



Appeal Decisions

Hearing Held on 29 October 2019

Site visits made on 29 October 2019

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH

an Inspector appointed by the Secretary of State

Decision date: 29th November 2019

Appeal Ref: APP/C1570/W/19/3227368 (Appeal A)

Land off Radwinter Road, Saffron Walden

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr William Main (Manor Oak Homes) against the decision of Uttlesford District Council.
 - The application Ref UTT/17/3426/OP, dated 23 November 2017, was refused by notice dated 12 March 2019.
 - The development proposed is Extra Care Housing (Use Class C2) together with associated infrastructure including road, drainage and access.
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Appeal Ref: APP/C1570/W/19/3227369 (Appeal B)

Land to east of Shire Hill, Saffron Walden

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr William Main (Manor Oak Homes) against the decision of Uttlesford District Council.
 - The application Ref UTT/17/3429/OP, dated 23 November 2017, was refused by notice dated 12 March 2019.
 - The development proposed is Business Use (Use Class B1) together with associated infrastructure including roads, drainage, access details from Shire Hill.
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Decisions

1. Appeal A is allowed and planning permission is granted for Extra Care Housing (Use Class C2) together with associated infrastructure including road, drainage and access at Land off Radwinter Road, Saffron Walden in accordance with the terms of the application, UTT/17/3426/OP, dated 23 November 2017 and the plans submitted with it including Site Location Plan (Ref 41112/004D) and Access Plan (Ref 9317 M TA10), subject to the conditions in the attached schedule.
2. Appeal B is allowed and planning permission is granted for Business Use (Use Class B1) together with associated infrastructure including roads, drainage, access details from Shire Hill at Land to east of Shire Hill, Saffron Walden in accordance with the terms of the application, UTT/17/3429/OP, dated 23 November 2017 and the plans submitted with it including Site Location Plan (Ref 41112/005C) and Access Plan (Ref 9317M – TA20), subject to the conditions in the attached schedule.

Applications for costs

3. A written application for costs was made by Mr William Main (Manor Oak Homes) against Uttlesford District Council in respect of each appeal. At the

Hearing a verbal application for costs was made by Uttlesford District Council against Mr William Main (Manor Oak Homes) in respect of each appeal. These applications are the subject of separate Decisions.

Preliminary Matters and Background

4. Appeals A and B concern separate but nearby sites, which are associated as a result of their planning history as set out below. Both proposals share the same appellant, and were determined by the Council at the same time with a similar reason for refusal. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
5. In May 2015 the Council approved outline planning permission (UTT/13/3467/OP) in respect of Land South of Radwinter Road, Saffron Walden. The proposal was described as *'outline planning application for either a residential development of up to 230 dwellings; Class B1 Business floorspace, extra care housing within Class C2, provision of public open space or for development of up to 200 dwellings, Class B1 Business floorspace, extra care housing within Class C2, provision of public open space, provision of land for a one form entry primary school; together with associated infrastructure including roads, drainage, access details from Radwinter Road and Shire Hill, with all matters reserved except access'* (the 2015 permission).
6. The 2015 permission included the parcels of land that relate to the appeals before me, and a larger area of land to their south which was sold to Linden Homes in 2016 to build 200 residential units comprising 40% affordable housing. The 2015 permission had been approved in the context of a planning agreement made under section 106 of the Town and Country Planning Act 1990 (the original s106 agreement) to secure an obligation to provide the affordable housing, a travel plan and infrastructure related to the development.
7. Reserved matters permission was granted on 13 January 2017 to Linden Homes (UTT/16/1856/DFO) and the residential site is under construction. However, the date by which further reserved matters applications would be required under the 2015 permission passed and accordingly a new separate outline planning application was required for both the B1 Business and C2 extra care element of the site. These were made and refused, and relate to the appeals before me.
8. An emerging plan (EP), the Uttlesford District Council Local Plan, is currently under examination. It is not part of the adopted development plan. As it is not clear the extent to which any objections to its policies are unresolved or the extent to which its policies are consistent with National Planning Policy Framework (the Framework), I give them limited weight and they do not alter my conclusions.
9. Saffron Walden Town Council undertook a Regulation 14 Public Consultation on its draft Neighbourhood Plan (NP) in late 2018/early 2019. Given the early stage of preparation of the NP, I give its policies very limited weight and they do not alter my conclusions.
10. The appeal proposals are outline applications with all matters reserved apart from access. I have treated the plans as indicative save as far as they relate to access.

11. Since the Hearing, the appellant has submitted a completed, signed Unilateral Undertaking (UU) in respect of each appeal proposal.

Main Issues

12. The main issue in both appeals is whether a necessary planning obligation has been completed which would secure adequate provision as regards to:
 - education;
 - open space;
 - healthcare;
 - highways;
 - public transport;
 - the Wenden Road cycle path link scheme;
 - sport and recreation facilities;
 - affordable housing; and
 - a sustainable travel plan.

Reasons

13. Regulation 122(2) of The Community Infrastructure Levy Regulations 2010 (as amended) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—
 - (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.I shall refer to these as 'the 3 CIL tests', which are also reinforced in paragraph 56 of the Framework.
14. The Council's statement says that it determined the appeal proposals on the basis that all of the terms in the original s106 agreement should be transferred to the appeal schemes.
15. However, the appeal schemes do not relate to the entirety of the site or all elements approved under UTT/13/3467/OP upon which the original s106 agreement was based and which was subject to the 3 CIL tests.
16. Accordingly, there are obligations within the original s106 agreement that only meet the 3 CIL tests because of the residential element of the 2015 permission and which fail those tests in relation to the B1 Business and C2 extra care elements alone. Therefore, such obligations should not be required of the appeal schemes. I shall deal with each aspect below.
17. Further, in several cases the provision required by the Council of the appellant in respect of the appeal schemes has already been provided by Linden Homes, or is set to be provided when a corresponding trigger is met as laid out in the original s106 agreement. To require the corresponding provision to also be

provided by the appeal schemes would be duplication and not compliant with the 3 CIL tests.

18. Section 106 (3) of the Town and Country Planning Act 1990 provides that a planning obligation is enforceable by the Council against a) the person entering into the obligation and b) any person deriving title from that person. In other words, the planning obligation 'runs' with the land. Upon sale of the whole or part of the land the obligation will automatically be binding on successors in title of the original parties to it. Accordingly, Linden Homes is responsible for meeting requirements of the original s106 agreement as the sole successor of the residential land benefitting from the 2015 permission and the Council can, if necessary, enforce those requirements. It is not necessary, or in compliance with the 3 CIL tests, for the appeal schemes to provide the same obligations in respect of matters which relate only to the residential element of the 2015 permission situated on separate land to the appeal sites.

19. The respective obligations are also set out in the text of the original s106 agreement, which states at paragraph 4.1.1 to 4.1.2:

4.1.1 The Employment Land shall be subject to the obligations and restrictions contained in this agreement only in respect of the Employment Contribution (as defined in Schedule 5) and the setting up and monitoring of the Workplace Travel Plan; and

4.1.2 The Residential Land shall be subject to all the obligations and restrictions contained in this agreement save the Employment Contribution and the setting up and monitoring of the Workplace Travel Plan as stated in 4.1.1 above.

Education

20. The Employment Contribution referred to above would provide a financial contribution for appropriate education purposes. It was confirmed by the Council at the Hearing that it would be used for early years and childcare facilities such as employment creches. The committee report for the Appeal B proposal (Class B1) states that the scheme could provide approximately 127 full time equivalent jobs. It is therefore reasonable to conclude, as I do, that the development would create a direct need for such provision and that the contribution, which has been assessed in accordance with Essex County Council's Developers' Guide to Infrastructure Contributions Supplementary Planning Guidance (2016), is fairly and reasonably related in scale and kind to the development. This obligation therefore meets the 3 CIL tests and the Framework. The completed UU in respect of Appeal B secures the contribution.

21. Although an Educational Contribution is already sought from the residential element of the 2015 permission, this is distinct from the above Employment Contribution and is to be used for a wider range of educational provisions directly relevant to the residential use of that site.

22. Given the nature of Appeals A and B no additional educational requirement will be generated by the proposals and it is therefore unreasonable to require the appeal proposal to contribute towards education in any other way.

23. For the above reasons, the appeal developments are in accordance with Policy GEN6 of the Uttlesford Local Plan (2005) (LP) which seeks to ensure that there is necessary infrastructure provision to support development.

Open space

24. The open space is being provided under the 2015 permission on the residential part of the development, as confirmed by Plan 2 attached to the original s106 agreement, as part of the residential use of that site. Accordingly, a requirement to provide open space or contribute to its maintenance fails the 3 CIL tests in relation to the appeal proposals.
25. For the above reasons, the appeal developments are in accordance with Policy GEN6 of the Uttlesford Local Plan (2005) (LP) which seeks to ensure that there is necessary infrastructure provision to support development.

Healthcare

26. The committee reports in respect of each appeal do not indicate that the NHS has requested contributions in respect of either proposal. The report in respect of Appeal A is explicit that the contribution secured by the original s106 agreement was "on the basis of approximately £146 per residential dwelling, and not the extra care element...". Additionally, the healthcare contribution in respect of the original s106 agreement has been paid by Linden Homes as confirmed by the Council.
27. Accordingly, I am not satisfied that a requirement to provide healthcare contributions in respect of the appeal proposals meets the 3 CIL tests.
28. For the above reasons, the appeal developments are in accordance with Policy GEN6 of the LP which seeks to ensure that there is necessary infrastructure provision to support development.

Highways

29. The original s106 agreement identified that the development necessitated the provision of capacity enhancements at the junctions of London Road/Borough Lane and Newport Road/Audley End Road as outlined in the Uttlesford Local Plan Highway Impact Assessment (October 2013) Figures 7-15.
30. While I acknowledge that the appeal sites would generate extra traffic, the extra trips were taken into account in the 2015 permission and in agreeing the level of financial contribution in the original s106 agreement. That agreement provides in paragraph 4.1.2 that the obligation to provide contributions other than the Employment Contribution and the setting up and monitoring of the Workplace Travel Plan shall reside with the residential land. That residential land is now owned by Linden Homes as successor in title. While I acknowledge that the contribution is yet to be made, there are dispute provisions in the original s106 agreement and it is also open to the Council where necessary to enforce the agreement as discussed above. To require additional contributions of the appellant in respect of the appeal proposals, when appropriate provision has already been made in an earlier planning obligation, would not meet the 3 CIL tests.
31. Accordingly, the appeal proposals would not be in conflict with Policies GEN1 and GEN6 of the LP which seek to prevent adverse effects to the road network and ensure that there is necessary infrastructure provision to support development.

Public transport

32. It is agreed between the main parties that the bus service obligation in the original s106 agreement has not been met, although it states that the bus services are to be run in accordance with agreed details prior to occupation of the 50th dwelling. The appellant says that this trigger has not been met yet. However, again it is clear from paragraph 4.1.2 of the agreement that this obligation is associated with the residential land and not the appeal proposals.
33. Further, it is agreed in the Statements of Common Ground that the appeal sites are situated within sustainable locations being located adjacent to Tesco and bus stops with an existing regular bus service. Bus service provision would be enhanced further still for users of the appeal schemes when Linden Homes provides a bus service under the original s106 agreement. The sites are also served by a number of community facilities which are within walking distance.
34. Accordingly, an obligation for the appellant to provide a bus service in respect of the appeal proposals would not meet the 3 CIL tests. For the above reasons, the appeal developments are in accordance with Policy GEN6 of the LP which seeks to ensure that there is necessary infrastructure provision to support development.

Wenden Road cycle path link scheme

35. The contribution was associated with the residential element in the original s106 agreement and, furthermore, the contribution has been paid by Linden Homes as confirmed by the Council.
36. Accordingly, an obligation for the appellant to provide such a contribution in respect of the appeal proposals would not meet the 3 CIL tests. For the above reasons, the appeal developments are in accordance with Policy GEN6 of the LP which seeks to ensure that there is necessary infrastructure provision to support development.

Sports and recreation facilities

37. It was agreed by the Council at the Hearing that the contribution is a direct result of the residential development and therefore would not meet the 3 CIL tests in respect of the appeal schemes. I concur.
38. Therefore, I find in this respect that the appeal developments are in accordance with Policy GEN6 of the LP which seeks to ensure that there is necessary infrastructure provision to support development.

Affordable housing

39. It is agreed in the Statements of Common Ground that the reserved matters permission granted to Linden Homes includes 40% affordable housing, meeting the obligation of the original s106 agreement. Clearly the provision of affordable housing within the Extra Care and Business Use appeal proposals is not appropriate or necessary, and would not meet the 3 CIL tests. The Council acknowledged this at the Hearing.
40. Therefore, I find that the appeal developments are not in conflict with Policy H1 of the LP which seeks to provide affordable housing on appropriate sites.

Sustainable travel plan

41. It is agreed by the main parties that Travel Plans (including monitoring fees) for each appeal proposal, including measures to ensure that sustainable methods of transport are available to employees in accordance with the requirements of the Framework, meet the 3 CIL tests. I concur. The completed UUs in respect of Appeal A and Appeal B secure these obligations.

Conditions

42. In respect of both proposals, I have attached conditions relating to the submission of reserved matters and the time limits associated with this.
43. To reduce the risk of flooding, I am imposing conditions requiring approval and implementation of drainage schemes and maintenance plans, and of schemes to minimise offsite flooding during construction works. I am also imposing conditions to protect biodiversity and habitats, to deal with any water pollution and land contamination issues, and to protect neighbours from any adverse effects of construction.
44. I am also attaching conditions to ensure appropriate access arrangements, highway safety and parking provision in respect of each proposal in the interests of highway safety.
45. I am not attaching conditions suggested by the Council requiring submission of materials to be used in the construction of external surfaces, or the approval of landscaping details and retained tree protection plans as the proposals are outline applications save for access. Such details can be considered through the submission of reserved matters, for instance that deal with appearance and landscaping.
46. I have not attached a condition suggested by the Council concerning noise and dust control. The committee reports indicate that Environmental Health have advised that the issue of noise control is best considered at the detailed design stage. I agree, as layout and landscaping are reserved matters and pertinent to the issue. Dust control during construction is already included in another condition I am attaching requiring a Construction Method Statement.

Conclusions

47. The proposed development in Appeal A would accord with the development plan as a whole and there are no other considerations which outweigh this finding. Therefore, for the reasons given the appeal is allowed.
48. The proposed development in Appeal B would accord with the development plan as a whole and there are no other considerations which outweigh this finding. Therefore, for the reasons given the appeal is allowed.

Andrew Walker

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Louise Steele	Framptons Planning
Martin Andrews	Martin Andrews Consulting
William Main	Appellant, Manor Oak Homes
Anna Cartledge	Shoosmiths LLP

FOR THE LOCAL PLANNING AUTHORITY:

Elizabeth Smith	Solicitor
Katherine Wilkinson	Strategic Development Engineer, Essex County Council
Maria Shoesmith	Development Management Team Leader

DOCUMENTS

- 1 Unilateral Undertaking (unsigned) in respect of APP/C1570/W/19/3227368
- 2 Unilateral Undertaking (unsigned) in respect of APP/C1570/W/19/3227369
- 3 Letter (undated) from Linden Homes to Planning Inspectorate

Schedule of conditions: APP/C1570/W/19/3227368 (Appeal A)

1. Approval of the details of the layout, scale, landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.
2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.
3. The development hereby permitted shall be begun not later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.
4. No works 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:
 - Limiting discharge rates to 1l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
 - 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.
 - 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 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 the development hereby permitted coming into use and retained thereafter.

5. 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 and retained for the duration of construction works.
6. No works shall take place until 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. The agreed maintenance arrangements should be implemented thereafter.

7. 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.
8. All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in all the ecological reports - Ecological Appraisal (Sept 2013) and Updated Ecology Survey Report (Aspect Ecology, Oct 2017) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
9. Prior to installation of any external lighting, 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 contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The scheme shall subsequently be implemented as approved and retained thereafter. No other external lighting shall be installed unless agreed by the local planning authority.
10. Parking, storage facilities and wheel cleaning facilities shall be provided on site from commencement of the development hereby permitted and throughout the period of construction.
11. Prior to coming into use of the development hereby permitted, the access shall be provided at right angles to the access/link road for the residential area, with carriageway width of minimum of 5.5m, 2 x 2m footways, with drop kerb crossings and radii of a minimum 8m and shall be retained in perpetuity.
12. Prior to first occupation a walking/cycling access should be provided from the site to the proposed cycleway to the west of the site. The access should be a minimum of 3m wide, have adequate visibility splays and link to the cycle parking and buggy parking and entrance to the care home facility via a 3m footway/cycleway.
13. The land to the south east of the site that contains the 43m forward visibility splay for the access/link road to the east of the site to be maintained free of obstacles and vegetation above the height of 600mm in perpetuity.
14. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway of the access/link road.
15. The Cycle / Powered Two-wheeler parking shall be provided in accordance with the Essex Planning Officers Association Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

16. The number of parking spaces shall be in accordance with those standards set down within Essex County Council's Parking Standards Design and Good Practice, September 2009 and Uttlesford Local Residential Parking Standards February 2013.
17. Electric vehicle charging points will be installed at the rate of 1 point per 10 spaces for unallocated parking, these shall be provided, fully wired and connected, ready to use before first occupation of the site and retained thereafter.
18. In the event that contamination is found at any time when carrying out the approved development, it must be reported immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An investigation and risk assessment to assess the nature and extent of the contamination must be completed and submitted to and approved in writing by the Local Planning Authority. If identified as being necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health and other relevant receptors must be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s). Remediation of the site shall be carried out in accordance with the approved scheme. Development shall not resume on any part of the site affected by contamination until remediation has been carried out in accordance with the approved scheme. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.
19. No development, including ground works, shall take place until a Construction Method Statement including measures to control the emission of dust and dirt during construction has been submitted to, and approved in writing by the local planning authority. The approved Statement shall thereafter be adhered to throughout the construction period.
20. Prior to the commencement of any development, a scheme for the provision and implementation of water pollution control shall be submitted and agreed in writing with the Local Authority. The development hereby permitted shall be constructed and completed in accordance with the approved plans/specifications.
21. No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. Prior to coming into use of the development hereby permitted, all works in the foul water strategy so approved shall be carried out unless otherwise approved in writing by the Local Planning Authority.

Schedule of conditions: APP/C1570/W/19/3227369 (Appeal B)

1. Approval of the details of the layout, scale, landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.
2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.
3. The development hereby permitted shall be begun not later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.
4. No works 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:
 - Infiltration testing and groundwater testing in line with BRE 365. If infiltration is found unfeasible, discharge rates should be limited to 1l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. It should be clearly demonstrated that the discharge hierarchy has been followed including providing evidence that there are no ditches to discharge to.
 - 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 climate change event.
 - 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 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 the development hereby permitted coming into use and retained thereafter.

5. 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 and retained for the duration of construction works.
6. No works shall take place until 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. The agreed maintenance arrangements should be implemented thereafter.

7. 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.
8. All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in all the ecological reports - Ecological Appraisal (Sept 2013) and Updated Ecology Survey Report (Aspect Ecology, Oct 2017) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
9. Prior to installation of any external lighting, 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 contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The scheme shall subsequently be implemented as approved and retained thereafter. No other external lighting shall be installed unless agreed by the local planning authority.
10. Parking, storage facilities and wheel cleaning facilities shall be provided on site from commencement of the development hereby permitted and throughout the period of construction.
11. Prior to occupation of the development, the access as shown in drawing 9317M-TA20, with the associated clear to ground visibility splays, shall be provided and retained thereafter.
12. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
13. The Cycle / Powered Two-wheeler parking shall be provided in accordance with the Essex Planning Officers Association Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.
14. The number of parking spaces shall be in accordance with those standards set down within Essex County Council's Parking Standards Design and Good Practice, September 2009 and Uttlesford Local Residential Parking Standards February 2013.
15. Electric vehicle charging points will be installed at the rate of 1 point per 10 spaces for unallocated parking, these shall be provided, fully wired and

connected, ready to use before first occupation of the site and retained thereafter.

16. In the event that contamination is found at any time when carrying out the approved development, it must be reported immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An investigation and risk assessment to assess the nature and extent of the contamination must be completed and submitted to and approved in writing by the Local Planning Authority. If identified as being necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health and other relevant receptors must be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s). Remediation of the site shall be carried out in accordance with the approved scheme. Development shall not resume on any part of the site affected by contamination until remediation has been carried out in accordance with the approved scheme. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.
17. No development, including ground works, shall take place until a Construction Method Statement including measures to control the emission of dust and dirt during construction has been submitted to, and approved in writing by the local planning authority. The approved Statement shall thereafter be adhered to throughout the construction period.
18. Prior to the commencement of any development, a scheme for the provision and implementation of water pollution control shall be submitted and agreed in writing with the Local Authority. The development hereby permitted shall be constructed and completed in accordance with the approved plans/specifications.
19. No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. Prior to coming into use of the development hereby permitted, all works in the foul water strategy so approved shall be carried out unless otherwise approved in writing by the Local Planning Authority.