

Decision Notice and Statement of Reasons

Site visit made on 28 April 2023

Hearing held on 28 April 2023

By Jo Dowling BA(Hons) MPhil MRTPI

A person appointed by the Secretary of State

Decision date: 30 May 2023

Application Reference: S62A/2022/0014

Site address: Land west of Thaxted Road, Saffron Walden

- The application is made under section 62A of the Town and Country Planning Act 1990.
 - The site is located within the administrative area of Uttlesford District Council.
 - The application dated 25 November 2022 is made by Keir Ventures Ltd.
 - The development proposed is an outline application for the erection of up to 170 dwellings with access from Thaxted Road with all other matters reserved.
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Decision

1. Outline planning permission is granted for the erection of up to 170 dwellings with access from Thaxted Road with all other matters reserved in accordance with the terms of the application dated 25 November 2022, subject to the conditions set out in Schedule One of this decision letter.

Reasons

Procedural matters

2. The application was submitted under section (s) 62A of the Town and Country Planning Act 1990. This allows for applications to be made directly to the Secretary of State (SoS), where a local authority has been designated. In this case Uttlesford District Council (UDC) have been designated for major applications from 8 February 2022.
3. The application was screened under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017, (as amended) by UDC¹ and by the SoS². In each of these screening opinions it was found that the proposal would not give rise to significant adverse effects and an Environmental Impact Assessment was therefore not required. I am satisfied that the requirements of the Regulations have been complied with.
4. On 19 April 2023, on behalf of the SoS, I published an Issues Report prepared under the Town and Country Planning (Section 62A Applications)(Hearings) Rules 2013. This included a description of the proposed development, consultation details and material considerations. It explored the issues to be considered in relation to the application. In addition to that report, I set out an

¹ 16 November 2022

² 30 November 2022

agenda and a schedule of draft conditions, which were presented on a without prejudice basis and discussed at the Hearing.

5. I carried out an unaccompanied site visit on the morning of the 28 April 2023, which enabled me to view the site and the surrounding area and the relevant roads and junctions.
6. I then held a public hearing on the same day at the Saffron Quakers Hall, Friends Meeting House which was attended by the applicant, a representative from Saffron Walden Town Council (SWTC), officers from UDC, a ward councillor and several members of the public. At the Hearing in addition to listening to the concerns of SWTC, the ward councillor and the members of the public I discussed, on a without prejudice basis, the draft conditions and proposed planning obligation. Documents submitted at the Hearing are listed in Schedule Two.
7. Following the Hearing there were a number of action points for the Applicant, UDC and SWTC these mainly related to the discussions on the draft conditions and the proposed planning obligation. The relevant parties were notified of the action points which were subsequently actioned through the submission of additional documentation. As these matters were discussed in full at the Hearing, I consider that there would be no prejudice to any party from my consideration of these documents. The application is therefore determined on the basis of these revised documents. These documents are listed in Schedule Two of this decision letter.
8. UDC considered the proposal at the Planning Committee on 11 January 2023. Members requested that the Planning Inspectorate be made aware of a number of concerns that they had with the Proposed Development. These concerns were repeated by the representative of UDC at the Hearing.
9. I have taken account of all written and oral representations in reaching my decision.

Background

Planning history

Reference	Proposal	Decision
UTT/12/6004/SCO	Request for screening opinion in respect of proposed residential development (225 dwellings) including extension to Stake Park	Refused 3 June 2016 Allowed at appeal
UTT/13/2060/OP	Outline application with all matters reserved except access for residential development of up to 300 dwellings, pavilion building, extension to skate park and provision of land for open space/recreation use, including an option for a new	Refused 2 May 2014 Dismissed at Appeal 2 June 2015

	primary school on a 2.4 ha site	
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Planning Policy

10. The development plan for the site is the Uttlesford District Local Plan (2005) (the Local Plan). At the Hearing UDC confirmed that the work had commenced on a new Local Plan but that it had not yet been released for Regulation 18 Preferred Options consultation and therefore it carried no weight when considering the Proposed Development. The Saffron Walden Neighbourhood Plan (the SWNP) was made by UDC in October 2022 and as a result I afford it full weight when considering the Proposed Development.

The application site

11. The application site is approximately 7.8 hectares. It comprises three distinct fields which are currently in arable production located to the south west of Thaxted Road on the edge of Saffron Walden. The fields are bounded by mature vegetation in the form of hedgerows interspersed with some medium sized trees. Levels drop across the site from west to east.
12. To the north of the site is an area of public open space, known as the Green Mile, which in turn is adjacent to housing, a community skate park and the Lord Butler Leisure Centre. To the west lies further housing and a primary school. Opposite the site to the east is a new housing development which is currently under construction and Knight Park, a retail/ leisure park.
13. The site is not designated for housing in the Local Plan and is located outside of the settlement boundary of Saffron Walden. Therefore, for planning purposes the site is defined as being in the countryside. The site is located within Flood Zone 1. The site does not fall within, or is adjacent to, a conservation area. To the south west of the site is a grade II listed building known as 'The Granary'. The site and the surrounding areas is not a designated landscape nor is it within the Green Belt.

The proposal

14. Outline planning permission is being sought for the erection of up to 170 dwellings with access from Thaxted Road. All other matters are reserved.

Main issues

15. The Issues Report identified that the main issues were:

- the principle of the development; and
- the effect of the proposed development on highway safety.

16. At the Hearing the Applicant and UDC agreed that these were the main issues.

Reasons

Principle of development

17. Policy S7 of the Local Plan advocates that in the countryside planning permission will only be given for development that needs to take place there or is appropriate to a rural area and that there will be strict control on new building. However, UDC acknowledges that the Local Plan is not up to date and significantly predates the National Planning Policy Framework (the Framework).
18. In addition, SWTC consider the proposal would be contrary to Local Plan policy S1. However, although in the open countryside, the application site adjoins the edge of Saffron Walden which is identified in policy S1 as a main urban area where development would be permitted for sites on the edge of the built-up area if compatible with its countryside setting.
19. SWTC advocate that policy ENV3, which seeks to prevent the loss of open spaces, other visually important spaces and trees, would also apply as it considers that the application site is a visually important space within the landscape.
20. Furthermore, SWTC consider that the Proposed Development would have a negative visual impact on existing residents due to their loss of views of the fields. As a result, SWTC advocate that the proposal would be contrary to policy SW3 of the SWNP which seeks to secure good design.
21. While all matters, except access, are reserved UDC considers that the indicative plans demonstrate that the proposal could be accommodated within the local landscape with minimal adverse impact on the wider landscape character and visual resources. Furthermore, within the site UDC have indicated that the proposal could create a high-quality scheme that relates well to the adjacent settlement and which would not harm Saffron Walden's character. Based on what I have read and heard and following my visit to the site I agree with these conclusions.
22. However, due to changing the nature of the site from open arable fields to a significant amount of built form the Proposed Development would inevitably cause some level of harm upon the character and openness of this part of the countryside. In particular, UDC highlighted that the Proposed Development would impact upon cross-valley views and characteristic views of fields and meadows that would be seen from the surrounding area.
23. I observed at my site visit that due to the topography of the site and the surrounding area it is visible from a number of vantage points including from Thaxted Road, the periphery of the adjoining residential area, the Green Mile and from a number of different footpaths in the area. However, I also note that the site does not fall within any special landscape designations and that the indicative plans show a landscaping edge, which would provide some screening, along the boundaries of the site.
24. I agree that the application site because of its openness and topography would be altered as a result of the Proposed Development. However, having visited the site, I agree with the conclusions of the Applicant's Landscape and Visual Appraisal that because of the context provided by the existing built form the

receiving landscape is one that could accommodate change and as a result the consequential effects would not result in an unacceptable level of harm to landscape character or visual resources. As such I consider that the proposal would comply with policies S1 and ENV3 of the Local Plan and policy SW3 of the SWNP.

25. The proposal would result in the loss of Grade 2 land which is considered good quality agricultural land. Policy ENV5 of the Local Plan seeks to protect agricultural land and advises that development of best and most versatile (BMV) agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. UDC accepts that policy ENV5 is only partly consistent with the Framework but highlights the significant weight given by the Framework to the protection of BMV land. However, even though the proposal would result in the permanent loss of agricultural land UDC acknowledges that the benefits arising from the proposal which would include the delivery of both market and affordable housing could be substantial. This will be considered further in the planning balance.

Highway safety

26. Local Plan policy GEN1 advocates that development will only be permitted where it meets a number of detailed criteria. These include a requirement that the access to the main road network must be capable of safely carrying the traffic generated by the development, which must also be capable of being accommodated on the surrounding road network. Site design must not compromise road safety. The needs of non-motorised users and those with mobility issues/ the disabled need to be taken into account and the development needs to encourage movement other than by car.
27. As the application is in outline many of these criteria would be considered at reserved matters stage as they relate to the design and internal layout. However, the means of access is a matter for consideration. This would be provided through a single point of access from the B184/ Thaxted Road which would take the form of a give way-controlled priority junction and involve the widening of the B184 within highway land.
28. Essex County Council who are the relevant highways authority (the HA) initially raised a number of concerns regarding the proposed access. To address these concerns the Applicant provided revised and additional information including a revision to the layout of the site access, the replacement of a proposed raised crossing across Thaxted Road with a Pegasus crossing and an Active Travel Audit for part of Peaslands Road that would provide the main route for pedestrians and cyclists into Saffron Walden. Following a review of this information and subject to a number of conditions and mitigations the HA advised that it considered the proposal to be acceptable from a highway and transportation perspective.
29. SWTC advocate that well suited sustainable transport links are required and that, in accordance with the Framework³, these should be considered from the earliest stage of development. The Applicant is proposing the provision of new bus stops and a shared cycle/ pedestrian path on Thaxted Road. SWTC

³ Paragraph 104

consider that to accord with SWNP policy SW12, which seeks to promote walking and cycling, that as a minimum the shared cycle/ pedestrian provision should be extended to run the length of Peaslands Road and Mount Pleasant Road.

30. The HA have advised that UDC have commissioned a Local Cycle and Walking Implementation Plan (LCWIP) which will identify key routes into Saffron Walden and their deliverability and priority. Consequently, rather than delivery of the shared cycle/ pedestrian path the HA has sought a contribution towards the implementation of the LCWIP that will focus on the links between this site and the town centre. The HA and UDC confirmed this approach at the Hearing.
31. Based on what I have read and heard I am satisfied that, subject to the conditions requested by the HA and the mitigation that would be delivered through the legal agreement, the proposed access would not give rise to highway safety issues and would comply with policy GEN1 of the Local Plan and policy SW12 of the SWNP.

Other matters

32. A number of concerns were raised in relation to the proposed layout of the public open space; affordable housing mix and location; height and layout; access routes through the site and their ability to connect into the wider footpath network. The application is for outline consent with all matters except access reserved consequently most of the plans submitted are indicative to demonstrate that the quantum of development proposed would be able to fit on the site. As a result, the concerns outlined above would be considered at the Reserved Matters stage. This was confirmed by UDC at the Hearing.
33. UDC confirmed at the Hearing that part of site would not be required to deliver community facilities for another scheme. The Applicant also confirmed that a proposed pedestrian access into The Glebe, where there were concerns that it would result in the loss of parking, no longer formed part of the proposal. UDC also confirmed that it was not aware of any proposals to expand the skate park and therefore it did not consider that the changes to the access arrangements would be prejudicial. Finally, I note the concern regarding a lack of provision of on-site sport facilities however I noted at my site visit the site is adjacent to the Lord Butler Leisure Centre and as a result in addition to the public open space proposed on the site I consider that future residents would be able to easily access sports facilities.
34. At the Hearing several Interested Parties raised concerns regarding potential and pre-existing flooding issues in the area. At the site visit the topography of the site and that of adjacent developments was highlighted in relation to this issue. I agree that the replacement of fields with built form would affect the ability of the land to absorb water. However, I note that subject to the imposition of a number of conditions, including a requirement that sufficient storage is provided on site to ensure no off-site flooding during all storm events including allowing for climate change, the Lead Local Flood Authority does not object to the proposal. I am therefore satisfied that the proposed development would not give rise to or exacerbate pre-existing flooding issues.
35. The Council has suggested a condition that would require construction to be carried out in accordance with a Construction Environmental Management Plan

which would manage the and noise and disturbance from construction. Conditions to control the level and direction of external lighting have also been suggested. As a result, I am satisfied that the living conditions for occupiers of neighbouring properties would be maintained.

36. By replacing open fields with housing, I accept that the outlook and views from the surrounding area will change. However, for the reasons set out above I am satisfied that the receiving landscape, given its proximity to existing built form, is one that could accommodate change. I therefore consider that whilst the proposed development would affect views and change outlook, such changes would not be harmful.
37. I note the concern that if this application is consented it could encourage further housing development. However, the Planning Act requires any future applications to be considered against the development plan and any other material considerations. As a result, each application for planning permission would be considered on its own merits and each site will have its own site specific characteristics. As a consequence, I am satisfied that the proposal would not set a precedent for future development. Furthermore, I note the view that due to recent changes to the housing market the scheme may no longer be needed. However, I am satisfied that there is currently an identified need for additional housing within the district which this scheme would help meet.
38. A number of concerns were raised with regards to the sustainability of the site given its location. Whilst the site is located on the edge of Saffron Walden, I noted at my site visit that there were a number of bus stops within a short walk distance of the site which provide both direct access into the centre of Saffron Walden and beyond. Knight Park, located immediately to the south of the site, includes both retail and leisure facilities. Furthermore, the Lord Butler Leisure Centre is located adjacent to the northern boundary of the site. I therefore consider that future residents of the site would not need to rely on a car to meet their day-to-day needs and therefore the location of the site is sustainable. As a result, I do not consider the contribution towards a 20-minute neighbourhood sought by SWTC is required.
39. I note the concerns of SWTC regarding the potential sub-division of the Green Mile and reduction to amenity space by the insertion of footpaths. However, any potential linkages across this space do not form part of the current proposal and as a result the impact of these possible connections is not a material consideration in the determination of this application.
40. Finally, although SWTC agree that UDC cannot demonstrate that it has a five-year housing land supply it considers that tilted balance promoted by the Framework should only be applied to the units needed to address the shortfall. However, as the policies to which SWTC refer are those that seek to prevent development within the open countryside I do not consider that these could be applied to those units that would exceed the current shortfall as this would result in a materially different scheme to that which is currently before me. Furthermore, given the scheme would deliver housing in an area where there is an acknowledged shortfall I must give this significant weight.

Legal Agreement

41. A Section 106 Agreement has been submitted, signed and dated 17 May 2023. It makes provisions to secure on-site affordable housing; public open space and financial contributions towards the bus service, car club, cycle (electric) hire hub, education, healthcare, the funding of off-site highways works, libraries and maintenance of the on-site public open space. It also includes contributions to enable UDC and Essex County Council to monitor the agreement.
42. The legal agreement does not include the financial contribution requested by SWTC towards the increased maintenance costs for the Green Mile and skate park which SWTC consider would arise because of potential usage by future occupants of the Proposed Development. At the Hearing the Applicant highlighted that the Proposed Development would provide public open space on site in accordance with UDC's standards. This space would include recreation and play areas as well as the multiuser green route. As a result, the Applicant advocated that future occupiers would not need to use the Green Mile. I therefore consider that to seek such a contribution would not meet the relevant tests set out in the Framework⁴.
43. SWTC also submitted a wish list of contributions it was seeking from the Proposed Development. Many of these are included in the Section 106 agreement. Some such as prioritising pedestrians and cyclists, encouraging sustainable travel and the provision of suitable green areas would need to be considered at Reserved Matters stage. Others such as contributions to help fund off site community facilities, cemetery facilities, arts and tourism facilities and contributions to maintenance of areas of public open space elsewhere in Saffron Walden and a depot for the storage of tools are not included.
44. Whilst I welcome SWTC endeavours to ensure that Saffron Walden has all the facilities for both existing and future residents that it needs, details of the amounts sought, how they would be directly related to the Proposed Development and why they would be necessary in order to make the development acceptable in planning terms have not been provided. As a result, given the scale of development proposed I consider that contributions to help fund off site community facilities, cemetery facilities, arts and tourism facilities and contributions to maintenance of areas of public open space elsewhere in Saffron Walden and a depot for the storage of tools would not meet the tests set out in the Framework.
45. In relation to those contributions that are included in the completed legal agreement I am satisfied that they are justified and the provisions of the Section 106 meet the relevant tests set out in the Framework. I have considered the drafting of the document and consider that it is legally sound and enforceable.

The planning balance

46. UDC confirmed at the Hearing that it cannot demonstrate that it had a five-year supply of housing. As such the tilted balance under paragraph 11(d)(ii) of the Framework applies.

⁴ Paragraph 57

47. Given the location of the site outside of the settlement boundary for Saffron Walden there would be a degree of conflict with the Development Plan. Although this carries weight in the planning balance its weight is reduced due to the application of the tilted balance and the fact that the policy is out of date.
48. The proposed development would provide a number of benefits. This would include the provision of up to 170 units, of which 40% would be affordable which UDC agree would make a valuable contribution to the district's housing supply. I therefore give this significant weight. Other social benefits would be delivered through the delivery of public open space/ play and recreation areas and the provision of a multiuser green route which would eventually form part of an orbital green way to which I give moderate weight.
49. Economic benefits would arise through employment during the construction period, which although temporary would, given the size of the proposed development, be greater than negligible. Longer term economic benefits would arise from local support of services and infrastructure provision arising from the proposed development which can be attributed moderate weight.
50. Due to changing the nature of the site from open arable fields to a significant amount of built form UDC considers that the Proposed Development would inevitably cause some level of harm upon the character and openness of this part of the countryside. However, the proposal would have a density of 39 dwellings per hectare which reflects the density of neighbouring developments and would enable the provision of a variety of landscape features and areas of open space within the site. The proposed development would include a landscaping edge to the boundaries of the site, in particular the eastern boundary that would help screen the development. I therefore give this moderate weight in the planning balance.
51. Whilst the proposal would result in the loss of BMV agricultural land it would enable the delivery of both market and affordable housing in a district where there is a recognised need. I therefore attribute moderate weight to the loss of agricultural land.
52. Taking all these benefits into account and weighing them in the tilted balance, I find the limited harm identified in terms of conflict with Local Plan policies S7, ENV3 and ENV5 are outweighed by the benefits that I have identified above and as such I consider that the application should be approved.

Conditions

53. The Framework sets out a number of tests that conditions need to meet. The drafting and need for the conditions were the subject of a detailed discussion at the Hearing. As a result of these discussions an updated and revised set of conditions was provided following the close of the Hearing. I have reviewed these conditions and unless otherwise stated judge that they meet the tests. Where necessary for clarity or enforceability I have re-ordered them or adjusted the wording. Conditions relating to the submission of reserved matters and commencement of development are necessary due to the outline nature of the proposal. In the interests of enforceability, I have imposed a

condition requiring the development to be carried out in accordance with the approved plans and relevant outline documents.

54. Given the location of the site there is the possibility for archaeological finds therefore a condition requiring a written scheme of investigation and setting out what would need to be done if remains are unearthed would also be reasonable.
55. To ensure highway safety and protect the living conditions of the residents of neighbouring properties during construction a condition requiring the submission and approval of a Construction Environmental Management Plan (CEMP), which would control amongst other things working hours; delivery times and routes; construction workers parking; site management etc is considered necessary.
56. Conditions in relation to contaminated land and how it would be managed are necessary to ensure the health and safety of future residents.
57. Conditions controlling/ restricting lighting at the site are necessary in order to protect the living conditions of existing residents and wildlife.
58. To minimise the impact on wildlife and to protect the landscape conditions requiring the submission of a biodiversity CEMP, a Farmland Bird Mitigation Strategy, a Landscape and Ecological Management Plan and a lighting design scheme for biodiversity are considered necessary. The submission of a Biodiversity Net Gain (BNG) Stage Report is also required to ensure the delivery of (BNG).
59. A number of conditions to ensure highway safety and to encourage sustainable transport methods within the site are considered necessary.
60. Drainage schemes, including sustainable methods of dealing with surface water and restricting surface water from discharging from the site are necessary to ensure that there is no detriment to adjoining areas.

Conclusion

61. For the reasons set out above and having regard to all other matters raised, I conclude that subject to the conditions set out in the attached schedule that the planning permission should be granted.

Jo Dowling

Appointed Person

Schedule 1

Conditions:

Number Condition	
Time	
1	Approval of the details of layout, scale, landscaping, and appearance (hereafter called "the Reserved Matters") must be obtained from the Local Planning Authority in writing before development commences and the development must be carried out as approved.
Reason	In accordance with Article 5 of the Town and Country Planning (Development Management Procedure)(England) Order 2015 (as amended) and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2	Application for approval of the Reserved Matters must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.
Reason	In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
3	The development hereby permitted must be begun no later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.
Reason	In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
Plans and Documents	
4	<p>The development shall be carried out in accordance with the following approved plan:</p> <ul style="list-style-type: none"> • Site Location Plan; • Dwg Ref: 1000 PR C; • Site Access Arrangement Plans 22078/006D and 22078/007B. <p>Unless otherwise agreed in writing by the Local Planning Authority.</p>
Reason	To ensure the development reflects and maintains the character of the surrounding locality and the streetscene in accordance with Policies S7, GEN1 and GEN2 of the adopted Local Plan and the National Planning Policy Framework.
5	<p>The location of the built development shall be carried out in general accordance with the:</p> <ul style="list-style-type: none"> • Land Use Parameter Plan Dwg Ref: 1201 PL C; • Access Strategy Parameter Plan Dwg Ref: 1202 PL D; • Building Heights Parameter Plan Dwg Ref: 1203 PL D; • Density Parameter Plan Dwg Ref: 1204 PL C; and • Green Infrastructure Parameter Plan Dwg Ref: 1205 PL D. <p>Unless otherwise agreed in writing by the Local Planning Authority.</p>
Reason	To ensure the development reflects and maintains the character of the surrounding locality and the streetscene in accordance with Policies S7,

Number	Condition
	GEN1 and GEN2 of the adopted Local Plan and the National Planning Policy Framework.
6	The development hereby approved shall be constructed in accordance with the details as set out within the 'Design Code' Rev A (February 2023) prepared by Keir unless otherwise agreed in writing by the Local Planning Authority.
Reason	To ensure a high-quality development and place making is achieved when applications for reserved matters are submitted in accordance with Policy GEN2 of the adopted Local Plan and the National Planning Policy Framework.
7	In accordance with the details contained in the 'Energy and Sustainability Statement' (November 2022) prepared by 'Love Design Studio', details for the provision of domestic heating from a renewable source of energy, which may include but not be limited to the installation of PV solar panels shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be installed prior to the occupation of each dwelling.
Reason	To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance to comply with Policies ENV15 and GEN2 of the adopted Local Plan as well as Interim Climate Change Policy document (2021) and the Uttelsford Climate Change Strategy 2021-2030 and the National Planning Policy Framework.
8	The development hereby approved shall be constructed in accordance with the details as set out within the Minerals Resource Assessment (MRA) prepared by Wardrop Minerals Management Limited (December 2022), a Waste Infrastructure Impact Assessment (WIIA) prepared by Tetra Tech (January 2023) and a Site Waste Management Plan (SWMP) prepared by Tetra Tech (January 2023) unless otherwise agreed in writing by the Local Planning Authority.
Reason	In order to demonstrate compliance with Essex Mineral Local Plan Policies S4 and S8, and Essex and Southend-on-Sea Waste Local Plan Policy 2 and the National Planning Policy Framework.
9	The glazing, ventilation and any other mitigation specified shall be installed in accordance with the specifications recommended within the Noise Assessment submitted with the application [Noise Solutions Ltd, 24 th February 2023, reference 90582 Revision 5].
Reason	To ensure future occupiers enjoy a good acoustic environment in accordance with Policy ENV10 of the adopted Local Plan.
10	The development hereby approved shall be constructed in accordance with the details as set out within the 'Air Quality Assessment' (November 2022) prepared by WSP Environment & Infrastructure Solutions UK Limited unless otherwise agreed in writing by the Local Planning Authority.
Reason	To ensure the protection of the public in accordance with policy ENV13 of the adopted Local Plan and the National Planning Policy Framework.
11	All mitigation and enhancement measures and/ or works shall be carried out in accordance with the details contained in the Ecological Assessment (Tyler Grange, December 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Number	Condition
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 and Countryside Act 1981 (as amended) and section 40 of the Natural Environment and Rural Communities Act 2006 (Priority Habitats and Species), Policy GEN7 of the adopted Local Plan and the National Planning Policy Framework.
Pre-Commencement	
Archaeology	
12	No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation (WSI) which has been submitted by the applicant and approved in writing by the Local Planning Authority. The approved works shall thereafter be carried out in accordance with the approved scheme.
Reason	To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the adopted Local Plan and the National Planning Policy Framework.
13	No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in condition 9 and confirmed by the Local Planning Authority.
Reason	To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the adopted Local Plan and the National Planning Policy Framework.
14	The applicant will submit to the Local Planning Authority a post-excavation assessment (to be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance with the 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 adopted Local Plan and the National Planning Policy Framework.
Construction	
15	<p>Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include, but not limited to, the following:</p> <ul style="list-style-type: none"> 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. d) Parking and loading arrangements. e) Details of hoarding. f) Management of traffic to reduce congestion. g) Control of dust and dirt on the public highway. h) Details of consultation and complaint management with local businesses and neighbours.

Number	Condition
	<p>i) Waste management proposals.</p> <p>j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.</p> <p>k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.</p> <p>l) Wheel and underbody washing facilities.</p> <p>m) Routing strategy for construction traffic.</p> <p>n) Protection of any public rights of way within or adjacent to the site.</p> <p>o) Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense when caused by the developer</p> <p>The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.</p>
Reason	<p>In the interests of highway safety and the control of environmental impacts on existing properties in accordance with Policies GEN1, ENV10 and ENV11 of the adopted Local Plan, Policy DM1 of the Highway Authority's Development Management (February 2011) and the National Planning Policy Framework.</p>
16	<p>No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites – Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard or Model Procedure if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:</p> <p>a) a survey of the extent, scale and nature of contamination; and</p> <p>b) the potential risk to:</p> <ul style="list-style-type: none"> • human health; • property (existing or proposed) including buildings, crops, livestock; • pets, woodland and service lines and pipes; • adjoining land; • ground waters and surface waters; • ecological systems; and • archaeological sites and ancient monuments. <p>No development shall take place in locations where (following the risk assessment) land affected by contamination is found, which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an appraisal of remediation options, identification of the preferred</p>

Number	Condition
	option(s); the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that on completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out (and upon completion a verification by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the Local Planning Authority) before the development (or relevant phase of development) is occupied.
Reason	To ensure the health and future occupiers in accordance with policy ENV14 of the adopted Local Plan and the National Planning Policy Framework.
Living Conditions	
17	Details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. The exterior lighting is to be capped at the horizontal with no upward lightspill. Only the details thereby approved shall be implemented.
Reason	To protect the amenities of the occupiers of adjoining properties in accordance with Policies ENV11, GEN2 and GEN4 of the adopted Local Plan.
Environmental Measures	
18	<p>Prior to commencement, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> a) Risk assessment of potentially damaging construction activities, including in relation to surface water run-off and groundwater. b) Identification of "biodiversity protection zones". c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). d) The location and timing of sensitive works to avoid harm to biodiversity features. e) The times during construction when specialist ecologists need to be present on site to oversee works. f) Responsible persons and lines of communication. g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. h) Use of protective fences, exclusion barriers and warning signs. i) Containment, control and removal of any Invasive non-native species present on site. <p>The approved CEMP (biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.</p>

Number	Condition
Reason	To conserve protected species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and section 40 of the of the Natural Environment and Rural Communities Act 2006 (Priority Habitats and Species), Policy GEN7 of the adopted Local Plan and the National Planning Policy Framework.
19	<p>Prior to commencement, a Farmland Bird Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority to compensate the loss or displacement of any Farmland Bird territories identified as lost or displaced. This shall include provision of offsite compensation measures to be secured by legal agreement, in nearby agricultural land, prior to commencement. The content of the Farmland Bird Mitigation Strategy shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> a) purpose and conservation objectives for the proposed compensation measure e.g. Skylark plots; b) detailed methodology for the compensation measures e.g. Skylark plots must follow Agri-Environment Scheme option: 'AB4 Skylark Plots'; c) locations of the compensation measures by appropriate maps and/or plans; d) persons responsible for implementing the compensation measure. <p>The Farmland Bird Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum period of 10 years.</p>
Reason	To allow the Local Planning Authority to discharge its duties under the Natural Environment and Rural Communities Act 2006 (Priority Habitats and Species), Policy GEN7 of the adopted Local Plan and the National Planning Policy Framework.
20	<p>Prior to commencement, a Biodiversity Net Gain Design Stage Report, in line with Table 2 of CIEEM Biodiversity Net Gain report and audit templates (July 2021), shall be submitted to and approved in writing by the Local Planning Authority which provides a measurable biodiversity net gain, using the DEFRA Biodiversity Metric 3.1 or any successor. The content of the Biodiversity Net Gain report should include, but not be limited to, the following:</p> <ul style="list-style-type: none"> a) baseline data collection and assessment of current conditions on site; b) a commitment to measures in line with the Mitigation Hierarchy and evidence of how Biodiversity Net Gain (BNG) Principles have been applied to maximise benefits to biodiversity; c) provision of the full BNG calculations, with plans for pre and post development and detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality; d) details of the implementation measures and management of proposals;

Number	Condition
	<p>e) details of any off-site provision to be secured by a planning obligation; and</p> <p>f) details of the monitoring and auditing measures.</p> <p>The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.</p>
Reason	In order to demonstrate measurable net gains and allow the Local Planning Authority to discharge its duties under the National Planning Policy Framework.
21	<p>A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to occupation the development. The content of the LEMP shall include, but not be limited, the following:</p> <p>a) Description and evaluation of features to be managed.</p> <p>b) Ecological trends and constraints on site that might influence management.</p> <p>c) Aims and objectives of management.</p> <p>d) Appropriate management options for achieving aims and objectives.</p> <p>e) Prescriptions for management actions.</p> <p>f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).</p> <p>g) Details of the body or organisation responsible for implementation of the plan.</p> <p>h) Ongoing monitoring and remedial measures.</p> <p>The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/ or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.</p>
Reason	To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and section 40 of 40 of the of the Natural Environment and Rural Communities Act 2006 (Priority Habitats and Species).
22	<p>A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, 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</p>

Number	Condition
	the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.
Reason	To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and section 40 of 40 of the of the Natural Environment and Rural Communities Act 2006 (Priority Habitats and Species).
23	<p>Prior to the commencement, a Bird Hazard Management Plan shall be submitted to and agreed, in writing, by the Local Planning Authority.</p> <p>The Plan should include details of landscaping, especially open/ public spaces and SuDS, and measures in how birdstrike avoidance is undertaken during both the construction period and in perpetuity.</p> <p>The scheme shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.</p>
Reason	To ensure flight safety by preventing distraction or confusion to pilots using Stanstead Airport and to ensure accordance with the National Planning Policy Framework.
Drainage	
24	<p>Prior to commencement, a detailed surface water drainage scheme for the site, based on sustainability drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:</p> <ul style="list-style-type: none"> a) 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. b) Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event OR, if impracticable Demonstrate that features are able to accommodate a 1 in 10-year storm event within 24 hours of a 1 in 30 year event plus climate change. c) Final modelling and calculations for all areas of the drainage system. d) 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. e) Detailed engineering drawings of each component of the drainage scheme. f) A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features. g) A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Number	Condition
	The scheme shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.
Reason	<p>To prevent flooding by ensuring the satisfactory storage of/ disposal of surface water from the site.</p> <p>To ensure the effective operation of SuDS features over the lifetime of the development.</p> <p>To provide mitigation of any environmental harm which may caused to the local water environment.</p> <p>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 ad may lead to increased flood risk and pollution hazard from the site.</p> <p>All of the above would ensure accordance with Policy GEN3 of the adopted Local Plan and the National Planning Policy Framework.</p>
25	<p>Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/ frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.</p> <p>Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.</p> <p>The scheme shall thereafter be maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.</p>
Reason	<p>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.</p> <p>Failure to provide the above required information prior to occupation may result in a system that is not properly maintained and may increase flood risk or pollution hazard from the site. This is to ensure accordance with Policy GEN3 of the adopted Local Plan and the National Planning Policy Framework.</p>
Highways	
26	<p>Prior to occupation of the development, the signalised access, as shown on submitted drawing 22078/006 Rev D and 007B shall be provided, including a carriageway of minimum width (at junction) of 7.3 meters (m), a footway minimum width 2m and shared pedestrian/cycleway minimum effective width 3.5m, toucan and Pegasus crossings on the access road and the northern arm of Thaxted Road, the junction signals shall include capability to link it to any current or future signals in the vicinity, provision of MOVA and a clear to ground visibility splays in accordance with the speed of the road. The visibility splays shall be retained free of any obstruction at all times thereafter. All necessary works including safety audits, any</p>

Number	Condition
	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 that vehicles can enter and leave the highway in a controlled manner in forward gear with inter-visibility between vehicles using the access and those in the existing public highway in the interests of 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 reserved matters planning application, a scheme showing the walking and cycling network within the site and access to Thaxted Road, as shown in principle in drawing number 3118/A/1020/PL/D including the Multi-user Green Route, shall be provided. The scheme shall provide details of any necessary surfacing, signing and lighting and shall be submitted to and approved in writing by the Local Planning Authority. The footway/cycleways shall be constructed in accordance with the approved scheme and made available for use prior to the occupation of the first dwelling hereby permitted.
Reason	To improve the accessibility of the development by walking and cycling in accordance with Policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Informatives:

Number	Informative
i	In determining this application, the Planning Inspectorate, on behalf of the Secretary of State, has worked with the applicant in a positive and proactive manner. In doing so the Planning Inspectorate engaged in correspondence during the course of the application.
ii	The decision of the appointed person (acting on behalf of the Secretary of State) on an application under section 62A of the Town and Country Planning Act 1990 ("the Act") is final, which means there is no right to appeal. 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
iii	These notes are provided for guidance only. A person who thinks they may have grounds for challenging this decision is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655) or follow this link: https://www.gov.uk/courts-tribunals/planning-court .
iv	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.

Schedule 2

Documents submitted at the Hearing:

- HD1 Statement by SWTC
- HD2 Summary of S106 agreement by Dentons

Documents submitted after the Hearing:

- HD3 Electronic copy of Statement by SWTC
- HD4 Email dated 4 May 2023 from SWTC responding to Hearing action points
- HD5 Email dated 4 May 2023 from UDC responding to Hearing action points
- HD6 Email dated 5 May 2023 from Hertfordshire and West Essex Integrated Care Board regarding the effect of the proposal on existing healthcare provision
- HD7 Applicant and UDC agreed revised draft conditions provided by email 17 May 2023
- HD8 Signed Section 106 agreement provided by email 20 May 2023