



## Appeal Decisions

Inquiry Held on 3 to 6 December 2019

Site visit made on 4 December 2019

**by R Barrett BSc (Hons) MSc Dip UD Dip Hist Cons MRTPI IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 31 January 2020**

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### **Appeal Ref: APP/C1570/W/19/3234530 (Appeal A) land west of Parsonage Road, Takeley CM22 6PU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Endurance Estates Land Promotion Ltd against the decision of Uttlesford District Council.
  - The application Ref UTT/19/0393/OP, dated 8 February 2019, was refused by notice dated 29 July 2019.
  - The development proposed is described as 'development of up to 119 dwellings (including affordable housing) including vehicular and pedestrian accesses, infrastructure, open space, footpath links, children's play area, landscaping, green infrastructure, surface water management, wastewater pumping station and associated works and either a community building (use class D1); or a dwelling'.
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### **Appeal Ref: APP/C1570/W/19/3234532 (Appeal B) land east of Parsonage Road, Takeley CM22 6PU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Endurance Estates Land Promotion Ltd against the decision of Uttlesford District Council.
  - The application Ref UTT/19/0394/OP, dated 8 February 2019, was refused by notice dated 29 July 2019.
  - The development proposed is described as 'development of a care home (use class C2) with up to 66 bed spaces, including vehicular and pedestrian access, parking, infrastructure, landscaping and associated works'.
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## Decisions

1. Appeal A is allowed, and planning permission is granted for 'development of up to 119 dwellings (including affordable housing and self-build plots) including vehicular and pedestrian accesses, infrastructure, open space, footpath links, children's play area, landscaping, green infrastructure, surface water management, wastewater pumping station and associated works and either a community building (use class D1); or a dwelling', at land west of Parsonage Road, Takeley CM22 6PU, in accordance with application Ref UTT/19/0393/OP, dated 8 February 2019, subject to the conditions set out in annex C to these decisions.
2. Appeal B is allowed, and planning permission is granted for 'development of a care home (use class C2) with up to 66 bed spaces, including vehicular and pedestrian access, parking, infrastructure, landscaping and associated works', at land east of Parsonage Road, Takeley CM22 6PU, in accordance with

application Ref UTT/19/0394/OP, dated 8 February 2019, subject to the conditions set out in annex C to these decisions.

## **Procedural Matters**

### *Appeal A and B*

3. As the appeal sites are located either side of Parsonage Road, very close to one another, and raise some similar issues and have the same appellant, they were dealt with in one inquiry. Whilst I have considered each appeal on its individual merits, in the interests of succinctness, I have dealt with them in one decision letter.

### *Appeal A*

4. During the course of the appeal the appellant amended the proposal to include the provision for 12 self-build and custom-build housing plots. The proposed amendment would not materially alter the nature of the appeal proposal. I note that third parties and others were consulted on the proposed amended description of development on 23 October 2019. For both of these reasons, with regard to the Wheatcroft principles<sup>1</sup>, consideration of that amended description of development and related indicative self-build location plan (P17\_2649\_36) as part of this appeal would not prejudice the interests of third parties. I intend to determine the appeal accordingly.
5. The two main parties agreed a revised description of development, which is set out in my formal decision above. The description of development in the banner heading reflects that on the application form.
6. The appeal application was submitted in outline with access to be determined at this stage. All other matters, including layout, appearance, scale and landscaping are matters reserved for future consideration.
7. The self-build location plan (drawing number P17\_2649\_36) and parameter plan (P17\_2649\_29 Rev E) are for illustrative purposes only. However, appellant's suggested condition 4, indicates that development should be carried out in general accordance with them, accepting that the storey heights indicated on the parameter plan are for illustrative purposes only. As this is an outline scheme and scale is a reserved matter, I am dealing with the appeal on this basis.
8. An indicative masterplan (P17\_2649\_01\_Rev H) and strategic landscape masterplan (P17\_2649\_12), it is confirmed are for illustrative purposes only. However, suggested and agreed condition 23 refers to the provision of the trim trail and outdoor seating shown on the strategic landscape masterplan and therefore I have taken this into account in making my decision. A tree survey plan (711\_D1\_AIA Rev A) was also submitted with the appeal application. The top plan relating to the existing trees and planting was the basis of the Council's determination; the lower part, relating to the proposed site plan, it was confirmed is for illustrative purposes only. I am determining the appeal on that basis.
9. A planning obligation proposed to secure affordable housing, self-build and custom-build housebuilding plots, open space and play area provision, health

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<sup>1</sup> Bernard Wheatcroft Ltd v SSE [JPL1982P37]

contributions, mitigation measures to offset likely impacts on the Hatfield Forest Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR), skylark mitigation, education contribution, highway improvements and improvements to the public rights of way (PROW) is before me. I will consider this later in my decision letter.

#### *Appeal B*

10. In relation to appeal B, the description of development in the banner heading is taken from the appellant's application form. It differs slightly from that used in the Council's decision notice. However, the difference is not material and so I have used it in my formal decision.
11. The appeal application was submitted in outline with access to be determined at this stage. All other matters, including layout, appearance, scale and landscaping are reserved for future consideration.
12. A strategic indicative layout plan and strategic landscape masterplan were submitted with the appeal application. It is confirmed that these are for illustrative purposes only. I am determining the appeal on that basis.
13. A planning obligation proposed to secure a financial contribution to health care provision and a workplace travel plan is before me. I will consider this later in my decision.

#### *Appeal A and Appeal B*

14. Post inquiry, the Inspectors examining the emerging Uttlesford Local Plan (eLP) issued a letter outlining their findings on that plan to date. That set out their view that withdrawal of the eLP from examination is likely to be the most appropriate option. The views of both main parties were provided. My decisions have been made in light of this matter and the views expressed.

### **Main Issues**

15. In respect of appeal A and B, the effect of the appeal proposals on the character and appearance of the countryside around the airport, as defined by the Countryside Protection Zone (CPZ) identified in policy S8 of the Uttlesford Local Plan (2005) (LP), having particular regard to its open characteristics and coalescence between Stanstead Airport and existing development.
16. In respect of appeal A only, the effect of the appeal proposal on the special architectural or historic interest of the Church of the Holy Trinity, a grade I listed building and designated heritage asset, with particular regard to its setting.

### **Reasons**

#### **Appeal A and B**

##### *Character and appearance of the countryside around the airport as defined by the CPZ*

17. The appeal sites fall within the CPZ as defined in LP policy S8. That is an area of countryside around Stanstead Airport. Within the CPZ there are strict controls on new development, with particular regard to new uses or development that would promote coalescence between the airport and existing

development in the surrounding countryside and adversely affect the open characteristics of the zone.

18. As the appeal sites are green and generally open fields with some planting, they contribute to the character and appearance of the countryside around the airport, and the CPZ as a whole. However, both adjoin development in Takeley. The A120 carriageway is close by and Parsonage Road divides the sites. Trees and planting screen views of the A120 and the airport to a great extent, but their presence is still appreciable through some filtered views of some airport development and traffic and aircraft noise. In addition, views of houses and other development on the edge of Takeley can be seen. Whilst the appeal sites are within the countryside and open, they also have strong suburban influences and have a less rural character and appearance than other parts of the countryside around the airport and the CPZ.
19. The appeal proposals would result in development where there is no development at present and in this regard would reduce openness in the countryside around the airport. However, the impact of that would be limited by a number of factors. Firstly, the appeal sites form a small part of the countryside around the airport and both sites are located on its outer edge. Secondly, the proposed developments would be well related to the existing settlement. Thirdly, having regard to the parameter plan (appeal A) and the indicative layout (appeal B), large areas of open space would be included within both developments. In addition, there would be potential for the retention of existing trees and significant planting, the effect of which would be to help screen development. All these matters, together, would reduce the appeal proposals impact of openness on the countryside around the airport.
20. In terms of coalescence with the airport, I acknowledge that both appeals would reduce the open fields between the airport and Takeley, in a location where the gap between the airport and surrounding development is less than in other areas of the CPZ. That would result in some harm. However, again that harm would be limited due to a number of factors. Significant separation distance between the areas of built development and the airport would remain, having regard to both the airport buildings and carparking areas. In relation to appeal A, the large area of open space referred to above, incorporating a woodland area would sit between the built up area of the site and the A120 and the airport. In relation to appeal B, a significant area of open countryside would remain adjacent to the A120. In relation to both appeals, the A120 carriageway would run between the proposed developments and the airport. That, together with its significant tree planting, and new tree planting, would further reduce the perception of any coalescence, even if decked parking were to come forward as part of the airport closest to the appeal sites. The A120 carriageway also has the potential to act as a barrier to any further coalescence between the airport and Takeley. All in all, whilst some harm to the character and appearance of the countryside around the airport and the CPZ as a whole would result, with regard to coalescence with the airport, that harm would again be limited.
21. With regard to the impact on the rural character of the countryside around the airport, given the existing character and appearance of the locality, which is influenced by suburban development already, the appeal proposals would not appear out of place. In addition, whilst landscape is reserved for future consideration, in relation to appeal A, there would be the potential to create a

- 'naturalistic' rural landscape within the large area of open space closest to the airport, incorporating significant tree planting. The rural setting to the A120 would not be materially impacted along with the rural setting of the airport. All in all, the appeal developments would have a limited impact in this regard.
22. In terms of any change to the rural settlement pattern in the countryside around the airport, as both appeal developments would adjoin development on the edge of Takeley, that again would be limited. In addition, in relation to appeal A, the built development would not extend much beyond existing development on the east side of Parsonage Road. In relation to appeal B, although it would extend further north than existing development at Takeley, it would generally respect the eastern extent of development along Parsonage Road. With regard to the appeal development's relationship with existing development, due to the separation distance, the scale of nearby development, some of which is above two storeys, and the potential for significant planting, there is scope in both schemes to provide an acceptable relationship with existing development. In relation to appeal B, for the same reasons, the potential exists to provide a development that relates well to the existing settlement, including the Stanstead Business Centre nearby and the approach from the north.
23. The appeal proposals would be visible from Harcamlow Way, part of which crosses the appeal sites. I acknowledge that this is an important right of way that extends beyond both appeal sites, has some historic association with the Church of the Holy Trinity and I have no evidence to contradict the proposition that it is well used. However, given the separation distance between the public right of way and the proposed built form, existing planting and the potential for significant proposed planting, I consider that the harm that would arise to users of the route would again be limited. This would be more so the case should the landscaping be 'naturalistic' in character between the Harcamlow Way and the proposed built form. I make the above judgement having regard to the findings of the LVIA that accompanied appeal A.
24. In coming to the above conclusions, I have had regard to the findings of the Council's Strategic Housing Land Availability Assessment (2018), which found that part of the appeal A site was not appropriate for development. That document is a high-level evidence base document for the eLP. Whilst I have not disagreed with its findings, that part of the appeal A site contributes to the function of the CPZ, on the basis of the evidence before me, and for the reasons set out above, I have concluded that its development would not be a significant intrusion into the CPZ.
25. I have also had regard to the Uttlesford CPZ Study (2016), which assesses the effectiveness of the CPZ. I note the purposes of the CPZ as set out within that study. I have assessed the appeal proposals against them. I acknowledge that study's conclusions in relation to the parcels of the CPZ in which the appeal sites are located. However, for all the reasons set out previously, the findings of that study do not alter my conclusions.
26. I acknowledge the appeal sites' contribute to the functions of the CPZ. I also accept that the appeal proposals would result in the permanent loss of undeveloped land within it. However, for all the reasons outlined above, the harm to the character and appearance of countryside around the airport and therefore the CPZ as a whole would be limited. I have considered the

arguments that the grant of these planning permissions would set a precedent for other similar developments. However, each application and appeal must be determined on its individual merits and a generalised concern of this nature is not a reason for withholding permission in either case. As my considerations are based on the merits of the cases before me, I am not convinced that any grant of planning permission, individually or cumulatively, would result in further pressure to release sites or for the A120 to become the new boundary of the CPZ in the south; the latter being a matter beyond the scope of these appeals.

27. In coming to my conclusions, I have had regard to the findings of an Inspector in determining an appeal at Great Canfield. However, the circumstances of that appeal do not replicate those before me (Ref APP/C1570/W/18/3213251). A number of other appeal decisions are before me, too numerous to list in full<sup>2</sup>. However, on close consideration, they relate to different developments, in different parts of the CPZ, with different considerations at play. Overall, I am satisfied that none of those replicate the circumstances of these appeals.
28. Overall, having regard to all considerations, I conclude that both appeal A and appeal B would individually result in some limited harm to the countryside around the airport, as defined by the Countryside Protection Zone (CPZ) and identified in policy S8 of the Local Plan, in relation to its open characteristics and coalescence between Stanstead Airport and existing development. In this respect both appeals would fail to accord with Local Plan policy S8. Further, for all the reasons set out above, I conclude that the cumulative impact of both appeals would still be limited. However, a similar policy conflict would be a consequence.

#### *Church of the Holy Trinity*

29. It is agreed between the two main parties that the significance of the listed building lies primarily in its historic and architectural importance as a well preserved example of a multi-phased medieval church. Those matters contribute to its designation as a heritage asset of the highest significance. However, some heritage significance derives from its setting, although materially less than those matters above.
30. The setting of the Church of the Holy Trinity includes its immediate surroundings, including its graveyard, from which one can most readily experience its architectural and historic significance. Its wider setting includes the surrounding agricultural landscape, which provides its isolated rural setting and divides it from Takeley and other settlements. That rural and agricultural setting has little changed in use throughout its history. Whatever the reason for the location of the church in its now isolated position, the evidence before me suggests that its isolation has persisted for most of its history and contributes to its understanding and significance.
31. Primary sources confirm that the public right of way that traverses the appeal site, now known as part of the Harcamlow Way, has persisted since at least the 19<sup>th</sup> century, from which longer range intermittent and filtered views of the Church are afforded. It is possible that this route has earlier origins and formed part of a processional route to the Church from surrounding parishes.

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<sup>2</sup> Those most relevant to these appeals APP/C1570/W/15/313741; APP/C1570/W/16/3165516; APP/C1570/W/16/3144380; APP/C1570/W/18/3219136; APP/C1570/W/19/3235402.

However, I do not have substantive evidence to conclude in those terms. The appeal site sits within the wider agricultural landscape that surrounds the Church which contributes to its isolated position and affords views to the Church and the tower. In this respect it contributes to the Church's significance as a heritage asset.

32. Views from surrounding land also contribute to the experience of the listed church. The footpaths to the north west, in the broad location of a deserted medieval settlement, provide medium range views that enable some appreciation of the architectural and artistic value of the listed church. Longer range views, including those from the appeal site and the Harcamlow Way enable an appreciation of the Church and its tower at longer range, usually in silhouette which provide an appreciation of its dominance over the rural agricultural landscape and its isolation.

#### *Impact of Development*

33. The appeal proposal would sit within the wider, mainly agricultural setting of the Church. Developing the appeal site in the manner proposed would change its appearance and somewhat erode its rural, agricultural setting. It would alter some of the views from the Harcamlow Way and Parsonage Road across the appeal site. Those views would include some of the appeal development within them. This would represent some harm to the setting of the listed church and the way in which it is experienced. However, such harm would be small, limited by a number of factors.
34. Firstly, undeveloped land in an agricultural use would still be positioned around the Church and critically, between the Church and the proposed development, such that it would still retain its isolated location. Secondly, as the proposed development would adjoin Takeley, and would be no closer than existing development, it would not materially disrupt the relationship of the Church to that settlement. Thirdly, the historic pedestrian route through the appeal site would be retained, set within an area of managed open space, which along with proposed planting would act as a buffer between the pedestrian route and the proposed housing. New planting and management of existing provides the opportunity to retain some existing views of the Church and open up new ones. Whilst views towards the Church across the appeal site from Parsonage Road would include a greater element of built form and include managed open space, those views include some development at present. It has been demonstrated that development of the appeal site is possible with an extensive area of open space from which open views to the Church would be appreciable. All in all, taking the contribution of the appeal site to the significance of the listed building and the matters outlined above, which would together work to limit the harm to the setting of the listed building, I consider that the harm would be less than substantial, at the lower end of that spectrum. This generally accords with the view of the Council, in this regard.
35. I conclude that the appeal development would fail to preserve the setting of the grade I listed building. It would therefore fail to accord with LP policy ENV2. That policy aims for development affecting a listed building to be in keeping with its scale, character and surroundings.

### *Public Benefits*

36. In accordance with paragraph 196 of the National Planning Policy Framework (the Framework), I accord great weight to the conservation of designated heritage assets. I consider that the harm to the significance of the heritage asset identified would be less than substantial at the lower end of that spectrum. Mindful of my statutory duties<sup>3</sup>, this is a matter to which I attach considerable importance and weight. In this case, however, public benefits, as identified in paragraph 196 of the Framework, are before me. I will balance those against the harm identified later in my decision.

### **Other Matters**

#### **Appeal A**

37. Many of the same issues have been raised in relation to both appeals, including by the Takeley Parish Council and Takeley Park Residents' Association who were represented at the inquiry.
38. In relation to the impact of the appeal proposals on highway traffic and safety, I note that both proposals have been prepared in consultation with the highway authority. I have a statement of common ground on highways matters agreed between the appellant and the highway authority, in relation to each appeal, which confirms that there are no outstanding areas of disagreement. The proposed access for each appeal development has been agreed with the highway authority and considering their location, design and the existing traffic conditions, I have no reason to take a different view on that matter. Highways England has not raised concern regarding the impact of the proposed developments on the strategic road network, including junction 8 of the M11. Measures within the S106 agreement would ensure provision is made for cycle and pedestrian links to promote sustainable forms of transport. Suitable planning conditions would secure other off site highway works intended for the same purpose and to mitigate the traffic impacts. In relation to the care home appeal, provision for a workplace travel plan to deliver a modal shift away from the private motorised vehicle would be triggered if staff numbers exceed 50, to meet the same end.
39. All in all, the Council does not raise concern in this regard. Subject to appropriate planning conditions and measures set out in the S106 agreements, I have read or heard nothing to seriously challenge the Council's position. I have made the above judgement considering the cumulative impact of the proposed developments on the Four Ashes junction close to the appeal sites.
40. In relation to noise concerns raised, both appeal applications are accompanied by a noise impact assessment. Both are considered robust, considering the proximity of road and airport noise, including contributions of ground noise and the LA<sub>eq</sub> assessment matrix used. Subject to the location of proposed homes beyond a buffer zone of open space following the 55dB daytime contour, any further necessary noise attenuation can be secured through appropriate planning conditions. Such mitigation could take account of planned and approved expansion of the airport. The Council does not raise objection on this basis and I therefore have no reason to take an alternative view. In coming to this conclusion, I have considered the views of another Inspector in

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<sup>3</sup> sections 16(2), 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990



determining an appeal at Burton End (Ref APP/C1570/W/18/321136). However, that does not replicate the circumstances of this appeal.

41. In respect of the care home proposals, the Council takes the same position and subject to noise sensitive design, which could be controlled through a planning condition, the appeal development could provide acceptable living conditions for residents, both within the building and in the outside space. The impact of any noise from plant associated with the proposed development could again be controlled through a suitable planning condition.
42. In terms of air quality, the appeal application is accompanied by an air quality assessment, which considered the impacts during construction and subsequent occupation. The Council considers no material harm would result in this regard, subject to a Construction Environment Management Plan to control dust and ambient PM<sub>10</sub> concentrations and thereby protect neighbouring residents. This could be controlled through an appropriate planning condition.
43. Impacts on neighbouring residents during construction could be controlled through appropriate planning conditions. I have no compelling evidence before me to indicate that the principle of the appeal developments would adversely affect neighbouring residents' living conditions. Any detailed concerns regarding the relationship to surrounding development would be considered at reserved matters stage. There is no substantive evidence before me to suggest that the appeal sites would not provide developments capable of providing acceptable living conditions for future occupiers.
44. The appeal sites both fall within an area of grade 2 agricultural land. The appeal proposals would result in the loss of agricultural land. I note that the Council does not raise concern in this regard. As Uttlesford is a rural district and many settlements are surrounded by agricultural land, any expansion would be likely to involve the loss of agricultural land. On this basis, I take a similar view to the Council in this regard.
45. The impact on water pressure in the locality would be likely to be addressed through proposed upgrades to the water supply in the locality. I have no substantive evidence that the proposed developments would adversely impact on crime. However, the design and access statements explain measures that could be taken at reserved matters stage that would ensure that the detailed design is embedded in principles to minimise opportunities for crime in terms of the provision of safe overlooked streets and spaces.
46. Matters of airport parking in the vicinity of the appeal sites would be most appropriately dealt with through the parking enforcement regime and are not a reason to withhold planning permissions. On site parking for both appeal schemes would be dealt with at reserved matters stage. At this stage, suffice to say that I am satisfied that there is sufficient space to accommodate parking for the amount of development proposed in each case.
47. An environmental statement accompanies the appeal applications. Subject to on site mitigation and additional measures to address increased recreational pressure within the S106 agreement, no adverse effect would result on the Hatfield Forest SSSI and NNR. Any adverse impacts on Flitch Way local wildlife site through would be addressed by on site mitigation. Suitable planning conditions could control any adverse impact on ecology on the appeal sites, including bats in relation to appeal A. Also, in relation to appeal A, the loss of

ground nesting habitats for skylarks would be mitigated through provisions in the S106 agreement.

48. In relation to appeal A, the increased need for school places would be addressed through provisions in the S106 agreement, along with provision for health care in relation to both appeals. Whilst the proposed developments would increase demand for GP services, the Clinical Commissioning Group has confirmed that a branch GP surgery incorporated within appeal A development is not supported, preferring to provide additional capacity at a nearby surgery. This will be tested later on in my report.
49. Detailed design of the proposed developments would need to accord with current sustainable design requirements; a matter that would be addressed at detailed design stage. The principle of development at the appeal sites has been assessed balancing the imperatives of climate change and providing homes, both dwellings and care homes in locations that benefit from sustainable transport and proximity of facilities and services. In particular both appeal developments would be located within a reasonable walking distance to the facilities and services in Takeley, with some bus provision along Parsonage Road. In addition, measures to promote walking and cycling are secured through provisions in the S106 agreement and planning conditions.
50. I acknowledge that Takeley has taken significant development to date and that there is only a small number remaining to be delivered through the eLP. However, as the eLP is still not at an advanced stage of preparation, and the examining Inspectors' recent findings cast considerable doubt over its progress towards adoption, I attach limited weight to this matter. In this regard, I am aware of the conclusions of my Colleague in determining an appeal at Great Canfield (Ref APP/C1570/W/18/3213251). However, the examination into the eLP has progressed since that decision, which is a reason to differentiate between that appeal and those before me.
51. In relation to both appeals, the initial findings of the Inspectors examining the emerging Local Plan (eLP) are noted. In light of of, I attach very limited weight to the direction of travel of those policies.
52. I acknowledge the LP examining Inspector's comments in 2005, in relation to the realigned A120 and the vulnerability of land between Takeley Village and the new road. However, those comments are of some vintage and relate to the evolution of the LP at that time. However, I have concluded that some limited harm would arise to the countryside around the airport including the land to which the Inspector refers and the CPZ as a whole, when the appeals are considered individually and cumulatively. However, this matter does not alter my decisions.

### *Planning Obligations*

42. In relation to both appeals, an executed planning obligation is before me. Whilst the Council has confirmed that it is satisfied with its contents, for its provisions to be given weight in the determination of this appeal, I am required to assess whether they are necessary to make the proposed development acceptable in planning terms, directly related to the proposed development and fairly and reasonably related in scale and kind.<sup>4</sup>

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<sup>4</sup> Regulation 122 Community Infrastructure Regulations 2010 (as amended) (CIL Regulations)

### *Appeal A*

43. The provisions for 40% on site affordable housing are necessary to meet the requirements of LP policy H9 and therefore they weigh in favour of the appeal.
44. The provision of open space within the development, including dog walking and off lead areas, linked to a phasing regime, is necessary to mitigate the potential impact of increased recreational use of the Hatfield Forest SSSI and NNR. In addition, the environmental statement concluded that, notwithstanding the provision of on site mitigation, off site mitigation, would be required to mitigate against any potential impacts on the Hatfield Forest SSSI and NNR. Natural England and the National Trust support that view and have requested a costed scheme for visitor and botanical monitoring and mitigation works has been agreed. The contribution sought is the only evidence-based assessment that is provided. No other assessment is before me. It would be necessary to meet the aim of LP policy GEN7, which seeks to mitigate against potential impacts on nature. However, in relation to the proposed Site Access Management and Monitoring Measures Strategy (SAMMS) contribution, as that document is still in draft and I have very limited detail on the contribution that would be sought, it would not pass the necessary tests.
45. Skylark mitigation is required in the form of provision of two skylark territories on an adjacent site. Full justification is provided within the ecology report dated December 2018. It would be necessary to meet the aims of LP policy GEN7 and overall passes the tests referred to.
46. Identified demand for self-build plots has been demonstrated. The provision of 12 plots, being some 10% of the overall number, would help to meet that demand and the requirements of the Self-build Act and accord with paragraph 64 of the Framework. A mechanism to ensure that such development would meet the definition of self-build and custom-build housing is necessary and the provisions do that.
47. A financial contribution to primary and secondary school provision is secured. A need is demonstrated, and a school and project indicated in each case. This meets the CIL tests outlined above. However, two suggested cost generator figures have been provided, the education authority's figures being higher than the alternatives provided by the appellant. In the absence of substantive evidence to justify the education authority's higher figures, which deviate from those of the Education and Skills Funding Agency figures, on balance, I support the lower figure provided by the appellant, which provides more justification as to the origin.
48. Provisions would secure a contribution towards cycle facilities and public rights of way in the locality, both of which are necessary to promote more sustainable forms of travel. They would be close to the appeal site and are justified in terms of cost.

### *Appeal A and Appeal B*

49. A financial contribution towards healthcare provision is secured by both legal agreements, to meet the extra demand resulting from the appeal developments. I am aware of significant local concern in this regard. The Clinical Commissioning Group has requested additional provision at a primary healthcare hub at the existing surgery at Great Dunmow. The provision would

be necessary to meet the aims of LP policy GEN6, which seeks infrastructure to support development. In each case a local deficiency has been identified, even though current registrations may be greater than existing capacity. Robust justification for the calculation of the contribution is provided along with an identified project. I have no compelling evidence to throw doubt on its delivery, although I accept that the proposal sits under wider primary healthcare strategic planning. Overall, the weight of evidence before me, indicates that the provisions pass the necessary tests.

### *Appeal B*

50. A workplace travel plan is necessary to promote sustainable travel. As the provisions require various trigger points and monitoring, a monitoring fee to cover the Councils' costs in this regard is necessary and overall the provisions pass the relevant tests.

### **Conclusions**

51. It was agreed between the two main parties that as the Council cannot demonstrate a five-year housing land supply the 'tilted balance' set out in paragraph 11(d)ii of the Framework was engaged.

### **Appeal A**

52. I have identified that there would be some limited harm to the countryside around the airport and therefore the CPZ as a whole and have identified a consequential policy conflict with LP policy S8. In addition, I have identified some small harm to the setting of the Church of the Holy Trinity, at the lower end of the less than substantial harm spectrum and a policy conflict with LP policy ENV2. Even though the harm identified would be less than substantial, I accord considerable weight and importance to it. Government policy sets out that great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be, and this have been fully considered in my decision.
53. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out, that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. In this case, I have no reason to determine that regard should not be had to the development plan. Further, in this respect, I have identified that a conflict with the development plan as a whole would arise.
54. In assessing whether there are other material considerations which would outweigh that development plan conflict, I have had regard to the environmental benefits, which would include a new area of accessible open space, woodland planting and other planting. In addition, there would be a number of transport improvements aimed to promote sustainable forms of travel. Overall, they would provide the opportunity to enhance biodiversity and options for travel and to them I attach some weight.
55. In terms of social benefits, the appeal proposal would provide additional housing, 40% of which would be affordable, and would include some self-build plots, secured as such through a legal agreement. Those dwellings would be close to facilities and services. The Council cannot demonstrate a five-year housing land supply; the two main parties agreeing this to be 2.68 years. In

light of the acute need for housing, including affordable housing demonstrated, and the unmet demand for self-build plots, these are benefits of the proposal, which together, weigh very heavily in its favour. This would be the case even if the appeal development did not come forward in the five-year period and taking into account the recent uplift in housing delivery.

56. There would be some economic benefits from the proposed development through employment, additional spending power resulting from the construction phase and from future occupiers of the proposed development. To these economic benefits, overall, I accord some weight.
57. To all of the benefits of the appeal, I accord more than considerable weight. They represent public benefits as referred to in paragraph 196 of the Framework, which in the circumstances of this appeal, would outweigh the considerable importance and weight that I attach to the heritage harm identified. Further, together, the benefits of the appeal are very weighty, the adverse impacts limited. Therefore, the adverse impacts of granting permission in this case would not significantly and demonstrably outweigh the benefits. Overall, therefore, the material considerations in this case indicate a decision should be made other than in accordance with the development plan and therefore the appeal should be allowed.

## **Appeal B**

58. In respect of this appeal, I have found that some limited harm to the countryside around the airport and therefore the CPZ as a whole and have identified a consequential policy conflict with LP policy S8 and the development plan as a whole.
59. In assessing whether there are other material considerations which would outweigh that development plan conflict, I have had regard to the environmental benefits, which would include new planting, which, overall would provide the opportunity to enhance biodiversity and the provision of transport improvements to promote more sustainable forms of travel. To them I attach some weight. In addition, the economic benefits would be similar to appeal A, again, attracting some weight.
60. In terms of social benefits, the provision of a care home, in light of the acute need demonstrated, and the beneficial impact that would have in terms of the release of homes, in light of the Council's poor five year housing land supply, is a weighty consideration to which I attach more than considerable weight in favour of the appeal.
61. In this case too, taking all considerations into account, the benefits of the appeal development are very weighty, the adverse impacts limited. Together, they indicate that the adverse impacts of granting permission in this case would not significantly and demonstrably outweigh the benefits. Overall, therefore, the material considerations in this case indicate a decision should be made other than in accordance with the development plan and therefore the appeal should be allowed.
62. Even if I were to conclude that policy S8 and ENV2 were up to date and in accordance with the Framework, that would not change the outcome of either appeal, even when taken together. Therefore, although there was extensive

debate on both those matters at the inquiry, I have no reason to consider them any further.

### **Planning Conditions**

63. A list of suggested planning conditions was agreed between the two main parties at the inquiry. I have agreed with the imposition of most of these subject to refinement to improve clarity and ensure consistency with national policy and guidance.<sup>5</sup> A list of planning conditions to be imposed is set out in Annex C.

#### *Appeal A*

64. Standard time, plans and reserved matters conditions are necessary to ensure certainty. A condition ensuring that development is carried out in general accordance with the parameter plan and self-build location plan is necessary to confirm the limits of the location of development and, in association with the legal agreement, the provision of self-build plots. However, a clause to ensure that the reference to storey height on the parameter plan is for illustrative purposes only is necessary, to enable proper consideration of scale at a later stage. In light of this, a condition to restrict the height of buildings is not necessary, given that scale is a matter for consideration at a later stage.
65. Conditions to ensure that the proposed access is provided prior to occupation, are necessary to ensure highway safety. A condition requiring accessible homes is necessary to ensure that the development promotes inclusion and community cohesion. Conditions to ensure the preservation of archaeology are required at pre-commencement stage. Measures to minimise off site surface water runoff during construction and the implementation and maintenance of a surface water drainage scheme are necessary to ensure that the development does not increase the risk of flooding in the locality. That relating to the period during construction works should be dealt with prior to development commencing to ensure no harm arises.
66. A condition to control berry bearing plant species as part of any landscaping scheme will help to reduce the risk of bird strike, which is necessary to ensure the safe operation of the Airport. Conditions requiring ecological mitigation, enhancement and management, including landscape management, during and after construction are required to protect the ecology of the site and locality. The construction environmental management plan is required pre-commencement, to protect ecology. Conditions to ensure any contamination is dealt with effectively are necessary pre-commencement, to protect the environment and human health. To protect the living conditions of future occupiers of the proposed development the implementation of noise attenuation is required. The submission of such details at pre-commencement stage will ensure that those measures are embedded in the design of development. To ensure highway safety during construction the submission and implementation of a construction method statement is necessary at pre-commencement stage. A condition to ensure adequate provision and links to public rights of way is required, along with a condition to ensure the provision of the trim trail and outdoor seating, which will ensure an acceptable form of development. Conditions to secure the necessary highway improvements are

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<sup>5</sup> Paragraph 55 of the Framework and PPG including paragraph 21a-003-20190723

necessary to ensure no adverse impact on highway safety in the locality and to promote sustainable forms of transport.

*Appeal B*

67. Standard time, plans and reserved matters conditions are necessary to ensure certainty. Conditions to ensure that the proposed access is provided prior to occupation are necessary to ensure highway safety.
68. A condition ensuring that development is carried out in general accordance with the care home indicative layout is necessary to confirm the limits of the location of development. Conditions to ensure the preservation of archaeology along with measures to minimise off site surface water runoff are necessary to ensure that the development does not increase the risk of flooding in the locality.
69. A condition to control berry bearing plant species as part of any landscaping scheme will help to reduce the risk of bird strike, which is necessary to ensure the safe operation of the nearby Airport. Conditions to ensure any contamination is dealt with effectively are necessary pre-commencement, to protect the environment and human health. To protect the living conditions of future occupiers of the proposed development, the implementation of noise attenuation is required. The submission of such details at pre-commencement stage will ensure that those measures are embedded in the design of development. To protect the living conditions of neighbouring residents, a condition to control noise from plant or machinery is necessary. A condition requiring ecological mitigation, enhancement and management, is required to protect the ecology of the site and locality. To ensure highway safety during construction the submission and implementation of a construction method statement is necessary at pre-commencement stage. The submission and implementation of a work place travel plan is required to promote sustainable forms of travel. Conditions to secure the necessary highway improvements are necessary to prevent any adverse impact on highway safety in the locality and to promote sustainable forms of travel.

**Conclusions**

70. For the above reasons, and taking all other matters raised into consideration, I conclude that both appeals should be allowed, subject to the conditions listed in Annex C to my decisions.

*R Barrett*

INSPECTOR

**Appearances at the inquiry****Annex A****For the Council**

Estelle Dehon	Instructed by Uttlesford District Council
She called:	
Mr Tim Murphy IHBC MCifA (appeal A)	Historic Environment Manager Place Services Essex County Council
Ms Karen Denmark MRTPI (appeal A and B)	Development Management Team Leader Uttlesford District Council

**For the appellant**

Christopher Young QC	Instructed by Endurance Estates Land Promotion Ltd
He called:	
Mrs Gail Stoten BA (Hons) MCifA FSA (appeal A)	Heritage Director Pegasus Planning Group
Mr Andrew Cook BA (Hons) MLD CMLI MIEMA CENV (appeal A and B)	Environmental Planning Director Pegasus Planning Group
Nigel Newton Taylor BSc (Hons) MRICS (appeal B)	Director Healthcare Property Consultants Ltd
Mr Andrew Moger BA (Hons) MA MRTPI (appeal A)	Tetlow King Planning
Mr James Stacey BA (Hons) Dip TP MRTPI (appeal A)	Director Tetlow King Planning
Mr Andrew Hodgson BA BTP MRTPI (appeal A and B)	Planning Director Pegasus Planning Group



**Other interested persons who spoke at the inquiry**

Peter Hewett	Takeley Parish Council and local resident
Martin Peachey	Takeley Parish Council and local

**Documents submitted at inquiry****Annex B**

IQ1	Errata List in relation to Mr Hodgson's proof
IQ2	Statement of Mr Hewett (appeal A)
IQ3	Statement of Mr Hewett (appeal B)
IQ4	Statement of Mr Peachey (appeal A and B)
IQ5	Appellant's opening including Suffolk Coastal judgment
IQ6	Council's opening
IQ7	Suggested itinerary for inspector's site visit
IQ8	Gail Stoten Proof (colour copy)
IQ9	Planning Practice Guidance: Self-build and custom-build housing
IQ10	Extract from Inspector's report into Uttlesford Local Plan 2005 (pages 29-35)
IQ 11	Figure ground plans (P19-1641_15 and P19-1641_16)
IQ12	Appeal decision letter APP/R0660/A/14/2211721
IQ13	CIL compliance statement v1 (appeal A and appeal B)
IQ14	Addendum to Peter Hewett's proof addressing healthcare provision
IQ15	Errata to Andrew Moger's proof including design and access statement for self-build and custom-build housing at St Edmunds Lane Great Dunmow
IQ16	Michael Carr urban design statement
IQ17	Cannon Consulting note addressing highways matters raised at inquiry including response to Takeley Parish Council comments 5/11/19
IQ17a	List of suggested planning conditions v1 (both appeals)
IQ18	Hoare Lea note addressing noise matters raised at inquiry
IQ19	Educational Facilities Management Partnership Ltd statement on education and healthcare provision
IQ20	Map of GP surgeries in local area
IQ21	Addendum to James Stacey's proof regarding affordable housing delivery
IQ22	Paul Newman judgment
IQ23	Para 14 NPPF 2012

IQ24	List of suggested conditions v2 (both appeals)
IQ25	CIL compliance statement v2 (both appeals)
IQ26	List of suggested conditions v3 (both appeals)
IQ27	Legal submission relating to SAMMS contribution (appeal A)
IQ28	Hatfield Forest SSSI and NNR mitigation strategy in draft; Natural England comments 10/5/19; National Trust comment 19/4/19
IQ29	Plan in relation to S106 agreement (skylark mitigation land and public open space phasing plan)
	<b>Documents submitted in writing after sitting</b>
IQ30	Final list of suggested conditions
IQ31	Final executed legal agreements
IQ32	Council's closing
IQ33	Appellant's closing
IQ34	Table of plans under consideration including status
	<b>Documents submitted after close of Inquiry</b>
IQ 35	Agreed schedule of plans for determination including status and appellant's suggested revised condition 4.
IQ36	Council's comments on suggested revised condition 4
IQ37	Examining Inspectors' letter dated 10 January 2020 in relation to eLP
IQ38	Appellant's comments on IQ37
IQ39	Council's comments on IQ37 and IQ38
IQ40	Agreed additional highway conditions and amended schedule of plans

## **Annex C**

### **Appeal A**

1. The development shall be carried out in accordance with the following approved plan: Location Plan (drawing number P17-2649\_10 Rev D)
2. In the event that application UTT/19/0394/OP to the east of Parsonage Road is not approved, then prior to occupation of the development the three armed access roundabout as shown on submitted drawing W371-PL-SK232-A, including carriageway at a width of 6m and two cycleway/footways at a minimum width of 3.5m shall be provided and thereafter maintained.
3. In the event that application UTT/19/0394/OP to the east of Parsonage Road is approved then prior to occupation of the development the four armed access roundabout as shown on submitted drawing W371-PL-SK233-A, including carriageway at a width of 6m and two cycleway/footways at a minimum of 3.5m shall be provided and thereafter maintained.
4. The location of the built development shall be carried out in general accordance with the parameter plan (drawing number P17\_2649\_29 Rev E) and indicative self-build locations plan (drawing number P17\_2649\_36); the reference to the storey height of buildings on the parameter plan is for illustrative purposes only.
5. Approval of the details of layout, scale, landscaping and appearance (hereafter called "the Reserved Matters") must be obtained from the Local Planning Authority in writing before development commences and the development must be carried out as approved.
6. Application for approval of the Reserved Matters must be made to the Local Planning Authority not later than the expiration of two years from the date of this permission.
7. The development hereby permitted shall be begun no later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.
8. 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.
9. Prior to, or concurrent with, the submission of the first reserved matters application a written scheme of archaeological investigation, including a programme of archaeological trial trenching and mitigation strategy, shall be submitted to and approved in writing by the Local Planning Authority. The trial trenching and any associated works detailed in the approved written scheme of archaeological investigation shall be carried out in full, with written notice once the works are completed being submitted to the Local Planning Authority, prior to any development or preliminary groundworks commencing.
10. Within three months of notification being provided to the Local Planning Authority in writing, in accordance with the requirements of condition 9, a

post-excavation assessment, including details of a full site archive and a publication report, shall be submitted for approval in writing by the Local Planning Authority. The approved full site archive and publication report shall thereafter be submitted to Essex County Council within one month of approval in writing by the Local Planning Authority.

11. No development shall commence until a scheme to minimise the risk of off site flooding from surface water run-off and pollution of groundwater during the period of construction works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in full accordance with the approved details and thereafter maintained throughout the duration of construction works on site
12. No development other than preliminary site preparation works shall commence until a detailed surface water drainage scheme has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be based on sustainable drainage principles and shall include but not be limited to the following details:
  - a) a detailed assessment of the hydrological and hydro geological context of the site;
  - b) full details of all surface water drainage features;
  - c) modelling and capacity calculations that have been used to inform the design of all surface water drainage features;
  - d) details of drain down times for the surface water attenuation basin.

The approved surface water drainage scheme shall thereafter be implemented in full prior to the occupation of the first dwelling, or in accordance with a timetable for implementation that has previously been agreed in writing with the Local Planning Authority.

13. No dwelling shall be occupied until a Maintenance Plan of the surface water drainage system detailed in condition 12 has been submitted to, and approved in writing by, the Local Planning Authority. The submitted Maintenance Plan shall include details of the maintenance activities, frequencies and monitoring for each of the surface water drainage features and the details of the long-term funding arrangements of these maintenance activities. The surface water drainage system approved under condition 12 shall thereafter be maintained in accordance with the details of the approved Maintenance Plan following the occupation of the first dwelling.
14. Any detailed landscaping plans and species planting schemes that are submitted pursuant to this outline permission, or any conditions attached to reserved matters approvals, shall not include more than 30% of berry bearing species.
15. Prior to, or concurrent with, the submission of the first of the reserved matters application full details of a scheme of ecological mitigation and enhancement shall be submitted to, and approved in writing, by the Local Planning Authority. The scheme of ecological mitigation shall include details of all external lighting and details of the impact of lighting on sensitive ecological receptors. The scheme of ecological mitigation and enhancement shall be carried out and thereafter maintained in accordance with the

approved details prior to the occupation of the first dwelling, or in accordance with a timetable that is to be agreed in writing with the Local Planning Authority.

16. No development other than preliminary site preparation works shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The content of the LEMP shall include but not be limited to the following:
- a) a woodland block to be provided across the full extent of the triangular field in the location shown on the parameters plan;
  - b) the provision of wildflower meadows;
  - c) retention of existing vegetation as shown on the parameter plan in accordance with drawing 7117\_D1\_AIA\_Rev A;
  - d) description and evaluation of features to be managed;
  - e) ecological trends and constraints on site that might influence management;
  - f) aims and objectives of management;
  - g) appropriate management options for achieving aims and objectives;
  - h) prescriptions for management actions;
  - i) preparation of a work schedule;
  - j) details of the body(ies) or organisation(s) responsible for implementation of the plan and funding mechanism(s) of any such bodies or organisations;
  - k) ongoing monitoring and remedial measures.

The LEMP shall be implemented in accordance with the approved details prior to the occupation of the first dwelling, or in accordance with a timetable that is to be agreed in writing with the Local Planning Authority.

17. A construction environmental management plan (CEMP: Biodiversity) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development (other than works relating to archaeological fieldwork). The CEMP (Biodiversity) shall include but not be limited to the following: a) Risk assessment of potentially damaging construction activities. b) Identification of "biodiversity protection zones". c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). d) 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.

The measures detailed in the approved CEMP shall be implemented and maintained throughout the construction period strictly in accordance with the

approved details, unless otherwise agreed in writing by the Local Planning Authority.

18. No development approved by this permission shall take place until a Phase 2 investigation report, as recommended by the previously submitted Nott Group Desk Based Contaminated Land Assessment Report dated 4th December 2018 (Ref: 72826/R/001), has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action should contamination be found during construction works. The development shall thereafter be carried out in accordance with the approved strategy.
19. Prior to the occupation of the first dwelling in any phase or phases a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy for that phase or phases. Any such validation report shall include details of how any unexpected contamination discovered during works have been dealt with in accordance with the relevant legislation.
20. Prior to commencement of the development a scheme for protecting the proposed dwellings from noise arising from road and air traffic shall be submitted to, and approved in writing by, the Local Planning Authority for approval. This acoustic design advice report should detail the advised measures for achieving the criteria in Tables 4 and 5 of the Hoare Lea Noise Impact Assessment report (Ref: REP-1010619-AS-20190208) Revision 4 dated 8th February 2019. None of the dwellings shall be occupied until the scheme is implemented in accordance with the approved details. The scheme shall be retained in accordance with those details.
21. No development shall commence, including any ground works or demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the Local Planning Authority.

The submitted CMS shall include but not be limited to the following:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. wheel and underbody cleaning facilities;
- iv. details of the construction access arrangements.

The measures detailed in the approved CMS shall be implemented and maintained throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

22. Details of all links and treatment of public rights of way within the site, including status, surfacing, gates etc shall be submitted for approval as part of any reserved matters application for land within the site that include existing public rights of way. The approved treatment works, and any other works to the public rights of way within the site shall be completed prior to the occupation of the 50th dwelling and thereafter maintained in accordance with the approved details.
23. Prior to, or concurrent with, the submission of the first of the reserved matters application full details of the trim trail and outdoor seating shown in drawing Strategic Landscape Masterplan (drawing number P17-2649\_12) to include the provision and location of outdoor exercise equipment within the trim trail and a schedule of maintenance, shall be submitted for approval in writing by the Local Planning Authority. The trim trail and outdoor seating shall thereafter be installed and maintained in accordance with the approved details prior to the occupation of the first dwelling.
24. Prior to the occupation of the first unit bus stops shall be provided on the west and east sides of Parsonage Road in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The works to provide the bus stops shall include, but not be limited to, raised kerbs, the provision of bus shelters, pole, flag and timetable information.
25. Prior to the occupation of the first unit a Traffic Regulation Order shall have been submitted to Essex County Council to relocate the 30mph speed limit. This submission shall only be made after the necessary speed surveys and public consultation/advertising have been carried out. Subject to the Traffic Regulation Order being granted the necessary signing and lining shall be provided prior to the Order coming into force.
26. Prior to the occupation of the first unit the signalised junction of the B1256/B183 (known as the Four Ashes) shall be upgraded to include MOVA (Microprocessor Optimised Vehicle Actuation) to provide optimisation of the signals to increase capacity. The upgrade works shall also include any necessary signing and lining including that required to provide prioritisation for cyclists at the junction as appropriate, in a scheme to be agreed with the local planning authority in negotiation with the Highway Authority.
27. Details of links and treatment of public rights of way within the site, including position, status, surfacing, gates etc. shall be submitted for approval as part of any reserved matters application for land including a public right of way. The provision of pedestrian links through the development to these public rights of way, including a pedestrian connection to footpath 36, shall be provided prior to the occupation of the 50th dwelling, or in accordance with alternative timetable that has been agreed in writing with the Local Planning Authority.
28. Prior to occupation of the first unit, a Residential Travel Information Pack shall have been submitted to and approved in writing by the Local Planning Authority. The approved pack shall contain six one day travel vouchers for use with the relevant local public transport operator, and other measures to promote sustainable travel by residents, and be provided to each residential unit prior to first occupation.



## Appeal B

1. The development shall be carried out in accordance with the following approved plan: Location Plan (drawing number P17-2649\_11 Rev C)
2. In the event that application UTT/19/0393/OP to the west of Parsonage Road is not approved then prior to occupation of the development an access with a carriageway width of 5.5m and two footways at a minimum width of 2m as shown on submitted drawing W371-PL-SK234 including clear to ground visibility splays with dimensions of 2.4m by 160m to the north and 2.4m by 150m to the south, as measured from and along the nearside edge of the carriageway, shall be provided. The vehicular visibility splays shall thereafter be retained free of any obstruction.
3. In the event that application UTT/19/0393/OP to the west of Parsonage Road is approved then prior to occupation of the development the four armed access roundabout as shown on submitted drawing W371-PL-SK233-A, including a carriageway width of 5.5m and two footways at a minimum of 2m shall be provided and thereafter maintained.
4. The development shall be carried out in general accordance with the Care Home Site Layout (drawing number P17-2649\_09 Rev G).
5. Approval of the details of layout, scale, landscaping and appearance (hereafter called "the Reserved Matters") must be obtained from the Local Planning Authority in writing before development commences and the development must be carried out as approved.
6. Application for approval of the Reserved Matters must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.
7. The development hereby permitted shall be begun no later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.
8. Prior to, or concurrent with, the submission of the first reserved matters application a written scheme of archaeological investigation, including a programme of archaeological trial trenching and mitigation strategy, shall be submitted to and approved in writing by the Local Planning Authority. The trial trenching and any associated works detailed in the approved written scheme of archaeological investigation shall be carried out in full, with written notice once the works are completed being submitted to the Local Planning Authority, prior to any development or preliminary groundworks commencing.
9. Within three months of notification being provided to the Local Planning Authority in writing, in accordance with the requirements of condition 8, a post-excavation assessment, including details of a full site archive and a publication report, shall be submitted for approval in writing by the Local Planning Authority. The approved full site archive and publication report shall thereafter be submitted to Essex County Council within one month of approval in writing by the Local Planning Authority.
10. No development other than preliminary site preparation works shall commence until a detailed surface water drainage scheme has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be

based on sustainable drainage principles and shall include but not be limited to the following details:

- a) a detailed assessment of the hydrological and hydro geological context of the site;
- b) full details of all surface water drainage features;
- c) modelling and capacity calculations that have been used to inform the design of all surface water drainage features;
- d) details of drain down times for the surface water attenuation basin.

The approved surface water drainage scheme shall thereafter be implemented in full prior to the occupation of the care home, or in accordance with a timetable for implementation that has previously been agreed in writing with the Local Planning Authority.

11. The care home shall not be occupied until a Maintenance Plan of the surface water drainage system detailed in condition 10 has been submitted to, and approved in writing by, the Local Planning Authority. The submitted Maintenance Plan shall include details of the maintenance activities, frequencies and monitoring for each of the surface water drainage features and the details of the long-term funding arrangements of these maintenance activities. The surface water drainage system approved under condition 10 shall thereafter be maintained in accordance with the details of the approved Maintenance Plan following the occupation of the care home.
12. Any detailed landscaping plans and species planting schemes that are submitted pursuant to this outline permission, or any conditions attached to reserved matters approvals, shall not include more than 30% of berry bearing species.
13. No development approved by this permission shall take place until a Phase 2 investigation report, as recommended by the previously submitted Nott Group Desk Based Contaminated Land Assessment Report dated 4th December 2018 (Ref: 72826/R/001), has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action should contamination be found during construction works. The development shall thereafter be carried out in accordance with the approved strategy.
14. Prior to the first occupation of the care home a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy for that phase or phases. Any such validation report shall include details of how any unexpected contamination discovered during works have been dealt with in accordance with the relevant legislation.

15. Prior to commencement of the development a scheme for protecting the approved care home from noise arising from road and air traffic shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall detail the proposed measures for achieving the criteria in Tables 4 and 5 of the Hoare Lea Noise Impact Assessment report (Ref: REP-1010619-AS20190208) Revision 4 dated 8th February 2019. The care home shall not be occupied until the measures identified in the approved scheme are implemented in full. The development shall thereafter be maintained in accordance with the approved scheme.
16. No fixed plant or machinery shall be installed on the site until details of the level of noise generated by the plant or machinery have been submitted to, and approved in writing, by the Local Planning Authority. Noise resulting from the operation of fixed plant or machinery shall not exceed the existing background noise level inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014. The plant shall thereafter be installed and maintained in accordance with the approved details.
17. Prior to, or concurrent with, the submission of the first of the reserved matters application full details of a scheme of ecological mitigation and enhancement shall be submitted to, and approved in writing, by the Local Planning Authority. The scheme of ecological mitigation shall include details of all external lighting and details of the impact of lighting on sensitive ecological receptors. The scheme of ecological mitigation and enhancement shall be carried out and thereafter maintained in accordance with the approved details prior to the occupation of the care home, or in accordance with a timetable that is to be agreed in writing with the Local Planning Authority.
18. No development shall commence, including any ground works or demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the Local Planning Authority.

The submitted CMS shall include but not be limited to the following: i. the parking of vehicles of site operatives and visitors. ii. loading and unloading of plant and materials. iii. wheel and underbody cleaning facilities. iv. details of the construction access arrangements.

The measures detailed in the approved CMS shall be implemented and maintained throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
19. No more than 50 employees shall be based on the site until such time as a workplace travel plan has been submitted to, and approved in writing by, the Local Planning Authority. The measures detailed in the approved travel plan shall thereafter be fully implemented within one month of agreement in writing from the Local Planning Authority and continue to be implemented for a minimum period of five years.
20. Prior to the occupation of the first unit bus stops shall be provided on the west and east sides of Parsonage Road in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The works to provide the bus stops shall include, but not be limited to, raised kerbs, the

provision of bus shelters, pole, flag, timetable information and a pedestrian crossing across Parsonage Road to link the bus stops.

21. Prior to the occupation of the first unit a Traffic Regulation Order shall have been submitted to Essex County Council to relocate the 30mph speed limit. This submission shall only be made after the necessary speed surveys and public consultation/advertising have been carried out. Subject to the Traffic Regulation Order being granted the necessary signing and lining shall be provided prior to the Order coming into force.