



---

## Appeal Decision

Inquiry held on 6 -13 September 2022

Site visit made on 9 September 2022

**by C Masters MA (Hons) FRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 5 October 2022**

---

**Appeal Ref: APP/C1570/W/22/3296426**

**Land South of (East of Griffin Place) Radwinter Road, Swards End, Saffron Walden, CB10 2LB**

- 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 Rosconn Strategic Land against the decision of Uttlesford District Council
  - The application ref UTT/21/2509/OP dated 3 August 2021 was refused by notice dated 18 March 2022.
  - The development proposed is outline application for the erection of up to 233 residential dwellings including affordable housing, with public open space, landscaping, sustainable drainage system (SuDS) and associated works, with vehicular access point from Radwinter Road. All matters reserved except for means of access
- 

### Decision

1. The appeal is allowed and planning permission is granted for the outline application for the erection of up to 233 residential dwellings including affordable housing, with public open space, landscaping, sustainable drainage system (SuDS) and associated works, with vehicular access point from Radwinter Road. All matters reserved except for means of access at Land South of (East of Griffin Place) Radwinter Road, Saffron Walden, CB10 2LB in accordance with the terms of the application, Ref UTT/21/2509/OP, dated 3 August 2021, subject to the conditions contained in the attached schedule.

### Applications for costs

2. At the inquiry an application for costs was made by Rosconn Strategic Land against the Rule 6 Party. A counter costs application was made by the Rule 6 party for responding to the costs claim. These applications are the subject of a separate decision.

### Preliminary Matters

3. Saffron Walden Town Council and Swards End Parish Council were represented as a Rule 6 party and took part in the inquiry.
4. The appellant sought to introduce two additional plans to the inquiry. These plans are 2206-01- TS-01REVB traffic signal design and 20-1142-SK16 proposed western pedestrian/cycle link. Consultation was undertaken in relation to these plans on 1 August 2022 and the Council did not object to

these plans being submitted. In light of this, I do not consider that any persons would be prejudiced or disadvantaged by my consideration of these plans and have considered the appeal on this basis.

5. On 25 July 2022, the Council confirmed by letter that it no longer contested the appeal.
6. Two Statements of Common Ground were submitted which covered planning matters (Uttlesford District Council and the Appellant) and Highways matters (Essex County Council and the Appellant). I have had regard to the development plan policies referred to within these documents in reaching my decision below.
7. The appellant submitted an unsigned Section 106 Agreement (s106) to the inquiry. This was discussed at a round table session, and I allowed a short amount of time after the inquiry for the document to be signed. The signed version was received on 23 September 2022. The agreement made includes a number of obligations and provisions for payments to be made to both the Council and County Council and I will return to this matter below.
8. On the 15 September 2022, the referendum took place in connection with the Saffron Walden Neighbourhood Plan and the result was in favour of the Neighbourhood Plan. The parties were provided the opportunity to comment on this in writing. I have taken into account those comments received in reaching my decision below.
9. There is no dispute that the Council cannot currently demonstrate a 5 year supply of housing. It was agreed between the main parties that the Council currently have 3.52 years of supply.

### **Main Issues**

10. Having regard to the above, the main issues in this appeal are:

- Whether the proposal adequately provides for sustainable transport measures including pedestrian and cycle movements.
- Whether the proposal makes adequate provision for any additional need for local services, amenities and infrastructure arising from the development.

### **Reasons**

*Whether the proposal adequately provides for sustainable transport measures including pedestrian and cycle movements*

11. The appeal site is located on the edge of Saffron Walden. Saffron Walden is one of the three main centres within the district and provides for a broad range of facilities and services reflective of the size of the settlement. In light of this, it is important that opportunities to promote walking, cycling and public transport use from the appeal site to Saffron Walden are identified and pursued in accordance with paragraphs 104 and of the Framework.
12. Radwinter Road provides a generally flat level walk to the town centre and I was able to see that the route was well used by pedestrians and cyclists alike during my site visits. I note that the route was particularly well used by school children from the existing Linden Homes site to access schools within the town. Table 3.1 of the transport statement of common ground outlines the range of

facilities and services accessible from the appeal site and the indicative walk and cycling times along Radwinter Road. It is clear to me that key facilities such as convenience shopping (Tesco superstore) hospital, schools, gym and leisure and fitness facilities are located within Saffron Walden and would be readily accessible from the appeal site on both foot and by cycle. Contrary to the views expressed by the Rule 6 party, the depth and variety of facilities within Saffron Walden means it is unlikely that future residents would be heading towards Swards End due to the very limited facilities on offer there. In my view, the appeal site represents a sustainable location in this regard.

13. The appeal site would be served by one single vehicular access from Radwinter Road. In order to ensure pedestrian connectivity is maximised, the proposal includes for a new 2m wide footway on the south side of Radwinter Road connecting to the footway adjoining the Linden Homes site. There would also be a shared footpath/cyclepath at 3m in width to the western boundary of the site so as to provide a potential connection to the adjoining housing scheme. The connection to the adjoining housing development would require the footpath to be extended across third party land. In terms of the pedestrian and cycle linkages, the proposal adequately provides for pedestrian and cycle movements.
14. The access and movement parameters plan, which provides an indication as to how the site could be designed at the reserved matters stage, illustrates how this access road would serve the appeal site. In terms of pedestrian and cycle movements across the site, the Council will have the opportunity to input into the detailed design of the scheme at reserved matters stage. The access and movement parameters plan provides a useful indication as to how pedestrian and cycle opportunities could be maximised across the site, ensuring that easy access to the public open space is achieved.
15. In terms of public transport offer, the proposal includes for a bus turning area within the site as well as two new bus stops on Radwinter Road to the east of the appeal site. These stops would include a shelter and real time passenger information and would be DDA compliant. A pedestrian crossing would be provided between the two stops which would include relocating the pedestrian splitter island on Radwinter Road crossing the Tesco site access. The footway on the northern side of Radwinter Road would be widened to 2m width between the new crossing and the bus stop. This new crossing would deliver benefits to both future occupiers of the appeal site as well as the wider population in this location. The proposal also includes for a number of other sustainable transport measures which I address in further detail in relation to the legal agreement. Opportunities to provide for sustainable transport measures have therefore been adequately addressed.
16. To conclude, I therefore find that the proposal would provide adequate sustainable transport measures including pedestrian and cycle movements. It would therefore accord with policy GEN1 of the Uttlesford Local Plan (ULP) 2005. This policy advises, amongst other things, that the design of development must take into account the needs of cyclists, pedestrians and public transport users. This policy is broadly consistent with the overall objectives of the Framework.

*Whether the proposal makes adequate provision for any additional need for local services, amenities and infrastructure arising from the development*

17. The appellant has entered into a completed s106 to secure a number of planning obligations which have been identified by both Uttlesford District Council and Essex County Council. The obligations are supported by CIL compliance statements which explain how each obligation accords with Regulation 122 of the Community Infrastructure Levy Regulations 2010.
18. The completed s106 planning obligation secures the following:
  - 40% affordable housing;
  - Public open space provision on site including provision for its ongoing maintenance;
  - Contributions towards health care provision, primary and early years education provision, library provision and bus service provision;
  - A number of sustainable transport measures including a contribution towards the provision of bus services, provision of sustainable travel vouchers, the implementation of a travel plan (including monitoring fee), contribution towards a car club, provision of publicly accessible car club parking spaces with electric vehicle charging points and on plot parking to be provided with electric vehicle charging points;
  - Highways works (Radwinter Road/Tesco access works, pedestrian/cycle link extension and on site pedestrian/cycleway);
  - 5% custom build housing;
  - Monitoring fee.
19. Schedule 4, Part 4 of the completed agreement contains a clause to safeguard land for a potential future relief road through the site which would connect Radwinter Road to Thaxted Road. I understand that this road does not form part of any adopted or emerging plan which is publicly available. The Council were neutral on the matter. Essex County Council advised that the safeguarding of the road would deliver '*strategic planning benefits*'. Be that as it may, the correct place for such proposals to be assessed is the development plan. As such, the safeguarding of land for a relief road is not necessary to make the development acceptable. The obligation therefore fails the tests set out and I do not therefore consider it would be lawful to take it into account.
20. The western pedestrian/cycle link is covered at Schedule 4, Part 3. Here, the wording of the Agreement places the owners under an obligation to use all (but not commercial imprudent) endeavours to secure this link within 12 months of the start of the development. Given the circumstances and as the full link would require third party land, I concur with the views expressed by the Council that this represents a proportionate and pragmatic approach. As such, the western pedestrian/cycle link would accord with the CIL Regulations.
21. Although a number of local residents have expressed concerns regarding the capacity of the secondary schools to accommodate additional students, the consultation response from Essex County Council confirms that no contribution towards secondary education is necessary to mitigate the impact of the proposal on local secondary school provision.

22. The Council have produced CIL compliance statements which set out the detailed justification for each of the obligations listed. Save for the safeguarding of land for a potential future relief road which I have addressed above, there is no dispute between the Council and the appellant that the obligations contained within the agreement are necessary and would otherwise meet the tests contained at Regulation 122. I have also carefully considered the individual drafting points made by the Rule 6 party and discussed in detail at the round table session. However, in light of the need to mitigate the impact of the development, as well as the Council's own policies, I conclude the obligations are necessary have taken the obligations into account.
23. I therefore conclude on the second main issue that the proposal would make adequate provision for any additional need for local services, amenities and infrastructure arising from the development. The proposal would therefore accord with policy GEN6 of the ULP which advises, amongst other things, that development will not be permitted unless it makes provision for infrastructure necessary to support the proposed development. This policy is generally consistent with the Framework.

### **Other Matters**

#### *Heritage*

24. The Rule 6 party allege harm to heritage assets as follow:

- the setting of both Pounce Hall and St Mary's Church
- the Saffron Walden Conservation Area
- the setting of Nos 10-12,14,16, 17,19 and 21 High Street

25. I deal with each of these assets in turn. I have had special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses in accordance with sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### *Pounce Hall*

26. This is a detached grade II listed dwelling located off the north side of Radwinter Road. It is situated along with other isolated dwellings on a private road accessed from Radwinter Road. The significance of the asset is in my view very much related to its built form and fabric. From what I saw on my site visit, the extent of the setting which contributes to its significance is limited to both the enclosed well established garden which in some parts is on a lower level and wraps around the side and rear of the property as well as the clear vista to the west which provides extensive uninterrupted views directly towards Saffron Walden. This is supported by the historical maps which show the garden area to the front of the building laid out with a central path facing towards the meadow and the property is clearly positioned to take account of the meadow. Taking into account these factors, I do not agree that the hedges on Radwinter Road make any contribution to the heritage significance of the asset concerned.

27. To inform this analysis, I was able to visit both the interior and exterior of the property during the site visit. From both the first and second floors of the



windows facing east, there are glimpsed views through the tops of the trees and existing dense vegetation across to limited parts of the appeal site. However, these glimpsed views from some of the upper floor windows to limited parts of the appeal site do not make any contribution to the historical significance of the dwelling or its setting which I have clearly identified above. They do not in my view contribute to the setting of the heritage asset which is clearly focused towards the meadow and Saffron Walden .

28. I was also able to experience the view across towards Pounce Hall from the appeal site. It is not possible to view the heritage asset due to a number of factors including the distance, topography and significant dense vegetation in place.
29. The appeal proposal would not result in any change to the built form or fabric of the building. It would also not change the relationship between the residential garden or the contribution the longer range views back towards Saffron Walden make towards the assets significance. These are the factors which provide the most significant contribution to the significance of the heritage asset concerned.
30. I conclude that the proposal would not result in any harm to the setting or significance of the heritage asset concerned. As such, s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is not engaged, and there would be no conflict with policy ENV2 of the ULP which relates to development effecting listed buildings.

#### *St Mary's Church*

31. The Church is a grade I property and is a central, dominant feature within Saffron Walden town centre. It sits on an elevated position within the town centre and has a tall spire which is visible from a number of vantage points across the appeal site and across the wider town and beyond.
32. The significance of the asset is in my view related to its high level of architectural design and detailing and prominent position within Saffron Walden town centre. There are no designated views between the appeal site and St Mary's Church and it was agreed between the parties that the appeal site is not visible from the Church. This is due in part to the built-up nature of the town centre, the central location where the Church is located as well as the distance between the two. Views of the Church from parts of the appeal site are noted, however these views are more distant and include significant areas of more recent development that has taken place such as the Linden Homes scheme. In any event the presence of these views do not equate to heritage harm. They do not in my view contribute to the significance of the heritage asset which I have clearly identified above.
33. The appeal proposal would not result in any change to the built form or fabric of the building. Taking into account the intervening buildings and separation distances involved, the development would not cause harm to the significance of St Mary's Church or the appreciation of the significance of the heritage asset. It would also not change the dominant relationship that the Church has on the centre of Saffron Walden. These are the factors which provide the most significant contribution to the significance of the heritage asset concerned.

34. In reaching this view, I have had regard to the appeal decision referred to at Stowmarket<sup>1</sup>. However, in the case of that appeal, the Inspector was clear that the significance of the heritage asset was related to the physical isolation of the Church. This is not the case here.
35. I conclude that the proposal would not result in any harm to the setting or significance of the heritage asset concerned. As such, s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is not engaged, and there would be no conflict with policy ENV2 of the ULP which relates to developments effecting listed buildings.

#### *Saffron Walden Conservation Area*

36. My attention has been drawn to the Saffron Walden Conservation Area Appraisal and Management Proposals document, 2018. This document notes that the Conservation Area as a whole is dominated by the St Mary's Church which is located on a strategically elevated position. It divides the Conservation Area into 6 different character areas. There is no 'grading' as such to these character areas and nothing to substantiate the claim that the High Street/Church Street junction presents the most important part of the Conservation Area. The document notes that one of the key environmental qualities is the varied historic roofscape as well as high quality open spaces. From what I saw on my site visit, the significance of the Conservation Area is in my view mainly derived from the quality and variety of historic buildings, the use of local vernacular materials, roofspaces and detailing.
37. The Rule 6 party allege harm to a number of different areas of the Conservation Area and I deal with each of these in turn.
38. The Common (Castle Green) part of the Conservation Area is characterised by the central open space enclosed with tree planting and residential properties surrounding it. The appeal site is located some distance from this part of the Conservation Area and from what I saw on my site visit, I am not convinced that it would be in anyway visible from this location. The minimal views of the rooftops of the Linden Homes scheme do not in my view detract from this part of the Conservation Area. Taking into account the separation distances involved, the proposal would not result in any harm to the features which contribute to the significance of this part of the Conservation Area.
39. In relation to the capacity improvement highways works to Radwinter Road/Thaxted Road/East Street/Chaters Hill, there would be no loss of trees in this location however a small area of grassed land would be effected by the highways works. The highways works would only involve changes within the highway land, which would include a filter lane being added. These works are limited in nature and would have a very localised effect on the highway in character and appearance terms. In my view the works would deliver benefits to the Conservation Area as a whole in terms of assisting the free flow of traffic in this location and the wider town centre. There is no evidence to support the assertion that there would be conflict with the bridge structure itself or road signage. The proposal would not result in any harm to the features which contribute to the significance of this part of the Conservation Area.

---

<sup>1</sup> APP/W3520/W/18/3214324

40. The Rule 6 party also allege harm to the Conservation Area as a result of the off site highways works at High Street/Church Street. As works to the highway, the traffic lights at the High Street/Church Street junction would result in a very limited change to the Conservation Area. They would introduce a modern feature at this busy junction as well as including the widening of the footways on Church Street. There is existing street apparatus in the vicinity such as highways signage, road markings and traffic lights further along the High Street at the junction with George Street. Given the town centre location, as one would expect there are also modern shopfronts, signage and lighting associated with the commercial nature of the centre. Traffic lights and signage are to my mind relatively understated features when set in the context of the Conservation Area and town centre location as a whole. As a widely used traffic management tool, I am satisfied that the final design of the traffic lights which would be subject to the Council's control through an appropriately worded condition could be such that the proposal would preserve the character and appearance of the Conservation Area. There is also some merit in the suggestion that assisting the free flow of traffic in this location would deliver wider benefits in terms of the appreciation of the Conservation Area as a whole. Similarly, the opportunity to rationalise the existing highways signage and painted road markings could also deliver benefits to the appearance of this part of the Conservation Area.

41. I conclude that the proposal would not result in any harm to the character and appearance of the Conservation Area. As such, s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is not engaged, and there would be no conflict with policy ENV1 of the ULP which relates to developments effecting Conservation Areas.

*The Setting of Nos 10-12,14,16, 17,19 and 21 High Street*

42. Turning to consider the individual heritage assets, I have also had due regard to the effect of the offsite highways works at the High Street/Church Street junction on numbers 10-12,14,16,17,19 and 21 High Street which are all grade II properties save for No 21 which is grade II\*.

43. I acknowledge that the individual buildings all have their own particular features of interest and significance. However, in so far as relating to this appeal, there is a common significance associated with the individual buildings built form and fabric which is derived from their historic interest as town centre buildings. The Framework defines setting as the surroundings in which a heritage asset is experienced. Given the modern character of the busy High Street, little of the significance of these listed buildings is derived from their setting.

44. The off site highways works would require a change from the existing five posts with signage at the junction to eight posts with signage and lighting. The appellant has highlighted that there maybe scope to reuse two of the existing posts and I have no reason to disagree. In any event, the installation of a modest set of traffic lights at this busy road junction is unlikely to obscure key features of the individual buildings concerned or adversely impact the historic frontages. Indeed, the Council would retain control over the precise size, siting and final design of the lights and control box through a suitably worded condition. I have no reason to doubt the evidence presented that heritage advisors have been party to the design to date along with Essex County Council



traffic signal team. I am not persuaded that the siting of the traffic lights would detract from the setting of the listed buildings or provide a feature which would visually compete with any feature of significance in connection with the heritage assets concerned.

45. Concerns have also been expressed regarding the impact of the traffic lights on the cellars at 10-12 and 14, 16 and 19-21 High Street. The proposal is supported by a topographical survey as well as a ground penetrating radar survey. A detailed structural survey submitted with the appeal illustrates the extent of these cellars. I am satisfied that on the basis of this evidence, no part of the proposed highways works would harm the fabric of the heritage assets concerned.
46. I conclude that the proposal would not result in any harm to the setting or significance of the heritage asset concerned. As such, s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is not engaged, and there would be no conflict with policy ENV2 of the ULP which relates to developments effecting listed buildings.

#### *Heritage - overall conclusion*

47. I conclude that the proposal would not result in any harm to the setting or significance of the heritage assets concerned. The proposal would also not result in any harm to the character and appearance of the Conservation Area. As such, s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is not engaged. There would be no conflict with policy ENV1 or ENV2 of the ULP which relates to developments effecting Conservation Areas and listed buildings respectfully. There would also be no conflict with policy SW3 of the Saffron Walden Neighbourhood Plan which is a general design policy.

#### *Landscape and Visual Impact*

48. The appeal site is located next to the built up edge of Saffron Walden. There are no national or local landscape designations within the site. The proposal would result in this built up edge expanding into the existing countryside. It was readily accepted by all parties that in order to meet housing needs, development will have to take place beyond existing settlement boundaries and on greenfield sites. Nevertheless, the construction of residential dwellings and associated necessary infrastructure will have a permanent and significant effect on the existing landscape character of the site.
49. The proposal was supported by a landscape and visual impact assessment (LVIA) as part of the Environmental Statement. This document explains clearly the methodology used to complete the assessment, including how both landscape and visual effects were assessed. It goes onto identified a number of viewpoints from which the impact of the proposal has been assessed. It concludes that the construction stage of the development would have a moderate-major effect, reducing to moderate and minor after 15 years. I concur that this LVIA and the conclusions reached provides a robust assessment of the landscape impact of the proposal. I also note that the LUC Landscape Sensitivity Assessment commissioned by the Council in 2021 identifies the appeal site as being located in an area surrounding Saffron Walden with the least sensitivity in this regard.

50. In terms of the immediate environment, the site benefits from existing trees and hedgerows around the site which are dense in places and this is particularly so on the eastern boundary towards Swards End. The removal of some of the hedgerow to Radwinter Road would be necessary to ensure the required visibility splays can be achieved. There would be no removal of the veteran tree. Replacement hedgerow planting would follow the alignment of the visibility splays and given this would have a very localised impact, I do not consider that this would be unduly harmful in landscape impact terms. Across the remainder of the site, hedgerows and trees would be retained as part of the proposal, thereby softening the impact of the proposed development. To add to this, additional landscaping would be secured through an appropriate landscape strategy at reserved matters stage. There would be the opportunity to enhance the landscape character of the site through this scheme.
51. Importantly, the green infrastructure plan indicates how 55% of the site area would be dedicated to landscape and green infrastructure. This is a significant amount of the overall site area which would include green corridors and public open space. Taking into account the topography of the site and the gradual rising slope to the south/southeast, the potential for a new public park on this higher ground is illustrated through the green infrastructure plan which would also facilitate the creation of a new public vantage point within the site. This would afford the opportunity to maximise views back towards Saffron Walden as part of the detailed design stage.
52. In terms of visual impacts, assertions are made regarding the design of the final scheme however this is an outline scheme only with all matters reserved save for the access. Through the reserved matters submission, the Council would have the opportunity to secure a high-quality layout and design within the parameters of the strong landscape framework identified through the green infrastructure plan. These concerns are therefore without substance.
53. Turning to the issue of coalescence, concerns were expressed that the proposal is of such a scale that it would result in the coalescence of Swards End with Saffron Walden. I disagree. Swards End is a small and compact settlement with approximately 190 houses. In qualitative terms, on leaving the village heading towards Saffron Walden, Radwinter Road is characterised by dense vegetation on both sides. This is more pronounced on foot given the local topography and denser vegetation along the footpath edge. There is a clear sense of leaving the village and travelling along Radwinter Road before coming to the Linden Homes scheme and the built up edge of Saffron Walden. There can be no doubt that the appeal proposal will bring this built up edge closer to Swards End. However, the remaining fields and dense vegetation either side of Radwinter Road will mean that the settlements will remain separate, and the identity and spatial setting of Swards End will not be adversely effected. In quantitative terms, the separation distances would be between 251m-476m. This quantitative separation supports the views I have expressed above that the proposal would not result in coalescence.
54. To conclude, the proposal would result in some harm to the landscape in terms of the visual impact of built development and the associated necessary infrastructure. However, in my view the landscape value of the existing site is low. The retention of a significant amount of the existing landscaping, the opportunity to enhance this through the green infrastructure plan, additional planting and subsequent reserved matters submissions along with the scope to

provide extensive publicly accessible open space would deliver benefits which would go some way towards mitigating this harm.

55. My attention has been drawn to policy S7 of the ULP in relation to this issue. Policy S7 designates all land within the district and outside of the settlements, site boundaries and beyond the green belt as countryside. It states that the countryside will be protected for its own sake and advises that there will be a strict control on new development within the countryside. This approach presents a more restrictive approach than the more flexible and balanced approach of the Framework, which supports well designed new buildings to support sustainable growth whilst recognising the importance of the natural environment. Nevertheless, I agree with the analysis provided by the Inspector at Bran End<sup>2</sup>, namely that the approach outlined within policy S7 does not fundamentally undermine the continued relevance of the policy approach and that the policy is therefore partially consistent with the Framework. I acknowledge that there is conflict with this policy. I shall return to the matter of weight to be attached to this policy conflict in my planning balance section below.
56. I have also had regard to policy GEN2 of the ULP concerning design. As this is an outline scheme, only limited parts of the policy are applicable to the appeal proposal. However, I am content that the proposal would accord with part (b) in that it safeguards important features in its setting, enabling their retention and helping to reduce the visual impact of new buildings and structures where appropriate. There is therefore no conflict with this policy.

#### *Highways*

57. Paragraph 111 of the Framework advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe. In the case of this appeal, the site access will be provided through a new priority junction with ghost island right turning lane on Radwinter Road. It is agreed between the appellant, Council and Essex County Council as highways authority that the access as proposed would provide a suitably safe access to service the number of dwellings proposed.
58. In terms of the effect on the wider public highway network, improvements have been identified at three off site junctions – Radwinter Road/Thaxted Road/East Street/Chaters Hill (existing junction improvements), Thaxted Road/Peasland Road (signalisation of junction) and High Street/Church Street (signalisation of junction). It is also accepted that the delivery of these off-site works has been adequately demonstrated, and that the measures will not only address the impact of the appeal proposal but will also address existing capacity issues and therefore deliver broader highways benefits. I note that concerns have been raised regarding existing parking and delivery activity on both the High Street and Church Street however this is reflective of an existing situation and is not related to the appeal proposal.
59. The scope of these highways assessments has been agreed with Essex County Council as highways authority and is supported by detailed junction capacity analysis work and traffic surveys. As a result of this technical analysis, I can see no reason to reach a different view that the proposal will provide a safe

---

<sup>2</sup> APP/C1570/W/3263440

and suitable access and will have an acceptable impact on the wider highway network.

60. To conclude, the proposal would accord with policy GEN1 of the ULP. This policy advises, amongst other things, that the access to the main road network must be capable of carrying the traffic generated by the development safely, and the traffic generated by the development can be accommodated on the surrounding transport network. I have already set out above that in my view this policy is broadly consistent with the overall objectives of the Framework. In addition, some of the off site highways works are located within the area defined as the Saffron Walden Neighbourhood Plan area. I have had regard to this document in reaching my conclusions above. In particular, I note that the proposal would accord with policy SW15 concerning vehicular transport.

#### *Loss of Agricultural Land*

61. I note the proposal would result in the loss of high quality agricultural land and concerns have been raised regarding the viability of the remaining agricultural land. The Council acknowledges that most of the agricultural land within the district is classified as the best and most versatile. The Council also accepts that it is inevitable that future development will probably have to use such land as the supply of brownfield land within the district is restricted. I can see no reason to disagree with this view. The appellant has confirmed that access to the remaining agricultural land outside of the appeal site would remain. I have no technical evidence to support the assertion that the viability of this land would be adversely affected.
62. Nevertheless, I acknowledge that the proposal would be in conflict with policy ENV5 of the ULP which states that development of the best and most versatile land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. This policy is broadly consistent with the Framework however the emphasis on an assessment of alternative sites is plainly not consistent with the Framework. I will return to the matter of weight to be attached to this conflict in my planning balance below.

#### *Other Matters – general*

63. I acknowledge the concerns expressed in relation to issues concerning ecology and biodiversity, noise, air quality, flooding, archaeology, buffer zones and safety. The ES has provided a comprehensive assessment of the impact of the proposed development and where necessary, additional supporting statements have also been provided. I note that there are no objections from the Council in relation to these matters and I have no evidence before me which would lead me to reach a different conclusion in relation to these matters. Where appropriate, suitably worded conditions have been included to address any impact of the appeal proposal in relation to these other matters identified.
64. The Rule 6 party allege there would be conflict with policy S1 of the ULP. However this policy defines the development limits for the main urban areas and sets out what development will be permitted within these boundaries. The appeal site is not within this defined area. I share the views of the Council in this regard in that it is not a development plan policy which is directly relevant to the main issues before me.

65. I also acknowledge that the site is located within the Parish of Swards End. Be that as it may, this does not lead me to reach a different conclusion on the main issues I have identified above.

#### *Other appeal decisions*

66. I have been referred to several previous appeal decisions by the Rule 6 party as well as several other appeal decisions provided by the appellant. I have taken these decisions into account in reaching my conclusions above. In particular, a number of the cases referred to present a different set of circumstances. The Coggleshall<sup>3</sup> case proposes a different number of units and was located in an area where a number of public footpaths traversed the site and the Inspector placed weight on the recreational value of the site. For the reasons I have set out within my decision, I do not share this view. In the context of the case at Stowmarket<sup>4</sup> the site was located within an area of high scenic quality, forming an important landscape setting to Stowmarket and was visually significant. For the reasons I have set out above, I do not share those views in relation to this appeal. In the case of the Steeple Bumpstead appeal<sup>5</sup>, the appeal site appears to be within a sensitive location close to the Conservation Area and was deemed to have a high landscape value. For the reasons set out above, I have reached a different view in relation to this appeal.

67. Turning to consider the Bures Hamlet decision<sup>6</sup>, there were long views of the appeal site from the Conservation Area across the site and the Inspector took the view here that the proposed development would be very visible from the Conservation Area and the appeal site was also close to the Dedham Vale Area of Outstanding Natural Beauty. This is not the case with this appeal. In relation to the Bran End decision<sup>7</sup>, I have drawn similarities in relation to the consistency of policies with the Framework in relation to this appeal. However, in terms of the landscape assessment, the appeal site was located within a visually prominent location including views from a number of public rights of way and was deemed to have a high sensitivity to change. This is not the case here. This appeal can therefore be distinguished from all of the others referred to.

#### **Benefits**

68. Turning to consider the benefits of the proposal, there is a general imperative to boost the supply of housing land. The delivery of dwellings in an authority which does not have a 5 year supply of housing sites attracts substantial weight. In addition, the proposal would provide 40% affordable housing as well as 5% custom build housing. The delivery of affordable housing would accord with the objectives of policy H9 of the UDLP. Based on the evidence I heard in relation to this matter, in a district where there is a clear need for such provision to be made, these factors also attract substantial weight.

69. The proposal would deliver a number of other benefits. These include improvements to the off site highway junction improvements which will deliver benefits beyond the mitigation necessary to make the development acceptable.

---

<sup>3</sup> APP/Z1510/W/16/3160474

<sup>4</sup> APP/W3520/W/18/3214324

<sup>5</sup> APP/Z1510/W/17/3173352

<sup>6</sup> APP/Z1510/W/18/3207509

<sup>7</sup> APP/C1570/W/20/3263440



A number of sustainable transport measures including the contribution towards the provision of bus services and bus stops as well as the provision of publicly accessible car club parking spaces with electric vehicle charging points are also benefits which go beyond mitigation. I attach moderate weight to both of these factors. In terms of biodiversity, the appellant has committed to achieving a minimum metric of at least 10% biodiversity net gain. This is consistent with paragraph 179b of the Framework and I attach moderate weight to this factor in terms of the planning balance.

70. In economic terms, the proposal will also deliver jobs benefits, albeit temporarily in terms of the construction phase of the development. There would also be economic benefits in the context of the spending generated by future occupants and I attach moderate weight to this. The proposal would also deliver a significant amount of publicly accessible open space. However, I am also mindful that the proposal would also result in the loss of fields where there is currently no development resulting in some limited landscape harm. Taking into account the size, scale and accessibility of the open space to be created as part of this scheme, in the circumstances of this appeal, I am attaching moderate weight to this.

### **Whether the proposal conflicts with the development plan as a whole**

71. The parties agree that there is no five-year land supply in Uttlesford. Accepting that the agreed housing land supply position is 3.52 years, this shortfall is to my mind very significant. Paragraph 11 (d) of the Framework and the associated footnote 8 is engaged and the lack of a 5 year supply of housing sites means that the policies most important for determining this appeal are deemed to be out of date.
72. The proposal would result in some harm in terms of landscape and visual impact. The proposal would also result in the loss of agricultural land. As such, the proposal would conflict with policies S7 and ENV5 of the ULP.
73. In terms of policy ENV5, this policy is only partly consistent with the Framework and the requirement to undertake in effect a sequential approach is not consistent with the Framework. I am therefore attaching only limited weight to the policy conflict.
74. In relation to policy S7, I have set out above that the general objective of the policy accords with the Framework. However, I recognise that the detailed wording which requires the countryside to be protected for its own sake is inconsistent with the Framework. It is my view that only limited weight should be attached to this policy conflict.
75. As a result, it is my view that on the basis of the conflict with the policies outlined above, the proposed development would conflict with the development plan when taken as a whole.

### **Planning Balance**

76. It is common ground that the tilted balance identified within the Framework and as set out above has been engaged. In the case of this appeal, this means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

77. The proposal would conflict with policies S7 and ENV5 of the ULP. In relation to policy S7, it is my view that limited weight should be attached to this policy conflict. I also attach limited weight to the policy conflict with policy ENV5.
78. The benefits arising from the proposed development would be substantial. I have concluded that the benefits of housing delivery, affordable housing and custom build housing should all individually carry substantial weight. I have also attributed moderate weight to the wider off site highways benefits that the scheme would deliver beyond mitigation measures. I have also attributed moderate weight to the sustainable transport measures which would also deliver benefits to the wider population and not just future residents of the scheme. I have attributed moderate weight to the economic benefits in terms of employment generation, as well as moderate weight to the biodiversity net gain the proposal would secure. Finally, I have attributed moderate weight to the delivery of a significant amount of publicly accessible open space provision at the site.
79. I have identified no adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. In the case of this appeal, I conclude that the material considerations of the appeal are such that they outweigh the conflict with the development plan.

### **Conditions**

80. The Council and the appellant provided a list of agreed conditions which they considered would be necessary in the event that planning permission be granted. These are set out on the attached schedule. I have amended the wording where necessary for precision. Some of the conditions require matters to be approved before development is commenced. The appellants have agreed to the pre commencement conditions.
81. Conditions 1 and 2 present a standard time implementation condition and submission of reserved matters condition. These are necessary in the interests of certainty. For the same reason, condition 3 sets out the list of approved plans. Condition 4 relates the submission of a phasing plan as part of the reserved matters submission and this is necessary for effectiveness.
82. Condition 5 relates to the implementation of the tree protection measures. This is necessary in the interest of protecting and enhancing biodiversity. Condition 6 addresses archaeology and is necessary in the interests of protecting the archaeological potential of the site. Conditions 7 and 8 address surface water drainage at the site, these conditions are necessary to ensure surface water drainage is adequately addressed at the site. Condition 9 requires a ground contamination assessment to be completed, this is in the interests of managing risks to pollution. Conditions requiring the submission of a construction environment management plan (condition 10) and construction management plan (condition 11) are necessary in the interests of protecting the living conditions of nearby residents. A landscape and ecological management plan (condition 12) is necessary in the interests of protecting and enhancing biodiversity.
83. Condition 13 requires details of noise mitigation measures which is in the interests of the living conditions of the future occupiers. Conditions 14 and 15 cover the installation of any external lighting which are both necessary in the

interests of the character and appearance of the area as well as the interests of protected species. For the same reason, condition 18 requires the submission of a biodiversity enhancements strategy and condition 19 requires the submission of a Farmland Bird Mitigation Strategy.

84. A number of conditions cover highways matters. Condition 21 covers all of the off-site highways works. The wording includes reference to the possible requirement for a traffic regulation order. This is a proportionate and justified approach should it be necessary. The condition is necessary in the interests of highways safety. Condition 22 requires the access road to be completed to the satisfaction of the local planning authority and condition 23 covers the visibility splays. Both of these conditions are necessary in the interests of highways safety. Condition 24 covers the off site highways works including the bus stop measures and uncontrolled crossing with drop kerb and pedestrian island. The written evidence prepared by the Rule 6 party requested that the condition included a reference to the footpath up to Swards End to also be subject to replacement and repair by the appellant. Although this request was not pursued at the round table session, a condition requiring such works would be neither reasonable or necessary in this instance. Condition 25 covers the provision of sustainable transport links as part of the reserved matters submission. This is necessary in the interests of sustainable travel.
85. Condition 26 covers the issue of renewable energy sources, this is in the interests of energy efficiency. Condition 27 addresses the safeguarding of the route of the CLH pipeline, this is necessary to allow for its ongoing maintenance and access. I have also imposed the condition requiring the submission of a travel plan (condition 20) which is necessary in the interests of sustainable travel.

### **Conclusion**

86. Taking all of the above matters into account and for the reasons given above I conclude the appeal is allowed.

*C Masters*

INSPECTOR

## Conditions

1. The development hereby permitted must be begun not later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.
2. Application(s) 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 shall be carried out in accordance with the following approved plans:
  - Site Location Plan – Drawing No. DE\_436-002 Rev A
  - Land Use Parameters Plan – Drawing No. DE\_436-020
  - Building Heights Parameters Plan – Drawing No. DE\_436-021
  - Access and Movement Parameters Plan – Drawing No. DE\_436-022
  - Green Infrastructure Parameters Plan - Drawing No. DE\_436-023
  - Proposed Means of Access – CTP-20-1142 Drawing No. SK01 Rev D
4. Approval of the details of the layout, scale, landscaping, appearance and means of access (other than the means of access off Radwinter Road) ('the Reserved Matters') for each phase of development must be obtained from the Local Planning Authority in writing before the development on that phase commences and the development in that phase must be carried out as approved. The submission of Reserved Matters for the first phase of the development shall be accompanied by the submission of a phasing plan that identifies the subsequent phases of development. The development shall be carried out in accordance with the approved details.
5. Prior to commencement of any building, engineering works or other activities on the site (with the exclusion of site investigation works), the approved tree protection measures as set out in the BJ Unwin 'Tree Constraints, Tree Impacts and Tree Protection Method Statement for new development' (June 2021) and the associated Tree Retention and Protection Plan (Dwg No. SWTRP-JUN21) shall be put in place. The development shall be carried out in accordance with the approved details. The approved means of protection shall remain in place until completion of works obviates the need for protection of trees during the construction process.
6. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the Applicant and approved in writing by the Local Planning Authority. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy. The Applicant will submit to the Local Planning Authority a post-excavation assessment (to be submitted within six months of the completion of the

fieldwork unless otherwise agreed in advance with the Local Planning Authority). This will comprise the completion of post-excavation analysis; the preparation of a full site archive and report ready for deposition at the local museum.

7. No development shall take place until a detailed surface water drainage scheme for the site, including provisions for maintenance, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The surface water drainage shall be carried out in accordance with the approved details.
8. No development shall be occupied in any phase until confirmation has been provided that either: foul water capacity exists off site to serve the development; or a development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Anglian Water (or the relevant water company). Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or all foul water network upgrades required to accommodate the additional flows for the development have been completed.
9. No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites – Code of Practice and the Environment Agency’s Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard or Model Procedure if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:
  - a) A survey of the extent, scale and nature of contamination;
  - b) The potential risk to: Human health, Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems; and archaeological sites and ancient monuments.

No development shall take place in locations where (following the risk assessment) land affected by contamination is found, which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s); the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that on completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out (and upon completion a verification by a suitably qualified contaminated land practitioner shall be



submitted to and approved in writing by the Local Planning Authority) before the development (or relevant phase of development) is occupied.

10. Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:
  - a) Risk assessment of potentially damaging construction activities
  - b) 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)
  - c) The location and timing of sensitive works to avoid harm to biodiversity features
  - d) The times during construction when specialist ecologists need to be present on site to oversee works
  - e) Responsible persons and lines of communication
  - f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
  - g) Use of protective fences, exclusion barriers and warning signs
  - h) The approved CEMP shall be implemented throughout the construction period in accordance with the approved details
  - i) Provision of a Soil Management PlanThe development shall only proceed strictly in accordance with the approved details.
  
11. Prior to the commencement of the development, a detailed Construction Management Plan (CMP) incorporating the measures contained within Appendix F of the Air Quality Assessment by Kairus Ltd Ref: AQ051769 dated 12/7/2021 shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:
  - a) The construction programme and phasing
  - b) Risk assessment of potentially damaging construction activities
  - c) Hours of operation and delivery
  - d) Delivery and storage of materials on the site
  - e) Details of any highway works necessary to enable construction to take place
  - f) Contractors access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signage, monitoring and enforcement measures.
  - g) Parking and loading arrangements
  - h) Details of hoarding
  - i) Management of traffic to reduce congestion
  - j) Control of dust and dirt, including on the public highway
  - k) Wheel and underbody washing facilities
  - l) Responsible persons and lines of communication
  - m) Details of any membership of the Considerate Contractors scheme
  - n) Details of consultation and complaint management with local businesses and neighbours
  - o) Waste management proposals
  - p) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
  - q) Prohibition of the burning of waste on site during construction

- r) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.
  - s) Before and after condition survey to identify defects to highway in the vicinity of the access to the site and the arrangements to ensure that, where necessary, repairs are undertaken at the developer expense where damage to the highway has been caused by the construction of the development.
  - t) Mechanisms to identify and protect strategic pipes and services crossing the site.
- The approved CMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved materials.

12. Prior to the commencement of the development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed
  - b) Ecological trends and constraints on site that might influence management
  - c) Aims and objectives of management
  - d) Appropriate management options for achieving aims and objectives, including provision for funding
  - e) Prescriptions for management actions
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period)
  - g) Details of the body or organisation responsible for the implementation of the plan
  - h) Ongoing monitoring and remedial measures

The approved plan shall be implemented in accordance with the approved details.

13. The details of layout and appearance to be submitted in accordance with the Reserved Matters shall include full details of the noise mitigation measures required. The scheme shall follow the recommendations identified in the Resound Acoustics Report Reference: RA00693 – Rep I and shall ensure that reasonable internal and external noise environments are achieved in accordance with the provisions of BS8233:2014 and BS4142:2014. Dwellings shall not be occupied until such a scheme has been implemented, in accordance with the approved details for mitigating noise at that dwelling. The mitigation scheme shall be retained in accordance with those details thereafter.
14. Prior to the installation of any external lighting, details of said lighting, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the local planning authority. Only the details thereby approved shall be implemented.
15. Prior to the installation of any external lighting, a lighting scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on the site that

are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specification and locations set out in the scheme and maintained thereafter in accordance with the scheme. No external lighting shall be installed without prior consent from the local planning authority.

16. Prior to first occupation of the development hereby permitted, a scheme setting out the arrangements for electric vehicle charging to include at least one electric vehicle charging point for each dwelling with on-plot parking and a publicly accessible car club parking space with the installation of an electric vehicle charging point for use in connection with a future town wide car club shall be submitted to, and approved in writing by, the Local Planning Authority. At least 20% of parking spaces, including the car club parking space, should be provided with fast charging points (7 – 22kW) and the remainder should be adaptable for electric vehicle fast charging. Thereafter the charging points shall be installed in accordance with the approved scheme and fully wired and connected ready to use before first occupation of each dwelling. The charging points shall be maintained thereafter.
17. The submission of details of layout for each phase shall include a scheme for the provision of secure covered cycle storage and arrangements for car parking to meet the standards set out in ECC Parking Standards: Design and Good Practice 2009. The approved provision for cycle storage and car parking shall be made available prior to the first occupation of each dwelling in that phase.
18. Prior to commencement of the development hereby approved, a Biodiversity Enhancement Strategy for protected and Priority species, in accordance with the details contained in the Addendum to the Environmental Statement Volume 1: Chapter 8 Ecology (Harris Lamb, January 2022) shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
  - a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs to achieve stated objectives;
  - c) locations of proposed enhancement measures by appropriate maps and plans;
  - d) timetable for implementation demonstrating that works and protections are aligned with the proposed phasing of development;
  - e) persons responsible for implementing the enhancement measures;
  - f) details of initial aftercare and long-term maintenance (where relevant);
  - g) details of the appointment of a person (e.g. ecological clerk of works) to provide ecological expertise during construction; and
  - h) details of a Reptile Mitigation Strategy.The identified enhancement measures shall be implemented in accordance with the approved details and timetable to achieve as a minimum a metric of

at least 10% biodiversity net gain. All features shall be retained in that manner thereafter.

19. Prior to the commencement of development, a Farmland Bird Mitigation Strategy shall be submitted to and approved in writing by the local planning authority to compensate the loss or displacement of any Farmland Bird territories identified as lost or displaced. This shall include provision for on-site mitigation measures prior to commencement.

The content of the Farmland Bird Mitigation Strategy shall include the following:

a) Purpose and conservation objectives for the proposed compensation measure, e.g. Skylark nest

plots;

b) detailed methodology for the compensation measures, e.g. Skylark plots must follow Agri-

Environment Scheme option: 'AB4 Skylark Plots';

c) locations of the compensation measures by appropriate maps and/or plans;

d) persons responsible for implementing the compensation measure; and

e) a timetable for the implementation of the mitigation measures.

The Farmland Bird Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum period of 10 years.

20. Prior to first occupation of the proposed development, a residential travel plan shall be submitted to the Local Planning Authority for approval in consultation with Essex County Council. The approved travel plan shall include provision for travel packs to be provided to all residents setting out public transport options, promoting cycling and walking routes, and a travel plan co-ordinator and shall then be implemented for a minimum period from first occupation of the development until 1 year after first occupation of the final dwelling.

21. Prior to the construction of any dwelling, a scheme shall be submitted to, and approved by, the local planning authority in consultation with Essex County Council which includes the following:

a) Capacity improvements for the Radwinter Road/Thaxted Road/East Street/Chaters Hill junction

as shown in principle on Dwg No. CTP-20-1142 SK10 Rev A;

b) Signalisation of the Thaxted Road/Peaslands Road junction as shown in principle on Dwg No. CTP- 20-1142 SK11 Rev A;

c) Signalisation of the Church Street/High Street junction as shown in principle on Dwg No. 2206-01-TS-01 Rev B. The scheme shall include appropriate connections with the existing signals at the High Street/George Street junction.

The approved works shall include (but not be limited to) all necessary traffic regulation orders, safety audits, lighting, signing and surfacing and shall be implemented prior to first occupation of the development.

22. The access road shown on Dwg No. CTP-20-1142 SK01 Rev D shall be completed to the satisfaction of the LPA in consultation with Essex County

Council as Highway Authority prior to the first occupation of the development.

23. Prior to occupation of the development, the access of 6.75m width, one 2m wide footway and one 3.5m wide footway cycleway – as shown in principle on submitted Dwg No. CTP-20-1142-SK01-D – shall be provided, including clear to ground visibility splays at the access with dimensions of 2.4 metres by 160 metres to the west and 2.4 metres by 120 metres, as measured from and along the nearside edge of the carriageway. The access with associated vehicular visibility splays shall be retained free of any obstruction at all times thereafter.
24. Prior to occupation of the development, the highway works as shown in principle on Dwg No. 20-1142- SK01-D shall be provided and include (but not be limited to) all necessary traffic regulation orders, safety audits, lighting, signing and surfacing and shall. The works include:
  - a) Two bus stops which shall comprise (but not be limited to) the following facilities: shelters; seating; raised kerbs; bus stop markings; poles and flag type signs, timetable casings.
  - b) An uncontrolled crossing with drop kerbs and pedestrian island.
  - c) Initiating the process to extend the 30mph speed limit east to include the access and bus stops and if the process is successful implementing the approved Traffic Regulation Order. Process and implementation to be implemented at no cost to the highway authority.
  - d) A 2m footway from the access eastwards to the proposed bus stop and westwards to join the existing footway on the south of Radwinter Road.
25. The details for the layout as a Reserved Matter, as required by Condition 4, shall make provision for:
  - i) a bus turning facility and bus stop within the site as shown in principle in drawing number DE- 463-022; and
  - ii) a 3m wide pedestrian and cycle link to the western site boundary in the position as shown in principle on Dwg No. 20-1142 SK16. The pedestrian and cycle use shall be made available for public use.
26. Prior to the construction of any dwelling on each phase of the development, details for the provision of domestic heating from a renewable source of energy and the installation of PV solar panels shall be submitted to, and approved by, the local planning authority. The approved details shall be installed prior to the occupation of each dwelling.
27. Details of layout required pursuant to the provisions of Condition 2 shall safeguard the route of the CLH pipeline, including requirements that may be made for maintenance and access.



## **APPEARANCES**

### **FOR THE APPELLANT:**

Christopher Young KC & Odette Chalaby  
Instructed by Paul Frampton,  
Framptons

They called:

Paul Frampton BSc (Hons) TP MRICS MRTPI	Framptons
James Stacey BA (Hons) DipTP MRTPI	Tetlow King Planning
Andrew Williams	Define
Chris Elliott BSc (Hons) MCIHT	Rappor
Ben Stephenson BA (Hons) MA DipHistCon	BSA Heritage Limited

### **FOR THE LOCAL PLANNING AUTHORITY:**

James Burton of Counsel  
Instructed by the Solicitor for  
Uttlesford District Council

He called:

Tim Dawes MRTPI	Planit Consulting
Katherine Wilkinson	Essex County Council Highways (Section 106 discussion only)

### **SAFFRON WALDEN TOWN COUNCIL & SEWARDS END PARISH COUNCIL (RULE 6 PARTY):**

Phillip Kratz	GSC Solicitors LLP
Corrie Newell BA (Arch) Hons RIBA ARB IHBC	Corrie Newell Historic Buildings Consultancy
Adrian Knowles	Parish Councillor

### **INTERESTED PERSONS:**

Mr Toy	Local resident
Hazel Mack	Local resident
Paula Griffiths	Local Resident

## **DOCUMENTS SUBMITTED AT THE INQUIRY**

Opening Statement on behalf of the Appellant  
Opening Statement on behalf of the Council  
Opening Statement on behalf of the Rule 6 Party  
P Griffiths Statement to the inquiry  
Mack & Hutchinson Statement to the inquiry  
Mr Toy Statement to the inquiry  
A Knowles Statement to the inquiry  
Drawing CTP-20-1142 SK19 off site highways works  
Extract from Traffic Signals Manual  
Saffron Walden Neighbourhood Plan referendum Plan 2021-2036  
CIL Compliance Statement – ECC Highways  
Updated draft conditions v19  
Final draft of the Section 106 Agreement and associated plans  
Uttlesford District Council CIL compliance statement (track changes and final clean version)  
Email from C Elliott dated 7 September 2022 regarding heritage discussions on traffic signals  
Rule 6 party comments on Section 106 Agreement and conditions  
OS extract map of Saffron Walden  
Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG, Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council  
Closing submissions on behalf of the Appellant  
Closing submissions on behalf of the Council including appendix  
Closing submissions on behalf of the Rule 6 Party  
Costs application on behalf of the Appellant  
Costs response on behalf of the Rule 6 Party  
Costs application on behalf of the Rule 6 Party