



Statement of Reasons & Decision Notice

Site visit made on Wednesday 5 February 2025

Hearing held Thursday 6 February 2025

by Mr Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 21 February 2025

Application Ref: s62A/2023/0019RD

Land to the north of Roseacres, between Parsonage Road and Smiths Green Lane, Takeley, Essex, CM22 6NZ

(Land also known as Bull Field, Warish Hall Farm, Takeley, Essex)

- The application was made under Section 62A of the Town and Country Planning Act 1990 (TCPA) by Mr J Spencer of Weston Homes PLC.
 - The site is located within the local planning authority area of Uttlesford District Council.
 - The application was dated 12 June 2023.
 - Consultation took place between 2 August 2023 to 7 September 2023, and 29 November 2024 to 10 January 2025.
 - The development proposed is described as: *'Access to/from Parsonage Road between Weston Group Business Centre and Innovation Centre buildings leading to: 96 dwellings on Bulls Field, south of Prior's Wood, including associated parking, landscaping, public open space, land for the expansion of Roseacres Primary School, pedestrian and cycle routes to Smiths Green Lane together with associated infrastructure.'*
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Statement of Reasons

Summary of Decision

1. Planning permission is GRANTED subject to conditions, as set out in the Decision Notice.

Procedural Matters

2. A previous decision was quashed by the High Court¹. The previous decision issued related to this case, dated 15 December 2023, ceases to have legal effect. As part of its decision, the High Court Ordered that the Secretary of State shall reconsider and decide the Claimant's (the Applicant in this case) application following a fresh hearing before a different Inspector. This Statement of Reasons and Decision Notice is the reconsideration of that, and the final planning decision in this specific case.
3. The application was submitted under s62A of the *Town and Country Planning Act 1990*, as amended (TCPA). This allows for applications to be made directly to the Secretary of State (SoS), where a local authority has been designated. Uttlesford District Council (UDC) have been designated for major applications since February 2022. The SoS has appointed a person under section 76D of the TCPA 1990 to determine the application instead of the SoS.

¹ See Redetermination – Addendum Report, Appendix G – High Court Judgement (Weston Homes Plc, R (On the Application Of) v Secretary of State for Levelling Up, Housing and Communities & Anor [2024] EWHC 2089 (Admin), dated 7 August 2024

4. Following the closure of the representation period, Article 22 of *The Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013* requires the SoS (or appointed person) to consider the application either by hearing or on the basis of representations in writing.
5. Taking into account Section 319A of the TCPA and the *Procedural guidance for Section 62A Authorities in Special Measures*² published by the SoS (including Paragraph 5.1.1), as the appointed person, I considered that the issues raised in this case should be dealt with by means of a s62A Hearing. An Issues report was issued on 22 January 2025. The Hearing took place at Uttlesford District Council Offices on Thursday 6 February 2025.
6. An unaccompanied site visit was carried out on Wednesday 5 February 2025. The inspection included viewing the site from the surrounding area; which included from Public Rights Of Way (PROW), local highways; including Smiths Green Lane, and from within the Ancient Woodland.
7. In 2023, the Smiths Green Conservation Area³ was designated by UDC. The principal and interested parties have had an opportunity to convey any observations on this designated heritage asset. In the main, as shown in the Conservation Area Appraisal⁴ on page 4, the application site lies outside of the conservation area, with some small parts on the eastern edge of the site with access to the Public Rights of Way (PROW) achieved in the Conservation Area off Smiths Green Lane. This matter was discussed at the Hearing.

Recent planning history

8. The site formed part of a previous application made to the Local Planning Authority, under reference UTT/21/1987/FUL. This was refused for four reasons; incompatible in its countryside setting, adverse impact on heritage assets, insufficient mitigation on impacts on Ancient Woodland and failure to deliver appropriate infrastructure. This decision was appealed under PINs reference 3291524, and was dismissed on 9 August 2022.
9. As further background, it is understood that the appeal site comprises part of a wider site, with this part known as Bull Field. Development was approved on part of the appeal site known as 7 Acres (under reference UTT/22/2744/FUL) for four light industrial/commercial units.
10. A planning application for the Jacks part of the appeal site has also been submitted since the above appeal, directly to the Secretary of State under s62A, and this was refused under reference S62A/2023/0016 on 9 August 2023. Following a subsequent scheme for 40 dwellings on the Jack's Field site, planning permission was granted on 13 March 2024.

Planning Policy and guidance

11. The adopted development plan for this part of the Uttlesford District is the *Uttlesford District Local Plan* (adopted 2005) (herein LP). As identified in the

² [Procedural guidance for Section 62A Authorities in Special Measures - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/100000/procedural-guidance-for-section-62a-authorities-in-special-measures.pdf)

³ This is also variously referred to as the Smiths Green Takeley Conservation Area, and also the Smiths Green Conservation Area. For the avoidance of doubt I have adopted the title used in the Conservation Area Appraisal.

⁴ See Redetermination – Addendum Report, Appendix Z, - Smiths Green Conservation Area Appraisal, document titled *Smiths Green Conservation Area Character Appraisal and Management Plan* dated October 2023

Officers Report to Committee, the following policies are of particular note in this instance:

S7 – The Countryside, GEN1 – Access, GEN2 – Design, GEN3 – Flood Protection, GEN6 – Infrastructure Provision, GEN7 – Nature Conservation, ENV2 – Development Affecting Listed Buildings, ENV4 – Ancient monuments and Sites of Archaeological Importance, ENV10 – Noise Sensitive Developments, ENV13 – Exposure to Poor Air Quality, ENV14 – Contaminated Land, H1 – Housing development, H9 – Affordable Housing and H10 – Housing Mix.

12. My attention is also drawn to the document *Development Management Policies* as adopted as County Council supplementary guidance in February 2011, which principally relate to highway matters in the context of this application.
13. It is noted that at the s62A hearing, the Council informed me that the emerging local plan, *Uttlesford Local Plan 2021-2041*, has now reached Regulation 19 stage, where it has been submitted to the Planning Inspectorate for consideration. I was informed this is likely to take place during May/June 2025. I was also provided with excerpts of draft Core Policy 10 South Uttlesford Area Strategy, draft Core Policy 10a Takeley Strategic Allocation Comprehensive Development Framework, and draft Core Policy 15 Green and Blue Infrastructure in the South Uttlesford Area.
14. I am also cognisant with the fact that draft Core Policy 10a contains Figure 6.3: Proposed Strategic Allocations at Takeley, and this plan appears to show much of the development area and wider application site as 'Open Space/Green Infrastructure', 'Ancient Woodland' and 'Woodland Extension' respectively.
15. At the same time, in Chapter 5 Takeley – baseline & SANG quality assessment, of the document Appendix T – SANG Strategy by LUC in support of the Regulation 19 Plan⁵, pages 75 to 95 contain a number of plans where the development area of the application under consideration here is identified as 'Development allocation'.
16. This indicates to me that the emerging local plan, whilst at a reasonably advanced stage, remains unexamined and modifications of it and the allocations it identifies are likely still possible. In such circumstances, I afford the emerging local plan minimal weight as a material consideration in this case.
17. In terms of national policy, the *National Planning Policy Framework* (the Framework) is an important material consideration. It was last updated in December 2024, with an amendment in January 2025.
18. Of particular note, are:

Paragraph 11; Paragraphs 56 to 59; Section 5 - Delivering a sufficient supply of homes; Section 8 – Promoting healthy and safe communities; Section 9 – Promoting sustainable transport; Paragraph 125; Section 12 – Achieving well-designed places; Paragraph 187 b); Paragraph 193; and Paragraph 195.

⁵ Titled *Uttlesford SANG and Country Park, Scoping and Strategy Development* Final Report, June 2024

Main Issues

19. In the *Issues Report and Outline Agenda* document, and also at the start of the Hearing, I set out that the main issues, in my opinion, were:

- i) Whether or not the proposal is located in an acceptable location with specific regard to sustainability, and effects on character and appearance; and,
- ii) The effect of the proposed development on the setting and significance of nearby heritage assets, including listed buildings; and,
- iii) The effect of the proposal on the nearby Ancient Woodland known as Priors Wood; and,
- iv) The effect of the proposal in terms of pedestrian and traffic movements into and out of the site in relation to highway safety; and,
- v) Whether adequate provision has been secured for any additional need for infrastructure or facilities, including transport, education, community and health facilities, and open space arising from the development; and,
- vi) Whether, having regard to the supply of housing within the locality, what is known as the 'tilted balance' set out in Paragraph 11(d) of the National Planning Policy Framework applies, and if so, the effect of its application in this case.
- vii) The overall planning balance.

20. To assist reading of this Statement, I have inserted section on Other Matters and Conditions before drawing the overall planning balance.

Statutory Parties or Interested Persons

21. A number of representations have been made by public body consultees. Full details of the comments can be found on the application website at:

<https://www.gov.uk/guidance/section-62a-planning-application-s62a20230019-land-to-the-north-of-roseacres-between-parsonage-road-and-smiths-green-lane-takeley-essex-cm22-6n> or by using an internet search engine.

22. At the Hearing, I heard from interested parties, representatives of UDC, and the Applicant. I was able to ask questions, where appropriate, in order to further clarify any representations made.

23. These oral representations, and the written representations made by local residents and other consultees, have been taken into account before making the decision here.

24. Uttlesford District Council submitted a comprehensive Officer's Committee Report. The Council confirmed on 4 September 2023 that the Local Planning Authority OBJECTS to the development. At the Hearing, UDC confirmed that it continued to object to the proposal.

Reasons

An acceptable location?

25. As the site is located outside of the development limits of Takeley, it can be considered as in the open countryside. I am reinforced in this view by the facts on the ground informed by my site inspection, where a majority of the development area proposed would be on an open arable farmed field.
26. LP Policy S7 states that *'in the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area'*. It goes on to indicate that 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.
27. Read plainly, it is clear that LP Policy S7 is aimed to protect countryside outside settlement boundaries, other site boundaries or beyond the Green Belt. The allocations made in LP Policy H1 identified housing needs to 2011, but all such allocations have been built out. Insofar as Policy S7 fixed the settlement boundary for Takeley, it is broadly accepted that this needs to be reviewed, and would be as part of the emerging local plan process.
28. Furthermore, in the absence of a five year housing land supply from existing allocations or identified sites, and in order to significantly boost the supply of homes as sought by the Government's objective⁶, the only way in which this would be realistically achieved at the present time in this area is building in the countryside. As such, the development needs to take place there, otherwise existing and future generations will not have the housing they need.
29. LP Policy S7 also seeks to protect the countryside 'for its own sake' by only permitting development that needs to take place there or is appropriate to a rural area. This part of the Policy is consistent with the desire to recognise 'the intrinsic character and beauty of the countryside', as reflected in Framework Paragraph 174(b).
30. In this respect, Takeley is a key rural settlement in the LP, and benefits from several facilities including primary schools, shops and other services. The application site lies alongside the settlement edge to the north of Takeley, is mostly flat and level, and reasonably close to these facilities. I also note that there are regular bus services provided to larger settlements in the area. The topography of the site, the services provided within Takeley and the links to settlements further afield, would mean that future occupiers of all characteristics would have realistic and reasonably easy access to a variety of day-to-day services.
31. This is consistent with the Policies of the Framework, which include, at Paragraph 96; that decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres,

⁶ See Paragraph 61 of the Framework, December 2024

street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages, development that prioritises pedestrian and cycle movements within the scheme and neighbouring areas.

32. It would also be consistent with Paragraph 110 of the Framework, which sets out that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
33. In such circumstances, I find that in overall terms, the site is, or could reasonably be developed, as an accessible and sustainable location. It would be located a short walking distance from the centre of Takeley and the services found there. I acknowledge that there is conflict with Policy S7 of the LP in terms of new buildings in the countryside. However, these are buildings that need to be there, otherwise the area would not be able to provide the number of dwellings required to meet current and existing demands.
34. In terms of character and appearance, the application site is in the Broxted Farmland Plateau Landscape Character Area (LCA), as defined in the District Level Uttlesford Landscape Character Assessment. This is not a valued landscape as defined by the Framework; although it is appreciated by local residents. Indeed, I note the expansive open field across which views extend from nearby highways and Public Rights Of Way. The Appeal Inspector noted that these views added to the 'grandeur' of the Ancient Woodland of Priors Wood in his view⁷.
35. The site is in the Countryside Protection Zone (CPZ) where LP Policy S8 states that planning permission will only be granted for development required to be there or appropriate to the rural area. New development would be prevented which promotes coalescence between Stansted Airport and existing development in the surrounding countryside, or adversely affects the open characteristics of the CPZ.
36. The Applicant has submitted a Landscape and Visual Impact Assessment (LVIA) report, with updated visualisation submitted prior to the s62A Hearing⁸. This demonstrates that the site is mostly self-contained within the wider landscape. This is due to the intervening landscaping within the proposal and the limited visibility as a result of nearby existing and approved development. As such, the Applicant suggests that this would not lead to a demonstrable loss of openness or contribute to any perceived coalescence of the settlements of Takeley and Little Canfield or coalescence with the airport.
37. The introduction of new housing would reduce the open character of the countryside surrounding the airport. However, there is significant open countryside between the airport and the A120. Given the proximity to built development and large areas of open land between the site and the airport, when taken together with the location of Priors Wood, the physical and visual role that the site plays in preventing coalescence is limited. Similarly, given the relatively contained nature of the development area within the application

⁷ Appeal Ref APP/C1570/W/22/3291524, Paragraph 24

⁸ See Appendix BB – Updated Visualisations

site, I do not find that it would adversely affect the open characteristics of the zone as whole.

38. The verge adjoining Smiths Green Lane is designated as a village green and north of its junction with Jacks Lane the lane is designated as a Protected Lane under LP Policy ENV9. The development would be around 150m from the Protected Lane, with planting mitigation and reinstatement of historic hedgerows and tree planting so that the dwellings would be less likely to be seen from the Protected Lane. Ridgelines on the eastern edge of the proposed development would be visible but only glimpsed once vegetation is established. The boundary hedge along Smiths Green Lane would be kept to an appropriate height to attenuate views in the direction of the new dwellings. This can be seen in the visualisations provided by the Applicant⁹.
39. The Applicant points to the contained nature of the site and revisions made since the previous appeal scheme. This includes the provision of over 5ha of open space which would be maintained variously as a play area, hay meadow, and landscaped public space. This would assist in maintaining an open character to much of the site. There would be no vehicular access from the Protected Lane or Smiths Green Lane.
40. Nonetheless, there would be accessible open space with pedestrian and cycle movement across it connecting the dwellings to the edges of the site at Smiths Green Lane and also include the PROWs. The location of the open space on the eastern part of Bull Field, which is in part a response to addressing the issues with the Appeal scheme, together with the landscaped buffer area including PROW 40/48, now provides a clear separation between the proposed housing development and the Ancient Woodland.
41. This would enable visitors to the area to see from the Protected Lane, and other viewpoints, the 'grandeur' of Priors Wood, which, with various management plans and proposals considered elsewhere in this Statement of Reasons, would be further enhanced through its proactive and long term management.
42. Thus, the urbanising effect identified in the previous appeal scheme would be significantly mitigated by the present approach. Instead of appearing as a large housing development detracting from the edge of settlement character of the area, the proposal would appear as a logical extension of the settlement of Takeley. Where it is visible from the public realm, such as on the Protected Lane of Smiths Green Lane, its impact is mitigated; not only by its layout and the use of landscaping features such as trees and planting, but also by the fact that between the developed part of the site and the Protected Lane there would be a large area of open space maintained as a rural hay meadow.
43. Accordingly, I do not find that the proposal would have an adverse effect on the character and appearance of the area. Whilst it would change, this would be in a way that is not uncharacteristic of the area in this edge of settlement location. The proposal would conflict with Policies S7 and S8 of the LP, due to the proposal taking place in open countryside and Countryside Protection Zone. However, this policy breach is moderated by the fact that the development

⁹ See Appendix BB – Updated Visualisations

proposed needs to take place there due to the lack of an adequate housing land supply in the area and that the proposal would not promote coalescence between the airport and existing development in the surrounding countryside. Furthermore, any harm to the open characteristics of the zone would be highly localised to the immediate context of the application site and would not adversely affect the open characteristics of the zone, when considered as a whole.

Heritage assets, including listed buildings and Conservation Area

44. Within the vicinity of the application site are a number of heritage assets. These are listed within the Applicant's Built Heritage Assessment dated June 2023. They include¹⁰:

- Warish Hall and Moat Bridge (Grade I, NHLE: 1169063)
- Moat Cottage (Grade II*, NHLE: 1112211)
- Hollow Elm Cottage (Grade II, NHLE: 1112220)
- Goar Lodge (Grade II, NHLE: 1168972)
- Beech Cottage (Grade II, NHLE: 1112212)
- The Croft (Grade II, NHLE: 1168964)
- White House (Grade II, NHLE: 1322592)
- The Cottage (Grade II, NHLE: 1306743)
- The Gages (Grade II, NHLE: 1168954)
- Pump at Pippins (Grade II, NHLE: 1112210)
- Cheerups Cottage (Grade II, NHLE: 1112207)

45. Section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, as amended, sets out that special regard shall be had to preserve the setting of listed buildings.

46. Other heritage assets in the area include the designated Scheduled Monument, Warish Hall moated site and remains of Takeley Priory (NHLE: 1007834) located to the north of the application site. Historic England's written representation of 23 August 2023 considers the significance of this asset, and does not indicate that any harm would arise to the setting of the Scheduled Monument. I see no reason to disagree, and concur with that assessment.

47. In late 2023, the Smiths Green Conservation Area was designated following the Council's approval of the Character Appraisal and Management Plan, dated October 2023 and approved November 2023¹¹.

48. The settings of conservation areas do not require special attention or regard to be had to under legislation, as is the case for listed buildings under s66(1). However, both the Schedule Monument and conservation area are designated

¹⁰ See Pages 14 and 15 of the Built Heritage Assessment by RPS, June 2023

¹¹ See Appendix Z – Smiths Green Conservation Area Appraisal

heritage assets, the settings of which may contribute to their significance, as set out in the glossary of the Framework.

49. In the earlier Appeal decision, the Inspector considered a number of these heritage assets and found that the majority of significance for each heritage asset derived from their surviving historical form and fabric which those proposals would not affect. Where harm to their setting was identified this was considered to be less than substantial.
50. Historic England, in their written representations, raise no objections. They note that the changes made to the earlier scheme have reduced the harm to highly graded heritage assets. They found that there would be impacts on the setting of the listed buildings on Smiths Green; in particular Goar Lodge and Beech Cottage, as a result of the proximity of the development. Where UDC identifies harm to the settings of listed buildings, this was judged as being less than substantial harm and at the low end of the scale. I see no reason to disagree with those assessments and findings.
51. I have also been directed to the comments of Historic England, who consider that Priors Wood should be considered as a Non-Designated Heritage Asset (NDHA). At the s62A Hearing, the Applicant and designated planning authority confirmed that their agreed position was that Priors Wood is not a NDHA in their view. Whilst respectful of Historic England's position, I see little before me that supports their position that the Ancient Woodland should also be considered a NDHA.
52. For example, the Council's own Local Heritage List¹² does not include Priors Wood as a heritage asset; even though it details that a heritage asset can include an area or landscape identified as having a degree of significance. Nor have I been directed by the Council, Applicant or other interested parties, to information that supports consideration of Priors Wood as a NDHA. Whilst I appreciate that Priors Wood is part of the historic environment, as defined by the Framework¹³, that does not equate to any status as a NDHA. Indeed, it would be an odd addition to a heritage list, as it is not typically a geographical feature that is given such status when compared to the criteria for listing for example. I consider the effects on Priors Wood as an Ancient Woodland in the next main issue, but do not consider that it should be considered as a NDHA in this instance.
53. Smiths Green Lane is a Protected Lane, as set out in Policy ENV9 – Historic Landscapes of the LP. This policy indicates that development likely to harm protected lanes will not be permitted unless the need for the development outweighs the historic significance of the site. In this respect, the Applicant has considered Smiths Green Lane as an identified Protected Lane to be a NDHA. I concur on this point and the categorisation suggested. This is because the policy itself requires the decision-maker to consider the 'historic significance' of the site and the Protected Lanes are a specific local historic feature of this area.

¹² See Appendix X – Uttlesford District Council Local Heritage List dated October 2018

¹³ See Framework, Glossary '*Historic environment: All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.*'

54. Furthermore, the separation between the proposed developed area and the Protected Lane, and the proposed creation of a hay meadow would have a planted boundary with the highway, and its verges would not be dissimilar to that found in rural areas. Therefore, the proposal would not result in harm to this NDHA.
55. In reviewing the totality of heritage information before me, including that provided by the Applicant, the designated planning authority's Principal Conservation Officer, and the Government's statutory adviser on the historic environment: Historic England, I find that the proposal would result in, at worse, less than substantial harm to the significance of Goar Lodge, Beech Cottage and Hollow Elm Cottage¹⁴. This is harm that principally arises from changes to their settings – where a currently agricultural field would change to a mix of housing development and public open space (including in the form of a hay meadow) – and thus the proposal would alter the direct relationship between these historic buildings and the rural landscape beyond. To articulate this harm further, I nonetheless find that the harm arising would be to the low end of the less than substantial harm type. This is because the historic hearts of these listed buildings – including their fabric - would be unaltered, and there would remain areas of open space close to them.
56. The proposal would, therefore, conflict with Policy ENV2 of the LP, which indicates that development proposals that adversely affect the setting of a listed building will not be permitted. It is also true that considerable importance and weight needs to be given the desirability of preserving the setting of heritage assets; for the avoidance of doubt I have given such here.
57. National policy on heritage, set out in Chapter 16 of the Framework, is slightly less rigid than that found in LP Policy ENV2. It sets out in Paragraph 215 that where less than substantial harm is found, this needs to be considered against the public benefits of the proposal.
58. In this instance public benefits of the proposal are set out in the overall planning balance set out in the final main issue below. However, to assist at this stage of reasoning, the public benefits include the provision of housing in an area that is not currently able to demonstrate a five year supply of housing; the provision of affordable housing; of public open space; of land for an education site; an extension to Priors Wood and management plan; and biodiversity net gains of at least 10% against a requirement at the application-making stage of 1%. There would also be shorter economics benefits, such as the creation of jobs, which weigh in favour of the proposal.
59. Taken in the round, I find that the public benefits provided in this case outweigh the less than substantial harm identified to the settings of the listed buildings identified.

The effect on the nearby Ancient Woodland known as Priors Wood

60. Priors Wood is an approximately L-shaped area of Ancient Woodland located to the north of the development area; being within the red line site area. Of note for the application scheme, there is a 'pinch point' towards the western edge of

¹⁴ See Page 27 of the Built Heritage Assessment by RPS, June 2023

the housing development area, where public footpaths intersect and the internal estate highway connects with the highway leading to Parsonage Road.

61. A number of concerns have been raised by the designated planning authority and interested parties as to the direct and indirect effects of the proposed development on the Ancient Woodland arising from the development. For example, I heard at the Hearing that the Ancient Woodland was grazed by free-roaming deer found locally, and whilst no bat roosts have been specifically found, there is evidence that such species are present locally and may use the Ancient Woodland for foraging.
62. Other representations include that of the Woodlands Trust, who did not provide comments on the second consultation. They set out their view in representations made in September 2023. This included that a buffer of 30 metres should be provided to '*prevent adverse impacts such as pollution and disturbance and ensure avoidance of root damage*'. The impacts to Ancient Woodland in this appear to revolve around intensification of recreational activity of humans and their pets, fragmentation as a result of the separation of adjacent semi-natural habitats, and noise, light and dust pollution occurring from adjacent development; both during construction and operational phases. The comments of the Woodland Trust conclude by stating that they '**objects** to this planning application on the basis of indirect impacts to ancient woodland'. It is unclear as to whether the Woodland Trust viewed the application site in the context of this scheme, before making their representation.
63. At the s62A Hearing, I heard from the Council's Principal Arboricultural Consultant, who re-iterated the need for a 15-20 metre buffer from the edge of the woods rather than canopy¹⁵. They also indicated their view that the proposal would result in direct impacts including air pollution from vehicles at the new development, and increased levels of light pollution, noise and vibration including from car headlights, and vibrations from heavy lorries and bin lorries. They also considered that the proposed development would result in indirect effects such as reducing resilience of the Ancient Woodland, increase of dust, the trampling of plants and soil compaction.
64. It was highlighted by UDC that the impacts on the Ancient Woodland were not restricted to the trees themselves, but also the effect on the habitats within the Ancient Woodland and the various species that they support. However, such assessment appears to be based on anecdotal evidence at best. Whilst I do not doubt the expertise of the Council's Arboriculturist or that of the Woodlands Trust, I need to come to a reasoned assessment of the potential impact of the development based on supporting facts or evidence. Such evidence is lacking in this instance.
65. I note the Standing Advice from Natural England and the Forestry Commission¹⁶, which indicates that mitigation measures can include creating buffer zones. It goes on to state that;

¹⁵ This point was a matter of correction, where previous submissions from the designated planning authority suggested it should be 15 metres from the canopy, whereas it is now considered the correct position is 15 metres as measured from the edge of the woods.

¹⁶ See <https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions> and also Appendix EE – Standing Advice on Ancient Woodland

Buffer zones can protect ancient woodland and individual ancient and veteran trees and provide valuable habitat for woodland wildlife, such as feeding bats and birds. The size and type of buffer zone should vary depending on the:

- *scale and type of development and its effect on ancient woodland, ancient and veteran trees*
- *character of the surrounding area*

66. It also recommends that for Ancient Woodlands, the proposal should have a 'buffer zone of at least 15 metres from the boundary of the woodland to avoid root damage...Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone. For example, the effect of air pollution from development that results in a significant increase in traffic.' In the main, the application proposal retains a 15 metre buffer – except for the small section at the 'pinch point'. I heard at the s62A Hearing from the Applicant's Arboricultural expert that four trenches had been used to ascertain the potential root areas serving trees in the Ancient Woodland near to the development area. These did not find any substantial roots extending into the area. This suggests that it is unlikely that any such substantial roots from trees in the Ancient Woodland are present within the 'pinch point' area.
67. Moreover, I heard that there had been discussions with the local highways authority, Essex County Council, to narrow the highway at the 'pinch point' in order to place it as far away from potential roots as possible, (with the added benefit that this would reduce motor vehicle traffic speeds at this point where it intersects with or near to the Public Right of Way (PROW) 40/48 and other footpaths) and that realistic and reasonable construction techniques can be used to minimise any impacts on roots of other plants in the nearby area.
68. I acknowledge that the 'guidance' 15 metre buffer is breached at the 'pinch point'. However, the evidence before me – both written and given orally at the fresh Hearing – leads me to the conclusion that the proposal would not have a direct effect on the roots of trees or significant other plants within the Ancient Woodland of Priors Wood arising from the proposed development.
69. Indeed, I saw during my site inspection that there is pedestrian access into the Ancient Woodland at the northwestern 'pinch point' to the development area. This existing access appeared well used; with well-trodden, muddy paths leading to the Public Right of Way (PROW) footpath 48/40 between Parsonage Road and Smith's Green (which runs along the northern edge of the development area and on the southern side of the ditch that runs along Priors Wood), into the woods and also into the 7 Acres development on Parsonage Road. Within the Ancient Woodland itself, I saw various unsurfaced trails and, in large parts of the woods, an absence or limited undergrowth or understorey level plants.
70. At the s62A Hearing, the Applicant's Ecology expert indicated that the limited understorey growth is likely due to the grazing habits of wild deer. I also heard that the control of wild deer numbers can be problematic due to the lack of an Apex predator to control their numbers naturally. To rectify this, and provide

environmental benefits to the Ancient Woodland, the Applicant has submitted a legal agreement (which I consider in greater detail below). Part 6¹⁷ of this secures a 'Priors Wood Delivery and Management Plan' to be submitted and approved by the Council. This also requires the Biodiversity Gain Plan to have been approved by the Council (which is secured by planning condition). Until both documents have been submitted and approved in accordance with the obligation, the Owners covenant to not implement the development.

71. This obligation also covenants that the Owners will provide and maintain the Priors Wood Extension (to the north of the existing Ancient Woodland) in accordance with the approved 'Priors Wood Delivery and Management Plan'. Lastly, the obligation also provides that the Owners may include an obligation to contribute an annual amount to enable the Owners to discharge their obligations under the agreement in relation to the Priors Wood Extension.
72. Taking all the various considerations into account, I do not find that the proposal would result in direct effects on the Ancient Woodland, which is an irreplaceable habitat. Whilst the access road would be in close proximity to the woodland at the 'pinch point' the application scheme has clearly sought to minimise any actual or potential effects on the root area of nearby trees and other significant fauna within the Ancient Woodland.
73. With regard to the indirect effects, I note the points made by UDC and interested parties, as to the indirect effects of the proposal on the Ancient Woodland. This includes effects from air, noise and light pollution and from future occupiers and their pets. However, I have not been provided with any substantive evidence or assessment demonstrating that such indirect effects would result in a loss or deterioration of the Ancient Woodland in this case. Indeed, much of the evidence suggests that a number of measures would be in place – through the legally secured 'Priors Wood Delivery and Management Plan' and Woodland Extension – that would help improve the biodiversity of the habitat and its management for the future.
74. This view is reinforced by the observations of the dismissing Appeal Inspector¹⁸, who found that *'neither the proposed road or cycleway within the buffer or proposed housing in the vicinity, would lead to indirect effects on the ancient woodland as identified in the Standing Advice, given the proposed measures set out in the Prior's Wood Management Plan.'*¹⁹
75. This conclusion is similar to that of the Government's advisor on the natural environment, Natural England, who stated in their representation of 9 January 2025 that they had no objection subject to appropriate mitigation being secured (in relation to the Hatfield Forest Site of Scientific Interest and National Nature Reserve). And, in relation to the Ancient Woodland, they indicated that they concur with the conclusions of the Planning Inspector in relation to the potential effects of the proposal on the adjacent ancient woodland at Priors Wood in their decision.

¹⁷ See page 19 of 98 of the pdf version.

¹⁸ See UTT/21/1987/FUL and APP/C1570/W/22/3291524

¹⁹ See Appendix F – Decision Notice (Ref. S62A/2023/0019) – Bull Field Quashed s.62A Refusal, Paragraph 48

76. Taking all of the above into account on this issue, I find that the proposal would not have an adverse effect on the nearby Ancient Woodland known as Priors Wood. Accordingly, the proposal would accord with Policies ENV7 and ENV8 of the LP which, amongst other aims, seek to only permit development where conditions or planning obligations ensure the protection and enhancement of the site's conservation interest and mitigation measures are provided that would compensate for the harm and reinstate the nature conservation of the locality.
77. The proposal would also comply with Paragraph 193, part c), of the Framework, which seeks to refuse planning applications if development results in the loss or deterioration of irreplaceable habitats which include ancient woodland.

Highway safety

78. Policy GEN1 of the LP indicates that development will only be permitted if the access is appropriate, traffic generation would not have a detrimental impact on the surrounding road network, it is designed to meet the needs of people with disabilities and it would encourage sustainable modes of transport.
79. I saw during my site inspection that the site is reasonably close to a number of local services and transport routes. This includes being a short distance from the M11; which gives access to London from the south and Cambridge from the north. The local highways authority, Essex County Council (ECC), raised no objections to the proposal, provided conditions are attached to any permission. I consider such conditions later in this Statement of Reasons, but, in the main, I impose those sought.
80. The development does not have its own dedicated access from Parsonage Road, which would be the sole access point for motor traffic into and out of the site. The submitted Transport Assessment assessed the cumulative impacts from the proposal and the approved industrial units on 7 Acres (which have been built out) and the adjoining business centre, as well as the safety of the proposed access onto Parsonage Road. ECC has not objected to this document nor raised substantive concerns that the proposal would be unacceptable in this respect.
81. Ideally, access would be achieved from another point at the site – such as Smiths Green Lane – as this would avoid the 'pinch point' at the western end of the development area in relation to the Ancient Woodland, and potentially provide a more visually appealing entrance into the site via a landscaped drive rather than through the industrial units and business centre. However, the unacceptability of that route for access (due in part to adverse visual impacts and effects on the Protected Lane) mean that the access off Parsonage Road provides the best form of access into the development area of the site. Furthermore, I saw that this road, (which I understand at the s62A Hearing is currently not adopted highway as it only serves commercial buildings at present), provides a wide and reasonably attractive entrance into the site.
82. Indeed, addressing concerns for a safe and sustainable foot and cycle link onto Smiths Green Lane, east-west connectivity for pedestrians and cyclists was a key part of the design principles, influenced by input from the Essex County

Council (ECC) team. Connections have been designed to provide the most appropriate and sufficient footpath/shared links. ECC has not raised any concerns in this regard. I saw that some improvements already appear to have been made so that existing and future residents are able to easily access PROW 40/48.

83. I have taken into account the representations from interested parties concerning development in the area and the traffic conditions on the local network. However, there is little information before me that indicates that the wider highway network would not have the capacity safely to accommodate the additional vehicular and pedestrian movements arising from the implementation of the scheme.
84. Accordingly, I find that the proposal would accord with Policy GEN1 of the LP which, amongst other aims, seeks to only permit development if it meets a number of criteria including that the traffic generated can be accommodated on the surrounding transport network, that it must be designed to not compromise road safety and meet the needs of people with disabilities, and that the development encourages movement by means other than driving a car. The proposal also accords with Paragraph 115 of the Framework, which seeks to ensure that safe and suitable access to the site can be achieved for all users.

Provision for infrastructure or facilities

85. Policy GEN6 of the LP sets out that development will not be permitted unless it:

'makes provision at the appropriate time for community facilities, school capacity, public services, transport provision, drainage and other infrastructure that are made necessary by the proposed development. In localities where the cumulative impact of developments necessitates such provision, developers may be required to contribute to the costs of such provision by the relevant statutory authority.'

86. The Applicant has submitted a completed, that is signed and dated, unilateral agreement under s106 of the TCPA. This has been made to Uttlesford District Council and Essex County Council, to whom management and enforcement of the legal agreement would lie.
87. The submitted s106 agreement secures a number of obligations these include:
- Affordable Housing (split between 70% as Affordable Rented Housing Units and 30% as Shared Ownership Housing Units). This would comprise 39 units as Affordable Housing Units and 27 Affordable Rented Units, as detailed in the Affordable Housing Plan.
 - A Biodiversity Gain Plan, submitted and approved by UDC as part of landscape and environmental management scheme.
 - Development standard and complying with standards – including 'Technical housing standards – nationally described space standards' published March 2015 and Optional Requirement M4(2) of the Building Regulations 2010 (Part M) (Accessible and Adaptable Dwellings).

- An ECC monitoring fee of £4,950 towards ECC to monitor and manage the performance of the planning obligations.
 - On education, an Early Years and Childcare Contribution of £19,425*, a Primary Education Contribution of £19,425* and a Secondary Education Contribution of £26,717*. There is also provision for an Education Site comprising land no less than 1 hectare of agricultural land in the proximity of Roseacres Primary School.
(*per pupil, amount to approximately (index linked) £152,098 for Early Years, £506,993 for Primary, and £464,876 for Secondary).
 - A School Transport contribution for Secondary School pupils of £5.24 per pupil^ (^amounting to £86,617.20 index linked to 2Q 2021)
 - A library contribution of £77.08** per dwelling to which this applies.
(** approximately £7,468 in April 2020, index linked)
 - An estate service charge in relation to Public Open Space being managed by a Management Company, if public open space is not adopted by the Parish Council.
 - A health care contribution of £160,474 towards provision of additional capacity to accommodate patient growth generated by the development.
 - A Highway Contribution of £86,258.71 for upgrade works towards four nearby bus stops for the provision of real-time passenger information and their energy and maintenance for a 15 year period.
 - The provision of Local Area of Play (LAP).
 - An extension to Prior Wood, known as Priors Wood Extension. There is also a provision for a Priors Wood Delivery and Management Plan.
 - A Strategic Access Management and Monitoring (SAMM) contribution of £133,920 to the National Trust towards SAMM Contribution Purposes.
 - A Sustainable Transport Contribution of £326,400 towards improving bus services between the application site and other settlements. This may also be used to design and implement a cycle route between Takeley and Stansted Airport.
 - A Residential Travel Plan Monitoring Fee of £1,690 for ECC.
 - A UDC Monitoring Fee of £7,746 towards UDC's reasonable and proper administration costs of monitoring and managing the performance of the planning obligations.
88. Uttlesford District Council provided a document, titled CIL Compliance (listed as cil for S62A 2023 0019 PARSONAGE ROAD BULL FIELDS REDETERMINATION (PDF, 46.6KB, 4 pages on the .gov.uk website), which sets out how the Council considers the obligations sought meet the requirements of Regulation 122 of the CIL Regulations. It also refers to other development plan policies, including GEN1, GEN6, and GEN7 of the LP to which financial contributions or obligations are sought.

89. The delivery of affordable housing is a priority of UDC. This is expressed in Policy H9 of the LP, which seeks on a negotiated site-to-site basis, an element of affordable housing of 40% of the total provision of housing on appropriate allocated and windfall sites, having regard to the up-to date Housing Needs Survey, market and site considerations. Accordingly, the proposal would meet this requirement. This is a benefit in favour of granting planning permission.
90. At the s62A Hearing, the Applicant queried as to the basis for the financial contribution sought to mitigate the impact from additional residents and visitors to Hatfield Forest. As identified in the written representations from Natural England and the National Trust, Hatfield Forest is a Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR). Without appropriate mitigation, the application has the potential to damage or destroy the interest features of Hatfield Forest (from the future residents of the proposal visiting Hatfield Forest for leisure and recreation).
91. Initially, the amount sought was £14,400 in August 2023, towards Strategic Access Management and Monitoring (SAMM). In their representations of 2 December 2024 (NT) and 9 January 2025 (NE), the amount sought had risen to £133,920 (equating to £1,395 per dwelling). These monies would be to the National Trust for use at Hatfield Forest towards visitor and botanical monitoring and mitigation works.
92. It would assist decision-makers (and indeed Applicants) if a more detailed analysis of how the monies sought for this contribution would be spent. Whilst the examples of some costs is given – such as £2,522 for annual Impact Surveys, £30,900 for five yearly Visitor Surveys and £3,090 for annual soil compaction analysis – a more detailed breakdown of how the sum of £1,395 per dwelling and/or the total monies sought of £133,920 is to be spent would provide further reassurance that the obligations sought comply with the tests.
93. In this respect, the Applicant drew my attention to the 'blue pencil' clause on page 7 of 98, of the S106 unilateral undertaking. This indicates that '*SAMM Contribution means the sum of one hundred and thirty three thousand nine hundred and twenty pounds (£133,920) Index-linked (or such lesser amount as the Inspector expressly states in the Decision Letter should be paid) to the National Trust towards the SAMM Contribution Purposes.*
94. In this case, I have carefully considered the points raised by the Applicant and reflected in the Council's CIL Compliance document, which states that the increased amount is considered to have 'not been justified'. However, I have assessed the seeking of the obligation against the tests set out in paragraph 58 of the Framework.
95. Paragraph 58 of the Framework sets out that:
- Planning obligations must only be sought where they meet all of the following tests:*
- 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.*

96. These tests are also found in Regulation 122(2) of the *Community Infrastructure Levy (CIL) Regulations 2010*. The principal parties agree, in the main, that the obligations sought would comply with the tests set out in Paragraph 58 of the Framework.
97. In respect of the SAMM financial contribution sought, the proposal would see a net increase in the number of people accommodated on the application site. These are people, couples and/or families who are very likely to use the nearby natural resources at Hatfield Forest, about 1.6km from the site, for recreational purposes. I also note that this is within the Zone of Influence for Hatfield Forest, which extends out about 11.1km from the forest.
98. The development here would, therefore, cause recreational impacts on the SSSI and NNR, which would need to be mitigated. As such, the monies sought in relation to the SAMM of £133,920 (index-linked) are necessary to make the development acceptable in planning terms as without it, there would be adverse effects on the SSSI and NNR, it is directly related to the future occupants of proposed development, and fairly and reasonably related in scale and kind to a development which would introduce 96 new dwellings to the area.
99. More generally, in terms of the other obligations sought, I am satisfied that the obligation secured in the s106 unilateral undertaking would meet the tests set out in Paragraph 58 of the Framework. This is because 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. The obligations secured in the s106 unilateral undertaking would address the impacts of the proposed development and generally comply with Policy GEN6 of the LP.
100. Accordingly, I find that adequate provision has been secured for any additional need for infrastructure or facilities, including transport, education, community and health facilities, and open space arising from the development.

The supply of housing within the locality and the 'tilted balance'

101. From 1 April 2024, the Council considered that it was able to demonstrate a housing land supply of 4.12 years²⁰. At the s62A Hearing the Council indicated that it was now only able to demonstrate a Five Year Housing Land Supply of 3.46 years due to revised methodology in the December 2024 updated Framework²¹. I see no reason to dispute this figure on the basis of the information before me; which is not disputed between the principal parties.
102. In such circumstances, what is known as the 'tilted balance' in Paragraph 11d) of the Framework applies in this case. This is because the proposal here is for the provision of housing, and as informed by Footnote 8 of the Framework, that is a situation where the policies which are most important for determining the application are out-of-date. The implication of this are considered in the section dealing with the overall planning balance.

²⁰ Document submitted at the Hearing, labelled 'Uttlesford 5-Year Housing Land Supply 1 April 2024'

²¹ See document 67943 2024 NPPF – HLS Update Note 06-01-25(33346224.1

Other Matters

103. A number of concerns have been raised by interested parties; including local residents, Takeley Parish Council, and other organisations such as the National Trust and Woodlands Trust. Many of these are issues which I have identified and considered in the above reasoning.
104. Neither the Section 62A Applications Hearings Rules 2013²² nor the Procedure and Consequential Amendments Order 2013²³ state that the contents of decision notices or written statement needs to provide a detailed assessment of every matter that may arise during consideration of the application. Nonetheless, the Rules indicate that the Inspector must prepare a written statement setting out their decision and reasons for it.²⁴ The Inspector must also take into account representations made to them, both in writing and at the s62A Hearing.
105. In such circumstances, I seek to provide a brief consideration of some of the main themes raised by interested parties, where not considered within the main issues identified. Any omission of specific points raised should not be interpreted that the concerns raised by any party have not been taken into account or considered in the overall decision made. I have considered all written representations submitted during both consultation periods. I have also taken into account the oral representations provided at the s62A Hearing held on Thursday 6 February 2025.
106. Takeley Parish Council suggests that a call-in is appropriate for the Secretary of State, under *Town and Country Planning (Consultation) (England) Direction 2024*, as the development affects Ancient Woodland. However, I have considered the effects of the proposal – both direct and indirect – on the Ancient Woodland, and found that the proposal would not result in harm to this irreplaceable habitat. Furthermore, the person appointed under s76D of the TCPA has the same powers and duties as the Secretary of State has under s76C TCPA and is not the 'local planning authority' for the purposes of the Consultation Direction 2024. This matter does not alter my consideration of the proposal.
107. In terms of the nearby Village Green (VG117 – Smiths Green Lane, Takeley, Essex) an application was submitted in October 2024 for its proposed deregistration. However, this appears to refer to the site at Jacks Green, which is not the subject of this application. This matter does not alter my considerations of the application before me for Bull Field.
108. In terms of the emerging local plan, the application site is shown to be set aside for Suitable Alternative Natural Green Space (SANG) in relation to an allocation site of around 1500 dwellings east of Takeley. Clearly, the provisions of such space is important to that allocation in order to make adequate provision for future residents of that potential development.

²² *The Town and Country Planning (Section 62A Applications) (Hearings) Rules 2013* 2013 No. 2141

²³ *The Town and Country Planning (Section 62A Applications) Procedure and Consequential Amendments) Order 2013* 20 No.2140

²⁴ Rule 9(2)

109. However, as considered above, the emerging local plan has not been through the full examination process and is not adopted. It would be highly unusual that there are not other areas within the vicinity of Takeley that could also provide SANG at the level and quality required, and I am confident that a local planning authority would have the evidence base supporting their local plan to identify such, should that be required. As such, I do not find that the proposal in this case would necessarily frustrate the ambitions of the Council in allocating land for future housing in its emerging local plan.
110. I also note the Parish Council's comments in respect of the Countryside Protection Zone, the Smiths Green Conservation Area designation, and the December 2023 Framework. However these do not alter the acceptability of the proposed scheme.
111. Concerns have been raised in respect of ecology and biodiversity. However, it is clear that ecological surveys and species specific surveys for Reptiles, Dormouse and Bats have been undertaken in the autumn/winter of 2024. Where further surveys are required, these can be reasonably secured through the use of planning conditions to ensure that a precautionary-type approach is adopted in respect of protected species. I heard concerns regarding deer (which without natural predators, the population can be problematic) and that development of the agricultural field would reduce grazing and movement habitat for them.
112. However, I also heard at the s62A Hearing that the management of the woodland, which is secured by the s106 legal agreement, would ensure that the Ancient Woodland can be managed so as to support the regeneration of its understorey. This would include a more proactive management of the understorey – including at times the protection of its understorey as it grows – so that smaller plants can thrive under a more proactively managed canopy. I also note that the proposal would secure at least 10% Biodiversity Net Gain (BNG), which is in excess of the 1% BNG required at the time the application was made. In this respect, I am content that the proposal adequately addresses ecology and biodiversity matters.
113. I acknowledge the concerns raised in terms of pedestrians walking along Smiths Green Lane (and of course other highway users such as cyclists and cyclists) and the view that motorists regularly drive in excess of the speed limits. This is in the vicinity of where the two PROWs on the site exit/enter. I saw during my site visit, that Smiths Green Lane is a relatively narrow highway, without footpaths. However, this is an existing situation which, with the other access points proposed into and out of the site, is unlikely to be significantly worsened by the proposal.
114. Concerns have been raised in terms of facilities and services within the settlement of Takeley. This includes; that there is no local GP service in the settlement, with pressure on local community midwives specifically mentioned; there would be negative impact on Roseacres Primary School – both from parking and congestion and also in terms of limited school spaces; and locally there are issues with water pressure and local water stress.
115. Some of these are matters for which mitigation has been secured through the planning obligations secured by the s106 agreement. For example, in terms

of education, the obligations would provide around £1.2 million²⁵ and secure land for education purposes located next to the existing primary school. The obligations also secure monies for local health provision to mitigate impacts arising from the proposal. With regard to water pressure and water stress, the local water company has not raised an objection on these grounds; and there would be an awareness of such matters due to the Council's emerging local plan and the strategic planning therein. There is little evidence before me which indicates that the proposal should be refused on such grounds in this case.

116. With regard to the potential impact on mental health through the loss of open space to walk in/through, including the current agricultural fields and Ancient Woodland, this is a serious matter which has become more apparent since the Covid-19 pandemic. The ability to access the countryside through PROWs and to appreciate the benefits of the natural environment for physical and mental health should not be underestimated. Indeed, national planning policies require decisions to ensure that healthy communities are sustained and created.
117. In this case, whilst the proposal would result in the loss of parts of an open arable agricultural field, it would nevertheless provide large areas of Public Open Space, a Local Play Area, potential improvements to the surface of PROWs²⁶ that would enable all members of the local community to benefit from better access through the site, and not only would the area of Ancient Woodland be increased through the extension secured by obligation, but there would also be a Management Plan for the Ancient Woodland that would need to be agreed by the Council, which provides an opportunity for its enhancement. This provision would provide not only for future residents of the proposal, but also existing residents, all of whom would be able to enjoy the health benefits of such provision.
118. I note the concerns over how firstly; an originally larger site has now sought permission piecemeal and secondly; over other developments the developer/applicant has been involved in. With regard to the former, it is clear that the scheme before me has been reduced in quantum and the scheme has sought to address issues raised in previous applications with specific regard to this site. Whilst I note the frustrations of local residents in terms of what appear to be continual submission for the same site, this is not unreasonable in itself. The Applicant has carefully considered the problems with earlier applications and sought to address them.
119. With regard to the latter, if an Applicant has not developed a site in accordance with the terms of the relevant Decision Notice or planning permission, then it for the Local Planning Authority to investigate such matters and take any appropriate action which may include enforcement action. However, my consideration is of the application site. Issues on other sites within the local area are not a matter for me to determine within the scope of this application.

²⁵ £152,098 + £506,993 + £464,876 = £1,123,967

²⁶ Subject to the usual consents or permissions required by bodies responsible for PROWs.

120. I note that concerns have been raised in respect of matters such as flood risk. However, this is a matter which can be satisfactorily dealt with by imposition of planning conditions, as suggested by the Local Lead Flood Authority.
121. In considering these other matters individually and cumulatively, I do not find that they provide justification for the refusal of permission in this instance.

Conditions

122. The designated planning authority and Applicant have provided a list of 36 suggested conditions. These were discussed at the Hearing. In addition to all the information before me, I have taken these suggested conditions and the comments relating to them into account in reaching my decision.
123. Article 24 (1) (a) of *The Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013* (SI 2013 No. 2140) sets out that where planning permission is granted subject to conditions, (as is the case here) the notice must state clearly and precisely the full reasons for each condition imposed. This is provided here under each condition imposed within the decision notice. In considering the conditions to impose I have taken into account Paragraphs 56 and 57 of the Framework and the guidance set out in the national Planning Practice Guidance and the use of planning conditions.
124. Where necessary to provide clarity or certainty, I have amended the wording of the suggested condition to ensure that it complies with the 'tests' of the Framework.
125. I have deleted suggested condition 14 regarding landscaping and safeguarding at Stansted. This is because it is not necessary as its text can be integrated within condition 14 imposed in terms of landscaping more broadly.
126. I have reworded suggested condition 25 regarding internal layout, so that it reflects what I understand the aims it sought to achieve are; namely that highways within the proposed development were constructed to a standard so that they could be adopted by the local highways authority. This is reasonable and necessary for those reasons.
127. I have deleted suggested condition 28, as in its original form it unreasonably removed the rights of residential occupiers from installing or operating any exterior lighting unless it was capped at the horizontal. I have incorporated its underlying aim – to reduce the risk to aircraft pilots using Stansted Airport from unnecessary glare – by encompassing it in the Lighting Strategy condition. I have also sought to restrict its focus to external lights which are provided within public spaces or areas, such as along footpaths and highways. This is so that the imposed condition is reasonable and enforceable.
128. I have amended suggested condition 29 that sought to prevent reflective materials on buildings. I have instead narrowed its focus to preventing solar panels and similar reflective features from being installed on buildings. This is necessary in order to prevent glint and glare for aircraft using Stansted Airport. Whilst noting that this prevents future residents from installing solar panels without planning permission from the Council, this is a necessary

measure in this case. Furthermore, there are sustainability measures that can be secured – such as air source heat pumps and EV charging points – which would continue to provide future residents with sustainable choices.

129. Suggested condition 35 relating to dust control has been changed to an informative, as the measures it seeks can broadly be found in other conditions. Suggested condition 36 relating to petrol / oil interceptor is unreasonable in its suggested form given the multiple areas of private parking provided on the site. Instead, I have incorporated it into imposed condition 24 relating to internal development highways.
130. In accordance with Section 100ZA of the TCPA, the Applicant confirmed their agreement to the use of pre-commencement conditions as drafted.

The overall Planning Balance

131. Whilst it accords with most of the Policies within the LP, the proposal nonetheless breaches Policies S7, S8, and ENV2 of the LP relating to the countryside, the CPZ, and the adverse effects on the setting of listed buildings.
132. Section 38(6) of the *Planning and Compulsory Purchase Act 2004*, (PCPA) as amended, sets out that:
- 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'*
133. As indicated above, the Framework is an important material consideration and there are a number of Policies within it that the proposal accords with. Furthermore, Paragraph 11 d) is engaged given the Council's position in respect of a five year supply of deliverable sites not been demonstrated at the current time.
134. The application of policies in the Framework which protect areas or assets of particular importance – such as designated heritage assets and irreplaceable habitats – do not provide strong reasons for refusing the development proposed. That is because the public benefits of the proposal would outweigh the less than substantial harm to the significance of the nearby listed buildings, and I have found no harm to the Ancient Woodland, which is an irreplaceable habitat, arising from the proposal.
135. In terms of Paragraph 11 d) ii), planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination²⁷.

²⁷ The policies referred to are those in paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12 of the Framework.

136. The principal benefits in this case²⁸ include; the provision of housing in an area where there is currently no deliverable five year supply of housing within the context of the Government's objective of significantly boosting the supply of homes²⁹, the provision of affordable housing³⁰, the sustainable location adjacent to an existing settlement where there is a genuine choice of transport modes³¹, the securing of a Management Plan and Extension to the Ancient Woodland of Priors Wood³², the provision of Public Open Space, Local Play Area and improvements to PROWs³³, and the provision of a Biodiversity Net Gain of at least 10% within a policy context at the application submission date of 1%.
137. These benefits of the scheme, having particular regard to key policies in the Framework, weigh substantially in favour of the proposal. Furthermore, I find that the adverse impacts do not significantly and demonstrably outweigh the benefits of the proposal. The Framework indicates that decisions should apply a presumption in favour of sustainable development. This means granting permission unless criteria set out in Paragraph 11 d) i) or ii) are breached. In this instance, in applying this tilted balance I find that planning permission should be granted as the proposal would not conflict with either subsection of Paragraph 11 d) of the Framework.
138. Returning to s38(6) of the PCPA, I find that whilst the proposal would conflict with some policies within the LP, when read as a whole the proposal would accord with the LP. It should, therefore, be granted planning permission. Furthermore, if this is an imperfect application of s38(6) PCPA, I find that the material considerations – in particular in the form of the Framework – indicate a decision otherwise than in accordance with the LP. In both instances, planning permission should be granted in this case.

Conclusions

139. Whilst there is some limited conflict with specific policies of the adopted development plan, when considered as a whole I do not find that there is a conflict with the adopted development plan. Notwithstanding this conclusion, I determine that material considerations indicate permission should be granted.
140. Correspondingly, I conclude that planning permission should be granted subject to conditions; the reasons for which are clearly and precisely set out under each condition imposed in the decision notice.

C Parker

INSPECTOR (appointed person for the purposes of s62A and s76D TCPA)

²⁸ Which also apply to the heritage considerations as public benefits in the above relevant section.

²⁹ Paragraph 61, Framework. See also Paragraphs 72 to 84 of the Framework.

³⁰ As indicated in Paragraphs 66 and 71 of the Framework.

³¹ As sought by Paragraphs 110, 115 and 129 of the Framework.

³² As sought by Paragraphs 136 and 187 of the Framework.

³³ As sought by Paragraph 136 of the Framework.

APPEARANCES

FOR THE APPLICANT:

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Instructed by

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Planning matters

Jarrold Spencer BA (Hons), MA

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FOR THE DESIGNATED LOCAL PLANNING AUTHORITY:

Madeleine Jones

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Maria Shoesmith

Strategic Applications Team Leader, UDC

Ella Gibbs

Senior Ecological Consultant at Place Services

Graeme Drummond

Principal Arboricultural Consultant

INTERESTED PERSONS:

Bill Critchley

Jackie Cheetham

Mike Marriage

(Read out by Jackie Cheetham)

Michael Letchford

(Read out by Ruth Bodsworth)

Cllr Jim Backus

Takeley Parish Council

One other person was due to attend, but was unable to. They had previously submitted a written representation, and this was taken into account, as all other such representations were, before a decision was made.

Documents submitted shortly before the Hearing:

Conditions for PINS re S62A 2023 0019 Redetermination
CIL for s62A 2023 Parsonage Road Bull Fields Redetermination
Section 106 Deed of unilateral Undertaking dated 24 January 2025

Documents submitted at Hearing:

From Applicant

- a) Email agreeing 'prior to commencement conditions' as drafted dated 6th February 2025
- b) 20250206_Bull Field (Redetermination) – Legal Principles by Joel Semakula of Landmark Chambers
- c) Drawing BHA_1030_05_TRR Bull Field_v2021
- d) WH202C – Bull Field Hearing Note – Final Version
- e) S62A_2023_0019 List of documents
- f) S62a_2023_0019 List of drawings

From UDC

- i) Pages from new Local Plan Reg 19 Core Policy 10
- ii) Pages from new Local Plan Reg 19 Core Policy 10a
- iii) Pages from new Local Plan Reg 19 –2 Core Policy 12
- iv) Pages from new Local Plan Reg 19 –3 Core Policy 15
- v) Uttlesford 5 Year Housing Land Supply 1 April 2024
- vi) 67943 2024 NPPF – HLS Update Note 06-01-25 (33346224.1)

By Interested Parties

- Bill Critchley Statement

Decision Notice

Reference: s62A/2023/0019 RD

Dated: As the Statement of Reasons decision date

Planning permission is granted for Access to/from Parsonage Road between Weston Group Business Centre and Innovation Centre buildings leading to: 96 dwellings on Bulls Field, south of Prior's Wood, including associated parking, landscaping, public open space, land for the expansion of Roseacres Primary School, pedestrian and cycle routes to Smiths Green Lane together with associated infrastructure in accordance with the terms of the application, Ref s62A/2023/0019, dated 16 June 2023, subject to the following conditions:

1	<u>Implementation of the approved development:</u> The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision. 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.
2	<u>In accordance with the approved plans:</u> The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule attached to this Decision Notice. Reason: To provide certainty and to ensure development is carried out in accordance with the approved application.
3	<u>Archaeology:</u> Requirement for an Archaeological Programme of Trial Trenching, followed by Open Area Excavation. This shall be achieved by: i) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the Written Scheme of Investigation (WSI) is undertaken; and approval confirmed by the local planning authority archaeological advisors in writing as required. ii) A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation. iii) No development or preliminary groundworks shall commence on those areas containing archaeological deposits until the completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority. iv) The applicant will submit to the local planning authority a post excavation assessment. 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 local 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: To ensure the appropriate investigation of archaeological remains, in accordance with Uttlesford Local Plan (2005) Policy ENV4.
4	<u>Acoustic Design Report (internal)</u> Prior to commencement of the development, a scheme for protecting the occupiers of proposed dwellings from noise arising from road and air traffic noise shall be submitted to, and approved in writing by, the local planning authority. This acoustic design advice report should detail the advised measures for achieving the following criteria (or other such criteria agreed by the local planning authority as a result of changes to guidance and/or British Standards or any other similar document informing noise levels); A) Bedrooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A), and an 8-hour LAeq (23:00 to 07:00) of 30dB(A), with individual noise events not exceeding 45dB LAFmax more than 10 times (23:00 to 07:00 hours) B) Living rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A) C) Dining rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 40dB(A) None of the dwellings shall be occupied until the scheme is implemented in accordance with the approved details. The scheme shall be retained in accordance with those details. Reason: To ensure future occupiers enjoy a good acoustic environment, in accordance with Uttlesford Local Plan (2005) Policy ENV10 which requires appropriate noise mitigation and sound proofing to noise sensitive development.
5	<u>External Noise Mitigation</u> Prior to commencement of the development, details of a scheme for protecting external amenity spaces from external noise [including motor vehicle traffic and aircraft noise] shall be submitted to and approved in writing by the local planning authority. The scheme shall ensure that, upon completion of the development, good acoustic design will be used to ensure external noise levels within external amenity spaces shall not exceed 55 dB LAeq,16hr (0700 – 2300) (or other such level(s) agreed by the local planning authority as a result of changes to relevant guidance and/or British Standards informing noise levels). None of the dwellings shall be occupied until the scheme is implemented in accordance with the approved details. The scheme shall be retained in accordance with those details. Reason: To ensure future occupiers enjoy a good acoustic environment, in accordance with Uttlesford Local Plan (2005) Policy ENV10 which requires appropriate noise mitigation and sound proofing to noise sensitive development.
6	<u>Noise Mitigation – School and Industrial/Commercial Uses</u> Prior to commencement of the development, details of a noise scheme to protect future residents from industrial/commercial and primary school noise shall be submitted to and approved in writing by the local planning authority.

	The scheme shall ensure that on completion of the development, good acoustic design will be used to ensure that noise levels within external amenity spaces shall not exceed a noise rating level of -5dBA when measured in accordance with BS 4142 (or any subsequent replacement standard). Reason: To ensure future occupiers enjoy a good acoustic environment, in accordance with Uttlesford Local Plan (2005) Policy ENV10 which requires appropriate noise mitigation and sound proofing to noise sensitive development.
7	<u>Construction Management Plan</u> No development shall take place, including any ground works or demolition, until a Construction Management Plan (CMP) has been submitted to, and approved in writing by the local planning authority. The approved plan shall cover all areas of the site identifying differences in operation as necessary and shall be adhered to throughout the construction period. The CMP include details of: • vehicle routing; • the parking of vehicles of site operatives and visitors; • loading and unloading of plant and materials; • storage of plant and materials used in constructing the development; • wheel and underbody washing facilities; • treatment and protection of Public Rights Of Way during construction; • before and after condition surveys to identify defects to highway in the vicinity of the accesses to the site and, where necessary, ensure repairs are undertaken to the relevant standard at the developer's expense where caused by developer; • procedures for gas venting in consultation with Stansted Airport and the local planning authority; • measures to prevent puddling or ponding of water which can act as an attractant to birds hazardous to aviation and increase bird strike risk; • the management of food waste to ensure it does not attract birds hazardous to aviation; • procedures for drone usage in consultation with Stansted Airport and the local planning authority; • principles for utilising temporary construction lighting (capped at horizontal with no light spill above the horizontal); • measures to prevent foreign object debris (including airborne tarpaulins) and dust. 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 Local Highway Authority's Development Management Policies February 2011, and in accordance with adopted Uttlesford Local Plan (2005) Policy GEN1 and in respect of flight safety in accordance with Uttlesford Local Plan (2005) Policy GEN2 as construction activities can pose a risk to aviation operations unless managed safely.
8	<u>Sustainable Transport Measures</u> Prior to implementation of the cycle and pedestrian connections, the developer shall submit to the local planning authority for approval in writing, (and in consultation with Essex County Council), details of the pedestrian and cycle connections across the development including details of any improvement works to the two Public Rights Of Way (PROW) running through the site. Once approved, the development shall not be occupied until such time as all approved works have been completed. For the avoidance of doubt, the PROW are footpaths 48/40 between Parsonage Road and Smith's Green and 48/41 between Leyfield and Smith's Green. Reason: In the interests of reducing the need to travel by car, promoting sustainable development and transport, and ensuring an appropriate walking and cycling network in accordance with policies DM9 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and in accordance with Uttlesford Local Plan (2005) Policy GEN1.
9	<u>Vehicular Parking</u> Prior to implementation of the development, the developer shall submit to the local planning authority for approval in writing (in consultation with Essex County Council) details of the vehicular parking for residents and visitors. Once approved, the development shall not be occupied until such time as the vehicle parking areas indicated on the approved plans have been hard surfaced, sealed, and marked out in parking bays or areas. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking areas or bays shall not be used for any purpose other than the parking of vehicles that are related to the use of the development. Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and in accordance with Uttlesford Local Plan (2005) Policy GEN1.
10	<u>Instrument Flight Procedure Assessment</u> Prior to construction the submission of an Instrument Flight Procedure Assessment of the proposals and any associated tall equipment used during the construction is to be submitted to the local planning authority for approval in writing (in consultation with the Safeguarding Authority for Stansted Airport). The Instrument Flight Procedure Assessment should be undertaken by a Civil Aviation Authority (CAA) approved Procedure Design Organisation (APDO). Reason: In the interests of flight safety in relation to Stansted Airport and to ensure no infringement upon protected safety surfaces at Stansted Airport.

11	<u>Biodiversity Enhancement Strategy</u> No development shall take place, including any ground works or demolition, until a Biodiversity Enhancement Strategy for Protected and Priority or Threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Updated Ecological Appraisal (Ecology Solutions) and Ecology Documents Note (Weston Homes, June 2023), has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following: a) Purpose and conservation objectives for the proposed enhancement measures; b) detailed designs or product descriptions to achieve stated objectives; c) locations of proposed enhancement measures by appropriate maps and plans (where relevant); d) persons responsible for implementing the enhancement measures; and e) details of initial aftercare and long-term maintenance (where relevant). The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter. Reason: To enhance Protected and Priority Species and Habitats, and ensure that the development complies with the local planning authority's duty under s40 of the <i>Natural Environment and Rural Communities Act 2006</i> (as amended) and to ensure compliance with duties under paragraph 187d of Framework.
12	<u>Landscape and Ecological Management Plan</u> A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development. 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 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 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 will be implemented in accordance with the approved details for a minimum of 30 years to deliver the required condition of habitats created. Reason: To ensure that the application achieves the planned landscape and ecological aims and objectives and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities Act 2006 (as amended), and Uttlesford Local Plan (2005) Policies ENV7 and ENV8.
13	<u>Cycle Parking</u> The development shall not be occupied until details of the proposed cycle parking have been submitted to and approved in writing by the planning authority (in consultation with the local highway authority and Active Travel England). The cycle parking provision and design shall accord with the guidance in the Essex Parking Standards (2009) (or any other replacement standard). The development shall not be occupied until the cycle parking has been constructed and completed in accordance with the approved details and is available for use, and shall thereafter be kept free of obstruction and permanently available for the parking of cycles only. Reason: To comply with Uttlesford Local Plan (2005) Policy GEN8 (which adopts the Essex Parking Standards (2009) as Supplementary Planning Guidance) and comply with Uttlesford Local Plan (2005) Policy GEN1.
14	<u>Protection Measures for trees and vegetation during construction and landscaping</u> Prior to the commencement of development, a fully detailed scheme of protective measures for existing trees (including, but not limited to, all trees and roots of trees or similar plants part of the Ancient Woodland at Priors Wood) and vegetation to be retained shall be submitted to and agreed in writing by the local planning authority. Furthermore, prior to the erection of the development hereby approved (not including footings and foundations) full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority (in consultation with the aerodrome safeguarding authority for Stansted Airport where appropriate). These works shall be carried out as approved. These details shall include:- i. proposed finished levels or contours. ii. means of enclosure. iii. car parking layouts. iv. other vehicle and pedestrian access and circulation areas. v. hard surfacing materials. vi. minor artefacts and structures (for example, furniture, play equipment, refuse or other storage units, signs, lighting);

	vii. proposed and existing functional services above and below ground (for example drainage power), viii. communications cables, pipelines etc. indicating lines, manholes, supports.); ix. retained historic landscape features and proposals for restoration, where relevant. Soft landscape works shall include, planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and implementation programme. Furthermore, all soft and hard landscaping works shall take into account the need to prevent and/or reduce the risk of birds congregating so as to minimize the risk of bird strikes in relation to the operation of Stansted Airport. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied in accordance with the programme agreed with the local planning authority. Reason: The landscaping of this site is required in order to protect and enhance the existing visual character of the area, and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Uttlesford Local Plan (2005) Policies GEN2, GEN8, GEN7, ENV3 and ENV8.
15	<u>Surface Water Drainage Scheme</u> Prior to the commencement of development, 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, shall be submitted to and approved in writing by the local planning authority. The scheme should include but not limited 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 40% climate change event. Modelling should be provided for all events. • Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm 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 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. Reason: 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 from the development permitted and may lead to increased flood risk and pollution hazard from the site, in accordance with Uttlesford Local Plan (2005) Policy GEN3 and the Policies of the Framework.
16	<u>Scheme to minimize offsite flooding</u> 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: To ensure flood risk is not increased elsewhere by development, in accordance with Uttlesford Local Plan (2005) Policies GEN2 and GEN3 and Paragraphs 163 and 170 of the Framework which state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.
17	<u>Contaminated Land</u> Land Contamination The following works shall be conducted by competent persons and in accordance with the Essex Contaminated Land Consortium's '<i>Land Affected by Contamination: Technical Guidance for Applicants and Developers</i>' and The Environment Agency <i>Land Contamination Risk Management</i> (LCRM) and other relevant current guidance. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented. A. Site Characterisation: Notwithstanding the details submitted with this application, no development shall commence other than that required to carry out additional necessary investigation which may include demolition, site clearance, removal of underground tanks and old structures until an investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include: (i) a survey of extent, scale and nature of contamination; (ii) an assessment of the potential risks to: • Human health, • Properly (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, • Adjoining land, • Groundwaters and surface waters • Ecological systems • Archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

B Site Remediation Scheme

The development hereby permitted shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been 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, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Remediation Implementation and Verification

The development hereby permitted shall not commence other than that required to carry out the agreed remediation until the measures set out in the approved Remediation scheme have been implemented, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the local planning authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared submitted for the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority.

E. Long Term Monitoring and Maintenance

If found to be necessary from the Phase 2 investigation and remediation scheme, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time to be agreed with the local planning authority, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the local planning authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the local planning authority.

	Reason: To ensure that the proposed development does not cause harm to human health, the water environment and other receptors in accordance with Uttlesford Local Plan (2005) Policies GEN2, ENV12 and ENV14.
18	<u>Demolition and Construction Environment Management Plan</u> Prior to the commencement of development, a Demolition and Construction Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the local planning authority. The DCEMP shall include the consideration of the following aspects of demolition and construction: i) Demolition, construction, and phasing programme; ii) Contractor's access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures; iii) Construction/Demolition hours shall be carried out between 0800 hours to 1800 hours Monday to Friday, and 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless in accordance with agreed emergency procedures for deviation. Prior notice and agreement procedures for works outside agreed limits and hours; iv) Delivery times for construction/demolition purposes shall be carried out between 0730 to 1800 hours Monday to Friday, 0800 to 1300 hours on Saturdays and at no time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the local planning authority in advance.; v) Noise method, monitoring and recording statements in accordance with the provisions of BS 5228-1: 2009 (or any replacement standard); vi) Maximum noise mitigation levels for construction equipment, plant and vehicles; vii) Dust management and wheel washing measures in accordance with the provisions of London Best Practice Guidance: The control of dust and emissions from construction and demolition (or any replacement standard); viii) Prohibition of the burning of waste on site during demolition/construction; ix) Site lighting; x) Screening and hoarding details; xi) Access and protection arrangements around the site for pedestrians, cyclists, and other road users; xii) Procedures for interference with public highways, including permanent and temporary realignment, diversions, and road closures. xiii) Prior notice and agreement procedures for works outside agreed limits. xiv) Complaint's procedures, including complaints response procedures. xv) Membership of the Considerate Contractors Scheme.

	The development shall then be undertaken in accordance with the agreed Plan Reason: To accord with the provisions of Uttlesford Local Plan (2005) Policy GEN2.
19	<u>Air source heat pumps</u> Prior to the commencement of the development the air source heat pumps to be installed shall be specified and designed, enclosed or otherwise attenuated to ensure that noise resulting from their operation shall not exceed the existing background noise level inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014 (or any subsequent replacement standard). Noise levels shall be assessed in accordance with the Institute of Acoustics Briefing Note, Heat Pumps – Professional Advice Note - November 2022 (or any subsequent replacement standard standards or guidance). Reason: To ensure future occupiers enjoy a good acoustic environment, in accordance with Uttlesford Local Plan (2005) Policy ENV10 which requires appropriate noise mitigation and sound proofing to noise sensitive development, in accordance with the provisions of Uttlesford Local Plan (2005) Policies GEN4, ENV10 and ENV11.
20	<u>Pedestrian and Cycle Access</u> No development shall be occupied until details of the site access points for pedestrians and/or cyclists shown in principle on submitted drawing numbers WH202C-10-P-10.20 and 2007045- SK-11 Rev A have been submitted to and approved in writing by the local planning authority (in consultation with the local highway authority and Active Travel England). The accesses should include associated crossings of Smiths Green and Parsonage Road. The development shall not be occupied until the means of access for pedestrians and/or cyclists for the development or phase of development have been constructed in accordance with the approved details which shall thereafter be retained for access purposes only. Reason: In the interests of highway safety and permeability of the site for pedestrians and cyclist in accordance with Uttlesford Local Plan (2005) Policy GEN1.
21	<u>Public Rights of Way and Active Travel</u> No development shall take place other than enabling works until a scheme is submitted to and approved by the planning authority (in consultation with the local highway authority and Active Travel England) to identify how the treatment of Public Rights of Way (PROW) will deliver the proposed active travel network in the submitted plans. The scheme should identify any required legal mechanisms and details of dimensions, surfacing, lighting, drainage, structures and signage. The approved scheme shall be implemented for the following PROWs: PROW 40 between Parsonage Road and Smiths Green PROW 41 between Leyfield and Smiths Green. Where appropriate they should be offered for consideration for adoption as part of the development highway network.

	Reason: In the interests of promoting walking, wheeling, and cycling within, to, and from the development in accordance with Framework Paragraph 110 and Uttlesford Local Plan (2005) Policy GEN1.
22	<u>Materials</u> Prior to slab level of the development hereby approved (not including footings and foundations) samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Reason: In the interests of the appearance of the development in accordance with Uttlesford Local Plan (2005) Policies GEN2 and ENV2.
23	<u>Footway / Cycleway</u> Prior to occupation of the development, the access as shown in principle on drawing 2007045-SK-11 REV A shall be provided, including a footway, a footway/cycleway and clear to ground visibility splays with dimensions of 2.4 metres by 120 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. A crossing of the access road and an uncontrolled crossing point of parsonage road shall be provided as part of the access works. Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with Policy DM1 of the Development Management Policies as adopted as County Council supplementary guidance in February 2011 and in accordance with Uttlesford Local Plan (2005) Policy GEN1.
24	<u>Internal development highways</u> Prior to occupation of the development, the developer shall submit in writing to the local planning authority for approval (in consultation with Essex County Council) details of the internal estate road layout, including construction details to ensure that it could be adopted by the local highways authority at the relevant stage if sought. The details shall include, but not be limited to, a Stage 1 Road Safety Audit, visibility splays at all junctions, forward visibility, swept path analysis and traffic calming features, carriageway widths, footway widths, shared surface widths, materials, petrol / oil interceptor where fitted in car parking areas, and kerb details. Reason: In the interest of highway safety to ensure accordance with safety in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with Uttlesford Local Plan (2005) Policy GEN1. The effective use of petrol / oil interceptors is necessary to ensure that the risk of oil-polluted discharges entering local watercourses is minimized, in accordance with Uttlesford Local Plan (2005) Policy ENV12

25	<u>Lighting Design Strategy</u> Prior to occupation, a 'lighting design strategy for biodiversity' in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) (or any such replacement or updated document) shall be submitted to and approved in writing by the local planning authority. The strategy shall: a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and, b) show how and where external lighting will be installed (through 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 the above species using their territory or having access to their breeding sites and resting places. In particular, such strategy should include details of lighting to be used along or close to the highways and footpaths within the approved development; and, c) all exterior lighting planned and provided in public areas – such as highways and footpaths - shall be capped at the horizontal with no upward light spill. 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. Reason: To ensure that the development accords with Uttlesford Local Plan (2005) Policy GEN7 and to allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities Act 2006 (as amended). Reason in respect of Part c) - In the interests of flight safety; to prevent distraction and confusion to pilots using Stansted Airport, in accordance with the Uttlesford Local Plan (2005) Policy GEN7.
26	<u>Maintenance for Drainage System</u> 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 the NPPF and Uttlesford Local Plan (2005) Policies GEN2 and GEN3.

27	<u>Reflective Materials</u> Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no solar panels or similarly reflective features shall be added to the external surfaces of buildings or situated within the grounds of residential dwellings permitted. Reason: In the interests of flight safety and to prevent distraction and ocular damage to pilots using Stansted Airport, in accordance with Uttlesford Local Plan (2005) Policy GEN5
28	<u>Bird Hazard Management Plan:</u> No development shall take place until a Bird Hazard Management Plan for the development has been submitted to and approved in writing in consultation with Stansted Airport. Thereafter, the scheme shall be implemented in accordance with the approved details. Reason: Flight Safety - To reduce the potential for bird strikes at Stansted Airport in accordance with Civil Aviation advice in accordance with the adopted Uttlesford Local Plan 2005 - Policy GEN4.
29	<u>Low-emission Transport</u> Prior to occupation of the development, details of measures to maximise the use of low-emission transport modes (for example, secure covered storage for motorised and non-motorised cycles, and electric vehicle charge points) must be submitted to and approved in writing by the local planning authority. Thereafter any such approved measures shall be retained. Reason: To minimise any adverse effects on air quality, in accordance with Policy ENV13 of the Uttlesford Local Plan (2005).
30	<u>Travel Plan</u> Prior to occupation of the development, the developer shall submit a residential travel plan to the local planning authority for approval in consultation with Essex County Council. Such approved travel plan shall then be actively implemented by a travel plan Co-Ordinator for a minimum period from first occupation of the development until 1 year after final occupation. 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
31	<u>Sustainable Travel</u> Prior to occupation of the 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.
32	<u>Approved Ecological Measures</u> All mitigation measures and/or works shall be carried out in accordance with the details contained in the Updated Ecological Appraisal (Ecology Solutions, November 2024) and Ecology Documents Note (Weston Homes, June 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. Reason: To conserve 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), s40 of the Natural Environment and Rural Communities Act 2006 (as amended) and Uttlesford Local Plan (2005) Policies GEN7, ENV7 and ENV8.

***** END OF CONDITIONS *****

Schedule of Drawings

- Dwg. No. WH202C_05_P_05.10 Rev A – Site Location Plan
- Dwg. No. WH202C_05_P_05.20 – Site Ownership
- Dwg. No. WH202C_10_P_10.10 – Character Areas
- Dwg. No. WH202C_10_P_10.20 – General Arrangement
- Dwg. No. WH202C_10_P_10.21 – Coloured General Arrangement
- Dwg. No. WH202C_10_P_10.22 – House Types and Plot Numbers
- Dwg. No. WH202C_10_P_10.30 – Refuse Strategy
- Dwg. No. WH202C_10_P_10.31 – Emergency Vehicle Tracking
- Dwg. No. WH202C_10_P_10.33 Rev B – Affordable Housing
- Dwg. No. WH202C_10_P_10.34 – Boundary Treatments
- Dwg. No. WH202C_10_P_10.35 – Parking Strategy
- Dwg. No. WH202C_10_P_10.36 – Street Lighting
- Dwg. No. WH202C_10_P_10.37 – Electric Charging Strategy
- Dwg. No. WH202C_10_P_10.38 – Traffic Calming
- Dwg. No. WH202C_10_P_50 – Plot 67 Amendments
- Dwg. No. WH203C_10_P_51 – Flats Amenity Requirement
- Dwg. No. WH202C_P_25.01 – House Type 2.03.F Plans and Elevations
- Dwg. No. WH202C_P_25.02 – House Type 2.05.B Plans and Elevations
- Dwg. No. WH202C_P_25.03 – House Type 2.02.C Plans and Elevations
- Dwg. No. WH202C_P_25.04 – House Type 3.06.A Plans and Elevations

- Dwg. No. WH202C_P_25.05 – House Type 3.05.C Plans and Elevations
- Dwg. No. WH202C_P_25.06 – House Type 3.05.B Plans and Elevations
- Dwg. No. WH202C_P_25.07 – House Type 3.02.C Plans and Elevations
- Dwg. No. WH202C_P_25.08A – House Type 3.03.D Plans and Elevations
- Dwg. No. WH202C_P_25.08B – House Type 3.03.D Plans and Elevations
- Dwg. No. WH202C_P_25.08C – House Type 3.03.D Plans and Elevations
- Dwg. No. WH202C_P_25.09 – House Type 3.04.D Plans and Elevations
- Dwg. No. WH202C_P_25.10 – House Type 4.02.B Plans and Elevations
- Dwg. No. WH202C_P_25.11 – House Type 4.03.C Plans and Elevations
- Dwg. No. WH202C_P_25.12 – House Type 4.03.D Plans and Elevations
- Dwg. No. WH202C_P_25.13 – House Type 4.03.B Plans and Elevations
- Dwg. No. WH202C_P_25.14 – House Type 5.02.C Plans and Elevations
- Dwg. No. WH202C_P_25.15 – House Type 5.03.C Plans and Elevations
- Dwg. No. WH202C_25_16 – HA House Type Layouts (1 of 2)
- Dwg. No. WH202C_25_17 – HA House Type Layouts (2 of 2)
- Dwg. No. WH202C_P_25.20 – Block 1 Floor Plans
- Dwg. No. WH202C_P_25.21 – Block 1 Roof Plan
- Dwg. No. WH202C_P_25.22 – Block 2 Plans
- Dwg. No. WH202C_P_30.20 – Block 1 Elevations
- Dwg. No. WH202C_P_30.21 – Block 2 Elevations
- Dwg. No. WH202C_35_P_35.10 Rev A – Street Scenes A
- Dwg. No. WH202C_35_P_35.11 Rev A – Street Scenes B
- Dwg. No. WH202C_35_P_35.12 Rev A – Street Scenes C
- Dwg. No. WH202C_35_P_35.13 Rev A – Street Scenes D & E
- Dwg. No. 8749_103_C – OVERALL SOFTWARES MASTERPLAN
- Dwg. No. 8749_104_C – OVERALL HARDWORKS MASTERPLAN
- Dwg. No. 8749_201_C – SOFT LANDSCAPE GENERAL ARRANGEMENT PLANS 1 OF 6
- Dwg. No. 8749_202_C – SOFT LANDSCAPE GENERAL ARRANGEMENT PLANS 2 OF 6
- Dwg. No. 8749_203_C – SOFT LANDSCAPE GENERAL ARRANGEMENT PLANS 3 OF 6
- Dwg. No. 8749_204_C – SOFT LANDSCAPE GENERAL ARRANGEMENT PLANS 4 OF 6
- Dwg. No. 8749_205_C – SOFT LANDSCAPE GENERAL ARRANGEMENT PLANS 5 OF 6
- Dwg. No. 8749_206_C – SOFT LANDSCAPE GENERAL ARRANGEMENT PLANS 6 OF 6

- Dwg. No. 8749_301_C – HARD LANDSCAPE GENERAL ARRANGEMENT PLANS 1 OF 6
- Dwg. No. 8749_302_C – HARD LANDSCAPE GENERAL ARRANGEMENT PLANS 2 OF 6
- Dwg. No. 8749_303_C – HARD LANDSCAPE GENERAL ARRANGEMENT PLANS 3 OF 6
- Dwg. No. 8749_304_C – HARD LANDSCAPE GENERAL ARRANGEMENT PLANS 4 OF 6
- Dwg. No. 8749_305_C – HARD LANDSCAPE GENERAL ARRANGEMENT PLANS 5 OF 6
- Dwg. No. 8749_306_C – HARD LANDSCAPE GENERAL ARRANGEMENT PLANS 6 OF 6
- Dwg. No. 2007045-SK-11 Rev A – Parsonage Road Access
- Dwg. No. 2007045-SK40 Rev A – Internal Visibility Bull Field
- Dwg. No. BHA_1030_50 – Tree Retention, Removal and Protection Plan

***** END OF DRAWINGS SCHEDULE *****

Informatives:

- i. In determining this application, the Planning Inspectorate, on behalf of the Secretary of State, has worked with the applicant in a positive and proactive manner. In doing so, no substantial problems arose which required the Planning Inspectorate, on behalf of the Secretary of State, to work with the applicant to seek any solutions.
- ii. The decision of the appointed person (acting on behalf of the Secretary of State) on an application under section 62A of the Town and Country Planning Act 1990 ('the Act') is final. An application to the High Court under s288(1) of the Town and Country Planning Act 1990 is the only way in which the decision made on an application under Section 62A can be challenged. An application must be made promptly within 6 weeks of the date of the decision.
- iii. These notes are provided for guidance only. A person who thinks they may have grounds for challenging this decision is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655) or follow this link: <https://www.gov.uk/courts-tribunals/planning-court>.
- iv. During construction, robust measures must be taken to control dust and smoke clouds, and any loose material must be secured. This is to ensure flight safety, with dust and smoke hazardous to aircraft engines; and dust and smoke clouds can present a visual hazard to pilots and air traffic controllers. Loose material can become airborne and present a significant risk to aircraft engines in accordance with the adopted Uttlesford Local Plan (2005) Policies ENV13 and GEN4.
- v. Responsibility for ensuring compliance with this Decision Notice rests with Uttlesford District Council, any applications related to the compliance with the conditions must be submitted to the Council.

***** END OF INFORMATIVES *****