

UTT/19/0437/OP (Elsenham)

MAJOR

PROPOSAL: Outline application for the erection of up to 40 dwellings with all matters reserved except for access

LOCATION: Land South of Rush Lane, Elsenham

APPLICANT: Rosconn, Nigel John Burfield Holmes, Rosemary Holmes, Mark Burfield Holmes, Robert Murton Holmes, Sasha Renwick Holmes and Tanya Renwick Cran

AGENT: Mr F Hickling c/o Phillips Planning Services Ltd

EXPIRY DATE: 04.06.2019 (extension of time agreed)

CASE OFFICER: Clive Theobald

1. NOTATION

1.1 Outside Development Limits / Within Countryside Protection Zone.

2. DESCRIPTION OF SITE

2.1 The site lies to the south of Rush Lane and comprises a sloping parcel of land consisting of 2.25 ha set mainly to grass and scrub and enclosed by boundary vegetation which falls down to Stansted Brook and the London to Cambridge railway line. A public footpath (No.29, Elsenham) runs through the site in a north-east to south-west direction linking Robin Hood Road with undeveloped land further to the south-west to the rear of the new Elsenham Vale housing development.

2.2 A row of modern terraced houses faces the site along Rush Lane to the immediate north. A row of further houses comprising a mixture of modern and older dwellings, including four listed buildings extends along Robin Hood Road on the site's east side leading down to the railway line which has a pedestrian level crossing to enable pedestrians to access Fullers End (Tye Green Road) and vice versa. A small development of very recently constructed houses front Tye Green Road to the immediate south of the level crossing extending behind on the site of a former timber yard and small industrial estate.

3. PROPOSAL

3.1 This outline application relates to the erection of up to 40 dwellings with all matters reserved except for Access. Members should be aware that the application was originally submitted as an outline scheme for "up to 44 dwellings" and also for Layout to be considered, although the scheme has subsequently been reduced in house unit numbers with consideration of layout now being dropped from the current application submission at the request of the applicant to be now considered at reserved matters stage.

3.2 A proposed parameters plan (drawing number 3417-04 dated September 2019) shows indicatively the proposed area of new housing on the site (coloured in

yellow), the proposed area of an associated LAP and also the extent of a green infrastructure strip running to the south of the housing area extending down to Stansted Brook and the railway line, to include the retention and enhancement of Public Footpath No.29, a new SuDS attenuation basin for the proposed development and a reptile habitat translocation zone

- 3.3 Vehicular access for the housing scheme would be taken off the front section of Rush Lane at the north-east corner of the site as indicated by the green vehicular route direction arrow shown on the submitted parameters plan and more particularly by detailed access drawings which accompany the application.
- 3.4 The application is accompanied by the following core documents;
- Planning Statement
 - Design and Access Statement
 - Flood Risk Assessment
 - Landscape and Visual Appraisal
 - Preliminary Ecological Appraisal
 - Historic Environment Desk-Based Assessment
 - Transport Statement
 - Stage 1 Safety Audit
 - Air Quality Assessment
 - Noise & Vibration Statement

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The application proposal falls to be considered under Schedule 2, 10 (b) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (Urban Development Projects). However, the proposal is not EIA development as (i) the development does not include more than 1 hectare of urban development which is not dwellinghouse development, (ii) the development does not include more than 150 dwellings and (iii) the overall site area of the development does not exceed 5 hectares.

5. APPLICANT'S CASE

- 5.1 The planning statement describes the site and its surroundings, relevant planning history, relevant planning policy, including reference to the Council's emerging Local Plan, consideration of the principle of development, the Council's current lack of a five year housing supply and an assessment of the tilted planning balance in terms of adverse effects versus the public benefits which would accrue from the proposal. The statement concludes that all of the relevant issues for consideration which arise with the proposal are addressed through the various accompanying reports submitted and more generally that;

“The Council are unable to demonstrate a 5-year supply of housing land and therefore the Development Plan is considered to be out of date, and proposals are to be determined within the context of the NPPF which has a presumption in favour of sustainable development. The proposal meets the NPPF’s economic, social, and environmental objectives and therefore constitutes sustainable development. Major benefits of the proposal include the valuable contribution towards the undersupply of housing in the district, and the provision of up to 18 units of affordable housing and open space. The numerous reports submitted with the application demonstrate that the proposed development will not result in adverse impacts which significantly and

demonstrably outweigh these benefits. It is therefore considered to be acceptable in the context on the NPPF. Furthermore, the site has an allocation for residential development in the emerging Local Plan which demonstrates the Council already consider it to be appropriate. This allocation is also included in the Council's latest Housing Trajectory. Due to the amount of time it takes to deliver this number of dwellings, planning permission needs to be obtained in the short term in order for this assumed delivery to be achieved".

6. RELEVANT SITE HISTORY

- 6.1 There are no recently recorded planning applications relating to residential development for the site.
- 6.2 The site has been promoted through the Council's Call for Sites exercise in relation to the Strategic Land Availability Assessment (SLAA) in consideration of the production of the Council's emerging local plan, firstly in 2015 and again in 2018 as a re-assessment appraisal (site reference ELSE 1), the latter which includes reference to the Council's independent review and findings of the soundness and robustness of the Countryside Protection Zone (CPZ) and ULP Policy S8.

7. POLICIES

Uttlesford Local Plan (2005)

ULP Policy GEN1 – Access
ULP Policy GEN2 – Design
ULP Policy GEN3 – Flood Protection
ULP Policy GEN6 – Infrastructure Provision to Support Development
ULP Policy S7 – The Countryside
ULP Policy ENV2 – Development affecting Listed Buildings
ULP Policy ENV4 – Ancient Monuments and Sites of Archaeological Importance
ULP Policy ENV10 – Noise Sensitive Development
ULP Policy ENV13 – Exposure to Poor Air Quality
ULP Policy ENV14 – Contaminated Land
ULP Policy H1 – Housing Development
ULP Policy H9 – Affordable Housing
ULP Policy H10 – Housing Mix

Uttlesford Emerging Local Plan

Policy SP1 – The Presumption in Favour of Sustainable Development
Policy SP3 – The Scale and Distribution of Housing Development
Policy SP10 – Protection of the Countryside
Policy H1 – Housing Density
Policy H2 – Housing Mix
Policy H6 – Affordable Housing
Policy TA1 – Accessible Development
Policy TA2 – Sustainable Transport
Policy TA4 – New Transport Infrastructure or Measures
Policy INF1 – Infrastructure Delivery
Policy INF3 – Health Impact Assessments
Policy D1 – Design
Policy EN1 – Protecting the Historic Environment
Policy EN4 – Development affecting Listed Buildings
Policy EN5 – Scheduled Monuments and Sites of Archaeological Importance

Policy EN7 – Protecting and Enhancing the Natural Environment
Policy EN10 – Minimising Flood Risk
Policy EN11 – Surface Water Flooding
Policy EN15 – Air Quality
Policy EN16 – Contaminated Land
Policy EN17 – Noise Sensitive Development
Policy C1 – Protection of Landscape Character

Policy ELS1 – Land South of Rush Lane, Elsenham

Supplementary Planning Documents/Guidance

SPD – Accessible Homes and Playspace

National Policies

NPPF

Other Material Considerations

Countryside Protection Zone Study (LUC, June 2016)

8. PARISH COUNCIL COMMENTS

8.1 Elsenham Parish Council supplementary objections

These objections are supplementary to the technical representations already submitted to Uttlesford District Council on behalf of Elsenham Parish Council by Gardner Planning.

1. Statement of Community Involvement

UDC is increasingly committed to the principle of community involvement in the early stages of development applications, as stated below:

4.3 Our key principles of engagement are:

- Engaging the community and stakeholders in the early stages of plan-making.
- Encouraging pre-application advice, by advising applicants to discuss future development proposals prior to submitting a planning application. This should include discussion with the local community on significant proposals (Statement of Community Involvement, March 2019).

There has been no attempt to involve the community in this application. Applicants for housing developments of similar size in the village have arranged public exhibitions at which their proposals were presented to, and discussed with, the public. Such public engagement has been found to be far more effective than reliance upon the availability of proposals on UDC's website.

Questions concerning such matters as boundaries, landscaping, footpaths, the surfacing of communal areas, maintenance and the establishment of a management company are of legitimate interest to the Parish Council, and should be discussed with the Parish Council.

2. Transport

It is claimed that

The village is directly served by the M11 motorway (junction 8 located around 5km to the south-east) (Design and Access Statement, 2.1; similar statement at 5.2).

The statement is incorrect in two respects. Junction 8 of the M11 is approximately 7.3 km from the proposed site; moreover, the access is anything but direct, as discussed below.

It is asserted that

The TS has been prepared using the Department for Transport's (DfT) document "Guidance on Transport Assessment" 2007. This TS will therefore cover the following matters:

- An assessment of the existing conditions on the surrounding highway network. (Transport Statement, 1.2)

There is nothing in the *Transport Statement* which attempts to fulfil this undertaking, and the proposal shows no awareness of the particular problems which beset access by road to Elsenham.

Elsenham is very curiously situated. It has a railway station, which makes it a target for developers, and yet the road links are peculiarly inadequate. The main route out of the village is through Stansted Mountfitchet, via the unique configuration at Grove Hill, and the continuation via Lower Street and Chapel Hill, Stansted Mountfitchet. The unpredictable delays and difficulties, particularly at Grove Hill, are so acute that some residents frequently have recourse to wholly unsuitable narrow winding country lanes as an alternative. Any serious attempt at an assessment of existing conditions would show familiarity with these various difficulties and impediments to vehicular progress.

The insufficiencies of the road links to Elsenham have been confirmed in important decisions. Central to the rejection in December 2014 by the Local Plan Inspector of the previous draft Local Plan was the inadequacy of the road links to Elsenham. The Inspector into the appeal against rejection of the proposed plan for up to 800 dwellings between Henham and Elsenham, UTT/13/0808, accepted the approach of the Local Plan Inspector, and concluded that the adverse impact on the surrounding road network was sufficient in itself to refuse the appeal; his view was confirmed by the Secretary of State in August 2016.

The Local Plan Inspector decided in December 2014 that the road network could not cope with further development. He could not have taken account of houses already scheduled but not yet occupied, since he was concerned with conditions on the ground. A close reading of his Report suggests that he felt that the road links were already inadequate:

My overall conclusion on the evidence is that there are severe doubts that Elsenham could overcome the connectivity disadvantages of its location sufficiently to be regarded as consistent with national policy or effective in being able to secure sustainable development (*Examination of the Uttlesford Local Plan: Inspector's Conclusions*, 2.16).

The Parish Council's analysis shows that more than 400 further dwellings will be occupied in the village in the period since the Inspector decided that a further allocation could not be sustained.

The *National Planning Policy Framework* is referred to by the applicants in the following terms:

As before, at paragraph 109, the revised NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impact on the road network would be severe (Transport Statement, p.9).

There can be no doubt that the cumulative impact on the road network of this application and all the others which have been passed recently in Elsenham would indeed be unacceptably severe. It is not a question of the number of dwellings included in the present or any future applications; the road network is inadequate now for the number of homes already committed.

3. Construction vehicles: access

The document Transport Assessment Appendix A (held wrongly on UDC's website as Transport Assessment Appendix B) shows the Refuse Vehicle Swept Path Analysis relative to the proposed site access. There is no such analysis for construction vehicles, which are often of much greater length than refuse vehicles. Clearly the site cannot be viable if it is impossible of access by construction vehicles.

4. Construction vehicles: vibration

It is concluded that 'noise and vibration does not pose a constraint to the proposed development' (Noise and Vibration Assessment, 7.5).

The applicants include a good description of the listed buildings on Robin Hood Road, comprising the Robin Hood pub, C18-C19 (now known as Fuller's Court); 1 and 4 Wells Cottages, C18-C19; 2 and 3 Wells Cottages, C17 (Historic Environment Desk-Based Assessment, 3.12 - 3.19).

There is no consideration of the impact of noise and, particularly, vibration on these existing buildings. It is known that Wells Cottages have no foundations. Heavy construction vehicles will necessarily pass close to these priceless heritage assets. It is imperative that a full study should be undertaken by a duly qualified, independent agency as to the likely consequences.

5. Parking, Rush Lane

Parking provision is inadequate for the residents of Rush Lane, and consequently parking is unavoidable outside nos 2, 4, 6 and 8 Rush Lane, and on the stretch of Rush Lane between the junction with Robin Hood Road and 2 Rush Lane.

There would be a clear conflict between these parked vehicles and access to the proposed site for construction vehicles, and for refuse lorries, and for vehicular traffic generally. Clearly the proposals are not viable in their present form for this reason alone.

6. Attenuation pond and sustainable drainage system

The applicants promise:

Ecological enhancement of the site, along with increased biodiversity, through the creation of an attenuation pond, resulting in new habitats (*Design and Access Statement*, 4.3).

They further explain

The attenuation basin is a sustainable drainage system (SuDS) which will provide an attractive environment with green features and biodiversity enhancements. The attenuation basin is to include a permanent pond and the development drainage system is to outfall to Stansted Brook, located along the site's south western boundary (*Design and Access Statement*, 8.3).

The applicants are evidently unaware that the proximity of Stansted Airport means that permanent bodies of open water cannot be permitted, owing to the possibility of attracting flocks of birds and the consequent danger to aviation of bird strikes.

Furthermore, other recent approved and pending applications in Elsenham rely on Stansted Brook for the discharge of rainwater (165 dwellings south of Stansted Road, UTT/15/2632; 130 dwellings west of Hall Road, UTT/19/0462; 5 dwellings at Elsenham sawmill, UTT/13/1983). A study is needed in order to determine the effects of the further proposed discharges from the application now under consideration.

7. Natural springs

It is noted that

The north-eastern corner of the paddock has several springs, creating flushed and boggy areas near Robin Hood Road (*Tree Survey*, 3.2).

No further mention of the springs has been noted within the application.

It is held locally that natural springs are to be found elsewhere on the site, on the eastern side generally, causing occasional flooding on Robin Hood Road, and also to the south.

Clearly a comprehensive professional study is needed as to the location of the springs, the effect of covering the area with houses and hard-standing, and whether any measures could be taken to alleviate the effects.

8. Local demand

The applicants refer to 'New homes which will contribute to addressing local demand' (*Design and Access Statement*, 4.3). But there is no evidence to show the existence of this demand and no analysis to indicate how such a demand might be met by the application.

It is clear that the applicants are not familiar with the full extent of recent housing applications granted approval in Elsenham. In their summary of 'several approvals for large scale residential developments in Elsenham in recent years' (*Planning Statement*, 3.3), they omit land north of Stansted Road, Elsenham. Outline approval was granted on this site for 155 dwellings, UTT/ 0142/12, 9 May 2013, and a further

20 dwellings, UTT15/3090, 2 November 2016, a total of 175. Construction of this development is now almost complete, and its existence would be very conspicuous to anyone travelling to the site which is the subject of the present application.

The 2011 census give the total number of dwellings in Elsenham as 980. UDC's own figures show Total Dwellings 2011-2033 (that is, new dwellings) as 650 (Regulation 19 consultation, Section 3.67, Table 5), an increase of 66%. There has been no concomitant improvement in facilities.

The applicants fail to justify the need for the development.

9. Housing mix

It is claimed that 'This indicative mix has been generated in response to a number of factors including local demand, existing house stock analysis and identified affordable housing need' (Design and Access Statement, 11.1), but supporting evidence is wholly lacking.

The applicants are clearly unaware that UDC's current policy is that at least 5% of new developments should be in the form of bungalows. Elsenham Parish Council has long argued that the proportion is insufficient for local needs.

As an indication of the inadequacy of bungalow provision in Elsenham, the following analysis of major schemes, all off Stansted Road and currently under construction, is included:

North of Stansted Road, UTT/0142/12; 155 homes; 8 bungalows, all affordable
South of Stansted Road, UTT/13/1790; 165 homes; 8 bungalows, 4 affordable, 4 private
Elsenham Nursery, UTT/14/2991; 42 homes; 2 bungalows, both affordable.
North of Leigh Drive, UTT/15/3090; 20 homes; 2 bungalows, both affordable

The totals of the four sites are 382 homes, with 20 bungalows, 4 of which are private.

Clearly the provision of bungalows is wholly inadequate for downsizing purposes. The lack of provision of private bungalows is particularly conspicuous.

10. Affordable housing

The proposal does not meet UDC's provisions concerning affordable housing. There should be fewer two-bedroom properties and more with one bedroom and three bedrooms.

UDC's standards state that affordable housing should be in clusters of no more than ten. The proposals show plots 8 to 21 inclusive as affordable, clearly making for a cluster of 14.

11. Parking

The Essex Design Guide is quoted as follows:

1 Bed Dwellings 1 space per dwelling
2+ Bed Dwellings 2 spaces per dwelling
(*Design and Access Statement, 10.3*)

The applicants are apparently unfamiliar with Uttlesford Local Residential Parking Standards February 2013, which stipulates a minimum of 3 spaces for dwellings with 4+ bedrooms, in view of the rural nature of the district. Clarification as to the applicants' intentions is needed.

Elsenham Parish Council has long taken the view that two spaces is inadequate for three-bedroom houses, and that three spaces should be the standard provision.

12. Gardens

Garden sizes are noted as follows:

100sq.m minimum garden size (50sq.m possible for 1-2 bed plots)

- Long narrow gardens avoided

(Design and Access Statement, 10.1)

The application does not reserve matters concerning detail. A schedule is required showing the size of garden for each plot, and demonstrating that the prescribed minima can be achieved.

13. Air quality

Elsenham Parish Council wishes to support the objections raised by Stansted Parish Council concerning traffic density and air quality at Grove Hill, Stansted Mountfitchet.

Conclusion

The representation by Gardner Planning has demonstrated that the application cannot be supported. This supplementary representation shows that the application is inadequate in several further respects. There has been no attempt at community involvement. There is a failure to address the transport issues consequent upon Elsenham's situation within the road network. Construction vehicle access is inadequate, and the vehicles themselves are liable to cause irredeemable harm to priceless heritage assets. The impact of unavoidable parking in Rush Lane has not been considered. The sustainable drainage system proposed is far from sustainable, and a study is required of the natural springs on the site. The need for the development is not shown, the housing mix does not meet local needs and the affordable housing does not meet UDC's provisions. Clarification is needed concerning parking provision and garden sizes, and serious doubts have been raised concerning air quality issues.

The application has been made with all matters reserved apart from access and layout. It has clearly been shown that there are failings with both these aspects, and the application must therefore fail.

8.2 *(Further Parish Council comments received 4 October 2019 on changed application description and revised drawings received as follows):*

Elsenham Parish Council further objections:

These objections are made following revised documents which are held on Uttlesford District Council's website and dated variously 30 July 2019 to 26 Sep 2019. The technical representations submitted on behalf of Elsenham Parish

Council by Gardner Planning (28 March 2019) and the supplementary objections made by the Parish Council (2 April 2019) still apply in their entirety.

1. Housing volume and housing mix

The original description was, 'Outline application for the erection of up to 44 dwellings with all matters reserved except for Layout and Access'. That has been amended to, 'Outline application for the erection of up to 40 dwellings with all matters reserved except for Access'. Thus the number of houses has been reduced from 44 to 40 and Layout is now a reserved matter.

Two new documents on UDC's website are now entitled Withdrawn from Application Housing Mix Plan and Withdrawn from Application Proposed Masterplan. These have been withdrawn since they were lodged on the website on 30 August.

The *Planning Layout*, Sections 5.30 to 5.31 refer to a site layout. But as far as can be determined, there is now no active master plan or housing mix plan. The situation is most unsatisfactory. The applicants must be able to show how the volume of houses can be accommodated in the space available, having regard for such matters as parking provision and garden sizes.

Furthermore, there is a need to show the housing mix proposed. This is a matter in which the Parish Council takes a keen interest. It is maintained that the recent large increase in housing in the village has left serious imbalances; there is insufficient provision of bungalows, and an excess of houses with three bedrooms and more.

Moreover, there is now an uncertainty as to the number of affordable homes which are proposed to be provided, and no indication as to how these might be distributed across the site in order to avoid undue concentration.

It is appreciated that layout is now a reserved matter. However, the Parish Council maintains that an illustrative layout must be provided. Past experience suggests that if an outline application is approved for a number of dwellings without such a drawing, there will be unwillingness at the detailed application stage to concede that a satisfactory layout at the volume approved cannot be achieved.

2. Inaccurate documents

The only indication that the number of dwellings proposed has been reduced to 40 from 44 is in the description, combined with the withdrawal of the Proposed Masterplan and the Housing Mix Plan. Several references in various documents which are not shown as withdrawn or superseded continue to refer to 44 dwellings, with 18 affordable. The following have been noted:

2.1 *UDC Housing Officer Response*

This is based on an application of 44 dwellings and thus is apparently now inapplicable.

2.2 *Schedule of Accommodation*

The document is for a total of 44 dwellings and clearly a replacement is needed.

2.3 *Planning Statement*

Section 1.2 states: 'The proposed development comprises up to 44 dwellings, of which up to 18 units (40%) will be affordable housing.' There are similar statements at 5.1, 5.16 and 6.1.

Section 5.24 states: 'The proposal is for 44 dwellings rather than the 40 stated in the policy. The site is able to comfortably accommodate this number as demonstrated in the proposed layout and this will result in a more effective use of the land.' There is no explanation for the revision from 44 to 40 dwellings, which will presumably, in the view of the applicants, result in a less effective use of the land.

2.4 Design and Access Statement

Sections 3, 4.3, 9, and 11.2 mention 44 dwellings with 18 affordable. Section 11.1 shows the housing mix totalling 44 dwellings. Sections 4.1 and the Summary mention 44 dwellings.

2.5 Air Quality Statement

There are references to 45 dwellings (not 44 or 40) at 1.2. and 2.2.

Figure 2.2 shows an indicative layout. Clarification is needed as to whether this layout is now withdrawn.

2.6 There might be other such instances of continued reference to 44 dwellings.

As the Parish Council continues to maintain that the volume of housing in the village is wholly excessive, any reduction is to be welcomed, even one as small as from 44 to 40 dwellings. But the application must be full and consistent.

3. Access

There is a new document on UDC's website against dated 30 July entitled Site Access and Refuse Vehicle Swept Path Analysis. It needs to be compared with Transport Assessment Appendix A (held wrongly on UDC's website as Transport Assessment Appendix B), date 25 February 2019. The drawings differ, although they are both undated and labelled at bottom right DWG-O4 Rev B, which in itself is poor practice.

The later document shows a 2.4m X 17m visibility splay, whereas the earlier document shows 2.4m X 25m. The Planning Statement, 5.34, says that the visibility splays are 2.4m X 25m, which is consistent with the earlier document.

There is nothing to state what the differences are between the two versions of the drawing, or the rationale behind the amendments. It is by no means clear that the amendments meet the objections previously raised concerning access, particularly with regard to the presence of parked cars in Robin Hood Road and Rush Lane. See also the comments in the Parish Council's supplementary objections, 3., concerning access for construction vehicles.

It is not clear what trees and hedgerows are proposed to be removed in order to gain access.

Conclusion

None of the objections previously raised on behalf of Elsenham Parish Council by

Gardner Planning (28 March 2019) and the supplementary objections made by the Parish Council (2 April 2019) have been met. In addition, there are now uncertainties concerning housing volume, housing mix and the quantity and distribution of affordable homes. The revised plan showing access does not demonstrate that viable access to the site can be achieved.

Gardener Planning on behalf of Elsenham Parish Council

- Reference has been made to the content of the Emerging Local Plan. The site is proposed for allocation for housing (although only 40 dwellings, not the proposed 44) and excluded from the Countryside Protection Zone as a consequence. However, the Adopted Local Plan remains the 'Development Plan' for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and a decision must legally be taken on its policies. Moreover, Planning Officers' Reports continue to stress that "*Emerging Local Plan policies currently have limited weight*" (policies which include the allocation of sites), as recently as March 2019.
- It is accepted that UDC cannot currently demonstrate a 5-year housing land supply so NPPF para 11 is relevant, which is the 'tilted balance' when considering planning applications.
- The 'benefit' of the development is the *delivery of 44 dwellings*. But this is in the context of an overall need for over 1,100 extra dwellings (Housing Trajectory and 5-Year Land Supply Statement) October 2018, so obviously a *very minor contribution and thus benefit*. The Trajectory also records that the 8 currently permitted Elsenham sites have a capacity of 447 dwellings at March 2011, but records up to 2017/18 only half of those (224) have been delivered. *There is therefore doubt that there is market demand for another 44, when over 200 dwellings are already able to make a contribution to supply.*
- In policy terms, it would be far better if favourable consideration were to be contemplated after adoption of the new Local Plan, not before. As it stands, *this scale of development is contrary to the spatial strategy of the ALP (Policies S3 and H3), which itself is a 'significant and demonstrable' harm.*
- The loss of Countryside is a 'significant and demonstrable' harm and contrary to *ALP Policy S7 and NPPF para 170*, and a matter considered to be of 'significant weight' in the major Elsenham planning refusal by the Secretary of State in 2016.
- The development would be within, and contrary to, the *Countryside Protection Zone ALP Policy S8* which is a 'significant and demonstrable' harm.
- The Landscape and Visual Appraisal (LVA) submitted with the application very fairly accepts that there will be an *adverse impact on the landscape* which is a 'significant and demonstrable' harm and a further contravention of *ALP Policy S7*.
- The access is substandard, it is unsuitable for access to a development site of 44 dwellings and *fails ALP Policy GEN1*. Even if improved (for which there are no current proposals) by a new and necessary footpath on the south side of Rush Lane, *it would then be contrary to ALP Policy GEN2*.
- *The Listed Buildings*, principally the setting of those on Robin Hood Road, would not be protected by the retention of the hedge, and the claim that the area is already 'sub-urban' cannot be accurate - they currently look out onto open countryside. Thus, the setting of the Listed Buildings would be significantly and demonstrably harmed *contrary to ALP Policy ENV2*.
- We therefore ask that planning permission be refused for the above reasons,

and will request a submission to the Planning Committee if recommended for approval.

9. CONSULTATIONS

Environment Agency

- 9.1 Thank you for your consultation dated 07 March 2019. We have inspected the application as submitted and have no concerns with the proposal.

We are providing the following comments:

We note that the site location boundary extends up to and adjacent the Stanstead Brook, designated a 'Main River'. From the plans submitted, it would appear the built development is sequentially sited away from the water course, and on the basis that no works will be carried out within 8 metres of the Brook this proposal will not require an Environmental Flood Risk Activity Permit.

We trust that this advice is useful.

Network Rail

- 9.2 Thank you for notifying Network Rail of the above application.

I have reviewed the documents and foresee there may be issues in relation to the level crossing and the Station Capacity. I would like to request that the applicant provides a risk assessment for the Level Crossing in relation to the proposed development before I can make further comments.

(Revised Network Rail comments received 2 July 2019):

- 9.3 After further discussions with our internal teams I can confirm that we already have the funding for the closure and diversion of the level crossing so will not require a contribution from the developers.

The developer has also provided Network Rail with the outcome of their Risk Assessment/ Traffic Census which NR have run ALCRM on the output of the assessment.

It is likely that the 44-home development will increase the risk rating slightly but exactly by how much is partially guess work as in reality we cannot be sure of the increase in risk that these properties will have on the crossing.

This footpath crossing is one of the safest types that we have, as it already has miniature stop lights installed. We are looking at what mitigations we could put in place to try and minimise any increase in risk at this crossing and the only improvement would be to install 'ATC', which is a spoken warning to the user of another train coming.

NR would support a restriction that the development will not be occupied until the level crossing is closed under the TWAO processed, which is expected to be a couple of years or alternatively a restriction that the development will be phased such that the construction starts at the eastern side. This will minimise the attractiveness of the level crossing for most new residents.

NATS

- 9.4 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

MAG London Stansted Airport

- 9.5 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria.

The proposed development site is located 2.3km north west from the end of the 22 runway, on the southern edge of the village of Elsenham. In this location, areas of open water have the potential to attract and support hazardous birds such as Mallard, feral geese and gulls increasing the risk of birdstrike to aircraft using Stansted. For this reason, we request the following Condition:

- No development to take place until the open water is removed from the attenuation proposals. If this is not possible, it should be planted with Common Reed, or planted with a dense margin of emergent vegetation and surrounded by trees such as willow or alder to obscure the open aspect of the water.

REASON: Flight safety, Birdstrike avoidance - to reduce the attractiveness of the site to hazardous species of birds.

- No development to take place until the berry bearing proportion of the landscaping is reduced to no more than 30%.

REASON: Flight safety, Birdstrike avoidance - in order to prevent the formation of suitable foraging habitat for hazardous flocking species.

REASON: Flight safety, Birdstrike avoidance - to reduce the attractiveness of the site to hazardous species of birds.

It is important that any conditions in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Stansted Airport, or not attach conditions which Stansted Airport has advised, it shall notify Stansted Airport, and the Civil Aviation Authority as specified in the Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

ECC SuDS

- 9.6 Thank you for your email received on 07.03.2019 which provides this Council with the opportunity to assess and advice on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems

- Design Guide
- The CIRIA SuDS Manual (C753)
 - BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position:

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a **holding objection** to the granting of planning permission based on the following:

Long Term Storage

- More information needs to be provided on the long term storage, including calculations showing how the required long storage volume was calculated.

Calculations

- Calculations need to be submitted to show that there is sufficient storage on site for all storm events up to and including the 1 in 100 plus 40% climate change storm event.

Urban Creep

- In any storage calculations, we would also want to see 'urban creep' included in line with Document 'BS 8582:2013 Code of practice for surface water management for development sites' which states: *"To allow for future urban expansion within the development (urban creep), an increase in paved surface area of 10% should be used, unless this would produce a percentage impermeability greater than 100%, or unless specified differently by the drainage approval body or planning authority"* (page 32).

Provide Sufficient Water Treatment

- It should be demonstrated that water quality treatment is sufficient for the whole site as outlined in the CIRIA SuDS Manual C753.
- It should be demonstrated that there is sufficient treatment for all run off from the site (including roof areas) prior to outfall. This should be in line with the simple index approach outlined in chapter 26 of the CIRIA SUDs Manual C753.

We also have the following advisory comments:

- Infiltration testing will be a condition of the application in order to show whether it could be a viable option.

In the event that more information was supplied by the applicant then the County Council may be in a position to withdraw its objection to the proposal once it has considered the additional clarification/details that are required.

(revised SuDS comments received 5 September 2019):

- 9.7 Thank you for your email received on 05.09.2019 which provides this Council with the opportunity to assess and advice on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position:

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, **we do not object** to the granting of planning permission subject to appropriate SuDS conditions.

ECC Place Services (Ecology)

9.8 Thank you for consulting Place Services on the above application.

Holding objection due to insufficient ecological information

I have reviewed the Preliminary Ecological Appraisal Report (Cotswold Wildlife Surveys, Nov 20 18) supplied by the applicant, relating to the likely impacts of development on Protected & Priority habitats and species, particularly Slow worm and identification of proportionate mitigation.

I am not satisfied that there is sufficient ecological information available for determination of this application and recommend that the mitigation & enhancement measures that are required to make this proposal acceptable is provided prior to determination.

The Government's Standing advice for local planning authorities who need to assess the impacts of development on reptiles can be found here:

<https://www.gov.uk/guidance/reptiles-protection-surveys-and-licences>

It says that if you need to move reptiles to a new location you'll have to choose a receptor site. At present, the proposed receptor site is an area of the development site. At present it has not been shown how the mitigation meets the standing advice for the following:

- that is at least the same size as the habitat that will be lost, and larger if the habitat to be lost is high quality (a smaller habitat can be provided if it's substantially better quality)
- that will serve the same function as the habitat to be lost, e.g.; it has hibernation features with similar habitat to the area that will be lost, including water bodies
- that will be safe from future development and managed in the long term

- how new habitats will be established to become suitable for the reptiles prior to capture and translocation.

This could be presented in a Reptile Mitigation Plan.

This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

I look forward to receiving the additional information required to support a lawful decision and to overcome my holding objection.

(revised Place Services Ecology comments received 20 September 2019):

9.9 Thank you for re-consulting Place Services on the above application.

No objection subject to securing biodiversity mitigation and enhancement measures

Summary

We have reviewed the Preliminary Ecological Appraisal (Cotswold Wildlife Surveys, September 2019) relating to the likely impacts of development on designated sites, protected species and priority species / habitats.

We are satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on protected and Priority species/habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Preliminary Ecological Appraisal (Cotswold Wildlife Surveys, September 2019) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species. However, we note that a population of slow worms have been identified on site. Detailed mitigation measures to protect these from the development should be included in a Reptile Mitigation Strategy which should be secured as a condition of any consent. This should include detailed information pertaining to the security of the receptor site from development and long-term management strategies.

We note the current proposed receptor site contains an attenuation pond, but the reptiles should not be translocated to an area with construction to be undertaken. As the proposed receptor site is smaller than the area of habitat to be lost to the development, enhancements must be provided to make the receptor site of higher quality habitat than that at present to make the receptor site acceptable.

Additionally, no biodiversity enhancement measures are identified in the ecological report submitted. We recommend that, to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019, reasonable biodiversity enhancement measures will need to be provided. A Biodiversity Enhancement Strategy for Protected and Priority Species should be secured as a condition of any consent. It is recommended that this could include provision of bird and bat boxes, reptile hibernacula and wildlife friendly fencing.

This will enable LPA to demonstrate its compliance with its statutory duties including

its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

Submission for approval and implementation of the details should be a condition of any planning consent.

ECC Highways

9.10 Note:

This application was accompanied by a Transport Statement which has been reviewed by the highway authority in conjunction with a site visit and internal consultations. The assessment of the application was undertaken with reference to the National Planning Policy Framework 2019 and in particular paragraphs 108 - 109, the following was considered: access and safety; capacity; the opportunities for sustainable transport and mitigation measures.

Changes to the access and the existing highway layout were sought by the highway authority to provide an improvement on the original proposal, including widening Rush lane to the east of the access, providing a short length of footway and a pedestrian crossing point. The revised arrangement has been subject to a safety audit.

The impact on Grove Hill junction has been assessed and is shown to be minimal (14 vehicles in the a.m. peak hour). This is not considered to be a severe impact especially in light of the upgrading to the signalised junction at Grove Hill that has been recently implemented. In addition a proportionate contribution is recommended to improve the frequency of the local bus service, this will not fund a bus service on its own but can be pooled with other contributions that may come forward or used to enhance local sustainable transport infrastructure.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to mitigation and conditions:

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

ECC Education

- 9.11 From the information I have received, I have assessed the application on the basis of 44 houses. Assuming that all of the units are homes with two or more bedrooms, a development of this size can be expected to generate the need for up to 3.96 early Years and Childcare (EY&C) places; 13.20 primary school, and 8.80 secondary school places.

Please note that any developer contribution figure referred to in this letter are calculations only, and that final payments will be based on the actual dwelling unit

mix and the inclusion of indexation.

Early Years and Childcare:

The proposed development is located within the Elsenham and Henham ward. According to Essex County Council's childcare sufficiency data, published in July 2018, there are a total of zero unfilled places were recorded. For Essex County Council to meet its statutory duties it must both facilitate sufficient places to meet free childcare entitlement demand and also ensure a diverse range of provision so that different needs can be met. The data shows insufficient places to meet the demand from this proposal.

Based on the demand generated by this proposal as set out above, a developer contribution of £68,991, index linked to April 2018, is sought to mitigate its impact on local EY&C provision.

Primary Education:

This development sits within the priority admissions area of Elsenham CE primary School. Taken in isolation, the School would have space to accommodate the expected pupils from 44 houses. I am cognisant, however, of the proposals for 130 homes West of Hall Road (UTT/19/0462/FUL) and 350 homes North West of Henham Road (UTT/17/3573/OP). Hall Road forms part of Uttlesford's emerging Local Plan and, thereby steps have been taken to ensure sufficient capacity is available for that development. As you will see from ECC's response to the Henham Road application, schools further afield may have to be expanded if that development is permitted. It is, thereby, clear that if these developments are permitted, additional primary school capacity will be needed to serve further housing growth such as the homes proposed in Rush Lane.

So, based on the demand generated by this proposal as set out above, a developer contribution of £201,709, index linked to April 2018, is sought to mitigate its impact on local primary school provision.

Secondary Education:

With regards to secondary education, the Priority Admissions Area school for the development would be the Forest Hall School which has a published admission number of 112. The school has just six unfilled places in Year 7 (the first secondary year) with a slightly larger cohort expected next September. Forecasts set out in the 10 Year Plan suggest that from 2020/21 additional places will be required to meet local demand.

Based on the demand generated by this proposal set out above, a developer contribution of £204,283, index linked to April 2018, is sought to mitigate its impact on local secondary school provision.

Having reviewed the proximity of the site to the nearest primary and secondary schools, Essex County Council will not be seeking a school transport contribution, however, the developer should ensure that safe direct walking and cycling routes to local schools are available.

In view of the above, I request on behalf of Essex County Council that any permission for this development is granted subject to a section 106 agreement to mitigate its impact on childcare primary education and secondary education. Our

standard formula s106 agreement clauses that ensure the contribution would be fairly and reasonably related in scale and kind to this development are available from Essex Legal Services.

If your council were minded to turn down the application, I would be grateful if the lack of surplus childcare, primary education and secondary education provision in the area to accommodate the proposed new homes can be noted as an additional reason for refusal, and that we are automatically consulted on any appeal or further application relating to the site.

Thames water

9.12 Waste comments:

Foul Water sewage network infrastructure capacity – no objections.

Surface water drainage – no objection providing the developer follows the sequential approach to the disposal of surface water. Prior approval from Thames Water Developer Services will be required where the developer proposes to discharge to a public sewer.

Water comments: With regard to water supply, this comes within the area covered by the Affinity Water Company.

Essex Police

9.13 UDC Local Plan Policy GEN2 - Design (d) states" It helps reduce the potential for crime".

Whilst there are no apparent concerns with the layout, however, to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.

We would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" at the same time as achieving a Secured by Design award.

From experience, pre-planning consultation is always preferable in order that security, landscaping and lighting considerations for the benefit of the intended residents and those neighbouring the development are agreed prior to a planning application.

UDC Environmental Health Officer

9.14 Air Quality:

This a large-scale development for up to 44 dwellings. An air quality assessment has quite rightly been undertaken and submitted as part of the application. The assessment has considered impacts in terms of construction operations and operational aspects of the development once completed and occupied. It has made a number of recommendations to address risks associated with construction site dust, and it is expected that these will form part of the CEMP (see above) for the site.

With regards to operational aspects of the development once occupied, it has not

identified that any mitigation measures are necessary to off-set the introduction of new receptors and more importantly increased traffic movements as a result of the development. However, the assessment has failed to consider cumulative impacts on local air quality if the development were to proceed, in conjunction with other large-scale developments that are currently under consideration in the vicinity of the site. In particular, the following developments are currently within 1km of the site and in combination are likely to have a cumulative impact on air quality in that area:

UTT/13/1790/OP
Land South Of
Stansted Road
Elsenham
Outline application for the erection of up to 165 dwellings

UTT/13/0177/OP
Land West Of
Hall Road
Outline application for the erection of up to 116 dwellings

UTT/14/2991/OP
Elsenham Nurseries
Stansted Road
Elsenham
Outline application for the erection of up to 40 dwellings

UTT/14/3279/DFO
Land North Of Stansted Road
Elsenham
Reserved Matters application for the erection of up to 155 dwellings

The cumulative impacts on local air quality of these developments should be assessed in accordance with current best practice guidance. Furthermore, with all these developments it is important to consider the sustainability of the development for the future, promoting more sustainable forms of transport and travel, and encouraging less reliance on traditional forms of transport i.e. petrol/diesel motor vehicles, that are likely to have local air quality impacts. No consideration of the environmental costs of the development in terms of Air quality has been undertaken, and no measures put forward to promote more sustainable transport in the future e.g., electric vehicle charging points, as would be expected for a development of this scale.

An appropriate strategy incorporating proportionate and achievable mitigation measures to ensure that the development is sustainable in the long-term and able to make a positive contribution to protecting and enhancing air quality in that area for the future is therefore seen as essential.

UDC Housing Officer

- 9.15 The delivery of affordable housing is one of the Council's corporate priorities and will be negotiated on all sites for housing. The Council's policy requires 40% on all schemes over 0.5 ha or 15 or more units. The affordable housing provision on this site will attract the 40% policy requirement as the site is for 44 (net) units. This amounts to 18 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered providers. It is also the Council's policy to require 5% of the whole scheme to be delivered as fully

wheelchair accessible (building regulations, Part M Category 3 homes) as well as 5% of all units to be bungalows delivered as 1 and 2 bedrooled units. This would amount to 2 bungalows across the whole site delivered as 1 affordable units and 1 for open market.

The mix and tenure split of the properties are given below; this mix should be indistinguishable from the market housing, in clusters of no more than 10 with good integration within the scheme and be predominately houses with parking spaces. Homes should meet the following standards; 1 bed property to house 2 people, 2 bed properties to house 4 persons, 3 bed properties to house 5 persons and 4 bed properties to house 6 persons.

SMHAA 2015 Figures:

Land South of Rush Lane, Elsenham (UTT/19/0437/OP)

No. of bedrooms	1 bed	2 bed	3 bed	4 bed	Totals
Affordable Rent	2	8	4		14
Shared Ownership		2	2		4
GRAND TOTAL	2	10	6	0	18

10. REPRESENTATIONS

10.1 91 representations received (90 Object, 1 neutral). Neighbour notification period expired 9 October 2019. Advertisement expires 4 April 2019. Site Notice expires 16 April 2019.

- Principle of development. Elsenham has now had its fair share of housing growth and can't take anymore.
- Previous planning inspector for the Council's emerging local plan stated that Elsenham isn't a sustainable settlement
- No infrastructure to support any further housing in Elsenham. Doctor's surgery is already under strain as is the only convenience store
- Serious traffic congestion being experienced at Grove Hill. Proposed housing at Rush Lane will exacerbate the problem.
- Narrow approach roads to the site
- Site is low lying and liable to flooding. Local springs on the site. Surface water impacts on Stansted brook.
- Poor local road transport generally around Elsenham
- Proposal would add to air quality issues along Grove Hill/Stansted
- Not sufficient spaces at the local primary school. Child drop-off and pick-up congestion along High Street
- Housing demand by local people is not required
- More bungalows should be provided
- Rush Lane has restricted footpath width. Lack of off-street parking means that residents park their cars in the road.
- Construction traffic would conflict with any emergency vehicles trying to use the road
- Proposal would lead to refuse collection difficulties
- Area of considerable pedestrian activity. Children play in the street
- More loss of open space in the village. Not much left.
- Countryside harm within the Countryside Protection Zone.
- Loss of flora and fauna. Bats on site
- Existing footpath across the site would be temporarily disrupted

- The new Elsenham Vale route would become overused, which is privately maintained
- Proposal would lead to further loss of water pressure
- Concern over railway safety
- Shown attenuation basis could lead to bird strike

11. APPRAISAL

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

- A Principle of development – sustainability / infrastructure / Countryside Protection Zone protection / loss of agricultural land / flood protection / Noise impact / air quality / Council’s latest 5 year housing supply position (NPPF, ULP Policies H1, S7, S8, GEN3, GEN6, E4, ENV5, ENV10, ENV13)
- B Whether means of access would be acceptable (ULP Policy GEN1)
- C Design (ULP Policies GEN2, GEN8)
- D Housing mix / Affordable housing (ULP Policies H9, H10)
- E Heritage protection (ULP Policies ENV1, ENV4)
- F Impact on protected species (ULP Policy GEN7)
- G Contaminated Land (ULP Policy ENV14)

- A Principle of development – sustainability / infrastructure / Countryside Protection Zone protection / loss of agricultural land / flood protection / Noise impact / air quality / Council’s latest 5 year housing supply position (NPPF, ULP Policies H1, S7, S8, GEN3, GEN6, E4, ENV5, ENV10, ENV13)**

Sustainability principles (Location / Infrastructure)

- 11.1 The NPPF has a presumption in favour of sustainable development. Paragraph 8 of the NPPF states that achieving sustainable development “means that the planning system has three overarching objectives which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives”, namely economic, social and environmental”. Paragraph 11 states that where there are no relevant development plan policies, or the policies which are most important for determining planning applications are out of date that planning permission should be granted unless 11 D) (ii) “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole”.
- 11.2 The site lies just outside development limits for Elsenham on the south side of the village whereby the development limits boundary for the village runs along Rush Lane to the immediate north, which comprises a quiet cul-de-sac off Robin Hood Lane, itself a quiet road which terminates at the railway crossing to the immediate south. A parade of local shops lies along the high street to the north of the site within immediate walking distance, whilst Elsenham Primary School and the village surgery also lie within walking distance. The Leigh Drive bus stop is located within 800m north of the site along Stansted Road.
- 11.3 Given this level of accessibility, the site can be described as being within a sustainable location relative to local village services as indeed reflected within the Council’s decision to allocate the site as a housing allocation site within its emerging Local Plan where this call for sites exercise has identified that “*development of the site is considered suitable because it would contribute to a sustainable pattern of development*”. It is accepted that the proposal would place an additional burden on

local services, such as the local primary school and the local GP surgery, although it is understood that some of the pressure on the surgery has been lifted to an extent by the opening of the new medical centre at Stansted, whilst the proposal would generate a commuted sum payable through a S106 agreement to help offset the impact of the proposal on early years and childcare, primary and secondary education provision. The specific issue of traffic impact at Grove Hill is addressed further in this report below.

Countryside protection

- 11.4 The site lies within the Countryside Protection Zone (CPZ) for the purposes of the Council's adopted Local Plan (2005). ULP Policy S8 states that planning permission will only be granted for development within the zone that is required to be there or is appropriate to a rural area, adding that there will be strict control on new development. The policy adds that development will not be permitted if a) new buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside and b) it would adversely affect the open characteristics of the zone. The Council has previously robustly defended proposals for new housing developments within the zone where it has considered that resulting harm would occur to the open characteristics of the zone or that airport coalescence would occur contrary to the aims of ULP Policy S8.
- 11.5 An independent Council review of the Countryside Protection Zone (CPZ) was carried out in 2016 ("*Uttlesford Countryside Protection Zone Study*", LUC) whereby the overall aim of the review was to assess the extent to which land within the CPZ is meeting its purposes as set out in ULP Policy S8 which would enable the Council to make informed decisions about its continuing validity through the emerging Local Plan process.
- 11.6 The review assessed the suitability of those land "parcels" which make up the CPZ area by appraising their land characteristics in terms of their contribution to the CPZ and extent to which their contribution may have eroded over the passage of time due to varying factors, including new development which may have taken place to negatively impact on their openness and where there may be a desire to either retain or exclude a land parcel from the CPZ. The proposal site the subject of the current application (Rush Lane) falls within Parcel 10 for the purposes of the CPZ review.
- 11.7 The review concluded at paragraph 5.4 of the report relating to the impacts of proposed development within the CPZ with particular reference to Parcel 10 that;

"Two parcels (Parcel 1 and 10) were judged to have a moderate level of harm due to their 'low' rating against purpose 4 (restricting coalescence) because of the dispersed nature of the settlements in those parcels or their relative distance from the airport".

The study went onto say at paragraph 5.5 that;

"We would not recommend the removal, in totality, of any parcels from the CPZ. As described in Appendix 1, however, there are some opportunities to revise the boundaries of the CPZ in order to strengthen it in relation to features on the ground. These include rationalising the boundary of Parcel 1 to exclude the eastern extents of Junction 8 of the M11) and moving the northern boundary of Parcel 10 to the railway line (which itself could prevent coalescence between the airport and Elsenham to the north)".

- 11.8 The report in its conclusions stated in its recommendations in respect of Parcel 10 that;

“Consider moving the northern boundary of the parcel to the line of the railway line, which itself could prevent the outward spread of development from the airport and the coalescence between the airport and Elsenham to the north”.

- 11.9 The site has come forward as part of the Council’s “call for sites” process for its emerging Local Plan in order to identify those sites within the district, including Elsenham which may be considered suitable for future housing development. The 2018 SLAA land use assessment carried out by the Council for the Rush Lane site (08Els15) following the Council’s 2015 original assessment and pursuant to the findings of the Council’s independent review of the CPZ with particular reference to Parcel 10 of the CPZ states the following;

“This is a greenfield site within the Countryside Protection Zone on the southern edge of the village. The site was recommended for removal in the 2016 Countryside Protection Zone Review and has been removed from the Countryside Protection Zone. Elsenham is a key village with a range of services and facilities. Development of the site is considered suitable because it would contribute to a sustainable pattern of development. The site was allocated in the regulation 18 Local Plan”.

- 11.10 The site’s recommended removal from the CPZ through this SLAA process following the 2016 independent CPZ review has resulted in the site being shown as excluded from the CPZ on the proposed Elsenham Inset Map for the Council’s emerging local plan whereby the site is shown to be now included within development limits for Elsenham as a housing allocation site (ELSE 1).

- 11.11 Policy ELS1 as it appears in the Council’s emerging Local Plan is as follows:

**Policy ELS 1
Land south of Rush Lane**

Quantum of Development: 40 No. dwellings

Site Area: 2.3 hectares

Land south of Rush Lane, Elsenham as shown on the Policies Map, is allocated for the development of approximately 40 dwellings. Detailed proposals that comply with other relevant policies and meet the following site specific development requirement will be permitted:

1. The development provides 40 residential dwellings and recreational open space;

The informal recreation open space be located on the southern half of the site and link with the open space being provided with the housing development south of Stansted Road;

2. The development is designed to mitigate adverse effects upon existing residential and community interests and may be required, by legal obligation, to provide or contribute towards wider and longer term planning benefits reasonably associated with the alleviation of any such impact;
3. A Transport Assessment may be required to support a planning application and appropriate access arrangements to be agreed and to the satisfaction of the highway authority;
4. A Landscape and Visual Impact Assessment will be required and should inform the design and layout of the site proposals; and

5. Appropriate ecological survey will be required.

Site description: This is a greenfield site in the south-western part of Elsenham. Site is bounded by residential development on the western, southern and northern boundaries and a timber yard on the eastern boundary.

Constraints: No known constraints on site

Did the site have planning permission at 1st April 2017: No

- 11.12 A Landscape and Visual Impact Assessment (LVIA) has been submitted with the current application for the proposed housing scheme for Rush Lane. The LVIA concludes that despite the inevitable adverse effects of built development upon the local landscape character and on a limited number of visual receptors immediately adjacent to the proposal site that it is considered that there would be no unacceptable adverse effects that should preclude the proposed development in landscape and visual terms.
- 11.13 The site does still hold some visual amenity value as an undeveloped area of land rising on the north side of Stansted Brook. However, the London to Cambridge railway line forms a hard, defensible barrier along its southern boundary and the development of it for housing purposes as proposed would because of this have a less than significant impact on the particular local character of the area for the purposes of ULP Policy S7 where this has been previously assessed to be the case through the CPZ review for the purposes of ULP Policy S8 as referenced above.

Loss of agricultural land

- 11.14 The site currently forms a sloping and irregular shaped parcel of grassland currently out of agricultural use. The site is landlocked from any wider agricultural production and its potential use for any practical future agricultural activity is considered extremely unlikely for these reasons and no objections are raised to its development for housing purposes under ULP Policies E4 and ENV5.

Flood Protection

- 11.15 The site falls within Flood Zone 1, which represents the lowest risk of flooding, albeit that the site lies adjacent to Stansted Brook below (Main River) whereby any flood overflow of the brook at the bottom end of the site would be within Flood Zone 2 (medium risk of flooding). The proposed housing area for Rush Lane as indicatively shown on the submitted site parameters plan would be on the northern upper section of the site away from Stansted Brook.
- 11.16 A Flood Risk Assessment accompanying the application confirms that the housing proposal would not be at risk of fluvial flooding from Stansted Brook. A SuDS attenuation basis is shown for the south-west (lowest) end of the site which would collect and appropriately dispose of surface water run-off from the development which would form part of a SuDS drainage strategy scheme for the proposed housing scheme. ECC SuDS have examined the surface water drainage strategy submitted and have not objected to the strategy on SuDS grounds on the basis of further technical details being submitted for consideration following an initial SuDS objection subject to the imposition of SuDS conditions to make the proposal acceptable. No objections are therefore raised under ULP Policy GEN3.

Noise

- 11.17 The proposed development at Rush Lane would be affected to some extent by

background noise generated by the adjacent railway line to the south of the site, albeit that the dwelling units for the indicated scheme would be positioned at the northern end of the site, and to a lesser extent by noise from the M11. A noise and vibration assessment (Resound Acoustics, Jan 2019) has been submitted with the application which sets out the extent to which future occupants of the dwellings would be affected by these two noise generators. The report concludes that the noise levels at the site are above the LOAEL, but below the level at which an unacceptable adverse effect would occur, so that the inclusion of mitigation measures should meet the requirements of the NPPF, NPSE and the Noise PPG.

- 11.18 UDC Environmental Health have stated that whilst the report is based upon limited noise monitoring data, the type of noise sources which affect the local acoustic landscape are not considered likely to lead to significant variations in the reported noise levels at the site. They advise that the submitted report is otherwise considered robust in its assessment parameters, analysis and conclusions, including a number of recommended noise mitigation measures in accordance with best practice principles. Given this, no noise objections have been raised by Environmental Health subject to appropriate noise conditions to reflect the findings of the report (ULP Policy ENV10).

Air Quality

- 11.19 The site is not within an Air Quality Management Area, although the issue of air quality is required to be considered in the wider local context given levels of poor air quality which are currently being experienced along the lower reaches of Grove Hill and parts of Stansted where the granting of permission for further housing developments within Elsenham are likely to compound these reduced air quality levels for these areas in terms of cumulative effects.
- 11.20 The air quality impact report accompanying the application (Kairus Ltd, January 2019) has assessed the impacts of the proposed development on air quality using baseline criteria and also UDC's *Review and Assessment of Air Quality* for the area where it states that a baseline assessment of local air quality has concluded that concentrations of NO₂ and PM₁₀ are meeting the relevant air quality objective limits at the site and that the impact of the scheme in terms of new exposure would be negligible. The report concludes that *"It is inevitable that with any development, construction activities would cause some disturbance to those nearby and the assessment has predicted a minor to major adverse impact prior to the implementation of any on-site mitigation. However, following the implementation of appropriate mitigation measures, which would be set out within a CMP, impacts associated with the construction of the development are likely to be insignificant"*.
- 11.21 UDC Environmental Health have commented that the report has considered the immediate localised impacts of the proposed development, but has failed to consider cumulative impacts on air quality if the development were to proceed in conjunction with other large scale developments that are currently under construction within the vicinity of the site, or proposed, which are likely by themselves to have a cumulative impact on air quality in that area, noting that
- "Furthermore, with all these developments, it is important to consider the sustainability of the development for the future, promoting more sustainable forms of transport and travel, and encouraging less reliance on traditional forms of transport, i.e. petrol/diesel motor vehicles, that are likely to have local air quality impacts. No consideration of the environmental costs of the development in terms of air quality has been undertaken, and no measures put forward to promote more sustainable

transport in the future, e.g. electric charging points, as would be expected for a development of this scale”.

Accordingly, UDC Environmental Health have imposed an air quality condition requiring a scheme for protecting and enhancing the air quality of future occupiers of the proposed development to be submitted for approval so that the proposal scheme can be mitigated. However, this is a type of recommended condition which officers would not normally impose for enforceability reasons where other legislation exists to enforce the requirements of the condition (namely Environmental Health) and it is for Members to decide therefore whether such a condition should be imposed in these circumstances for this proposal (ULP Policy ENV13).

- 11.22 It should be emphasised that ECC Highways as part of their highways assessment for this scheme have considered the wider traffic impacts on Grove Hill and their associated impacts on air quality, who have stated that the traffic impacts arising from the submitted scheme would be minimal and therefore not amounting to severe, especially in light of the upgrading to the signalised junction at Grove Hill that has been recently implemented. In addition, a proportionate highways contribution is recommended to improve the frequency of the local bus service No.7 whereby this would not fund a bus service on its own, but could be pooled with other contributions that may come forward or used to enhance local sustainable transport infrastructure, which would contribute to enhanced public transport provision for the area. Also, it is recommended that electric charging points could be subject to a planning condition at reserved matters stage for the Rush Lane proposal as an additional sustainability measure. It is considered from these recommended measures that no objections can be reasonably made under ULP Policy ENV13.
- 11.23 For the reasons as set in this section of the report, the principle of housing development as proposed at this UDC housing allocation site for its emerging Local Plan is considered acceptable where there would be a presumption in favour of sustainable development in accordance with the provisions of the NPPF.

Uttlesford District Council's latest 5-year housing supply position

- 11.24 The Council has very recently published its 2019 Housing delivery Test and 5-Year Land Supply Statement (October 2019) whereby the purpose of the statement is to set out the Council's 5-year housing supply and an indicative trajectory of housing delivery during the plan period for the purposes of decision-taking. This latest housing trajectory and 5-year housing land supply (5YHLS) statement for Uttlesford District Council as of 1 April 2019 indicates that the Council's 5YHLS is 2.68 years, which is down from 3.29 years as calculated for 2018. This further 5YHLS deficit figure compares with the Council's 5YHLS figure for the new draft Local Plan of 5.65 years. This indicated reduced 5YHLS figure for 2019 down from 2018 is a material consideration for the current application proposal whereby Paragraph 11 of the NPPF is engaged because of the Council's out of date local housing policies and where significant weight needs to be given to the benefits of new housing, including affordable housing, in the tilted planning balance.

B Whether means of access would be acceptable (ULP Policy GEN1)

- 11.25 Vehicular access to the site for the proposed housing scheme would be via Rush Lane. Rush Lane is an unclassified adopted highway, although the north side of the carriageway is used on a daily basis by residents for on-street parking whereby no local parking restrictions exist along the lane, albeit that the houses along Rush Lane benefit from frontage off-street communal parking arrangements.

- 11.26 A transport statement accompanies the application, to include a Stage 1 Audit, which has assessed the suitability of the indicated means of access into the site and also the anticipated traffic impacts of the proposed development on the wider local highway infrastructure. Swept path analysis drawings have been submitted to show how vehicles, including refuse vehicles, would be able to access and egress the proposal site safely to and from Rush Lane.
- 11.27 ECC Highways have not objected to the proposal on highway grounds subject to a 5.5m wide carriageway being maintained along Rush Lane for the width of the proposed bellmouth junction/site visibility splays for the proposed internal service road into the development site from Rush Lane, the provision of a short length of footway and a pedestrian crossing point to enable Rush Lane to still perform its highway function (see ECC Consultation response in this report) where, without the introduction of these highway mitigation measures the proposal would not be viable on the grounds of proper highway design as it would result in localised traffic/parking conflict along Rush Lane. No highway objections are raised to the proposal under ULP Policy GEN1 on the basis of the ECC Highways recommendation and highway conditions recommended (Means of access).
- 11.28 ECC Highways have examined the wider impacts of the proposed development in relation to local public transport provision within the Elsenham and Stansted area with particular reference to increased traffic use along Grove Hill though the traffic signalled “pinch-point” following recently built-out housing developments within Elsenham along Stansted Road, such as Leigh Drive and Elsenham Vale, which have subsequently placed a greater strain on this existing pinch-point, and the additional highway impacts that the development would have on this pinch-point.
- 11.29 ECC Highways have because of this recommended in their consultation response that the applicant pays by way of highways mitigation a proportionate commuted highways contribution sum of £118,000 which would assist the funding of an enhanced existing No.7 bus service between Stansted and Elsenham and Stansted Airport to encourage residents of the villages to use this enhanced bus service through improved sustainable transport provision for the area with the intention of relieving some of the existing pressure on the Grove Hill pinch-point in terms of traffic queuing and also seeking to bring about a resulting improvement in air quality for Grove Hill (see previous discussion on air quality).
- 11.30 The applicant’s agent has since confirmed to the Council that the applicant is in agreement to this recommended highways payment contribution to the No.7 bus service in principle, although has queried the exact amount of financial contribution liability payable given that the number of housing units now proposed for the site has since decreased from “up to 44 dwellings” as originally proposed for the application to “up to 40 dwellings” as now proposed by varied application description. This commuted sum would form part of a S106 agreement for the current proposal. It should be noted that such proportionate financial contributions for an enhanced No.7 bus service have also been recommended by ECC Highways for the proposed housing developments which form those planning applications currently before the Council for consideration for Land West of Henham Road and Hall Road.
- 11.31 In light of the above, no highway objections are raised to this housing scheme at Rush Lane in relation to the wider considerations of Access under ULP Policy GEN1.

C Design / impact on residential amenity (ULP Policies GEN2, GEN8)

- 11.32 Scale, Layout, Appearance and Landscaping are reserved matters which do not fall to be considered for this outline application following the decision by the applicant during the course of the current application to remove Layout from the application (leaving just Access). It should be noted that the application change in description for this proposal now for “up to 40 dwellings” as altered from its original description of “up to 44 dwellings” is a decision by the applicant to reflect the dwelling capacity number for the site originally stated in the Council’s 2015 SHLAA call for sites assessment and is below the capacity threshold based upon the standard SHLAA methodology which calculated a housing capacity of between 47-49 dwellings for the site (see paragraph 11.11 above).
- 11.33 Based upon the indicative housing layout plan which has now been withdrawn for the current application, it is considered by your officers that up to 44 dwellings is a quantum of housing which is too high for this site when taking into account adopted parking standards, recommended residential amenity standards and appropriate design of affordable housing parking courts. However, your Officers have advised the applicant that a dwelling quantum of up to 40 dwellings for the site would likely to be acceptable where this quantum would provide for a more appropriate housing layout to be able to comply with these standards. This advice has resulted in the revised application description for up to 40 units following discussions with the applicant. It should be noted that the indicative site layout parameters plan now submitted for the proposal shows that the existing public footpath which runs through the site from east to west would be preserved, which is to be conditioned, whilst it is likely that any detailed layout would show additional linking pedestrian connectivity to Rush Lane to improve the overall permeability of the housing scheme (ULP Policies GEN1, GEN2 and GEN8).

D Housing Mix / Affordable Housing (ULP Policies H9 and H10)

- 11.34 The proposed development would be likely to have a mixture of 2, 3 and 4 bedroomed dwellings of varying house types and size, although the precise nature of the market housing mix is now to be reserved to reserved matters stage when Layout would be considered alongside the housing mix, although the Council would expect any reserved matters submission to reflect the latest housing needs survey available to the Council relating to district/local need (ULP Policy H10). In this respect, the request by the Parish Council to have more bungalows within new developments for the village to reflect changing local needs is noted and it could be that any reserved matters application for this housing proposal could reflect this need through subsequent discussions with the applicant.
- 11.35 The development by reason of the number of dwellings proposed would trigger the need to provide 40% affordable housing provision for the site as required by ULP Policy H10 whereby this would be in the form of on-site provision. The applicant has stated that it is committed to providing affordable housing at the site at this policy percentage figure. The Council’s Housing Enabling Officer has set out the affordable housing requirements for the proposed scheme based upon a housing figure of up to 44 dwellings as originally submitted (see table at paragraph 9.15 above). It is appreciated that these requirements would need to be adjusted for any S106 agreement for the lesser housing scheme now proposed for up to 40 dwellings, although the Council’s Legal Officer has confirmed that this adjustment can be considered/negotiated as part of the S106 process (ULP Policy H9).

E Heritage protection (ULP Policies ENV1, ENV4)

11.36 Robin Hood Road contains some Grade II listed buildings within the existing building line, including The Robin Hood PH. It is considered that the wider setting of these listed buildings are unlikely to be significantly affected by the development proposal for Rush Lane given their relative proximity to the site and by the fact that modern linear housing development already exists along Robin Hood Road and in Rush Lane which has diminished their wider setting over time. No heritage objections can therefore be reasonably raised to the application proposal at this outline stage under ULP Policy ENV2 where an assessment of the impacts of the proposal on any heritage assets cannot be known at this stage and where a fuller assessment would be made at reserved matters stage. ECC Archaeology have advised that the site may be likely to contain archaeological deposits given the richness of multi-period deposits found through previous excavation on areas either side of the proposal site and their standard archaeological conditions have therefore been imposed (ULP Policy ENV4)..

F Impact on protected species (ULP Policy GEN7)

11.37 The site is currently set to grass and scrubland and is enclosed by vegetated boundaries. The submitted Preliminary Ecological Appraisal (PEA) (as revised September 2019) has identified the extent to which the site may contain natural habitats for protected or priority species and in this respect has identified that a population of slow worms exist on the site. ECC Place Services in their consultation response have considered the PEA and its conclusions and recommendations and have stated that they have no objections to the proposal subject to detailed mitigation measures being secured in the form of a Reptile Mitigation Strategy (slow worms) as a condition of any permission granted to protect this protected species, which should include detailed information relating to the provision and security of a receptor site for reptiles from the proposed development and long-term management strategies.

11.38 The proposed siting of the slow worm receptor site would form part of the green infrastructure strip as indicated on the submitted site parameters plan which also shows an attenuation pond siting for the housing development. ECC Place Services have advised that the slow worms should not be translocated to an area of the site where house construction would be undertaken. ECC Place Services have noted that the area of the proposed receptor site would be smaller than the area of slow worm habitat lost by the development and it would therefore be necessary for enhancements to be provided to make the receptor site of higher ground quality than at present on the site to make the receptor site acceptable, which can also be conditioned. ECC Place Services have also stated that biodiversity enhancements resulting from the proposed development in the form of a Biodiversity Enhancement Strategy for Protected and priority Species should also be secured to secure measurable net gains for biodiversity, which again can be conditioned. Subject to these conditions being imposed, no ecology objections are raised under ULP Policy GEN7.

11.39 Members should note that a SAMMS recreational disturbance mitigation strategy has been designated for Hatfield Forest whereby financial contributions would be paid under this strategy by developers towards SAMMMS for Hatfield Forest. This strategy is based on a draft document setting out a 14.1km Zone of Influence around Hatfield Forest. The relevant authorities involved in the potential implementation of this strategy are currently working with the National Trust and Natural England to agree the basis of the full consultation document. This is not a strategy adopted by Uttlesford District Council at the present time. Therefore,

notwithstanding the fact that the applicant has stated a desire to pay appropriate financial contributions, this does not meet the CIL Regulation tests at the present time and is not appropriate to collect in this instance.

Contamination (ULP Policy ENV14)

- 11.40 The site is a greenfield site which is currently vacant and unused. However, the presence of the railway line running along the southern boundary of the site and the former sawmill beyond this, which has recently been developed for residential use, are both considered to be historic uses and potential sources of contamination whereby elevated levels of ground gas was found at the sawmill during the contamination remediation scheme carried out for the approved new housing on that site.
- 11.41 UDC Environmental Health have advised that ground gas has the potential to migrate off-site subject to geological conditions and other relevant factors and that it would therefore be necessary in the context of the current residential application proposal for Rush Lane to ensure that no residential contamination risks associated with this or other land uses impact on the site. As such, contamination and remediation conditions are recommended on any grant of permission granted. No objections are raised under ULP Policy ENV14 on this condition basis.

12. CONCLUSION

- 12.1 The site is included as a housing allocation site for approximately 40 dwellings in the Council's emerging Local Plan (Else 1) following a call for sites exercise and the recommendations made in the Council's 2016 external Countryside Protection Zone (CPZ) review to remove the site from the CPZ. The proposal would by reason of its favourable location represent a presumption in favour of sustainable development as the benefits accruing from the proposal by providing additional housing, including affordable housing, close to local services would outweigh the adverse effects in the tilted planning balance where some of these adverse effects identified, such as impact on slow worms, can be mitigated by appropriate conditions. The principle of housing at this greenfield site for up to 40 dwellings is therefore considered acceptable where additionally the Council's 5 year housing supply deficit now stands at 2.68 years for 2019 down from 3.29 years for 2018 according to the Council's latest housing trajectory figures published in October 2019.
- 12.2 Means of vehicular access for this outline housing scheme is considered acceptable subject to recommended highway conditions, whilst the impacts of the proposed development on the local transport infrastructure can be mitigated by a recommended commuted sum to be payable by the applicant as a proportionate developer financial contribution to provide for an enhanced local bus service for the area.

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

- A The principle of residential development is considered acceptable
- B Means of access to the site is considered acceptable
- C The number of dwellings proposed for the development, namely up to 40 dwellings as reflected in the application's changed description is considered acceptable for the site whereby Layout, Scale, Appearance and Landscaping are all to be considered as subsequent reserved matters.

- D The applicant has confirmed its commitment to providing 40% affordable housing for this site where this is required whereby the precise details of affordable housing tenure would be agreed through a S106 agreement.
- E The proposal is unlikely to have a significant impact on the setting of nearby listed buildings, although a full assessment on local heritage assets would be addressed at reserved matters stage.
- F The proposal would not have a harmful impact on protected/priority species subject to mitigation measures to secure the protection of reptiles (slow worms) and other identified species through appropriate planning conditions.
- G Contamination/remediation conditions are recommended to remediate against any contamination which may be present on the site from nearby historic land uses to protect the health of future occupiers of the proposed dwellings.

RECOMMENDATION – APPROVAL WITH CONDITIONS WITH s106

- (1) The applicant be informed that the committee be minded to refuse planning permission for the reasons set out in paragraph (3) below unless by 6 January 2020 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 Head of Legal Services, in which case he shall be authorised to conclude an agreement to secure the following:**
 - (i) Provision of affordable housing**
 - (ii) Early Years and Childcare, local primary school and local secondary school education contributions**
 - (iii) Maintenance of SUDS**
 - (iv) Public transport contribution to local bus service (contribution of £118,000 (index linked from the date of this recommendation) to contribute to the provision of an enhanced bus service to serve Elsenham, Stansted Mountfitchet and Stansted Airport, and/or sustainable transport infrastructure within the vicinity of the site and local amenities).**
 - (v) Pay the Council's reasonable legal costs**
 - (vi) Pay the monitoring fee**
- (2) In the event of such an agreement being made, the Assistant Director Planning shall be authorised to grant permission subject to the conditions set out below.**
- (3) If the freehold owner shall fail to enter into such an agreement, the Assistant Director Planning shall be authorised to refuse permission at his discretion at any time thereafter for the following reasons:**
 - (i) Non-provision of affordable housing**
 - (ii) Non-payments of Early Years and Childcare, local primary school and local secondary school education contributions**
 - (iii) Non-maintenance of SuDS**
 - (iv) Non-payment of public transport contribution to local bus service or other local sustainable transport infrastructure.**
 - (v) Non-payment of the Council's reasonable legal costs**
 - (vi) Non-payment of the monitoring fee**

Conditions

1. Approval of the details of layout, scale, appearance and landscaping (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 5 of the Town and Country Planning (General Development Management Procedure) (England) Order 2015 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. 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.

REASON: To comply with the provisions of Article 5 of the Town and Country Planning (General Development Management Procedure) (England) Order 2015 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. 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 5 of the Town and Country Planning (General Development Management Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. Prior to any occupation of the development, a 5.5m wide access, as shown in principle on submitted drawing number DWG-04 Rev shall be provided, the access works include:

2.1. Clear to ground visibility splays with dimensions of 2.4 metres by 17 metres in both directions, as measured from and along the nearside edge of the carriageway, and to be retained free of any obstruction at all times thereafter.

2.2. Two 2 metre footways and a crossing point with clear to ground visibility of 17m in each direction

2.3. Widening of Rush Lane to a minimum of 5.5m carriageway to the east of the proposed access and localised widening at the access to the west

REASON: To provide a safe access for all users and ensure that vehicles can enter and leave the highway in a controlled manner with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

5. Prior to commencement of development, an Order securing the diversion of the existing definitive right of way 29 (Eisenham) to a route to be agreed with the Local Planning Authority shall be confirmed and the new route within the layout of the development and surfacing agreed to the satisfaction of the Local Planning Authority.

REASON: To ensure the continued safe passage of pedestrians on the public right of way and accessibility in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: To ensure that the development does not prejudice the right or ability of the general public to be able to continue to use the local Public Right Of Way Network.

6. Prior to first occupation a pedestrian connection between the development and footpath 28 (Elsenham) shall be provided at the western end of the site and retained thereafter for that purpose.

REASON: To ensure the continued safe passage of pedestrians on the public right of way and accessibility in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

7. No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 6.5 l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1:100 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment in accordance with ULP Policy

GEN3 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

8. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

REASON: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with ULP Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased run-off rates. To mitigate increased flood risk to the surrounding area during construction, there needs to be satisfactory storage of/ disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Pre-commencement condition justification: Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during construction works.

9. Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with ULP Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

10. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development

as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with ULP Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

11. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Cotswold Wildlife Surveys, September 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”

REASON: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

12. No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the local planning authority.

The Reptile Mitigation Strategy shall include the following.

1. Purpose and conservation objectives for the proposed works.
2. Review of site potential and constraints including ensuring there is no construction (i.e. of SUDS) within the proposed receptor area and that the receptor area provides enhancements to ensure no net loss of reptile habitat.
3. Detailed design(s) and/or working method(s) to achieve stated objectives.
4. Extent and location/area of proposed works on appropriate scale maps and plans.
5. Type and source of materials to be used where appropriate, e.g. native species of local provenance.
6. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
7. Persons responsible for implementing the works.
8. Details of initial aftercare and long-term maintenance of the Receptor area(s).
9. Details for monitoring and remedial measures.
10. Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.”

Reason: To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: It is a legislative requirement to ensure that appropriate mitigation strategies are implemented where necessary to ensure that protected and priority species are not harmed by new developments.

13. A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- 1 Purpose and conservation objectives for the proposed enhancement measures;
- 2 detailed designs to achieve stated objectives;
- 3 locations of proposed enhancement measures by appropriate maps and plans;
- 4 persons responsible for implementing the enhancement measures;
- 5 details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.”

REASON: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: It is a legislative requirement to ensure that appropriate mitigation strategies are implemented where necessary to ensure that protected and priority species are not harmed by new developments.

14. A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

15. Prior to first occupation of the development a scheme for protecting the proposed dwellings from noise arising from road and rail traffic shall be submitted in writing to the local planning authority for approval. The scheme shall follow the recommendations identified in the Resound Acoustics Noise & Vibration Assessment report (Ref: RA00562-Rep 1) dated January 2019. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

REASON: To protect the amenity of future occupiers of the development in accordance with ULP Policy ENV10 of the Uttlesford Local Plan (adopted 2005).

16. The development hereby permitted shall not begin until a scheme to deal with

contamination of land/ground gas/controlled waters has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:

1. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175: 2011 Investigation of Potentially Contaminated Sites – Code of Practice.
2. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.
3. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.
4. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the local planning authority.
5. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to first occupation of the development. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

REASON: To protect human health and the environment and to minimise and prevent pollution of the land and the water environment in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework and ULP Policy ENV10 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: To ensure that the resulting development does not prejudice the health of future occupants and does not harm water resources as potential receptors.

17. No occupation of any dwellings hereby permitted shall take place until a scheme for protecting and enhancing the air quality of future occupiers of the proposed development has been submitted to and approved in writing by the local planning authority. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details and it shall be retained in accordance with those details thereafter.

REASON: In order to ensure a sustainable development and protect air quality for future residents in accordance with ULP Policy ENV13 of the Uttlesford Local Plan (adopted 2005).

18. 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4 (3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4 (2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with ULP Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace

19. 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 prior to reserved matters applications being submitted.
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.
4. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within three 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 indicates that the proposed development lies within a potentially sensitive area of heritage assets. The proposed site is located between two previously excavated areas which revealed multi-period archaeological remains. These included an Early Bronze Age barrow, Saxon features, medieval field system, settlement and post-medieval farmstead (EHER49001, 48657). There is the potential that these deposits extend into the area proposed for development.

The archaeological work would comprise initial trial trenching to identify the extent and depth of archaeological deposits followed by open area excavation if archaeological deposits are identified. All archaeological work should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by ECC Place Services.

Pre-commencement condition justification: To ensure that the resulting development does not prejudice the ability for appropriate archaeological investigation to take place to ascertain the extent to which archaeological deposits may exist at the site and for these deposits to be properly recorded in the public interest in accordance with ULP Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

20. No development shall take place until the open water is removed from the attenuation proposals. If this is not possible, it should be planted with Common Reed, or planted with a dense margin of emergent vegetation and surrounded by trees such as willow or alder to obscure the open aspect of the water.

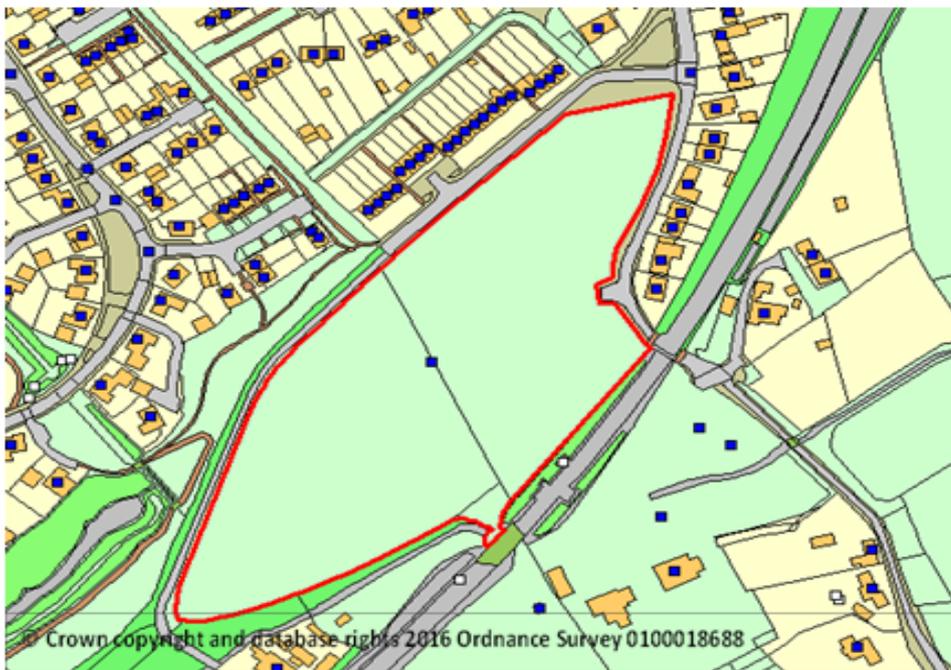
REASON: Flight safety, Birdstrike avoidance - to reduce the attractiveness of the site to hazardous species of birds in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: In the interests of aviation safety.

21. No development to take place until the berry bearing proportion of the landscaping is reduced to no more than 30%.

REASON: Flight safety, Birdstrike avoidance - in order to prevent the formation of suitable foraging habitat for hazardous flocking species in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: In the interests of aviation safety.



Organisation: Uttlesford District Council

Department: Planning

Date: 23 October 2019