



Appeal Decision

Inquiry held on 2 to 4 December 2025

Site visit made on 3 December 2025

by **R Aston BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19th March 2026

Appeal Ref: APP/C1570/W/25/3370631

Land off Bedwell Road, Elsenham, CM22 6JQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Gladman Developments Limited against the decision of Uttlesford District Council.
 - The application Ref is UTT/24/0543/OP.
 - The development proposed is described as 'outline planning permission for the erection of up to 240 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access'.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 4 February 2026.

Decision

1. The appeal is allowed and outline planning permission is granted for development described as 'outline planning permission for the erection of up to 240 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access' at Land off Bedwell Road, Elsenham, CM22 6JQ in accordance with the terms of the application, Ref UTT/24/0543/OP, subject to the conditions in the attached schedule.

Procedural Matters

2. The application was submitted in outline, with only access to be considered. An access plan and location plan have been submitted for approval along with an illustrative layout (the plan¹). Approval is not sought for the plan, which was submitted to assist in demonstrating one way in which the appeal site could be developed to achieve acceptable noise and other impacts. I have determined the appeal on this basis and that the plan shows only one option for the layout of the development applied for.
3. Uttlesford District Council, as the Local Planning Authority (LPA) confirmed that the proposal falls within the description of a development in column 1 of Schedule 2, 10(b) (urban development projects). The LPA adopted a screening opinion on 24 May 2019 and concluded that due to potential for likely significant cumulative effects, the development qualifies as an Environmental Impact Assessment development. Therefore, an Environmental Statement was submitted with the

¹ Drawing ref: CSA/4183/132 - CD1.03.

planning application. Following review, the ES is considered satisfactory in terms of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017. I have taken account of the statement accordingly. All other environmental information submitted in connection with the appeal including that arising from the Inquiry has also been taken into account as such material contributes to the totality of the environmental information before me as the decision maker.

4. The Council's Decision Notice set out three reasons for refusal. A Case Management Conference (CMC) was held on 6 October 2025 at which representatives of the main parties were in attendance. At the CMC, the administrative and procedural arrangements for the Inquiry were discussed and it was agreed how the evidence should be heard.
5. Following the CMC and as a result of ongoing discussion between the parties, the submission of further information, and subject to appropriate conditions and obligations, the Council did not pursue reasons two (protected species) and three (lack of a S106 agreement). Interested persons² maintained objections with regard to the first reason (noise) and raised other matters to which I return to below. A general planning Statement of Common/Uncommon Ground (SoCG) along with a SoCG on Noise was also submitted.
6. Discussions on the legal agreement continued before and during the Inquiry, including at a Round Table Discussion (the RTD). By the close of the Inquiry signing of the agreement had not been possible so I therefore allowed a period for the agreement to be completed. However, indicated as being a possibility due to ongoing communication issues between the parties before that deadline expired the appellant submitted a Unilateral Undertaking (the UU) providing for the Council's obligations and a S106 legal agreement (the S106) providing for the contributions required by Essex County Council. The Council also submitted a final statement setting out their justification for the obligations and I deal with the agreements as necessary below.
7. The emerging Uttlesford Local Plan (the ELP) has been submitted for examination and hearing sessions were held in the Summer of 2025 and the examination is ongoing. However, of specific relevance in this appeal is that the examining Inspectors have issued a post hearings note which, amongst other things, concludes that the advantages of expediting the adoption of the ELP outweigh the disadvantages of it not being able to demonstrate a 5-year housing supply on adoption. The Inspectors were clear there is a need for the Council to address the 5-year housing land shortfall as soon as possible and an early review of the plan is proposed as a Main Modification³.
8. In accordance with the requirements of paragraph 49 of the National Planning Policy Framework (the Framework) the parties consider that the ELP carries limited weight as a whole. I return to this and any relevant policy considerations below.
9. The Inquiry was served by a series of Core Documents and further Inquiry Documents were submitted during the proceedings. The information was all made publicly accessible during the course of the event and I sought to ensure that

² On behalf of Elsenham and Ugley Parish Councils.

³ CD 6.03 paragraphs 13 and 14.

opportunities for views to be shared and, where appropriate, for any interested persons to ask relevant questions of the relevant witnesses and participate. The proposal before me follows the refusal of a previous application for residential development on the appeal site and the subsequent dismissal of the related appeal⁴. I have had regard to that decision and others put before me in my determination of this appeal as material considerations and I return to them where necessary below.

Preliminary Matters

10. In this appeal for the purposes of my decision there is agreement that the presumption in favour of sustainable development set out in paragraph 11 d) ii. of the Framework is engaged, and in three different ways. There is a failure to demonstrate a 5-year supply of housing land⁵, including in the emerging ELP and a failure of the Housing Delivery Test in accordance with Footnote 8 of paragraph 11. Further, the current plan period ended in 2011 and it is out of date as it never intended to address post 2011 needs and the settlement and countryside protection Policies H1, S3 and S7 were designed for that purpose. The housing requirement in Policy H1 was also based on Regional Planning Guidance for the Southeast, dated 2001, and which drew on figures set out in then structure plans. It would appear that the District would not be able to provide sufficient housing without having to permit sites that do not comply with the provisions of the adopted plan.
11. In this context it is squarely and fairly recognised by the appellant that a number of harms would be caused by the proposal and that it should be regarded as being in conflict with the development plan, as a whole. The harms identified, which are generally in accordance with the findings of the previous Inspector are:
 - Harm by virtue of its location outside of settlement boundaries (moderate).
 - Harm to the character of the landscape (moderate).
 - Harm due to the loss of agricultural land (moderate).
 - Harm due to construction impacts for a temporary period (very limited)
 - Harm to living conditions of future occupiers (limited).
12. The Council's planning witness was clear in their proof that the noise evidence demonstrates the extent and implications of noise impacts but does not make any recommendation on the outcome of the appeal. Further, that acoustic constraints are such that they cannot be resolved through reserved matters, and the absence of a robust acoustic design strategy at outline stage undermines the ability of the proposal to deliver a high standard of amenity. Consequently, the noise harm was given 'substantial' weight in the balance. A reason relating to the lack of a legal agreement also remained, which was regarded by the Council as being 'unacceptable'.
13. However, following the evidence of the Council's noise witness, the Council having reviewed their case during the overnight adjournment, withdraw their objection to the grant of planning permission and accordingly no further witnesses were called

⁴ CD 7.02 – APP/C1570/W/21/3274573.

⁵ 3.42-3.46 years.

or evidence presented. The Inquiry proceeded with the evidence in chief of the appellant's witnesses allowing for my own questions and those of interested persons, who also took part in a RTD on conditions and obligations along with the Council's planning representative.

Main Issues

14. Given the above the main issues in this appeal are:

- The effect of the proposal on the living conditions of future occupiers, with particular regard to noise.
- If conflict with the development plan, when taken as a whole is identified, whether such conflict is outweighed by other material considerations.

Reasons

Noise

15. This is a somewhat unique roughly triangular shaped site and which lies in proximity to transport infrastructure in a desirable place to live and close to a railway line that provides access to London and Cambridge, with bus, cycling and walking routes. In an area of demand and not enough supply such sites are no doubt desirable for development but caution must be taken given the obvious effects of siting residential dwellings, including affordable and family dwellings in areas subject to continuous noise given their location, and in this case from two adjoining continuous and regular noise sources.
16. The previous decision on the site is a significant material consideration in respect of this issue but in that appeal, and based on the illustrative layout before the Inspector, every room in every proposed dwelling would have to have had its windows closed at all times in order for occupants to avoid unacceptable noise impacts. The findings of the previous Inspector were clearly based on materially different evidence that led to a series of assumptions and indications that ultimately led to her findings on that issue.
17. Further, significant changes have been made to the scheme with regard to noise which can be summarised as:
- A 2.4m high acoustic screen along the boundary of the railway line.
 - Housing in the western part of the site would be higher and closer to provide a barrier block mitigation for the rest of the site.
 - There would be no bedrooms in the western façades of the dwellings closest to the M11.
 - An upper limit of 58dB, LAeq 16 hour has been used to design garden areas.
 - Proceeds on the basis that all private gardens would have a 1.8m high timber fence of a 'suitable' design.
18. Overall, as should be the case after a dismissed appeal the appellant has provided greater detailed work including the plan, example house types with internal layouts; detailed noise break-in calculations (which are not in dispute) for 10

representative plots across the site and detailed contour plots showing daytime appropriate nighttime LAmax levels at ground, first and second floor (where present) levels. The scheme mitigation has also been designed by reference to the highest noise level experienced at any vertical point on a given façade.

19. Dealing with the salient points of the policy context and guidance for this issue first, Policy ENV10 of the Uttlesford Local Plan (the ULP) provides a high level approach requiring no significant noise disturbance and with no criteria to determine effects, taking mitigation into account. Policy GEN2 of the ULP states that development will not be permitted unless, amongst other things, its design meets the criteria in adopted Supplementary Planning Documents and it would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property.
20. Being more up to date in such terms, the Framework sets out that the aim, in relation to noise, is to mitigate and reduce to a minimum potential adverse effects from noise and avoid significant adverse effects. National policy does not seek to prevent any degree of noise impact and an impact which is less than significant and which has been mitigated to a minimum is capable of according with national policy and relevant guidance. The Noise Policy Statement for England (NPSE) builds upon this basic approach. Levels of noise at or above which such effects occur is identified as the Significant Observed Adverse Effect Level (SOAEL).
21. The first aim of the NPSE is to avoid significant adverse effects on health and quality of life. Its second aim is to mitigate and minimise noise which is below the SOAEL but above the level where adverse effects can be detected. That level is the Lowest Observed Adverse Effect Level (LOAEL). Noise levels which do not cause any adverse effects are noises at the No Observed Effect Level (NOEL).
22. The Planning Practice Guidance (PPG) adopts the concepts of the NOEL, the LOAEL and SOAEL for decision making and seeks to avoid noise at or above the SOAEL level, in order to avoid significant adverse effects. The NPSE seeks to mitigate and minimise noise which is below the SOAEL but above the level where adverse effects can be detected. That level is the LOAEL and noise levels which do not cause any adverse effects are noises at the NOEL. Noise within the SOAEL is described as present and disruptive and should be avoided.
23. The approach in the PPG is to require the provision of suitable alternative means of ventilation if windows are required to be kept closed most of the time. A situation where windows have to be closed most of the time but where alternative ventilation is provided is not within the SOAEL. This was only acknowledged by the Council during cross examination. I now turn to the three areas of dispute, whether I have sufficient information to consider noise effects at this outline stage and the external and internal noise effects.

The outline proposal and the plan

24. The appellant's evidence utilises the plan to assist in consideration of the potential noise impacts of the proposal. The Council did not raise concerns regarding the appropriateness of an outline application and did not use its powers to prevent any statutory reserved matter from being reserved.
25. In terms of relevant guidance, ProPG guidance advises that issues of principle must be addressed at outline stage, as the outline planning permission is the grant

of planning permission and cannot be revisited at reserved matters stage. What is required is sufficient detail to show that noise effects can be resolved and that a way of appropriately, in noise and other terms, developing the site for up to 240 homes could be devised. The reference in the ProPG at paragraph 3.12 is to an initial site noise assessment and to the decision maker being satisfied that good acoustic design will be able to overcome challenges and the issues have been considered by the appellant at this stage to the extent they can be and are required.

26. There was no dispute between the main parties on the methodology that underpins the submitted Noise Assessment. Interested persons-maintained concerns about the use of noise modelling but the reasons were clearly and credibly explained by the appellant's expert witness. Although concerns were raised that a fully detailed layout and design should have been modelled as part of the proposals, having regard to the plan submitted, the development of the site has been appropriately modelled. The work undertaken is not a 'bare minimum' but an attempt to provide sufficient demonstration that an acceptable scheme could be brought forward as part of a detailed design and through the reserved matters stage in compliance with any associated and necessary conditions.
27. It is likely in my view any future scheme would probably be heavily based on the illustrative plan and the noise work undertaken but it is ultimately only one way in which the site could be developed. In a design led system there may well be other approaches and alternatives, but there is nothing before me to indicate the plan and work undertaken by the appellant should be considered unsatisfactory for the purposes of this outline stage in determining whether a suitable residential environment could be created with regard to noise, or otherwise.

External noise

28. British Standard 8233 (the BS) at paragraph 7.7.3.2 sets out it is desirable for external noise levels to not exceed 50dB LAeq 16 hour. The upper guideline given is 55 and it notes that those guidelines are not achievable in all circumstances where development 'might be desirable'. It separately refers to higher noise areas such as city centres or urban areas adjoining a strategic transport network, that compromise might be required to achieve lowest practicable levels in external amenity areas but should not be prohibited and do not read it as a closed list, being subject to judgements.
29. This development is on the edge of a settlement that has a rail station nearby, bus and other alternatives to the private car and in an area that does not have the necessary supply of housing. It is evidently desirable to locate housing in such locations and recognised as inevitable that in doing so resolution of competing considerations is ultimately required.
30. No absolute upper noise limit is prescribed and it is clear, therefore, that the 50 and 55 figures are not upper limits. They also should not be regarded as lines in the sand where markedly different effects can be seen immediately above and below the stated figures and they are not levels above which most people would experience the stated effect. It follows that a marginal exceedance of guideline levels should not be a reason to refuse planning permission.
31. The appellant has therefore used 58dB LAeq 16 hour as the upper limit for external noise. It is also notable that in the delegated officer report to committee

and EHO comments, 58dB is assumed as the limit in question with the first report to the Council's Planning Committee, recommending approval of the application. It confirmed '*All external areas would be below 58dB LAeq 16 hour as required by the Council*'. In cross examination the Council's position changed and it was accepted that adherence to an upper limit of 58dB LAeq 16 hour for external amenity spaces was 'undesirable, but not unacceptable'⁶.

32. The appellant's evidence indicates that predicted noise levels for the external gardens and communal outdoor areas for the proposed flats would predominantly not exceed 55 dB LAeq, 16 hour during both daytime and nighttime hours which is within the guidance in the standard in respect of external areas. In the unchallenged modelling, all garden areas would be below 58dB LAeq 16 hour. Some 60% of them are fully or mostly below 55dB. The position at the weekend when garden use could generally be expected to be higher than during the week would be marginally lesser effects. Suggested condition 25 would impose that upper limit and require the maximum adherence to the lower figure of 55dB with no more than 58dB.
33. Suitable fencing, including the acoustic barrier would be installed and a level of 56 or 57dB would, on the evidence before me, be of no perceptible difference to one of 55dB so no further details would need to be secured. Concerns were also raised regarding the extent of noise that would be experienced in public amenity areas. However, no substantive evidence was presented to the Inquiry that there is a set threshold for noise in such areas. Residents would have access to both private and public areas should they so choose in addition to an extensive network of countryside accessible from a number of public rights of way which the proposal would contribute to improving.

Internal noise

34. By the close of the Inquiry it was common ground that all windows in all rooms would achieve the relevant BS guideline figures for all room types during the day and night, with low, medium and high levels of mitigation. Some windows would need to be closed to achieve that. The appellant's Figures D7 to D9⁷ shows where mitigation of the varying levels would need to be provided for each façade. Having windows closed plus alternative ventilation is not within the SOAEL category and it was accepted appropriate ventilation and cooling could be devised and secured at the reserved matters stage.
35. In terms of the associated effects, in accordance with the BS the internal guidelines are taken and Note 7 indicates a relaxation of 5Db, where development is necessary or desirable. The Acoustic and Ventilation Design Guide⁸ provides that internal levels with the 5dB relaxation are not likely to lead to any adverse effect. The appellant's evidence shows the numbers of rooms (not houses) where each level of risk would arise if windows were to be opened, if the relaxed +5dB figures were used and assuming a partially open window. The appellant used a 13dB level, the World Health Organisation guidelines use a 15dB reduction.
36. This is a reasonable approach and no rooms would be exposed to a level at or above the SOAEL during the daytime, with 80% of living room windows being

⁶ Mr Glass in XX.

⁷ CD 1.15.

⁸ CD 8.09.

openable with no or low risk of disturbance. The other 20% would have an openable window in a façade with a lower level of noise exposure. During the nighttime, only 25 bedrooms (3% of the total) would be exposed to the SOAEL if the window were opened. However, all of those windows would be provided with alternative ventilation. Whilst of limited significance, it is also likely that the Building Regulations would, by the time the scheme was being built out, require ventilation measures to be provided that removed the need to open windows so that homes were resilient to the effects of higher temperatures as the climate change.

37. All other rooms would not exceed the LOAEL level and occupants could open windows without being exposed to the SOAEL level. To avoid the noise, and if preferred, those plots could be provided with alternative ventilation to make opening windows a matter of choice. It was agreed during examination that an appropriate scheme of mitigation in the form of ventilation and cooling could be devised for the plots that required it.

Conclusion on first main issue

38. Any harm from some remaining noise impacts, post mitigation, would not meet the 'materially adverse' bar within the policies of the ULP set out above. The Framework seeks to prevent new development from being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. It does not prescribe what unacceptable means in either of its usages. National policy does not seek to prevent any degree of noise impact. An impact which is less than significant and which has been mitigated to a minimum accords with national policy. Nevertheless, some limited harm in terms of noise impacts would result and which should be weighed in the necessary planning balance, as correctly confirmed by the appellants planning witness.⁹

Other considerations and matters

The legal agreements

39. It is unfortunate that the parties were not able to deliver as promised but apart from one contribution the reality is that there are no other obligations or triggers in dispute, rather the issue appears to have related to the various drafting preferences of those involved. I have considered the obligations in light of the statutory tests contained in Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010. They relate to the following (UU in *italic*):

- *Provision of 40% affordable housing*
- *Provision and long-term on-going maintenance of public open space and play area*
- Early Years and Childcare: Financial contribution of £500,947.00
- Primary Education: Financial contribution of £1,398.600
- Secondary Education: Financial contribution of £1,282,416.0
- Libraries: Financial contribution of £18,672.00
- *NHS: Financial contribution of £310,080.00*

⁹ Mr Lee in response to Inspector's question.

- Sustainable Transport contribution of £654,640 towards bus services
- *National Trust SAMM Financial contribution- £334,800.00*
- *Financial contribution to Elsenham and Ugley Community Hall £715,558 in total for:*
 - *£200,000- Ugley*
 - *£515,558- Elsenham*
- Provision of new bus stops on Bedwell Road
- *Farmland Bird Compensation Strategy*
- Public Right of way upgrading £45,000
- Residential Travel Plan and monitoring
- *Council's legal costs and monitoring fees (both).*

40. Despite including the requested community hall contribution in the UU, the appellant had indicated at the CMC and then at the RTD that they did not consider the evidence demonstrated that it would be fairly and reasonably related in scale and kind to the development proposed. The evidence in the CIL statement and at the Inquiry partly focuses on agreement at the time of the previous appeal. However, on my reading that Inspector did not consider the obligations given the appeal was being dismissed for other reasons and so does not set any sort of precedent and in no way should it be taken as agreement to them¹⁰.
41. The relevant appeals procedural guide is clear that parties should ensure that they provide the necessary evidence to enable an assessment to be made. Inspectors will not consider any obligations, including standard charges or formulae, which do not meet all the statutory tests. The proposal would result in additional residents but no clear or satisfactory evidence was presented either written or orally as to how this related to the scale of the development which might ultimately be required in refurbishing Ugley Village Hall or in contributing to a new one for Elsenham, a longstanding proposal. Some estimated figures are before me but at the only the tender stage for architectural services has been reached. Whilst an upper figure estimate was given along with basic calculations of other contributions secured this does not justify the size of contribution sought in the absence of specific details as to what it would entail.
42. Whilst I sympathise with the objective of the contribution, on the evidence submitted to the Inquiry I cannot reasonably conclude that the contribution would be fairly and reasonably related in scale and kind to the development. It would not meet the necessary tests and it has not been a reason for granting planning permission. I note the Inspector in the land south of Bedwell Road appeal¹¹ also had to consider a similar contribution and reached the same conclusion. Whilst this was based on the specific evidence before that Inspector, nonetheless, it should have served to highlight the requirements for robust justification in any future appeals.

¹⁰ Paragraph 92 of DL.

¹¹ APP/C1570/W/22/3311069 at paragraph 35.

43. Aside from the community hall contribution the obligations would accord with the tests and requirements of paragraph 58 of the Framework and the Regulations. As the legal agreements would secure the necessary infrastructure to support the development, the Council's third reason for refusal is addressed and the proposal would accord with Policies GEN6, ENV7 and H9 of the ULP and their requirements in such terms.

Protected species

44. The presence of protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. Additional work was agreed and undertaken in respect of Bats in the Summer of 2025 which confirmed none were present or roosting. As such, it can be reasonably concluded that certain that the proposal will not result in adverse impacts or harm. Following updated information during the course of the appeal there is no dispute that a Farmland Bird Compensation Strategy is necessary to compensate for the loss of an agricultural land as a known Skylark territory and this would be secured in the UU. Overall and subject to the conditions and obligations the proposal would result in no harmful effects to protected species.

Hatfield Forest SSSI and NNR

45. The site falls within the currently identified Zone of Influence for recreational impacts to Hatfield Forest Site of Special Scientific Interest and National Nature Reserve, whereby new housing within this zone is predicted to generate impacts and therefore will be expected to contribute towards mitigation measures, such as a financial contribution. Natural England confirmed a bespoke mitigation package should be sought to be designed in consultation with the National Trust as site managers. The required contribution is calculated based on an agreed tariff and per unit and is directly related to the increased visitor pressure generated by future residents. It is secured in the UU.

The Environmental Statement

46. I note the ES concluded that subject to mitigation there would be no likely significant effects in terms of Transport, Air Quality or Ecology. The mitigation which has been considered throughout this decision would be secured by a combination of the conditions and planning obligations.

Third party representations

47. In reaching this view I have had regard to the concerns of the chairperson of Elsenham Parish Council who helpfully assisted the Inquiry at a number of points throughout, including on behalf of other parish councils. Those further considerations related to the amount and extent of growth within the settlement, accessibility to services and facilities, highway safety and existing and required infrastructure.
48. Elsenham appears to have been subject to significant growth from new residential development but it is a key rural settlement and contains a shop, public house, post office, takeaway, school and GP surgery. There is also a rail station in Elsenham, close to the appeal site which is on the London to Cambridge mainline. There are also rural local bus services and accessible pedestrian footways within

the village with opportunities for walking and cycling in the surrounding open countryside. From my own observations and the evidence before me services in the village would be a comfortable walking distance for most, including those accessing the school and the elderly or infirm. I see no reason to disagree with the previous Inspector's conclusion that the site would be sustainable in access terms and would give realistic choices for future occupiers to use sustainable modes of transport.

49. This is not an allocated site but each case must be determined on its own merits. There is also no 'ceiling' on development and this authority cannot demonstrate a 5-year housing land supply either in terms of the current development plan or the ELP. There may well be a tipping point for any settlement but the evidence before me in this appeal does not indicate that position has been reached in Elsenham. The proposal would also allow for others to settle, including those in need of affordable housing in an accessible rural settlement. This would add positively to the mix and overall diversity of the community in an area of generally high housing demand.
50. Turning to highway safety, the relevant highway authority does not object and there is no substantive or technical evidence before me to support either the suggestion that the surrounding roads have a capacity problem or that highway safety would be compromised because of the proposal and its access, either during construction or beyond in its trip generation and movements. Having viewed the immediate surroundings of the appeal site both during the early and late morning and evening I do not consider the proposal would result in material harm to highway safety, subject to the conditions and obligations secured.
51. I have also carefully considered the view that some infrastructure contributions for education and healthcare have not been forthcoming, resulting in the local community shouldering the burden and having to accept the consequences of the developments. In this appeal I have also found a contribution towards community buildings has not been evidenced or demonstrated to meet the necessary tests. Ultimately, other contributions may have been identified, sought, secured, and justified on other sites but issues in relation to how those monies are spent are not matters before me to address as part of this particular appeal. There is also nothing substantive from the relevant providers that suggests local services and facilities would be placed under unacceptable pressure that would not be mitigated by conditions and the secured planning obligations.

Conclusions on the development plan

52. Section 70(2) of the Town and Country Planning Act 1990 requires regard to be had to, amongst other things, the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states 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. The conflicts are such that the proposal should be regarded as being in conflict with the development plan, when read as whole.
53. With regard to the ELP this is not a premature scheme in Framework terms because although the ELP is advanced, the scale of the appeal scheme is not

such as to prejudge decisions about the scale or location of development that are the preserve of that examination. On adoption the ELP would deliver 4.77 years of supply in the absence of any future HDT result that removed the requirement for a 20% buffer. That plan is also being examined according to the 2023 Framework and the standard method, and so in any event, the ELP does not set out to address the up-to-date needs of the District. On the evidence before me, any related conflicts in the ELP carry limited weight at this stage.

54. I now turn to whether the conflict is outweighed by other material considerations.

Paragraph 11 d) ii. of The Framework

55. The Framework does not change the statutory status of the development plan as the starting point for decision making. For decision taking the presumption means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

56. The policies referred to are those in paragraphs 66 (major development) and 84 of chapter 5 (isolated homes); 91 of chapter 7 (sequential for town centres); 110 (managing patterns of growth) and 115 of chapter 9 (highways development proposals); 129 of chapter 11 (achieving appropriate densities); and 135 (well-designed places) and 139 of chapter 12 (not well designed to be refused).

The adverse impacts

57. As set out above and guided by the previous Inspector's decision the parties agree there would be a series of limited to moderate impacts. I agree with these weightings and so there is no need for me to consider any further matters of weight to be given to the impacts in terms of the development plan strategy, landscape character and loss of Grade 3a best and most versatile agricultural land.

58. As with many sites in areas of high demand the site does not achieve full compliance with a development plan or result in ideal living conditions, including for future occupiers. Here, there would be mitigation and some limited to modest noise impacts for future occupiers but that would not make residential occupation unacceptable. The appellant also considered some limited temporary adverse impacts could occur during construction but the necessary mitigation would be in place secured by the planning conditions and obligations. Accordingly and even in agreeing some associated impacts during construction could occur they would be short term and limited.

The benefits

59. The provision of up to 240 dwellings with 40% being affordable housing would contribute significantly to the supply of housing and in helping to meet unmet needs for market housing and affordable housing in an accessible settlement. Uttlesford is also the least affordable District in Essex, possibly because it is one of the most attractive, with median house prices at approximately 12 times the median income. The proposal could make a notable contribution towards meeting

housing needs over the next five years, even allowing for the fact that the appellant is a promoter of land and not a housebuilder.

60. Affordable delivery has not met assessed needs either using the need for affordable rented homes (287 per annum) or the affordable ownership need (236 per annum) set out in the 2024 LHNA. Although policy compliant the affordable housing would help those who cannot afford to buy or rent their own home and need assistance, to settle within this attractive part of Essex and in a relatively accessible rural town with a range of services and facilities with rural transport options and rail services. The delivery of market housing and contribution to affordable housing weigh very significantly in favour of the proposal.
61. Economic benefits arising primarily relate to the construction stage, and the longer-term boost to local spending power. This could arise from any similar development but that does not detract from the fact that this particular development would offer such benefits, some of which would be temporary and short term, but others would be longer lasting and permanent. They weigh moderately in favour. Improvements to Biodiversity Net Gain of 15.95% also weighs moderately in favour.
62. The proposal would result in some additional open space that could be accessed by other residents but any benefit from future users, even at 45% provision of space overall, is challenging to qualify. As a general benefit because all residents could use it, it weighs a modest amount in favour. There would also be some modest benefits to the wider community from public rights of way improvements secured via financial contributions. The proposal would also deliver some betterment to drainage as it would attenuate off-site flows which weighs a small amount in favour.
63. The overall contributions required for this proposal are substantial and although primarily mitigation there would also be some associated public benefits from the contributions and the related infrastructure improvements that would be secured. I note the Council's view these weigh moderately to significantly in favour but again they are challenging to quality. Given the scale of the contributions I attribute some limited to modest weight to the associated public benefits that are likely to result from them.
64. The development would generate Council Tax and New Homes Bonus receipts. As the former is essentially a means for the Council to cover its costs arising from an increased local population, and/or to mitigate development impacts upon local infrastructure, it attracts little weight. There is no evidence before me of a connection between the New Homes Bonus payments and the development to enable it to be considered in accordance with the advice in the PPG. It therefore also carries little weight.

Conditions

65. Following a round table discussion at the Inquiry the parties agreed a final list of conditions. I have considered them against the tests in the Framework and the advice in the PPG. I have made such amendments as necessary to comply with those documents and in the interests of clarity, precision, and simplicity. The appellant confirmed acceptance of the pre-commencement conditions.

66. I have attached conditions limiting the life of the planning permission and set out the requirements for the submission of reserved matters in accordance with the Act **(1, 2 and 3)**. Submission of an acoustic design statement to demonstrate compliance within internal noise targets is necessary to protect living conditions of future occupiers **(4)**. In the interests of the living conditions of future occupiers the Reserved Matters shall also include an External Garden Noise Plan **(25)**. An Acoustic Commissioning and Compliance Report is further required prior to first occupation in the interests of ensuring acceptable living conditions for future occupiers **(20)**.
67. A Construction Method Statement **(5)** is necessary to be agreed in the interests of transport, ecology, air quality and living conditions although I have amended it to avoid repetition with other conditions and removed some superfluous wording. To protect the natural environment from pollution and flooding conditions are required for sustainable surface water drainage **(6)**. The offsite flooding condition suggested is not relevant to the development being permitted so I have not imposed it. Given the nature of the proposal and the initial work undertaken combined with the comments of statutory consultees a condition for further archaeological site investigation is necessary **(7)**.
68. Conditions **(8, 9, 10, 11 and 12)** are required in the interests of assessing potential contamination from its agricultural use and proximity to existing motorway and railway infrastructure. A condition requiring energy supply from on-site renewable or low carbon energy sources is necessary to reduce impacts on climate change **(13)**. A Housing mix strategy is necessary to contribute to local housing needs **(14)**.
69. That the Reserved Matters should include a design code relating to creation of place is not necessary given the requirements for 'layout' in the Order¹² include the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development. I have not therefore imposed the suggested condition. In the interests of providing a safe and suitable access conditions requiring approval of the details and implementation prior to occupation are required **(15 and 23)**. In the interests of the character and appearance of the area and natural environment a Landscape Management Plan and a Construction Environmental Management Plan are required **(16 and 17)**. A biodiversity enhancement strategy is required to ensure they are embedded into any final design in addition to details of any lighting scheme **(18 and 24)**, to protect the natural environment.
70. As the site falls within the identified Zone of Influence where new housing is predicted to generate adverse impacts a condition securing on site ANG space is necessary **(19)** to mitigate recreational pressure on Hatfield Forest SSSI/NNR. Conditions to ensure highway safety and to promote sustainable transport measures and mitigation identified are necessary to include details of circular dog walking routes **(21)** and the provision of bus stops and cycle parking facilities are also necessary **(22)**. The dwellings are also required to be constructed in accordance with accessible and adaptable dwellings standards **(26)**.

¹² The Town and Country Planning (Development Management Procedure) (England) Order 2015 - Interpretation.

71. It is also necessary given the location of the site close to the airport, that notwithstanding the Order¹³ no reflective materials shall be added to any building without prior written agreement **(27)**. Although not included in the final schedule of suggested conditions a condition is required to ensure compliance with the plans for which planning approval is sought as this provides certainty and I have therefore imposed it **(28)**. For the avoidance of doubt approval is not sought for the plan¹⁴, given its illustrative status.
72. Conditions 5, 6, 7, 8, 13, 15, 16, 17 and 24 are conditions precedent and I am satisfied that they are fundamental to the development to ensure that the development does not occur until such matters relating to pollution control, character and appearance, noise and living conditions, transport and highway works, biodiversity/ecology, control of pollution and flooding considerations and requirements are resolved.

Planning balance and conclusion

73. Drawing everything together, the engagement of the presumption in favour of sustainable development recognises that not all schemes will be perfect, an imperfect scheme can be considered as sustainable development for which planning permission can be granted if the adverse impacts do not clear the high bar that the so called 'tilted balance' creates. It operates, amongst other things, to support the Government's objective of significantly boosting the supply of homes.
74. Even with mitigation this is a residential development scheme which would not achieve ideal living conditions for some future occupiers. It would be in conflict with the development plan, as a whole and result in a range of limited to moderate adverse impacts. Balanced against these adverse impacts however, the positive benefits of the proposal weigh heavily in its favour.
75. The presumption is not disapplied by 11 d) i. and in the single exercise of planning judgement required the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole having particular regard to the key policies referred to in 11 d) ii. The proposal would therefore be the sustainable development for which Paragraph 11 d) ii. of the Framework indicates a presumption in favour.
76. This is a material consideration which outweighs the harm and conflicts with the development plan that I have identified and indicates to me that a decision should be made other than in accordance with the development plan. There are no other material considerations that indicate planning permission should be withheld.
77. Having regard to all other matters raised I conclude that the appeal should be allowed.

R Aston

INSPECTOR

¹³ The Town and Country Planning (General Permitted Development) (England) Order 2015.

¹⁴ Development Framework Plan CSA/4183/132.

APPEARANCES

FOR THE APPELLANT:

Martin Carter, of Counsel instructed by Gladman Developments Limited

He called

Christien Lee BSc (Hons) MCD MRTPI Gladman Developments Limited

Clive Bentley Sharps Acoustics
BSc (Hons) MCIEH MIEEnvSc MIOA CEnv CSci

Also present for the appellant:

Joshua Cornes Gladman Developments Limited

FOR THE LOCAL PLANNING AUTHORITY:

Jackson Sirica, of Counsel instructed by Uttlesford District Council

He called

Adam Glass Anderson Acoustics

Also present for the Council:

Christopher Tyler Principal Planning Officer Uttlesford District Council

Professional qualifications not given or recorded.

Interested persons

Dr Graham Mott Chairperson of Elsenham Parish Council (also appeared on behalf of Henham and Ugley Parish Councils)

DOCUMENTS SUBMITTED TO THE INQUIRY

| Document Number | Document name | Submitted by |
|------------------------|------------------------------------------------------------------------|---------------------|
| Document 1 | Appellant's opening statement | appellant |
| Document 2 | Council's opening statement | Council |
| Document 3 | Statement of Dr G Mott | Dr G Mott |
| Document 4 | Draft CIL compliance statement | Council |
| Document 5 | Site visit route maps | Council/appellant |
| Document 6 | Planning obligations summary | appellant |
| Document 7 | Draft S106 agreement | Council/appellant |
| Document 8 | Appellant's closing submissions | appellant |
| | <i>Documents submitted after the Inquiry closed on 4 December 2025</i> | |
| Document 9 | Final suggested conditions | Council/appellant |
| Document 10 | Final CIL compliance statement | Council |
| Document 11 | Completed S106 agreement and Unilateral Undertaking | appellant |

SCHEDULE

CONDITIONS

1. Approval of the details of layout, scale, landscaping, and appearance (hereafter called ('the Reserved Matters')) must be obtained from the Local Planning Authority in writing before development commences and the development must be carried out as approved.
2. Application for approval of the Reserved Matters must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.
3. The development hereby permitted must be begun no later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.
4. No Reserved Matters approval shall be granted until an Acoustic Design Statement (ADS) has been submitted to and approved in writing by the Local Planning Authority. The ADS shall be prepared in accordance with ProPG: Planning & Noise and the ANC/IOA AVO Guide, and shall demonstrate, for each layout considered by the appellant, that the following internal noise targets are achieved:

| Activity | Location | Day (0700–2300 hrs) | Night (2300–0700 hrs) |
|----------|-------------|---------------------|--------------------------------|
| Resting | Living Room | 35 dB LAeq,16hr | – |
| Dining | Dining Room | 40 dB LAeq,16hr | – |
| Sleeping | Bedroom | 35 dB LAeq,16hr | 30 dB LAeq,8hr; 45 dB LAmax |

Where night-time windows-open compliance is not feasible, provision shall be made for either:

- Quiet-side openings, or
- A mechanical ventilation solution that ensures verified internal noise levels and necessary airflow.

Compliance with ventilation and overheating requirements shall be demonstrated using the same operational assumptions. The development shall thereafter be carried out in accordance with the approved Acoustic Design Statement and maintained as such.

5. 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:

- Construction/Operational Hours the parking of vehicles of site operatives and visitors.
 - Loading and unloading of plant and materials.
 - Storage of plant and materials used in constructing the development.
 - The control of noise and dust from construction, including the hours of working and hours of deliveries.
 - Safe access to site and construction route.
 - Wheel washing facilities.
 - Measures to control the emission of dust and dirt during construction.
 - Details of how the risk of offsite flooding caused by surface water run-off and groundwater during construction works can be minimized and pollution can be prevented.
6. Prior to the commencement of development, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the aerodrome safeguarding authority for Stansted Airport. The scheme shall include, but not be limited to:
- Verification of the suitability of infiltration of surface water for the development, based on infiltration tests undertaken in accordance with BRE 365 and Chapter 25.3 of the CIRIA SuDS Manual C753;
 - Limiting discharge rates to 2.9 l/s for all storm events up to and including the 1 in 100 year event plus 40% climate change allowance, subject to agreement with the relevant third party;
 - Sufficient storage to ensure no off-site flooding during all storm events up to and including the 1 in 100 year plus 40% climate change event;
 - Demonstration that all storage features can half-empty within 24 hours for the 1 in 30 year plus 40% climate change event, or alternatively, that features can accommodate a 1 in 10 year storm event within 24 hours of a 1 in 30 year event plus climate change;
 - Final modelling and calculations for all areas of the drainage system;
 - The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in Chapter 26 of the CIRIA SuDS Manual C753;
 - Detailed engineering drawings of each component of the drainage scheme;

- A final drainage plan showing exceedance and conveyance routes, finished floor levels, ground levels, and the location and sizing of all drainage features;
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy;
- Details of attenuation times, profiles and dimensions of water bodies, and marginal planting, with specific reference to minimising the risk of bird attraction in accordance with aerodrome safeguarding requirements.

The approved scheme shall be implemented in full prior to occupation. In addition, prior to occupation, a detailed Maintenance and Management Plan for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- Identification of the party responsible for maintenance (e.g., management company or adopting authority).
- A schedule of maintenance tasks and inspection frequencies for all SuDS components.

Procedures for recording maintenance activities and keeping annual maintenance logs, which shall be retained and made available to the Local Planning Authority upon request. The plan shall include procedures for recording maintenance activities and retaining annual logs which shall be made available to the Local Planning Authority on reasonable request.

7. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured and implemented in accordance with a written scheme of investigation (WSI) that has been submitted to and approved in writing by the local planning authority. The WSI shall include details of the proposed archaeological evaluation, which must be completed and confirmed by the local authority's archaeological advisors prior to any development or groundwork.

Following the completion of the fieldwork, a post-excavation assessment shall be submitted to the Local Planning Authority within six months (unless otherwise agreed in writing). This shall include post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

8. No development approved by this permission (excluding demolition, site clearance, removal of underground tanks and old structures required to facilitate investigation) shall take place until a site investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken by competent persons and shall assess the nature and extent of any contamination, whether or not it originates on the site. The report shall include:
 - A survey of extent, scale and nature of contamination.
 - An assessment of the potential risks to:

- Human health,
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - Adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments.
- An appraisal of remedial options, and proposal of the preferred option(s).
9. If identified as necessary by the site investigation referred to in condition 8, the development hereby permitted shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
10. If required by the remediation scheme referred to in condition 9, the development hereby permitted shall not commence other than that required to carry out the agreed remediation until the measures set out in the approved Remediation scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Upon completion of the remediation works, a Verification Report demonstrating the effectiveness of the remediation carried out shall be submitted to the Local Planning Authority within four weeks of completion and must be approved in writing by the Local Planning Authority prior to any further development taking place.
11. In the event contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, submitted for the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
12. If found to be necessary from the Phase 2 investigation and remediation scheme, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time to be agreed with the Local Planning Authority, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in the Monitoring and Maintenance Scheme, and once the remediation objectives have been achieved, a final report demonstrating the effectiveness of the

monitoring and maintenance carried out shall be submitted to and approved in writing by the Local Planning Authority.

13. Prior to the commencement of development, an Energy and Sustainability Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall set out measures to be incorporated into each dwelling to improve energy efficiency, reduce carbon emissions, and promote sustainable design and construction. The approved measures shall be implemented in full prior to occupation of each dwelling and shall be retained and maintained thereafter.
14. No later than the submission of the first Reserved Matters application, a Site Wide Housing Mix Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall set out the proposed mix of dwellings by type and number of bedrooms, having regard to local housing needs at the time of the application, site characteristics, and the creation of a balanced and inclusive community. The development shall be carried out in accordance with the approved Strategy, or any subsequent strategy approved in writing by the Local Planning Authority.
15. Prior to the commencement of the development hereby approved, a detailed and technically approved scheme for the provision of laybys and/or road widening on Bedwell Road, Snakes Lane, and Pound Lane (in the area indicated on drawing number 17033-16-10A) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the first occupation of the development.
16. No development shall take place until a Landscape Management Plan has been submitted to and approved in writing by the Local Planning Authority, in consultation with the aerodrome safeguarding authority for Stansted Airport. The Plan shall include:
 - Long-term objectives for landscape management
 - Management responsibilities and maintenance schedules for all landscaped areas (excluding small privately owned domestic gardens)
 - A comprehensive list of proposed species to ensure compatibility with aerodrome safeguarding requirements

The approved Landscape Management Plan shall be implemented in full and maintained thereafter in accordance with the approved details.

17. Prior to the commencement of the development, hereby approved 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.

- Risk assessment of potentially damaging construction activities.
- Identification of "biodiversity protection zones".

- 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).
- The location and timing of sensitive works to avoid harm to biodiversity features.
- times during construction when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- Use of protective fences, exclusion barriers and warning signs.

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.

18. Prior to any works above slab level 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:

- Purpose and conservation objectives for the proposed enhancement measures;
- detailed designs to achieve stated objectives;
- locations of proposed enhancement measures by appropriate maps and plans;
- timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- persons responsible for implementing the enhancement measures;
- details of initial aftercare and long-term maintenance (where relevant).

The approved measures shall be implemented prior to the occupation of the relevant phase of development and retained thereafter in accordance with the approved details.

19. Prior to any works above slab level, details of the provision of on-site Accessible Natural Greenspace (ANG) of sufficient quality and size shall be submitted to and approved in writing by the Local Planning Authority. The ANG shall be designed in accordance with Natural England's Green Infrastructure Standards. The approved works shall be implemented prior to the occupation of the final dwelling and retained thereafter in accordance with the approved details.

20. Prior to the first occupation of any dwelling hereby permitted, an Acoustic Commissioning and Compliance Report shall be submitted to and approved in writing by the Local Planning Authority. The report shall confirm the internal noise targets and garden noise levels required by conditions 4 and 25 have been achieved under representative conditions. The samples should be at the facades modelled to have the highest road and rail noise levels and be a sample of 5-10% of the total dwellings in the development.

21. Prior to the occupation of each dwelling, the developer shall provide a Residential Travel Information Pack, approved by Essex County Council, for sustainable transport. The pack shall include:

- Six one-day travel vouchers for use with the relevant local public transport operator; and
- Details of a signposted circular dog walking route of approximately 2.3–2.5 km, making use of existing Public Rights of Way (PRoW).

Details of the circular dog walking route shall be submitted to and approved in writing by the Local Planning Authority prior to any works above slab level. The approved route shall be implemented prior to the occupation of the final dwelling and retained thereafter in accordance with the approved details.

22. Prior to the first occupation of any dwelling hereby permitted, details of the provision of new bus stops on Bedwell Road and cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- Two new bus stops, to the specification of the Highway Authority, in the vicinity of the site access, including but not limited to poles, flags, raised kerbs, appropriate roads markings and pedestrian crossing if necessary.
- A minimum of 5 secure, covered cycle parking spaces located close to the railway station.
- A minimum of 2 Sheffield Stands located at the local shopping area.

All facilities to be situated on highway land and the approved facilities shall be implemented prior to the first occupation of the development and retained thereafter in accordance with the approved details.

23. Prior to the first occupation of the development hereby permitted, the access arrangements shown in principle on drawing number 17033-16-02A shall be implemented in full and shall include:

- Two footways with a minimum width of 2 metres, linking to the existing footways on Bedwell Road.
- Visibility splays measuring 2.4 metres by 59 metres in both directions, as measured from and along the nearside edge of the carriageway. Visibility splays shall be kept clear of any obstruction exceeding 0.6 metres in height thereafter.

24. Prior to the commencement of development, a detailed Lighting Design Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

Biodiversity Protection

- Identification of features on site that are particularly sensitive for bats and other nocturnal wildlife, including important foraging and commuting routes. The scheme shall demonstrate, through lighting contour plans,

Isolux drawings, and technical specifications, how external lighting will be designed and installed to avoid disturbance to these areas.

Residential Amenity

- Full details of all external lighting to be installed, including the design of the lighting units, any supporting structures, and the extent of the area to be illuminated, to ensure minimal impact on the amenity of neighbouring and future occupiers.

Aviation Safety

- All external lighting shall be capped at the horizontal with no upward light spill, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), in the interests of flight safety and to prevent distraction or confusion to pilots using Stansted Airport.

Implementation and Maintenance

- All external lighting shall be installed and maintained in accordance with the approved scheme thereafter.

25. Reserved Matters submissions shall include an External Garden Noise Plan comprising plans and sections evidencing ≤ 55 dB LAeq,16h to the lowest practicable level for private gardens, and in no case exceeding 58 dB LAeq,16h (or the agreed limit) using as-built levels, building heights and barrier specifications. Any residual exceedance must be minimised, explicitly justified and agreed in writing with the Local Planning Authority.
26. 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. 5% of the dwellings hereby approved wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010.
27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no reflective materials other than clear or obscure glass, including solar PV panels, shall be added to any building without the permission of the Local Planning Authority.
28. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing Name/No. – Location Plan – CSA/4183/141.

Drawing Name/No. – Site Access Drawing 17033-16-02A.

----- End of Schedule -----