



Decision Notice and Statement of Reasons

Site visits made on 8, 9 and 11 May 2023

Hearing held on 10 May 2023

By S R G Baird BA (Hons) MRTPI

A person appointed by the Secretary of State

Decision date: 14 June 2023

Application Reference: S62A/22/0007

**Site Address: Land to the south of Henham Road and east of Hall Road
Elsenham, Essex.**

- The application is made under s62A Town and Country Planning Act 1990.
 - The site is located within the administrative area of Uttlesford District Council.
 - The application dated 29 July 2022 is made by Countryside Partnerships PLC; Sir Richard N C Mordaunt; D A J Mordaunt; T A Nutting; and P A C Mordaunt.
 - The development proposed is, residential development comprising 130 dwellings, together with a new vehicular access from Henham Road, public open space, landscaping and associated highways, drainage, and other infrastructure works (all matters reserved for subsequent approval apart from the primary means of access).
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Decision

1. Outline planning permission is granted for residential development comprising 130 dwellings, together with a new vehicular access from Henham Road, public open space, landscaping and associated highways, drainage, and other infrastructure works (all matters reserved for subsequent approval apart from the primary means of access), subject to the conditions contained in attached Schedule of Conditions.

Statement of Reasons

Preliminary Matters

2. The application was submitted under S62A of the Town and Country Planning Act 1990. This allows for applications to be made to the Secretary of State (SoS), where a local authority has been designated. Uttlesford District Council (UDC) has been designated for major applications since 8 February 2022.
 3. A screening opinion under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 was issued by the Planning Inspectorate on the 6 September 2022 confirming that the proposal would not be likely to have significant effects on the environment and that an Environmental Impact Assessment is not required. I agree with that conclusion and the requirements of the 2017 Regulations have been complied with.
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4. On 2 May 2023, on behalf of the SoS, an Issues Report (IR) and a Hearing Agenda, prepared under the provisions of the Town and Country Planning (Section 62A Applications) (Hearings) Rules 2013 were published. The IR includes, a description of the development, consultation details and material considerations, and explores the main issues to be considered in this application.
5. A Hearing was held on 10 May 2023 at the Albury Suite, Novotel Stansted London Airport. The Hearing was attended by members of Elsenham Parish Council (EPC) and Stansted Mountfitchet Parish Council (SMPC), officers of Essex County Council (ECC) and Uttlesford District Council, and representatives of the applicants. Other than contributing to the discussion on conditions, the S106 UU and answering questions of clarification, the officers from ECC and UDC did not make statements on behalf of their respective Councils.
6. Prior to the hearing, the applicants produced a Highways Technical Note dated 27 April 2023 in response to the grant of an outline planning permission under S62A for the development of up to 200 dwellings on land to the east of Station Road, Elsenham (S62A/2022/0012). With that note, the applicants submitted a report, dated April 2023, on the 5-year Housing Land Supply (HLS) position in Uttlesford District. EPC expressed concern about the late submission of the documents and requested either the Hearing be adjourned to allow for response or that they not be considered. After hearing from the parties, I concluded that there was nothing in the rules that prevented the submission and consideration of such documents. The Technical Note did not introduce anything new that could not be dealt with at the Hearing. Regarding the HLS position, I noted that this report confirmed the local planning authorities' (lpa) acknowledged position that it could not demonstrate a 5-year HLS.
7. Unaccompanied site visits were made on 8, 9 and 11 May 2023. The visits included the site and surrounding area, all relevant roads, in particular the Grove Hill/Lower Street, Lower Street/Chapel Hill, Chapel Hill/Silver Street junctions in Stansted Mountfitchet and the Coopers End roundabout adjacent to Stansted Airport.
8. The Council considered the proposal at a Planning Committee meeting on 28 September 2022. The Planning Officer's report concluded that the benefits of granting planning permission would, on balance, outweigh the conflict with the development plan and the identified adverse impacts of development. Subject to the imposition of planning conditions and securing a legal agreement to mitigate the effects of the development, the report concludes that the proposal would result in a positive and sustainable form of development. The recommendation to the Planning Committee was, no objection to the grant of outline planning permission.
9. The Planning Committee noted that the recommendation was made without sight of consultation responses that would normally be available to assist the Planning Service in forming a view. The Committee concluded that there was insufficient information available to it to accurately assess the proposal and resolved to object to the application on the grounds that the development would, adversely affect nearby heritage assets (HA), and have an adverse cumulative impact on traffic congestion on the surrounding road network, particularly Henham Road and roads/junctions within Stansted Mountfitchet.

10. The site lies within the area of EPC, who at its meeting on 6 September 2022 resolved to object to the application. EPC submitted detailed representations relating to heritage, landscape and visual impact, transport, design and local infrastructure concerns.
11. In response to consultation responses, particularly to address concerns by ECC Highways Service, the applicants submitted further information including a Transport Addendum Report dated February 2023. On 17 March 2023, the highway authority submitted an objection on the grounds that the residual, cumulative impact on the local highway network, in particular the operation of junctions within Stansted Mountfitchet, would be severe and the cumulative impact could not be adequately mitigated against.
12. As discussed, and agreed at the Hearing, a certified copy of a S106 UU and a list of planning conditions agreed with UDC were sent to the Planning Inspectorate.
13. All written and oral representations were considered in reaching this decision. These include the written representations made by residents and interested persons. All documents submitted are available on the Government web site¹.

Background

Planning History

14. There is no planning history directly relevant to the proposal.

Planning Policy and Legal Framework

15. Decisions on planning applications are determined in accordance with the development plan, unless material planning considerations indicate otherwise. The development plan includes the Uttlesford District Local Plan 2005 (LP), the Essex Minerals Local Plan and the Essex and Southend-on-Sea Waste Local Plan. The emerging local plan remains at an early stage and consultation is planned for mid-2023. There is no confirmed timetable for its production and adoption, therefore it has very limited weight.
16. The National Planning Policy Framework 2021 (Framework) contains national planning policies and is a material consideration. The central aim of the Framework is to achieve sustainable development. Planning Practice Guidance (PPG) supports the Framework. A list of relevant LP policies and Supplementary Planning Documents (SPD) were published on the Government web site.

The Site and Surroundings

17. Comprising some 5.3ha of undulating pastureland, the site is located on the south-eastern edge of Elsenham, to the south of Henham Road and to the east of Hall Road.

¹ <https://www.gov.uk/guidance/section-62a-planning-application-s62a220007-land-to-the-south-of-henham-road-elsenham-essex>

18. The northern boundary is defined by a post-and-wire fence next to a narrow pavement and grass verge. The northern side of Henham Road is lined by several large, modern detached houses leading towards its junction with Hall Road and High Street (Elsenham Cross). Where Henham Road meets High Street and Hall Road, the junction is characterised by a cluster of mature buildings comprising the Grade 2 listed The Stores and House, The Crown Inn, Village Hall Cottage, No.5 The Cross, Tinkers Cottage and Nos. 1 and 2 The Cross.
19. The western edge is bounded by Hall Road, defined by a banked verge and a low hedge and fence. On its western side, leading southwards towards The Old Vicarage (Grade 2 listed), a narrow pavement edges part of Hall Road and its associated dwellings. To the north-west, adjoining the site is Nos 1 and 2 The Cross, a 2-storey, dwelling (Grade 2 listed). Connecting Hall Road with Henham Road, a public footpath (PRoW 13) runs across the site. To the east, most of the landscape comprises open fields. Immediately to the east there are several buildings, of which, Elsenham Place, associated barns, and dovecote are Grade 2 listed.
20. The southern boundary is formed by dense mature tree planting and the Stansted Brook. To the south, the land rises to the Church of St Mary the Virgin (Grade 1 listed) and Elsenham Hall (Grade 2 listed). Stansted Brook flows to the west/south-west and links to a series of drains and ponds associated with Elsenham. A bridleway follows a route close to Stansted Brook. Within the wider landscape there are pockets of woodland and ancient woodland.

The Proposal

21. The application is in outline with all matters, other than means of access, reserved for a residential development of 130 dwellings, together with a new vehicular access from Henham Road, public open space, landscaping and associated highways, drainage and other infrastructure works on land to the south of Henham Road and east of Hall Road Elsenham, Essex (Drawing No. 001.02). The application is supported by several drawings and documents, all listed on the Government website. These include an Illustrative Masterplan (Drawing No. 300.01) and an Illustrative Layout Plan (Drawing No. 303.03).
22. The primary point of vehicular access would be from Henham Road, via a simple priority T-junction. Visibility splays of 94m to the east and 61m to the west would be provided. (Drawing No. 2008170-0008A).
23. The illustrative Masterplan shows the site being developed for both market (60%) and affordable housing (AH) (40%). The AH element would comprise 70% Intermediate Rent, 25% First Homes and 5% Shared Ownership.
24. The Illustrative Layout shows houses positioned in front of existing properties on Henham Road and Hall Road and include an entrance green and public open space, incorporating tree and shrub planting, ponds, and species rich grassland. The access cul-de-sac through the development would lead to shared surfaces and private drives. The margins of the site would be landscaped public open space with the larger areas concentrated on the southern and eastern boundaries. These larger areas would include a

community orchard and a children's play area.

25. Most existing hedgerows and mature trees on the perimeter and the single mature tree within the site would be retained and supplemented by new planting to reinforce the character of the settlement edge. PRow 13 linking the settlement to the rural landscape and the northern settlement edge would remain and incorporate views towards Elsenham Cross and the barns at Elsenham Place. Walkers would continue to use PRow 13 through the development. A circular heritage trail within the scheme would provide connections to the wider PRow network whilst retaining views to the Church and the wider landscape.
26. Off-site environmental improvements would be provided on land, within the applicants' ownership, some 100m to the north-east of the site. Off-site highway improvements would include a realignment of the Hall Road junction, a new informal pedestrian/cycle crossing on Hall Road to provide connections from the site to village amenities and primary school, a bus stop enhancement on the southern side of Henham Road, bus stops on the east and west sides of Hall Road and cycle parking at the local convenience store and railway station.

The Main Issues

27. These are:
 - A. the implications for highway safety and the free flow of traffic on the highway network,
 - B. the effect on the character and appearance of the area,
 - C. the effect on heritage assets,
 - D. the effect on biodiversity,
 - E. whether adequate provision would be secured to provide for additional facilities, including transport, education, community facilities, and open space arising from the development,
 - F. whether having regard to the supply of housing and applying the tilted balance set out in Framework paragraph 11(d)(ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole.

Issue A – Highway Safety

28. LP Policy GEN1 says that development will only be permitted where, safe access is provided, the surrounding highway network can accommodate the traffic generated, the design of the site does not compromise road safety and provides for the needs all users and the use of other means of transport other than the private car are encouraged.
29. Framework paragraph 110 says that when assessing applications, regard should be had to its location, ensuring that: appropriate opportunities to promote sustainable transport modes can be or have been taken up; safe and suitable access can be achieved for all users; the design of streets and

parking areas reflects current national guidance and any significant impacts from the development on the transport network in terms of capacity and congestion or on highway safety, can be cost effectively mitigated to an acceptable degree. Framework paragraph 111 says that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

30. The application is accompanied by a Transport Assessment (TA) July 2022 and a Transport Addendum Report (TAR) February 2023. The TAR was produced to address concerns raised by ECC, EPC and the operators of Stansted Airport regarding the TA. A Micro-Simulation Model (VISSIM) was run to determine to performance of the network in 2027. ECC assessed the model and is satisfied that it is representative of the highway network and provides a sound basis upon which to decide this application. The model produces data on journey times and queue lengths to assess the impact of committed and uncommitted development on the highway network.
31. The TAR included within the 2027 assessment, committed and uncommitted developments, including the now permitted East of Station Road development (S62A/2022/0012). Given that at least 3 of the developments included within the assessment have been refused planning permission by the Council and may not materialise, the model is, in my view, a worst-case scenario.
32. The Inspector's report on the East of Station Road development notes that the VISSIM model included a sensitivity test with the additional flows from the land south of Henham Road. In the East of Station Road case, the Inspector concluded, "*...there was no information that persuaded me that the highway network would not have the capacity to accommodate the additional vehicular movements predicted if permission were granted for the proposal*".
33. In modelling the current proposal, the applicants have included sensitivity testing of a scenario where the traffic flows of committed and uncommitted developments have been reduced by 15% to account for the effects of home and hybrid working following the pandemic. Pre-pandemic assessments of travel behaviour already identified a decrease in AM peak hour trip rates of around 12%². Whilst data from ECC traffic counters confirm that there has been a change, this has been less than 10% in the AM peak there has been no material change in the PM peak. Thus, whilst home and hybrid working are having an impact on peak-hour traffic flows, the evidence suggests that there are likely to be local variations. Moreover, it is too early to say whether this will be a permanent feature. Indeed, the national press reports strong pressure from employers for a return to office-based operations. Accordingly, I have based my assessment of traffic impact on the full traffic flows. This adds another level of robustness to the modelling.
34. An area at issue is the applicants' reliance on journey times through the whole of the wider modelled network rather than queue lengths at junctions to assess the impact of the development. Although details of predicted queues at individual junctions are not explicitly presented in the TAR, they can, as ECC and EPC have done, be extracted from the data. That said, the

² TRICS Guidance Note on Travel Behaviour August 2019.

modelling results do not ignore the effects of queuing, rather the predicted journey time changes take account of queuing. Moreover, as the applicants highlight, The Modelling Group, who created the VISSIM model for this development and WSP, creators of the model for the East of Station Road development note that observations on observations of queues are subjective. The Modelling Group state, "*...journey time comparisons are a more reliable tool to assess the relative impact of scenarios tested*" and WSP observed, "*...there is no formal length validation criteria prescribed by industry guidance, but in general the length, variability and profile of modelled queues throughout the hour, should match observations.*" Based on my observations of the operation of the road network, which the parties acknowledged at the Hearing, were not unique, I consider that, in this case, the use of journey times across the whole modelled network is the more relevant measure.

35. The primary point of vehicular access would be from Henham Road, via a simple priority T-junction. Visibility splays of 94m to the east and 61m to the west would be provided (Drawing No. 2008170-0008A). The proposed sight lines are consistent with highway requirements and the junction geometry would be safe and fit for purpose.
36. Two areas of concern are the cumulative impact of traffic generated by developments in Elsenham on,
 - a. the operation of junctions in Stansted Mountfitchet particularly at the Grove Hill/Lower Street (westbound), Lower Street/Grove Hill (northbound) and Silver Street/Chapel Hill (northbound) junctions, and
 - b. traffic impacts on the Parsonage Road/Hall Road and the Coopers End roundabouts.
37. One point to make is that the focus of the concerns raised by ECC and others, is on the difference in junction operation in 2027 against the 2023 Base Scenario. I agree with the applicants that this is not an appropriate comparison. Rather, it is the impact of the development in 2027 when compared to the committed schemes, including the permitted East of Station Road development.
38. The Grove Hill/Lower Street junction is an unconventional junction with traffic signals used to manage one-way travel through a narrow and substantial length of carriageway. Close to the junction of Lower Street, the carriageway is narrowed to a single track by housing on the south-east side. As Grove Hill rises towards the east, the carriageway is narrowed by 2 blocks of on-street parking outside a row of terraced houses that runs almost up to the brow of the hill where there is a wide vehicular access to Moat House. Chapel Street rises to the west from the roundabout junction with Lower Street to the T-junction with Silver Street. Here, the carriageway width is limited by 2 blocks of on-street parking either side of the junction with Recreation Ground. Grove Hill, Lower Street and Chapel Hill is the main east-west route through Stansted Mountfitchet.
39. For Grove Hill, the committed schemes would add 254 vehicles in the AM peak and 267 in the PM peak and for Chapel Hill the AM and PM flows would be 261 and 282 vehicles added respectively. In comparison, the

development would add only small proportion of traffic to the flows in these areas i.e., 28 in the AM peak and 29 in the PM peak. This would not be significant. Given the approach, adopted in paragraph 34 above, the impact of the development on the wider network would be a maximum increase in journey times of 167 seconds westbound and 30 seconds eastbound in the AM peak. In the PM peak, the impact on journey times would be an increase of 64 seconds westbound and 43 seconds eastbound. Again, the impact of the development would not be severe. One of the implications of ECC's submission was that queue lengths would result in gridlock in Stansted Mountfitchet i.e., queues would exceed the length of available highway. The applicants indicated that during the models runs, "locking" up i.e., gridlock did not occur and there was no evidence to suggest that such an activity would occur. I have no reason to dispute that submission.

40. During my visits to observe traffic conditions in Stansted Mountfitchet, I paid particular attention to the operation of the Grove Hill/Lower Street junction and the operation of traffic flows on Chapel Hill. At Grove Hill, I observed several things happening. At the westbound traffic approach to the traffic lights, there appears to be the capacity for some 4 cars to sit in the space before the carriageway is reduced to a single carriageway. However, because of the absence of clear road markings, I observed a material number of drivers stopping well before the notional stop line reducing the capacity of this stretch of the road. Drivers approaching from the west seeing cars stopped at the lights stop and wait at the brow of the hill, next to the access to Moat House, forming a secondary queue. This allows drivers travelling east space to clear the parked cars. Effectively drivers were treating the length of single carriageway road as if it were a Yellow Box junction. This informal traffic control allowed vehicles heading east to clear the width restricted area efficiently.
41. Whilst major physical works to increase the capacity of the junction are not possible, traffic management measures i.e., a queue detector implemented as the result of previous schemes has improved the performance of the junction by reducing vehicle conflict. As I understand it, a permitted development³ is subject to a requirement to provide for a second vehicle queue detector at this junction. Moreover, I saw that there was the potential for further small improvements e.g., improved/new road marking that would further assist in improving the efficiency. Chapel Hill has a similar issue with parked cars, although the evidence indicates that not all parking spaces are occupied at the same time and the available space does allow vehicles to cede to the movement of oncoming vehicles. This is not an unusual situation on mature town centres.
42. From observing these 2 key areas, I can understand that at some times, their operation fails, particularly when heavy goods vehicles (HGV) are caught in the single carriageway sections. For example, at Grove Hill when the traffic lights have not adequately separated out oncoming vehicles or on Chapel Hill through driver inattention. Other than assertion, there was no evidence to confirm that these events are a regular occurrence. Moreover, whilst some HGVs are exempted from the weight restriction, an Inspector in a 2020 decision, noted that this problem was, primarily an enforcement issue⁴. That said, at Grove Hill, I saw that drivers travelling west even when

³ APP/C1570/W/20/3256109

⁴ APP/C1570/W/19/3243744.

they had a green light continued standing clear of the single carriageway section to avoid conflict even if this resulted them missing the green cycle. There is nothing to suggest that this secondary queuing amounts to a problem.

43. ECC are considering a scheme to reduce HGV through movements in Stansted Mountfitchet, which this development and other uncommitted schemes have been requested to provide contributions. Whilst the introduction of further measures may not provide a complete solution, it could reduce some conflicts between HGVs and other vehicles in the physically constrained parts of the network. The S106 Highway Works contribution includes £25,000 for the reduction of the impact of HGVs through the town and to effectively enforce the weight restrictions.
44. An alternative route for traffic from Elsenham to the M11 and beyond is Hall Road via the Parsonage Road/Hall Road and the Coopers End roundabouts. The modelling indicates, compared to the traffic flows generated by committed/uncommitted development including the airport expansion, which by 2027 would be some 38 million passengers per annum, that traffic generated by the development would have a 2% impact on the Parsonage Road/Hall Road roundabout and a 1% impact on the Coopers End roundabout. Such increases, would not, in themselves, be significant or severe. The main impact would be on the short, 29m link between the 2 roundabouts, which would operate with an RFC of over one i.e., overcapacity.
45. The TA identified potential improvements to these junctions, Drawing No. 2008170-033) that would result in the link road operating well below an RFC of 0.85. In this context ECC and the airport seek that the development contributes towards the improvements of these roundabouts. Although the applicants consider that a contribution is not justified, the UU includes a contribution of £50,000 to fund improvements. That said, it is important to note 2 things. First, the airport expansion application did not model the operation of these roundabouts, and they were not considered sensitive by that application. Secondly, no specific mitigation works have been identified by either the airport or ECC during consideration of the airport expansion submission or since, nor have mitigation measures been identified as being required by other committed developments (east of Station Road) or unconsented schemes. It was suggested at the Hearing by ECC that, given the impact of the airport expansion, a more comprehensive, but not yet designed, scheme would be required.
46. Given the relatively low volume of traffic generated by the development, I agree with the applicants that there would not be a severe impact on the operation of the road network near the airport as a result of the development and the suggested improvements to the roundabouts are not required to make the development acceptable.
47. Drawing all the above together, the cumulative impact of this development and other development schemes on the highway network have been robustly modelled. A safe and suitable access to the development can be provided and the development would not result in a severe residual cumulative impact on the road network or unacceptably affect highway safety. As such the development would not conflict with objectives of LP

Issue B – Character and Appearance

48. The site is not located within a local or nationally designated landscape. The site is located outside the settlement boundary of Elsenham in the open countryside, which the LP seeks to protect for its own sake. Development is limited to that which needs to take place there or is appropriate to a rural area and protects or enhances local character (LP Policies S3 and S7). Framework paragraph 174 requires that planning decisions should contribute to and enhance the local environment by recognising the intrinsic character and beauty of the countryside.
49. Using a recognised methodology for assessing landscape and visual impacts, the application is accompanied by a Landscape, Townscape and Visual Impact Assessment (LTVIA). Descriptions of local landscape character are provided by the Essex Landscape Character Assessment 2003 (ELCA) and the Uttlesford Landscape Character Assessment 2006⁵ (ULCA). In both, the site is located within the Stort Valley/Stort River Valley Landscape Character Areas (LCA).
50. The LTVIA assesses the townscape of Elsenham as generally homogenous, with the typical modern housing estate character type extending over most of the settlement. Individual detached dwellings with large gardens are a feature of Henham Road and Hall Road. Building materials include predominantly red brick or painted render with black or white painted timber boarding and windows. Roof materials include predominantly red or buff tiles and slate. Townscape character is that of mostly Modern Residential and of ordinary condition.
51. The LTVIA assesses the landscape value of the site and its surroundings as Low to Medium. The grassland, hedgerows, trees, and stream within the site are neither rare nor important examples in the wider LCA. Given its close association with the settlement edge, use as managed farmland and proximity to the airport, the site has limited scenic quality. Albeit at the time of my visit, the condition of the PRoW suggested it was not well used, the most valued aspect of the site and surrounding landscape is the recreational opportunity created by the PRoW network and the visual amenity of views over the surrounding farmland. Whilst the site has some positive landscape elements and some recreational and limited wildlife interest, these are not sufficient to elevate this area of land to one that is a valued landscape as described in Framework paragraph 174.
52. The Stort River Valley LCAs are characterised by valley slopes dominated by farmland with hedgerows, tree belts and riverbank trees. Whilst EPC criticises the LTVIA for failing to address the landscape planning guidelines of the Stort Valley LCAs and a high sensitivity to change, neither UDC nor ECC take issue with it. These LCAs cover an extensive area and the guidelines are generic. Here, whilst permanent changes would occur, given the largely enclosed nature of the site, this area has the capacity to absorb a residential development of this scale.

⁵ Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment.

Landscape Character

53. The site has a typical character and exhibits few special qualities of its own, resulting in a landscape of no more than local value within the context of the adjacent settlement. The ordinary condition would allow residential development to be introduced without significant adverse effects. Loss of openness would not significantly change the pattern and grain of the settlement edge landscape. The historic core at Elsenham Cross would continue to exert a major influence over the townscape/landscape interface, providing an established context for this residential scheme.
54. The landscape strategy includes retention of existing trees and hedgerows, reinforced by native tree and shrub planting and wildflower/amenity grassland. In the early days the development would have a significant adverse effect on landscape character. However, with a carefully designed and executed landscaping scheme, the maturing landscaping would soften and integrate the development into the immediate landscape and townscape. That said, given the permanent change from open agricultural land to built development, the result would be a Moderate Adverse effect but not a significant effect on landscape character.

Visual Effects

55. The Zone of Theoretical Visibility is highly localised and well defined by surrounding vegetation and built development to the north and west. The greatest change in views would be experienced by walkers using the PRoW within the site and private views from properties on Henham Road and to a lesser extent on Hall Road. Given the high sensitivity of receptors, the proximity of viewing locations and the prominence of the new houses there would be a material change in the character and composition of these views. In terms of users of the PRoW, whilst the development would close off some views to the east and south, the creation of a ring of publicly accessible open space around the built development would allow for new opportunities for views that currently the public do not have access to. Initially, the effect would be Moderate Adverse, but not significant. Visual effects at other viewpoints on the edge of Elsenham and in the local agricultural landscape would not be significant and the effect would range from Minor to Negligible Adverse, depending on the nature of the intervening view.
56. Mitigation measures would include new hedgerow and tree boundaries which would, in time, reinforce the hedgerow network and field pattern on the edge of the agricultural landscape, with the effect of built development reducing by Year 10. Tree and shrub planting, pond and meadow creation and an improved management regime of grass and wildflower seeding within the open space areas would enhance the development. Overall, the scheme would not result in significant effects to visual amenity.
57. In terms of Framework paragraph 174, with a carefully designed and executed layout and landscaping scheme, the Moderate Adverse landscape and visual effects of the development on the character and appearance of the wider area would be acceptably contained. That said, residential development would result in the permanent loss of an open agricultural field and whilst it would not materially compromise the integrity of the CPZ, it would be conflict with LP Policies S3 and S7.

Issue C – Heritage Assets

58. Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the decision maker pays special regard the desirability of preserving Listed Buildings (LB), their settings, and any architectural features they may possess. LP Policy ENV2 indicates that development proposals that adversely affect the setting a LB will not be permitted. Framework paragraph 189 identifies that Heritage Assets (HA) are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Whether a proposal results in substantial or less than substantial harm to the significance of a HA, Framework paragraph 199 requires the decisionmaker to attach great weight to its conservation.
59. The applicants' Built Heritage Statement (BHS) assesses the significance of 15 LBs and the degree to which their significance could be affected. The development would have no direct effect on the fabric of nearby LBs, rather the effect would be indirect i.e., on their setting. The degree of effect on the setting of these assets would be due largely to their proximity to the site and change within their wider setting that affect their visual and historical functional connections.
60. The applicants and ECC agree that on the spectrum of less than substantial harm, the proposal would result in Moderate Harm to the Grade 2 LBs at: Gardener's Cottage, outbuilding and barns at Gardener's Cottage, Elsenham Place, the barns and dovecote at Elsenham Place and Low/Moderate Harm to the Grade 2 Listed Nos. 1 and 2 The Cross. I have no reason to disagree with these conclusions.
61. Regarding the Grade 2 listed, The Lodge, The Stores and House, The Crown Inn, Village Hall Cottage, No. 5 The Cross, Tinkers Cottage and The Old Vicarage, the applicants submit that on the spectrum of less than substantial harm the proposal would result in Negligible Harm. ECC considers the degree of harm would be Low/Moderate.
62. In relation to, The Crown Public House, The Stores and House, Village Hall Cottage, No. 5 The Cross and Nos. 1 and 2 The Cross, it struck me that their setting and significance relates more to their location at Elsenham Cross as opposed to the open agricultural setting to the south-east. In this context, whilst there would be less than substantial harm caused it would be at the lowest end of that spectrum. Given the more direct relationship of The Lodge, Tinkers Cottage and the Old Vicarage, to the open agricultural setting, the harm to their significance would be less than substantial and Low.
63. Whilst ECC consider there would be no harm to The Church of St Mary the Virgin, the applicants consider the level of harm would be Negligible as would the effect on Elsenham Hall. Given the topography of the area and the dense mature screening to the north of The Church, there are limited glimpses of the church spire, which are mostly contained to the north-eastern corner of the site. The Illustrative layout shows that for the most part these limited glimpses would be retained. Given the degree of separation between the site, topography and the degree of mature screening, the site makes no contribution to the setting and significance of Elsenham Hall. In this context, I agree with ECC that there would be no harm to the significance of The

Church or Elsenham Hall.

Issue D – Biodiversity

64. LP Policy GEN7 says that development that would have a harmful effect on biodiversity will not be permitted unless the need for the development outweighs the importance of the feature to nature conservation. LP Policy ENV7 says that proposals that adversely affect Sites of Special Scientific Interest (SSSI) and National Nature Reserves (NNR), will not be permitted unless need for the development outweighs the particular importance of the nature conservation value of these areas. LP Policy ENV8 says that development that adversely affects landscape elements such as hedgerows, semi-natural grasslands and river corridors will only be permitted where, the need for the development outweighs the need to retain the elements for their importance to fauna and flora and mitigation measures are provided that would compensate for the harm and reinstate the nature conservation value of the locality.
65. Framework paragraph 174 seeks to ensure that decisions should minimise impacts on and provide net gains for biodiversity (BNG). Framework paragraph 180 says that development within or outside a SSSI which is likely to have an adverse effect on it either individually or in combination with other developments, should not normally be permitted.
66. The application is accompanied by an Ecological Assessment Rev C July 2022 (EA), a BNG Design Stage Report August 2022, Arboricultural Constraints Advice March 2022 and a Lighting Strategy REV P01 June 2022, relating to the likely impacts of the development on designated sites, protected/priority species and habitats and the identification of appropriate mitigation measures. The EA categorises the site as comprising improved grassland, species-poor hedgerows and trees. Overall, the habitats are assessed as of local ecological value only. I have no reason to disagree with that conclusion.
67. The EA notes that badgers, breeding birds, reptiles, hedgehogs, and the common toad may use the available on-site habitats on a transient basis. Mitigation and enhancement measures are proposed for these species, including precautionary working methods, retention and protection of existing habitats and new habitat creation. Recommendations have been provided for the protection of bats and nesting birds. These are designed to retain suitable habitats wherever possible and to incorporate enhancements within the development. In addition to the on-site measures, 2.3ha of land off-site is included for the delivery of significant ecological enhancements.
68. The site is located some 1.7, 2.4 and 4.7km respectively from the Elsenham Woods, Hall's Quarry and Quendon Woods SSSIs and some 4.8km from the Hatfield Forest SSSI and NNR. Hatfield Forest is of international importance for its ancient forest mosaic of wood, pasture, coppice, old grassland plains and wetlands, that support grassland, woodland, wetland habitat features, assemblages of veteran trees, invertebrates, fungi, lichen and breeding birds. Elsenham Woods and Quendon Woods are predominantly ancient mixed woodland with limited public access. Hall's Quarry is a site of geological interest and value, with, as far as I am aware, no public access.
69. The EA concludes that, with mitigation, impacts on the Hatfield Forest SSSI/NNR and Elsenham Woods SSSI would be Neutral. At a site level, the

effect on habitats on Protected/Notable Species would, with enhancement, be Positive. With suitable enhancement of habitats and the off-site ecological enhancement area, there would be scope for a BNG of at least 20% consistent with Framework and LP policies.

70. Natural England (NE), the National Trust (NT), who own Hatfield Forest, and ECC identify that the site is located within the Zone of Influence (ZoI) of the Hatfield Forest SSSI/NNR and the Impact Risk Zone for the Elsenham Woods SSSI. New housing within this zone is predicted to generate impacts, which without mitigation has the potential to damage or destroy the interest features for which Hatfield Forest SSSI/NNR has been notified. It is considered that the development, would contribute, individually and cumulatively, towards recreational pressure on Hatfield Forest. A Strategic Access Management Measures (Hatfield Forest Mitigation Strategy – May 2021 (SAMMS) contains a strategy and costed package of mitigation measures for this area.
71. NE and the NT have no objection to the proposal, subject to appropriate mitigation being secured to offset the harm the proposal might have upon the Hatfield Forest SSSI/NNR. On-site mitigation would include informal semi-natural areas, circular dog walking routes and/or links to the surrounding PRow network, dedicated dog off-lead areas, signage/leaflets to householders to promote these areas for recreation and dog waste bins. Off-site mitigation would take the form of a financial contribution of £19,500 for use towards visitor and botanical monitoring and mitigation works. ECC indicates that the likely impacts on designated sites, protected and Priority species and habitats can, with appropriate mitigation measures being secured, be made acceptable.
72. The Illustrative Masterplan shows that areas for formal and informal recreational use could be provided around and throughout the site. A comprehensive suite of conditions and careful treatment of these areas would enable the various measures suggested by NE to be included within the layout. Potential impacts of the development would be mitigated through a Construction and Environmental Management Plan (CEMP) to protect the Stansted Brook and Priority habitat and a Landscape and an Ecological Management Plan (LEMP) to manage the on and off-site habitats. The S106 UU, would make the appropriate level of contribution required by the SAMMS. In this context, there would be no adverse effect on the integrity of the designated sites.
73. Drawing all the above together, subject to the imposition of appropriate conditions and a financial contribution to the SAMMS, the proposal would not conflict with LP Policies GEN7, ENV7 and ENV8 or the Framework.

ISSUE E – Provision for Facilities and Infrastructure

74. LP Policy GEN6 says that development will not be permitted unless it makes provision for community facilities, school capacity, public services, transport provision, drainage and other infrastructure that are made necessary by the development.
75. A completed S106 UU has been submitted and provides for infrastructure and facilities to mitigate the impact of the development. These are:
 - i.) £310,000 for the provision of a Community Hall.

- ii.) 40% of the dwellings to comprise Affordable Housing (AH) of which 5% would be wheelchair accessible. The tenure mix of the AH would be 70% affordable rent, 25% First Homes and 5% shared ownership.
- iii.) £2,671 per dwelling to be used for an enhanced bus service to Stansted Mountfitchet.
- iv.) £50,000 to mitigate the impact of the development on the Coopers End and Hall Road roundabouts.
- v.) £4,400 towards ECC's costs of monitoring the performance of the UU.
- vi.) Education Contributions comprising:
 - a) £17,268 per place for the provision of facilities for the education and/or care of children between the ages of 0 to 5 including those with special educational needs.
 - b) £17,268 per place for the education and/or care of children between the ages of 4 to 11 including those with special educational needs.
 - c) £23,775 per place for the provision of facilities for the education and/or care of children between the ages of 11 to 19 including those with special educational needs at Forest Hall School, Stansted Mountfitchet and/or education facilities in the vicinity.
- vii.) A Health Care Contribution of £394.36 per dwelling to be paid to the Council for the provision of additional capacity to accommodate patient growth generated by the development.
- viii.) Highways Works comprising:
 - a) Bus stop enhancement on the south side of Henham Road.
 - b) Bus stops on the west and east sides of Hall Road.
 - c) Provision of cycle parking at the station and local shopping area.
 - d) reinstatement of highways and statutory undertakers' equipment.
- ix.) ££32,535 for the maintenance of Real Time Passenger Information displays on the Henham and Hall Road bus stops.
- x.) £25,000 for the mitigation of HGVs through Stansted Mountfitchet and enforcement of the weight restrictions on Grove Hill.
- xi.) Submission of a Public Open Spaces Management Scheme.
- xii.) Creation of Management Company for the long-term management and maintenance of the public open space.
- xiii.) Provision and maintenance of a Local Area of Play.
- xiv.) £77.80 per dwelling to upgrade local libraries.
- xv.) Submission of an Off-Site Ecological Mitigation Scheme detailing improvements to biodiversity on the Off-Site Ecological Enhancement land for the purposes of achieving a 20% BNG.

- xvi.) £19,500 to be passed on to the National Trust for the management and monitoring of the Hatfield Forest SSSI/NNR.
 - xvii.) Agree a Residential Travel Plan, appoint a Residential Travel Plan Coordinator and contribute £1,596 for the monitoring of the Residential Travel Plan.
 - xviii.) A Residential Travel Information Pack to be supplied to each household.
 - xix.) Provide Travel Vouchers to include one season bus ticket voucher for each eligible member of a household and/or incentives for rail travel in the sum of £100.
 - xx.) To use reasonable endeavours to establish a Car Club or extend an existing Car Club, provide 2 Car Club parking spaces within the development, make available 2 free Car Club memberships per dwelling and make available one Car Club credit per household.
76. Framework paragraph 57 and R122 of the Community Infrastructure Levy (CIL) Regulations list the policy and legal tests for planning obligations. These are, 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.
77. There is a clear indication that the 2 existing community halls are inadequate to meet the existing needs of the village and that the development would increase pressure on these facilities. Other new developments in Elsenham have provided for land and contributions towards a new village hall. A further pro-rata contribution based on current estimates would assist in bringing forward this new facility and would meet the policy/statutory tests.
78. The provision of 40% AH achieves the aims of LP Policies H9 and H10. Calculated based on a standard formulae, the public transport, highways, monitoring, SAMMS, library and education related contributions reflect the calculations and assumptions made by the NT and ECC in the CIL justification submissions. Obligations relating to a Public Open Spaces Management Scheme, creation of a Management Company, the provision of a play area, off-site ecological mitigation, a Travel Plan, Travel Information Packs, Travel Vouchers and the creation of a Car Club would be fairly and reasonably related to the development proposed and meet the statutory tests.
79. The UU includes a contribution of £50,000 towards capacity improvements to the Coopers End and Hall Road roundabout. Whilst the scale of the contribution is based on an indicative improvement scheme prepared by the applicants, ECC and the airport suggest that a more comprehensive scheme is required to accommodate local traffic growth and that generated by the future expansion of the airport. In that context, the applicants submit that traffic generated by the proposed development would represent only a small proportion of the approved growth a contribution to an improvement scheme is unnecessary.
80. Whilst the traffic modelling suggests that the development would have an

impact on the link arms of these roundabouts, the impact would not, in my view, be severe. The comprehensive scheme favoured by ECC/airport has not been designed or costed. In this context, I am unable to conclude that the proposed contribution meets the test of being fairly and reasonably related in scale and kind to the development. My conclusion on this is reinforced by the fact that the larger residential development on land east of Station Road (S62A/22/0012) has not been required to contribute towards the upgrading of the Coopers End and Hall Road roundabouts.

81. The UU includes a Health Care Contribution of £394.36 per dwelling to be paid to the Council for the provision of additional capacity to accommodate patient growth generated by the development. However, notwithstanding a request to the Hertfordshire and West Essex Integrated Care Board (ICB) for comment on the need for improvements to primary care provision in Elsenham, neither the Council nor the Planning Inspectorate had at the time of the Hearing received a response. Some 3 weeks after the Hearing closed and acknowledging that the response was very late, the ICB sought to make representations. Under Rule 9 (3)(b) of the Town and Country Planning (Section 62A Applications) (Hearings) Rules 2013, the Planning Inspectorate rejected this representation. As such, there is no evidence to justify a contribution of the scale of the contribution proposed by the applicants. Accordingly, I am unable to conclude that the proposed contribution meets the test of being fairly and reasonably related in scale and kind to the development.
82. In concluding on this application, I have not accounted for the proposed contributions to the roundabout upgrade and primary healthcare. That said as the obligations are included within a UU, my discounting of them does not prevent the applicants from pursuing these obligations.
83. Drawing the above together, the UU, except for the financial contributions to the roundabout improvements and primary health care, comply with the requirements of Framework paragraph 57 and CIL R122. 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. Accordingly, the completed planning obligations would satisfactorily address the impact of the development, comply with LP Policy GEN6 and have been taken into consideration when concluding on this application.

OTHER CONSIDERATIONS

84. Benefits arising from a development proposal are capable of being a material consideration when undertaking the Planning Balance.
85. Positive economic benefits would include:
 - during the construction phase, the local economy could benefit from a temporary boost from the spending of workers in Elsenham.
 - investment in construction and support for construction jobs, the development could support 103 direct full-time equivalent (FTE) jobs annually. A further 127 FTE indirect and induced jobs would be supported locally within the economy through the suppliers of construction materials and equipment.

- whilst not all economic benefits would be retained locally, the construction phase could generate £10.1m of direct Gross Value Added (GVA) and £12.7m of indirect and induced GVA during each year of construction.
- result in an enlarged labour force of economically active residents.
- additional household spending in the local area. New movers spend on furnishings and decoration with the scheme generating some £715,000 of first occupation spend within the local economy supporting local businesses. Ongoing additional residential expenditure could, once the development is fully occupied, amount to some £1.2m net per annum supporting a further 13 FTE jobs in retail, leisure, hospitality, catering and other local services.
- £193,000 per annum in additional Council Tax payments.
- New Homes Bonus for investment in local infrastructure and facilities.

86. Positive social benefits would include:

- the provision of a mix of high-quality market and affordable housing in a sustainable location with good public transport provision, supporting local family connections and maintain a balanced community.
- additional household spending and demand for services and facilities that would support their ongoing viability and community vitality; and
- additional public open space for play and recreation

87. Positive environmental benefits would include new native species planting, provision of additional public open space, the provision of a Heritage Trail, the enhancement of existing PRow and the enhancement of biodiversity.

Housing Land Supply

88. As off the 1 April 2022, UDC's 5-year housing land supply (HLS) is calculated to be 4.89 years. The Council acknowledges that the presumption in favour of sustainable development and the provisions of Framework paragraph 11 are engaged. Whilst the HLS is just below 5 years, in the absence of a replacement local plan there is nothing to suggest that the deficit would be addressed anytime soon.

Design & Layout

89. Framework paragraphs 126 to 130 confirm that good design is a key aspect of sustainable development and decisions should ensure that developments will be visually attractive, establish a strong sense of place, function well and add to the overall quality of the area over the lifetime of the development. LP Policy GEN2 also seeks high quality designs and layouts.
90. The Illustrative Layout is just that, illustrative, and does not form part of the application. As part of my examination of the wider area, I saw that several new developments had taken place. It appears that in obtaining and granting permission for these developments, developers and UDC took particular care to promote and obtain designs and finishes that complement the established character of the village. Layout, design and finish of the of dwellings would be the subject of Reserved Matters applications and UDC would be able to secure a development that would be consistent with its

standards and complemented the village.

91. LP Policy H10 requires that developments of 3 or more dwellings should include a significant number of smaller properties. UDC's Housing Strategy 2021-2023 October 2021 (HS) highlights a shortage of bungalows within the district for both market and affordable housing and seeks 5% of units on new developments to be provided as bungalows. Whilst dwelling mix would be addressed as part of Reserved Matters applications, the applicants confirmed at the Hearing that the housing mix would meet all the requirements for affordable and specialist housing, including the provision of 5% of the stock as bungalows.

Flooding

92. Much of the site lies within Flood Zone 1, where there is a low probability of flooding, with a small part, next to the Stansted Brook, within Flood Zone 2, where there is a medium probability of flooding. ECC, as Lead Local Flood Authority has reviewed the submitted Flood Risk Assessment and associated documents and does not object to the proposal. Concerns raised could be satisfactorily addressed through conditions ensuring a satisfactory drainage system, which would include details of future maintenance/management.
93. Drawing the above together, the development would have short and long-term benefits to the local economy through construction activity supporting local services and infrastructure arising from the development. At the time of my visits, I noted that The Crown Public House was closed. Whilst I am not aware of the reasons for the closure, the additional housing resulting from this and other permitted development in Elsenham can only provide an impetus to its reopening. Economic gains would follow in the form of additional local use of services and infrastructure. These matters attract significant weight.
94. The new homes would be capable of providing a high-quality built environment with accessible local services that reflect community needs and wellbeing and make a positive contribution to housing supply in an area that is close to transport facilities and other housing. The provision of up to 130 dwellings of which 40% would be affordable and the applicants' indication that proportion would be smaller homes to match the objectives of the Housing Strategy would be a significant benefit through boosting the district's housing supply and the need for smaller homes locally. These matters attract significant weight.
95. Facilities to meet the day to day needs of residents are available within walking and cycling distance of the site. Financial contributions would be made to improve bus services using Henham and Hall Road, which would benefit existing and future residents in the settlement. The use of alternatives to the private car would be encouraged through the development of a travel plan, the provision of travel vouchers and a substantial contribution to the retention/enhancement of local bus services. As such the proposal would comply with LP Policy GEN1 and Framework paragraph 108(a) by ensuring that appropriate opportunities to promote sustainable transport modes could be taken up. These matters attract significant weight.

96. Environmental and ecological measures would provide net gains for biodiversity in line with Framework paragraph 174(d). Safe and accessible green infrastructure would be beneficial to healthy lifestyles, envisaged by Framework paragraph 92(c). A publicly accessible footpath around the site's perimeter, and public open space and formal/informal recreation areas would add to the environmental benefits. These matters attract significant weight.

Issue F - Overall planning balance and conclusion

97. Paragraph 60 above sets out the statutory and policy context when considering the effect of a development on designated heritage assets. Framework paragraph 202 requires that where a development would result in less than substantial harm to the significance of designated heritage assets, the decisionmaker should weigh that harm against the public benefits of the proposal. In this case, the applicants and ECC agree that the development would result in less than substantial harm to the significance of several heritage assets. On the spectrum of less than substantial harm at spectrum the highest degree of harm would be no more than moderate. Accordingly, the significant weight attached to the above harms would be clearly outweighed by the significant economic, social and environmental benefits that would arise from this development.
98. Applications for planning permission are to be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration in planning decisions.
99. Framework paragraph 11d indicates that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, which includes applications for housing where the lpa cannot show a 5-year supply of deliverable housing land, permission should be granted unless: (i). Framework policies that protect areas or assets of particular importance (habitat sites, SSSIs and designated HAs) provide a clear reason for refusing the development, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against Framework policies read as a whole. This exercise is referred to as the tilted balance.
100. The relevant parts of the development plan are, the Uttlesford Local Plan 2005 and the Essex Minerals Local Plan 2014 (MULP). The MULP shows the site is within a Minerals Safeguarding Area. MULP Policy S8 requires a resource assessment to establish whether a mineral resource of economic importance exists. The applicants' assessment and as confirmed by ECC, indicates that once buffer zones have been applied, the residual site would be less than 5ha, and no further assessment of the potential mineral resource is required.
101. The Council has acknowledged that it cannot demonstrate a 5-year housing land supply and that the tilted balance would be engaged unless the less than substantial harm to the significance of the designated HAs and/or the harm resulting from the development on the nearby SSSIs/NNR are not outweighed by the benefits of the development.
102. At a site level, the effect on habitats and on Protected/Notable Species would, with enhancement, be Positive. With suitable enhancement of

habitats and the off-site ecological enhancement area, there would be scope for a BNG of at least 20% consistent with Framework and LP policies. The site is located within the Zone of Influence (ZoI) of the Hatfield Forest SSSI/NNR and the Impact Risk Zone for the Elsenham Woods SSSI. NE has identified that new housing within this zone is predicted to generate impacts, which without mitigation has the potential to damage or destroy the interest features for which Hatfield Forest SSSI/NNR has been notified. The impact on the Elsenham Woods SSSI would be neutral. NE submits that the development, would contribute, individually and cumulatively, towards recreational pressure on Hatfield Forest. NE and the NT have no objection to the proposal, subject to appropriate mitigation being secured to offset the harm the proposal might have upon the Hatfield Forest SSSI/NNR.

103. The Illustrative Masterplan shows that substantial areas for formal and informal recreational use can be provided around and throughout the site. A comprehensive suite of conditions and careful treatment of these areas would enable the various mitigation measures suggested by NE to be included within the layout. Potential impacts of the development would be mitigated through the development of a Construction and Environmental Management Plan to protect the Stansted Brook and Priority Habitat and a Landscape and an Ecological Management Plan to manage the on and off-site habitats. The S106 UU, would make the appropriate level of contribution required by the SAMMS. In this context, the policies that protect areas and assets of particular importance do not provide a reason for refusing this development. Accordingly, the tilted balance is engaged.
104. The effect of the development on the surrounding highway network would not be severe and would not conflict with LP Policy GEN1 or the Framework. The ecological value of the site is limited, and the development would, through on and off-site enhancements, result in a measurable level of biodiversity net gain. With the appropriate contribution to the SAMMS, the development would have no adverse effect on the integrity of sites designated for their ecological value. The proposal would not conflict with LP Policies GEN7, ENV7 and ENV8. With the inclusion of 40% affordable housing and the applicants' indication that the development would include 5% of the units as bungalows consistent with the Housing Strategy, the development complies with LP Policies H9 and H10. Through conditions and the completed UU, provision would be made for community facilities, the enhancement of school capacity, transport provision, drainage and other infrastructure made necessary by the development, in compliance with LP Policy GEN6.
105. Elsenham is a broadly sustainable location with public transport links to several higher order centres and facilities that provide for the day to day needs of its residents. LP Policy S3 identifies Elsenham as a Key Rural Settlement with the Proposals Map showing the site located outside the settlement boundary. LP Policy S7 says 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...There will be strict control on new building*". Located outside the settlement boundary the policy would normally prevent development of the type proposed. That said, LP Policy S7 continues: "*...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." The LP shows the land to the south and south-east of the settlement boundary washed over as the Countryside Protection Zone (CPZ). Within the CPZ, the objective is to maintain a belt of countryside around Stansted Airport that will not be eroded by coalescing developments. Development consistent with national planning policy for the countryside will only be permitted if it also accords with this overriding objective. LP Policy S8 says that development will not be permitted if, (a) development that would promote coalescence between the airport and existing development, or (b) development that would adversely affect the open characteristics of the CPZ.

106. Whilst the development would not materially compromise the integrity of the CPZ, the proposal would conflict with the development plan as a whole, given the conflict with LP Policies S3 and S7 through its location outside the settlement boundary, a moderate adverse effect on landscape character, a moderate adverse visual impact and less than substantial harm to the significance of several heritage assets (LP Policy ENV2). Several appeal decisions are highlighted where the weight to be attached LP Policy S7 is reduced, because it is out-of-date, being based on an assessment of housing demand that no longer applies (LP Policy H1) and protection of the countryside for its own sake is inconsistent with Framework paragraph 174. I agree with that approach and the weight attached to LP Policy S7 is reduced.
107. On balance, I conclude that the adverse impacts of the development would not significantly and demonstrably outweigh the economic, social and environmental benefits attached to this proposal, particularly the contribution to the provision of market and affordable housing when assessed against the policies in the Framework taken as a whole. Accordingly, and having taken all other matters into consideration, outline planning permission is granted.

Conditions

108. The suggested planning conditions were discussed at the Hearing and have been considered against the advice at Framework paragraph 55 and in PPG – Use of Planning Conditions, in particular Paragraph: 003 Reference ID: 21a-003-20190723. Where necessary in the interests of precision, enforceability and to comply with the PPG guidance some of the conditions have been amended.
109. Conditions 1, 2 and 3⁶ are standard conditions imposed on outline planning permissions. Condition 4 lists the approved plans and is imposed in the interests of certainty.
110. Condition 5, Landscaping, is necessary to protect the appearance of the area and mitigate the impact of the development on Stansted Airport. Conditions 6, 7, 8, 9 and 10 – Archaeology are necessary to comply with the Framework and LP Policy ENV4. Conditions 11 and 12 - Noise are necessary to protect the living conditions of future occupiers. Condition 13 - Water Consumption is necessary to mitigate the impact of the development on

⁶ Inspector's Note. The numbers in brackets refer to the Conditions contained in the attached Schedule of Conditions. The agreed list of conditions provided by the applicants/Council has the conditions misnumbered.

drinking water supplies and enhance the sustainability of the development. Conditions 14, 15, 16 and 17 – Ecology are necessary to conserve and enhance the biodiversity of the site. Conditions 18 and 19 - Construction are necessary to protect the living conditions of residents and to mitigate the impact of the development on biodiversity.

111. Conditions 20 - ground contamination, is necessary to ensure the land is suitable for its intended use and protect the living conditions of future occupiers. Conditions 21, 22, 23 and 24 – Drainage are necessary to mitigate the impact of the development on flood risk. Conditions 25, 26 and 27 – Highways are necessary in the interests of highway safety. I have revised Condition 26 to delete reference to works being undertaken at the developer's expense as this is already covered in the S106. Conditions 28 and 29 - Flight Safety are necessary to mitigate the impact of the development on the operation of Stansted Airport.

George Baird

INSPECTOR

SCHEDULE OF CONDITIONS

RESERVED MATTERS

1. Details of the appearance, landscaping, layout (including internal site layout) and scale (hereafter called "the Reserved Matters") shall be submitted to and approved in writing by the local planning authority before development takes place and the development shall be carried out as approved.

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

2. Application for approval of the Reserved Matters shall be made to the local planning authority not later than the expiration of 3 years from the date of this permission.

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

IMPLEMENTATION

3. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the Reserved Matters to be approved.

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

PLANS

4. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (Drawing Ref: 001.02) and Site Access Plan (Drawing Ref: 2008170-008 Rev A).

Reason: To ensure the development reflects and maintains the character of the surrounding locality and the street scene in accordance with Policies S7, S8, GEN2, ENV2 of the Uttlesford Local Plan 2005 and the National Planning Policy Framework 2021.

LANDSCAPE

5. No development shall take place until a landscape scheme has been submitted to and approved in writing by the local planning authority. The landscape scheme shall include scaled plans identifying:
 - a. Trees and hedgerows to be retained, setting out measures for their protection in accordance with BS5837: 2012 Trees in Relation to Design, Demolition and Construction; and
 - b. all proposed planting, accompanied by written specification setting out species, size, quantity, density and cultivation details.

The proposed planting should:

- c. Seek to minimise the use of canopy-forming tree species such as Oak and Scotts Pine in order to reduce opportunities for rookeries to be formed; and
- d. Limit fruit/berry-bearing species to <40% of planting species in order to deter flocks of birds from utilising the site for feeding.

All tree and shrub planting shall be carried out in a planting season from November to March in accordance with approved plant specification as well as BS8545: Trees from Nursery to Independence in the Landscape. Any trees or plants which die,

are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with approved plans.

Development shall be carried out in accordance with the approved details.

Reason: To safeguard and enhance the character and amenity of the area, in accordance with Policies S7, GEN 2 and ENV 8 of Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021), and to protect flight safety by minimising the risk of bird strike to aircraft using Stansted Airport.

ARCHAEOLOGY

6. No development or preliminary groundworks shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved in writing by the local planning authority.

Reason: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework 2021).

7. No development or preliminary groundworks shall take place until the programme of archaeological investigation identified in the approved WSI has been implemented.

Reason: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework (2021).

8. No development shall take place until a mitigation strategy detailing the excavation/preservation strategy has been submitted to the local planning authority where such measures have been identified as necessary following the completion of the archaeological evaluation.

Reason: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework (2021).

9. No development or preliminary groundworks shall commence on those areas containing archaeological deposits until the fieldwork, as detailed in the mitigation strategy has been completed.

Reason: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework (2021).

10. Within 6 months of the date of completion of the archaeological fieldwork (or as otherwise agreed in writing by the local planning authority) a written post-excavation assessment shall be submitted to 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 Policy ENV4 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework (2021).

NOISE

11. No development shall take place until a scheme, including internal layout and ventilation measures, for protecting the proposed dwellings from noise from road traffic and other sources has been submitted to and approved in writing by the local planning authority. The scheme shall ensure that internal and external noise

environments are achieved in accordance with the provisions of BS8233:2014 and BS4142:2014. The internal ambient noise levels shall not exceed the guideline values in BS8233:2014 Table 4:

07:00 to 23:00

- a. Resting - Living room 35 dB LAeq,16hour.
- b. Dining - Dining room/area 40 dB LAeq,16hour.
- c. Sleeping/Daytime Resting - Bedroom 35 dB LAeq,16hour.

23:00 to 07:00

- d. Sleeping/Night-time Bedroom 35 dB LAeq,8hour

No dwelling shall be occupied until the approved scheme has been implemented insofar as it relates to that dwelling.

Reason: To ensure future occupiers enjoy a good acoustic environment, in accordance with Policy ENV10 of the Uttlesford Local Plan (2005) which requires appropriate noise mitigation and sound proofing to noise sensitive development, and the National Planning Policy Framework (2021).

12. No development shall take place until a scheme for protecting external private amenity spaces from noise from road traffic and other sources has been submitted to and approved in writing by the local planning authority. The external private amenity areas should, wherever possible, be designed and located to ensure that they are protected on all boundaries so as to not exceed 50 dB LAeq,16hr. If a threshold level relaxation to 55 dB LAeq,16hr for external private amenity areas is required noise should be reduced as far as practicably possible and full justification and explanation has been provided. No dwelling shall be occupied until the approved scheme has been implemented insofar as it relates to that dwelling.

Reason: To ensure future occupiers enjoy a good acoustic environment, in accordance with Policy ENV10 of the Uttlesford Local Plan (2005) which requires appropriate noise mitigation and sound proofing to noise sensitive development, and the National Planning Policy Framework (2021).

WATER CONSUMPTION

13. Each dwelling shall be constructed and fitted out so that the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day as measured in accordance with a methodology approved by the Secretary of State (as specified in Regulation 36 of Part G of the Building Regulations 2010). No dwelling shall be occupied unless the notice for that dwelling of the potential consumption of wholesome water per person per day required by Regulation 37 of Part G of the Building Regulations 2010, or any successor thereto, has been submitted to the local planning authority.

Reason: In order to set a higher limit on the consumption of wholesome water by occupiers as allowed by Regulation 36 of Part G of the Building Regulations 2010 and thereby increase the sustainability of the development and minimise the use of wholesome water in accordance with Uttlesford District Council's Interim Climate Change Policy document (2021) and the Uttlesford Climate Change Strategy 2021-2030.

ECOLOGY

14. All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment Rev C (SES, July 2022), Biodiversity Net Gain Design Stage Report (SES, August 2022)

and Lighting Strategy REV P01 (MMA Lighting Consultancy, June 2022), as submitted with the planning application.

Reason: To conserve and enhance protected and Priority species 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 and s40 of the NERC Act 2006 (Priority habitats & species).

15. No development shall take place above slab level until a Biodiversity Enhancement Strategy (BES) for protected and Priority species has been submitted to and approved in writing by the local planning authority. The content of the BES 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, orientations, and heights of proposed enhancement measures by appropriate maps and plans.
- d. A timetable for implementation, demonstrating that works are aligned with the proposed phasing of development.
- e. Persons responsible for implementing the enhancement measures.
- f. Details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and timetable and shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the local planning authority to discharge its duties under the National Planning Policy Framework 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

16. No dwelling shall be occupied until a Landscape and Ecological Management Plan (LEMP) has been submitted to and be approved in writing by the local planning authority.

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 5-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. Development shall be carried out in accordance with the approved details.

Reason: 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) and S.40 of the NERC Act 2006 (Priority habitats & species).

17. No dwelling shall be occupied until a lighting design scheme for biodiversity has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and maintained thereafter in accordance with the scheme. Notwithstanding the provisions of the General Permitted Development Order, no other external lighting shall be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

CONSTRUCTION

18. No works shall take place until a Construction Environmental Management Plan: Construction (CEMP: Construction) has been submitted to and approved in writing by the local planning authority. The CEMP: Construction shall include but not be limited to the following:
- a. The construction programme and phasing.
 - b. Hours of operation, delivery, and storage of materials.
 - c. Details of any highway works necessary to enable construction to take place, including a before and after survey to identify defects to the highway adjoining the access to the site and where necessary ensure repairs are undertaken at the developer's expense where caused by the developer.
 - d. Parking arrangements, for site operatives and visitors.
 - e. Arrangements for the loading, unloading and storage of plant and materials.
 - f. Details of hoardings.
 - g. Management of traffic to reduce congestion including the routing of construction vehicles.
 - h. Control of dust and dirt on the public highway including wheel and underbody washing facilities.
 - i. Details of consultation and complaint management with local businesses and neighbours.
 - j. Waste minimisation and management proposals.
 - k. Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
 - l. Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures. and
 - m. Measures to protect any public rights of way within or adjacent to the site.

Development shall be carried out in accordance with the approved CEMP.

Reason: In the interests of highway safety and the control of environmental impacts.

19. Prior to the commencement of development, a Biodiversity Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include but not be limited to the following.

- a) Risk assessment of potentially damaging construction activities.

- b) Identification of biodiversity protection zones.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) Measures for the protection of the Stansted Brook and Priority habitats within 50m of site.
- e) The location and timing of sensitive works to avoid harm to biodiversity features.
- f) The times during construction when specialist ecologists need to be present on site to oversee works.
- g) Responsible persons and lines of communication.
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- i) Use of protective fences, exclusion barriers and warning signs.
- j) Containment, control and removal of any Invasive non-native species present on site.

Development shall be carried out in accordance with the approved details.

Reason: To conserve protected and Priority species 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) and s40 of the NERC Act 2006 (Priority habitats & species).

GROUND CONDITIONS

20. A. No works shall take place until a risk assessment of the nature and extent of contamination has been submitted to and approved in writing by the local planning authority. This assessment must be based on findings of the Richard Jackson Engineering Consultants ref. 61207 dated March 2021 and shall assess any contamination on the site, including ground gas, whether or not it originates on the site, and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR11".

B. If found to be necessary from the findings of the risk assessment, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to receptors shall be submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, and a 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. The remediation scheme shall be implemented in accordance with the approved timetable of works prior to the commencement of development (other than that required to carry out the remediation) unless otherwise agreed by the local planning authority. Within 2 months of the completion of measures identified in the approved remediation scheme, a validation report to demonstrate the effectiveness of the remediation carried out must be submitted to the local planning authority for its written approval.

D. If, during development, contamination not previously identified is found to be present at the site, it must be reported as soon as possible and within 3 days to the local planning authority and work halted on the part of the site affected by the unexpected contamination. No further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer

has carried out a full assessment of the extent of the contamination. Where remediation is necessary, a remediation scheme shall be provided detailing how this unsuspected contamination shall be dealt with. The details shall be submitted to and approved in writing by the Local planning authority Following completion of measures identified in the approved remediation scheme, a validation report must be submitted to the local planning authority for its written approval.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990 and in the interest of human health in accordance with Policy ENV14 of the Adopted Local Plan and the National Planning Policy Framework.

DRAINAGE

21. No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, an assessment of the hydrological and hydro geological context of the development and the Ardent Consulting Engineers Flood Risk Assessment (reference 2008170-05), has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- a) Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
 - b) Limiting discharge rates to 6.3l/s for the 1 in 1 year storm event and 23.7l/s for storm events up to and including the 1 in 100-year rate plus 40% allowance for climate change.
 - c) 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.
 - d) Demonstrate that features are able to accommodate a 1 in 10-year storm events within 24 hours of a 1 in 30-year event plus climate change.
 - e) Final modelling and calculations for all areas of the drainage system;
 - f) 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.
 - g) Detailed engineering drawings of each component of the drainage scheme;
 - h) A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - i) A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
 - j) Consideration should be given to source control in the north of the site; and
 - k) A timetable for implementation including any phasing of the different elements of the scheme.

Development shall be carried out in accordance with the approved details.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site. In accordance with the guidance in paragraphs 167 and 168 of the National Planning Policy Framework (2021).

22. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and to prevent pollution has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

23. Prior to the occupation of any dwelling, a Surface Water Maintenance Plan setting out the maintenance arrangements for the different elements of the surface water drainage system, including who is to be responsible for the maintenance, and the maintenance activities/frequencies, shall be submitted to and agreed, in writing, by the local planning authority. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

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.

24. The applicant or any successor in title must maintain yearly Maintenance Logs of the maintenance of any element of the surface water drainage scheme for which they are responsible, which should be carried out in accordance with any approved Surface Water Maintenance Plan. Such Maintenance Logs must be available for inspection upon a request by the local planning authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

ACCESS

25. None of the dwellings shall be occupied until the access onto Henham Road as shown on drawing 2008170-008 revision A has been provided, including clear to ground visibility splays of 2.4 metres by 94 metres to the east and 2.4 by 61 metres to the west, as measured from and along the nearside edge of the carriageway (off set 0.5 metres from the kerb to the east). The visibility splays shall thereafter be retained free of any obstruction at all times.

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 highways 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.

26. Prior to the occupation of any of the dwellings, the following highway improvements as shown in principle on drawing numbers 2008170-032 Rev B shall be provided:

- a) Pedestrian access onto Hall Road as shown in principle on drawing number 2008170-032 Rev B with clear to ground visibility splays of 1.5m x 54m to the north and 1.5m by 82m to the south (to a 0.5m offset from the kerb edge) shall be provided having a minimum width of 3.5m at the pedestrian crossing point and associated drop kerb crossing, the visibility splays shall be retained free of any obstruction at all times thereafter.
- b) A footway a minimum width of 2m along the site boundary with Hall Road to connect to the proposed pedestrian access referred to in (a) above with the existing footway to the north on the eastern side of Hall Road.
- c) A scheme to improve pedestrian crossing on the junction of Hall Road with Henham Road.
- d) A footway with a minimum width of 2m along the site frontage of Henham Road to connect with the existing footways either side, and the existing footway on the northern side of Henham Road.

All necessary works including any relocation or provision of signage, lighting, associated resurfacing or works to the existing carriageway to facilitate widening and Traffic Regulation Orders to be carried out entirely at the developer's expense.

Reason: To ensure a safe access for pedestrians from the site to the site highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

27. Concurrent with the submission of the first application for the approval of Reserved Matters, a scheme showing the footway and cycleway network across the site shall be submitted to and approved in writing by the local planning authority. The scheme, including the treatment of the public right of way, shall include but not be limited to details of surfacing, signing and lighting across the site. The scheme shall also include the proposed timetable for implementing the proposed works. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the area and to ensure a safe access for pedestrians from the site to the site highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

FLIGHT SAFETY

28. Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.

Reason: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport.

29. Notwithstanding the provisions of Schedule 2, Part 1 Classes C, G, and H and Part 14 Classes A, E, F and H of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no reflective materials other than clear or obscure glass, including where used in solar PV panels, shall be added to the buildings.

Reason: To prevent ocular hazard and distraction to pilots using Stansted Airport.

For information:

1. In determining this application, the Planning Inspectorate, on behalf of the Secretary of State, has worked with the applicants 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.

2. 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 within 6 weeks of the date of the decision.
3. 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>.
4. 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.