

**UTT/14/2991/OP - (ELSENHAM)**

(MAJOR)

**PROPOSAL:** Outline application, with all matters reserved except for access, for the demolition of existing buildings and erection of 40 residential dwellings including open space and landscaping

**LOCATION:** Elsenham Nurseries, Stansted Road, Elsenham

**APPLICANT:** Stansted Road LLP

**AGENT:** Mr T Dodkins, Phase 2 Planning and Development Ltd

**EXPIRY DATE:** 8 January 2015

**CASE OFFICER:** Karen Denmark

---

**1. NOTATION**

1.1 Outside Development Limits/Adj County Wildlife Site and SSSI.

**2. DESCRIPTION OF SITE**

- 2.1 The site is a former garden nursery on the western edge of Elsenham, beyond the settlement limits. To the west of the site is an open agricultural field with the M11 beyond this by 160 meters. To the east is an auto repair use, then open space before the built up settlements of Elsenham. To the south is the B1051, Stansted Road, and a ribbon of houses backing onto the edge of the site. To the north of the site and wrapping around the northeast corner is Alsa Wood, an ancient woodland also designated as a County Wildlife Site.
- 2.2 The site itself has been partially developed, mostly in the southern parts. There are several buildings pertaining to the former nursery use along the lower western edge of the site with an access road through the centre of the lower half. This lower half is predominantly grass.
- 2.3 The northern part of the site is almost indistinguishable from the Ancient Woodland to the north apart from there has been some clearing of scrub trees and evidence of minor digging and cultivation. The northern half of the site has an extensive tree covering which extends down the eastern edge of the site. There are many substantial individual trees and mature groups. The south and east boundaries have less substantial planting but it is still relevantly strong and is a positive attribute of the site.
- 2.4 The southern parts of the site contain buildings related to the horticultural use of the site. Access is taken from the south on a small made up road between two houses.
- 2.5 During the application process a Tree Preservation Order was served on the site. The TPO provided a blanket cover for all the trees.

### 3. PROPOSAL

- 3.1 The proposal is for outline consent for 40 dwellings on the site with all matters apart from access reserved. An indicative master plan shows a road from the southern access point travelling north through the site with four cul-de-sacs taken off the spine on the eastern side.
- 3.2 Access is provided over the existing route with an existing dwelling demolished to allow for a wider carriageway and pavements. The spine road and first cul-de-sac have pavements whilst the other three cul-de-sacs are shared surfaces.
- 3.3 The proposals place approximately one third of the dwellings within the TPO area in the northern part of the site. The schedule of house types and mix of units would be as below:

#### Schedule of Units

House type	No	Size
Type 1 - 2 Bed Terrace	4	84sqm
Type 2 - 2 Bed Terrace	11	88sqm
Type 3 - 2 Bed Bungalow	1	85sqm
Type 4 - 3 Bed Semi Detached	12	93sqm
Type 5 - 4 Bed Detached	2	119sqm
Type 6 - 4 Bed Linked Detached	2	140sqm
Type 7 - 4 Bed Detached	4	145sqm
Type 8 - 5 Bed Detached	4	180sqm

#### Mix of Units

2 Bedrooms	16
3 Bedrooms	12
4 Bedrooms	8
5 Bedrooms	4
<b>TOTAL</b>	<b>40</b>

### 4. APPLICANT'S CASE

- 4.1 The application is accompanied by an indicative Masterplan and the following reports and documents:

Planning, Design and Access Statement  
Preliminary Ecological Appraisal  
Bat Mitigation Strategy  
Building Assessment for Bats  
Reptile Survey  
Dormouse Survey  
Arboricultural Impact Assessment  
Woodland Management Plan  
Tree Report  
Noise Assessment  
Air Quality Assessment  
Flood Risk and Water Management Assessment  
Transport Statement

- 4.2 Summary of Planning, Design and Access Statement:

- Policy S7 is only partially compliant with the NPPF

- The proposal represents sustainable development when considered against the 3 strands in the NPPF
- Question the Council's 5 year land supply position
- Little predicted impact on the local highway network
- Proposed to meet the Council's requirement for 40% affordable housing
- No reptiles, bats or great crested newts were found to be on site Scheme has been revised to reduce the number of dwellings and retain more trees Proposal all boundary vegetation is retained and enhanced where necessary Drainage scheme could be developed that would not create any surface flooding for the worst case 1 in 100 year probability event
- Revised illustrative plans show a development that is well designed by its form, scale, massing and detailed appearance, responds to the site context, and respects its neighbours
- Noise from M11 will require special consideration of position of dwellings, window specifications and location of principal habitable rooms
- Air quality is a low priority consideration with regards to the impact of the development. Predicted NO2 and PM10 concentrations are below the relevant air quality objectives
- Would involve the development of a previously developed site within a sustainable settlement
- Demonstrated that the proposal will provide a high quality residential scheme which has regard to its context, which would significantly enhance both the character of this part of Elsenham, and would assist the Council in maintaining their 5 year housing supply
- The Council are therefore respectfully requested to receive this application positively and to grant planning permission in due course

## **5. RELEVANT SITE HISTORY**

5.1 No relevant site history

## **6. POLICIES**

### **6.1 National Policies**

National Planning Policy Framework

### **6.2 Uttlesford District Local Plan 2005**

S7 – The Countryside

GEN1 – Access

GEN2 – Design

GEN3 – Flood Protection

GEN6 – Infrastructure Provision to Support Development

GEN7 – Nature Conservation

ENV3 – Open Spaces and Trees

ENV7 – The Protection of the Natural Environment – Designated Sites

ENV10 – Noise Sensitive Development and Disturbance from Aircraft

ENV13 – Exposure to Poor Air Quality

H4 – Backland Development

H9 – Affordable Housing

H10 – Housing Mix

## 7. PARISH COUNCIL COMMENTS

- 7.1 Strongly object. Outside development limits. Does not enhance or protect the character of the countryside of which it forms a part, namely Alsa Wood; an area of ancient woodland that also includes areas of oxlips. No convincing special reasons as to why the development is needed. Does not comply with requirements for infilling or Policy S7. Do not consider that the SHLAA and/or the possible lack of 5 year housing land supply can be upheld or used to justify the applicant's request for permission. No indication as to the mix of affordable housing units. Parish already has 192 affordable homes granted which already focuses a significant proportion of the District's affordable housing into one area. Noted that a dwelling will need to be demolished to create suitable access. Current access proposal will give rise to further issues of highway and pedestrian safety on Stansted Road generally and in the area immediately surrounding the site access. Although a 30mph speed limit is in force along this road, regular monitoring by the local Speed Watch team and the Police record that excessive speeding remains an ongoing problem along the road. The proposed development will not meet the criteria of Policy GEN1. Trees on site form part of Alsa Wood. Application indicates that approximately 100+ trees will be selected for removal regardless of their grade. Development is totally unacceptable and contravenes the requirements of Policy GEN7. Request a TPO be placed on all of the trees to be retained to ensure their ongoing protection. Design and Access Statement refers to two and a half and three storey forms being used. The introduction of high-rise buildings will be intrusive and dominate the skyline and will significantly conflict with the aesthetic appearance of an area of the village that borders ancient woodland.
- 7.2 Revised Plans: Remains strongly opposed to the planning application and restates its comments and objections to the proposed (revised) application. Fully supports UDC's decision to place a TPO on the trees growing within the site at the northern end of the site that border the public right of way and the ancient woodland of Alsa Wood. The loss of a significant number of established, healthy trees growing within the area of the TPO and form a natural part of well-established woodland in order to provide space for larger 4 and 5 bedroom dwellings of the development will result in a very harmful effect upon the wildlife and habitats. Consider the applicant's lack of additional detailed information to be deplorable.

## 8. CONSULTATIONS

### Housing Enabling Officer

- 8.1 There will be a requirement for 40% affordable housing. The housing mix should be as follows:

S106 Figures					
Tenure mix	1 bed	2 bed	3 bed	4 bed	
affordable Rent non bungalows	2	5	3	0	10
affordable Rent bungalows	1	0	0		1
<b>SUB TOTAL A/R</b>	<b>3</b>	<b>5</b>	<b>3</b>	<b>0</b>	<b>11</b>
shared ownership non bungalows	0	4	1	0	5
shared ownership bungalows	0	0	0		0

<b>SUB TOTALS/O</b>	<b>0</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>5</b>
GRAND TOTAL AFFORDABLE UNITS	3	9	4	0	16
<b>MARKET BUNGALOWS</b>		<b>1</b>			

### **ECC Archaeology**

- 8.2 Recommend a condition requiring an archaeological programme of trial trenching followed by open area excavation. The Historic Environment Record shows that the proposed development area lies within a potentially sensitive area with cropmark evidence of an enclosure to the west (HER 18899) and Roman occupation identified to the east (HER 48393). Those deposits to the east have only recently been identified during trial trenching for a further housing development but have the potential to extend into this new development area.

### **Thames Water**

- 8.3 With regard to sewerage infrastructure capacity, we would not have any objection based on the initial drainage proposals.

### **Affinity Water**

- 8.4 You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Stanstead Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd. The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

### **Airside OPS Limited**

- 8.5 The submitted material has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to conditions relating to landscaping and SUDS and the requirement for a Bird Hazard Management Plan.
- 8.6 Revised Plans: Object to this development proposal due to the increased risk of bird strike. However, will be prepared to review that objection if the planting palette can be amended to reduce the berry bearing component to no more than 15% of the total, distributed evenly across the site. Still require condition relating to SUDS and Bird Hazard Management Plan.

### **ECC Flood & Water Management Team**

- 8.7 Have some comments in relation to the surface water and groundwater drainage strategy.

### **ECC Minerals and Waste**

8.8 No comments.

### **Sport England**

8.9 No comments.

### **ECC Ecology**

8.10 Object. Direct loss of woodland. Insufficient bat surveys. Alsa Wood Local Wildlife Site exists immediately beyond the northern boundary and contains ancient semi-natural woodland. The current Ecological Appraisal is insufficient in that it does not take into account the proposed site layout and therefore cannot recommend appropriate mitigation. Siting residential housing so close to ancient woodland will have a detrimental impact on flora and fauna that rely on the conditions of the woodland and its edge habitats to survive and reproduce. Current layout provides very little buffer between the wood and the development. Mitigation and enhancements should be informed by the results of the ecological surveys.

8.11 Revised Plans: Wish to withdraw previous objection on the basis of an amended site layout. Now provides a >15m buffer between the development and the woodland. Further bat surveys are not warranted because the development gives sufficient clearance to the woodland and that the western hedgerow will be retained. The wooded area to the north of the developed site should be subject to a management plan, with appropriate landscaping to secure the long term viability of the area for wildlife.

### **NHS England**

8.12 A financial contribution of £13,720 will be required to mitigate the additional requirements for health care facilities.

### **Access and Equalities Officer**

8.13 Application will need to meet the requirements of the SPD on Accessible Homes and Playspace, this will require all dwellings to meet the Lifetime Homes Standard and three dwellings to meet the Wheelchair Accessible Homes Standard.

### **Natural England**

8.14 Statutory nature conservation sites – no objection. Protected species – refer to standing advice.

8.15 Revised Plans: It will be important to provide adequate buffering to protect Alsa Wood. Refer to standing advice regarding guidance on the need for a buffer strip and its appropriate width.

### **ECC Education**

8.16 Will be a requirement for financial contributions for primary and early years and childcare provision.

## **ECC Highways**

8.17 No objections subject to conditions.

## **Highways Agency (now Highways England)**

8.18 Offers no objection.

## **Environmental Health Officer**

8.19 A scheme of best practice measures has been included within the Air Quality Assessment, which if implemented will help to mitigate against the impact of the construction phase to an acceptable level. This should be conditioned. A condition requiring the provision of a travel plan to discourage reliance on car use would be welcomed. The findings of the noise assessment are acceptable and a condition is recommended to require the scheme of noise mitigation measures at the detailed stage. The site has the potential to be contaminated due to historic use and conditions will be required to ensure the site is suitable for the end use.

## **Woodland Trust**

8.20 Object because it will lead to the destruction of woodland which is currently acting as a buffer to the area of Ancient Semi Natural Woodland which borders the northern part of the site. In addition historical mapping shows parts of the site to have had trees from the early 20<sup>th</sup> Century.

## **Network Rail**

8.21 It is probable that the proposed 55 residential dwelling development will lead to an increase in usage of Fullers End level crossing. This will add to the cumulative impact on the crossing. Increased use of the crossing leads to an increase of risk. Network Rail would be interested in discussing the application's potential Section 106 arrangements as this could possibly contribute to helping to implement a mitigation measure (diversion of the footpath) for the crossing?

## **Environment Agency**

8.22 Having reviewed the FRA we are satisfied that it provides sufficient information basis for assessment to be made of the flood risks arising from the proposed development. We have no objection to this application on flood risk issues. The proposed development is achievable in principle but will only be acceptable if the surface water drainage scheme as detailed in the approved FRA is implemented and secured by way of a planning condition on any planning permission. Require a condition in relation to surface water drainage.

## **ECC Landscaping**

8.23 We have no objection to the proposal. The implementation of the development should be in accordance with the Arboricultural Impact Assessment, Method Statements and Tree Protection Plans submitted with the application and associated drawings by Open Spaces Landscape and Arboricultural Consultants.

## **UDC Landscape Officer**

8.24 Based on the illustrative layout for the proposed development, the submitted tree retention removal plans [drawing nos. OS 774 - 14.3.1 and OS 774 - 14.3.2] show the removal of some 34 individually identified trees and a further 8 groups of trees. The individually identified trees shown to be removed are 18 oak, 2 ash, 11 hawthorn, 1 plum, 1 pine, 1 hazel, and 1 field maple. The groups of trees shown to be removed include hawthorn, blackthorn, plum, elder, birch, willow, and Lawson cypress. Of the individual and groups of trees shown to be removed only one oak tree (reference T33) is categorised as being of moderate quantity and value, the others shown to be removed are considered to be of low quality and value. The woodland area in the northern part of the application site is subject to a provisional tree preservation order (TPO 6/14). Whilst this woodland area appears, in part, to be an extension of the Alsa Wood, which is a designated ancient woodland, only a relatively small triangular area in the north eastern part of the application site is considered to be a part of Alsa Wood. The 1880 Ordnance Survey map (surveyed 1875-6) shows that Alsa Wood did not extend at that time south of the public footpath which defines the northern boundary of the application site. The illustrative layout for the proposed development shows dwellings within the area of the TPO'd woodland. However, the layout utilises clearings within the woodland area necessitating only limited tree removal to accommodate the proposed development. The proposed development would have limited visual impact on the wider landscape. It is considered that there is an opportunity to create a residential development, the design of which draws on and reflects the woodland edge context. This may be achieved through combination of appropriate landscaping and in the design of the dwellings and the selection and use of materials. In the circumstances of planning permission being granted it is recommended that conditions are applied requiring a woodland management scheme to be submitted for approval; a fully detailed soft and hard landscaping scheme to be submitted for approval; detailed tree protection measures to be carrying out during the construction period to be submitted for approval. In addition, as part of any Section 106 agreement there should be a provision for a management company to be set up to implement an approved management scheme for the woodland and open space provisions.

## **Uttlesford Area Access Group**

8.25 The Design and Access Statement does not state that all homes will meet the Lifetime Homes Standard. Neither is there a commitment to provide 5% of units as Wheelchair Accessible Housing.

## **9 REPRESENTATIONS**

9.1 This application has been advertised and 218 representations have been received. Notification period expired 23 March 2015. The following issues have been raised:

- Increased traffic
- Already granted consent for 2 developments along Stansted Road
- Pleasant village environment being attacked on all sides by development
- Amenities unable to cope
- Grove Hill cannot take any more traffic
- Concerns about access road and water flowing onto Stansted Road
- Drainage problems from The Orchards must not be repeated
- Strong possibility of congested inner roads preventing access to emergency vehicles
- Buildings moving ever nearer to Alsa Wood



- Ancient Woodland needs protecting
- Elsenham already looking at population increase of 50%
- Would not meet health, social or culture wellbeing requirements
- Doesn't meet the tests of sustainability as set out in the NPPF
- Council now has a 5 year land supply
- Contrary to Policies GEN1, GEN4, GEN6, GEN7
- Will cause significant disruption to residents of Stansted Road
- Impacts on local infrastructure
- Harmful impacts on wildlife, especially bats
- Doctors and schools, including early years, cannot cope
- Traffic assessment not been carried out
- Essex County Council has removed school bus service and expect children to walk from Elsenham to Stansted
- Large section of the woods will be destroyed
- Detrimental impact on local wildlife site
- Contrary to Policies H4, GEN3, SP14
- Fails to address cumulative sewerage overload
- A community asset used by Rainbows, Brownies and school children
- Construction traffic will cause noise and disruption
- Inadequate public transport arrangements
- Will Elsenham end up merging with Stansted?
- Alsa Wood has been recorded as "the best oxlip wood in Essex"
- Need for public open spaces that are properly managed. Alsa Wood was once a SSSI and needs protecting
- Development should be fairly spread across the district
- Part of the decision making process should take account of the suitability of an area and its infrastructure
- M11 is already struggling
- Already regular power outages and low water pressure
- No formal assessment has been undertaken of the impact of the proposed development on Alsa Wood and its status as an Ancient Semi Natural Woodland and Local Wildlife Site
- Crown Estates application identified part of the Elsenham Nurseries site contiguous with the area of Alsa Wood
- No arboricultural assessment to understand the extent of tree loss
- No assessment or mitigation of impacts have been put forward
- Insufficient ecological information
- Contrary to Policies ENV3, ENV7 and emerging local policies
- Casts doubt over woodland management measures for Alsa Wood proposed under UTT/0142/12/OP
- Affordable housing being concentrated on Elsenham
- Loss of further employment. Elsenham needs more 'clean' employment opportunities
- Local roads unsuitable for additional development
- Need to understand how existing approved development will affect area before allowing more
- Should wait for the Fairfield appeal decision before making more decisions
- Will cause damage to biodiversity and ancient woodland, contrary to Policy ENV6
- Development should be redesigned to protect biodiversity value of habitats and be restricted to southern part of site
- Problems with electricity supply, water pressure and drains flooding
- Local groups and societies full to capacity

- People do not like to have large trees within or near their property
- Does not take sufficient account of new development already granted outline approval
- Application would involve a third junction on Stansted Road within a distance of 145 metres, contravening Essex County Council's Policy DM1
- Tree Report suggests the general condition of the trees is good
- Transport Report is silent on difficulties of access from Grove Hill
- Junction 8 of the M11 is nearing capacity
- Sewerage disposal would require pipes across the Gleeson site
- No justification for buildings of 3 storeys in Elsenham
- Number of cycle journeys undertaken as a replacement for a car journey would be zero
- Nothing to show applicants have taken account of the Council's policy concerning affordable homes
- Stansted Road does not need street lighting
- Place Services finds the application wholly defective. Clear that applicants have little idea as to their responsibilities where ecological matters are concerned
- My property would be affected on 3 sides by new developments

#### Comments on revised plans

- As above
- Reduction in number of houses is noted but would only help partially in mitigating problems regarding impacts on biodiversity
- Agree with Woodland Management Plan which should be followed whether or not planning permission is granted
- Still proposing dwellings, fences or possibly drainage systems, too close to mature trees
- Appears Woodland Management Plan and Arboricultural Impact Assessment were prepared long before original application but withheld from UDC
- Applicant appears not to appreciate that it is the whole eco-system of the woodland that contributes to its unique nature and that to remove any of the trees or bushes would have an impact on the whole
- UDC recently put at TPO in place on much of the woodland on the site but applicant still proposes to cut down trees protected by the TPO
- Don't believe builders would manoeuvre their bulldozers around trees to build proposed housing. Believe remaining trees will ultimately come down too
- Believe new plan has a greater detrimental effect on existing residents as will be nearer to existing properties
- Government Inspector's report that Elsenham is not suitable for such developments
- Application should not be dealt with in isolation from the current review of the Local Plan
- Historic Alsia Wood should be used to create a recreational country park
- Would accept no more than 10 houses with no tree felling whatsoever
- Trees would not screen new houses as not thick enough
- Not impressed by argument that number of trees to be felled has been reduced
- No mention of foul water disposal in Design and Access Statement. There is evidently no viable sewerage strategy
- Construction of junction would result in breach of Highway Code for adjoining property owners
- A new junction where proposed is not viable
- Applicants are ignorant of requirements for building within the vicinity of the airport

- Attenuation ponds are proposed which increases risk of bird strike
- Spaces allocated for parking by visitors appears to be inadequate for 40 dwellings

1 letter of support

- Would not object and support the proposed development, on the condition that the interests of Sunnymead were protected

## 10 APPRAISAL

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

- A The principle of development in this location (NPPF; ULP Policies S7, GEN2, ENV3, ENV8)
- B The form of development in this location (NPPF, ULP Policies GEN2, H9, H10)
- C The access is appropriate (ULP Policy GEN1)
- D The proposals would result in adverse harm to protected species and biodiversity (NPPF; ULP Policies GEN7, ENV3, ENV7, ENV8)
- E The proposals would increase flood risk on or off the site (ULP Policy GEN3)
- F The proposals would be subject to adverse noise or air quality (ULP Policies ENV10, ENV13)
- G There is sufficient infrastructure provision for the proposals (ULP Policy GEN6)

### **A The principle of development in this location (NPPF; ULP Policies S7, H4, GEN2, ENV3, ENV8)**

- 10.1 The application site is located outside the development limits and therefore in an area where there is a policy restraint against development, other than that which needs to take place there or is appropriate to a rural area. Policy S7 has been assessed to be partially compliant with the NPPF with the NPPF having a more positive approach rather than protective one. However, Policy S7 is consistent with one of the core planning principles set out in section 17 of the NPPF, of recognising the intrinsic character and beauty of the countryside. The policy therefore has significant, but not full weight when considering the planning balance.
- 10.2 The proposals would be contrary to Policy S7 as it relates to a form of development that does not need to take place there. Consideration needs to be given as to whether or not the development would protect or enhance the part of the countryside it is set in, or if there are any special reasons why the development needs to take place there.
- 10.3 The application site is a former nursery site which is currently occupied by a bungalow and an outbuilding which appears to be used as an office. There is an area of compacted ground around the office. A large area of the northern part of the site is covered in trees, adjoining Alsa Woods, and now covered by a blanket Tree Preservation Order (TPO). The southern part of the site is predominantly grass area. The site is a backland development and adjoins the site where planning permission has been granted for 155 dwellings.
- 10.4 The site is located in an area where its development would not result in significant adverse harm to the character of the rural area due to it having a limited visual impact on the wider landscape. This is reinforced by the fact that planning permission has been granted for 155 on the adjoining site.
- 10.5 Policy H4 sets out various criteria which must be met in order for development to be considered acceptable. Criterion a) relates to whether the development would make

more effective use of the land. It is considered that the replacement of the nursery site and the existing bungalow with 40 dwellings would represent a more efficient use of the site. Criteria b) and c) would be issues that would be considered at reserved matters stage, but the indicative layout indicates that an appropriate scheme could be accommodated within the site which would not give rise to overlooking, overshadowing or overbearing. Criterion d) relates to access which should not cause disturbance to nearby properties. In order to accommodate an appropriate sized access it is proposed to demolish the property known as Bellmead. All matters are reserved, including access and therefore detailed information in relation to the access is not provided at this time. However, the details given on the indicative layout indicate that an access of the appropriate size can be provided and this should not result in adverse impacts on the neighbouring properties.

- 10.6 Policy ENV3 seeks to protect open spaces and fine specimens of trees. During the course of the consideration of this application a TPO has been served in respect of the northern part of the site. The trees in this location are adjacent to Alsa Wood which is designated as ancient woodland and a Local Wildlife Site. Policy ENV8 seeks to protect elements of importance for nature conservation such as ancient woodland. Need for the development would need to outweigh the significance of the site to the biodiversity of the District.
- 10.7 An arboricultural report has been submitted with the application identifying the trees that would be required to be felled as a result of the layout shown on the indicative plans. The layout and report have been considered by both the Essex County Council Landscape Officer and the Council's Landscape Officer. Both have confirmed that they raise no objections to the proposals subject to the development being carried out in accordance with the Arboricultural Impact Assessment, Method Statement and Tree Protection Plans.
- 10.8 The Council's Landscape Officer gives further advice in respect of the trees covered by the TPO and their relationship to Alsa Wood. The 1880 Ordnance Survey map shows that Alsa Wood did not extend at that time south of the public footpath which defines the northern boundary of the application site. Therefore, whilst the woodland appears to be an extension of Alsa Wood, only a relatively small triangle area in the north eastern part of the site is considered to be part of Alsa Wood.
- 10.9 Further advice is given in respect of the trees to be removed. It is noted that 34 individually identified trees and a further 8 groups of trees. Of the individual trees to be removed only 1, an oak, is categorised of being of moderate quality and value. The layout utilises clearings within the woodland area necessitating only limited tree removal to accommodate the proposed dwellings. On the basis of the advice from the Landscape Officers, it is considered that the proposals would not result in adverse harm to the character of the area, in particular the ancient woodland. Biodiversity issues will be considered further in section D of this report.
- 10.10 The NPPF has a presumption in favour of sustainable development. There is also a requirement for local planning authorities to maintain a 5 year supply of deliverable housing land. Whilst the Council can currently demonstrate that it has a 5.4 year land supply there will still be a requirement to maintain this supply in future years. Therefore it is necessary to consider whether the proposals would constitute sustainable development.
- 10.11 There are three roles to sustainable development and these must to be considered together.

Economic role: The proposal would result in the introduction of 40 dwellings (a gain of 38) on a site which is located adjacent to existing residential properties. Whilst the proposal would result in increased pressure on infrastructure in the locality, these stresses can be mitigated by financial contributions in a S106 Legal Obligation.

Social role: The proposed residential development is capable of delivering a high quality built environment, the consideration of which would be at reserved matters stage. It is located in a village where there are local services including shops, a primary school, doctor's surgery and a railway station and bus routes.

Environmental role: The redesigned scheme limits the impacts on the ancient woodland and protects the important areas and groups of trees. The development would not have a significant visual impact on the wider landscape.

Therefore, overall, it is considered that the development meets the requirements of sustainable development. Greater weight needs to be given to the NPPF as a material consideration than to Policy S7 which is only partially compliant with the NPPF.

## **B The form of development in this location (NPPF, ULP Policies GEN2, H9, H10)**

10.12 The application is an outline application with all matters reserved. Therefore the scale, layout, appearance, access and landscaping elements of the scheme will be considered at a later date. However, the indicative layout indicates that a scheme can be accommodated within the site that would not result in adverse harm to the protected trees. In addition the proposal indicated would not give rise to overlooking, overshadowing or overbearing issues. No details are given that the proposals would meet the Lifetime Homes and Wheelchair accessible standards, but again these would be considered at reserved matters stage.

10.13 The indicative layout indicates that the site would be able to accommodate the specified number of dwellings, together with the necessary minimum garden sizes as set out in the Essex Design Guide. The proposed density would be approximately 12 dph. However, the density will vary across the site and approximately 1.2ha would not be developed. This still equates to a density of 18dph.

10.14 Each plot is shown to have the required number of parking spaces, with some properties having an overprovision of spaces. There are 9 visitor parking spaces indicated, a shortfall of 1 space. However, given the fact that some properties have an overprovision of spaces, this shortfall is considered acceptable. The table below gives details of property sizes, garden sizes and parking space provision.

Plot	No of beds	Garden size	Parking		Plot	No of beds	Garden size	Parking
1	2	178	2		21	5	233	3
2	3	154	3		22	5	221	3
3	3	174	3		23	3	207	3
4	2	100	2		24	2	161	2
5	2	74	2		25	3	102	3
6	2	80	2		26	2	108	2
7	2	140	2		27	2	149	2
8	4	195	4		28	4	150	4
9	3	154	3		29	3	169	3
10	3	144	3		30	3	155	3

11	3	117	3		31	4	100	4
12	3	102	3		32	2	90	2
13	3	119	3		33	2	80	3
14	3	111	3		34	2	149	2
15	4	131	4		35	2	117	2
16	3	118	3		36	2	112	2
17	3	146	3		37	2	110	2
18	4	200	4		38	2	86	3
19	5	240	3		39	4	89	4
20	5	208	3		40	2	130	2

10.15 The proposed indicative layout includes a mix of dwelling types as follows:

- 15 x 2 bed terrace
- 1 x 2 bed bungalow
- 12 x 3 bed semi detached
- 2 x 3 bed detached
- 2 x 4 bed link detached
- 4 x 4 bed detached
- 4 x 5 bed detached

10.16 The proposed mix is considered appropriate and complies in principle with Policy H10. The Design and Access Statement confirms that it is proposed to comply with the requirements for 40% affordable housing on this site. However, the current proposed housing mix, which is indicative, does not comply with the Council's requirements for affordable housing in this location. In addition there is no proposed provision of market bungalows. However, these issues would need to be resolved at reserved matters stage and the principle of the development complies with Policies H9 and H10.

10.17 A proposed landscaping scheme has been submitted to demonstrate how the proposals could compliment the retained trees. This has resulted in an objection from Airside OPS Limited due to the potential to increase risk of bird strike to aircraft. The objection could be removed if berry bearing species were reduced in the scheme. As this is an outline planning application and landscaping is a reserved matter it would be appropriate to require an amendment to the landscaping scheme as a condition. Accordingly it is considered that the proposals comply with Policy GEN2.

### **C The access is appropriate (ULP Policy GEN1)**

10.18 The proposed access is also a reserved matter, but an indicative access is point is shown in the application. It is proposed to demolish a property known as Bellmead and utilise the site of the former dwelling and the existing access to the nursery site to provide the access to the proposed development. The proposals have been considered by ECC Highways who confirm that they have no objections to the proposals.

10.19 Concern has been raised in the representations as to the ability of the local road network to accommodate the additional traffic arising from the proposals. This too has been considered by the Highways Department who raise no objections. Further comments have been raised in respect of the capacity of Junction 8 of the M11. The Highways Agency (now Highways England) has considered the proposals and confirmed that they raise no objections to the proposals. They do raise concern about the future capacity of Junction 8, but this proposal would not have such a significant

impact that mitigation measures would be required. Therefore it is considered that the proposals comply with Policy GEN1.

**D The proposals would result in adverse harm to protected species and biodiversity (NPPF; ULP Policies GEN7, ENV3, ENV7, ENV8)**

10.20 The proposed development would result in the demolition of two dwellings, a building used as an office and the felling of a number of trees. Within the site there is a range of habitats which could be suitable for protected species. Policy GEN7 seeks to prevent development that would be harmful to protected species and/or habitats. This is in general compliance with paragraph 118 of the NPPF.

10.21 Policy ENV3 seeks to protect groups of trees and fine individual tree specimens. Policy ENV7 seeks to protect nationally and locally important areas of nature conservation such as Local Wildlife sites, such as Alsa Wood. Policy ENV8 seeks to protect landscape elements important for nature conservation.

10.22 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. Regulation 9(3) of the Conservation of Habitats and Species Regulations 2010 requires "A competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive and Birds Directive so far as they may be affected by the exercise of those functions".

10.23 The northern part of the site is covered in an area of woodland where it adjoins Alsa Wood. This is some argument that at least part of this woodland area forms part of Alsa Wood, although the Council's Landscape Officer is of the view that this is limited to the area in the north eastern part of the site. Notwithstanding this, a blank Tree Preservation Order has been served on the wooded area of the site.

10.24 The original scheme would have resulted in the clearance of the large majority of the northern end of the site. However, following the issuing of the Tree Preservation Order, together with the objections from the ECC Ecologist and the Woodland Trust, revised plans have been submitted reducing the number of units from 50 to 40.

10.25 The revised scheme would still result in the loss of trees. These would be 34 individually identified trees and 9 groups of trees. The Council's Landscape Officer and ECC's Landscape Officer have both reviewed the scheme and raise no objections to the proposal. This is due to the majority of the trees being of low quality and value.

10.26 The ECC Ecologist has removed their objection to the proposal on the basis that there is now a greater than 15m buffer to the ancient woodland. Initially there were concerns in respect of insufficient bat surveys. However, the revised layout has overcome these concerns.

10.27 The concerns relating to the impacts on the ancient woodland, and its associated biodiversity, whilst partially addressed by the revised indicative layout, will also need to be controlled by a management plan. This can be secured by way of a condition and/or S106 Legal Obligation. On this basis it is considered that the proposals would comply with the relevant policies.

## **E The proposals would increase flood risk on or off the site (ULP Policy GEN3)**

10.28 Policy GEN3 seeks to prevent increased flood risks as a result of development. The site is currently predominantly greenfield and therefore currently should have a slow run-off rate. A flood risk assessment has been submitted as part of the planning application showing how drainage within the site can be dealt with to ensure increased flood risk will not result from the development. This has been assessed by the Environment Agency who raise no concerns, subject to a condition requiring the drainage strategy being implemented.

10.29 ECC's Sustainable Drainage Engineer has made some comments in respect of the drainage scheme, but has not raised an objection to the proposals. Therefore, it is considered that the proposals, subject to conditions, would comply with Policy GEN3.

## **F The proposals would be subject to adverse noise or air quality (ULP Policies ENV10, ENV13)**

10.30 The application site is located in close proximity to the M11 which is in a cutting at this point. As such the site has the potential to be adversely impacted by way of noise nuisance.

10.31 A noise survey has been submitted with the planning application. This identifies that the dominant noise source affecting the proposed development is continuous background noise from the M11 and aircraft noise during the day from Stansted Airport, reduced to some noise from the M11 and occasional noise from Stansted Airport during the night. Noise from Essex Autospray have also been taken into consideration, although it should be noted that this potential noise source is on a site where planning permission has been granted for 155 dwellings and therefore is likely to be demolished in the near future.

10.32 The noise survey concludes that the majority of the plots will require windows to be closed during the day and night for habitable rooms. Plots on the eastern part of the site will meet relevant criteria with windows open. To achieve the WHO criteria for habitable rooms some plots will require enhanced glazing and acoustic vents.

10.33 In terms of noise impacts in gardens, these have been predicted to fall within the 55dB(A) criterion or less when screened by dwellings themselves and when further to the east of the site. The report recommends that gardens should be screen behind dwellings without line of site to the M11. Dwellings along the north west and western boundaries should provide screening to the rest of the site. Wherever possible main living areas should be located on the quieter side of the dwelling away from the M11.

10.34 The noise report has been assessed by the Environmental Health Officer who considers the findings are acceptable and that a condition should be imposed requiring the noise mitigation measures to be implemented at the design stage. As such the proposal is in accordance with Policy ENV10.

10.35 The proposal also has the potential to result in increased air quality issues, both during construction and in the operational phase. An air quality assessment has also been submitted with the application. This focuses on the potential impacts of on local traffic emissions once the development has been completed. A qualitative assessment of the potential impacts from construction activities has also been undertaken.

10.36 The impacts from construction activities on nearby properties would be slight to moderate adverse, without mitigation measures. The implementation of a Construction



Environmental Management Plan would reduce the impacts to negligible to slight adverse. This scheme of best practice is considered acceptable by the Environmental Health Officer and should be conditioned.

10.37 The impacts from the additional traffic, bearing in mind this was assessed on the original higher number of dwellings, is considered to range between imperceptible, negligible and small. Therefore it is considered that the impacts of the proposals would be acceptable and the proposals comply with Policy ENV13.

**G There is sufficient infrastructure provision for the proposals (ULP Policy GEN6)**

10.38 The proposed development would increase pressure on local infrastructure, in particular education and health care facilities. Essex County Council has raised an issue in respect of additional requirements for early years and childcare and primary school provision. The impacts can be mitigated by way of a financial contribution which can be secured by a S106 Legal Obligation.

10.39 NHS England has also raised concerns in relation to increase impacts on local health care facilities. As such a financial contribution is requested to mitigate these impacts. Again, this can be secured by way of a S106 Legal Obligation.

10.40 The applicant has expressed a willingness to enter into a S106 Legal Obligation and negotiations are ongoing to finalise this. Therefore it is considered that the proposals comply with Policy GEN6.

## **11 CONCLUSION**

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

- A The site is located outside the development limits for Elsenham where there is a policy presumption against development as set out in Policy S7. However, there is a presumption in favour of sustainable development set out in the NPPF. The proposals comply with the three strands of sustainability and therefore are considered acceptable in principle.
- B The proposals relate to a low density scheme with a mix of dwelling types and sizes, including a bungalow. There is provision for 40% affordable housing units. The indicative garden sizes and parking provision meet the necessary standards.
- C The access arrangements have been considered by Essex County Council and no objections are raised to the proposals.
- D A revised scheme has been submitted reducing the number of units and retaining the majority of the trees on site. The scheme has been assessed by both ECC and Uttlesford Landscape Officers who raise no objections to the proposals. There would be a buffer to the ancient woodland and it is not considered that the proposals would result in any significant harm to protected species or habitats.
- E The application is accompanied by a Flood Risk Assessment which is considered satisfactory by the Environment Agency.
- F The site would be affected by noise and appropriate mitigation measures can be put in place to secure acceptable living conditions for the proposed dwellings. Air quality issues due the construction phase can be mitigated by means of a Construction

Environmental Management Plan. The increase in traffic arising from the proposal would result in a negligible impact on the locality in terms of air quality.

- G There would be additional demands on local education and health care facilities. These impacts can be mitigated by way of financial contributions to be secured by way of a S106 Legal Obligation.

## **12. RECOMMENDATION – CONDITIONAL APPROVAL WITH S106 LEGAL OBLIGATION**

- (I) The applicant be informed that the committee would be mindful to refuse planning permission for the reasons set out in paragraph (III) unless by 5 June 2015 the freehold owner enters into a binding agreement 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 agreement to secure the following:**

- (i) Provision of affordable housing**
- (ii) Payment of contributions towards primary and early years and childcare provision**
- (iii) Payment of contributions towards health care facilities**
- (iv) Monitoring of a Woodland Management Scheme**
- (v) Monitoring fee**
- (vi) Pay the Council's reasonable costs**

- (II) In the event of such an obligation being made, the Assistant Director Planning and Building Control shall be authorised to grant planning permission subject to the conditions set out below:**

- (III) If the freehold owner shall fail to enter into such an obligation, the Assistant Director Planning and Building Control shall be authorised to refuse permission for the following reasons:**

- (i) No provision for affordable housing**
- (ii) No financial contributions received towards education provision**
- (iii) No financial contributions received towards health care provision**
- (iv) No monitoring of a Woodland Management Scheme**
- (v) No payment of monitoring fee**

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 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.

2. (A) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.

(B) The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the 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.
  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.
  2. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.
  3. 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.

REASON: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and Chapter 12 of the NPPF. This condition is required to be a pre-commencement condition as archaeological works must be carried out prior to the development of the site.

4. 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 local 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 application site lies within a potentially sensitive area with cropmark evidence of an enclosure to the west and Roman occupation identified to the east. The archaeological investigation of this site is required to ensure the potential heritage assets are properly recorded in accordance with Uttlesford Local Plan Policy ENV4 (2005) and paragraph 141 of the NPPF. This pre-commencement condition is required to ensure the assessment and recording of any archaeological deposits is undertaken prior to commencement of development.

5. Notwithstanding the indicative details submitted, the details to be submitted in relation to condition 2 shall include full details of soft and water landscaping works. Details must comply with Advice Note 3, 'Potential Bird Hazards from Amenity Landscaping & Building Design' (available at [www.aoa.org.uk/policy-campaigns/operations-safety/](http://www.aoa.org.uk/policy-campaigns/operations-safety/)). These details shall include:
  - The species, number and spacing of trees and shrubs (this shall include a reduction in berry bearing species to no more than 15% of the total, distributed evenly across the site)
  - Grassed areas
  - Details of any water features
  - Drainage details including SUDS – Such schemes must comply with Advice Note 6 'Potential Bird Hazards from Sustainable urban Drainage Schemes (SUDS)' (available at [www.aoa.org.uk/policy-campaigns/operations-safety/](http://www.aoa.org.uk/policy-campaigns/operations-safety/)).No subsequent alterations to the approved SUDS scheme are to take place unless first submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.

REASON: To avoid endangering the safe movement of aircraft and the operation of Stansted Airport through the attraction of birds and an increase in the bird hazard risk of the application site, in accordance with Uttlesford Local Plan Policy GEN2 (2005).

6. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the local planning authority. The submitted plan shall include details of:

- Monitoring of any standing water within the site temporary or permanent
- Sustainable urban drainage schemes (SUDS) – such schemes shall comply with Advice Note 6 ‘Potential Bird Hazards from Sustainable Urban Drainage Schemes (SUDS) (available at [www.aoa.org.uk/operations-safety](http://www.aoa.org.uk/operations-safety)).
- Maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow.

The Bird Hazard Management Plan shall be implemented as approved on completion of the development and shall remain in force in perpetuity. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the local planning authority.

REASON: It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Stansted Airport, in accordance with Uttlesford Local Plan Policy GEN2 (2005). This pre-commencement condition is required to ensure the safety of the operation of Stansted Airport is not jeopardised.

7. Prior to the commencement of the development hereby approved, a Woodland Management Plan shall be submitted to and approved by the local planning authority. The submitted plan shall include details of:

- How the woodland will be protected during the construction works
- How the woodland will be maintained in the long term

The Woodland Management Plan shall be implemented as approved, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure the woodland and protected trees are protected from harm, in accordance with Uttlesford Local Plan Policies ENV7 and ENV8 (2005). This pre-commencement condition is required to ensure the trees and woodland are given adequate protection prior to the commencement of works on site.

8. The details required to be submitted under condition 2 shall include the design and provision of pedestrian and cycle routes to link with the existing public footpath network which could then provide connectivity with the adjacent Crown Estates site. The pedestrian and cycle routes shall be constructed up to the boundary of the site and made available for use before occupation of the first dwelling.

REASON: In the interests of highway safety, efficiency and accessibility and provide for alternative means of travel to the car, in accordance with Uttlesford Local Plan Policy GEN1 (2005) and the NPPF.

9. Prior to the occupation of any dwelling, there shall be the provision of a priority junction formed at right angles to Stansted Road, Elsenham, as shown in principle on Intermodal drawing no. IT1403-TA-02 dated May 2014, to include but not be limited to, minimum visibility splays of 43m by 2.4m by 90m, 10m junction radii and a 5.5m carriageway width and two x 2 metre footways. Details shall be submitted to and approved in writing by the local planning authority in consultation with the Highway Authority, prior to the commencement of development.

REASON: To provide highway safety and adequate inter-visibility between 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 Uttlesford Local Plan Policy GEN1 (2005). This pre-commencement condition is required to ensure access to the site meets the highway safety standards.

10. 1. No development (with the exception of demolition works to facilitate the site investigation) shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site, and must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:  
human health, the water environment, property (existing or proposed), service lines and pipes, adjoining land and any other receptors identified as relevant.

2. If found to be necessary as a result of part 1, a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The scheme must include all works to be undertaken, proposed remediation objectives, an appraisal of remedial options, a timetable of works and site management procedures.

3. The remediation scheme for each phase shall be implemented in accordance with the approved timetable of works. Within 2 months of the completion of measures identified in the approved remediation scheme, a validation report demonstrating that the remediation objectives have been achieved must be submitted to and approved by the Local Planning Authority.

4. In the event that contamination that was not previously identified is found at any time after the development of any phase has begun, development must be halted on that part of the site affected by the unexpected contamination. The contamination must be reported in writing within 3 days to the Local Planning Authority. An assessment must be undertaken in accordance with the requirements of paragraph 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with paragraph 3.

REASON: To ensure that the proposed development does not cause pollution of Controlled Waters or harm to human health, and in the wider interests of safety and residential amenity, in accordance with Policy GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005). This pre-commencement condition is required to ensure the ground conditions will be suitable for the proposed end use.

11. The details to be submitted as required by condition 2 shall include drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved by the local planning authority, and the scheme shall subsequently be implemented in

accordance with the approved details before the development is completed/occupied. The scheme shall include:

- Investigation the feasibility of infiltration SuDS as a preference.
- A drainage plan for the site including the proposed location/size of any infiltration/attenuation device.
- The discharge rate to Thames Water sewer will be no greater than the agreed rate of 9l/s, which equates to the 1 in 1 year Greenfield rate.
- Attenuation storage shall be provided to cater for the 1 in 100 year critical storm plus allowance for climate change and there should be consideration given to long-term storage solutions.
- Calculations of the piped network performance in the 1 in 30 year or 1 in 100 year rainfall events, including climate change
- Details of any exceedance and conveyance routes
- Details of the future adoption and maintenance of the proposed surface water scheme for the lifetime of the proposed development.
- Confirm that the receiving watercourse is in a condition to accept and pass on the flows from the discharge proposed. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To ensure a satisfactory method of surface water drainage, in accordance with Uttlesford Local Plan Policy GEN3 (2005).

12. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - *Trees in Relation to Construction - Recommendations* has been submitted to and approved in writing by the local planning authority. The scheme shall include:

(a) All tree work shall be carried out in accordance with British Standard BS3998 - *Recommendations for Tree Work*.

(b) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within 5 years from the date of the occupation of the first dwelling for its permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.

(c) If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and planted, in accordance with condition (4), at such time as may be specified in writing by the local planning authority,.

(d) No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.

(e) No equipment, machinery or structure shall be attached to or supported by a retained tree.

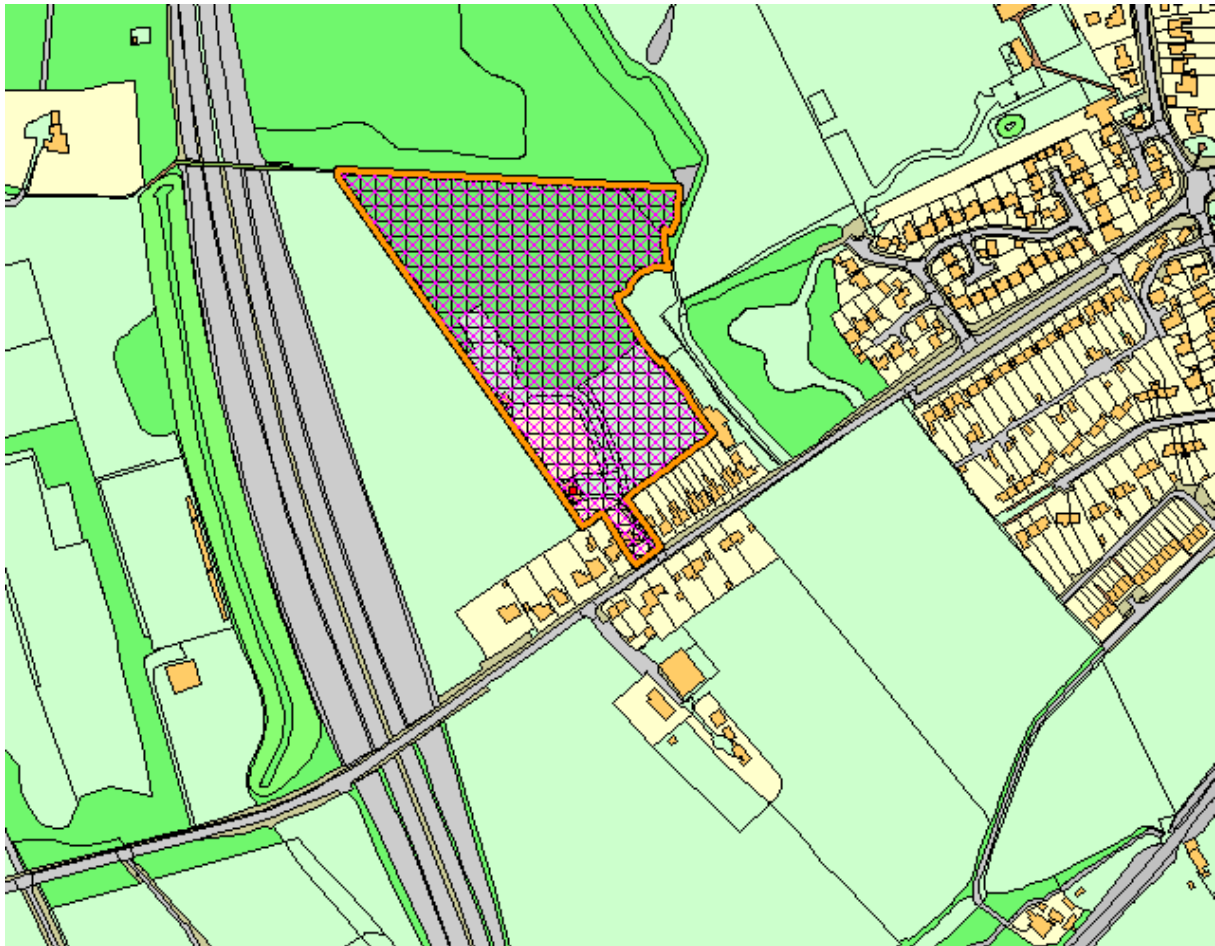
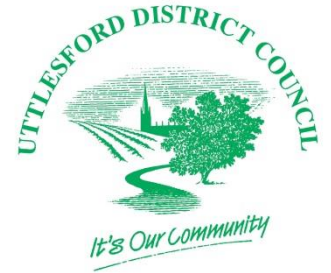
(f) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.

(g) No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.  
The development shall be carried out in accordance with the approved details.

REASON: To ensure the protection of trees within the site in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005). This pre-commencement is required to ensure the ancient woodland and protected trees are afforded adequate protection during construction works.

Application no.: UTT/14/2991/OP

Address: Elsenham Nurseries, Stansted Road, Elsenham



Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationary Office© Crown Copyright 2000. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

Organisation: Uttlesford District Council

Department: Planning

Date: 21 May 2015

SLA Number: 100018688