

UTT/13/0808/OP – ELSENHAM, HENHAM & UGLEY

PROPOSAL:	Outline application with all matters reserved, except access, for up to 800 dwellings; up to 0.5ha of Class B1a and B1c employment uses; up to 1,400 sqm of retail uses; a primary school; up to 640 sqm of Health Centre use; up to 600sqm of community buildings; changing rooms; access roads including access points to B1051 Henham Road and Old Mead Road, a construction access and haul road from B1051 Henham Road, a Waste Water Treatment Works access from Bedwell Road, a provision of a link road at Elsenham Cross between the B1051 Henham Road and Hall Road; a Waste Water Treatment Works and other associated infrastructure, landscaping and boundary treatment works. Demolition of all existing buildings
LOCATION:	Fairfield Site, Station Road, Elsenham
APPLICANT:	Fairfield (Elsenham) Ltd
AGENT:	David Lock Associates
EXPIRY DATE:	17 December 2013
CASE OFFICER:	Karen Denmark

1. Introduction

- 1.1 The application was reported to the Planning Committee on 2 October 2013 with a recommendation that authority be delegated to the Assistant Director Planning and Building Control in consultation with the Chairman to issue the decision notice when the advertisement period has expired. The application was recommended for an approval by Officers but after debate the Committee voted to refuse planning permission.
- 1.2 This report updates members on the current situation taking into account any further representations received and any other material planning issues. This update report should be read in conjunction with the original report which is attached at Appendix 1.
- 1.3 Given the new significant material planning issues raised and the need to formally consider the draft reasons for refusal the matter is referred back to the Planning Committee to enable Members to review their decision prior to issue of the Decision Notice. While there have been no significant representations arising from the public notice there have been some significant changes in planning circumstances. Officers consider that irrespective of the Committee's ultimate decision, it is important that the Committee is fully appraised of events since their resolution of 2 October 2013 and is able to demonstrate that it has taken them into account in reaching a conclusion.
- 1.4 This is an unusual but not unprecedented situation, and there have been occasions in the past when decisions have been brought back to the Committee prior to dispatch of the decision notice. Options open to Members are to confirm their original decision, amend their original decision in line with Officers suggested reasons for refusal or approve the application in line with the recommendation or with additional safeguards.

2. Current position

- 2.1 The additional public consultation ran to the 17 October 2013. This report includes any representations received up 8 November 2013. Any representations received after this date will be verbally reported at the meeting. The representations received will be considered by this report.
- 2.2 The Council has published updated housing requirement figures on 9 October 2013. The implication of these figures will be assessed in this report.
- 2.3 The Cabinet has agreed to a public consultation on four additional housing sites across the district. The implication of this consultation will be assessed in this report.
- 2.4 This update report therefore considers the following points:
 - Any representations received after 2 October 2013
 - Draft reasons for refusal
 - The updated housing requirement
 - The current 5-year land supply
 - The additional draft allocation sites and prematurity
 - Health care provision
 - Waste Water Treatment Works

3. Representations received after 2 October 2013

- 3.1 A letter in support of the application has been received. This states that the application is consistent with the NPPF and would ensure a sustainable development providing jobs and housing in the correct area of the district.
- 3.2 A letter has been received pointing out that the initial Committee report did not contain the most up to date annual housing targets and 5-year land supply data.
- 3.3 4 letters objecting to the proposal have been received. They cover the same issues as reported in the original committee report.
- 3.4 1 letter objecting to the proposal has been received due to the fact that if London Stansted were to expand a potential location of a runway would bisect one of the existing roads.
- 3.5 A petition containing 38 signatures has been received objecting to any development.
- 3.6 A letter has been received from the applicants raising a number of issues, specifically in relation to the lack of a 5-year land supply and the advice to the Committee on this point, clarification on traffic movements in relation to the waste water treatment works and thirdly a new offer for the developers to commit to the provision and transfer of the health centre. The letter is attached as Appendix 2 of this report and the issues raised considered below.
- 3.7 A second letter has been received from the applicants which comments on the draft Local Plan Highway Assessment and its conclusions on junction 8 of the M11. The applicants commit to working with Essex County Council. The letter is attached as Appendix 3 of this report and the issues raised considered below.

4. Draft reasons for refusal

4.1 At the meeting the application was proposed for a refusal citing policies S3, S7, S8, ENV3 and ENV5 of the adopted Local Plan. It is usual for a draft reason for refusal to be prepared and read out by planning officers at the meeting although unfortunately on this occasion such clarity was not sought by the Committee.

4.2 Officers have therefore prepared two draft reasons for refusal. Members are asked to consider whether these reasons capture the correct issues:

A) The site lies outside the development limits of the adopted Local Plan, falls within a rural area and partially within the Countryside Protection Zone around the airport where there is a general policy restraint in respect of development. The development of this site would have a harmful effect upon the character and appearance of this area of the countryside, contrary to Policies S3, S7 and S8 of the Uttlesford Local Plan. The harm caused would not be outweighed by the benefits of the development including its contributions to the housing supply and the provision of affordable housing.

B) The proposals would result in the loss of the best and most versatile agricultural land, which also constitutes traditional open spaces. The applicants have failed to justify the loss of this land and the proposals are contrary to Policies ENV3 and ENV5 of the Uttlesford Local Plan. The harm caused would not be outweighed by the benefits of the development including its contributions to the housing supply and the provision of affordable housing.

5. The updated housing requirement

5.1 Officers consider that the Committee should be up to date with the current position on housing land supply, which has changed since the resolution of 2 October 2013. When the government first announced the revocation of the regional plans, it was implied that the Council was free to set its own level of housing growth supported by appropriate evidence. However, since the publication of the National Planning Policy Framework and recent inspectors' decisions it is becoming clear that the government is looking to authorities to provide a scale of growth based on meeting the objectively assessed needs of the district in full (as identified using the most up to date figures being produced by the Department of Communities and Local Government (DCLG) and Office of National Statistics (ONS)), unless there are very specific policies of national interest which would be harmed or that through the 'Duty to Cooperate' an adjoining authority would accommodate the housing that could not be provided within the district.

5.2 The 2010 based Sub National Population Projections (SNPP) produces the highest dwelling requirement and whilst its assumptions may be subject to review in the light of the 2011 Census, its relatively buoyant household formation rates will ensure that these projections are the most appropriate basis in planning for growth in Uttlesford.

5.3 The objectively assessed need for the district is that identified by the 2010-based SNPP and equates to 523 additional dwellings per annum over the plan period as a whole.

5.4 It accords with the National Planning Policy Framework (NPPF) in that it meets household and population projections, taking account of migration and demographic change. It can be clearly seen that a jobs based housing need would constrain population and household growth in Uttlesford. There are presently no legitimate reasons to vary the assumptions made in the official population and household projections.

- 5.5 The Strategic Housing Market Assessment (SHMA) shows that in order to meet its affordable housing need a housing requirement based on the trend based forecast provides the greatest amount of affordable housing.
- 5.6 Officers therefore conclude that there are no demonstrable reasons why the Council should not meet its objectively assessed housing need, so far as achievable within the economics of housing provision. The annual rate of 523 new dwellings will enable the Council to meet the full need identified by the latest household and population projections, and within that provision to make the greatest contribution to meeting affordable housing needs, subject to the viability of provision on individual sites.
- 5.7 This amended, higher, housing requirement has a consequential impact on the 5 year housing land supply and the requirement for housing sites within the draft Local Plan, which are examined below. This is considered by officers to be a material planning consideration, and a change from the position reported to the Committee on 2 October 2013, which should be taken into account in determining this application.

6. The current 5 year land supply

- 6.1 The draft Local Plan is still at an early stage and has limited weight. At the present time the adopted Local Plan policies are still in force. However, the NPPF is a material planning consideration and this has a strong presumption in favour of sustainable development.
- 6.2 The application site is located outside the development limits of Elsenham within open countryside and is therefore located within the Countryside where ULP Policy S7 applies. This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, as a consequence, the proposal is contrary to Policy S7 of the 2005 Local Plan.
- 6.3 A review of the Council's adopted policies and their compatibility with the NPPF has been carried out on behalf of the Council by Ann Skippers Planning. Policy S7 is found to be partly consistent with the NPPF. The protection and enhancement of the natural environment is an important part of the environmental dimension of sustainable development, but the NPPF takes a positive approach, rather than a protective one, to appropriate development in rural areas. The policy strictly controls new building whereas the NPPF supports well designed new buildings to support sustainable growth and expansion of all types of business and enterprise in rural areas. As such this reduces the weight given to the restraint implied by Policy S7 and this must be weighed against the other sustainability principles.
- 6.4 The applicants have argued that Uttlesford cannot demonstrate an adequate 5 year supply of housing land. The Council recognises that it has a shortfall, and that it should consider favourably applications for sustainable residential development which will make a positive contribution towards meeting housing need.
- 6.5 The 5-year land supply update statement (published Wednesday 9 October 2013) considers the supply of housing against the Council's objectively assessed need which

is based on the SNPP-2010 projections of 523 dwellings a year. The information below has been updated since to take into account any recent approvals.

6.6 The estimated number of completions each year is shown in the table below.

Year	13/14	14/15	15/16	16/17	17/18	18/19
	Current Year	Year 1	Year 2	Year 3	Year 4	Year 5
Dwellings on committed Sites	391	228	397	577	748	550

6.7 It is estimated that 2500 dwellings on committed sites will be built during the 5 year period, whilst the requirement is for 2746 dwellings to be built. This relates to 91% of the requirement which is equivalent to 4.6 years. There is therefore a shortfall of 246 dwellings as set out in the table below.

	Housing Requirement
Annual requirement	523
Total supply on deliverable committed sites	2500
Requirement years 1-5 plus 5% frontloading	2746
% of requirement available on deliverable sites years 1-5	91%
Supply in Years	4.6
Shortfall (dwellings)	246

6.8 As a consequence the Council still remains without a deliverable 5 year supply of housing land and therefore applications have to be considered against the guidance set out in Paragraphs 6 - 15 of the NPPF. The Council has accepted this previously and has considered and determined planning applications in this light. As a consequence, planning permission has been granted for residential development outside development limits where appropriate, on sites that are identified for potential future development in the emerging Local Plan and on sites which are not identified but which are considered to be sustainable.

6.9 Councillors are reminded that even when the Council has a 5 year land supply it will be important for the Council to continue to consider, and where appropriate, approve development which is sustainable. This is especially true for proposals on draft allocation sites, but others as well, to ensure delivery in the future and to ensure that the level of housing supply is robust to ensure that the Council can maintain a 5 year supply of housing throughout the plan period.

6.10 Paragraphs 7 and 14 of the NPPF set out that there is a presumption in favour of sustainable development. The core principles of the NPPF set out the three strands of sustainable development. These are the economic role, social role and environmental role. The NPPF specifically states that these roles should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously. It is therefore necessary to consider these three principles.

6.11 The application site is outside of the settlement boundary for Elsenham (Policy S3), in the countryside (Policy S7) and partly within the Countryside Protection Zone for Stansted Airport (Policy S8). Parts of the site are best and most versatile agricultural land (Policy ENV5) and parts are traditional open space (Policy ENV3). Before

considering whether these policies are complied with or not, it is necessary to decide whether they are up to date having regard to the advice in the NPPF. There are 2 parts of the NPPF that are relevant. As noted above, paragraph 49 is clear that where there is a shortfall in the 5 year supply (which is the case here) “*relevant policies for the supply of housing*” should not be considered up to date. Paragraph 215 provides more general advice on development plans and indicates that weight should be given to their policies (including saved Local Plan policies) “*according to their degree of consistency*” with the NPPF. The distinction between these 2 parts of the NPPF was recently considered by the High Court in *William Davis Ltd v SSCLG* (October 2013) which held that an Inspector was correct to find that a local gap type policy to prevent coalescence was not covered by paragraph 49 of the NPPF.

- 6.12 None of the applicable policies here are directly “*for the supply of housing*”. However, Policy S3 (which is permissive of development within the settlement boundary) and Policy S7 (which is restrictive of development in the countryside) could be seen as “*relevant policies*” for the supply of housing because they determine where housing (and other development) will be acceptable or unacceptable as a matter of principle. The settlement boundaries were set when the Local Plan was produced and were related to the need to accommodate growth up to 2011. Whilst both the concept of having settlement boundaries and the designation of the land outside of settlements as countryside are compatible with the NPPF, it is reasonable to see the particular boundaries as being relevant to the supply of housing and so out of date where there is a shortfall in the 5 year supply.
- 6.13 Policy S8 is different. It is a policy which focuses on a specific area of land and its purpose is to maintain the Airport within an open countryside context and to prevent its coalescence with nearby settlements. It has similarities with the Green Wedge policy considered in the *William Davis* case (which was intended to prevent the coalescence of 2 settlements in NW Leicestershire). Policy S8 is not a relevant policy for the supply of housing. Paragraph 17 of the NPPF identifies that one of its core principles is to take into account the different roles and character of different areas and to recognise the intrinsic character and beauty of the countryside. Policy S8 is consistent with this core principle and can continue to be regarded as up to date in line with paragraph 215 of the NPPF.
- 6.14 Policy ENV5 seeks to protect best and most versatile agricultural land by directing development to land within settlements and on previously developed land in the first instance and then to the lowest quality of agricultural land that is available. This policy approach is consistent with paragraphs 111 and 112 of the NPPF. Policy ENV5 is focused on safeguarding a specific environmental resource that continues to be safeguarded in the NPPF. The policy can be regarded as up to date.
- 6.15 Policy ENV3 seeks to protect traditional open spaces (and other assets) unless there is a need for development that outweighs their loss. The supporting text indicates that these spaces can include agricultural land that is closely related to a village. This policy also reflects the core principles in paragraph 17 of the NPPF and can continue to be regarded as up to date.
- 6.16 The proposal is not in accordance with Policy S3 because it is outside of the defined settlement limits of Elsenham. The proposal is in conflict with Policy S7 because it is not for a type of development that is appropriate in the countryside. However, these 2 policies should be regarded as out of date because of the housing land supply shortfall, and little weight should be attached to these conflicts.

- 6.17 The southern access road for the proposal will pass through part of the Countryside Protection Zone which is safeguarded by Policy S8. However, subject to the detailed design treatment of the road and its landscaping, the access arrangements will not necessarily reduce the openness of the CPZ or tend to the coalescence of the Airport with Elsenham. Even within a Green Belt new roads can be compatible with maintaining openness. It is therefore considered that there need be no conflict with Policy S8 provided that appropriate conditions are imposed.
- 6.18 The proposal will involve the loss of best and most versatile agricultural land. This is defined by the both the Local Plan and the NPPF so as to include land in Agricultural Land Classification (ALC) Grades 2 and 3a. The application will result in the permanent loss of some 20.37 hectares of Grade 2 land (Table 10.5 and paragraph 10.6.8 of the Environmental Statement). The applicant has not provided information on how much of the Grade 3 land within the application site is Grade 3a. There will be a loss of some 30.26 hectares of Grade 3 land, some or all of which may be Grade 3a. However, Policy ENV5 does not seek to prevent the loss of Best and Most Versatile land (BMV) agricultural land if there is no lower value land available. The fact that there is a shortage in the 5 year supply and the fact that the Council is looking at releasing greenfield sites in the countryside to meet its housing needs shows that there is insufficient land available within settlement boundaries or on brownfield sites. Some 80% of the agricultural land in the district is Grade 2 and much of the rest is Grade 3. Within that context it is not considered that there is sufficient lower grade agricultural land that is sustainably related to existing settlement to meet needs and therefore it is not considered that there is a conflict with Policy ENV5.
- 6.19 The application site comprises for the most part a series of fields, mostly in arable use, and with some horse grazing. They provide part of the rural setting for Elsenham and contribute to its character as a village in the countryside. There is also some public access via public footpaths that cross parts of the site, so that these qualities can be perceived. The site therefore includes traditional open land falling within Policy ENV3. Residential development on the scale proposed will have an impact on the character of the area and would result in visual impacts on the rural area. Whilst the landscape effects are considered to be satisfactory (subject to appropriate mitigation at the reserved matters stage) there still would be a loss of open space on the edge of the village which has amenity value by reason of the public appreciation of it. Policy ENV3 requires such loss to be weighed against the need for the development, and only allowed where the need outweighs the amenity value of what is lost. It is considered that in this case the loss will be relatively modest (the illustrative proposals retain the public footpath routes and provide new open spaces within the development. Also, given the outstanding housing requirement it is considered that there is a need for the development which outweighs the residual loss of amenity value. It is therefore not considered that there is a conflict with Policy ENV3.
- 6.20 It is therefore concluded that the only policies of the Local Plan that are not satisfied (or capable of being satisfied with appropriate conditions) are Policies S3 and S7. These are the policies that should not carry material weight because they are rendered out of date by the shortfall in the housing land supply.
- 6.21 Paragraph 14 of the NPPF states that the presumption in favour of sustainable development means granting planning permission for development that accords with the development plan without delay, and where relevant policies are out of date granting planning permission unless the adverse effects would “*significantly and demonstrably*” outweigh the benefits when assessed against the NPPF policies as a whole (unless a specific NPPF policy applies to restrict development).

- 6.22 The proposal accords with many of the policies of the Local Plan but does conflict with the out of date settlement boundary and general countryside policies. The second part of paragraph 14 therefore applies. Having regard to the presumption in favour of sustainable development, it is necessary to consider whether any adverse consequences of granting permission are sufficient to significantly and demonstrably outweigh the benefits of the development. This is not a case where any specific policy of the NPPF would apply to restrict permission (such as the Green Belt).
- 6.23 In view of the lack of a 5 year supply of housing the Council still needs to consider sustainable development favourably. The proposal is expected to contribute some 200 dwellings within the 5 year period, and that is obviously a rolling period so the remaining dwellings will also contribute to subsequent 5 year periods. The proposal is also expected to provide some 320 affordable dwellings over the life of the development. These are important benefits in terms of addressing the outstanding housing needs.
- 6.24 It is important to consider whether the amended housing requirement changes the advice set out in the previous Committee report. The previous report highlighted a lower yearly requirement figure which officers now consider is no longer robust. The more recent figure is based on evidence emerging from Local Plan Examinations around the country, advice from an informal visit from a Senior Inspector and Counsels opinion obtained by the Council. Whilst the shortfall has marginally reduced, the fact that there is still less than 5 years supply, and the 5 year supply is to be regarded as a minimum to be achieved, means that addressing the shortfall is still a key issue for the district.
- 6.25 It is my view that the new information updates and clarifies the advice to members. There is a clear 5 year land supply shortfall and the Council will need to consider further allocations in the draft Local Plan to ensure that it is found sound. The clear 5 year land supply shortfall, based on up to date robust figures, is a material planning consideration for this planning application.
- 6.26 Whilst there will be a loss of countryside (which the NPPF continues to suggest should be valued) and some impact on the rural character of the area, it is not considered that these adverse impacts are sufficient to significantly and demonstrably outweigh the important benefits that will result from the provision of new homes in a sustainable location that will also contribute to meeting the substantial need for affordable housing.

7 The additional draft allocation sites and prematurity

- 7.1 In response to the need for additional housing sites officers prepared a methodology for selecting additional housing sites and reported this to a meeting of the Local Plan Working group on 1 November 2013. The assessment follows the approach adopted for all other sites within the draft Local Plan.
- 7.2 The assessment proposed that the need for 2680 additional houses should be met through the identification of four new sites (one in Saffron Walden, two in Great Dunmow and one in Elsenham). The site in Elsenham would provide for 2100 houses (amongst other things) and includes the smaller site the subject of this planning application.
- 7.3 A draft consultation document has been prepared and approved for consultation by Cabinet. This decision has been called in by the Scrutiny Committee to a meeting on 11 November 2013. The principle regarding the increased housing number and the

need for additional sites and the timing of the consultation (contained within the Local Development Scheme) have not been called in and those Cabinet decisions stand.

- 7.4 Given the early stage of the Local Planning process this document is at very little weight can be attributed to it. However it does set out a clear direction of travel from the Council.
- 7.5 It is appropriate to consider the issue of prematurity and whether it is relevant to this application. Paragraph 6.21 above already deals with the NPPF and its requirements.
- 7.6 The government has recently published its National Planning Practice Guidance in an on-line format. This has been subject to public consultation but the results have not yet been published. The government have made clear that the draft guidance is a material consideration.
- 7.7 The guidance contains the following information with regards to prematurity (my emphasis):

*While emerging plans may acquire weight during the plan-making process, in the context of the National Planning Policy Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are **unlikely to justify a refusal of planning permission other than in exceptional circumstances** (where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account). Such circumstances are likely to be **limited to situations where both:***

a. the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood plan; and

b. the emerging plan is at an advanced stage but has not yet been adopted (or, in the case of a neighbourhood plan, been made).

***Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination,** or in the case of a neighbourhood plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.*

- 7.8 It is clear therefore that prematurity is not an issue for consideration in the determination of this application.

8 Health care provision

- 8.1 The proposal included within the description and assessment is 'up to 640 sqm of Health Centre use'. The consultation response from NHS Property Services requested a financial contribution of £321,600 to assist in the provision of health care services.
- 8.2 At the Committee meeting members raised concerns regarding what they considered to be a shortfall in health provision, together with concern regarding the deliverability of adjacent retail facilities. The applicants have now offered to build and transfer the health care facility as part of the development. This provides certainty to this aspect of the proposal. The health centre would form part of the local centre adjacent to the

transport hub. Given the expressed concerns of members regarding health provision this proposed delivery helps to overcome these concerns. The provision and transfer can be secured through the S106 legal obligation.

- 8.3 The NPPF supports the development of local community services and applications should consider the health needs of future occupants as part of the social role of sustainable development.
- 8.4 The applicants also confirm strong commercial interest in the retail element of the proposals which together with the health care facility and other community facilities go towards the creation of a sustainable community.
- 8.5 This updated offer should be considered as a material planning consideration and would ensure the delivery of key social infrastructure for the development. The offer is considered to be related to the development proposed and justified to create a sustainable community. Although health care did not feature in the Committee's resolution of 2 October 2013, this enhancement of the application needs to be given due weight in the balance of factors Members will need to consider in reviewing their decision.

9 Waste water treatment works

- 9.1 In response to a question at the last Committee meeting the case officer made a comment regarding lorry movements. The correct detail is contained within the submitted application documents and has already been assessed as part of the highway Assessment.
- 9.2 The traffic associated with the works is low key and would be approximately one maintenance van per day and the occasional HGV movement to take away treated material. The traffic movements are therefore considered to be de minimis in highway terms.

10 Whether the Environmental Statement meets the tests set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011

- 10.1 Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 sets out the information that should be included within Environmental Statements. Paragraph 4 states that the Statements should include a description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects of the development resulting from the (a) the existence of the development; (b) the use of natural resources; (c) the emission of pollutants, the creation of nuisances and the elimination of waste, and the description by the applicant or appellant of the forecasting methods used to assess the effects on the environment.
- 10.2 This report sets out how the ES accompanying the application has complied with the above tests. Initially the ES was deficient in respect of consideration of the environmental impacts as a result of the Waste Water Treatment Works and a request for further information under Regulation 22 of the Regulations was issued. The subsequent information submitted now satisfies the tests. There are no changes presented in this report which have not already been considered by the ES if appropriate. The ES is considered to be adequate.

11 Conclusion

- 11.1 Officers consider that additional information and evidence has arisen since the last Planning Committee meeting which needs to be drawn to Members' attention in reviewing their decision.
- 11.2 The requirement for additional homes per year is a clear material planning consideration and should be considered. The NPPF promotes sustainable development and also requires local planning authorities to have a 5 year supply of deliverable land for residential development. The proposals are considered to be sustainable and they would make a significant contribution towards the 5 year land supply.
- 11.3 The additional requirement for housing sites as a result of the overall increase in housing numbers is considered to be an important consideration. While the draft consultation document has very little planning weight at present it shows a clear direction of travel of the Council.
- 11.4 The additional social infrastructure proposed in the form of the provision and transfer of a health centre helps to address some of the concerns raised by members at the last meeting and directly provides a needed service to the proposed new community. This important facility can be secured by way of a S106 legal obligation and delivered as part of the scheme.
- 11.4 The ES has been considered by the local planning authority as part of the decision making process. It is considered that the ES satisfies the requirements of the EIA Regulations; no changes highlighted in this update report alter this assessment.
- 11.5 Officers have drafted reasons for refusal to reflect the resolution of this committee on 2 October 2013 and these are set out in para 4.2 above. The weight Members give to these in relation to the additional information introduced by Officers is a matter for Members' fine judgement. The Officers' recommendation remains to grant planning permission, and is set out below.

UPDATED RECOMMENDATION

RECOMMENDATION – CONDITIONAL APPROVAL – SUBJECT TO S106 LEGAL OBLIGATION

- (I) **The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by 5 December 2013 the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive – Legal, in which case he shall be authorised to conclude such an obligation to secure the following:**
- (i) 40% affordable housing provision**
 - (ii) Contribution to education provision**
 - (iii) Provision and transfer of primary school**
 - (iv) Provision and transfer of healthcare provision**
 - (v) Provision of community facilities**
 - (vi) Provision of LEAPs, NEAP and LAPs including possible MUGA and/or skate park**
 - (vii) Provision of public open space**

- (viii) Implementation of Framework Travel Plan
 - (ix) Provision of transport interchange
 - (x) Provision of local centre, including retail floorspace
 - (xi) Provision of improvements to local bus services
 - (xii) Contribution towards the upgrading of the signals at B1051 Grove Hill/Lower Street
 - (xiii) Contribution towards the upgrading of traffic signals at B1256/Station Road/Parsonage Road, Takeley (Takeley Crossroads)
 - (xiv) Highway improvements including:
 - a) widening of Hall Road
 - b) provision of signals at railway bridge on North Hall Road
 - c) provision of 3m shared use cycleway/footway on Henham Road
 - d) Traffic management measures on Elsenham High Street
 - e) Provision of 2.4m shared use cycleway/footway on Hall Road
 - f) Enhancements to bridleway between Tye Green Road and Bury Lodge Lane
 - g) Upgrading of Public Right of Way (the Farmers Line)
 - (xv) Payment of bond to address impacts on local roads
 - (xvi) Payment of monitoring fee
 - (xvii) Pay Councils reasonable costs
- (II) In the event of such an obligation being made, the Assistant Director Planning and Building Control shall be authorised to grant permission subject to the conditions set out below
- (III) If the freehold owner shall fail to enter into such an agreement, the Assistant Director Planning and Building Control shall be authorised to refuse permission for the following reasons:
- (i) No 40% affordable housing provision
 - (ii) No contribution to education provision
 - (iii) No provision and transfer of primary school
 - (iv) No provision and transfer of healthcare provision
 - (v) No provision of community facilities
 - (vi) No provision of LEAPs, NEAP and LAPs including possible MUGA and/or skate park
 - (vii) No provision of public open space
 - (viii) No implementation of Framework Travel Plan
 - (ix) No provision of transport interchange
 - (x) No provision of local centre, including retail floorspace
 - (xi) No provision of improvements to local bus services
 - (xii) No contribution towards the upgrading of the signals at B1051 Grove Hill/Lower Street
 - (xiii) No contribution towards the upgrading of traffic signals at B1256/Station Road/Parsonage Road, Takeley (Takeley Crossroads)
 - (xiv) No highway improvements including:
 - a) widening of Hall Road
 - b) provision of signals at railway bridge on North Hall Road
 - c) provision of 3m shared use cycleway/footway on Henham Road
 - d) Traffic management measures on Elsenham High Street
 - e) Provision of 2.4m shared use cycleway/footway on Hall Road
 - f) Enhancements to bridleway between Tye Green Road and Bury Lodge Lane
 - g) Upgrading of Public Right of Way (the Farmers Line)
 - (xv) No payment of bond to address impacts on local roads

1. Approval of the details of the layout, scale, landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 2010 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. (A) Application for approval of the first Reserved Matter shall be made to the Local Planning Authority not later than the expiration of 1 year from the date of this permission, and for the final Reserved Matter not later than the expiration of 5 years from the date of this permission.

(B) The development hereby permitted shall be begun no later than the expiration of 1 year from the date of approval of the first Reserved Matter to be approved and no later than 2 years from the date of approval of each subsequent Reserved Matters to be approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. Prior to the application for approval of the reserved matters a phasing plan shall be submitted to and approved in writing by the local planning authority. This plan shall identify each proposed phase, the timing of delivery, together with the number of dwellings and percentage of affordable units to be delivered. Such plan shall include the provision of the sports ground and associated changing room as part of the first phase. Subsequently the submission of reserved matters applications will be in accordance with the phasing plan.

REASON: To ensure the appropriate phased delivery of the scheme and to ensure that the development makes a timely contribution towards the Council's 5 year land supply, in accordance with the NPPF.

4. Unless otherwise approved in writing by the local planning authority the reserved matters shall be substantially in accordance with the Parameter Plan. No application for the approval of any deviation from the Parameter Plan under this condition may be made unless either it is demonstrated to the reasonable satisfaction of the local planning authority that the deviation is unlikely to give rise to any significant environmental effect other than those assessed in the Environmental Statement submitted with the application or the application for approval of the deviation has itself been accompanied by an Environmental Statement assessing the likely significant effects of that deviation.

REASON: To ensure that the development accords with the parameters assessed in the Environmental Statement and to ensure the proposals comply with the adopted Uttlesford Local Plan Policies as set out in this decision notice.

5. The details to be submitted in accordance with condition 1 and the approved phasing plan shall include:

- Design Codes or Development Briefs to demonstrate the detailed design is in accordance with the parameters and design approach set out in the Design and Access Statement
- Details of open space for each sub area, in accordance with the Green Infrastructure Strategy and the Design and Access Statement
- Details of LAPs and LEAPs, where appropriate, to be in accordance with the Green Infrastructure Strategy and the Design and Access Statement
- Details of hard, soft and water landscaping, in accordance with the Green Infrastructure Strategy and the Design and Access Statement
- Details of protection measures of retained trees
- The use of native species in planting plans
- Details of lighting using low light pollution installations
- Updated ecological surveys
- Updated noise surveys in relation to road and rail noise and mitigation measures required, where appropriate
- Updated vibration surveys and mitigation measures required, where appropriate
- Detailed design of SuDS including use of infiltration and interceptors
- Details of green roofs
- Bird Hazard Management Plan
- Use of water reduction measures consistent with the Code for Sustainable Homes pertaining at the time
- Details of finished site levels
- Details of parking spaces to the adopted standards pertaining at that time
- Details of estate roads, spine road (with a minimum carriageway width of 6.75m) and footpaths including layout, visibility splays, radii, turning, levels, gradients, surfacing, means of surface water drainage, lighting, bus stops and any necessary Road Safety Audits
- Details of recycling and refuse storage and collection provision
- The provision of electronic vehicle charging points at 10% of all properties

REASON: To ensure the development is carried out in accordance with the principles of the development as set out in the outline planning application, in accordance with Uttlesford Local Plan Policies GEN1, GEN2, GEN3, GEN7, ENV10 and ENV11.

6. The details to be submitted in accordance with Condition 1 in relation to the Waste Water Treatment Works shall include details of any measures required to mitigate odour emissions. The development shall be carried out in accordance with the approved mitigation measures.

REASON: In the interests of protecting the residential amenity of the nearby residential properties, in accordance with adopted Uttlesford Local Plan Policy GEN4 (adopted 2005).

7. No development shall be occupied until the siting, plans and associated drainage works, including phasing, for the waste water treatment works providing for the handling and treatment of foul water from the development have been approved by the local planning authority in conjunction with the sewerage undertaker.

REASON: To provide for the disposal of foul water from the development in a manner that will ensure no pollution to receiving watercourses in accordance with adopted Uttlesford Local Plan Policies GEN3 and ENV12 (adopted 2005).

8. Prior to the commencement of any phase of the development hereby permitted a Site

Waste Management Plan shall be submitted to and approved by the local planning authority. Subsequently the development shall be carried out in accordance with the approved plan.

REASON: In the interests of protecting the residential amenity of the nearby residential properties, in accordance with adopted Uttlesford Local Plan Policy GEN4 (adopted 2005).

9. Prior to the commencement of any phase of the development hereby permitted a Construction Environmental Management Plan shall be submitted to and approved by the local planning authority. Subsequently the development shall be carried out in accordance with the approved plan.

REASON: In the interests of protecting the residential amenity of the nearby residential properties, in accordance with adopted Uttlesford Local Plan Policy GEN4 (adopted 2005).

10. Prior to the commencement of development of each phase, including the Waste Water Treatment Works, a Construction Traffic Management Plan shall be submitted to and approved in writing by the local planning authority, in consultation with the Highway Authority. Subsequently the Construction Traffic Management Plan shall be implemented as approved. This document should state how construction traffic will be managed including (but not exclusively) the management and provision of the following items:

- a. Suitable access arrangements to the application site in connection with the construction of the development,
- b. wheel cleaning facilities for the duration of the development to prevent the deposition of mud and other debris onto the highway network/public areas,
- c. turning and parking facilities for delivery/construction vehicles within the limits of the application site together with an adequate parking area for those employed in developing the site.
- d. Routing and timing of construction traffic, which should be discussed in advance with the Highway Authority to minimise impact on the local community.

REASON: In the interests of highway safety and efficiency to ensure accordance with adopted Uttlesford Local Plan Policy GEN1 (adopted 2005).

11. Prior to the commencement of development of each phase a Wildlife Protection Plan for the site shall be submitted to and approved in writing by the Uttlesford Planning Authority. The details shall include how mitigation measures for Legally Protected Species and Priority Species will be implemented prior to and during construction of the development in accordance with appropriate wildlife legislation. This shall include Method Statements where appropriate. Should pre-construction inspections identify the presence of Legally Protected Species and/or Priority Species not previously recorded, construction works shall cease immediately until such time as further surveys have been completed (during the appropriate season) and mitigation measures have been agreed in writing with the Uttlesford Planning Authority and Natural England where necessary.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with adopted Uttlesford Local Plan Policy GEN7 (adopted 2005).

12. Prior to the commencement of development of each phase a Biodiversity Mitigation and Enhancement Plan shall be submitted to and approved in writing by the Uttlesford Planning Authority. The Plan shall include provision for habitat creation and management during the life of the development hereby permitted, as outlined in the Environmental Impact Assessment Volume 1 (dated March 2013) and in the survey reports in Environmental Impact Assessment Volume 2 Chapter 8 Table 8.7 and shall, include:
- (i) Aims and objectives of mitigation and enhancement;
 - (ii) Extent and location of proposed works;
 - (iii) A description and evaluation of the features to be managed;
 - (iv) Sources of habitat materials;
 - (v) Timing of the works;
 - (vi) The personnel responsible for the work;
 - (vii) Disposal of wastes arising from the works;
 - (viii) Selection of specific techniques and practices for preparing the site and/or creating/establishing vegetation;
 - (ix) Appropriate management options for achieving aims and objectives;
 - (x) Prescriptions for management actions;
 - (xi) Ecological trends and constraints on site that may influence mitigation and enhancement measures;
 - (xii) Personnel responsible for implementation of the Plan;
 - (xiii) The Plan shall include demonstration of the feasibility of the implementation of biodiversity mitigation plan for the period specified in the Plan;
 - (xiv) Monitoring and remedial / contingencies measures triggered by monitoring to ensure that the proposed biodiversity gains are realised in full. Monitoring shall review agreed targets during the development and to end 5 years following the completion of the development, and allow for remedial action to be agreed with the Uttlesford Planning Authority.

The development hereby permitted shall be implemented in accordance with the approved plan.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with adopted Uttlesford Local Plan Policy GEN7 (adopted 2005).

13. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- 1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - 2. A site investigation scheme, based on (1) including review of risk of gas or leachate contamination, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and

identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, in accordance with adopted Uttlesford Local Plan Policy ENV14 (adopted 2005).

14. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

REASON: To ensure any contamination not previously identified during the site investigation is dealt with during development as no investigation can completely characterise a site, in accordance with adopted Uttlesford Local Plan Policy ENV14 (adopted 2005).

15. No infiltration of surface water drainage into the ground is permitted other than as identified in the Surface Water and SuDS Design Statement in the Environmental Impact Assessment, Volume 2 Chapter 14, or otherwise other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

REASON: Infiltration of surface water can provide potential pathway for contamination at the surface to migrate into the underlying secondary and Principal Aquifer in the chalk. The design of SUDS and other infiltration systems should include appropriate pollution prevention measures in accordance with Uttlesford Local Plan Policy ENV12 (adopted 2005). The use of deep soakaways would not be acceptable.

16. Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

REASON: To protect and prevent the pollution of controlled waters in line with National Planning Policy Framework, paragraphs 109 and 121 and adopted Uttlesford Local Plan Policy ENV12 (adopted 2005). The site is underlain by secondary and principal Chalk aquifer and groundwater may be very shallow below ground level. Piling therefore has the potential to cause contamination of the Chalk aquifer by creating a direct pathway.

17. 1 - No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority. A mitigation strategy detailing the

excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

2 - 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, and which has been signed off by the local planning authority through its historic environment advisors.

3- The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: The Historic Environment Record shows that the proposed development lies in an area containing extensive archaeological deposits. The geophysics survey provided with the planning application shows the presence of a number of probable enclosed settlement sites. All of the enclosed settlements, identified from the geophysics, are located outside the specific application area, although within the larger ownership area. A range of anomalies identified from the survey lie within the application area. Within the specific application area multi-period archaeological deposits are recorded on the site of the old sand pit (HER 4609-4614). A number of crop marks, indicative of an earlier field system are recorded in the northern area of the development. The protection or recording of archaeological assets is required in accordance with adopted Uttlesford Local Plan Policy ENV4 (adopted 2005).

18. No demolition or site clearance works or removal of hedgerows or trees shall be carried out on site between the 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the local planning authority.

REASON: To protect roosting birds which use the site in accordance with adopted Uttlesford Local Plan Policy GEN7 (adopted 2005).

19. 1. No more than 186 dwellings shall be occupied on the land to which the application relates unless and until the works referred to in paragraph (2) of this condition have been completed by the Secretary of State for Transport.
2. The works referred to in paragraph (1) of this condition consists of the alteration of road markings as shown on WSP Plan 0582-GA-012 Revision B dated August 2013, subject to such modifications as the Secretary of State may decide to make.

REASON: To ensure that the M11 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety on that road, in accordance with adopted Uttlesford Local Plan Policy GEN1 (adopted 2005).

20. No development shall commence on the development of the Wastewater Treatment Works until the provision of a priority junction onto Bedwell Road as shown in principle on the submitted drawing number 0582-GA-015/D to include visibility splays of 4.5m by 70m, radius 10m and carriage way width of 4m with passing places. Details of the access shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, prior to commencement of the development. The access shall subsequently be implemented as approved.

REASON: To provide highway safety and adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access in accordance with adopted Uttlesford Local Plan Policy GEN1 (adopted 2005).

21. No occupation of any dwelling shall take place until the provision of a priority junction on to Henham Road (B1051) as shown in principle on the submitted drawing number 0582-GA-1003/P to include visibility splays of 4.5m by 120m and 6.75 metre carriageway, two 2 metre footways, a right hand turn from Henham Road and two uncontrolled crossings north and south of the junction is required. Details of the junction shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, prior to commencement of the development. Subsequently the junction shall be implemented as approved.

REASON: To provide highway safety and adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access in accordance with adopted Uttlesford Local Plan Policy GEN1 (adopted 2005).

22. No occupation of any dwelling shall take place until the provision of a link road between Henham Road (B1051) and Hall Road as shown in principle on the submitted drawing 0582-GA-026B to be designed to DMRB standards for 40mph, 6.75m wide, with all necessary signing, lighting and Traffic Regulation Orders to include:
- a) A priority junction to a bus only link to Henham Road to include appropriate monitoring and if necessary enforcement measures
 - b) A priority junction to link to Hall Road
 - c) A 3m wide unsegregated, shared use footway/cycleway on the eastern side
 - d) Retention of residential accesses on Henham Road and Hall Road.
 - e) Appropriate treatment of redundant carriage way on Henham Road and Hall Road
 - f) Appropriate tie in of the realigned carriageway into Hall Road including any realignment or remedial works required on Abbotsford Bridge, or contribution towards required works.

Details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, prior to commencement of the development. Subsequently the link road shall be constructed as approved.

REASON: To provide an efficient, alternative route to the south of the development and protect the safety and efficiency of the highway in accordance with adopted Uttlesford Local Plan Policy GEN1 (adopted 2005).

23. No occupation of any dwelling shall take place until a programme of monitoring is implemented to determine the impact of the development traffic on the rural network including but not exclusively routes from the to the B1383 via Ugley Green and the route to Church Road, Stansted Mountfitchet via Tye Green and Burton End. The monitoring programme shall extend for 3 years after full occupation of the development. Details of the monitoring programme shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, prior to commencement of the development. Subsequently the monitoring programme shall be implemented as approved.

REASON: To protect the highway network for the safe and efficient movement of people by all modes transport in accordance with adopted Uttlesford Local Plan Policy GEN1 (adopted 2005).

24. Prior to the commencement of development details of the access onto Old Mead Road, as shown in principle on the submitted drawing no 0582-GA-004/L, shall be submitted to and approved in writing by the local planning authority. The access shall include visibility splays of 4.5m by 70m and 6.75m carriageway and two 2m footways. Subsequently no more than 700 dwellings shall be occupied before this access as approved has been provided.

REASON: To provide highway safety and adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access, in accordance with adopted Uttlesford Local Plan Policy GEN1 (adopted 2005).

25. Prior to the commencement of development details of an appropriate emergency access to the highway network shall be submitted to and approved in writing by the local planning authority. Subsequently no more than 400 dwellings shall be occupied before this access as approved has been provided.

REASON: To protect the safety and efficiency of the highway in accordance with adopted Uttlesford Local Plan Policy GEN1 (adopted 2005).

Appendix 1

This is a composite report as presented to committee. It contains the original report, the information included in the Supplementary List of Representations and the representations and amendments verbally reported to the committee.

UTT/13/0808/OP – ELSENHAM, HENHAM & UGLEY

PROPOSAL:	Outline application with all matters reserved, except access, for up to 800 dwellings; up to 0.5ha of Class B1a and B1c employment uses; up to 1,400 sqm of retail uses; a primary school; up to 640 sqm of Health Centre use; up to 600sqm of community buildings; changing rooms; access roads including access points to B1051 Henham Road and Old Mead Road, a construction access and haul road from B1051 Henham Road, a Waste Water Treatment Works access from Bedwell Road, a provision of a link road at Elsenham Cross between the B1051 Henham Road and Hall Road; a Waste Water Treatment Works and other associated infrastructure, landscaping and boundary treatment works. Demolition of all existing buildings
LOCATION:	Fairfield Site, Station Road, Elsenham
APPLICANT:	Fairfield (Elsenham) Ltd
AGENT:	David Lock Associates
EXPIRY DATE:	17 December 2013
CASE OFFICER:	Mrs K Denmark

12 NOTATION

- 12.1 Outside Development Limits/Adjacent to Listed Buildings. Part of site (link road) within Countryside Protection Zone. Part of site (Waste Water Treatment Works) within Poor Air Quality Zone.

13 DESCRIPTION OF SITE

- 13.1 The application site is located to the north east of the village of Elsenham and largely within the parish of Henham. The main part of the site abuts the railway line from a point adjacent to the station car park southwards to the rear of the residential properties on Park Road. The site boundary extends eastwards to the north of some privately owned land and the cricket pitch on Henham Road. It then incorporates an area of former sand pits. The eastern boundary of the site crosses agricultural land. The site wraps around the station car park, the adjoining warehouse and the two bungalows to the north of the warehouse facing onto Old Mead Road. It also wraps around a further detached property to the north. It incorporates an area of land which was a former poultry farm and all the associated buildings within that unit. A former railway line, now a public right of way, runs through the site in an east-west direction.

- 13.2 The character of the majority of this area of the site is agricultural land which is currently in arable use. The former poultry farm has some commercial units operating and some areas are used for the grazing of horses. There is a public right of way through the higher ground in the sand pit area.
- 13.3 The ground levels are lower around the station area on the western side of the site. The levels in this area are around 90m AOD and the land rises up to the east with a high point towards the central area of the site of around 107m AOD. The land falls away again towards the sand pit area on the south eastern side of the site.
- 13.4 A construction access is proposed from the Henham Road. The area of this element of the proposals is also agricultural land. It lies adjacent to another sand pit area which is not within the application boundary.
- 13.5 The area of the proposed Waste Water Treatment Works (WWTW) is located between the M11 and the railway line. This area is also agricultural land in arable use. There is a slight fall on the land but appears predominantly flat. A public right of way runs along the proposed access and then cuts across the field and crosses the railway line to the east.
- 13.6 The area of the proposed link road is located to the south of Henham Road, to the west of Elsenham Place. This is pasture land and the site slopes down to the south. Hall Road is on the western boundary of the land.

14 PROPOSAL

- 14.1 The proposal is for outline planning permission with all matters reserved, except for access. The development would be for up to 800 dwellings, 0.5ha of Class B1a (office) and Class B1c (light industrial) employment uses, up to 1,400sqm of retail uses (use not specified but covering the whole range of facilities within the A classes), a primary school incorporating early years provision, up to 600sqm of community buildings and up to 150sqm of changing rooms.
- 14.2 The proposed development has been designed to create a sustainable new garden village extension to Elsenham, maintaining the separate and distinct identities of Elsenham and Henham. The development would seek to deliver a mix of housing including up to 40% affordable units which would be delivered in groups of not more than 10 units. Whilst the layout would be a reserved matter, it is envisaged that the density of the development would be just under 35 dwellings per hectare. There would be a variation to the density across the site with higher densities around the local centre.
- 14.3 Employment opportunities are also proposed with the B1 and A class floorspaces, set within the local centre adjacent to the station. It is proposed to provide a mix of office and workshop accommodation that will support new business and home working. Although this will also be part of the reserved matters, it is envisaged that this would be delivered as a Work Hub with related business space, providing flexible business accommodation for new start-ups and small firms, including people who work wholly or partly from home. High speed broadband is included as part of the proposals both for the business premises and the residential development.
- 14.4 The local centre is proposed adjacent to the existing railway station. It is proposed to provide rail interchange facilities including a bus stop, taxi waiting area and drop-off area. Improvements to the bus services are also proposed to improve the sustainability transport options for the site.

- 14.5 Also included within the local centre is the allocation of a site for a new health centre of up to 640 sqm. In addition it is proposed to provide a new community centre which would be designed to enable use for indoor sports facilities as well as use by the community and other organisations. Adjacent to the local centre would be a site allocated for a primary school and Early Years facility.
- 14.6 Strategic open spaces and retained and strengthened/new hedgerows and tree planning are indicated on the Parameters Plan. The Illustrative Master Plan and Green Infrastructure Strategy give further details in relation to the open space provision. These include the provision of sports pitches and play areas at the Little Hide Sports Ground, the creation of Northern and Southern Pocket Parks and a Northern Gateway Park and the Sandpits Nature Park. These areas will allow for the creation of wildlife habitats and SuDS features along with the other proposed areas of informal open space.
- 14.7 The proposals include details of various access points and these details are a formal part of this application. A new access would be created from Old Mead Road into the proposed development. The access would be opposite a property shown as "The Reeds" on the application drawings. The design of this access point would result in the traffic travelling north/south being automatically directed into the new development, bypassing the level crossing. An access point is proposed onto Henham Road and this would be a priority junction. This access point would be located on land to the north of the gap between the properties shown as "Gardeners Cottage" and "Pennington View" on the application drawings. A shared pedestrian/ cycleway is indicated along Henham Road towards the village of Elsenham. This is also shown to continue for a short distance towards Henham. Enhanced footpaths on the southern side of the road are also indicated but full details of these have yet to be established and would form part of any reserved matters application. Uncontrolled pedestrian crossing points are shown either side of the proposed junction, one adjacent to Gardeners Cottage and one to the south of Pennington View.
- 14.8 A temporary construction access is proposed, also from the Henham Road. This would utilise an existing access point to the south west of Sandpit Cottages. This would be a traditional bell mouth junction.
- 14.9 A link road connecting Henham Road and Hall Road is also proposed which would result in the realignment of the Henham Road which would now run in a southerly direction to join with Hall Road. The stretch of Henham Road between Elsenham Cross and the property shown as St Anthony on the plans would become an access road only to serve the properties along that stretch, and also it would provide a bus only access link. When travelling south from Elsenham Cross the alignment of Hall Road would be altered to join the new link road. The junction with the link road would have a left and right turn lane. The link road would have a right turn lane for traffic wishing to turn into Hall Road and travel north to Elsenham Cross. An uncontrolled pedestrian crossing is proposed towards the southern end of the link road.
- 14.10 A further access point is proposed from Bedwell Road to serve the proposed WWTW. This would be located to the west of a property shown as "The Paddocks" on the application drawings. It would be located adjacent to the M11, although the M11 is in an elevated position at this point. There is an existing field access at this point. The access point would have a bell mouth junction and a passing bay would be constructed in the site to enable two HGVs to pass.

15 APPLICANT'S CASE

- 15.1 The application is accompanied by an Environmental Statement as it was considered that the proposed development would constitute “Environmental Impact Assessment (EIA) Development under the *“Town and Country Planning (Environmental Impact Assessment) Regulations 2011”* (the EIA Regs). The basis for this consideration can be found under reference UTT/13/0192/SO.
- 15.2 The Environmental Statement is in 3 volumes, the Statement and two folders of appendices. It is accompanied by a non-technical summary, as required by the Regulations. The Statement has chapters on the following subjects:
1. Introduction
 2. Description of the Site
 3. Description of the Development
 4. Planning Policy Context
 5. Environmental Assessment Approach incl Consideration of Alternatives
 6. Socio-Economic Impacts
 7. Landscape and Visual Assessment
 8. Ecology and Nature Conservation
 9. Cultural Heritage and Archaeology
 10. Agricultural Circumstances
 11. Transport
 12. Air Quality
 13. Noise and Vibration
 14. Hydrology, Flood Risk and Drainage (including Flood Risk Assessment)
 15. Ground Conditions
 16. Conclusion and Cumulative Effects
- 15.3 The application is also accompanied by the following documents:
- Design and Access Statement
 - Planning Statement
 - Green Infrastructure Strategy and Open Space Assessment
 - Transport Assessment
 - Framework Travel Plan
 - Retail Assessment
 - Energy Strategy
 - Lighting Assessment
 - Sustainability Report
 - Utilities Appraisal
 - Waste Management Strategy
 - Economic Strategy
 - Statement of Community Engagement
- 15.4 A copy of the Environmental Statement Non-Technical Summary (September 2013) is attached in Appendix A.
- 15.5 On 22 July 2013 an Addendum to the Environmental Statement was submitted. This submission related to amendments and clarifications to the original Environmental Statement. Of particular importance were the Addendum to the Transport Statement and the submission of additional information following a Regulation 22 request in relation to the environmental impacts of the proposed Waste Water Treatment Works.

15.6 On 27 August 2013 a revised layout for the proposed link road was submitted following negotiations with Essex County Council. As a consequence a further Addendum to the Environmental Statement was submitted on 20 September 2013 reflecting this change in layout.

15.7 Summary of the Appellant's case as set out in the Planning Statement:

Whilst it remains the case that Section 38(6) of the Planning and Compensation Act requires planning decisions to be in accord with the development plan unless material considerations indicate otherwise, the effect of the NPPF is that, in making such decisions, where the development plan is out of date or not relevant, the other material considerations (including the presumption in favour of sustainable development and the core planning policies of the NPPF) will be determinative.

In this instance it is accepted that the Development Plan is out of date. Permission should therefore be granted for the application proposals, in accordance with the presumption in favour of sustainable development unless any adverse impacts *"significantly and demonstrably outweigh"* the benefits of the proposal.

There is therefore a very stiff test placed on decision makers. In reality the Environmental Statement demonstrates that there are few adverse impacts of the development to be weighed against the benefits: certainly none of such demonstrable significance to warrant refusal. In contrast the ability of the proposals to provide a highly sustainable and deliverable proposal is highly meritorious in its own right, and that will make an immediate contribution to the market and affordable housing needs of the District and provide much needed new infrastructure is extremely compelling.

That Elsenham, and the site represents a highly sustainable location for development, is a further reason to grant planning permission.

The NPPF places a new emphasis on the need for a positive approach in decision taking; one not based on legalistic scrutiny but a positive support for proposals consistent with the NPPF. The benefits of the proposals are substantial, and the presumption in favour of sustainable development indicates very clearly that planning permission should be granted for the application proposals.

16 RELEVANT SITE HISTORY

16.1 UTT/13/0192/SO – Scoping Opinion for proposed development by Fairfield Partnership on land north east of Elsenham.

16.2 UTT/12/5497/SO – Scoping Opinion for proposed development by Fairfield Partnership on land north east of Elsenham.

17 POLICIES

17.1 National Policies

NPPF

17.2 Uttlesford District Local Plan 2005

Policy S7 – The Countryside
Policy S8 – The Countryside Protection Zone
Policy GEN1 – Access

Policy GEN2 – Design
 Policy GEN3 – Flood Protection
 Policy GEN4 – Good Neighbourliness
 Policy GEN6 – Infrastructure Provision to Support Development
 Policy GEN7 – Nature Conservation
 Policy GEN8 – Vehicle Parking Standards
 Policy ENV2 – Development affecting Listed Buildings
 Policy ENV3 – Open Spaces and Trees
 Policy ENV4 – Ancient Monuments and Sites of Archaeological Interest
 Policy ENV5 – Protection of Agricultural Land
 Policy ENV7 – The Protection of the Natural Environment – Designated Sites
 Policy ENV8 – Other Landscape Elements of Importance for Nature Conservation
 Policy ENV9 – Historic Landscapes
 Policy ENV10 – Noise Sensitive Development and Disturbance from Aircraft
 Policy ENV11 – Noise Generators
 Policy ENV12 – Protection of Water Resources
 Policy ENV13 – Exposure to Poor Air Quality
 Policy ENV15 – Contaminated Land
 Policy H9 – Affordable Housing
 Policy H10 – Housing Mix
 Policy LC2 – Access to Leisure and Cultural Facilities
 Policy LC3 – Community Facilities
 Policy LC4 – Provision of Outdoor Sport and Recreational Facilities beyond Development Limits

17.3 Uttlesford DRAFT Local Plan 2012

Policy SP4 – Retail Strategy
 Policy SP5 – Meeting Housing Need
 Policy SP8 – Environmental Protection
 Policy SP9 – Minimising Flood Risk
 Policy SP10 – Natural Resources
 Policy SP12 – Protection of the Countryside
 Policy SP13 – Protecting the Historic Environment
 Policy SP14 – Protecting the Natural Environment
 Policy SP15 – Accessible Development
 Policy SP17 – Infrastructure
 Policy SP18 – Open Space
 Policy RET3 – New Shops in Rural Areas
 Policy HO5 – Affordable Housing
 Policy HO6 – Housing Mix
 Policy EN1 – Sustainable Energy
 Policy EN2 – Environmental and Resource Management
 Policy EN3 – Protection of Water Resources
 Policy EN4 – Surface Water Flooding
 Policy EN5 – Pollutants
 Policy EN6 – Air Quality
 Policy EN7 – Contaminated Land
 Policy EN8 – Noise Sensitive Development and Disturbance from Aircraft
 Policy DES1 – Design
 Policy C1 – The Stansted Airport Countryside Protection Zone
 Policy C2 – Protection of Landscape Character
 Policy HE2 – Development affecting Listed Buildings
 Policy HE3 – Scheduled Monuments and Sites of Archaeological Importance
 Policy HE4 – Protecting the Natural Environment

Policy TA1 – Vehicle Parking Standards

Policy INF1 – Protection and Provision of Open Space, Sports Facilities and Playing Pitches

Policy INF2 – Provision of Community Facilities beyond Development Limits

Policy INF3 – Provision of Outdoor Sport and Recreational Facilities beyond Development Limits

18 PARISH/TOWN COUNCIL COMMENTS

Henham and Ugley Parish Councils

- 18.3 A report has been prepared by Hive Planning on behalf of Henham and Elsenham Parish Councils (Joint Parish Council Steering Group, which also includes the parishes of Stansted, Newport and Ugley) and this has been submitted as comments from Henham Parish Council and Ugley Parish Council.
- 18.4 The JPCSG has also commissioned a review of the Transport Assessment submitted with the application and a report was published on 25 April 2013 by Motion and the summary and conclusions are set out below.
- 18.5 In summary, this note concludes that the Transport Assessment is flawed for the reasons set out within this report and additionally further information is required to enable the assumptions made within the Transport Assessment to be verified.
- 18.6 On this basis, it is concluded that the planning authority should not permit the proposed development on the grounds that it has not been demonstrated the proposals comply with relevant transport policy; nor has it been demonstrated that the proposals will not have an unacceptable or severe impact in terms of highway capacity, road safety and accessibility.
- 18.7 Following the submission of the Transport Assessment Addendum a further review was undertaken on behalf of the JPCSG and this has the following summary and conclusions:
- 18.8 Whilst the applicant has provided a range of additional information, it is evident that concerns raised previously with respect to the overly ambitious internal traffic reduction factors have not been adequately addressed. In this regard, there remains doubt over the validity of the junction modelling analyses that have been undertaken to date. In addition to this, it is evident that the road safety audit process has not reached a satisfactory conclusion. As a result it has not been possible to formulate a view with respect to the effects of the proposals from a road safety perspective.
- 18.9 With respect to public transport, the applicant has provided information that suggests the proposed bus service will be commercially viable. However, it should be noted that information available on the ECC website suggests that northbound services from Elsenham are limited. Given that a large proportion of existing Elsenham residents travel north for work purposes it can be argued that the site does not benefit from a real choice of travel modes. This is particularly evident given that rail services do not serve Saffron Walden, which is where circa 15% of Elsenham residents have historically worked.
- 18.10 On this basis, it is concluded that the planning authority should not permit the proposed development on the grounds that it has not been demonstrated the proposals comply with relevant transport policy; nor has it been demonstrated that the proposals will not

have an unacceptable or severe impact in terms of highway capacity, road safety and accessibility.

Ugley Parish Council

- 18.11 The comments put forward by Ugley Parish Council are as set out in the standard objection letter. Please see Appendix C for full details.

Elsenham Parish Council

- 18.12 Elsenham Parish Council has drawn heavily from the Hive Planning document and added further comments which are specific to Elsenham. A copy of their response is available at Appendix B.

Supplementary List of Representations – Parish Council Comments

- 18.13 These comments come from Elsenham, Henham and Ugley Parish Councils.

Visibility splays are shown incorrectly and there is a lack of clarity on whether appropriate sight lines can be secured without reliance on third party land; lack of information (swept path analysis and sight lines) to demonstrate that the junctions can accommodate likely traffic; and, as a result there is insufficient information to determine (or for the Highway and Planning Authorities to determine) whether the Link Road and associated junctions can be delivered to an acceptable and safe standard.”

- 18.14 Junction Visibility Splays: There are errors in the way the visibility splays are shown on the drawing. Visibility splays are crucial to the safe and efficient operation of a junction. In the most basic sense they enable a driving waiting to pull out from a priority junction to see vehicles approaching on the priority road, in either direction. As such the provision of adequate sight lines is crucial to not only enable a driver to safely pull out into the priority road but are also necessary from a capacity point of view.

- 18.15 The Elsenham Link Road Drawing includes details of the following two junctions:
- the priority junction between Hall Road and the Elsenham Link Road; and,
 - the junction between the Elsenham Link Road and Henham Road (bus link only).

- 18.16 The sight lines that have been indicated for both of the junctions have been specified as 4.5 metres (referred to as the ‘x’ distance) x 120 metres (referred to as the ‘y’ distance). The ‘y’ distance is based on the Stopping Sight Distance for the priority road and as such will depend on the speed limit, actual measured speed or design speed (for new roads such as this). The 120 metre ‘y’ distance shown recorrelates with a 40 mph speed limit (or 70kph design speed). We are unclear whether the link road would be subject to a 40 mph speed limit and you may wish to verify this. However, on the basis that the Link Road will be subject to a 40 mph speed limit the sight lines specified are appropriate. However, the way the sight lines have been shown on the drawing are incorrect. As a result the visibility splays as shown would not secure appropriate sight lines, should these be secured by Planning Condition. The reason for this is that the sight lines have not been taken to the tangent point of the carriageway alignment. Furthermore the sightlines for the Henham Road junction have been taken to the opposite side of the carriageway. It is necessary to ensure that clear sight (from an ‘x’ distance of 4.5 metres) can be achieved to the full carriageway width, to a point 120 metres either side of the junction. Due to the curved alignment of the Link Road and the way the sight lines have been shown,

significant areas of carriageway are excluded from the visibility splay envelope. We have shown these areas on the attached Sketch 1 and Sketch 2. Any vehicle with the areas shown shaded on these sketches would potentially not be visible to a driver exiting either junction, should there be obstructions to visibility behind the sight splay (say a planted hedge for example). Clearly this has unacceptable safety and capacity consequences.

- 18.17 We would recommend that the access drawing is amended to show appropriate sight lines and identify any third party land that may be required.
- 18.18 Swept Path Analysis: No information appears to have been provided to demonstrate that the alignment and geometry of either junction can adequately accommodate the swept path of larger vehicles that are likely to use these junctions. In particular the Henham Road junction has a narrow carriageway and tight kerb radii. I suspect this may cause some difficulties for buses using this access, which may have to either overrun the kerbs or manoeuvre into the oncoming lane (of traffic) to negotiate the junction.
- 18.19 We would recommend that swept path analysis is provided to demonstrate the adequacy of both junction to accommodate large vehicles such as refuse vehicles, articulated vehicles and buses.
- 18.20 **Response from Highways:** We are happy that the visibility splays can be achieved within Highway Land or land in control of the applicant. At the detailed design stage we would ensure that the visibility splay, including the area to the tangent line to the edge of the carriage way contains no obstructions. The swept path assessment has been submitted (drawing no. 0582/ATR/011). The junctions provide sufficient geometries to allow 16.5 metre articulated vehicles to make all turns and again there is sufficient land to achieve this and greater if thought necessary at detailed design stage.

19 CONSULTATIONS

Airside OPS Limited

- 19.1 Proposal could conflict with safeguarding criteria unless any planning permission granted is subject to conditions restricting tree heights; requiring landscaping schemes to be in accordance with "Potential Bird Hazards from Amenity Landscaping and Building Design" Advice Note; submission of details of green roofs; submission of SUDs details and submission of a Bird Hazard Management Plan. A crane note is also required given the location of the site.
- 19.2 Additional comments: Request extra condition relating to renewable energy schemes.

Environment Agency

- 19.3 Objection as inadequate information to demonstrate that the risks of pollution posed to surface water quality can be safely managed. In relation to flood risk and land contamination have no objections subject to conditions. No objections from an ecological perspective. Satisfied that the sustainability report addresses the main water resource and efficiency issues. The issue of Waste Management from construction to operational phases has been considered in a methodical manner.
- 19.4 Additional comments: Joint Position Statement with Anglian Water. Our objection on waste water and water quality can be withdrawn provided that the ES is revised to

include an assessment of the impact and a condition is imposed on any permission granted.

- 19.5 Further comments: An amended ES has now been submitted. Revised ES appear to reflect the liaison and results of the findings between Anglian Water and ourselves. Consider planning permission should only be granted subject to condition relating to the offsite sewage treatment works.

Thames Water

- 19.6 There is no capacity within the Thames Water sewerage system to be able to accommodate any part of the proposed development. In addition, there is no capacity at Stansted Mountfitchet STW to be able to treat any of the discharges from the proposed development. It is noted that the proposed means of wastewater drainage is for the construction of a new sewage treatment works within the Anglian Water area. As long as this remains the preferred means of drainage for wastewater then Thames Water have no objection to the proposed development.

Anglian Water

- 19.7 Pending a technical and commercial agreement being signed, Anglian Water is able to support the adoption of a new waste water treatment works. This would be modular in design to cope for 800 dwellings and associated commercial flows. To enable this new WWTW a new environmental permit would be required. This would formally be provided by the Environment Agency. Can confirm that we are in discussions with the EA over this permit and have recently received an indicative permit standard.
- 19.8 Additional comments: No further comments to make on the amendments.

ECC Archaeology

- 19.9 A range of anomalies identified from the survey lie within the application area. Within the specific application area multi-period archaeological deposits are recorded on the site of the old sand pit. A number of crop marks, indicative of an earlier field system are recorded in the northern area of the development. Recommend an archaeological programme of trial trenching followed by open area excavation, to be secured by condition.

ECC Ecology

- 19.10 Disagree with several of the conclusions and advise a more robust approach to mitigation is required.
- Birds: Inadequate consideration is given to the Schedule 1 species. Greater mitigation is required for birds. Consideration should be given to farmland birds. Recommend the retention of an arable field, to provide habitat for this assemblage of declining species.
- Invertebrates: Sandpits area is of Regional importance for Priority invertebrates and supports species not recorded in Essex before. 12% of the sandpits area is proposed to be used for SUDS. Advise that the sandpits area should remain intact to protect this important site.
- Other protected species: Other legally protected species utilise the site. The site supports an 'exceptional' population of slow worm. Mitigation is proposed for these species but is hard to assess across the disparate documents.

Green/Open Space: Welcome provision of accessible natural green space and green corridors and management such as green roofs, swales and SUDS retention basins. Green corridors need to be wider than currently indicated and connect habitats across the site.

Link Road: Assessments have not taken the specific impacts of the new link road into account. The cumulative/in-combination ecological impacts of the road should be assessed along with the impacts of the wider development.

Long term management: Applicant should make provision for management of habitats and biodiversity connected to the development. Not currently listed under the Draft Heads of Terms for the S106 Agreement.

Mitigation: A holistic approach to mitigation should be adopted and should accord with the Open Space Strategy.

Enhancement: Biodiversity enhancements should be proposed to aim to provide a net gain in biodiversity. We do not agree that the current proposal provides a net gain for biodiversity. It needs to be made clearer which proposed measures are for mitigation and which for enhancement, and greater enhancement should be proposed.

- 19.11 Additional comments: Welcome the applicant's willingness to provide a single Wildlife Protection, Biodiversity Mitigation and Enhancement Plan which could be secured through a Section 106 Agreement. Still concerned about impacts on birds and if further development is proposed extensive research and mitigation must be proposed. Still concerned about impacts on invertebrates.

ECC Sustainable Drainage

- 19.12 Providing informal comments on SuDS schemes. Ideally look for SuDS to comply with Defra's draft National Standards and our emerging SuDS Design and Adoption Guide. Will be strongly promoting the management of rainfall at the surface and therefore the use of above ground SuDS features will be required wherever possible. Also support the principle of drainage proposals which provide for limiting the runoff rates from the site to existing Greenfield rates.

ECC Education

- 19.13 A development of this size can be expected to generate the need for up to 82 Early Years and Childcare (EY&C); 240 primary school and 160 secondary school places. New education facilities will be needed to serve these pupils and the applicant has recognised that both land and financial contributions are required to deliver this infrastructure. A land compliance exercise has been undertaken and subject to some modifications to the indicative plans provided the site can be rendered suitable. Works will be required which can be secured by a S106 Agreement. The S106 Agreement should grant ECC an option to take transfer of the land, at nominal cost. In addition to land, developer contributions to design and build the new primary school and EY&C facilities are required. The level of contribution should be based on the cost of a notional 210 place primary school with 56 place EY&C provision costing £5.6m (January 2013 costs). Since the maximum number of pupils forecast from 800 homes is higher than these indicative capacities a pro rata contribution should be paid by the development, thereby allowing for larger facilities or additional off site provision. In the case of secondary age pupils, additional places at Mountfitchet Mathematics and Computing College will be required. The cost per place that should be used is £15,839 (index linked to April 2013 costs). There are currently some surplus places at MMCC to accommodate early completions and there is some flexibility over the trigger for this payment. On current forecasts additional places will be needed in the District for pupils joining year 7 in September 2016.

ECC's Youth Service requests additional infrastructure to serve this development. A "Youth Shelter" should be provided in a location in the public eye, but away from conflicting/noise sensitive occupants. Secondly skate board facilities would be a welcome amenity for children that have outgrown traditional play area facilities.

Sport England

- 19.14 Non-statutory consultation. Have concerns about the range of sports provision proposed. Proposals exceed the recommended standard for football provision. Would require additional cricket provision. Could be accommodated by designing sports ground to accommodate a cricket pitch. Further opportunity could be to provide a pavilion suitable for meeting needs of adjoining cricket club. Advise trying to engage with Cricket Club and/or England and Wales Cricket Board. Other on-site provision could be in the form of a MUGA (multi-use games area). Advise engaging with Parish Council. Enhancements could be made to existing sports clubs and facilities.

Sports provision should be secured through a planning obligation and it is advocated that a land use budget is prepared and secured as part of any planning permission. Advise that fixed size for changing rooms could give rise to later problems. Request that the specification for the pavilion and ancillary facilities are agreed at outline planning stage and included in a planning obligation. Proposals will give rise to increased need for indoor facilities. Could be provided by appropriate financial contribution by S106 agreement.

- 19.15 Additional comments: Amendments make a significant contribution towards addressing the shortfall of outdoor sports provision in quantitative terms. The proposal to remove the 150sqm restriction on the size of the clubhouse is welcomed as this provides more flexibility to deliver a clubhouse that is responsive to the needs of the potential users. The range of facilities to be provided would be appropriate and could be suitable for both football and cricket use. The principle of including a MUGA is welcomed. Welcome clarification on size of proposed community building. If planning permission is forthcoming it will be necessary for the range of facilities now listed to be specified in more detail and included in a planning obligation.

Natural England

- 19.16 No objections in relation to impacts on SSSIs. Welcome provision of 15ha total open space, and its component parts, serving multi-functional objectives. Particularly welcome the retention and proposed enhancements to the Sandpit nature reserve area. This feature would benefit from a management plan which, along with funding arrangements, should be secured by S106 agreement. Biodiversity enhancements could be secured by condition.

London Stansted Airport

- 19.17 Noise: The site is close to the airport and, if permitted, some future residents may find the noise impacts annoying.
Surface Access: Concerned that the Transport Assessment has not reflected the permitted development of the airport as granted by the G1 planning permission. Nor does assessment take into account recently submitted plans for development in East Herts including 2200 houses to the north of Bishop's Stortford. Note TA does consider the possible closure of the Coopers End access. Principal concern lies with the effects that the development, along with other known, planned and committed developments, will have on M11 junction 8.

NATS

- 19.18 Does not conflict with our safeguarding criteria.

Network Rail

- 19.19 Network Rail has concluded that there will be a material impact upon the following infrastructure. Elsenham Emergency Hut public footpath level crossing: The proposal will encircle the crossing on both sides of the railway and given the lack of crossing points in this location this development will cause significant increase in usage of the crossing. At present this is a lightly used passive level crossing and ought to be closed with access to the west of the railway gained either from the south, via the new proposed road alongside the M11, or by way of a bridge over the railway to be provided at the developer's expense and adopted by the County Council. Elsenham Station Level Crossing: Proposed development will inevitably cause an increase in vehicular traffic using the crossing. A new grade-separated crossing of the railway should be provided at the developer's expense. Elsenham Station: Given that Elsenham Station is a hub for access to major employment centres in London, Stansted Airport and Cambridge, a significant proportion of any planning obligation towards transport should be diverted towards improvements to Elsenham Station and the rail infrastructure in Uttlesford to cope with the subsequent growth in passenger patronage. When presented with the proposal and the measures the applicant has proposed there is a lack of evidence that the application could be supported by the existing rail and highway network. Therefore the application is contrary to policies GEN1, GEN6 and subsequently Network Rail objects to the planning application.
- 19.20 Additional comments: Network Rail, WSP and Fairfield propose a meeting with Uttlesford and Essex County Council to discuss the future of the level crossing which ideally would result in the closure of the crossing. Transport strategy aims to persuade vehicle users to use the proposed "spine" route through the proposed development avoiding the level crossing. Support this mitigation but strongly recommend revised design to spine road. Welcome addition of further car parking for rail users and upgrade of platform facilities.
- 19.21 Now withdraw our objection and support the outline application.

NHS Property Services

- 19.22 The proposal is likely to have a significant impact on the NHS funding programme for the delivery of healthcare provision within this area. Expect these impacts to be fully assessed and mitigated by way of a developer contribution secured through a S106 Agreement. Pre-application advice stated that the 800 dwelling proposal would generate the need for an additional 1.11 GPs, with an associated 'capital cost' of £266,400. Applicant suggests that any potential healthcare need could be met, in the short to medium term, by other existing GP facilities that are located "*within a reasonable distance from the site*". However, NHSPS would advise that none of the four facilities listed in ES Appendix 6.2 lie within the catchment area of the site. Furthermore, both Elsenham Surgery and Stansted Surgery, which lie within the West Essex Clinical Commissioning Group area, have no capacity to accommodate the proposed development. Lower Street Clinic, Stansted is not a GP surgery and, therefore, would not provide primary healthcare services for the proposed development. Finally, Parsonage Surgery, Bishop's Stortford, falls outside the West Essex CCG area and is

within the East and North Hertfordshire CCG area. This facility is also not directly related to the development in planning terms. In light of the fact that the current planning application no longer represents the first phase of a larger development, the nature of the healthcare infrastructure and funding required to mitigate the needs arising from the proposed development needs to be updated. A developer contribution of £321,600 to mitigate the 'capital cost' to the NHS for the provision of additional healthcare services arising directly as a result of the development proposal is sought, payable before the development is first occupied, to be secured by a S106 Agreement.

It is noted that provision for a prospective new health centre has been included as part of the proposed development. NHS England is currently preparing a Primary Care Strategy for Essex to determine the longer term priorities for GP floorspace. At this stage there is no proposal for new GP floorspace in this area.

Highways Agency

- 19.23 No objections subject to conditions relating to no more than 186 dwellings being occupied until improvement works (revised road markings and signal controls) have been carried out at J8 M11 by the Secretary of State for Transport.

ECC Highways

- 19.24 No objections subject to conditions.

Supplementary List of Representations

- 19.25 This site has been under discussion for many years, Elsenham formally being identified as a new settlement in the consultations on the core strategy of the LDF and considered for an 'ecotown.' During the course of discussion of the Highways implications of the development a transport strategy was developed, this strategy and the measures required to implement it are outlined in the Transport Assessment that accompanied the planning application.
- 19.26 The strategy has two main parts: firstly to accommodate as many trips as possible by modes of transport other than the car and in particular making use of the train station. Therefore a number of the conditions relate to the provision of sustainable transport including: walking; cycling; bus provision; a transport interchange adjacent to the station and residential and work place travel plans.
- 19.27 The second strand of the strategy recognises that there is spare capacity on the network to the south of the development and seeks to encourage traffic to use this network, where appropriate, to access Bishops Stortford and the M11. The conditions seek to facilitate the journey of traffic to the south including a new link road and enhancements to Hall Road, and to discourage unnecessary traffic from going through a the High Street including a traffic management and public realm scheme.
- 19.28 In addition it is considered necessary to monitor the impact of development traffic on local roads with a bond being required that can be accessed to provide mitigation if necessary, therefore there are conditions relating to this aspect of monitoring as well as more general monitoring that will take place through the Travel Plan.
- 19.29 Assessment of the evidence put forward in the Transport Assessment concludes that there is capacity in the Highway network to accommodate the development if these conditions are met.

Housing Enabling Officer

19.30 Affordable housing provision on this site will attract the 40% policy requirement, amounting to 320 affordable housing units. Mix and tenure split to be:

S106 Figures					Totals
Tenure mix	1 bed	2 bed	3 bed	4 bed	
affordable Rent non bungalows	61	74	67	11	213
affordable Rent bungalows	6	5	0		11
SUB TOTAL A/R	67	79	67	11	224
shared ownership non bungalows	15	44	29	3	91
shared ownership bungalows	1	4	0		5
SUB TOTALS/O	16	48	29	3	96
GRAND TOTAL AFFORDABLE UNITS	83	127	96	14	320

Access and Equalities Officer

19.31 Reference in the Design and Access Statement to a Lifetime Neighbourhood and Lifetime Homes. This will need to be endorsed along with provision for wheelchair accessible housing and/or bungalows to meet that need.

Environmental Health Officer

19.32 Air Quality: Condition required for a scheme of mitigation to be submitted at the reserved matters stage and implemented as approved. Forming part of the mitigation strategy will be the statutory Site Waste Management Plan which must be approved prior to works commencing on site. Condition also recommended requiring implementation of the measures to reduce emissions during operational stage of development. Odour from the Waste Water Treatment Plan will require mitigation in line with Anglian Water requirements.

Contaminated Land: Condition is required to fully assess all sources and evaluate the risk to protect human health, building services and all other receptors and produce a remediation strategy.

Noise: A Construction Environmental Management Plan is proposed. Condition recommended requiring a comprehensive plan to be agreed and implemented. Condition required requiring a scheme of mitigation against adverse effects if piling is carried out. Part of the site falls within an area where noise measurements fall within Category C where it is advised that "planning permission should not normally be granted". Design and mitigation measures have been proposed and details of measures must be submitted at reserved matters stage. The scheme shall achieve the reasonable design criteria of BS8233 during the day and the good design criteria during the night. Vibration is not significant.

The proposed school will be subject to noise from the railway and potentially road traffic. A scheme of design and mitigation measures must be submitted and approved to achieve the BB93 School Acoustics criteria. The Health Centre will need to be designed to achieve an internal noise level of 40 dB LAeq1hr in appropriate rooms.

Lighting: A scheme of design and mitigation against the adverse effects of artificial lighting must be incorporated in the CEMP.

Landscape Officer

- 19.33 The impact of the development on the broader landscape is considered possible to limit with appropriate landscaping treatment, in particular to the site boundaries and along the new road links. The impact of the proposed development on existing trees and hedgerows is considered likely to be limited, given the relatively few trees and hedgerows on much of the site. Those trees identified as being of high quality are indicated in the submission to be retained as part of the development as well as the principal hedgerow running along the line of the former railway line. The disused sand pit is proposed to be enhanced for the benefit of wildlife. In the circumstances of planning permission being granted conditions should be applied requiring the submission and approval of fully detailed soft and hard landscaping, and measures for the protection of existing vegetation to be retained.

Uttlesford Ramblers Association

- 19.34 Note that the area covered by the proposal has two existing footpaths across. Would like confirmation that these will be maintained at all times during the work and open for walking without being unsafe. Hope that additional paths will be provided particularly to the school. Walking for Health is a great idea; this project should provide leadership on achieving this aim.

Newport Parish Council

- 19.35 Inadequate infrastructure provision. Developers should be made responsible for provision of sufficient and appropriate water supply and sewerage for their proposals. Road congestion is becoming critical. Developer should be obligated to fund a new full junction with the M11 at the point where it is crossed by the B1051 between Elsenham and Stansted.
- Unless northbound traffic is fed onto the motorway by a direct connection, or the distribution of traffic from Audley End and Cambridge stations is facilitated by greatly improved public transport links, the development of the site will lead to a tripling of the volume of traffic passing through our village.
- Not satisfied the development will contain the very large volumes of water prolonged rainfall will generate.
- Access to Stansted Mountfitchet Secondary School will be poor in the absence of road improvements and cycleways. Option of attending Newport Free Grammar School is likely to appeal. Not aware of any approach by the developers to the school or of any contribution to enable the school to expand.
- 800 houses will provide 320 affordable homes under present rules. This represents 2 ½ times the number of houses a village like Newport would need. After meeting Henham's and Elsenham's needs, 7 ½ large villages will have the people displaced from the location they would like to live in.
- Developers recognise that a quarter hourly bus service will take 5-10% of the traffic generated by the site. Without substantial widening of the local roads to provide dedicated bus lanes this is optimistic. There is no proposal to provide any cycleways off the site.
- There is no shortfall in the number of houses with planning approval to meet the 5 year house supply. There is a shortfall in builders actually completing the houses. Adding 800 approvals to the ones currently in existence will only worsen the situation unless there is concrete evidence of sufficient finance to complete the task.

Stansted Parish Council

- 19.36 Support the report prepared by Hives Planning and the objections contained therein. Will have detrimental impact on Stansted. Already experience significant congestion on Grove Hill. Residents of the new development are likely to travel to reach convenience supermarkets such as those found in Stansted, or by cutting through Stansted to get to Bishop's Stortford. Unless rail capacity is significantly increased on this line the likely increase in the number of rail users will have a detrimental impact upon our parishioners. People travelling from Stansted to London regularly experience full trains and this will only get worse with an increase in the number of passengers getting on the trains ahead of them at Elsenham.

Quendon and Rickling Parish Council

- 19.37 Concerned about impact on local roads network. Fear a huge increase in traffic passing through the village. This would be exacerbated by congestion at J8 of the M11 which already has an effect on traffic on local roads. In the event of incidents on the motorway we already experience huge increases in vehicle numbers passing along the B1383. This road, particularly where it passes through the villages, and J8, simply cannot cope with the increase in traffic associated with large scale development. When viewed in conjunction with another proposal in Hertfordshire for 2500 homes to the north of Bishops Stortford it is clear that some joined up thinking is required. Local roads and infrastructure simply will not cope.

East Herts District Council

- 19.38 Note the proposals would be contrary to the Uttlesford Adopted Local Plan and your Council's latest published draft Local Plan position. East Herts DC supports the dispersal strategy and note that the deletion of the Elsenham proposal would likely reduce the potential cumulative impact on Bishop's Stortford, the surrounding area and infrastructure. You will be aware that EHDC has recently received an outline planning application for development at Bishop's Stortford North, comprising a residential mixed use scheme of 2,200 dwellings. A further outline application for 400 dwellings is expected shortly.

Bishop's Stortford Town Council

- 19.39 Object. Inevitable that the majority of the residents will look to Bishop's Stortford for shopping and entertainment as well as other services. Without additional infrastructure Bishop's Stortford is unable to cope with such additional load. Accesses to Bishop's Stortford and parking within Bishop's Stortford are both congested at peak hours. Traffic impacts on Bishop's Stortford have not been considered. Consultation has not been carried out with Bishop's Stortford Town Council.

20 REPRESENTATIONS

- 20.1 This application has been advertised 4 times and 1926 representations have been received. Of these 1669 were in the form of a standard letter, a copy of which is enclosed at Appendix C. 257 letters included additional comments or were individual responses and these raised the following issues:

- Does not form part of existing Local Plan
- Far in excess of the 5 year land supply deficit that currently exists
- Planning permission already granted for other sites in Elsenham
- Site previously rejected twice, once as Eco-Town and then by UDC
- Problems with provision of local services, utilities and infrastructure

- Water-stressed area unable to support level of development
- Road network unable to support development
- Does not meet principles of the NPPF
- Large scale developments result in residents travelling off-site to other towns
- Limited ability to improve rail capacity
- Proposed public transport links limited to Stansted Mountfitchet, Bishop's Stortford and Stansted Airport. No consideration given to Saffron Walden and Great Dunmow
- Will increase need for car journeys to destinations such as Saffron Walden and Great Dunmow
- ECC unwilling to commit to providing new roads to accommodate increase levels of traffic
- New link road will introduce congestion on Hall Road and Henham Road
- Hall Road junction close to a blind corner
- Principles set out in Transport Statement flawed – people will still use Elsenham High Street and Stansted Mountfitchet to travel south, east or west.
- Assumptions won't work unless the Highways Agency and ECC introduce very strict and precise traffic routing schemes
- Affordable housing needs to be more evenly and widely distributed throughout the District
- Elsenham already providing a large number of affordable houses
- Secondary school education needs not been assessed
- Community hall would not be large enough to meet local needs
- Sports ground provision should be twice the size proposed
- Existing recreation field supporting 970 houses is much larger than that proposed
- Sports grounds will need on-going maintenance and upkeep
- Community facilities must be delivered in the early stages of development
- Losing our lovely countryside and greenfields
- Water Treatment Works will increase traffic through Ugley Green to dangerous levels
- Need to reduce imported food. Short sighted to concrete over arable land
- Don't ruin our beautiful village
- Crime will increase
- Closure of level crossing will make it almost impossible for disabled travellers to use Elsenham Station
- Will result in relocation of existing services severely penalising existing residents
- Unlikely jobs will be available for occupiers of large houses – extra travel is environmentally unsustainable
- Area suffers from flooding – will exacerbate the problem
- Stansted already choked up without adding hundreds of more commuting vehicles
- New road linking site to M11 would be required and a bypass for Stansted
- Significant disruption to quality of life for residents created by vast building site
- Infrastructure will struggle to support more housing
- Old Mead Road has no pavements or street lighting – death trap for pedestrians
- Old Mead Road unsuitable for access point
- Already constant queues at level crossing
- Will destroy character of villages
- Eco-town should be built away from characteristic villages with own identification and infrastructure

- Elsenham has had significant development over the last 30 years on old infrastructure
- Elsenham already has empty industrial units – shows no commercial desire to bring further employment
- Grove Hill traffic lights already cause mayhem
- Commuter traffic from villages to fast trains causes traffic snarl-ups
- Nearest A&E is in Harlow which already approx 1 hour to get to
- Countryside is important for people to walk in and wind down
- Residents will need to travel to shops creating more traffic on local roads
- Opportunist development by developers for their benefit only
- Forest Hall development in Stansted is proving too much for existing infrastructure
- New road next to listed buildings would be disastrous
- My land takes all road water via gullies in ditches in my paddocks
- It can take 45 minutes to get to Bishop's Stortford
- Counted 35 cars waiting to pass lights into Stansted
- Waiting for roads to be repaired outside my property caused by existing traffic
- Uttlesford will be in danger of losing its position as one of the most desirable places to live
- Any attempt to increase traffic through Ugley Green or Ugley faces narrow twisting country roads and would produce traffic chaos
- Lots of clubs and societies in Elsenham – good community feel could be destroyed
- Horse riders, pedestrians and cyclists will be put at risk by vehicles speeding along country roads
- Listed buildings may be damaged by HGV construction vehicles at Elsenham Cross, Hall Road, Elsenham and B1051
- Existing local plan allocations amount to a more than 50% increase to existing population of Elsenham
- Transport Assessment makes assumptions about cycling. Nature of roads makes cycling a hazardous affair
- Hard enough to find jobs in local area without potentially 800+ new job seekers
- Doctors already over subscribed and out-of hours service stretched
- Existing hospitals often on red alert because of bed shortages
- Village has already taken its fair share of new development
- Extra pressure on Hatfield Forest
- Bishop's Stortford has severe parking problems
- Wildlife under threat because of continuous development
- Priority should be given to using currently empty houses
- Vehicles cannot turn from new link road from Hall Road towards Elsenham
- Why does link road need to be built, spoiling part of an historic grass meadow adjacent to a listed building?
- Commuter trains are already standing room only by the time they get to Elsenham
- How will new houses connect to new treatment works? Pipes will need to cross the railway
- Elsenham rests on sand and this is not a stable medium for foundations
- Area has a high water table and proposed development could detrimentally alter this
- Concerned about provision of maternity services
- Treatment works will be visible from our garden – concern about odours
- Issues with Crown Estates providing a community centre. Same will happen here

- No scope to widen Hall Road from Elsenham to Coopers End Roundabout
- Access for properties along Hall Road will become dangerous
- Site is of moderate archaeological significance
- Permanent, significant increases in noise and pollution
- Level crossing causes congestion and this proposal would result in long queues
- Will greatly impact on my and the children's learning environment
- With similar applications in Bishop's Stortford and North Harlow this area will become a nightmare
- Builders not constructing bungalows or small houses
- Access to M11 can barely cope at moment, new development will make this worse
- What is the point of having a Village Plan if it is going to be ignored by UDC?
- Approving this application would lead to accusations that the u-turn on option 4 and the delay in completing the local plan was needless
- Much in the environmental appraisals should be contested, in particular visual impact and consequences for agriculture
- Closing an existing stretch of road is objectionable
- Traffic lights at Tooting Bridge unnecessary
- New road increases journey times/routes for Henham residents
- Application acknowledges Stansted as destination for residents then new road diverts them to Takeley
- Forest Hall Park has created a divided community – this will be the same
- Land Securities proposal west of Dunmow would be better – close to A120

20.2 Two additional letters were received in response to the first set of Additional Information. These largely confirmed the previous comments, covered above. Also raised concerns about:

- Lack of consultation on proposals to close the stretch of road between Elsenham Cross and Elsenham Place
- Lack of consultation on proposals for traffic calming in Elsenham High Street
- Impact of the strategy to increase queues at Grove Hill in order to encourage alternative routes
- Lack of consultation on proposals to install traffic lights at the Tooting Bridge
- Impact of increased numbers of railway passengers on a system which is already over-loaded
- Overall, transport strategy is fatally flawed – local queues not considered as they don't occur at junctions
- Fails to comply with Policy GEN1 - Access

20.3 Following the submission of the second set of Additional Information the application has been advertised for a fourth time. This advert will expire on 17 October 2013.

Supplementary List of Representations

20.4. 1 additional standard letter has been received. 1 additional representation has been received raising the following new points:

- Inadequate consultation concerning link road.
- Failure of publicity of amendment.
- If implemented these proposals would have a profound effect on virtually all residents of Henham
- Access arrangements for existing properties unclear

- Proposals are dangerous
- Not clear what would happen with existing footpath
- Layout does not take into account new housing west of Hall Road
- Conflict with emergency access for Hall Road development
- Pedestrians crossing “link road” would be faced with high traffic speeds
- Access off Henham Road will be too close to a bend – visibility will be restricted

Verbal Representations

20.5 13 additional letters of representation have been received. These do not comment on the update to the Environmental Statement and raise general issues in relation to the application. These include

- Will not stop at 800 houses but will be for 3000 houses which will totally destroy two beautiful villages
- Not sustainable – local road network under pressure and amenities stretched
- Elsenham has taken fair share of development over the years
- Grove Hill and Hall Road unsuitable for extra traffic
- Pie in the sky link road will not alleviate problems
- Henham and Elsenham’s County Councillor has said “Essex County Council is the relevant highways authority and we have roundly condemned its proposals.” Went on to describe them as monstrous
- Sir Alan Haselhurst has said “the prospect of car use being minimal if there is a circulatory bus every 20 minutes is almost beyond parody.” Also says burden of housing targets is a “monstrous imposition”
- Save Our Villages carried out a poll of attendees at Fairfield’s consultations and found fewer than 1% of people in favour of the proposal
- Direct contravention of UDC’s own dispersed housing development policy

20.6 The Committee were also informed about the receipt of copies of correspondence from Hives Planning, Barton Willmore and Hogan Lovells which were sent to the Councillors.

21 APPRAISAL

The issues to consider in the determination of the application are:

- A whether the principle of development in this location is acceptable, taking into account the material planning considerations of the presumption in favour of sustainable development contained in the NPPF and the current position in relation to the requirement for a deliverable 5 year land supply for housing (ULP Policies S7, S8, H9 and H10, NPPF, DLP Policies SP5, SP8, SP10, SP12, HO5, HO6 and C1)**
- B whether the proposal would make sufficient provision for infrastructure to meet the requirements of the proposals (ULP Policies GEN6, LC3 and LC4, NPPF, DLP Policies RET3, SP4, SP17 and SP18)**
- C whether the proposals would result in a significant adverse impact on the character of the local area (ULP Policies GEN2, ENV2, ENV3, ENV5, ENV9, NPPF, DLP Policies SP13, EN1, EN2, DES1, C2, HE2 and HE3) (See Chapter 7 of the ES)**

- D** whether the proposals would result in significant adverse harm to ecology and areas of nature conservation (ULP Policies GEN7, ENV7, ENV8, NPPF, DLP Policies SP14, HE2, HE3, HE4 and HE5) (See Chapter 8 of the ES)
- E** whether the proposals would result in significant adverse harm to cultural heritage assets (ULP Policies ENV2, ENV4, ENV9, NPPF, DLP Policies HE2 and HE3) (See Chapter 9 of the ES)
- F** whether the proposals would result in significant adverse harm to agricultural land (ULP Policy ENV5, NPPF) (see Chapter 10 of the ES)
- G** whether the proposals would result in significant harm with regards to highways and public transport (ULP Policy GEN1, NPPF, DLP Policy SP15) (see Chapter 11 of the ES)
- H** whether the proposals would give rise to significant environmental harm in relation to air quality (ULP Policies ENV13 and GEN4, NPPF, DLP Policy EN8) (see Chapter 12 of the ES)
- I** whether the proposals would give rise to significant adverse harm or be likely to be adversely affected by noise and vibration (ULP Policies GEN4, ENV10, ENV11, NPPF, DLP Policy EN8) (see Chapter 13 of the ES)
- J** whether the proposals would give rise to significant flood risk within the development or within the local area, or would result in significant detriment to local water resources (ULP Policies GEN3 and ENV12, NPPF, DLP Policies SP9, EN3 and EN4) (see Chapter 14 of the ES)
- K** whether the proposals would result in contamination issues (ULP Policies ENV12 and ENV14, NPPF, DLP Policies EN5 and EN7) (see Chapter 15 of the ES)

- A** whether the principle of development in this location is acceptable, taking into account the material planning considerations of the presumption in favour of sustainable development contained in the NPPF and the current position in relation to the requirement for a deliverable 5 year land supply for housing (ULP Policies S7, S8, H9 and H10, NPPF, DLP Policies SP5, SP8, SP10, SP12, HO5, HO6 and C1)

- 21.1 This site has been the subject of considerations with regards to development both via the Local Development Framework process and the former Labour Government's Eco-Town Programme.
- 21.2 Initially the Uttlesford Core Strategy – Policy Choices and Options for Growth, published in January 2007, set out nine options for site allocations for an estimated requirement for 3000 new homes within the District. Option 1e considered the possibility of concentrating development in a single new settlement. It identified that developers were promoting inter alia, a site between Elsenham and Henham.
- 21.3 In September 2007 the Environment Committee considered a report which recommended the three growth options for further consideration. Members approved for consultation their preferred option on a number of policies and in relation to the growth option to approve for consultation the three growth options as outlined in the paper and to add the fourth option of 3,000 dwellings in a new settlement to the north east of Elsenham; 750 dwellings in larger towns and 250 dwellings in villages and to identify option 4 as the preferred spatial strategy.
- 21.4 At national level the Government was outlining proposals for the development of new eco-towns throughout the country. In April 2008 the Government published the document “Eco-towns: Living a greener future”. This identified a 265 ha site to the north east of the existing Elsenham village and railway station. It was one of a short list

of 15 potential eco-town locations to be subject to appraisal as part of the eco-town programme. It was noted that a new settlement at this location is the preferred option in the Council's core strategy for around 3,000 homes. The eco-town proposal was for a minimum of 5,000 homes and possibly more in the longer term. The Council objected to the consultation paper, arguing that an eco-town as an appropriate way of delivering housing to any particular location should be determined through the local development framework.

21.5 In July 2009 the Government published the document "Eco-towns: Location decision statement". This stated that the site north east of Elsenham was a location which had not demonstrated at that time the potential to meet the sustainability and deliverability requirements for successful development as an eco-town. The document identified the main issues as:

- The site has been assessed as having generally moderate archaeological potential
- Located within a water stressed area
- Concerns over the capacity of the local road network
- Concern that improved train services at Elsenham would be at the expense of services at other nearby stops
- The potential to impact on the character of nearby villages
- The loss of agricultural land
- The presence of protected species in the vicinity.

21.6 Notwithstanding the fact that the site failed to be nominated as an eco-town the Statement identified the following strengths in terms of location:

- Limited ecological constraints and the potential to create ecological gain
- Proximity to a railway station and the potential for rail to be used to access off-site employment and services
- Potential to attract business investment given close proximity to the M11 and Stansted
- Improved access to services, facilities and public transport for residents of local villages.

The Statement concluded that "subject to further work to resolve outstanding deliverability issues, it could have potential and an offer to support that further work will be made to the relevant local authorities."

21.7 On 6 July 2010 the Secretary of State announced the intention to abolish the Regional Spatial Strategies (RSS) with immediate effect. The implication of this was that the Council was no longer committed to allocating sites for the housing numbers set out in the Strategy. This announcement then became the subject of various legal challenges which resulted in there being great uncertainty as to the requirements for setting the figures for housing requirements for local plans. The East of England Plan (RSS) was revoked on 3 January 2013.

21.8 Following the initial announcement of the intention to revoke the RSS the Environment Committee considered a report on 7 September 2010 recommending that a review of the scale of growth for Uttlesford be undertaken. Following this review the Council began consultation on a new Local Plan in January 2012 which set out a dispersal strategy for new housing, including three new allocation sites for Elsenham. The site the subject of this application was not included as a draft Local Plan allocation site.

- 21.9 The draft Local Plan is still at an early stage and has limited weight. At the present time the adopted Local Plan policies are still in force. However, the NPPF is a material planning consideration and this has a presumption in favour of sustainable development.
- 21.10 The application site is located outside the development limits of Elsenham and Henham within open countryside and is therefore located within the Countryside where ULP Policy S7 applies. This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, as a consequence, the proposal is contrary to Policy S7 of the 2005 Local Plan.
- 21.11 A review of the Council's adopted policies and their compatibility with the NPPF. Policy S7 is found to be partly consistent with the NPPF. The protection and enhancement of the natural environment is an important part of the environmental dimension of sustainable development, but the NPPF takes a positive approach, rather than a protective one, to appropriate development in rural areas. The policy strictly controls new building whereas the NPPF supports well designed new buildings to support sustainable growth and expansion of all types of business and enterprise in rural areas. As such this reduces the weight given to the restraint implied by Policy S7 and this must be weighed against the other sustainability principles.
- 21.12 In addition to the above, part of the site, the area proposed to be used for the new link road, is located within the Countryside Protection Zone (CPZ) and is subject to Policy S8 which applies strict control to new development, particularly where new buildings or uses would promote coalescence between airport and existing development in the countryside or it would adversely affect the open characteristics of the zone.
- 21.13 The applicants have argued that Uttlesford cannot demonstrate an adequate 5 year supply of housing land. The Council recognises that it has a shortfall, and that it should consider favourably applications for residential development which will make a positive contribution towards meeting housing need. The Housing Trajectory and Statement of 5 – Year Land Supply 2013 records the average annual completion rate to be 456 (2006/07-2012/13) compared with the average annual completion rate required by the former East of England Plan of 430 dwellings. Looking forward a total of 1618 dwellings are assumed to be delivered within the 5 year period 2014/15 to 2018/2019 taking committed sites only into account. This equates to an average annual completion rate of only 324 dwellings. The current level of delivery on deliverable sites for the 5 year period, based on the Council's current published requirement of 415 dwellings per year, is therefore 74% which equates to 3.7 years of supply. This includes a 5% frontloading. The Council does not consider a 20% frontloading is necessary because there has not been persistent under delivery, and this position has recently been confirmed by the Inspector in the Flitch Green appeals. If the proposed sites identified in the Draft Local Plan June 2012 are taken into account 116% of the requirement on deliverable sites for years 1-5 is met and this is equivalent to 5.8 years of supply against the RSS target.
- 21.14 As a consequence the Council still remains without a deliverable 5 year supply of housing land and therefore applications have to be considered against the guidance set out in Paragraph 49 of the NPPF. The Council has accepted this previously and has considered and determined planning applications in this light. As a consequence,

planning permission has been granted for residential development outside development limits where appropriate, on sites that are identified for potential future development in the emerging Local Plan and on sites which are not identified but which are considered to be sustainable.

- 21.15 The site performed well in the SHLAA with the negative issues being loss of agricultural land, impacts on the landscape and some flood risk issues particularly in the area of Old Mead Road. The SHLAA recognised that more detailed analysis of the site's constraints were needed than the timetable for the SHLAA allowed but initial concerns were raised in respect of highways, in particular the capacity of existing access roads. The availability assessment concluded that the site was suitable, available and achievable with the capacity to deliver 900 dwellings between 2011 and 2016. There is no reason to assume that this conclusion is no longer relevant.
- 21.16 The principle of sustainability in relation to this site has previously been considered under the eco-town site selection process. As stated above the site was not considered suitable for an eco-town at that time for various reasons. In all other respects the site was considered appropriate for development. Therefore the reasons the site was considered inappropriate previously need to be carefully considered. It should be noted that the criteria for eco-towns was more stringent than the current consideration of sustainable development. In addition, the previous considerations were in respect of a development of around 5000 homes rather than the current proposal for 800. Whilst there are concerns locally that this proposal is the first phase of a larger development we are required to consider the proposal before us and not what might come forward in the future.
- 21.17 The reasons the site was considered unsuitable in the Eco-Towns Location Decision Statement were:
- **The site has been assessed as having generally moderate archaeological potential:** The Environmental Statement (ES) considers the impacts on archaeology and this has been assessed by ECC Archaeology section. They raise no objections to the proposals subject to a condition requiring an archaeological programme of trial trenching followed by open area excavation. As such this proposal is considered to be acceptable in terms of impacts on archaeology.
 - **Located within a water stressed area:** The EA has responded stating that they support the proposals put forward in respect to water resources. These include the dwellings being constructed to Code Level 3 and non-residential development being constructed to BREEAM very good standards. The EA also supports the proposed grey water recycling and rainwater harvesting hierarchy as set out in the application.
 - **Concerns over the capacity of the local road network:** ECC Highways has carried out extensive negotiations with the applicant in respect of the proposals and the potential impact on the local highway network. Careful consideration has been given to the proposed transport package, including the aspiration to direct traffic towards Takeley Four Ashes. The final conclusion is that they raise no objections subject to conditions.
 - **Concern that improved train services at Elsenham would be at the expense of services at other nearby stops:** Network Rail is of the opinion that a proportion of residents are likely to use the rail network for commuting. This would give rise to the need for improvements to Elsenham Station and rail infrastructure. The mitigation measures in relation to improvements to the station have not been specifically identified but could be secured by a S106 Obligation.

- **The potential to impact on the character of nearby villages:** The scheme is significantly reduced in relation to the 5000 proposed in the eco-town scenario and as such the impacts would be reduced. Whilst the site is predominantly in the parish of Henham the main immediate visual and physical impacts would be to properties located predominantly in Elsenham. The main characteristic of the village is of 20th and 21st century developments, with an historic core around Elsenham Cross. The proposals would introduce significant new built form (an increase of approximately 85%) and a new access road resulting in a significant change to the character of the village of Elsenham. This impact would need to be carefully weighed against other planning considerations.
- **The loss of agricultural land:** The application site is approximately 51 hectares and considerably smaller than the eco-town proposal of 265 hectares. Notwithstanding this, the proposal will result in the loss of agricultural land and this will need to be carefully weighed against other planning considerations.
- **The presence of protected species in the vicinity:** The ES contains a chapter in relation to ecology and gives a summary of the various ecological surveys which have been undertaken. Natural England and ECC Ecology have been consulted. Natural England raises no objections to the proposals. ECC Ecology raises concerns about the proposed mitigation in particular in relation to breeding birds. Recommendations are made in respect of additional mitigation but no specific objections are raised in respect of the proposals.

21.18 From the above it is clear that the reasons for the site being considered unsuitable for eco-town status are largely overcome by this smaller proposal and the site can be considered to be sustainable subject to increased mitigation measures which could be secured by a S106 Obligation.

21.19 Paragraph 14 of the NPPF sets out that there is a presumption in favour of sustainable development. The core principles of the NPPF set out the three strands of sustainable development. These are the economic role, social role and environmental role. The NPPF specifically states that these roles should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously. It is therefore necessary to consider these three principles.

21.20 Economic role: The NPPF identifies this as contributing to building a strong, responsive and competitive economy, supporting growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure. This proposal would make a contribution towards the provision of employment land in a sustainable location. This could be beneficial to both the occupiers of the existing village(s) and/or the proposed development. The scheme embraces the principles of the Council's Economic Strategy, including the provision of high speed broadband. Increased infrastructure is proposed including increased public transport and improvements to the station, increasing the potential for the use of alternative means of travel to areas of employment. This proposal would help deliver an economic role.

21.21 Social role: The NPPF identifies this as supplying required housing and creating high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The proposal would make a contribution towards the delivery of the housing needed for the district. Whilst design is a reserved matter, the Illustrative Master Plan indicates a development that reflects

the rural character of the location. Landscaping would be used to reduce the visual impacts and some landscaping elements would introduce additional facilities required for health, social and cultural well-being. These include the proposed allotments, sports pitches, Sandpits Nature Park and the proposed areas of open space. Other accessible services include the proposed mix of retail units and the potential for a new health centre facility. This proposal would help to deliver a social role.

- 21.22 Environmental role: The NPPF identifies this as contributing to protecting and enhancing our natural, built and historic environment, including, inter alia, improvements to biodiversity and minimising waste. Whilst layout, scale, design and landscaping are to be reserved matters, there is significant detail within the Illustrative Master Plan and the Environmental Statement to demonstrate the way in which the scheme would help to deliver an environmental role.
- 21.23 It has been shown above that the previous concerns relating to the site for development under the eco-town programme have been overcome by this reduced scheme. Furthermore, the proposals would help to fulfil the three principles of sustainable development. As such the proposals would comply with the positive stance towards sustainable development as set out in the NPPF and the presumption in favour of approval, unless material considerations indicate otherwise.
- 21.24 As set out in paragraph 10.12 above, the Council cannot demonstrate a deliverable 5 year supply of land for residential development. This proposal seeks to deliver 800 new dwellings within a 5 year period, if permission is granted now; construction is envisaged to be between 2014-2019. The number of dwellings completed within the 5 year period is particularly dependent upon the time taken to get detailed consents for the phases, completion of the sewage treatment works and the link road. Annual completion rates at Flitch Green, Foresthall Park and Priors Green indicate that achieving 150 dwellings a year is at the upper end of the building rate and therefore completion of all 800 dwellings is optimistic and a more realistic number is likely to be 350 dwellings within 5 years. However, this would make a significant contribution towards the Council's shortfall in the 5 year land supply, now and as the 5 year period is rolled forward and this must be given significant weight. Furthermore, the development would deliver up to 40% affordable housing, around 320 units. This benefit of the proposals must also be given considerable weight and this could be secured by a S106 Obligation.

B Whether the proposal would make sufficient provision for infrastructure to meet the requirements of the proposals (ULP Policies GEN6, LC3 and LC4, NPPF, DLP Policies RET3, SP17 and SP18)

- 21.25 Policy GEN6 requires development proposals to make provision for community facilities, school capacity, public services, transport provision, drainage and other infrastructure, which can be secured by an appropriate legal agreement. Policies LC3 and LC4 relate to the provision of community facilities and outdoor sport and recreational facilities.
- 21.26 The scale of the development would give rise to various infrastructure requirements and the application includes details of the proposed provisions. These would include the following:
- Construction of a Waste Water Treatment Works (WWTW)
 - Provision of a site for a primary school
 - Provision of a site for a health care facility
 - Provision of a community building

- Provision of sports facilities and informal open space
- Provision of allotments
- Provision of retail floor space
- Provision of new public transport service

Other provisions include off-site highway works which would not require planning permission and would be delivered through a S278 Agreement with Essex County Council. These works include the widening of Hall Road, traffic calming in Elsenham High Street, alterations to the road through Tye Green to promote “Quiet Lane” status, traffic lights at the “Tooting Bridge” and alterations to Junction 8 of the M11.

- 21.27 The WWTW is proposed to be constructed on land to the west of the railway line and adjacent to the M11. This would be accessed from Bedwell Road and the access would run parallel with the M11 which is in an elevated position. The applicant has been working with the Environment Agency and Anglian Water to secure a scheme which would not result in environmental harm. The delivery of the WWTW can be secured through a S106 Obligation or planning condition.
- 21.28 With regards to the proposed health care facility, NHS Property Services has stated that this is not required. However, they would require the payment of a financial contribution to provide additional services elsewhere. The applicant has stated that they are prepared to provide either option, which can be secured by a S106 Obligation.
- 21.29 In relation to the proposed school, ECC Education has stated that a financial contribution will also be required for the design and build of the school. In addition the development is likely to result in the requirement for extra secondary school facilities for which a financial contribution would be required. Again these can be secured by a S106 Obligation to which the applicant is happy to enter.
- 21.30 Sport England initially raised concerns in relation to the proposed community building and the sports pavilion. The applicant has amended the description of the application to remove the floorspace figure in relation to the sports pavilion. Fixing the maximum size of the sports pavilion is restrictive and could result in the provision of an inadequate building. It is now proposed to specify a range of facilities that would be provided within such a building and these could be secured by a S106 Obligation. A similar approach is proposed in respect of the community building. This is considered acceptable by Sport England and they have removed their objection.
- 21.31 Draft Local Plan Policy INF1 would require the provision of 0.23ha of parks and gardens, 1.54ha of amenity green space, 13.44ha of natural and semi-natural greenspaces and 0.20ha of land for children and young people. A total of 0.38ha of land to be provided for young people which would include a LEAP and a NEAP and 0.16ha of LAPs throughout the development. In addition 0.30ha of parks and garden land is proposed together with 2.49ha of amenity green space and 8.92ha of natural and semi-natural green spaces. The open space would be made up with the following:
- Sandpits Nature Park (5.34ha)
 - Little Hide Sports Ground (5.19ha) including a LEAP, NEAP and allotments
 - The Farmers Line and Northern Gateway Park (1.74ha) including a LEAP
 - Southern Pocket Park (0.6ha) including a LEAP
 - Northern Pocket Park (0.23ha)
 - Green street spine and green corridors along the eastern and northern edges of the development
 - Local square and interchange area

- 21.32 It is estimated that the proposal would result in the required for 0.48ha of additional allotments. It is proposed that 0.59ha of additional allotments would be provided within the development. This would equate to 19 standard size allotment plots. These are shown to be located at the southern end of the development, adjacent to the proposed sports pitches, LEAP and NEAP. These facilities can be secured through a S106 Obligation or planning condition.
- 21.33 The proposals include the provision of up to 1400sqm gross retail floorspace. The breakdown of this isn't specified although it is proposed that a mix of A1 (shops), A2 (financial and professional services), A3 (food and drink), A4 (drinking establishments) and A5 (hot food takeaways) could be provided. NPPF Paragraph 24 requires local planning authorities to apply the sequential test to planning applications for main town centre uses that are not in an existing centre. In this instance the retail facilities are envisaged to serve the proposed development rather than be competing with existing town centres. The provision of this level of floorspace for A class uses would be beneficial in increasing the sustainability of the proposed development. These facilities can be secured by a S106 Obligation.
- 21.34 Discussions are on-going with a local bus company with regards to the provision of additional services to serve the development. The applicant is proposing to secure via a S106 Obligation a level of public transport service to be provided for the development. It is proposed to create a bus route which links Elsenham Station to Bishop's Stortford, Stansted Mountfitchet and Stansted Airport. This would be a 30 minute frequency service, increasing to 20 minutes during peak hours, operating between 07:00 and 19:00. Between 04:00 and 07:00 and 19:00 and 22:00 there would be an hourly service between the development and Stansted Airport. The service would operate Monday-Saturday and it is proposed that the developer would pay a subsidy for 4 years from first occupation. Other improvements would be made to signage including Real Time Passenger Information signage at Elsenham Station and other bus stops within Elsenham.
- 21.35 A transport interchange is proposed adjacent to Elsenham Station. This would provide a bus stop; a taxi rank for 5 taxis; safe, secure and sheltered cycle parking facilities; a kiss and ride facility and disabled car parking. These would form part of the reserved matters if planning permission is granted and can be secured by a S106 Obligation or planning condition.
- 21.36 Given the extensive range of infrastructure proposed or agreed to be secured by S106 Obligation or planning conditions, the proposals comply with the relevant policies.

C Whether the proposals would result in a significant adverse impact on the character of the local area (ULP Policies GEN2, ENV2, ENV3, ENV5, ENV9, NPPF, DLP Policies SP13, EN1, EN2, DES1, C2, HE2 and HE3) (See Chapter 7 of the ES)

- 21.37 Chapter 7 of the ES considers the landscape and visual impacts of the proposals. It sets out the methodology, the base line situation and confirms that the study contributed towards the Illustrative Masterplan. The assessment considers the impacts of the proposals during the construction and operational phase with the operational phases being assessed at 1 year and 15 years post completion. The construction phase is envisaged to be 2014-2018/19 and the operational phases are assessed as being 2018/19 and the 15 year post completion assessment is given as being 2034.
- 21.38 Policy GEN2 seeks to ensure that development will be of an appropriate design and mitigates any potential harm. Policy ENV2 seeks to protect, inter alia, the setting of

listed buildings, as reinforced in the NPPF. Policy ENV3 seeks to protect traditional open spaces and trees. Policy ENV5 seeks to protect the best agricultural land. Policy ENV9 seeks to protect historic landscapes, including protected lanes. These latter two policies are considered in more detail in later sections.

- 21.39 The assessment has been carried out from representative viewpoints, in terms of residential amenity, effects on public rights of way and the sensitivity of visual receptors including residents, workers and the travelling public and visitors. The magnitude of impact is assessed and then the sensitivity of the receptor to the change. The receptor can be the landscape itself or the viewer. Effects are then categorised as being Adverse, Neutral or Beneficial. The potential for cumulative effects has also been assessed.
- 21.40 The Parameters Plan indicates that there would be residential development in the northern section of the site, to the north of the Farmer's Line. It is proposed that the local square and transport interchange and primary school would be located to the south of the Farmer's Line. Residential development is proposed below this down to the northern boundary of Park Road. New allotments, the Little Hide Sports Ground and associated open space with LEAP and NEAP would be located at the southern point of the development. On the south eastern side in the existing sandpit area would be the proposed Sandpits Nature Park.
- 21.41 The southern edge of the development is currently arable land and therefore forms a rural backdrop to Elsenham. The location of the greenspace to the southern part of the site would help to retain the rural setting and would provide a soft edge to the proposals.
- 21.42 Existing boundary screening along the West Anglian railway line on Network Rail land would be retained and reinforced where necessary by new planting associated with public open spaces and planting along the site edge. This would help screen the proposed development from the travelling public on the railway line and users and residents of Station Road. There is limited screening around the station and the desire to have a transport interchange in this area results in a need for this to be visible to potential users. Elsenham Station has a listed building on the south bound platform, adjacent to the proposed development. There are other listed buildings around the Elsenham Cross area.
- 21.43 The proposed revised link road design has been submitted in response to ECC Highway's comments. This would run south from Henham Road to Hall Road and would be located in the paddock adjacent to a listed building. The Illustrative Masterplan shows that this would be extensively landscaped in order to mitigate the visual impact, full details of which would be covered by a reserved matters application.
- 21.44 The ES discusses the impacts on the landscape with reference to the district landscape character areas and the proposals lie across 3 areas. Area 1 is the Stort River Valley Landscape Character area which would be affected by the proposed link road. This landscape is shown to have a high sensitivity to the proposed development. Given the small area affected and the proposed landscaping mitigation it is considered that the proposals would result in a moderate adverse impact within 200 metres and a neutral impact overall for the construction and opening year. This reduces to minor neutral and neutral significance for the design year.
- 21.45 The second area affected would be the Debden Farmland Plateau Landscape Character Area which lies approximately 1.2km to the north of the proposals. This area also has a high sensitivity to change but taking into account the proposed landscaping

mitigation it is considered that the proposals would have neutral significance on this landscape.

- 21.46 The third area affected would be the Broxton Farmland Plateau Landscape Character Area where the majority of the application site falls. This area has a high-medium sensitivity to change. The assessment concludes that the proposals would have a moderate adverse significance within 500m and minor adverse significance overall for the construction phase and opening year. This reduces to moderate neutral and neutral significance for the design year.
- 21.47 The ES details the 9 viewpoints used to assess the proposed development. These range from between 15m and 1.6km from the site and include the footbridge at Elsenham Station, points along the Farmers Line, Elsenham Cross, New Road/Bedwell Road, the edge of Henham and Tye Green Road. The significance of the impact of the development is considered to range from moderate adverse in the construction phase and opening year for the closer assessment points to neutral for the furthest. The impacts reduce to moderate neutral and neutral for the design year and it is considered that there would be a minor beneficial significance to the viewpoint on the edge of Henham.
- 21.48 The revision to the layout of the proposed link road would increase the visual impact of this feature. There would be clear views to construction activity where the link road joins Henham Road and where it passes through the open field. The significance of the impact of the design change would be increased from moderate to major-moderate adverse significance. The landscaping would help mitigate the impacts of the feature and this would result in residual effects ranging from neutral to moderate neutral and minor beneficial.
- 21.49 It is accepted that residential development of this scale would have an impact on the character of the area and would result in visual impacts on the rural area. These impacts can be suitably mitigated through appropriate landscaping measures, which would form part of the reserved matters. The ES concludes that the residual effects of the development would be moderate/neutral to neutral. The Council's Landscape Officer has confirmed agreement with the findings of the Landscape Assessment.

D Whether the proposals would result in significant adverse harm to ecology and areas of nature conservation (ULP Policies GEN7, ENV7, ENV8, NPPF, DLP Policies SP14, HE2, HE3, HE4 and HE5) (See Chapter 8 of the ES)

- 21.50 Chapter 8 of the ES considers the impacts on ecology and nature conservation. It sets out the methodology and sets out the range of surveys undertaken. It establishes the geographical frame of reference, the likelihood of change occurring and definition of parameters for describing the likely effects. Significant effects are assessed in relation to their geographic scale. Proposed mitigation measures are taken into consideration and cumulative effects are also considered.
- 21.51 Policy GEN7 seeks to prevent development which would result in harm to wildlife or geological features. Policy ENV7 seeks to protect, inter alia, SSSIs and Local Wildlife Sites from harmful development. Policy ENV8 seeks to protect landscape features important to nature conservation, such as hedgerows, linear tree belts and semi-natural grasslands. The NPPF requires the impacts on biodiversity to be taken into consideration.
- 21.52 In addition to biodiversity and protected species being a material planning consideration, there are statutory duties imposed on local planning authorities. Section

40(1) of the Natural Environment and Rural Communities Act 2006 states “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.” This includes local authorities carrying out their consideration of planning applications. Similar requirements are set out in Regulation 3(4) of the Conservation (Natural Habitats &c) Regulations 1994, Section 74 of the Countryside and Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010.

- 21.53 A wide range of surveys were undertaken in respect of the proposals, including an Extended Phase 1 Habitat Survey, bat survey, bird surveys, great crested newt and reptile surveys and invertebrate surveys.
- 21.54 The site does not have any statutory designated sites within the boundary. The closest national designated sites are Elsenham Woods SSSI (1.7km) and Quendon Woods SSSI (2km) from the site. There are 13 non-statutory local wildlife sites within 2.2km of the site, the closest being Alsa Wood 0.5km to the south west.
- 21.55 The ES sets out the habitats and species that could be affected by the proposals. The impact on the SSSIs is considered to be negligible given the degree of separation from the site. This is considered to be acceptable.
- 21.56 Significant minor adverse effects are predicted in relation to the permanent loss of semi-improved neutral grassland and the loss of short sections totalling approximately 120m of hedgerows. There would be impacts on badgers and the failure to implement mitigation measures would result in a major adverse effect on the local/parish population of this species. There would be a minor adverse effect on commuting or foraging bats. The ES considers that there would be a minor adverse effect on bird assemblage at a local/parish level.
- 21.57 With regards to great crested newts, it was not possible to survey all the ponds within 500m of the site due to access being refused in some cases. An assessment has been made on a worse case scenario basis and concludes that there could be a minor adverse effect on at a local/parish level.
- 21.58 Minor adverse effects could result on local/parish populations of common lizard and slow worms as a result of the loss of poor semi-improved grassland field margins. A similar impact is likely in respect of invertebrates, although this would be at a regional level for some species such as the metallic red jewel beetle and the black big-headed fly. This is increased to an adverse effect or regional level in respect of the yellow gall fly.
- 21.59 The creation of a SUDs feature in the old sandpits is likely to result in a significant minor adverse effect at a county level on the shiny black mining bee. However, this feature is intended to be an infiltration basin rather than a water holding basin. The method of construction proposed would ensure that the turf and upper soil horizons are appropriately removed and reinstated and the timing of these operations would be after the emergence of adults from the brood nests.
- 21.60 A range of mitigation measures is proposed for protected species including the planting of new native hedgerows, creation of an artificial badger sett, creation of new linear habitats for bat foraging and commuting, and the trapping and translocation of great crested newts and reptiles, and the creation of new grassland habitats.

- 21.61 The ES concludes that the residual impacts of the proposals for the operational phase would be minor adverse effects at a local/parish level due to increased recreational use of habitats and the potential for increased litter. However, gardens will provide increased habitats for local wildlife and these would represent a minor beneficial effect at a local/parish level.
- 21.62 Following mitigation the residual effects of the proposals are considered to be negligible in relation to arable fields and improved pasture. Minor beneficial impacts would result in relation to species poor semi-improved grasslands and semi-improved grasslands, and also in relation to native hedgerows, continuous scrub and mature trees. In relation to Stansted Brook and water bodies within the site, the residual effects are considered to be negligible-minor beneficial. Similarly there would be negligible residual effects on local sites of nature conservation and all retained and newly created habitats.
- 21.63 In relation to species, the mitigation measures would result in negligible-minor beneficial residual effects in relation to foraging badgers. Similarly the residual effects following mitigation would be minor beneficial in respect of bats. Enhancements are proposed which are considered to result in minor beneficial residual effects in relation to great crested newts and reptiles.
- 21.64 A wide range of birds are potentially affected by the development proposals and the mitigation measures including creation of new habitats would result in the residual effects ranging from negligible to minor beneficial depending on the species.
- 21.65 A wide range of terrestrial invertebrates have also been recorded within the site, in particular in the area around the former sand pits. Following the proposed mitigation which include the creation of new habitats or proper maintenance of existing habitats, the residual effects of the proposals on invertebrates are considered to range from negligible to minor-beneficial, depending on the species.
- 21.66 The impacts on biodiversity and protected species will need to be weighed up against the benefits of the proposals. A package of mitigation measures is proposed which would result in minor beneficial or negligible impacts as a result of the proposed development. The mitigation measures can be secured by way of condition.

E Whether the proposals would result in significant adverse harm to cultural heritage assets (ULP Policies ENV2, ENV4, ENV9, NPPF, DLP Policies HE2 and HE3) (See Chapter 9 of the ES)

- 21.67 Chapter 9 of the ES considers the impacts of the proposals on cultural heritage assets and archaeology. It sets out the methodology and the base line situation. It sets out how the significance of effects is measured and this is in accordance with the Conservation Principles (English Heritage 2008) and The Setting of Heritage Assets (English Heritage 2011) and Seeing the History in the View (English Heritage 2011).
- 21.68 Policy ENV2 seeks to control development which could result in an adverse impact on the setting of listed buildings. Policy ENV4 seeks to ensure archaeological remains are preserved, or where this isn't possible, to be properly recorded. Policy ENV9 seeks to protect local historic landscapes, including protected lanes. It should be noted that there are no protected landscapes within the application site. However, within the Transport Assessment environmental measures are proposed to achieve "Quiet Lane" status for the road at Tye Green, which is a protected lane. It should be noted that these works would not require planning permission and could be carried out under a Section 278 Agreement with the County Highway Authority.

- 21.69 The ES identifies 106 listed buildings within 1km of the proposed site, one Conservation Area at Henham and one Scheduled Monument at Henham Hall, Church Lane, Henham. The closest listed building to the proposed development would be the Waiting Room at Elsenham Station and the buildings at Elsenham Place would be the closest to the proposed link road.
- 21.70 The construction phase of the proposals would result in moderate harm to the setting of the Waiting Room at Elsenham Station. The construction of the proposed link road would result in a major or moderate adverse impact on buildings at Elsenham Place, Elsenham Cross and Gardener's Cottage. Minor adverse impacts could result due to impacts on potential archaeological deposits and the Farmers Line.
- 21.71 The operational effects would be moderate adverse in relation to the Waiting Room, buildings at Elsenham Place, Elsenham Cross and Gardener's Cottage. Minor adverse effects could result in respect of archaeological deposits and the Farmers Line.
- 21.72 Mitigation measures are proposed in the form of screening, in particular new landscaping in the proximity of Elsenham Station, and the design of the proposed link road which would result in the effects being reduced to minor adverse. A programme of archaeological investigation can be secured by condition and this would result in minor adverse harm. Interpretation features along the Farmers Line are proposed and the ES concludes that this would be a medium beneficial effect.
- 21.73 The ES also considers the potential impacts on archaeology. A Geophysical Survey Report identified a number of potential archaeological deposits within and adjacent to the application site. The Archaeological baseline assessment identified a number of potential archaeological assets, although the geophysical survey indicates that these could represent modern services. Prehistoric, Roman and Saxon finds of local significance have been recovered from the Pledgdon Sandpit in the south-east of the site. The impacts on archaeology could be up to minor adverse. Mitigation can be secured by way of a programme of archaeological investigation and excavation, which could be secured by condition.
- 21.74 Paragraph 134 of the NPPF states that where development proposals will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including security its optimum viable use. The findings of the ES are not disputed. The impacts on the cultural heritage assets can be mitigated and would not be so adverse as to outweigh the benefits of the proposals.

F Whether the proposals would result in significant adverse harm to agricultural land (ULP Policy ENV5, NPPF) (see Chapter 10 of the ES)

- 21.75 Chapter 10 of the ES considers the impacts of the proposals in relation to the loss of agricultural land. It sets out the methodology and how the significance of the effects will be assessed.
- 21.76 Policy ENV5 seeks to protect the best and most versatile agricultural land. Where development of agricultural land is required developers should seek to use areas of poorer quality, except where other sustainability considerations suggest otherwise. Paragraph 112 of the NPPF requires local planning authorities to take into account the economic and other benefits of the best and most versatile agricultural land. Annex 2 defines the best and most versatile agricultural land as grades 1, 2 and 3a of the Agricultural Land Classification.

- 21.77 An assessment of the soil type shows that the soils are well suited to mixed land use and cropping including root crops such as sugar beet. The soils have a level of natural fertility and soil permeability and the site supports highly intensive and productive agricultural systems.
- 21.78 Within the application site approximately 42% is Grade 2 and 58% Grade 3 agricultural land. The areas covered by the Grade 3 classification include the area of the proposed link road currently used as paddock, the area for the proposed WWTW currently used for arable crops, and a large proportion of the site of the former poultry units. The area covered by the former sandpits also falls within the Grade 3 area. The remaining Grade 3 land forms a swathe to the east of Station Road and is currently in arable use, along with the Grade 2 land. The arable land is farmed by two farming businesses, one having developed a niche market producing cereals for baby food, the other becoming part of a larger farming syndicate.
- 21.79 The ES considers the impacts of the loss of agricultural land and demonstrates that 31.79ha of arable land would be lost as a result of the proposals and that 60% of this would be Grade 3 land. Grade 2 land would constitute 18.37ha of which 8.78ha does not currently appear to be in agricultural production. There would be a temporary loss of some agricultural land for the construction of the haul road required during the construction period. Overall the proposals would have a major adverse effect on Grade 2 land and moderate adverse effect on Grade 3 land. This would result in a minor adverse impact on the farm businesses.
- 21.80 Mitigation measures cannot be easily implemented in relation to the loss of agricultural land. In this instance it is proposed to phase the development resulting in a gradual loss of agricultural land enabling the farm businesses to adapt. Notwithstanding this, the impacts of the loss of agricultural land and the impacts on the farm businesses will need to be weighed against the benefits of the proposals. The Uttlesford District is predominantly rural with limited brownfield development opportunities and as such the large-scale provision of new residential development will result in the loss of agricultural land. In this instance the impacts are limited in terms of impacts on Grade 2 land. As such the proposals comply with the requirements of Policy ENV5 and paragraph 112 of the NPPF. In addition, the limited impacts must be weighed up against the other sustainability effects of development in this location.

G Whether the proposals would result in significant harm with regards to highways and public transport (ULP Policy GEN1, NPPF, DLP Policy SP15) (see Chapter 11 of the ES)

- 21.81 Chapter 11 of the ES considers the impacts on highways, public transport and pedestrians and cyclists. It sets out the assessment methodology, baseline characteristics and how the significance criteria will be assessed. It assesses the road network, public transport network capacity, severance, driver delay, pedestrian delay, pedestrian amenity, cyclist amenity and delay, and fear and intimidation. This chapter is also supported by the Transport Assessment and the Transport Assessment Addendum.
- 21.82 Policy GEN1 requires development proposals to have, inter alia:
- a) access to the main road network must be capable of carrying the traffic generated by the development safely
 - b) the traffic generated by the development must be capable of being accommodated on the surrounding transport network

21.83 Paragraph 32 of the NPPF states:

All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

21.84 Elsenham is located away from the primary routes through the district, although the B1051 runs east-west along the southern boundary of the site. This provides access to Stansted to the west and Henham and Thaxted to the east. Hall Road connects Elsenham to Takeley which lies to the south. Station Road crosses the railway line and becomes Old Mead Road and North Hall Road and gives connections to the north. There are other local routes such as through Ugley Green.

21.85 Elsenham is served by public transport in the form of the railway line operating services to Cambridge and London Liverpool Street. These are twice an hour in peak times and hourly at other times. Two bus routes serve the village, one being a school bus route and the other providing an hourly service to Stansted Airport and Bishop's Stortford.

21.86 There are a number of public rights of way within the development site. These include the former railway line running east-west from Old Mead Road towards Henham and a footpath from the Elsenham Cross area into the former sand and gravel pits, passing through the existing cricket ground. There is a further footpath crossing the railway line and passing in part along the access road to the proposed WWTW. Another footpath passes through the field where the proposed link road is located.

21.87 The application is accompanied by a Transport Assessment which has assessed the current traffic levels and predicts the traffic levels in relation to the proposed development. This has been updated by the Transport Assessment Addendum. The methodology and basis for the calculations have been agreed with Essex County Council Highways and the Highways Agency. The Assessment considers impacts on the local road network and proposes a mitigation strategy.

21.88 The construction period is envisaged as being from 2014/15 to 2018/19 with construction taking place for 50 weeks of the year, 5 days a week and 0.5 days at the weekend. During the construction process it is envisaged that there would be on average 26 one-way vehicle trips per day in relation to the delivery of goods and materials, although this would fluctuate according to the construction programme. Excavation/earthworks would result in an average of 3 HGVs a day. The impact on traffic volumes on the local roads would be an increase of 1.6% on Henham Road, 1.7% on Hall Road, 0.6% on Parsonage Road, 0.5% on the B1256 and 0.08% on the M11. These increases fall within the daily fluctuations of traffic movements and would be minimal and imperceptible.

21.89 The impacts of the construction traffic are considered to be negligible in respect of driver delay. With regards to severance, pedestrian and cyclist delay, amenity fear and intimidation it is considered that the effects would range from negligible minor to

moderate adverse impacts. Mitigation is proposed in the form of Construction Environmental Management Plan which would set out the measures required to minimise the impacts of the construction vehicles. This could be secured by condition if planning permission were to be granted.

- 21.90 The impacts of the completed development have been assessed and for the basis of this it has been assumed that the roundabout a Coopers End (access to London Stansted Airport) will be closed off at some point in the future. This approach results in significant increases in traffic volumes along Hall Road and Dunmow Road (B1256 west) and this includes the existing traffic volumes which would have to find alternative routes. Cumulative impacts with other committed developments have also been undertaken.
- 21.91 In terms of pedestrian and cyclist delay, fear and intimidation, accidents and public transport, the traffic flows on Old Mead Road, Henham Road and Hall Road could have a minor adverse impact on cyclist delay.
- 21.92 The table below sets out the likely significant impacts prior to mitigation, the mitigation proposed and the outcome/residual effect.

Table 11.20A: Summary of Potential Impacts of the Proposed Development, Mitigation and Residual Effects				
Likely Significant Impact	Outcome Prior to Mitigation	Mitigation Proposed	Means of Implementation	Outcome/Residual Effect
Construction				
Driver Delay from construction activities	Negligible	CEMP including Construction Traffic Management Plan	Secured by an appropriately worded planning condition	Negligible
Pedestrian & Cycling Severance, Delay, Amenity, Fear, Intimidation	Minor to moderate Adverse	CEMP including Construction Traffic Management Plan	Secured by an appropriately worded planning condition	Negligible to Minor Adverse
Completed Development				
Severance	Negligible to Minor Adverse	Introduction of traffic calming scheme along Henham Road, Installation of footway along Henham Road, new pedestrians crossings and connections through the site	Secured by an appropriately worded planning condition	Negligible
Driver Delay (2018)	Negligible	Signal Timing changes and wider travel planning initiatives	Secured by an appropriately worded planning condition	Negligible
Driver Delay (2023)	Negligible to Minor Adverse	Signal Timing changes and wider travel planning initiatives	Secured by an appropriately worded planning condition	Negligible to Minor Adverse
Pedestrian Delay and Amenity	Negligible to Minor Adverse	Introduction of traffic calming scheme along Henham Road, Installation of footway along Henham Road, new	Financial contributions through suitably worded s106 and inherent feature of	Minor to Moderate Beneficial

		pedestrians crossings and connections through the site	proposed development	Negligible to Minor Adverse
Cycling Delay and Amenity	Minor Adverse	Introduction of traffic calming scheme along Henham Road, Installation of Cycleway along Henham Road, and along Hall Road and routes through site	Financial contributions through suitably worded s106 and inherent feature of proposed development	Minor to Moderate Beneficial
Fear and Intimidation	Negligible	Introduction of traffic calming scheme along Henham Road, Installation of footway along Henham Road, new pedestrians crossings and connections through the site	Financial contributions through suitably worded s106	Negligible
Accidents and Safety	Negligible to Minor Adverse	Engineer improved visibility and road widening where possible at bend in Hall Road	Financial contributions through suitably worded s106	Negligible

21.93 The Highways Agency and ECC Highways have considered the proposals, the potential impacts and the proposed mitigation measures. The Highways Agency raises no objections subject to alterations being carried out to M11 Junction 8 in the form of revised lane markings and upgrades to signalling.

21.94 ECC Highways has given very careful consideration to the proposals and in particular the proposed mitigation. There have been lengthy negotiations in relation to the proposed link road, which would form a fundamental element of the transport strategy. A layout has been agreed which is acceptable in terms of highway safety and underpinning the feasibility of the transport strategy. On this basis they raise no objections to the proposals subject to conditions being imposed and various mitigation measures being secured by way of a S106 Obligation.

21.95 On this basis the applicants have therefore demonstrated that the development can be accommodated on the existing road network satisfactorily. Therefore the proposals comply with Policy GEN1 and paragraph 32 of the NPPF advises that as such the proposals should be approved.

H Whether the proposals would give rise to significant environmental harm in relation to air quality (ULP Policies ENV13 and GEN4, NPPF, DLP Policy EN6) (see Chapter 12 of the ES)

21.96 Chapter 12 of the ES considers the impacts on Air Quality both in terms of the construction period and the operational period of the proposals. It sets out the methodology, the extent of the study area, details of consultations undertaken and how the impacts will be assessed. The baseline conditions are set out and data sources are clearly identified.

21.97 Policy ENV13 seeks to prevent locating development which would expose users on a long-term basis to poor air quality. In this instance, this relates to a 100m zone adjacent to the M11. Policy GEN4 seeks to protect existing development from harm

arising from new development proposals from effects including noise, vibration, dust and smells.

- 21.98 The document correctly identifies that there is no Air Quality Management Area within the vicinity of the site. It is acknowledged that the site lies in close proximity to the M11 and that this could have an impact on the proposals. Furthermore, the impacts of the two nearby quarry/landfill sites have also been considered.
- 21.99 During the construction phase the impacts are considered to be an increase in dust generated by on-site activities on nearby properties, increase in particulate matter and increase in pollutant concentrations from exhaust emissions from construction traffic and plant affecting local air quality and residents.
- 21.100 The ES acknowledges that without mitigation the impacts from dust and increases in particulate matter would be moderate adverse to local residents and increases in pollutants from exhaust fumes would be minor adverse. However, mitigation measures can be secured by means of a Construction Environmental Management Plan which includes measures such as dampening down roads, use of wheel washing facilities, and careful management of materials. This could be secured by way of condition if planning permission were to be granted and as such the significance of the impacts would be negligible.
- 21.101 The impact on air quality of the operational phase of the proposals has also been assessed. This focuses on the increase in pollutants from exhaust fumes and the effect on local air quality. A range of receptors has been identified covering both residential and ecological receptors in Elsenham, Henham, Stansted and Takeley. Five receptors within the development proposals are also identified and the impacts assessed.
- 21.102 In terms of residential receptors the impacts are considered to be negligible or neutral. The Council's Environmental Health Officer has assessed the ES. They confirm that the annual mean value of NO_2 at the lower end of Chapel Hill was $25\mu\text{g m}^{-3}$, 60% below the annual objective. The ES predicts an increase of $0.1\mu\text{g m}^{-3}$ in this area with the proposed and other committed development, which is rated negligible. The predicted level at the Cambridge Road junction is $32\mu\text{g m}^{-3}$, 80% of the annual objective. The highest relative increase in emissions is predicted to be at Elsenham Cross due to the proposed link road. However, the resultant levels will be nearly 50% below the objective.
- 21.103 Concerns were expressed about the predicted traffic levels based on the Transport Assessment, in particular in relation to vehicular movements through Stansted. As discussed above, similar concerns had been expressed by ECC Highways and the Highways Agency and the Transport Assessment has subsequently been amended. ECC Highways and the Highways Agency were satisfied with the figures in the amended Transport Assessment. These revised figures have been applied to the air quality assessment and the results have been amended but no significant changes are predicted in relation to residential receptors.
- 21.104 In terms of impacts on ecology this is considered to be moderate adverse on Elsenham Wood immediately adjacent to Hall Road, reducing to minor adverse 15m from the road. The impacts on Quendon Wood SSSI and Hatfield Forest are considered to be negligible. However, following the amendment to the Transport Statement the revised calculations result in the impacts on Elsenham Wood being moderate adverse both adjacent and 15m from Hall Road. The adverse impacts on air quality at Elsenham Woods SSSI, which would also occur under background growth

without the development, would need to be assessed against the benefits of the proposals. Natural England has reviewed the ES and considers that the SSSI does not present a constraint in determining the application.

21.105 Policy ENV13 seeks to prevent development in areas which would be exposed on an extended long-term basis to poor air quality. Part of the site falls within the 100m poor air quality zone from the M11. Whilst development is proposed in this location, this would be for the WWTW and not for residential or employment uses. The WWTW will generate its own cordon sanitaire and utilising a poor air quality zone for this development is considered to be appropriate. The proposals comply with Policy ENV13.

21.106 As stated above the WWTW will have the potential to create an odour problem following completion and the occupation of the development. Anglian Water has confirmed that a cordon sanitaire of 155m would be required in order to minimise loss of residential amenity. The closest existing residential properties are The Farm House (approximately 180m to the east), The Reeds (approximately 180m to the south east), The Barn (approximately 260m to the north east) and Old Mead (approximately 240m to the north). The nearest property to the south is approximately 360m away. The proposed WWTW is therefore located in a position whereby the environmental impacts would be minimised in relation to existing residential properties. In relation to the proposed development, the nearest residential properties would be approximately 170m from the WWTW and this would be outside the cordon sanitaire.

21.107 The Council's Environmental Health Officer has assessed the proposals and considers that mitigation measures will be required to minimise loss of residential amenity. These would relate to the modelling of emissions at the design stage and this could be secured by condition if planning permission were to be granted.

21.108 The proposed development would be located approximately 1.2km at the nearest point from Ugley Quarry which lies to the north east, and approximately 1km at the nearest point from Elsenham Quarry which lies to the east. The potential of impacts in relation to odour from these facilities has been assessed as being negligible on the proposed development. The Council's Environmental Health Officer raises no issues with regards to this matter.

I Whether the proposals would give rise to significant adverse harm or be likely to be adversely affected by noise and vibration (ULP Policies GEN4, ENV10, ENV11, NPPF, DLP Policy EN8) (see Chapter 13 of the ES)

21.109 Chapter 13 of the ES considers the impacts of noise and vibration both during the construction and operational phases of the development. It sets out the methodology, the extent of the study area, the consultations undertaken and the significance criteria.

21.110 Policy ENV10 seeks to locate noise sensitive development away from noise disturbance, in this case the railway line. Policy ENV11 seeks to direct noisy development away from existing noise sensitive properties. Policy GEN4 seeks to protect residential amenity from adverse impacts including noise and vibration.

21.111 The predicted façade noise levels are set out in the ES for the demolition, preparation, foundations and construction stages of the development. These are given for both the worst case scenario and the average case prior to mitigation, given in $L_{Aeq\ 10h}$ (dB). Worst case scenario would see noise levels of 76dB for demolition and construction for properties in Old Mead Road and 73dB and 75dB for preparation and foundations. Impacts on Station Road, Broom Farm Road, Elm Close, Oziers, Corriander Drive and

New Road are also given. These would range between 66dB and 75dB depending on the phase and location.

- 21.112 The average case predicts that the impacts on Old Mead Road would be 63dB during the demolition phase. All receptors would have predicated façade noise levels of 49dB during preparation, 51dB during foundations and 52dB during construction. The impacts would be of minor to major significance depending on the location of the property. In terms of mitigation, proposed hoarding around the site would reduce sound energy levels by 10dB and reduce the significance of the likely effect to negligible for all other receptors, with the exception of minor adverse effects at Old Mead Road, during demolition and construction.
- 21.113 In terms of noise impacts from the operational phase of the proposals, this would be generated by vehicular movements. Basic Noise Levels have been calculated for 2018 which includes the vehicular movements associated with the committed schemes but not including the proposed development. This forms the base line scenario for assessing the noise impacts from the operational phase. Generally noise levels are predicted to rise between 0.2dB and 2.1dB as a result of the proposals. The long term scenario, the 2029 base level together with the committed schemes and the proposed development, would see noise levels rise between 0.4dB and 2.5dB. The largest increase would be at Old Mead Road where it meets the new spine road. These impacts are considered to be of minor or negligible significance.
- 21.114 However, the proposed new Elsenham Cross Link Road would result in substantial increases in noise levels. The increase would be 63dB for both the 2018 and 2029 scenarios. The predicted noise levels from the proposed link road alone would be 55dB $L_{Aeq\ 16h}$. These noise levels would be within the WHO guidelines and therefore are not considered to be significant.
- 21.115 Fixed plant is likely to be required for buildings associated with the local centre. These could potentially be a source of noise nuisance. Furthermore, the WWTW could also be a source of noise. Mitigation measures can be incorporated into the development proposals including the location of plant or the attenuation of buildings to minimise potential impacts.
- 21.116 Vibration is generally caused by piling and the geotechnical review of the site concludes that piling is unlikely to be required for the residential areas. However, the school, offices, retail and employment uses are likely to require piling. The ES concludes that given the distance of receptor properties from the proposed locations of any buildings which could require piling that no significant levels of vibration are anticipated. The Council's Environmental Health Officer raises no issues with regards to this issue.
- 21.117 Noise impacts on the proposed development have also been assessed. The two main sources of noise would be from the railway and the proposed spine road through the development. In relation to the railway noise readings have been undertaken and this indicates that noise levels are around 62dB $L_{Aeq\ 16h}$ for both daytime and night time. Mitigation measures would be required for residential development adjacent to the railway line in order to achieve the noise level criteria recommended by WHO. This could be achieved through design, use of different types of glazing, trickle vents and acoustic fences. This would form part of the reserved matters stage(s) if planning permission were to be granted.
- 21.118 The proposed school site is likely to be affected by noise from the proposed spine road. The current guidelines require noise levels for external teaching areas to not exceed

50dB LAeq 30min. This is a stipulation that has been expressed by ECC Education in their requirements for the delivery of the site for the primary school. Again, this could be achieved through design, layout and construction and would form part of the reserved matters if planning permission is granted.

21.119 Vibration from the railway line has also been assessed in relation to the proposed development. The measurement levels were very low with the maximum peak particle velocity at 0.22mm/s. BS5228-2: 2009 provides guidance on the likely reaction of people to various levels of vibration and advises that a level of 0.3mm/s might just be perceptible in residential environments. Therefore the proposals would not be affected by vibration from the railway.

21.120 It is clear from the above that the proposals would result in noise impacts on existing residential properties with a moderate adverse effect being at Elsenham Cross as a result of the new link road. This would not breach the WHO guidelines and therefore should not result in significant loss of residential amenity. Subject to suitable mitigation which could be secured by condition, the proposals comply with the relevant policies.

J Whether the proposals would give rise to significant flood risk within the development or within the local area, or would result in significant detriment to local water resources (ULP Policies GEN3 and ENV12, NPPF, DLP Policies SP9, EN3 and EN4) (see Chapter 14 of the ES)

21.121 Chapter 14 of the ES considers the impacts on hydrology, potential flood risk and drainage. It sets out the methodology, extent of the study area and consultations undertaken. It establishes the baseline and identifies sensitive receptors which include the River Cam and Stansted Brook as well as existing residential properties. It sets out how the significance of the effects will be assessed.

21.122 Policy GEN3 seeks to prevent the increased risk of flooding and requires development proposals to be accompanied by a flood risk assessment. It also encourages the use of SuDS in new development. Policy ENV12 seeks to protect groundwater resources.

21.123 The site is classified by the EA as being located within Flood Zone 1 and is therefore considered appropriate for residential development. The site is currently predominantly Greenfield and therefore has natural run-off to Stansted Brook and the River Cam. The Uttlesford Strategic Flood Risk Assessment shows a historical flood event relating to properties associated with Old Mead Road and the tributary of the River Cam. The Uttlesford Water Cycle Strategy also lists historical fluvial flooding along Old Mead Road and surface water risk from the Stansted Brook culvert, under the existing railway. The issue of localised flooding has also been raised in representations.

21.124 The development proposals would result in the urbanisation of an existing Greenfield site. Due to the potential for contamination from surface water discharge it is proposed to construct SuDS devices throughout the development. The SuDS features would help mitigate potential pollution and the impacts on water courses would be reduced from moderate negative to negligible.

21.125 The SuDS features would also act as mitigation in relation to any increased flood risks and the development is considered to have a negligible effect in this regard. The Environment Agency has reviewed the ES and is satisfied with the proposals subject to a condition being imposed.

21.126 The proposed WWTW would discharge into the River Cam and as a result there is the potential for contamination of this watercourse. The original ES didn't adequately

consider this risk and the EA objected to the application. Further information has been submitted following negotiations with the EA and Anglian Water. This has resulted in a firm decision being made that a conventional sewage treatment works would be constructed and a discharge point approximately 3.5km to the north has been identified. In order to obtain a licence to discharge into the River Cam the proposals would have to go through a rigorous process to demonstrate that there would be no harm to the watercourse. Initial modelling carried out to support this submitted in the ES demonstrates that there would be a negligible impact. The EA has reviewed this additional information and is satisfied with the proposals subject to a condition being imposed.

21.127 The proposals are therefore satisfactory with regard to this matter and would comply with policy.

K Whether the proposals would result in contamination issues (ULP Policies ENV12 and ENV14, NPPF, DLP Policies EN5 and EN7) (see Chapter 15 of the ES)

21.128 Chapter 15 of the ES considers the issue of contamination. It sets out the methodology, scope of the assessment, extent of the study area and how the effects will be assessed. This report establishes the baseline conditions and considers the potential for contamination from historic and current uses and also arising from the development proposals.

21.129 Policy ENV14 requires development proposals to demonstrate that contamination would not give rise to increased risks, including the pollution of controlled waters. Policy ENV12 seek to protect water resources from potential sources of contamination. Historical uses which could affect the proposed development would be the former railway line and the sand and gravel pits. The site is currently predominantly in agricultural use.

21.130 The potential contaminant linkages have been identified and the potential effects of the development assessed. During the construction phase there is the potential for contaminants to be released either into the air or through the soil and subsequently to the watercourse. Also there is the potential for contaminants associated with the construction works, for example fuels or run-off from stockpiled materials.

21.131 A Construction Environmental Management Plan is proposed, and could be secured by condition. This would set out the procedures required to mitigate any potential contamination as a result of the development proposals. No statutory consultee has raised any objections to this and as a result the proposals would comply with the policy.

L Whether the Environmental Statement meets the tests set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011

21.132 Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 sets out the information that should be included within Environmental Statements. Paragraph 4 states that the Statements should include a description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects of the development resulting from the (a) the existence of the development; (b) the use of natural resources; (c) the emission of pollutants, the creation of nuisances and the elimination of waste, and the description by the applicant or appellant of the forecasting methods used to assess the effects on the environment.

21.133 This report sets out how the ES accompanying the application has complied with the above tests. Initially the ES was deficient in respect of consideration of the environmental impacts as a result of the WWTW and a request for further information under Regulation 22 of the Regulations was issued. The subsequent information submitted now satisfies the tests. The ES is considered to be adequate.

22 CONCLUSION

The following is a summary of the main reasons for the recommendation:

- A Whilst the proposals would be contrary to Policy S7 this policy is only partly in compliance with the NPPF. The NPPF promotes sustainable development and also requires local planning authorities to have a 5 year supply of deliverable land for residential development. The proposals are considered to be sustainable and they would make a contribution towards the 5 year land supply.
- B Included within the development proposals are significant elements of infrastructure required in order to meet the demands of the scheme. These include the construction of a WWTW, a site for a primary school, sports and community facilities, a local centre including a transport interchange adjacent to the station and the provision of new additional bus routes. These facilities can be secured by way of condition or a S106 legal obligation.
- C The proposals would have a degree of impact on the character of the rural area but mitigation measures are proposed including the use of landscaping. These would result in the residual effects of the development being moderate/neutral to neutral. The findings of the ES in relation to this are accepted.
- D The impacts on protected species and habitats have been considered in the ES. Mitigation measures are proposed including the creation of new habitats and as a result the residual impacts would range from minor beneficial to negligible. The findings of the ES in relation to this are accepted and the mitigation measures can be secured by condition.
- E The impacts on cultural heritage would be limited with moderate adverse impacts on the Waiting Room at Elsenham Station and buildings at Elsenham Place, Elsenham Cross and Gardener's Cottage. The NPPF states that where proposals would lead to less than substantial harm to heritage assets the harm should be weighed against the benefits of the proposal. The impacts on the cultural heritage assets can be mitigated and would not be so adverse as to outweigh the benefits of the proposals.
- F The proposals would result in the loss of agricultural land and this would need to be weighed against the benefits of the proposals. As the District is predominantly rural with few brownfield sites, the large-scale provision of new residential development will result in the loss of agricultural land. The limited impacts must therefore be weighed up against the other sustainability effects of the proposals.
- G The impacts on highways have been carefully considered by both the Highways Agency and ECC Highways and there has been lengthy negotiation in respect of various issues. In terms of impact of J8 of the M11 the Highways Agency is satisfied that the proposals can be accommodated subject to mitigation measures in the form of revised lane markings and changes to signal controls. In terms of impact on the local highway network, ECC Highways is satisfied that the proposed transport package and mitigation measures would be acceptable. The proposed junctions are also considered acceptable, subject to conditions and a S106 legal obligation.

- H The impacts arising in relation to air quality have been assessed. These include the impacts from increased pollution from vehicular movements and dust during construction. It also includes the potential for impacts on residential amenity as a result of the new WWTW. Mitigation measures are proposed and these would be sufficient to overcome any potential harm and these can be secured by condition.
- I The impacts arising from noise and vibration during the construction and during the operational phase of the proposals have been considered. The most significant noise impacts would be at Elsenham Cross, although these would not breach the WHO guidelines and therefore not result in a significant loss of residential amenity. Mitigation measures are proposed to minimise the impacts of the development and these can be secured by condition. The location of the site adjacent to the railway line will have some impact on the design of buildings within the vicinity of this, although this would be covered in any reserved matters application.
- J The potential for flood risk has been assessed. The site falls within Flood Zone 1 where development is generally considered appropriate. The proposals would result in the urbanisation of a greenfield site and there is the risk of surface water flooding. SuDS are proposed to be incorporated into the development and these would be the subject of reserved matters applications. The EA raises no objections to the proposals and the findings of the ES are accepted.
- K The potential for contamination has been considered and an Environmental Management Plan is proposed. As such the findings of the ES are accepted.
- L The ES has been considered by the local planning authority as part of the decision making process. It is considered that the ES satisfies the requirements of the EIA Regulations.

RECOMMENDATION – CONDITIONAL APPROVAL – SUBJECT TO S106 LEGAL OBLIGATION

It is recommended that authority be delegated to the Assistant Director Planning and Building Control in consultation with the Chairman before issuing the decision notice when the advertisement period has expired.

- (I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by 5 December 2013 the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive – Legal, in which case he shall be authorised to conclude such an obligation to secure the following:**
 - (i) 40% affordable housing provision**
 - (ii) Contribution to education provision**
 - (iii) Transfer of land for primary school**
 - (iv) Contribution to healthcare provision**
 - (v) Provision of community facilities**
 - (vi) Provision of LEAPs, NEAP and LAPs including possible MUGA and/or skate park**
 - (vii) Provision of public open space**
 - (viii) Implementation of Framework Travel Plan**
 - (ix) Provision of transport interchange**
 - (x) Provision of local centre, including retail floorspace**

- (xi) Provision of improvements to local bus services
 - (xii) Contribution towards the upgrading of the signals at B1051 Grove Hill/Lower Street
 - (xiii) Contribution towards the upgrading of traffic signals at B1256/Station Road/Parsonage Road, Takeley (Takeley Crossroads)
 - (xiv) Highway improvements including:
 - h) widening of Hall Road
 - i) provision of signals at railway bridge on North Hall Road
 - j) provision of 3m shared use cycleway/footway on Henham Road
 - k) Traffic management measures on Elsenham High Street
 - l) Provision of 2.4m shared use cycleway/footway on Hall Road
 - m) Enhancements to bridleway between Tye Green Road and Bury Lodge Lane
 - n) Upgrading of Public Right of Way (the Farmers Line)
 - (xv) Payment of bond to address impacts on local roads
 - (xvi) Payment of monitoring fee
 - (xvii) Pay Councils reasonable costs
- (II) In the event of such an obligation being made, the Assistant Director Planning and Building Control shall be authorised to grant permission subject to the conditions set out below
- (III) If the freehold owner shall fail to enter into such an agreement, the Assistant Director Planning and Building Control shall be authorised to refuse permission for the following reasons:
- (i) No 40% affordable housing provision
 - (ii) No contribution to education provision
 - (iii) No transfer of land for primary school
 - (iv) No contribution to healthcare provision
 - (v) No provision of community facilities
 - (vi) No provision of LEAPs, NEAP and LAPs including possible MUGA and/or skate park
 - (vii) No provision of public open space
 - (viii) No implementation of Framework Travel Plan
 - (ix) No provision of transport interchange
 - (x) No provision of local centre, including retail floorspace
 - (xi) No provision of improvements to local bus services
 - (xii) No contribution towards the upgrading of the signals at B1051 Grove Hill/Lower Street
 - (xiii) No contribution towards the upgrading of traffic signals at B1256/Station Road/Parsonage Road, Takeley (Takeley Crossroads)
 - (xiv) No highway improvements including:
 - h) widening of Hall Road
 - i) provision of signals at railway bridge on North Hall Road
 - j) provision of 3m shared use cycleway/footway on Henham Road
 - k) Traffic management measures on Elsenham High Street
 - l) Provision of 2.4m shared use cycleway/footway on Hall Road
 - m) Enhancements to bridleway between Tye Green Road and Bury Lodge Lane
 - n) Upgrading of Public Right of Way (the Farmers Line)
 - (xv) No payment of bond to address impacts on local roads
1. Approval of the details of the layout, scale, landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in

writing before development commences and the development shall be carried out as approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 2010 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. (A) Application for approval of the first Reserved Matter shall be made to the Local Planning Authority not later than the expiration of 1 year from the date of this permission, and for the final Reserved Matter not later than the expiration of 5 years from the date of this permission.

(B) The development hereby permitted shall be begun no later than the expiration of 1 year from the date of approval of the first Reserved Matter to be approved and no later than 2 years from the date of approval of each subsequent Reserved Matters to be approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. Prior to the application for approval of the reserved matters a phasing plan shall be submitted to and approved in writing by the local planning authority. This plan shall identify each proposed phase, the timing of delivery, together with the number of dwellings and percentage of affordable units to be delivered. Such plan shall include the provision of the sports ground and associated changing room as part of the first phase. Subsequently the submission of reserved matters applications will be in accordance with the phasing plan.

REASON: To ensure the appropriate phased delivery of the scheme and to ensure that the development makes a timely contribution towards the Council's 5 year land supply, in accordance with the NPPF.

4. Unless otherwise approved in writing by the local planning authority the reserved matters shall be substantially in accordance with the Parameter Plan. No application for the approval of any deviation from the Parameter Plan under this condition may be made unless either it is demonstrated to the reasonable satisfaction of the local planning authority that the deviation is unlikely to give rise to any significant environmental effect other than those assessed in the Environmental Statement submitted with the application or the application for approval of the deviation has itself been accompanied by an Environmental Statement assessing the likely significant effects of that deviation.

REASON: To ensure that the development accords with the parameters assessed in the Environmental Statement and to ensure the proposals comply with the adopted Uttlesford Local Plan Policies as set out in this decision notice.

5. The details to be submitted in accordance with condition 1 and the approved phasing plan shall include:
 - Design Codes or Development Briefs to demonstrate the detailed design is in accordance with the parameters and design approach set out in the Design and Access Statement

- Details of open space for each sub area, in accordance with the Green Infrastructure Strategy and the Design and Access Statement
- Details of LAPs and LEAPs, where appropriate, to be in accordance with the Green Infrastructure Strategy and the Design and Access Statement
- Details of hard, soft and water landscaping, in accordance with the Green Infrastructure Strategy and the Design and Access Statement
- Details of protection measures of retained trees
- The use of native species in planting plans
- Details of lighting using low light pollution installations
- Updated ecological surveys
- Updated noise surveys in relation to road and rail noise and mitigation measures required, where appropriate
- Updated vibration surveys and mitigation measures required, where appropriate
- Detailed design of SuDS including use of infiltration and interceptors
- Details of green roofs
- Bird Hazard Management Plan
- Use of water reduction measures consistent with the Code for Sustainable Homes pertaining at the time
- Details of finished site levels
- Details of parking spaces to the adopted standards pertaining at that time
- Details of estate roads, spine road (with a minimum carriageway width of 6.75m) and footpaths including layout, visibility splays, radii, turning, levels, gradients, surfacing, means of surface water drainage, lighting, bus stops and any necessary Road Safety Audits
- Details of recycling and refuse storage and collection provision
- The provision of electronic vehicle charging points at 10% of all properties

REASON: To ensure the development is carried out in accordance with the principles of the development as set out in the outline planning application, in accordance with Uttlesford Local Plan Policies GEN1, GEN2, GEN3, GEN7, ENV10 and ENV11.

6. The details to be submitted in accordance with Condition 1 in relation to the Waste Water Treatment Works shall include details of any measures required to mitigate odour emissions. The development shall be carried out in accordance with the approved mitigation measures.

REASON: In the interests of protecting the residential amenity of the nearby residential properties, in accordance with adopted Uttlesford Local Plan Policy GEN4 (adopted 2005).

7. No development shall be occupied until the siting, plans and associated drainage works, including phasing, for the waste water treatment works providing for the handling and treatment of foul water from the development have been approved by the local planning authority in conjunction with the sewerage undertaker.

REASON: To provide for the disposal of foul water from the development in a manner that will ensure no pollution to receiving watercourses in accordance with adopted Uttlesford Local Plan Policies GEN3 and ENV12 (adopted 2005).

8. Prior to the commencement of any phase of the development hereby permitted a Site Waste Management Plan shall be submitted to and approved by the local planning authority. Subsequently the development shall be carried out in accordance with the approved plan.

REASON: In the interests of protecting the residential amenity of the nearby residential properties, in accordance with adopted Uttlesford Local Plan Policy GEN4 (adopted 2005).

9. Prior to the commencement of any phase of the development hereby permitted a Construction Environmental Management Plan shall be submitted to and approved by the local planning authority. Subsequently the development shall be carried out in accordance with the approved plan.

REASON: In the interests of protecting the residential amenity of the nearby residential properties, in accordance with adopted Uttlesford Local Plan Policy GEN4 (adopted 2005).

10. Prior to the commencement of development of each phase, including the Waste Water Treatment Works, a Construction Traffic Management Plan shall be submitted to and approved in writing by the local planning authority, in consultation with the Highway Authority. Subsequently the Construction Traffic Management Plan shall be implemented as approved. This document should state how construction traffic will be managed including (but not exclusively) the management and provision of the following items:

- a. Suitable access arrangements to the application site in connection with the construction of the development,
- b. wheel cleaning facilities for the duration of the development to prevent the deposition of mud and other debris onto the highway network/public areas,
- c. turning and parking facilities for delivery/construction vehicles within the limits of the application site together with an adequate parking area for those employed in developing the site.
- d. Routing and timing of construction traffic, which should be discussed in advance with the Highway Authority to minimise impact on the local community.

REASON: In the interests of highway safety and efficiency to ensure accordance with adopted Uttlesford Local Plan Policy GEN1 (adopted 2005).

11. Prior to the commencement of development of each phase a Wildlife Protection Plan for the site shall be submitted to and approved in writing by the Uttlesford Planning Authority. The details shall include how mitigation measures for Legally Protected Species and Priority Species will be implemented prior to and during construction of the development in accordance with appropriate wildlife legislation. This shall include Method Statements where appropriate. Should pre-construction inspections identify the presence of Legally Protected Species and/or Priority Species not previously recorded, construction works shall cease immediately until such time as further surveys have been completed (during the appropriate season) and mitigation measures have been agreed in writing with the Uttlesford Planning Authority and Natural England where necessary.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with adopted Uttlesford Local Plan Policy GEN7 (adopted 2005).

12. Prior to the commencement of development of each phase a Biodiversity Mitigation and Enhancement Plan shall be submitted to and approved in writing by the Uttlesford

Planning Authority. The Plan shall include provision for habitat creation and management during the life of the development hereby permitted, as outlined in the Environmental Impact Assessment Volume 1 (dated March 2013) and in the survey reports in Environmental Impact Assessment Volume 2 Chapter 8 Table 8.7 and shall, include:

- (i) Aims and objectives of mitigation and enhancement;
- (ii) Extent and location of proposed works;
- (iii) A description and evaluation of the features to be managed;
- (iv) Sources of habitat materials;
- (v) Timing of the works;
- (vi) The personnel responsible for the work;
- (vii) Disposal of wastes arising from the works;
- (viii) Selection of specific techniques and practices for preparing the site and/or creating/establishing vegetation;
- (ix) Appropriate management options for achieving aims and objectives;
- (x) Prescriptions for management actions;
- (xi) Ecological trends and constraints on site that may influence mitigation and enhancement measures;
- (xii) Personnel responsible for implementation of the Plan;
- (xiii) The Plan shall include demonstration of the feasibility of the implementation of biodiversity mitigation plan for the period specified in the Plan;
- (xiv) Monitoring and remedial / contingencies measures triggered by monitoring to ensure that the proposed biodiversity gains are realised in full. Monitoring shall review agreed targets during the development and to end 5 years following the completion of the development, and allow for remedial action to be agreed with the Uttlesford Planning Authority.

The development hereby permitted shall be implemented in accordance with the approved plan.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with adopted Uttlesford Local Plan Policy GEN7 (adopted 2005).

13. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- 2. A site investigation scheme, based on (1) including review of risk of gas or leachate contamination, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and

identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, in accordance with adopted Uttlesford Local Plan Policy ENV14 (adopted 2005).

14. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

REASON: To ensure any contamination not previously identified during the site investigation is dealt with during development as no investigation can completely characterise a site, in accordance with adopted Uttlesford Local Plan Policy ENV14 (adopted 2005).

15. No infiltration of surface water drainage into the ground is permitted other than as identified in the Surface Water and SuDS Design Statement in the Environmental Impact Assessment, Volume 2 Chapter 14, or otherwise other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

REASON: Infiltration of surface water can provide potential pathway for contamination at the surface to migrate into the underlying secondary and Principal Aquifer in the chalk. The design of SUDS and other infiltration systems should include appropriate pollution prevention measures in accordance with Uttlesford Local Plan Policy ENV12 (adopted 2005). The use of deep soakaways would not be acceptable.

16. Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

REASON: To protect and prevent the pollution of controlled waters in line with National Planning Policy Framework, paragraphs 109 and 121 and adopted Uttlesford Local Plan Policy ENV12 (adopted 2005). The site is underlain by secondary and principal Chalk aquifer and groundwater may be very shallow below ground level. Piling therefore has the potential to cause contamination of the Chalk aquifer by creating a direct pathway.

17. 1 No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority. A mitigation strategy detailing the

excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

2 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, and which has been signed off by the local planning authority through its historic environment advisors.

3 The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: The Historic Environment Record shows that the proposed development lies in an area containing extensive archaeological deposits. The geophysics survey provided with the planning application shows the presence of a number of probable enclosed settlement sites. All of the enclosed settlements, identified from the geophysics, are located outside the specific application area, although within the larger ownership area. A range of anomalies identified from the survey lie within the application area. Within the specific application area multi-period archaeological deposits are recorded on the site of the old sand pit (HER 4609-4614). A number of crop marks, indicative of an earlier field system are recorded in the northern area of the development. The protection or recording of archaeological assets is required in accordance with adopted Uttlesford Local Plan Policy ENV4 (adopted 2005).

18. No demolition or site clearance works or removal of hedgerows or trees shall be carried out on site between the 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the local planning authority.

REASON: To protect roosting birds which use the site in accordance with adopted Uttlesford Local Plan Policy GEN7 (adopted 2005).

19. 1. No more than 186 dwellings shall be occupied on the land to which the application relates unless and until the works referred to in paragraph (2) of this condition have been completed by the Secretary of State for Transport.
2. The works referred to in paragraph (1) of this condition consists of the alteration of road markings as shown on WSP Plan 0582-GA-012 Revision B dated August 2013, subject to such modifications as the Secretary of State may decide to make.

REASON: To ensure that the M11 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety on that road, in accordance with adopted Uttlesford Local Plan Policy GEN1 (adopted 2005).

20. No development shall commence on the development of the Wastewater Treatment Works until the provision of a priority junction onto Bedwell Road as shown in principle on the submitted drawing number 0582-GA-015/D to include visibility splays of 4.5m by 70m, radius 10m and carriage way width of 4m with passing places. Details of the access shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, prior to commencement of the development. The access shall subsequently be implemented as approved.

REASON: To provide highway safety and adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access in accordance with adopted Uttlesford Local Plan Policy GEN1 (adopted 2005).

21. No occupation of any dwelling shall take place until the provision of a priority junction on to Henham Road (B1051) as shown in principle on the submitted drawing number 0582-GA-1003/P to include visibility splays of 4.5m by 120m and 6.75 metre carriageway, two 2 metre footways, a right hand turn from Henham Road and two uncontrolled crossings north and south of the junction is required. Details of the junction shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, prior to commencement of the development. Subsequently the junction shall be implemented as approved.

REASON: To provide highway safety and adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access in accordance with adopted Uttlesford Local Plan Policy GEN1 (adopted 2005).

22. No occupation of any dwelling shall take place until the provision of a link road between Henham Road (B1051) and Hall Road as shown in principle on the submitted drawing 0582-GA-026B to be designed to DMRB standards for 40mph, 6.75m wide, with all necessary signing, lighting and Traffic Regulation Orders to include:
- A) A priority junction to a bus only link to Henham Road to include appropriate monitoring and if necessary enforcement measures
 - B) A priority junction to link to Hall Road
 - C) A 3m wide unsegregated, shared use footway/cycleway on the eastern side
 - D) Retention of residential accesses on Henham Road and Hall Road.
 - E) Appropriate treatment of redundant carriage way on Henham Road and Hall Road
 - F) Appropriate tie in of the realigned carriageway into Hall Road including any realignment or remedial works required on Abbottsford Bridge, or contribution towards required works.

Details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, prior to commencement of the development. Subsequently the link road shall be constructed as approved.

REASON: To provide an efficient, alternative route to the south of the development and protect the safety and efficiency of the highway in accordance with adopted Uttlesford Local Plan Policy GEN1 (adopted 2005).

23. No occupation of any dwelling shall take place until a programme of monitoring is implemented to determine the impact of the development traffic on the rural network including but not exclusively routes from the to the B1383 via Ugley Green and the route to Church Road, Stansted Mountfitchet via Tye Green and Burton End. The monitoring programme shall extend for 3 years after full occupation of the development. Details of the monitoring programme shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, prior to commencement of the development. Subsequently the monitoring programme shall be implemented as approved.

REASON: To protect the highway network for the safe and efficient movement of people by all modes transport in accordance with adopted Uttlesford Local Plan Policy GEN1 (adopted 2005).

24. Prior to the commencement of development details of the access onto Old Mead Road, as shown in principle on the submitted drawing no 0582-GA-004/L, shall be submitted to and approved in writing by the local planning authority. The access shall include visibility splays of 4.5m by 70m and 6.75m carriageway and two 2m footways. Subsequently no more than 700 dwellings shall be occupied before this access as approved has been provided.

REASON: To provide highway safety and adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access, in accordance with adopted Uttlesford Local Plan Policy GEN1 (adopted 2005).

25. Prior to the commencement of development details of an appropriate emergency access to the highway network shall be submitted to and approved in writing by the local planning authority. Subsequently no more than 400 dwellings shall be occupied before this access as approved has been provided.

REASON: To protect the safety and efficiency of the highway in accordance with adopted Uttlesford Local Plan Policy G EN1 (adopted 2005).



Appendix 2

Andrew Taylor
Assistant Director: Planning and Building Control
Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex
CB11 4ER

Your ref: UTT/13/0808/0P
Our Ref: FFP012/PDC

7th October 2013

Dear Mr Taylor

**OUTLINE APPLICATION WITH ALL MATTERS RESERVED, EXCEPT ACCESS, FOR UP TO 800 DWELLINGS; UP TO 0.5HA OF CLASS B1A AND B1C EMPLOYMENT USES; UP TO 1,400SQM OF RETAIL USES; A PRIMARY SCHOOL; UP TO 640SQM OF HEALTH CENTRE USE; UP TO 600SQM OF COMMUNITY BUILDINGS; CHANGING ROOMS; ACCESS ROADS INCLUDING ACCESS POINTS TO B1051 HENHAM ROAD AND OLD MEAD ROAD, A CONSTRUCTION ACCESS AND HAUL ROUTE FROM B1051 HENHAM ROAD, A WASTE WATER TREATMENT WORKS ACCESS FROM BEDWELL ROAD, AND PROVISION OF A LINK ROAD AT ELSENHAM CROSS BETWEEN THE B1051 HENHAM ROAD AND HALL ROAD; A WASTE WATER TREATMENT WORKS AND OTHER ASSOCIATED INFRASTRUCTURE, LANDSCAPING AND BOUNDARY TREATMENT WORKS. DEMOLITION OF ALL EXISTING BUILDINGS.
LAND NORTH EAST OF ELSENHAM**

I write on behalf of the Fairfield Partnership further to the consideration of the above planning application by the Planning Committee on Wednesday the 2nd of October 2013. Having heard Members discussion at the meeting I wanted to take the opportunity to make a number of points to which I hope you will give immediate consideration in your further dealings with this application.

First, we are concerned about the approach taken to the five year housing land supply. The officer's report should have provided a clearer and more accurate description of the position regarding an objectively assessed five year housing land supply. Paragraph 10.13 of report set out a housing requirement of 415 dwellings per year and identified a land supply of between 3.7 and 5.8 years. However, the officer's report for application UTT/13/1769/0P outline application for the erection of up to 84 houses etc. on Land At Bury Water Lane, Bury Water Lane, Newport considered later on in the same committee was far clearer regarding the position:

10.8 However, the latest Housing Trajectory also confirms that based upon objectively assessed needs contained in the SNPP projection, Uttlesford would need a figure of 523 dwellings per year and on this basis, has only a 2.9 year supply of housing, a shortfall of 1127 dwellings.

The failure to make a clear reference in the officer's report on Land North-East of Elsenham to this objectively assessed five year housing land supply of 2.9 years is very regrettable (the figure reinforces our strong contention that significant further housing land is required). We are concerned that Members were not able to understand fully the five year housing land supply situation. This matter is self-evidently important, and particularly so since we consider

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that Members failed to address properly the advice in the NPPF (particularly paragraphs 47, 49 and 14) and instead attached inappropriate weight to the Adopted Local Plan (which is so clearly out of date).

Secondly, during the discussion of the application the case officer responded to a question from members regarding the traffic associated with the proposed Waste Water Treatment Works (WWTW) to the effect that sewage was taken from site by HGV tanker. While further explanation was offered, Members will have been confused by the lack of clarity. It should be clearly understood that the only traffic associated with the operation of the WWTW will be maintenance traffic (circa one van per day) and occasional HGV traffic to take away treated material. The traffic associated with the operation is therefore *de minimis* in highway terms.

Thirdly, we note that there was some concern from Members regarding the provision of supporting retail and health facilities. It might be of assistance to point out that the Fairfield Partnership wishes to commit to the delivery of the health centre proposed in the application delivered on commercial terms as an investment in advance of the 400th residential occupation. Furthermore, strong commercial interest has been received in the retail element of the proposals from operators and we have no doubt that these will come forward in a timely manner as the retail site is made available.

I trust that you will give these matters your urgent attention and confirm to me as soon as is practicable how you will ensure that, following consideration of any further representations made in the context of the update material, the local planning authority will make a sound and fully informed decision on this application.

Yours sincerely

Senior Associate
Email: pcopsey@davidlock.com

Cc Steve Biart, the Fairfield Partnership



Appendix 3

Andrew Taylor
Assistant Director: Planning and Building Control
Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex
CB11 4ER

Your ref: UTT/13/0808/0P

Our Ref: FFP012/PDC

15th October 2013

Dear Mr Taylor

**OUTLINE APPLICATION WITH ALL MATTERS RESERVED, EXCEPT ACCESS, FOR UP TO 800 DWELLINGS; UP TO 0.5HA OF CLASS B1A AND B1C EMPLOYMENT USES; UP TO 1,400SQM OF RETAIL USES; A PRIMARY SCHOOL; UP TO 640SQM OF HEALTH CENTRE USE; UP TO 600SQM OF COMMUNITY BUILDINGS; CHANGING ROOMS; ACCESS ROADS INCLUDING ACCESS POINTS TO B1051 HENHAM ROAD AND OLD MEAD ROAD, A CONSTRUCTION ACCESS AND HAUL ROUTE FROM B1051 HENHAM ROAD, A WASTE WATER TREATMENT WORKS ACCESS FROM BEDWELL ROAD, AND PROVISION OF A LINK ROAD AT ELSENHAM CROSS BETWEEN THE B1051 HENHAM ROAD AND HALL ROAD; A WASTE WATER TREATMENT WORKS AND OTHER ASSOCIATED INFRASTRUCTURE, LANDSCAPING AND BOUNDARY TREATMENT WORKS. DEMOLITION OF ALL EXISTING BUILDINGS.
LAND NORTH EAST OF ELSENHAM**

I write on behalf of the Fairfield Partnership further to my letter of the 1st of October regarding the above application.

We note that the agenda and committee papers for the Local Plan Working Group meeting of the 1st of October include an update on the five year housing land supply position and confirms that a shortfall of 451 dwellings still exists following decisions taken at the Planning Committee of the 2nd of October 2013. We also note that the Local Plan Working Group will be considering a recommendation to identify a new increased objectively assessed housing growth requirement in the Local Plan over a plan period ending in 2031.

These reports reinforce our contention that Members failed to address properly the presumption in favour of sustainable development at the Planning Committee of the 2nd of October 2013. The revised objectively assessed housing requirement is in our view a material consideration in the determination of the above application and further increases the weight that should be attached to the National Planning Policy Framework in the decision making process.

Finally, we have given careful consideration to the Uttlesford Local Plan Highway Impact Assessment and its assessment of Junction 8 of the M11 Motorway and the proposed mitigation measures. This assessment of Junction 8 of the M11 has a number of discrepancies in comparison with our more detailed assessment of the junction undertaken by WSP on behalf of the Fairfield Partnership. Our assessment shows the satisfactory operation of the junction in 2023 subject to mitigation measures and takes full account of committed growth, London Stansted operating at full capacity, Draft Local Plan allocations, the Bishop's Stortford North development and our Proposed Development and has been endorsed by the

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Town Planning and Urban Design

Highways Agency and Essex County Council. The Fairfield Partnership would be happy to work with Essex County Council to review the respective assessments of Junction 8 of the M11 to ensure a consistent approach is taken. I would be grateful if you could bring this to the attention of Local Plan Working Group Members in their consideration of this matter.

I trust that you will give these matters your urgent attention and confirm to me as soon as is practicable how you will ensure that, following consideration of any further representations made in the context of the update material, the local planning authority will make a sound and fully informed decision on the above planning application.

Yours sincerely

Senior Associate
Email: pcopsey@davidlock.com

Cc Steve Biart, the Fairfield Partnership

UTT/13/0808/OP

Fairfield Site Station Road Elsenham



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Organisation	Uttlesford District Council
Department	Planning and Building Control
Date	20th September 2013