan 2005 (adopted) and the NPPF 2021.

- 19** Concurrent With Reserved Matters 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 ULP Policy GEN7 of the Uttlesford Local Plan 2005 (adopted) and the NPPF 2021.

- 20** Concurrent With Reserved Matters: All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Revision A (James Blake Associates, July 2022) 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 of the Uttlesford Local Plan 2005 (adopted) and the NPPF 2021.

- 21** The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with ULP Policy GEN3 of the Uttlesford Local Plan 2005 (adopted) and the NPPF 2021.

- 22** 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 in accordance with ULP Policy ENV14 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

- 23** 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. The drainage basins have the potential to attract and support hazardous birds. However, as long as the basins do not hold open water, either draining completely to a dry base, or if more generally wet planted with dense wetland vegetation to obscure areas of open water, then they should not result in a substantial additional attractant for hazardous birds in this location.

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 ULP Policy GEN2 of the Uttlesford Local Plan 2005 (adopted) and the NPPF 2021.

- 24** 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 in accordance with ULP Policy GEN5 of the Uttlesford Local Plan 2005 (adopted) and the NPPF 2021.

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

REASON: The requirement of the charging points is required to mitigate the harm for poor air quality due to the increase in vehicle in accordance with Policy ENV13 of the Adopted Local Plan and the NPPF.