



Appeal Decision

Site visit made on 21 December 2021

by **P. D. Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19TH January 2022

Appeal Ref: APP/C1570/W/21/3270615

Land to the west of Buttleys Lane, Great Dunmow.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Linden Ltd and Christine Vivien Winifred Clarke against the decision of Uttlesford District Council.
 - The application Ref UTT/19/2354/OP dated 13 September 2019, was refused by notice dated 11 September 2020.
 - The development proposed is construction of up to 60 dwellings with a new vehicular access to be agreed in detail and all other matters to be reserved.
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Application for Costs

1. An application for costs was made by Linden Ltd and Christine Vivien Winifred Clarke against Uttlesford District Council. This application is the subject of a separate decision.

Decision

2. The appeal is allowed and outline planning permission is granted for construction of up to 60 dwellings with a new vehicular access to be agreed in detail and all other matters to be reserved at Land to the west of Buttleys Lane, Great Dunmow in accordance with the terms of the application, Ref UTT/19/2354/OP dated 13 September 2019 and subject to the conditions at Schedule A below and the completed S106 Planning Obligation.

Preliminary Matters

3. The application for the proposed development is in outline with all matters reserved other than access which is to be determined in full. However, the application was also accompanied by an indicative masterplan layout referring to some of these matters which I have treated as being for illustrative purposes.
4. In the period since the appeal was submitted the Government has published a revised version of the *National Planning Policy Framework* (The Framework). The new policies in the revised Framework have not brought me to any different decision on the appeal and therefore I have not considered it necessary to invite the appeal parties to comment on the new document.

Main Issues

5. The main issues in this case are:
 - The effect of the proposed development on the character and appearance of the rural landscape and the setting of Great Dunmow and its relationship to the town; and

- Whether the development makes sufficient provision for infrastructure development and affordable housing.

Reasons

Character and appearance and the relationship to Great Dunmow

6. The land the subject of this appeal lies immediately to the south of the B1256 Stortford Road east of its junction with the A120 and immediately to the west of Buttleys Lane. The appeal site is not designated as a valued landscape and forms part of the Broxted Farmland Plateau Landscape Character Area identified in the *Uttlesford Landscape Character Assessment* (ULCA). It is generally flat and is currently agricultural grazing land surrounded by mature hedgerows and trees but immediately to the west of the site is Dunmow Fencing Supplies – a fencing business with a large area of hardstanding and outdoor storage. To the south of the site is the listed Highwood Farmhouse. North of the site across the Stortford Road is an area of woodland - High Wood - which is designated as a Site of Special Scientific interest (SSSI).
7. The site is outside the development limits defined for Great Dunmow in the *Uttlesford Local Plan* (ULP) It is also outside the Town Development Area boundary defined in the *Great Dunmow Neighbourhood Plan* (GDNP) but lies immediately adjacent to the boundary and to substantial areas of land permitted for housing and proposed for the development of an all-age school complex. Construction of the housing north of Stortford Road is well underway.
8. Being outside the defined development limits the site lies within the countryside and is therefore subject to ULP Policy S7 which is generally restrictive of development in the rural areas. However, in view of the age of the ULP and the fact that it predates the Framework a *Compatibility Assessment* was carried out in 2012 immediately following the publication of the first version of the Framework. This found that protecting the countryside for its own sake was no longer consistent with the Framework. The matter of the weight that can be attached to Policy S7 in the light of subsequent revisions to the Framework has been considered in several recent appeals within the district (most clearly in the Inspector's decision in APP/C1570/W/19/3243744). The consensus arising out of the appeal decisions and with which I concur, is that of the three elements to the Policy, the first two - protecting the countryside for its own sake and restricting development only to that needed or appropriate to the countryside - were no longer consistent with the Framework and therefore carried very limited weight. The only element carrying weight and remaining consistent with the Framework at paragraph 174, where it requires decisions to recognise the intrinsic character and beauty of the countryside, is the last clause requiring the appearance of development to protect or enhance the particular character of the part of the countryside within which it is set.
9. Policy DS1 of the GDNP in establishing the Town Development Area (TDA) seeks to direct development to the areas already permitted for housing (which are significant in the Great Dunmow area), protect the rural setting and contain the spread of the town. Protecting the rural setting is stated as a priority for the GDNP and its community but the most important elements of the setting are clearly expressed as the east, north and south sides of the established town. The west side, although forming part of the setting and containing the important Flitch Way corridor, is not given the same prominence. This would appear to explain in part

why the most significant housing sites north and south of Stortford Road (already permitted) are on the west side of the town.

10. The appellants produced a *Landscape Visual Impact Assessment* (LVIA) to assess the impact of the development including assessment from various viewpoints most of which (apart from Nos 1 and 7) I visited during the site visit to assess the proposed development from. Despite what was put to me in the Council's appeal statement, the Council has now confirmed these viewpoints were agreed and included views from Public Rights of Way (PROW) in the vicinity of the site. The sensitivity to change for users of the PROW would be high but from my assessment on site, as a result of extensive existing boundary screening to the appeal site and intervening tree cover in the landscape generally, the overall visual effect and cumulative effect with all development completed from most of the viewpoints would be minor or moderate. This would certainly be the case from the Flitch Way corridor and even the case from the elevated viewpoint on the overbridge to the A120 to the south of the site. The exceptions to this were in respect of closer viewpoints from Stortford Road at the north east corner of the site close to Buttleys Lane and from the bridleway heading north from Stortford Road along the edge of High Wood. I agree from these locations the overall visual effect and cumulative effect would be more significant.
11. However, the Stortford Road (B1256) corridor from its junction at the A120 slip road roundabout eastwards into Great Dunmow has a different character to the section of road east from the full grade separated junction of the B1256 with the A120. There is a sense of change in character heralded by the light industrial Dunmow Fencing Supplies unit and its extensive storage and hardstanding area and forward views along the road corridor to the development to the north of Stortford Road. The development north and south of Stortford Road now proposed will, and has already, fundamentally changed the character of this part of the western approach to Great Dunmow. This section of road forms the transition from a wholly rural to an urban character and in that context the filtered views of the appeal proposal to the south of the road through existing trees and hedgerows would have limited additional impact. Similarly, the view from the bridleway north of Stortford Road south towards the appeal site will be characterised by High Wood to the west and the new development on the east side. The filtered views of, predominantly, roof tops over the mature hedgerow along the south side of Stortford Road, were the appeal to be allowed, would not have a significant additional impact and would appear part of what is the planned extension to Great Dunmow.
12. I acknowledge that the ULCA identifies the Broxted Farmland Plateau landscape character area as being of moderate to high sensitivity to change. However, the appeal site is located in the south-east corner of this very large area and, as above, is now characterised by its closeness to the urban area of Great Dunmow as now extended and also affected by the proximity of the major transport corridors of the A120 and B1256 north, south and west of the site. The result is that the rural character and tranquillity evident in much of the rest of the LCA is significantly reduced for the area of the appeal site. Equally the landscape planning guidelines for this LCA and the emphasis on conserving rural character reflect the higher sensitivity of much of the rest of the LCA and the location of the appeal site would justify a more flexible interpretation of the guidelines. As the large developments north and south of the Stortford Road also lie within the same LCA it is clear that such an approach would be consistent with that taken in the recent past.

13. It has been put to me that the development would result in urban sprawl at odds with the urban grain of Great Dunmow. Whilst this might have been the case in respect of the settlement in the recent past, the decision to allow a substantial western spur of development out along the Stortford Road as far as High Wood has fundamentally changed the previous form of the town. In the context of what is now permitted with housing and a major all-age school development immediately adjacent to the east and north of the appeal site, at worst the proposed development would appear as a minor extension. Moreover, the site is small – to a degree contained by the Dunmow Fencing Supplies business and Highwood Farm and ultimately by the road infrastructure separating Great Dunmow from nearby Little Cansfield to the west.
14. I have been invited to conclude that the site is poorly related to the facilities and services of Great Dunmow and therefore not sustainable. Whilst it would be on the edge of the built-up area it would be immediately adjacent to the proposed all-age school complex, close to new medical facilities planned as part of the large housing development south of Stortford Road, reasonably close to the large Tesco superstore and would be served by public transport and sustainable transport links. Its accessibility would therefore not be substantially different to the large site north of Stortford Road. In any event it is clear from the appeal documentation and, despite the Council's statement, now accepted by the Council, that the site formed a proposed allocation in the replacement *Uttlesford Local Plan* as submitted for examination. Therefore, after due discussion and consideration by the Council it was concluded that the site would be a suitable and sustainable housing site. Whilst I accept that the replacement local plan, following its withdrawal, carries no weight in planning terms, it is relevant that the appeal site was recently proposed for housing and nothing in the way of the policy context has fundamentally changed in the interim. The withdrawal of the plan was reportedly a result of concern over the proposed garden village developments in the District and did not relate to or involve this particular site.
15. Concern has also been expressed regarding the impact of development on High Wood SSSI. However, the woodland is on the opposite side of the busy Stortford Road and therefore the habitat is not directly linked to the appeal site. In any event protection measures and mitigation can be secured through conditions were the appeal to be allowed.
16. In drawing the discussion on character and appearance to a conclusion there would clearly be some adverse impact from the development of what is currently a greenfield site. However, for all the reasons above and in the context of what is a material change to the character of the area, as a result of the decisions to extend Great Dunmow substantially to the west, I am not persuaded that the impact on the character and appearance of this area of countryside on the edge of Great Dunmow would be significant. In the context of Policy S7 which is the only policy referred to by the Council in the reason for refusal I am satisfied that although the proposal would not protect or enhance countryside character, the particular character of the part of the countryside within which it is set would not be significantly harmed. Moreover, for the same reasons the rural setting of Great Dunmow, which the GDNP at Policy DS1 seeks to protect, has now materially changed on the western approaches and the impact on the setting would not be significant.
17. In any event, the status of the application as an outline only establishes the principle of the development and I would expect the reserved matters application

to bring forward a high quality of design that respected the gateway setting to Great Dunmow as required by GDNP Policy LSC1 and by Policy DS3 relating to development on the south side of Stortford Road. For example, this could be achieved by restricting heights to a maximum of two storeys, maximising landscaping and retaining trees and hedgerows, providing a stand-off to the listed farmhouse and Buttleys Lane, developing only the south side of the access roads along the north sides of the development, as shown in the indicative layout, so that property fronts are glimpsed from Stortford Road rather than property backs.

Delivering affordable housing and other infrastructure contributions

18. The second of the Council's reasons for refusal related to the fact that the development failed to demonstrate that it would deliver affordable housing and appropriate infrastructure.
19. Normally these matters would be secured through a S106 Planning Obligation and although no planning obligation was completed at the time the application was being determined, the appellant has since completed a Section 106 Agreement in conjunction with the Council. This includes a number of obligations to deliver affordable housing and infrastructure, to come into effect if planning permission is granted. I have considered these in the light of the statutory tests contained in Regulation 122 of *The Community Infrastructure Levy (CIL) Regulations 2010* and the Framework tests. They relate to the following matters.
20. Affordable Housing: Policy H9 of the ULP requires 40% of the total housing provision on sites over 0.5 hectares or accommodating 15 dwellings or more to be for affordable housing. Policy H9 reflects the significant scale of affordable housing need in the District and, given this, the Council's aspiration is that both allocated and windfall sites, such as the appeal site, should provide affordable housing. It is necessary and reasonable therefore that the S106 makes this requirement and sets out the controls for the management of the affordable housing in perpetuity. Although the Government introduced new arrangements in May 2021 requiring at least 25% of all affordable housing to be in the form of 'First Homes', transitional arrangements are in place whereby sites with full or outline planning permissions already in place or determined before 28 December 2021 would not be required to make provision. In this case the application was determined and the S106 was completed before the deadline and therefore the requirement would not apply.
21. Open Space: The S106 provides for the submission of an Open Space Scheme for the laying out, construction and landscaping of open space within the site and submission of a Management Plan to the Council and details of the establishment of an Open Space Management Company to manage and maintain the open space. Whilst there does not appear to be a specific policy requirement in the ULP relating to open space provision and management the Framework at Section 8 encourages the provision of open space and play facilities. In addition, the Essex Design Guide, which the Council has adopted, states that there should be interesting and stimulating open spaces and natural environments to encourage people to be physically active and that the future management and care of green spaces and infrastructure should be considered at the planning stage. The inclusion of open space provision and management as part of the planning obligations is therefore necessary and reasonable.
22. Education Contribution: The S106 requires the developer and owner to pay a financial contribution to the County Council as Education Authority towards the

provision of primary and secondary education. Given that the site would be expected to accommodate family housing and Policy GEN6 of the ULP requires the provision of infrastructure made necessary by the development, the obligation is a necessary and reasonable one.

23. Bus Services Contribution: The S106 requires the payment of a financial contribution of £1595 per dwelling to the running of bus services to connect the site to the town centre of Great Dunmow and to facilities and services. To encourage the development of sustainable transport networks serving the development and, given ULP policy GEN6 relating to provision of transport infrastructure, again the obligation is a necessary and reasonable one.
24. Highways: The S106 requires the developer to enter into a Highway Works Agreement with the Highway Authority prior to carrying out highway works which will include provision of 'Pegasus' and 'Toucan' crossings of the B1256 Stortford Road, provision of a bridleway through the site, footpaths, and bus stops and a pedestrian link through the site. These are all necessary to meet the requirements of ULP Policy GEN1 on access, in particular the policy's intention to encourage sustainable transport for all users and therefore their inclusion as obligations is necessary and reasonable.
25. Hatfield Forest: The Forest is a SSSI and National Nature Reserve owned by the National Trust and used extensively for recreational purposes by residents in the area. Local Authorities have agreed with Natural England and the Trust that new development in the vicinity of the forest should make financial contributions based on the scale of development (in this case £9,000) towards the management and maintenance of the forest. Again, given the site's location and the recreational pressures that development would bring for the forest, the obligation is necessary and reasonable.
26. The S106 also requires payment of monitoring and management charges in implementing the obligation to the Council of £7,200 and to the County Council of £2,750. In view of the complexities involved in monitoring the principal areas of obligation I am satisfied that a monitoring and management of compliance charge would be necessary and reasonable in this case.
27. I consider that the above obligations would be necessary given the Development Plan policies. They are directly related to the development proposed and would be fairly and reasonably related to the scale and nature of development. They therefore all pass the statutory tests of Regulation 122. Finally, I am satisfied that the obligations contained in the S106 would be effective in delivering the policy outcomes sought and the existence of the completed S106 planning obligation resolves the Council's concerns expressed in the second reason for refusal.

Other Matters

28. The proposal would result in the provision of up to 60 new houses including a 40% contribution to much needed affordable housing available both for social rent and shared ownership. In that way it would make a significant contribution to meeting housing needs in Uttlesford District as a whole.
29. The Council has a housing shortfall and I note that, although the published *Housing Delivery Target* (HDT) results for Uttlesford in 2020 show that in the last 3 years the District achieved in excess of the target, the Council can only demonstrate 3.52 years of housing supply as at 1 April 2021 with a shortfall of

over 1000 homes. The policies of the adopted ULP influencing housing supply including Policy S7 are therefore out of date and the emerging Local Plan has, at this point, no proposed allocations to demonstrate how the shortfall will be made up. The 'tilted balance' set out in the Framework at Paragraph 11d) is therefore engaged. In this context, the supply of further housing would be highly significant.

30. With the Framework's 'tilted balance' engaged it is important to apply that balance. Paragraph 11d) of the Framework provides that the presumption in favour should apply other than in two circumstances. The first of these, namely where the development would conflict with Framework policies to protect areas or assets of particular importance would not apply in this case. Even though the site is close to a listed heritage asset at Highwood Farm appropriate design and landscaping buffer at the reserved matters stage would ensure that no harm would arise and the asset and its setting would be at least preserved. The second circumstance requires that permission is granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. Policies in respect of supply of housing and meeting local housing need would support the proposal and as discussed above the harm from the development of the site would not be significant and would not materially affect the Framework policies in respect of design and the natural environment.
31. Paragraph 14 of the Framework states that where the impact of allowing the development would conflict with the neighbourhood plan, as is argued by third parties to be the case here, this would be likely to significantly and demonstrably outweigh the benefits. This paragraph which has the effect of protecting the status of neighbourhood plans applies where all of four tests are met: namely that the plan is less than 2 years old, the plan contains policies and allocations to meet the housing requirement, there is more than a 3 year supply of housing land and housing delivery is at least 45% of that required. Whilst housing delivery, as above, is satisfactory and at present around 3.5 years housing supply is available, the plan does not make allocations of its own to help meet the housing shortfall – merely carrying forward existing commitments and the plan is over two years old. Thus the presence of the GDNP in this case would not outweigh the presumption in favour of development.
32. Concerns have been raised by third parties that the development would, cumulatively with others in the area have a detrimental impact in terms of traffic congestion and therefore highway safety, particularly for users of the bridleway on the east side of High Wood when trying to cross Stortford Road. However, access arrangements are not a reserved matter and are for consideration now and the development would include full provision for crossing facilities for bridleway users and continuation of the bridleway through the site to pick up Buttleys Lane. This is provided for in the signed S106 planning obligation along with public transport contributions to promote sustainable transport to and from the site. I am therefore satisfied that transport impacts would be satisfactorily mitigated.
33. I have accepted above that there would be some impact from development of the site but that overall, in the context of the significant urban extensions that are now a reality on the west side of Great Dunmow, this impact on character and appearance would not be sufficient to outweigh the social benefits of providing additional family housing and affordable housing. In addition, other matters of concern can be appropriately mitigated and controlled by the S106 and by

conditions. The presumption in favour of development should therefore apply in this case.

Conclusion and Conditions

34. In reaching my decision I have had regard to the matters before me. The above assessment in terms of Paragraph 11 of the Framework shows that the presumption in favour of development would apply. For the reasons above the appeal should be allowed and outline planning permission (with access not reserved) granted for up to 60 dwellings on the appeal site subject to conditions and the completed S106 Planning Obligation.
35. The Council suggested a number of conditions. I have considered these in the light of the advice in the Framework and *Planning Practice Guidance*. In addition to the standard conditions attached to outline permissions regarding submission of reserved matters and although not proposed by the Council, a condition requiring development to be carried out in accordance with the submitted plans is necessary in the interest of certainty. This is required as access is not a reserved matter and detailed plans regarding access arrangements are approved as part of this permission.
36. Given the proximity to Stansted Airport a condition is necessary to ensure that the SuDs water basin proposed has a drain down time of less than 3 days. This is important to ensure the basin does not remain wet attracting bird life which may in turn increase the risk of aircraft bird strikes.
37. Both in respect of noise from air traffic and from the dualled A120 a condition is necessary to control the development to ensure that the living conditions for occupants in terms of noise generation would be acceptable.
38. The development is in an area that is known to have the potential for significant archaeological remains and as such a condition requiring archaeological assessment and potentially mitigation is necessary in the interest of avoiding harm to heritage assets.
39. In order to prevent flooding it is necessary to ensure the satisfactory storage/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment. The Council proposes 4 conditions - one to control on-site surface water, one to control impacts of surface water flooding off-site, one to ensure maintenance of the SuDS system and one to require monitoring of maintenance. I consider the last condition an unnecessary addition as this can be added to the condition requiring the maintenance of the SuDS system. The appellant although accepting the conditions raises a concern that the figure for the discharge rate is wrong and should be higher at 2.9 litres/second as set out in the Flood Risk Assessment. I have therefore taken the higher figure as no evidence has been presented by the Council to suggest it should be lower.
40. The Council proposed five conditions to deal with ecological and biodiversity matters however two of these, both dealing with biodiversity enhancement, involve a considerable degree of unnecessary repetition. Therefore, I propose that four conditions should be included - one requiring a Construction Environmental Management Plan to be submitted, one requiring a Landscape and Ecological Management Plan, one controlling the biodiversity mitigation and enhancement and one requiring submission and approval of a lighting strategy to avoid adverse impacts of lighting on wildlife using the site. All four are necessary to protect and

enhance biodiversity. The appellant although accepting the conditions has raised a concern that the proposed trigger point in the conditions is inappropriate. This is because the biodiversity measures should reflect the final approved reserved matters design and therefore the trigger for the biodiversity conditions should be before commencement of development and in the case of the lighting strategy prior to installation. I consider this would result in more reasonable conditions, avoiding possible duplication of work in discharging the conditions and have adjusted the wording accordingly.

41. The Council has proposed two separate conditions requiring the submission of both a Construction Environment Management Plan and a Construction Management Plan, the elements of which are necessary to control any adverse impacts during construction. However, as both relate purely to the construction phase and, in the interests of minimising the number of conditions, there is no reason why these should not be combined and I have amended the conditions accordingly.
42. The Highway Authority has requested a condition to be added in the interests of securing highway safety. This is necessary to control the provision of access and visibility splays and crossings within the highway. In addition, and related to transport, a condition is necessary to promote the use of sustainable transport by occupiers of the development. Also, in the interests of promoting more sustainable transport and supporting a lower carbon future a condition requiring the provision of electrical vehicle charging points for the development is also necessary. The appellant, whilst accepting the principle of the condition put forward by the council, is concerned that not all the houses in the development may end up with private drives or private off-street parking and therefore the ability to commit to each house having a dedicated charging point may not be possible. I accept this is reasonable and that some of the charging points may need to be shared and that therefore rewording the condition to require the submission and approval of a scheme for electric vehicle charging would be a sensible amendment. I have amended the proposed condition accordingly.
43. Finally, the Council propose that 5% of the housing is built to be capable of occupation by wheelchair users and that the remainder of the housing on the site is built to provide accessible and adaptable homes because ULP policy GEN2c) requires development to meet the needs of all potential users. Normally as this is laid out in the Building Regulations it would not be appropriate for a condition to replicate this. However, as the Building Regulations are not mandatory in this regard and the appellant has indicated in their statement that they accept all the conditions (other than the adjustments referred to above), it is not unreasonable to apply it in the interests of helping to futureproof the housing stock.
44. The appellants are advocating that a number of the conditions need to be pre-commencement conditions rather than dealt with at reserved matters stage. The appellants in their statement have indicated in writing that they would prefer these to be pre-commencement conditions and therefore, although such conditions are generally to be avoided, the use of them in this case has been accepted.

P. D. Biggers

INSPECTOR

Schedule A 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 the development commences and the development must be carried out as approved.
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.
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.
4. The development hereby permitted shall be carried out in accordance with the submitted documents and the following approved plans: UDS45672-A1-1400; SK03 53MPH REV A; and SK10 REV A.
5. No development is to take place until confirmation is given to the LPA in consultation with the aerodrome safeguarding authority for Stansted Airport, that the SuDs retention basin has a drain down time to dry of less than 3 days and that there will be no permanent water feature.
6. In conjunction with the details to be submitted in accordance with the Reserved Matters, submission shall include full details of the noise mitigation measures required, as set out in the recommendations identified in the REC Ltd report (Ref: AC107020-1r4) dated September 2019. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective against road, aircraft and other noise, and it shall be retained in accordance with those details thereafter.
7.
 - a) No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.
 - b) A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work and before any reserved matters are agreed.
 - c) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.
 - d) The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within three months of the completion of 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.
8. No works except demolition shall take place until a detailed surface water drainage scheme on 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 2.9 l/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.
- ☐ Final modelling and calculations for all areas of the drainage system.
- ☐ 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.

9. 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 to prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

10. Prior to the first residential occupation of the development hereby permitted, 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 and annual monitoring, shall be 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. Subsequently, the development shall be carried out strictly in accordance with the approved maintenance arrangements with maintenance monitored annually.

11. Prior to the commencement of the development hereby permitted a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities
- b) Identification of "biodiversity protection zones"
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialist ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- h) Use of protective fences, exclusion barriers and warning signs

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

12. Prior to the commencement of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed
- b) Ecological trends and constraints on site that might influence management
- c) Aims and objectives of management
- d) Appropriate management options for achieving aims and objectives
- e) Prescriptions for management actions
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
- g) Details of the body or organisation responsible for the implementation of the plan
- h) Ongoing monitoring and remedial measures

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer or successor in title with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

13. Prior to the commencement of the development hereby permitted a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority following the recommendations made within the Phase 2 Ecological Surveys and Assessment (SES, August 2019) and Ecology Screening Report (August 2019). The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the approved strategy and with the details contained in Phase 2 Ecological Surveys and Assessment (SES, August 2019) and Ecology Screening Report (August 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. The mitigation and enhancement measures shall be retained thereafter.

14. Prior to installation of any external lighting a lighting 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, Isolux 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 shall any other external lighting be installed without prior written consent from the local planning authority.

15. 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 control of noise from construction including hours of working
- ii. Measures to control the emission of dust and dirt during construction
- iii. The details of lighting, including times of operation during construction
- iv. the parking of vehicles of site operatives and visitors
- v. loading and unloading of plant and materials
- vi. storage of plant and materials used in constructing the development
- vii. wheel and underbody cleaning facilities
- viii. Before and after surveys of highway and verge surrounding site and subsequent repair of any damage to the highway (including verges) caused by vehicles associated with construction.

16. Prior to first residential occupation of the development hereby permitted a ghosted right hand access as shown in principle on submitted drawing SK10 REV A dated 10/06/2020 but also including a cycleway/footway of minimum effective width of 3m to link the access to the proposed Toucan crossing and bridleway shall be provided, including clear to ground visibility splays with dimensions of 2.4 metres by 161 metres in both directions, as measured from and along the nearside edge of the carriageway. The vehicular visibility splays shall be retained free of any obstruction at all times thereafter.

17. Prior to first residential 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.

18. 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) of the *Building Regulations 2010 Approved Document M, Volume 1 2015* edition. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the *Building Regulations 2010 Approved Document M, Volume 1 2015* edition.

19. Prior to first occupation of the development hereby permitted a scheme setting out the arrangements for electric vehicle charging to include a single electric vehicle charging point for each house having a private drive or private off-street parking space and shared facilities for all other houses without private parking shall be submitted to and approved in writing by the local planning authority. Thereafter the charging points shall be installed in accordance with the approved scheme and fully wired and connected ready to use before first occupation.