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## Decision Notice and Statement of Reasons

Site visit made on 28 November 2024

**By Grahame Kean BA (Hons) Solicitor, MRTPI**

**A person appointed by the Secretary of State**

**Decision date: 17 January 2025**

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**Application Reference: S62A/2024/0058**

**Site Address: Land adjacent to Village Hall, East of Cambridge Road, Ugley, Bishops Stortford, Hertfordshire, CM22 6HR**

- The application is made under s62A of the Town and Country Planning Act 1990.
  - The site is located within the administrative area of Uttlesford District Council.
  - The application dated 31 July 2024 is made by Pelham Structures Ltd (Applicant) and was validated on 27 August 2024.
  - The development proposed is the construction of 16 dwellings including 40% affordable housing and associated infrastructure at Land East of Ugley Village Hall.
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### Decision

1. Planning permission is granted for the construction of 16 dwellings including 40% affordable housing and associated infrastructure in accordance with the terms of the application dated 31 July 2024, subject to the conditions in the attached Schedule.

### Statement of Reasons

#### *Procedural matters*

2. The application was made pursuant to s62A Town and Country Planning Act 1990 by which applications can be made directly to the Secretary of State (SoS) where a local authority has been designated by the SoS. Uttlesford District Council (the Council) has been designated for major applications since 8 February 2022.
3. Following screening by the Planning Inspectorate under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), it was found that the proposed development would not be of a scale or nature likely to give rise to significant adverse effects. Therefore, an Environmental Impact Assessment was not required, and I am satisfied that the requirements of the Regulations have been complied with.
4. Consultation was undertaken on 3 September 2024 which allowed for responses by 3 October 2024. Responses were received from the parties listed in Appendix 1 of this statement. A number of interested parties and local residents also submitted responses.

5. The Council submitted an officer report and minutes following a planning committee meeting on 16 October 2024. The consultation response summarises these documents and sets out the Council's objections/comments to the proposed development on a number of grounds. In essence the concerns focussed on:
  - the introduction of a sizeable residential development to an area of open countryside, out of character with the open rural site and pattern of development and harmful to local rural character contrary to Uttlesford Local Plan (ULP) Policies S7, GEN2 and the National Planning Policy framework (NPPF).
  - harm to the setting of nearby listed buildings due to the loss of the open and verdant nature of the site that contributes to the significance of the listed buildings and the rural character of Cambridge Road and which separates the cluster of dwellings of the Square and Orford House.
  - the lack of sustainability of Ugley in respect of ULP Policy GEN1 Access, notwithstanding the hourly bus service.
6. Some of the consultation responses raised issues that required further information and/or revised plans. The responses were from the Woodland Trust, Place Service Ecology, Natural England and Essex County Council (ECC) and additional comments from the public. I accepted additional information on these responses from the applicant dated 14 and 15 November 2024.
7. Heritage issues were raised by the Council in its response. I agreed that the applicant could submit information in response to these issues by 6 November 2024. A targeted consultation of the relevant consultees was carried out and the additional submissions led to the agreement of an extension of time to the determination period to 17 December 2024.
8. On 12 December 2024 the government published an updated NPPF. The applicant and the Council were invited to consider whether the NPPF as updated had relevance to their respective cases. I have taken their responses into account in determining this application. References made to paragraph numbers of the NPPF are to the current version.
9. The owners of the application site completed a s106 unilateral undertaking dated 31 October 2024 which I have taken into account as described below.
10. I carried out an unaccompanied site visit (access required) on 28 November 2024 which enabled me to view the site, the surrounding area, the nearby roads and listed buildings.
11. I have taken account of all written and oral representations in reaching my decision.

### **Main Issues**

12. These are:
  - whether the proposal in principle is acceptable in this location;
  - the effect of the proposal on the character and appearance of the area;
  - the effect of the proposal on the setting of nearby listed buildings;

- the effect of the proposal on existing trees on the site; and
- whether the Council can demonstrate an adequate housing land supply in accordance with national policy.

*Principle of development*

13. The application site is located to the east of Ugley Village Hall, wrapping around the hall and car park, to the east of Cambridge Road. The site is about 1ha in area and outside defined settlement boundaries. It is thus located in the countryside. The Environmental Agency flood risk maps identify the site as located in Flood Zone 1. The site is neither within nor abuts a conservation area, although there are nearby listed buildings. There are no local landscape designations within or abutting the site.
14. Ugley is a relatively dispersed settlement, the application site lies apart from the historic settlement of Ugley Green and density relative to existing dwellings on Pound Lane would increase. Housing development in this countryside location would be inconsistent with ULP Policies S7 and H1 although it is undisputed that Policy H1, a relevant policy for the supply of housing, is out of date. Ugley Parish Council refers to the draft local plan, however it was only submitted for independent examination on 18 December 2024. As such I am unable to give it any appreciable weight in this decision.
15. The new dwellings would conflict with ULP Policy S7. Policy S7's objectives include seeking development that recognises the intrinsic character and beauty of the countryside. A similar purpose is set out in NPPF at paragraph 187(b). The conflict with Policy S7 is subject to criteria that include the protection of the character of the countryside, examined below.
16. The Council's urban design officer states that given the proximity to the B1383 road and the site's use as a former gravel pit, this is a sustainable location for development. The NPPF at paragraph 89 encourages the use of previously developed land for new development where suitable opportunities exist. However, the remains of any permanent structure or fixed surface structure appear to have blended into the landscape which would exclude it from the NPPF definition.
17. Paragraph 115 of the NPPF encourages priority to be given to sustainable transport modes taking account of the vision for a site, the type of development and its location. ECC as local highways authority considers that the site is a sustainable location, due to the relatively good access to public transport and the brownfield nature of the site. It has no objection to the proposal provided conditions are attached to any eventual planning permission, discussed below.
18. Under ULP Policy GEN1(e) development will only be permitted if among other things, it would encourage sustainable modes of transport. NPPF/110 notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making. The site is well connected to the strategic road network via the A120 and M11 to the south offering access across the Essex region between Bishop's Stortford, Dunmow, Colchester, Chelmsford, and Stansted Airport.

19. The nearest services are within 400m of the site in Cambridge Road to the west. Bus stops along the B1318 enable access to destinations via the Bishop's Stortford to Saffron Walden and Takeley to Saffron Walden High School routes. The combination of infrastructure improvements proposed would give the proposed development access to regular bus services adjacent to the site, enabling residents to access services and facilities by sustainable travel. As a result, not every journey to school would necessarily be by car. A condition would be appropriate to ensure provision and implementation of a residential travel information pack per dwelling. In addition, as a part of the proposals, a new footpath connection would be provided between the site and Cambridge Road to the west, facilitating pedestrian access to the bus stops and footways along that road.
20. There is no footpath on the side of Pound Lane along the site boundary and the road is unlit from the junction of B1318 to the proposed vehicular access. However, a 2m wide footpath would be laid out within the site that will lead through to the pavement on the B1318 and along to the existing bus stops, avoiding the need to traverse Pound Lane. Subject to a condition ensuring an adequate lighting scheme within and at this pedestrian access for the site, I am satisfied that there would be no conflict with ULP Policy GEN1.
21. Whilst occupiers of the development would be reliant on private cars to travel for many daily needs, the site is located close to Stansted Mountfitchet and connected to it by road, pavement and cycle path, providing good access to its facilities. I find that the proposal would meet ULP Policy GEN1(e) by encouraging movement by means other than driving a car. The development would also comply with NPPF paragraph 110, by providing a genuine choice of transport modes.
22. Overall, I find that the site offers a generally accessible and sustainable location for some additional new dwellings.

#### *Character and appearance*

23. The application site is a former gravel pit behind the village hall in Ugley, now meadow land. There is no recent planning history for the site and it is not in a conservation area or green belt. To the east of the site is Linnets Wood.
24. The Council's principal urban design officer states that the proposal is generally compatible with the surrounding buildings in terms of scale, massing, and form. It would include a mixture of larger detached dwellings and smaller semi-detached dwellings. Conditions proposed would secure that each property meets the nationally described space standards and 5% of the units would meet requirements for wheelchair users. Each property would be constructed to incorporate a good range of eco-technology/renewable energy systems.
25. I disagree with the conclusions of the Council that the scheme would "thrust" itself into the prevailingly open countryside. Clearly it would introduce significant built form onto the site, but this could be well screened such that the impacts on the wider landscape would be substantially mitigated, taking advantage also of the bowl shape to the site with its centre lying some 1.5 to 2m lower than at the perimeter.

26. The findings of the landscape and visual impact assessment submitted for the applicant demonstrate that the site is not characteristic of the wider landscape due to its location within the existing built form and reduced levels. The site has established vegetation containing it on all sides, resulting in few visual receptors to the site. The effect on the landscape character is predicted to be negligible. Provided that the boundary hedges are retained, which can be secured by conditions, I am satisfied that the impact on views from the roads and footpath adjacent to the site would be limited. Overall, the proposal would not cause harmful effects on local landscape character.
27. Vehicular access to the site would be from Pound Lane as exists now but with an improved alignment to the highway. A detailed landscaping strategy is provided on drawing 596 x PL00 S. The plot frontages would comprise large front gardens enclosed by native hedges/ post and rail fencing. The area to the east of plot 1 would be landscaped as open space adjacent to the entrance to the site. Trees would be planted between the southern boundary of the village hall/car park and the development. The hall is already screened by mature trees to its eastern boundary. Power lines crossing to the north of the site would be re-routed below ground as part of the proposal. The public footway adjacent to the vehicular access leads to Linnets Wood. Visitor spaces close to this entrance would be made available for the public.
28. The proposal would result in the village hall car park being slightly reduced in size. I note the comments concerning the popular monthly farmers' market, however the evidence does not persuade me that there would be unacceptably adverse traffic or other impacts on such days.
29. I find from the foregoing that the proposal would partially conflict with ULP Policy S7 that seeks to protect the intrinsic character of the countryside for its own sake. The localised character of this part of the countryside would be protected through the design of the proposal, subject to the implementation of a comprehensive landscaping scheme secured by condition. In this respect, the proposal would meet the aims of NPPF, paragraph 187(b) and be in general conformity with ULP Policy GEN2 in its aim to secure compatibility with the scale, form, layout, appearance and materials of surrounding buildings whilst reducing the visual impact of new buildings or structures.

*Setting of listed buildings and other non-designated heritage assets*

30. In considering whether to grant planning permission for development which affects a listed building or its setting, special regard must be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
31. There are several listed buildings in the vicinity, but none on the site or immediately adjacent to it. To the north of the application site, the listed buildings concerned are 6 and 7 The Square, Cambridge Road comprising a mid 19c grade II pair of semi-detached cottages; 3, 4 and 5 The Square, Cambridge Road, comprising a two-storey block of three grade II cottages constructed in the mid 19c; and The Old Post House, Cambridge Road comprising a grade II mid 19c brick and part timber framed house.
32. South of the application site are Orford House, Orford House Cottage and Garage Block, Barn to the north of Orford House and Dovecote at Orford House, all of which are grade II listed buildings and form a group of

eighteenth-century buildings built for the First Earl of Orford. The buildings contribute to each other's significance due to their functional and historic association. The wider setting of Orford House comprises mostly undeveloped fields and woodland.

33. Historic England was consulted on the proposal but made no comment. Direct intervisibility as far as concerns any of the listed buildings is limited to partial views only. The cluster is separated visually from the application site by other properties and existing vegetation. The listed buildings to the north of the site are in adjoining plots within a cluster of buildings that forms a more immediate setting within which their significance is appreciated as an inward looking square of houses.
34. The listed buildings in each cluster have their own specific focus and character. In my view whilst the application site provides a wider landscape backdrop to these heritage assets, it does so in a limited way. Whilst its verdant and open nature is noted, it is also the case that the treelined road frontage between the two clusters of buildings would be retained through the landscaping mitigation strategy, secured by condition. The visual prominence of the designated heritage assets to the main road would be maintained such that there would be no adverse impacts on how they would be appreciated in their immediate or wider context.
35. Therefore, I am satisfied that the proposal would not harm the setting of the heritage assets and would be in accordance with ULP Policy ENV2 which seeks to protect the historical significance, preserve and enhance the setting of heritage assets.
36. The adjacent village hall is by common assent a non-designated heritage asset (NDHA) whose historic interest lies in its status as a war memorial and its associations with the Tennant family of Orford House. After the second world war it was rebuilt and has lost some of its original character. The trees within and to the perimeter of the site would be retained. The heritage significance of the existing building is low. Within the application site the lower land level and setback, scale and form of the new houses would in my opinion not result in any harm to the significance of the village hall as a NDHA.

#### *Existing trees on site*

37. ULP Policy ENV8 requires the protection of hedgerows, linear tree belts, and semi-natural grasslands. Policy ENV3 seeks to protect groups of trees, and NPPF paragraph 187(b) references the intrinsic character and beauty of the countryside, including economic and other benefits of trees and woodland. Paragraph 193c also seeks to prevent development resulting in the loss or deterioration of irreplaceable habitats such as ancient woodland and ancient or veteran trees. The existing trees on the application site are proposed to be retained and protected where possible. Those that would be removed would be replaced with new planting between the village hall and the development.
38. The Woodland Trust objects to the application as it is concerned about possible encroachment on the root systems and rooting environments of veteran trees (TC and TD) on the site. Specimens TC and TD are pedunculate veteran oak trees at the eastern boundary of the site which the Woodland Trust consider to be at risk of deterioration. It is also concerned to clarify future requirements for managing the canopy of veteran trees overhanging the proposed



development, including the removal of important habitat features such as deadwood. I have considered the amended drawing 596x PL00 S and garden sections (596 x PL24 B) submitted as part of the application.

39. In relation to the ecological aspects of the retention of the trees on site, pursuant to the landscape and ecological management plan most of the trees and scrub surrounding the site will be retained. The vast majority of the perimeter trees are in good order and also for ecological reasons these would be retained. Management of important habitat features would form part of the plan's provision for retention and appropriate management of trees secured by condition, and I see no reason why the canopies of these trees could not be effectively managed through this mechanism.
40. New hardstanding is proposed in the root protection area (RPA) of TC in Plot 16, and the gardens of Plots 13-16 are partially within the RPAs of TC and TD. Whilst this may appear to infringe part of the BS 5837 which advises that for veteran trees no construction, including the installation of new hard surfacing, should occur within the RPA, a no dig solution to the parking areas is proposed with geotextile root protection as shown on the submitted plans. These include a 15m tree root protection area and a 5m buffer zone from the tree canopy.
41. Natural England (NE) and the Forestry Commission's (FC) standing advice is that buffer zones for ancient and veteran trees should not contain garden areas. The applicant's consultant ecologist and tree surgeon (consultant) acknowledges the advice but questions whether RPAs based on an "arbitrary" calculation enable an informed decision to be made regarding the retention of veteran trees without deterioration. In his appended note "Root protection for veteran trees", it is concluded among other things that *"more information is required to enable us to move away from an arbitrary calculation and towards an evidence-based approach, informed by individual circumstances"* but in the interim *"a precautionary principle approach is suggested."*
42. I agree that the site-specific context of these trees should be taken into account and considered in the context of the guidance as a whole. The RPAs afforded to both TC and TD trees have been calculated according to BS 5837 guidelines and are therefore capped at 707m<sup>2</sup> (15 metres). The standing advice states in terms *"... leaving a buffer zone at least 15 times larger than the diameter of a veteran tree or 5m from the edge of its canopy, if that's greater"*. This advice does not set a maximum radius, however BS5837:2012 sets this at 15m.
43. Historical gravel extraction of the site may have caused harm to the roots of these trees and therefore it is the consultant's opinion that the proposals would enhance the soil quality around the trees and improve the existing environment for these specimens. The garden sections show how proposed levels of the gardens approaching the base of the trees would be likely to be beneficial for their long-term preservation in allowing lateral roots to establish and help stabilise the trees.
44. Nevertheless, the concern remains that encroachment on the root systems and rooting environment of TC and TD may result in deterioration of the trees and potentially lead to long-term decline. Until the applicant has undertaken further root investigations to demonstrate otherwise, the tree's root system should be considered to extend towards the proposed development.

45. Therefore, a condition should ensure that a detailed tree survey would be carried out prior to the commencement of any development and a tree protection plan put in place. This gives an opportunity to make use of the latest non-invasive technology accurately to identify the location of roots for the trees at potential risk. In addition, and in line with the recommendations of the consultant, permitted development rights should be removed by condition for any extensions or outbuildings within the rear gardens of Plots 14, 15 and 16. Subject therefore to attaching these conditions to the permission, I am satisfied that the proposed development would comply with ULP Policy ENV8 and Policy ENV3, as well as NPPF paragraphs 187(b) and 193c.

#### *Housing land supply*

46. The December 2023 version of the NPPF allowed Councils that had reached Regulation 18 or 19 stage of the plan-making process, including the publication of a policies map and proposed allocations towards meeting housing need, to identify a minimum of 4 years' worth of the local housing need. However, the current NPPF published on 12 December 2024, deleted this provision.

47. Consequently, although on 8 August 2024 following publication of the Regulation 19 draft local plan the Council could demonstrate a 4.12 years housing land supply (including a 20% buffer), the requirement has reverted to a need to demonstrate a 5 year housing land supply regardless of the position with the emerging Local Plan.

48. Therefore, the Council cannot demonstrate an adequate housing land supply in accordance with national policy. Thus, the tilted balance applies and under paragraph 11(d) of the NPPF, the presumption in favour of sustainable development applies to the proposal.

#### **Other Matters**

49. The owners of the application site completed a s106 unilateral undertaking dated 31 October 2024 to secure affordable housing as part of the proposed dwellings to be erected on site; provide for public open space and its management; and to protect the habitat of roosting bats.

50. It also provides for the setting up of a management company for the public open space and play areas; up to 40% of the proposed dwellings as affordable housing units, 50% to be handed over to provider before 50% occupation of market housing and the rest before 80% market housing is occupied, parameters regarding its disposition on site, tenure mix and type of unit, and allocation and management of units; and 5% of the dwellings to be built to wheelchair user standards.

51. The obligations meet the requirements of paragraph 58 of NPPF, in that they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. The s106 obligation would address the impacts of the proposed development and generally comply with ULP Policy GEN6 which requires provision at the appropriate time for among other things, infrastructure made necessary by the proposed development.

52. Concerns were raised by residents related to the effect of the proposed development on the structural stability of their property. This would be a



matter to be taken up between the landowner and developer. Having regard to the details proposed in respect of Plot 13, the bedroom with dual aspect opening would appear to be on the other side of the proposed dwelling to which the neighbouring resident has referred, but in any event I am not persuaded that the proposed development would have unacceptably adverse effects on the living conditions of that resident given the separation distances and the size of the plots concerned. Other concerns raised about lack of privacy and light are not substantiated and as is acknowledged there is no "right to a view" across the application site.

### *Planning balance*

53. The site is said to be previously developed land, but in terms of the definition in NPPF that was many years ago and its present state can be described as undulating meadow. The remains of any permanent structure or fixed surface structure appear to have blended into the landscape.
54. Although the nearest main settlement of Stansted Mountfitchet does have a number of services and facilities these would not be as easy to access on foot or by bike. It is likely that future occupiers would make use of cars to access some local services. However, the opportunity to maximise sustainable transport solutions in this rural area is necessarily less than in an urban environment and taking this into account together with the existing public transport connections to the site and access to local facilities, and the proposals for enhancement of public transport, the proposed development would encourage movement by means other than driving a car and generally comply with ULP GEN1.
55. Overall, and despite conflict with the ULP Policy S7 and the aim of NPPF at paragraph 187(b), that seeks to protect the intrinsic character of the countryside for its own sake, the site is in a generally accessible and sustainable location for some additional new dwellings.
56. The development would replace the open rural site and introduce a denser pattern of development with respect to its surroundings. The proposed development would impact on the immediate landscape, character and appearance of the site due to the introduction of built form. The harm would be moderate and would be mitigated by a comprehensive landscaping strategy which would reduce the impacts of the new buildings. The local value of the landscape would be adequately protected in this regard, and there would be no unacceptably negative effects on visual impact in relation to the character and appearance of the area. Despite the conflict with relevant parts of ULP Policy S7 the proposal is of a high quality design and would accord with Policy GEN2 and the aims of NPPF, paragraph 187(b) to secure compatibility with the scale, form, layout, appearance and materials of surrounding buildings.
57. The proposal would not harm the setting of the heritage assets and would be in accordance with ULP Policy ENV2 which seeks to protect the historical significance, preserve and enhance the setting of heritage assets. The lower land level and design and layout of the proposal would not result in harm to the significance of the village hall as a NDHA.
58. Subject to attaching appropriate conditions to the permission to protect the trees to be retained on site including the veteran trees, I am satisfied that the

proposed development would comply with ULP Policy ENV8 and Policy ENV3, as well as NPPF paragraphs 187(b) and 193c.

59. The construction of 16 dwellings including 40% affordable housing would be a substantial benefit in contributing to the supply of housing, and is accorded significant weight. A positive benefit to the local economy in construction and future occupation of the houses attracts moderate weight and improvements to the village hall car park is also given moderate weight.
60. Moderate weight is given to the biodiversity net gain proposed, and to the high quality of the design of the proposed dwellings, including the provision of air source heat pumps, photo voltaic panels and electric vehicle charging points as outlined within the Design and Access Statement. Pedestrian and cycle use would be encouraged, and new tree and hedgerow planting would bring further ecological and environmental benefits.
61. The Council is currently unable to meet the national policy requirement for an adequate housing land supply, therefore under paragraph 11(d) of the NPPF, the presumption in favour of sustainable development applies to the proposal.
62. The development policies referred to in this decision are the most important for the determination of the application and I find that the proposal accords with the development plan as a whole. In terms of the tilted balance, and taking into consideration all the above factors, including the representations received, it is concluded that the adverse impacts of the development would not significantly and demonstrably outweigh the benefits, therefore permission should be granted.

### **Conditions**

63. I have considered the planning conditions suggested by the Council and the applicant and the tests set out in the NPPF. In the interests of precision and clarity I have amended the wording of the conditions suggested and added others where necessary and for the reasons given.
64. In addition to the standard three-year time limit condition for implementation it is necessary to specify the approved plans and documents in the interest of certainty.
65. Conditions are necessary to secure a construction method statement, environmental management plan, biodiversity net gain and biodiversity enhancement strategy including lighting scheme. To preserve the character and appearance of the area a landscaping condition is required. Further conditions are needed to ensure satisfactory completion of the proposed footways, bus stop improvements, road junction, visibility splays and associated works. In addition, the travel information pack should be secured by condition in the interests of reducing the need to travel by car.
66. Further work is required to demonstrate that a detailed surface water drainage scheme would satisfactorily meet the requirements of NPPF paragraph 181 to provide sustainable systems. The applicant's expert has proposed such a condition and the Council has proposed a condition that deals with maintenance only and in the circumstances both are appropriate to impose. Sustainable drainage systems do not apply to foul water drainage. The Council has not proposed specific wording but for the protection of the amenity of the site such a condition shall be imposed.

67. In accordance with the relevant parking standards conditions are necessary to ensure appropriate cycle parking and encourage the use of off-street parking, including electric vehicle charging points to encourage cleaner vehicle use. Also, to protect the living conditions of occupants, appropriate sound attenuation will be secured by conditions, in respect of external noise including for the use of any air source heat pumps. A condition is needed to secure accessible and adaptable dwellings in accordance with the submitted proposals.
68. To ensure effective protection of trees to be retained on site including the veteran trees, conditions will be imposed to provide for a detailed arboricultural assessment, protection plan and method statement so that the protection measures will be administered by a qualified arboriculturist. In the absence of the promised covenant in the completed s106 deed, and by way of additional safeguard, a specific condition should be attached to prevent removal or damage to the identified veteran trees and exceptionally, remove permitted development rights for the plots affected.
69. The application site may have the potential risk of contamination and therefore a condition is deemed appropriate to safeguard the use of the site from contamination.
70. The range of eco-technology/renewable energy systems proposed lacks detail, therefore a condition should be included that requires the submission of details for the provision of renewable sources of energy as set out in the section on Eco-Tech / Renewable Energy Systems in the design and access statement, to be submitted to and approved prior to the occupation of the development.

### **Conclusion**

71. For these reasons, and having regard to all other matters raised, the proposal accords with the development plan and therefore I conclude that planning permission should be granted.

*Grahame Kean*

INSPECTOR

### Schedule of Conditions

- 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.

- 2) The development hereby permitted shall be carried out in accordance with the approved plans and documents comprising the application as set out in the annex to this schedule of conditions.

REASON: To provide certainty.

#### PRE-COMMENCEMENT CONDITIONS

- 3) Prior to the commencement of the development hereby approved a Construction Method Statement shall be submitted and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - a) construction/Operational Hours
  - b) the parking of vehicles of site operatives and visitors
  - c) vehicle routing,
  - d) loading and unloading of plant and materials
  - e) storage of plant and materials used in constructing the development
  - f) the control of noise from construction, including the hours of working and hours of deliveries
  - g) safe access to site
  - h) wheel washing facilities and
  - i) measures to control the emission of dust and dirt during construction

REASON: To protect the amenity of surrounding residential premises in accordance with ULP Policies GEN1, GEN2, and GEN4.

- 4) Prior to the commencement of the development a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
  - a) risk assessment of potentially damaging construction activities.
  - b) identification of "biodiversity protection zones".
  - c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) to include protection of nearby Priority habitat Lowland Mixed Deciduous Woodland.
  - 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

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.”

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), s40 of the NERC Act 2006 (as amended) and Policies GEN7 and ENV8.

- 5) Prior to the commencement of the development details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details prior to occupation of the dwelling hereby approved and shall be maintained as such in perpetuity. The landscaping details to be submitted shall include:

- a) proposed finished levels (including earthworks to be carried out);
- b) means of enclosure of the land (boundary treatments);
- c) hard surfacing and other hard landscape features and materials;
- d) existing trees, hedges or other soft features to be retained;
- e) planting plans including specifications of species, sizes, planting centres, number and percentage mix;
- f) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife;
- g) details of siting and timing of all construction activities to avoid harm to all nature conservation features;
- h) management and maintenance details.

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To preserve the character and appearance of the area.

- 6) Prior to the commencement of the development a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs or product descriptions to achieve stated objectives;
  - c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
  - d) timetable for implementation;

- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

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

REASON: To enhance Protected and Priority Species and to comply with s40 NERC Act 2006 (Priority habitats & species) and in accordance with ULP Policy GEN7 and NPPF.

#### PRE OCCUPATION CONDITIONS

- 7) Prior to occupation of the development, the access at its centre line shall be provided with clear to ground visibility splays and forward visibility splay as shown on Dwg no. DR2. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway.

- 8) Prior to first occupation the provision of the following transport infrastructure:

- a) 2m wide section of footway of approximately 70m length on Pound Lane from the proposed access to the west towards Cambridge Road, to include a pedestrian crossing to existing footway on the southern side of Pound Lane;
- b) A bus stop on the new footway as described in a) above to the specification of ECC to include poles, flags, raised kerbs, shelter and appropriate road markings on Pound Lane;
- (c) A bus stop on the existing footway, on the southern side of Pound Lane, to the specification of ECC to include poles, flags, raised kerbs, shelter and appropriate road markings on Pound Lane; and
- (d) Poles, flags and raised kerbs on both existing bus stops on Cambridge Road outside Village Hall (Bus stop ID 150018011014 Village Hall (outside) and 1500UGLEY2 Village Hall opposite).

REASON: In the interests of highway safety, accessibility and reducing the need to travel by car.

- 9) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety.

- 10) Prior to the first occupation of the development, 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 plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with



the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with ULP Policy GEN7 and NPPF.

- 11) No development shall take place, including any ground works until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include as appropriate but not be limited to the matters set out in the applicant's letter dated 11 October 2024.

No occupation of the site shall occur until a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the approved surface water drainage scheme system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure a suitable surface water drainage system mitigates against flood risk and appropriate maintenance arrangements enable the system to function as intended.

- 12) Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator including a £1,000 voucher for each dwelling towards purchase of a bicycle.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance and in accordance with ULP Policy GEN1.

- 13) The development approved shall not be occupied until there has been submitted to the Local Planning Authority for approval, in consultation with the highway authority, details of vehicular and cycle parking for residents and visitors in accordance with the relevant parking standards. The development shall not be occupied until such time as the parking indicated on the approved plans has been provided and shall be retained in such form at all times.

REASON: to ensure appropriate cycle parking is provided, to encourage the use of off-street parking, to ensure adequate space for parking off the highway and to ensure that on street parking of vehicles in the adjoining streets does not occur.

OTHER CONDITIONS

- 14) Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

- 15) All mitigation measures and works shall be carried out in accordance with the details contained in the Ecology Report (A. R. Arbon, April 2024) submitted with the application.

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), s40 of the NERC Act 2006 (as amended) and Policy GEN7 of Uttlesford Local Plan (2005).

- 16) If during any site investigation, excavation, engineering, or construction works evidence of land contamination is identified, the Local Planning Authority shall be notified without delay. Any land contamination identified, shall be remediated to ensure that the site is made suitable for its end use.

REASON: To protect human health and the environment and in accordance with ULP Policy ENV14.

- 17) The development shall be constructed to provide sound attenuation against external noise in accordance with BS8233:2014. The following levels shall be achieved: Maximum internal night noise levels of 30dBLAeq,T for living rooms and bedrooms with windows open (or closed with provided acoustic mechanical ventilation including heat recovery). For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax. Maximum living room day (07.00-23.00 hrs) noise levels of 35 dB LAeq shall be achieved. External amenity areas shall be designed to achieve levels not exceeding 55 dB LAeq (day).

REASON: To protect the living conditions of occupants.

- 18) A minimum of one single electric vehicle charging point shall be installed at each dwelling to provided, fully wired and connected and ready to use before first occupation.

REASON: To encourage cleaner vehicle use.

- 19) Any air source heat pumps to be installed at the development shall be specified and designed, enclosed, or otherwise attenuated to ensure that noise resulting from their operation shall not exceed the existing background noise level as measured at the nearest noise sensitive receptor inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014

REASON: To safeguard the residential amenity of neighbouring properties.

- 20) The dwellings hereby approved shall be built in accordance with Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure a high standard of accessibility, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005), the SPD entitled 'Accessible Homes and Playspace' and the Planning Practice Guidance.

- 21) No development shall take place until a scheme including a timetable for its implementation to secure the energy supply of the development from decentralised and renewable or low carbon energy sources has been submitted to and approved in writing by the local planning authority.

The scheme shall be informed by the outline proposals on Eco-Tech / Renewable Energy Systems in the submitted design and access statement. The approved scheme shall be implemented and thereafter retained in operation.

REASON: to provide for renewable sources of energy to be deployed.

- 22) None of the dwellings hereby permitted shall be occupied until works for the disposal of sewage or foul water have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.

REASON: to prevent pollution hazard from the site, in accordance with the NPPF and ULP policy GEN3.

#### TREE PROTECTION

- 23) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and reenacting that Order with or without modification), no development permitted by virtue of Classes A and E of Part 1 of Schedule 2 to the Order shall be undertaken within the rear gardens of plots 14, 15 and 16 shown on Drawing 596x PL00 S.

REASON: To protect veteran tree specimens TC and TD as annotated on Drawing 596x PL00 S.

- 24) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority.

The scheme for the protection of the retained trees shall be carried out as approved. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

The tree protection plan shall be informed by a comprehensive arboricultural assessment of the existing trees within the site and full details of the proposed changes in ground levels associated with the proposed dwellings and any recommended tree root protections measures.

The arboricultural method statement shall include a scheme of supervision for the arboricultural protection measures submitted to and approved in writing by the local planning authority. This scheme shall be appropriate to

the scale and duration of the works and shall include details of: induction of staff in awareness of arboricultural matters; identification of individuals and their responsibilities; statement of delegated powers; timing and methods of site visiting and record keeping, including updates; procedures for dealing with variations and incidents; the scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved in writing by the local planning authority. The scheme of supervision shall be implemented as approved.

Veteran trees TC and TD as annotated on Drawing 596x PL00 shall not be removed or damaged and shall not be subject to any works not approved under this condition.

REASON: To protect trees which are to be retained in accordance with ULP Policy ENV3.

### Annex to Condition 3 Approved plans and documents

596 x PL00S Proposed Site Plan  
596 x PL24 B Garden sections  
11460 Adj to Village Hall FRA REV1  
596 UGL - Drainage Statement Reduced  
596 UGL Land at Ugley Village Hall Rev D  
596 UGL LVA 08.08.2024  
596 UGL Water Framework Directive Assessment  
596 x PL00Q Proposed Site Plan  
596 x PL01- Plots 1 and 2 Plans and Elevations  
596 x PL03- Plots 3-5 Plans and Elevations  
596 x PL06- Plots 6 and 7 Plans and Elevations  
596 x PL08- Plots 8 and 9 Plans and Elevations  
596 x PL10- Plots 10 -12 Plans and Elevations  
596 x PL13- Plot 13 Plans and Elevations  
596 x PL14- Plot 14 Plans and Elevations  
596 x PL15- Plot 15 Plans and Elevations  
596 x PL16- Plot 16 Plans and Elevations  
596 x PL17A Single Garage  
596 x PL18A Double Garage  
596 x PL19A Site Drainage Layout  
596 x PL20A Location Plan  
596 x PL23 Site Sections  
596UGL Application form  
596 UGL Design and access statement  
596 UGL Foul Sewage and Utilities Statement  
biodiversitychecklist15essex2018  
BNG - Land Behind Ugley Village Hall CM22 6HR - V2 - 040724  
CH240059 24-1028 HIS Ugley Village Hall HIS V2  
Chiropteran report Land to the east of Ugley Village Hall 2023  
Ecology report Ugley 4th revision 2024  
NC21.687-Landscape strategy text  
NC21.687-Landscape survey analysis Figures 1 to 8  
Phase I Desk Study and Preliminary Risk Assessment  
Statutory Biodiversity Metric - Land Behind Ugley Village Hall CM22 6HR - V1 - 010724

TS 776 FP  
Ugley Tree Data Sheet 2024

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

## **Appendix 1 - Consultee Responses**

- Affinity Water Ltd
- Environment Agency
- ECC Mineral Planning Authority
- ECC Highway Authority
- Essex Police
- Historic England
- Historic Environment Advisor
- Health and Safety Executive
- Housing Strategy, Enabling & Development Officer
- Lead Local Flood Authority
- MAG Safeguarding
- NATS Safeguarding
- Natural England
- Place Services – Ecology
- Thames Water
- The Woodland Trust
- Ugley Parish Council
- Uttlesford District Council
- UDC Urban Design

In addition, 14 responses were received from local residents.

### **Informatives:**

- 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.*
- 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.*
- 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/courttribunals/planning-court> .*

*iv. Biodiversity Net Gain*

*The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:*

*(a) a Biodiversity Gain Plan has been submitted to the planning authority, and*

*(b) the planning authority has approved the plan.*

*The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Uttlesford District Council.*

*There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.*

*Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.*

- v. Responsibility for ensuring compliance with this Decision Notice rests with Uttlesford District Council. Any applications related to the compliance with the conditions must be submitted to the Council.*

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