



Statement of Reasons & Decision Notice

Site visit made on 11 September 2023

Hearing held Thursday 22 February 2024

by Mr Wayne Johnson BA(Hons) Dip TP Dip UDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2024

Application Ref: s62A/2023/0021

Moors Field, Station Road, Little Dunmow, Essex

- The application was made under Section 62A of the Town and Country Planning Act 1990 (TCPA) by Dandara Eastern Limited.
 - The site is located within the local planning authority area of Uttlesford District Council.
 - The application was dated 17 July 2023, with a valid date of 11 August 2023.
 - Consultation initially took place between 15 August 2023 and 15 September 2023.
 - The development proposed is described as: '*Application for the approval of reserved matters for appearance, landscaping, layout and scale for 160 dwellings and a countryside park pursuant to conditions 1 and 2 of outline planning permission UTT/21/3596/OP*'.
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Statement of Reasons

Summary of Decision

Planning permission is **Granted** subject to conditions.

Procedural Matters

1. The application was submitted under s62A of the *Town and Country Planning Act 1990*, as amended (TCPA). This allows for applications to be made directly to the Secretary of State (SoS), where a local authority has been designated. Uttlesford District Council (UDC) have been designated for major applications since February 2022. The SoS has appointed a person under section 76D of the TCPA to determine the application instead of the SoS.
2. Following the closure of the representation period, Article 22 of *The Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013* requires the SoS (or appointed person) to consider the application either by hearing or on the basis of representations in writing.
3. Taking into account Section 319A of the TCPA and the *Procedural guidance for Section 62A Authorities in Special Measures*¹ published by the SoS (including Paragraph 5.1.1), as the appointed person, I considered that the issues raised in this case should be dealt with by means of a s62A Hearing. An Issues report was issued on Tuesday 13 February 2024. The Hearing took place on Thursday 22 February 2024 and an unaccompanied site visit was carried out on 11 September 2023. The inspection included viewing the site from the surrounding area.

¹ [Procedural guidance for Section 62A Authorities in Special Measures - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/procedural-guidance-for-section-62a-authorities-in-special-measures)

4. Outline planning permission (UTT/21/3596/OP) was granted on 2 March 2023. This sought permission for up to 160 no. dwellings with all matters reserved except for access. This extant outline permission is an important material consideration, as it establishes the principal of the acceptability of the application site being used for residential development of a quantum proposed. Nonetheless, it is important to note that the details forming this Reserved Matters application is considered on its own merits, albeit the office hub as approved as part of the outline consent is excluded from this application and will be subject to a future reserved matters application.
5. During the course of the application, the Applicant was given the opportunity to address concerns raised from the initial consultation period on 15 August 2023. This resulted in revised documents being submitted and another period of consultation being undertaken on 13 October 2023. Whilst the original date for the event was scheduled for 23 November 2023, the submission of a substantial amount of documents on 21 November 2023 by the Applicant, prevented it from going ahead. Consequently, a further period of consultation was issued with a deadline of 19 December 2023. All of the responses received to date have formed the main issues, outlined later in this report and have been taken into consideration in the determination of the application.
6. At the event, it was established that the submitted documents contained a number of errors that had been overlooked such as reference to GOS2 house type and an incorrect scale bar on the landscaping plans which didn't measure correctly against the drawings. Also, there was an opportunity to undertake minor amendments to the length of parking spaces for plots 14, 15, 16, 29 and 58 to ensure a minimum of 5.5m for one space, 11m for two spaces and 16.5m for three spaces. It was agreed verbally by all parties that such amendments would not require further consultation. Consequently, I am satisfied that no interested party would be prejudiced by accepting such amended drawings. The amended drawings were received after the event on 1 March 2024.

Planning Policy and Guidance

7. The adopted development plan for this part of the Uttlesford District is the *Uttlesford District Local Plan* (adopted 2005) (LP). The emerging local plan is still at early stage and has no appreciable weight for the purposes of consideration of this application. Within the Officer Report to Committee, the following policies are of particular note in this instance:
8. S7 – The Countryside; GEN1 – Access; GEN2 – Design; GEN3 – Flood Protection; GEN4 – Good Neighbourliness; GEN5 – Light Pollution; GEN6 – Infrastructure Provision; GEN7 – Nature Conservation; GEN8 – Vehicle Parking Standards; ENV2 – Development Affecting Listed Buildings, ENV3 – Open Spaces and Trees; ENV4 – Ancient monuments and Sites of Archaeological Importance, ENV4 – Ancient Monuments and Sites of Archaeological Interest; ENV5 – Protection of Agricultural Land; ENV7 – Protection of the Natural Environment; ENV8 – Other Landscape Elements of Importance; ENV10 – Noise Sensitive Developments; ENV11 – Noise Generators; ENV12 – Groundwater Protection; ENV14 – Contaminated Land, H1 – Housing development, H9 – Affordable Housing and H10 – Housing Mix.
9. The *National Planning Policy Framework* (the Framework) is also an important material consideration, which was last revised in December 2023.

Main Issues

10. In addition to the *Issues Report and Hearing Agenda* documents, I set out what I considered to be the main issues. These were:
- The effect of the proposed development on the character and appearance of the site and surrounding area;
 - The effect of the proposed development on highway safety and access, with particular regard to vehicle manoeuvres within the site and parking;
 - The effect of the proposed development on nearby heritage assets;
 - The effect of the proposed development on the living conditions of neighbouring occupiers, and whether satisfactory accommodation would be provided for future occupiers of the scheme;
 - The effect of the proposed development on Moors Wood; and,
 - The benefits of the proposal, compliance with the development plan, and the overall planning balance.
11. Given the proximity of some listed buildings nearby, it is necessary to consider these in discharging the duty under s66(1) Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Statutory Parties or Interested Persons

12. A number of representations have been made by public body consultees. Full details of the comments can be found on the application website at: <https://www.gov.uk/guidance/section-62a-planning-application-s62a20230021-moors-field-station-road-little-dunmow-essex>
13. At the Hearing and in addition to the Applicant and the Council, only the Parish Council were in attendance. In any event, all written representations received from local residents and other consultees, have been taken into account in reaching the decision.

Reasons

Character and appearance

14. Whilst concerns were raised on the initial submission, the Council confirmed at the event that it was generally satisfied with the scheme and that it accords with the Moors Fields Design Code (the Design Code). However, an issue remained over nodal/corner buildings. It was established that the house type 'GOS2' was slightly misleading as there was now only one version of this house type in the submission. Once this error was established it was agreed that an amended plan should be submitted referring to this house type as 'GOS' only.
15. Comments have been received from the Council regarding a preference towards dual frontages on corner plots rather than the approach taken by the Applicant. The existing detailing by way of chimney stacks on these house types with window openings, provide sufficient detailing on the dwellings to break up these elevations, whilst also providing natural surveillance. I do not consider that this form of detailing could mislead anyone in thinking that these elevations are the rear elevations of the property. Consequently, the approach to the design of these properties would not have a harmful effect on those

residential plots or detract from the surrounding residential development.

16. For these reasons, I conclude that the scheme would represent a high-quality development in respect of its layout, scale and appearance in accordance with LP Policy GEN1 and GEN2, which, amongst other aims, seek good design. The proposed development would also comply with the aspirations for high quality design in the Design Code and the Framework.

Highway safety

17. The proposed development would have 371no. off street parking spaces for the proposed 160no. residential units, with an added 40no. visitor parking spaces. It is accepted by the Council that this is in excess of the minimum requirement and that it is satisfied with the provision of off-street parking within the scheme. However, there is still concern raised in respect of the amount of triple tandem parking.
18. The Council considers that a number of units do not require triple tandem spaces as they would only require 2no. parking spaces. Whilst correspondence received from the Council indicates concerns with design, discussions at the event established that the primary concern was relating to displaced off-street parking to the street, through potential inconvenience caused by triple tandem parking and the subsequent vehicle movements required as a consequence of its design.
19. Whilst the Council suggests all triple tandem parking should be removed from units comprising 3no. bedrooms or less, it acknowledges that there is no policy requirement or guidance that specifically relates to triple tandem parking. On balance, I do not accept that the amount of triple tandem parking proposed within the scheme would result in significant displacement of vehicles from being parked on off-street locations, to the street. Additionally, I consider that such a likelihood would still exist, if the number of units with triple tandem parking was reduced, and be possibly greater than that proposed.
20. During the course of the application, concerns were raised by the Council in respect of the manoeuvrability of refuse vehicles within the proposed development. The Applicant sought to address these concerns through the submission of amended drawings. Whilst the Council indicated in its latest response that it required further clarification on the size of refuse vehicle, it nonetheless confirmed that it no longer had any concerns in this respect at the event.
21. For these reasons, I conclude that the proposed development would not result in any adverse effect from vehicle manoeuvres within the scheme and parking. Therefore, the scheme accords with the highway safety aims of LP Policies GEN1, GEN2, GEN8 and the requirements of the Framework.

Heritage assets

22. I note that nearby listed buildings to the application site in the Affected Listed Buildings document include: Bayleys (List Entry Number (LEN) 1112805); Willow Cottage (LEN 1112813); The Cottage (LEN 1322294) and Brights Cottage (LEN 1168349), which are all Grade II listed. However, others are listed in the Committee Report and consultation responses, such as: Penash, which is Grade II Listed (LEN 1112812) and Church of St Mary the Virgin (the

Church), which is Grade I Listed (LEN 1307038). These are of relevance due to their proximity to the site and their status, respectively.

23. The Church and the Little Dunmow Conservation Area (the CA) have been identified by the Council's Heritage Officer for particular consideration regarding longer views. Section 66(1) of the Act, as amended, sets out that special regard shall be had to preserve the setting of the identified listed buildings. The significance of these listed buildings lies primarily in their architectural features and historical association with the settlement of Little Dunmow. This significance in all instances would largely remain unchanged, due to the distances that would be maintained from the proposed development and the restrictions provided by the topography and existing landscape features limiting the visual connection. For similar reasons to the listed buildings the proposed development would not harm the setting of the CA, where its significance derives from its historic origins and rich built heritage.
24. I acknowledge the condition suggested by the Council's Heritage Officer, surrounding the submission of a Landscape and Visual impact Assessment, but given that the principle of development has already been established and my findings on the matter, I do not consider that such a condition is justified. Accordingly, I find that, at the very least, the proposal would preserve the setting of these nearby listed buildings and the CA. Even if, I found any harm as suggested by the Council's Heritage Officer in accordance with paragraph 205 of the Framework, it would be at the lower end of less than substantial harm. Thus, in accordance with paragraph 208 of the Framework, such circumstances requires that any identified harm is weighed against any public benefits the works might secure. In this instance, if such harm was found, there would be sufficient public benefits to outweigh any harm, particularly from the contribution of the proposed development to the Council's supply of homes and the significant number of affordable homes that would be included, amongst other things.
25. For these reasons, I conclude that the proposed development would preserve the setting of the listed buildings and the CA. Therefore, the scheme accords with the heritage aims of LP Policy ENV2 and the requirements of the Framework.

Living conditions

26. During the course of the application concerns were raised by existing occupiers on Ainsworth Drive regarding the accuracy of the proposed 8m landscape buffer (the buffer) between the boundary of the proposed development and the existing properties on Ainsworth Drive. In correspondence dated 21 November 2023 and verbally at the event, the Applicant confirmed that the buffer has a minimum depth of 8m as required, and in some parts extends to 10.5m. Additionally, through the submission of the revised drawings in relation to boundary treatments, previous concerns surrounding the accessibility of the buffer have been satisfied, as it has been confirmed that the buffer will now be fenced off so that it is not publicly accessible.
27. Confirmation from the Applicant has also been received that the proposal meets the standards set out in the Essex Design Guide (the EDG), with particular regard to a minimum separation distance of 25m between rear elevations. The proposed development has a range of separation distances between the proposed and existing dwellings are between 26.5m and 36.1m

and the rear elevations of all of the new dwellings would be set a minimum distance of 15m from the nearest existing boundary in accordance with the EDG. Consequently, the proposed development complies with all interface distances/angle of separation with the EDG for new and existing properties, ensuring no adverse effects with regards to privacy or dominance.

28. For these reasons, I conclude that the proposed development would result in satisfactory living conditions for both future and existing residents. Therefore, the scheme accords with the amenity aims of LP Policies GEN2, GEN4, the EDG and the requirements of the Framework.

Moors Wood

29. The initial submission raised concerns from the Council in respect of the extent of the woodland and its proximity to the built form of the proposed development. The Council considered that a lack of clarity existed on this matter and thus raised issues surrounding the potential impact upon the tree root protection areas. However, the imposition of a condition was suggested by the Council. The Applicant, in their response in December 2023 acknowledged that the proposed development would comply with the detailed Arboricultural Impact Assessment (AIA), including Tree Survey and Tree Protection Plans that was submitted with the outline application, but notes that there is no condition imposed on the outline application requiring compliance.
30. On this basis, the Applicant accepts that it would be appropriate for such a condition to be imposed requiring the submission and approval of an updated AIA. Consequently, the Council are satisfied that subject to the imposition of such a condition, any concerns resulting from the proposed development upon Moors Wood and/or other existing vegetation would be overcome. In this instance otherwise unacceptable development could be made acceptable through the use of conditions.
31. For these reasons, I conclude that the proposed development would not result in any adverse effects on Moors Wood. Therefore, the scheme accords with the environmental aims of LP Policies S7, GEN7, ENV3, ENV7, ENV8 and the requirements of the Framework.

The benefits of the proposal and compliance with the development plan

32. The proposed development would provide 160 dwellings, including affordable homes. It would also provide biodiversity enhancements on a currently unmanaged site and economic benefits in the form of jobs during the construction phase.
33. In respect of LP Policy S7, the principle of development has already been established through the approval of the outline application and the proposed development as set out under this application would introduce much needed housing to the Council's supply of homes. Whilst there would still be conflict with LP Policy S7, which seeks to protect the countryside for its own sake, it is limited and overall the proposed development accords with the adopted development plan when considered as a whole, including compliance with LP policies GEN1, GEN2, H9, and ENV2.

Other Matters

34. Through correspondence received from Active Travel England (ATE), concerns

were raised initially through a lack of information for ATE to be assured that the proposed development and proposed active travel infrastructure would create an environment that supports and embeds active travel. However, through the submission of revised details by the Applicant, ATE confirmed that it was content with these changes, subject to the imposition of suitably worded conditions in relation to the detailed design of the off-road walking and cycling facilities, including the proposed bridge, to ensure that they are designed to accommodate both pedestrians and cyclists, including surfacing in accordance with current standards and that they are maintained accordingly.

35. I have had regard to the number of objections received from local residents and others, as part of this application, many of which I have considered in the above reasoning. A wide range of concerns has been expressed including, but not limited to the following: Highway safety on the existing road network as a consequence of the scheme; Anglian Water Services Treatment Plant; Bus services; Surface water drainage and its effect on existing features such as a retaining wall on Ainsworth Drive; Air, light and sound pollution; Environment and ecology, amongst other things. Loss of a view has also been mentioned, but this is not a material planning matter. Whilst I can understand the concerns of the interested parties, there is no compelling evidence before me that would lead to justification, either individually and/or cumulatively, for the refusal of permission in this instance.

Conditions

36. The designated planning authority and Applicant have provided a list of suggested conditions. This includes a re-ordering of those suggested and making amendments and minor corrections, where necessary, to ensure clarity and compliance with the tests contained within Paragraph 56 of the Framework and the Planning Practice Guidance. The conditions were discussed at the Hearing. In addition to all the information before me, I have taken these suggested conditions and the comments relating to them into account in reaching my decision. This includes, imposing a reasonable percentage figure for condition nos. 4 and 8 in light of the dispute between the parties on this matter.
37. Article 24 (1) (a) of *The Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013* (SI 2013 No. 2140) sets out that where planning permission is granted subject to conditions, (as is the case here) the notice must state clearly and precisely the full reasons for each condition imposed. This has been provided here under each condition imposed within the decision notice section of this document. In accordance with Section 100ZA of the TCPA, the Applicant confirmed their agreement to the use of pre-commencement conditions where these meet the tests of Paragraph 56 of the Framework.

Planning Balance and Conclusion

38. There is no overall conflict with the adopted development plan when considered as a whole, and there are no material considerations that indicate a decision otherwise than in accordance with it. Furthermore, the proposal would align with national policies set out in the Framework.
39. The proposal would clearly result in wider benefits including the creation of market and affordable housing, biodiversity gains and notable economic

benefits during the construction phase. These benefits attract very significant weight in favour of the proposed development.

40. For these above reasons, I conclude that planning permission should be granted subject to conditions; the reasons for which are clearly and precisely set out under each condition imposed in the decision notice.

W Johnson

INSPECTOR (Appointed person under S76D TCPA)

APPEARANCES

FOR THE APPLICANT:

- David Jones Principal Planner, Armstrong Rigg Planning
- John Baines Planning Director, Dandara Eastern
- Andrew Muthusami Principal Infrastructure Engineer, RSK
- Rob Ware Principal Urban Designer, Pegasus

FOR THE DESIGNATED LOCAL PLANNING AUTHORITY:

- Lindsay Trevillian Uttlesford District Council

INTERESTED PERSONS:

- Kevin French Chairman – Little Dunmow Parish Council
- Liz Clark Little Dunmow Parish Council

Documents submitted after the Hearing:

In line with paragraph 6 of the Statement of Reasons, various amendments have been accepted after the event, which are clearly set out in the Schedule of Documentation – Further Revised Submission received on 1 March 2024. The amended plans are clearly marked 1 March 2024 and are as follows:

P23-0555_003 Rev V; P23-0555_005 Rev E; P23-0555_006 Rev E;
P23-0555_007 Rev E; P23-0555_008 Rev E; P23-0555_010 Rev E;
P23-0555_011 Rev D; P23-0555_012 Rev E; P23-0555_013 Rev D;
P23-0555_014 Rev B; 3261.MA.1000 Rev D; 3261.MA.1001 Rev D;
3261.MA.1002 Rev C; 3261.MA.1003 Rev D; 3261.MA.1004 Rev D;
3261.MA.1005 Rev C; 3261.MA.1006 Rev C; 3261.MA.1007 Rev C;
3261.MA.2000 Rev C; 3261.MA.3000 Rev C; 3261.MA.3001 Rev D;
3261.MA.3002 Rev C; 3261.MA.3003 Rev C; 3261.MA.3004 Rev C;
3261.MA.3005 Rev C; 3261.MA.3006 Rev C; 3261.MA.3007 Rev C,
and 3261.MA.3008 Rev C.

Decision Notice

Reference: s62A/2023/0021

Planning permission is granted for the approval of reserved matters for appearance, landscaping, layout and scale for 160 dwellings and a countryside park pursuant to conditions 1 and 2 of outline planning permission UTT/21/3596/OP at Moors Field, Station Road, Little Dunmow, Essex in accordance with the terms of the application, Ref s62A/2023/0021, dated 17 July 2023, with a valid date of 11 August 2023, subject to the following conditions:

Time Limit

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Drawings

2. The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule, entitled 'Schedule of Documentation – Further Revised Submission' dated 1 March 2024.

Reason: For certainty and to ensure that the development is carried out in accordance with the approved plans and details.

Pre-commencement conditions

3. Prior to commencement of the development, details of protective fence(s) are to be submitted and approved by the Council that are to be positioned around existing retained trees including Moors Wood.

The approved fence(s) shall be in place before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no excavation of trenches, no site huts, no fires lit, no dumping of toxic chemicals and no retained trees shall be used for winching purposes. The approved details shall then be fully implemented in the development.

Reason: To protect the retained trees from damage during construction and in recognition of the contribution which the retained tree(s) give, and will continue to give to the amenity of the area in accordance with Local Policies

GEN2, ENV8 of the Uttlesford District Local Plan 2005 (as Adopted) and the National Planning Policy Framework.

4. Prior to commencement of the development, details of the south-eastern shared pedestrian and cycle access, including the proposed bridge over the enhanced swale shall first be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the occupation of 50% of the approved dwellings, then maintained and retained for the life of the development.

REASON: In the interests of reducing the need to travel by car, promoting sustainable development and transport, and ensuring an appropriate walking and cycling network in accordance with policy DM9 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

5. Prior to commencement of the development, details of the car parking provision for each residential dwelling shall first be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to first use and occupation of the dwelling that it serves and the vehicle parking shall not be used for any other purpose than for the parking of vehicles.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Highways Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Pre-occupation conditions

6. Prior to the first use and occupation of the development hereby approved, details of the play areas as shown in principle on drawing ref: 3261.MA.1000 Rev C and within the supporting 'Landscape Statement' (October 2023) shall be submitted to and approved by the Council. The Play areas shall be constructed in accordance with the 'Guidance for Outdoor Sport and Play Beyond the Six Acre Standard (England) and include but not limited to the following provisions:

- The Local Equipped Areas for Play (LEAP's) shall have a minimal size area of 400sq.m.
- The Local Area of Play (LAP) shall have a minimal size area of 100sq.m.
- Be reasonably flat and well drained.
- Be accessible by hard surfaced footpaths.
- Be fenced and have 2 self-closing entrance gates.
- Have a minimum of 2 benches, (unless otherwise specified), one litter bin and an information sign.

- Incorporate play equipment that complies with relevant British Standards – equipment shall be predominantly of steel only.
- Incorporate multi-coloured safety surfacing to relevant British Standards.
- Play tiles are preferred. Grass or loose surfacing is not preferred within play areas.
- Provide for children with special needs.
- Have adequate safety measures to minimise the risk of road-related accidents and potential dangers from nearby water courses, etc.

The approved details shall then be fully implemented in the development and the play areas shall thereafter be retained and maintained for the life of the development.

REASON: In the interests of providing positive place making in the quality of the environment, and people's quality of life. In promoting healthy communities and access to high quality play areas makes an important contribution to health and wellbeing in accordance with Local Policy GEN2 of the Uttlesford District Local Plan 2005 (as Adopted) and paragraph 96 of the National Planning Policy Framework.

7. Prior to first use and occupation of the development hereby approved and notwithstanding the approved details, further details shall be submitted and approved by the Council (in consultation with Manchester Airport Group) in relation to the community orchard and/or allotments including but not limited to the following:
 - Species and numbers of trees (these should be fruit bearing).
 - Size and number of individual allotments if proposed (should be varied in size).
 - Perimeter fencing and entrance points.
 - Visitor parking including a disabled space and loading and unloading areas.
 - Water supply & points, water butts and composite bins.
 - Any portable buildings, containers, sheds, or communal huts.
 - Be accessed by hard surfaced footpaths be accessible for all users.
 - The layout should clearly define pathways to allow suitable access.

The approved details shall then be fully implemented and the community orchard and/or allotments, then maintained and retained for the life of the development.

REASON: In the interests of providing positive place making in the quality of the environment, and people's quality of life. In promoting healthy communities and access to high quality play areas makes an important contribution to health and wellbeing in accordance with Local Policy GEN2 of the Uttlesford District Local Plan 2005 (as Adopted) and paragraph 96 of the National Planning Policy Framework.

8. Prior to first use and occupation of the development hereby approved, details of surfacing, signage, and accesses to the highway, of the walking and cycle routes across the site shown indicatively on drawing no. 3261.MA.2000 rev C, shall first be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the occupation of 50% of the approved dwellings, then maintained and retained for the life of the development.

REASON: In the interests of reducing the need to travel by car, promoting sustainable development and transport, and ensuring an appropriate walking and cycling network in accordance with policy DM9 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

9. Prior to first use and occupation of either the dwellings or the play area, the cycle parking as shown on approved drawing numbers P23-0555-HT25 and P23-0555 013D for flats and houses without garages, in the form of 4no. Sheffield Stands at the play area shall be provided, then maintained and retained for the life of the development.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Highways Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

10. Prior to first use and occupation of the nearest/corresponding dwellings, the visitor parking spaces indicated on drawing no. P23-0555_013D shall be hard surfaced, sealed and marked out in parking bays, then maintained and retained for the life of the development and not used for any other purpose than the parking of vehicles that are related to the use of the development.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Highways Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

11. Prior to first use and occupation of any dwelling, the footways serving that dwelling as shown on drawing nos. 3261.MA.1000D; 3261.MA.1001D; 3261.MA.1002C; 3261.MA.1003D; 3261.MA.1004D; 3261.MA.1005C; 3261.MA.1006C and 3261.MA.1007C are fully constructed, with a minimum width of 2m, then maintained and retained for the life of the development.

REASON: In the interests of reducing the need to travel by car, promoting sustainable development and transport, and ensuring an appropriate walking and cycling network in accordance with policy DM9 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

Other conditions

12. The planting proposals hereby approved shall be carried out no later than during the first planting season following the date when the development hereby permitted is ready for occupation or in accordance with a programme agreed in writing with the council. All planted materials shall be maintained for five years and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted.

REASON: To ensure that the appearance of the development is satisfactory in accordance with Local Policy GEN2 Uttlesford Local Plan Adopted (2005) and the National Planning Policy Framework.

13. Prior to their first use by vehicles (excluding for construction) the vehicular turning facilities as shown indicatively on drawing no. 134390-RSK-ZZ-ZZ-DR-C-0026 P05, shall be constructed to Essex Design Guide standards (size 3 or size 5 as required), surfaced, maintained free from obstruction within the site at all times and used for no other purpose.

REASON: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with Policy DM1 of the Highways Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

14. Prior to the first use of any junction or corner by vehicles (excluding for construction) the clear-to-ground visibility splays indicated on drawing nos. 134390-RSK-ZZ-ZZ-DR-C-0027 P04, 134390-RSK-ZZ-ZZ-DR-C-0028 P04 and 134390-RSK-ZZ-ZZ-DR-C-0029 P04, for that junction or corner shall be provided. Such vehicular visibility splays shall be kept clear of vegetation, and be retained free of any obstruction at all times. Any new planting shall be planted a minimum of 1m back from the highway boundary and any visibility splay.

REASON: To provide adequate inter-visibility between vehicles using the highway and to ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway in the interest of highway safety in accordance with Policy DM1 of the Highways Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

End of Conditions

Informatives:

- i. In determining this application, the Planning Inspectorate, on behalf of the Secretary of State, has worked with the applicant in a positive and proactive manner. In doing so, no substantial problems arose which required the Planning Inspectorate, on behalf of the Secretary of State, to work with the applicant to seek any solutions.*
- ii. The decision of the appointed person (acting on behalf of the Secretary of State) on an application under section 62A of the Town and Country Planning Act 1990 ('the Act') is final. An application to the High Court under s288(1) of the Town and Country Planning Act 1990 is the only way in which the decision made on an application under Section 62A can be challenged. An application must be made promptly within 6 weeks of the date of the decision.*
- iii. These notes are provided for guidance only. A person who thinks they may have grounds for challenging this decision is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655) or follow this link: <https://www.gov.uk/courts-tribunals/planning-court> .*
- iv. Responsibility for ensuring compliance with this Decision Notice rests with Uttlesford District Council. Any applications related to the compliance with the conditions must be submitted to the Council.*

*****End of Informatives*****