

UTT/19/2266/OP (UGLEY AND HENHAM)

(MAJOR APPLICATION)

PROPOSAL: Outline planning application for the erection of up to 220 dwellings including affordable housing with public open space, structural planting and landscaping and sustainable drainage system (SuDS) with vehicular access point from Bedwell Road. All matters reserved except for means of access.

LOCATION: Land North Of Bedwell Road And East Of Old Mead Road Ugley And Henham

APPLICANT: Gladman

AGENT: As above

EXPIRY DATE: Extension of Time until 16th April 2021

CASE OFFICER: William Allwood

1. NOTATION

1.1 Outside Development Limits. Archaeological Site. Within 6km of Stansted Airport. Public Rights of Way. Within 2KM of SSSI. Within 250m of Ancient Woodland and Local Wildlife Site (Alsa Wood, Stansted Mountfitchet). Poor Qir Quality. Oil Pipeline Hazardous Installation.

2. DESCRIPTION OF SITE

2.1 The site is located on the northern side of Elsenham in the Parish of Ugly and Henham, and forms a rough triangular area of agricultural land, bounded by Bedwell Road to the south, the West Anglia Main Line railway to the east, and the embankment to the M11 motorway to the west. The southern boundary is defined by residential properties and the Gold Nursery Business Park. Existing trees and scrub landforms the northern boundary of the site. A small area of grass and scrubland is found to the south west of the application site. A public right of way crosses the site from the south west at Bedwell Road, to a railway crossing point approximately halfway along the site's eastern boundary.

2.2 The site itself is irregular in shape over an area of 13.12 hectares.

2.3 The site is generally flat at approximately 90m Above Ordnance Datum.

2.4 Access to the site is via Bedwell Road to the south west. of the site. Pedestrian/cycling routes are found within the site.

2.5 The site is relatively open with no established built form.

3. PROPOSAL

- 3.1 The outline proposal is for the erection of 220 dwellings, including the provision of 40% affordable housing (88 dwellings) in accordance with adopted Local Plan policy H9 as set out in the Uttlesford Local Plan 2005
- 3.2 All dwellings will meet the recommended parking standards.
- 3.3 All dwellings would have private or shared amenity space. The indicative Building Heights Plan shows that the proposed dwellings will have a maximum height of 2 ½ storeys. Further, the indicative overall average density is 33 dwellings per hectare, with the south west corner of the site having a lower density at 26 dwellings per hectare.
- 3.4 The application site makes provision of approximately 5.84 hectares of public open space, community woodland, nature conservation areas, sustainable drainage features, recreational routes and children’s play areas, including LAPS and LEAPS.
- 3.5 Car, including visitor parking, and cycle parking will be provided in accordance with adopted standards as set out in the adopted Uttlesford Local Plan 2005.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The proposed development falls within category 10(b) of Schedule 2 of the EIA Regulations 2017. A screening request was submitted under LPA reference UTT/19/1021/SCO and it was confirmed that the proposed development was likely to give rise to significant environmental effects on the environment, including cumulative impacts with other committed development in the area, and that an Environmental Impact Assessment was required to be submitted with any application. The topics for inclusion in the Environment Statement were Transport, Air Quality, and Ecological Impacts upon Hatfield Forest SSSI.

5. APPLICANT’S CASE

- 5.1 The application is supported with the following accompanying documents:
- Planning Statement
 - Development Framework
 - Socio-Economic Sustainability Statement
 - Statement of Community Involvement
 - Environmental Statement, including Transport, Air Quality and Ecology/ Nature Conservation
 - Design and Access Statement
 - Foul Drainage Report
 - Flood Risk Assessment
 - Soils and Agricultural Quality Report
 - Phase 1 Geoenvironmental Assessment
 - Landscape and Visual Impact Assessment
 - Heritage Desk-Based Assessment

- Mineral Resource Assessment
- Utilities Statement
- Noise Assessment Report
- Arboricultural Impact Assessment
- Preliminary Ecological Appraisal

6. RELEVANT SITE HISTORY

- 6.1 The northern parcel of the site formed part of a previous wider mixed-used application (Ref: UTT/13/0808/OP) for 800 dwellings up to 0.5ha of class B1a and B1c employment uses, up to 1,400sqm of retail uses, a primary school, up to 640sqm of health centre use and up to 600sqm of community buildings.
- 6.2 A further second application (Ref: UTT/14/3463/OP) setting out the same number of dwellings etc. on the same site area was withdrawn on 29th September 2017.
- 6.3 Whilst not directly related to this application site, Member's attention is drawn at a recent allowed appeal decision in December 2020 for the erection of 350 dwellings, a 1-Form Entry Primary School, etc at Land east of Elsenham, to the north of the B1051, Henham Road. A copy of the Appeal Decision is included within this Report as **Appendix 1**.

7. POLICIES

Uttlesford Local Plan (2005)

ULP Policy S7 – The Countryside
 ULP Policy H9 – Affordable Housing
 ULP Policy H10 – Housing Mix
 ULP Policy H1- Housing Development
 ULP Policy ENV3 – Trees and Open Spaces
 ULP Policy GEN1 – Access
 ULP Policy GEN2 – Design
 ULP Policy GEN3 – Flood Risk
 ULP Policy GEN4 – Good neighbourliness
 ULP Policy GEN7 – Natural Conservation
 ULP Policy GEN8 – Vehicle Parking Standards
 ULP policy GEN6 – Infrastructure Provision to Support Development
 ULP Policy ENV2- Development affecting Listed Buildings.
 ULP Policy ENV10 –Noise Sensitive Development and Disturbance from Aircraft
 ULP Policy ENV13 – Exposure to Poor Air Quality

Supplementary Planning Documents/Guidance

SPD – Accessible Homes and Playspace

National Policies

National Planning Policy Framework (NPPF) (February 2019)

Other Material Considerations

National Planning Policy Guidance (NPPG)
 Essex Design Guide
 ECC Parking Standards

8. PARISH COUNCIL COMMENTS

- 8.1 On the 19th November 2019, *Gardener Planning Limited* were instructed by Henham, Ugley and Elsenham Parish Councils to assess and make substantive representations in respect of this planning application.
- 8.2 A copy of these Representations is included within this Report as **Appendix 2**.
- 8.3 Further, and at the end of November 2019, Elsenham PC made the following further observations:

These objections are supplementary to the technical representations already submitted to Uttlesford District Council on behalf of the Joint Parish Councils of Henham, Ugley and Elsenham by Gardner Planning.

The application site is divided in roughly equal parts between the parishes of Henham and Ugley. However, the site borders the Elsenham boundary, and it is generally acknowledged that the impact on the village of Elsenham would be considerable.

1. Road access east of the site

It is estimated that 78.2% of traffic generated by the development would travel via the route to the west of the site under the M11 bridge and through Ugley Green (*Environmental Statement*, Transport Assessment, Figure 23, pdf p 159). The acute shortcomings of this route have been demonstrated in the report by Railton TPC Ltd (*Report by Gardner Planning*, Appendix 1, Section 3). The remainder of the traffic would take the route to the east via Bedwell Road and New Road to the junction at the railway level crossing. Almost all this traffic would turn right into Station Road and again most of that traffic would turn left along the High Street and leave the village via Hall Road.

There are acute difficulties with this route. The New Road / Station Road / Old Mead Road junction is situated hard by the railway level crossing and is very difficult when the crossing is closed, which is estimated to approach 50% of the time at peak periods. Traffic from Station Road wanting to turn left into New Road takes dangerously to the offside of Station Road in order to go round the traffic waiting for the level crossing, causing conflict with traffic turning right out of New Road into Station Road. Sometimes the waiting traffic leaves enough of a gap for traffic turning into and out of New Road; sometimes it does not.

Parking is not mentioned in either Chapter 5, Transport, or Appendix 5.1, Transport Assessment, of the *Environmental Statement*, yet it is crucial. There is considerable parking in Station Road, in New Road, in Bedwell Road and on Ugley Green, and it all makes for delays to traffic. Parking in Bedwell Road often makes for great problems in forward visibility. There is much parking in Station Road, particularly in the vicinity of the doctors' surgery; the surgery car park is too small, leading to excessive parking in the road, especially by the infirm who need to park close to their destination.

The minority of the traffic accessing the site to the east would experience great difficulties.

2. Construction traffic access

It is stated by the applicants that 'The contractor will be responsible for ensuring that their traffic to and from the Site adheres to the routes agreed with the Highway Authority' (*Environmental Statement*, 5.6.2, bullet point 1). This easy assumption that a plurality of routes is available belies the facts. It cannot be emphasised too strongly that there is no suitable route for construction traffic to the proposed site. The whole New Road / Bedwell Road / Snakes Lane / Pound Lane route to the junction with the B1383 is subject to a 6'6" width restriction. The route west of the site, a narrow lane with eight sharp bends before the junction with the B1383, is wholly unsuitable for the purpose. The usual route for construction traffic into Elsenham generally is via Hall Road, but the route east of this site to Hall Road is also unsuitable, for the reasons summarised in 1. above.

The build-out time for the project is given as six years (*Socio-Economic Sustainability Statement*, Executive Summary, 3.3.3, 3.3.5), or possibly as much as eight years (*Environmental Statement*, *Non-technical Summary*, 2.2.5). The number of anticipated construction vehicle movements could no doubt be estimated by the applicants but has not been found in the application. Despite the protestations of the applicants, not all these vehicles will keep to the prescribed route - individual drivers will explore the route over Ugley Green and the route via Grove Hill through Stansted Mountfitchet, adding to the problems on these routes.

3. Wider road network

Increased traffic from and to the site, if built, would inevitably have an impact on existing traffic regardless of the route. It is known that the route via Station Road, New Road and Ugley Green is used to an appreciable extent from Elsenham as an alternative to the difficulties of the main access route via Grove Hill, Lower Street and Chapel Hill, Stansted Mountfitchet. Increased traffic on the alternative route would mean that some drivers would revert to the Grove Hill alternative; the application if granted would thus have an impact on the whole of the already overloaded and inadequate local road network.

Elsenham has the worst road access of any of Uttlesford's 'key villages', and yet it is expected to bear a level of development which is unprecedented elsewhere. At the time of writing, no submission has been made by Essex Highways concerning this application. Elsenham Parish Council reserves the right to comment further should such a representation be made.

4. Housing commitments in Elsenham from 2011

A summary is given in the table below of all the major housing developments which have received full or detailed approved in Elsenham over the period of the new Local Plan since 2011.

- UTT/2166/11/DFO 15 Aug 2012 Orchard Crescent 53 dwellings Complete
- UTT/12/6116/FUL 7 Feb 2014 (appeal) Old Goods Yard 10 dwellings Complete
- UTT/13/2917/FUL 23 July 2014 Hailes Wood 32 dwellings Complete
- UTT/15/1121/FUL 9 Dec 2015 Hailes Wood, additional 3 dwellings Complete

- UTT/14/3279/DFO 1 May 2015 North of Stansted Road 155 dwellings Complete
- UTT/15/2632/DFO 5 Feb 2016 South of Stansted Road 165 dwellings Complete
- UTT/17/0335/DFO 6 July 2017 Elsenham Nurseries 42 dwellings 30 occupied
- UTT/17/2542/DFO 22 Dec 2017 North of Leigh Drive 20 dwellings Complete
- UTT/19/0462/FUL 6 Nov 2019 West of Hall Road 130 dwellings Planning Committee approval 6 Nov 2019

TOTAL Dwellings 610

The *Regulation 19 Local Plan*, 3.67, shows Total Dwellings 2011-2033 for Elsenham as 650. The total as above is 610. The difference of 40 is accounted for by UTT/19/0437/OP, 40 dwellings south of Rush Lane, Elsenham, which was refused by UDC Planning Committee, 6 November 2019.

UDC's total of 650 includes only projects of 10 dwellings and more. The running total maintained by the Parish Council shows a further 36 dwellings approved in small schemes since 2011. The total committed to date since 2011 is therefore $610 + 36 = 646$.

The number of households in Elsenham is shown in the 2011 census as 980. The percentage increase since 2011 is thus 66%.

If this application was granted, the total increase since 2011 would be $646 + 220 = 866$, which would represent a total increase since 2011 of 88%.

The screening opinion for the proposal for development on this site found that the cumulative impact of other developments, including those undetermined, should be included (*UTT/19/1021, Officer Response - Screening Notice*, 24 May 2019). Other major applications which have been submitted but are unresolved at the time of writing are: UTT/17/3573, up to 350 dwellings on land to the north-west of Henham Road, Elsenham; UTT/19/2470, 99 dwellings to the west of Isabel Drive, Elsenham. If the present application is granted, it will become difficult to justify refusing these further applications. If they were approved in addition to the present application, the total number in Elsenham from 2011 would then be $866 + 350 + 99 = 1,315$, a total increase since 2011 of 134%.

The applicants note that:

The population in Uttlesford local authority increased by 21.4% between 1991 and 2011 (Census data). It is expected to increase by a further 37.5% by 2039, according to the 2014- based sub-national population projections for England – as updated in August 2016 (*Socio-Economic Sustainability Statement*, 2.2.2).

On this basis, the increase in Elsenham in 2019 already seen is way beyond that projected for Uttlesford by 2039. The increase in Uttlesford as a whole from 2011 is projected at 37.5% by 2039; the approved increase in Elsenham twenty years earlier in 2019 is 66%. There can be no justification for permitting this application and allowing an increase of 88%.

The Parish Council maintains that development already committed in the village is wholly disproportionate, that amenities in the village have not kept pace with the

rapid expansion which has taken place, and that road traffic access routes are already beyond capacity.

5. Site capacity

The application is for 'up to' 220 dwellings. There is a lack of detail as to how this total might be accommodated on the site. It is understood that the application is for outline approval, with matters such as layout reserved. Nevertheless, the Parish Council holds that the applicants must be expected to include an example of a detailed layout. If outline planning agreement is granted, the site will be marketed for sale to a developer (*Foul Drainage Analysis*, C.1, first bullet point). The danger is that it would be insisted at the detailed application stage that approval had been given for 220 dwellings, and the green space would be reduced as a result.

An indicative layout plan is mentioned in the *Planning Statement*, 3.3.20. Possibly the reference is to one of the plans in the *Design and Access Statement*, pp 36, 38, 40. But these plans do not give sufficient detail. The *Noise Impact Statement*, 1.1.3, refers to 'a proving layout . . . provided by GDL which shows one way in which houses could be laid out on the site, to meet external guideline noise levels in gardens of proposed dwellings'; there is a reference to an 'indicative site layout' at 5.1.2, and later, 7.1.8, there is a reference to 'an indicative layout shown on Drawing GM10408-002'. This drawing has not been located.

There are grounds for supposing that the applicant's assumptions as to the capacity of the site are mistaken. A projected breakdown of the housing mix is given in the *Socio-Economic Sustainability Statement*, 3.2.1. There is nothing here to show that bungalows have been included, even to the modest extent prescribed by UDC, which the Parish Council holds to be inadequate for meeting local need. The *Design and Access Statement*, 5.8, mentions Essex County Council's Parking Standards, but not the more rigorous demands of *Uttlesford Local Residential Parking Standards February 2013*. There is no statement which has been traced in the application as to the size of gardens.

Each carriageway of the M11 motorway is three lanes wide up to Junction 8, south of the site, and two lanes wide north of Junction 8, including the section to the west of the application site. On 9 July 2003, the Secretary of State for Transport announced that the Highways Agency would be going ahead with a scheme to widen the M11 to three lanes on each carriageway from Junction 8 to Junction 14. The project was cancelled later. The proposal to widen the motorway should be known to the applicants, since there is a reference to an archaeological report in 1995 associated with an anticipated widening programme (*Heritage Statement*, 4.5). The motorway north of Junction 8 is subject to serious congestion, not least on account of the excess of new house building in the area. There can be little doubt that it will be widened at some time during the reasonable lifetime of any dwellings which might be built as a result of this application. Such a widening would compromise the access to the site, which is adjacent to the motorway. It would also result in an extension eastwards of motorway noise, with implications for the location of houses on the site.

If the application is to be considered, the applicants must show that the site can comfortably accommodate 220 dwellings with due regard for housing mix, parking, gardens and motorway widening.

6. Surface water disposal

The application includes the startling proposal that the existing ditches should be filled in and replaced by swales and ditches on the western and eastern sides of the site, to connect at the north of the site to an existing outfall. But there is much doubt about this outfall. It is shown in *Phase 1 Geoenvironmental Assessment*, 2.5.4, 2.5.5, Appendix 1B that there is great uncertainty as to whether it heads east towards the railway or north to the east of a wooded area.

The *Flood Risk Analysis* finds as follows:

Surface water flooding sporadically in the area and associated with the various ditch and watercourse systems with an area of risk extending along the full length of the eastern boundary of the site with the railway (3.1.2.1).

The existing ditch system within the site has been established for centuries. The ditch which bisects the site north / south forms the parish boundary between Henham and Ugley. There can be no doubt that the ditch preceded the fixing of the boundary. The Henham section of the site is now physically separated from the rest of the parish by the railway. The boundary therefore pre-dates the building of the railway, probably in the 1840s. The ditch pre-dates the boundary, and the boundary pre-dates the railway. The ditch is shown on the 1839 tithe map of Ugley parish (*Heritage Statement*, 4.15, Plate 1).

The present system is stable, but apparently it is not clear why in that the outfall is uncertain. The development proposal would result in more surface water disposal, since a large area would no longer be available for permeation of rainfall through the ground. The proposal to fill in the ditches and replace with swales and ditches carrying a greater volume of water to an unknown destination is fraught with difficulty and uncertainty.

Filling in the ditches would also involve the removal of some lengths of well-established hedges.

7. Noise

The site is bounded by the M11 motorway to the west and the main-line railway to the east. The noise was monitored in January 2019, with these results:

Road Traffic Noise: Noise from constant road traffic on the M11 was audible across the proposed development site during the daytime and night-time periods.

Rail Noise: Noise from train movements on the railway line was intermittent throughout the site during daytime and night-time periods, and it was dominant during each train-pass.

Birdsong: Birdsong was audible at both monitoring locations.

Other: Occasional distant aircraft noise was audible throughout the site (*Noise Impact Statement*, 3.1.11).

As noted in 5. above, it has not proved possible to locate the site layout which was used in the noise assessment. It is claimed that:

the majority of garden areas will meet the guideline noise level of 55dB LAeq when the gardens of proposed dwellings are located on the screened side of dwellings facing away from the main sources of noise (*Noise Impact Statement*, Executive Summary).

A minority of 220 dwellings could be a sizeable number of gardens with excessive noise. There is nothing to explain how dwellings in the centre of the site could be screened from motorway noise from the west and railway noise from the east.

As for internal noise:

Internal noise guideline levels will be met in most dwellings across the site, even with windows open for ventilation (*Noise Impact Statement*, Executive Summary).

Again, 'most' could leave a large number not included. A series of possible solutions are described, including, unconvincingly,

noise sensitive rooms could be located on the screened side of the proposed buildings facing away from the noise source (*Noise Impact Statement*, Executive Summary).

In reaching the results, some questionable procedures have been used. The individual levels have been averaged and rounded to give single daytime and night-time levels for each location (*Noise Impact Statement*, 3.2.1). It is assumed that noise from the motorway diminishes with distance, which is no doubt true over a long distance. But the motorway here is on an embankment and simply walking around the site suggests that the noise does not reduce appreciably over a significant distance from the source. That the site is noisy cannot be contested. If noise levels on this site are satisfactory, then any site is satisfactory.

8. Community Involvement

On 26 June 2109, Gladman Developments Limited wrote to Elsenham Parish Council to the effect that Gladman wished to meet representatives of the Parish Council in a closed forum to discuss the proposals. The Parish Council replied that all its meetings are open to members of the public, but Gladman was unwilling to proceed on that basis.

If such a meeting had been held, the Parish Council would have explained that the housing mix in the recent spate of new building had been unbalanced, leaving some demand, such as for market bungalows and ground-floor only accommodation, unfulfilled. The projected breakdown given in the *Socio-Economic Sustainability Statement*, 3.2.1 includes nothing smaller than a three-bedroom property for market sale, and nothing larger than three-bedroom provision for affordable purposes. This mix does not equate to demand in the village as perceived by the Parish Council.

It would also have been explained at a meeting that the wholly disproportionate amount of new house building which has occurred in the village in recent years has not been complemented by a concomitant improvement in amenities. It would have been pointed out that the village has unfulfilled needs, such as:

- A cemetery. There are but four spaces remaining in the village cemetery. Undoubtedly demand for cemetery space will grow in keeping with the

increased size of the village.

- Employment. There is nowhere near sufficient local employment opportunities and the resultant need to travel outside the village is a leading reason for the road congestion which is itself a leading reason why further housing development is unsustainable.
- Shops. There is a small general store and three other outlets in the centre of the village and another outlet functioning mostly as a small cafe next to the station. The increased population in the village could support more shopping amenities.
- Sporting facilities. The demand on the playing field in the centre of the village is such that ancillary provision is now an urgent requirement.
- Public meeting rooms. Those rooms which are available are normally booked solidly, such that one-off bookings are difficult to arrange.

The site is virtually flat, and suitable for all the above purposes. The Parish Council would have been pleased to hold discussion with Gladman, perhaps with a view to part of the site being available for public benefit as above and part for housing, thereby maintaining the ancient division of the site by ditches into four unequal parts. It is regretted that the opportunity was lost, and that the Parish Council is now obliged to offer unqualified opposition to the application.

Summary

The *Report by Gardner Planning* includes a summary of those policies and provisions which are breached by the application (6.36). It is shown above that the difficulties in road access to the east of the site have implications for access by construction traffic and for the road network more widely. The existing housing commitments in Elsenham are such that further expansion would not be viable. There are questions as to surface water disposal and noise. The Parish Council would have been prepared to discuss with Gladman suggestions for the development of the site consistent with local need, but the present proposals are wholly objectionable.

Further, in March 2020, Gardner Planning wrote on behalf of Henham and Ugly Parish wrote with regards to new Air Quality material submitted by the applicant.

Finally, Elsenham Parish Council further supplementary objections advising that these objections are supplementary to the technical representations already submitted to Uttlesford District Council on behalf of the Joint Parish Councils of Henham, Ugly and Elsenham by Gardner Planning, 19 November 2019, and Elsenham Parish Council's supplementary objections, 28 November 2019. Elsenham Parish Council should also be associated with the letter dated 16 March 2020 concerning air quality from Gardner Planning.

The application site is divided in roughly equal parts between the parishes of Henham and Ugly. However, the site borders the Elsenham boundary, and it is generally acknowledged that the impact on the village of Elsenham would be considerable.

It is noted that a Revised Environmental Statement - Chapter 6: Air Quality, together with Appendices 6.1 to 6.4, has been submitted, 5 March 2020, following the

recommendation to refuse the application on air quality grounds in the report by Ann Lee-Moore, Environmental Health Officer, dated 10 December 2019. The report includes the following statement:

With regard to exposure to new receptors within the development, saved Policy ENV13 Exposure to poor air quality precludes introduction of sensitive receptors within a zone 100m either side of the central reservation of the M11. On the outline layout, dwellings are shown within this zone.

Policy ENV13 states that:

Development that would involve users being exposed on an extended long-term basis to poor air quality outdoors near ground level will not be permitted. A zone 100 metres on either side of the central reservation of the M11 and a zone 35 metres either side of the centre of the new A120 have been identified on the proposals map as particular areas to which this policy applies.

As far as can be discerned, the objection that the proposal is in breach of policy ENV13 has not been addressed by the applicants. Uttlesford District Council's on-line Constraints Map clearly shows that a significant part of the site lies within the poor air quality zone as defined in Policy ENV13. Screen shots taken from the Constraints Map are appended, together with an illustrative layout of the site from the Design and Access Statement. It is very clear that the access, close to the motorway bridge would be within the zone of poor air quality. Both the LEAP to the west of the site and the LEAP to the north would be within the zone, exposing children to the risks associated with poor air quality. The quality of the layout plan is poor and it is not very easy to determine plot layouts; however, it is estimated that upwards of 40 dwellings would be within the zone.

In the view of Elsenham Parish Council, the clear breach of policy ENV13 is in itself sufficient for refusal of the application.

Stansted Parish Council

Whilst not a Stansted development, this Parish Council objects to the proposed development. Our comments relating to the impact of traffic upon Grove Hill, education and flooding were made under the previous application and remain valid.

We disagree entirely with Highways England who consider that this will have no negative impact upon the strategic highway network - how could the traffic from this development - including the position of the access on a bend with no clear sight-lines due to the motorway bridge - not impact upon the local roads?

Finally, my members were horrified to see that the only pedestrian access to and from the site involves use of an unmanned crossing over the railway line. We consider this to be a dangerous proposal - the stretch of railway line north of Stansted up to Cambridge has had the highest number of fatalities at unmanned crossings. We were pleased to see that Essex Police have also flagged this and have requested involvement in the process.

Broxted Parish Council

Broxted Parish Council has the following objections to the above scheme:

1. Elsenham is a village surrounded by countryside and this is part of its character. This character is already under pressure from recent housebuilding. Six hundred houses have been permitted in less than 10 years, and there are applications pending for the same number in addition. This application, if granted, will erode the village's character and damage its surroundings.
2. The development is not appropriate for a rural area and involves building on a green-field site.
3. Countryside is to be valued, in planning decisions, for its own sake as well as being considered a resource/amenity - this development would lead to a significant loss of countryside with all its intrinsic value.
4. Elsenham cannot sustain this amount of additional housing. It has inadequate public transport, limited amenities and few roads. The roads onto which traffic from this site would pass cannot support the increased traffic. They are residential streets leading to narrow lanes and local issues.
include a level crossing which regularly causes congestion, two mini-roundabouts in the centre of the village, and winding lanes used as "rat-runs" leading to a trunk road a couple of miles away. There is no suitable access to sustainable methods of travel so most journeys from the housing
would be made by private car, resulting in worsening congestion. Walking distances even to village amenities are significant - e.g., 2km to the local primary school.
5. The next nearest village, Henham, is smaller but likewise has experienced significant housebuilding recently. Its roads are all narrow lanes and there is already major congestion from parking at certain times of day. It has very limited amenities and virtually no public transport
(lacking even the railway line which goes through Elsenham). It cannot cope with the effect of a major housing estate so close, which will increase pressure on the school, medical services (the only local GP surgery is at Elsenham) and transport.
6. No consideration has been given to the pressure on services such as water supply. Large estates built in the nearby village of Takeley experience frequent problems with water pressure. The developer should satisfy the planning authority that the same would not happen here.
7. The site is not suitable for housing as it is bounded by a motorway on one side and a mainline railway line on the other - together these boundaries comprise about two-thirds of the length of the perimeter of the site. The site will be noisy and unpleasant to live in, with noise disturbance 24-hours a day. The site is also near Stansted Airport and some disturbance, including smell and air pollution, can be expected from that.
8. Overall, any benefits of providing housing are outweighed in the case of this application by the damage it is likely to do.

We should be grateful if you would take the above into account.

9. CONSULTATIONS

Uttlesford DC Landscape Officer

- 9.1 The Landscape Masterplan together with the detailed planting plans are considered satisfactory. Further, the UDC Landscape Officer advised that...I'm in broad agreement with the findings of the LVIA prepared by the landscape consultants CSA Environmental (dated May 2019). Whilst there would be substantial change caused by the proposed development on the existing character of the application site, the effect on the broader landscape would be limited and could be mitigated by a scheme of appropriate landscaping. There are some existing trees on the application which are of amenity value and these should be retained and protected during the course of construction if planning approval is granted. The details of these trees are included in CSA's Arboricultural Impact Assessment (dated July 2019).

ECC Highways

- 9.2 Essex County Council as Local Highway Authority have advised the following:

This application was accompanied by a Transport Assessment which has been reviewed by the highway authority in conjunction with a site visit and internal consultations. The assessment of the application and Transport Assessment 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.

The applicant has submitted additional information which while it does not change the fundamental issue of a single access for all modes of travel and the distances that are over those recommended for walking to key facilities it does help to promote sustainable transport modes in terms of cycling and passenger transport. So while location of the site is such that access to key facilities, employment and leisure opportunities is limited and for the majority of journeys the only practical option would be the car it does provide some opportunities for alternative modes to be taken up for some trips. The transport sustainability is one of elements that should be taken into consideration by the Planning Authority when assessing the overall sustainability and acceptability of the site.

The location of the site to the north of the village is such that the journey to Stansted Mountfitchet quicker via the Pound Lane and the B1383 route than Stansted Road and Grove Hill so the impact on this junction is likely to be limited. There will be an impact to the west of the site on Pound Lane. This is estimated as an additional 21 trips eastbound and 62 westbound in the morning peak and 53 trips eastbound and 25 westbound in the evening peak hour. Although this is significant when compared to the current number of trips it is not considered to be a severe impact as the vast majority of road is of sufficient width to accommodate two vehicles passing and some localised widening will take place where the road is narrower to mitigate the impact. The table below shows the cumulative impact of the trips, it includes the application UTT/20/2908 (Land South of Bedwell Road), while this is not committed it is of relevance. The trips have had background growth added up to 2024 and trips from committed development is shown.

	Current Flows		Committed Flows		Bedwell Road S		Bedwell Road N		Total Flows	
	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
					UTT/20/2908		UTT/19/226		2024	
Eastbound	54	62	8	10	5	12	21	53	88	137
Westbound	50	84	5	10	14	5	62	25	131	124

A contribution to the bus service and bus infrastructure is being sought to improve the bus service between Elsenham, Stansted Mountfitchet, Stansted Airport and Bishops Stortford. This is part of the developing strategy for Elsenham to improve the service to half hourly and extend morning and evening services. There is the opportunity to extend the service along Bedwell Road down the B1383 to Stansted Mountfitchet, a possible variant of the current service, providing Bedwell Road with an hourly service (2 hourly on Sundays) and collectively providing the village with a half hourly day time service. If this is taken forward a bus stop will be provided on Bedwell Road to decrease walking distances, if not improvements including real time passenger information will be provided at the station stops, these stops are approximately a 12-minute walk from the centre of the proposed development.

In order to facilitate walking and cycling a contribution to mitigate the impact on the footpath network has been sought and cycle parking is to be provided at the station and the local shops. A travel plan is also to be provided with a co-ordinator and which will have specific incentives for cycling and passenger transport.

Therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following mitigation and conditions:

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for;

I. vehicle routing,

II. the parking of vehicles of site operatives and visitors,

III. loading and unloading of plant and materials,

IV. storage of plant and materials used in constructing the development,

V. wheel and underbody washing facilities.

VI. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense were caused by developer.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2. Access: Prior to occupation of the development, the access, shown in principle on submitted drawing 17033-16-02 shall be provided, including 2 footways minimum width 2m to link to the existing footways on Bedwell Road and a clear to ground visibility splays with dimensions of 2.4 metres by 59 metres in both directions, as measured from and along the nearside edge of the carriageway. Visibility splays to be kept clear thereafter a Traffic regulation order to restrict parking shall be sought as part of the access arrangement.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear 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 policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. Passenger Transport: Prior to first occupation the payment of a contribution of £587,787 (index linked from the date of this recommendation) to support or enhance a bus service to provide an improved service between Elsenham and Stansted Mountfitchet, Bishops Stortford and the airport, improvements to include a half hourly weekday service and extended morning and evening services and/or sustainable transport infrastructure within the vicinity of the site and local amenities.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

4. Footpath contribution Prior to first occupation the payment of a contribution of £40,700 (index linked from the date of this recommendation) to be paid to the highway authority to carry out works to mitigate the impact of additional use of the public right of way and pedestrian network and improve accessibility on foot or cycle to and in the vicinity of the site (but not the within it). Works to include but not be limited upgrading, resurfacing, drainage and signage of the network.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM11 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

5. Footpaths within the site: Prior to occupation of the development the enhancement of the public right of ways 51/14 and 25/32 with appropriate widening to allow cycleways, surfacing works, signing, and adoption within the proposed layout.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM11 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

6. Cycle Parking: Prior to first occupation provision of cycle parking facilities at the station a minimum of 5 secure covered spaces close to the station and a minimum of 2 Sheffield Stands at local shopping area, facilities to be situated on highway land details to be approved by the highway authority.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

7. Road widening Prior to commencement a technically approved scheme for the provision of laybys/widening on Bedwell Road/Snakes Lane/Pound Lane in the area indicated on drawing number 17033-16-10 to be submitted to the planning authority for approval, the approved scheme to be implemented prior to first occupation.

Reason: In the interest of highway capacity and safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

8. Travel Plan: Prior to first occupation of the proposed development, the Developer shall submit a residential travel plan to the Local Planning Authority for approval in consultation with Essex County Council. The plan shall include specific costed cycling incentives such as bike vouchers/training/promotion together with fund of a minimum of £200 per household to pay for these initiatives. Such approved travel plan shall then be actively implemented by a travel plan co-ordinator for a minimum period from first occupation of the development until 1 year after final occupation. It shall be accompanied by an annual monitoring fee of £1500 (index linked), to be paid to Essex County Council.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

9. Travel Packs: Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

The above conditions are required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

ECC Ecology

- 9.3 We have reviewed the revised Ecological Impact Assessment (CSA Environmental, updated December 2019), Preliminary Ecological Appraisal (CSA Environmental, June 2019), provided by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats.

The revised Ecological Impact Assessment (CSA Environmental, updated December 2019) advises a detailed aerial tree inspection was carried out on 5th December 2019 on the English Oak Tree 'T1'. This tree is due to be felled to make way for access to the proposed development. One feature, within a branch on the north-eastern elevation, was recorded as providing 'High' bat roost potential but no evidence of bat use was found.

Therefore, the revised Ecological Impact Assessment recommends '*Prior to commencement of any felling or pruning works to tree T1 update surveys will be carried out to confirm the continued absence or newly established presence of roosting bats. This could be satisfactorily achieved by way of an update full aerial inspection no more than 5 days prior to planned felling date or following three emergence/re-entry surveys between May and August. In the event roosting bats are subsequently confirmed, appropriate mitigation measures and safeguards will be secured by way of legal obligation through a Natural England Mitigation Licence for European Species.*'

The updated surveys prior to felling should be secured, in order to provide certainty on the impacts on bats, from the felling of Tree 'T1'. However, we recommend that an updated full aerial inspection prior to felling should take place on the day of felling as it can be extremely difficult to demonstrate absence for highly mobile animals such as bats. Alternatively, three emergence/re-entry surveys should be undertaken and confirm no evidence of bats.

In addition, the revised Ecological Impact Assessment (CSA Environmental, updated December 2019) has advised '*that a sensitive external lighting scheme will be developed at the detailed application stage in consultation with a bat ecologist to avoid and minimise light spill onto existing and created habitats suitable for bats. This will be developed and used for both the construction and post construction phases. The lighting scheme will give due consideration to the Bat Conservation Trust Guidance Note 08/18 to ensure appropriateness of lighting specification and design*'. As per our previous comments on 21 November 2019, this must include the creation of dark corridors suitable for the highly light-averse species (Brown long-eared, some Myotis and Barbastelles) identified in the remote monitoring surveys and be clearly shown on any masterplan. A wildlife sensitive lighting design scheme should therefore be secured as a condition of any consent.

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

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

This includes the creation of approximately 6ha of open space designed to offer high quality semi-natural habitats, promotion of responsible recreational use of the nearby Alsa Woods Local Wildlife Site through provision of interpretation board and information leaflets, compensatory hedgerow planting with native species in addition to supplementary planting to strengthen existing and retained hedgerows, planting of a number of native trees to compensate for the loss of trees (mature oak tree(T1) and a semi-mature goat willow, creation of new swales and ditches (planted with dense reedbeds to create complex habitat structures of interest to wildlife) in order to mitigate for the loss of pond P1 and the majority of the existing ditch network, accordance with BS5837:2012 to avoid impact to off-site woodland and on-site hedgerows, standard best practice construction phase pollution prevention and control measures, a bat sensitive external lighting scheme developed for both the construction and postconstruction phases, prior to commencement of any felling or pruning works to tree T1 update surveys will be carried - either by an updated full aerial inspection on the day of felling or alternatively once three emergence/re-entry surveys have been undertaken and confirmed no evidence of bats, due diligence for badgers and nesting birds, reptile mitigation strategy, and bird strike risk evaluation and avoidance strategy. Therefore, it is recommended that a Construction Environment Management Plan (CEMP) and a wildlife sensitive lighting scheme should be submitted as separate conditions of any consent.

We note that this application is situated within the Impact Risk Zone for Hatfield Forest Site of Special Scientific Interest (SSSI)/National Nature Reserve (NNR), as shown on MAGIC map (www.magic.gov.uk). Therefore, Natural England's revised interim advice to Uttlesford DC (ref: HatFor Strategic Interim LPA, 5 April 2019) should be followed to ensure that impacts are minimised to this site from new residential development. As this application contains more than 50 units, Natural England have proposed that a financial contribution should be provided towards the

delivery of off-site Strategic Access Management Measures (SAMMs) for Hatfield Forest SSSI/NNR, which will need to be secured via legal agreement. In addition, as this application actually contains more than 100 units, the development must contain adequate Accessible Natural Greenspace (ANG) within the redline boundary.

We support the reasonable biodiversity enhancements, which have been outlined within the revised Ecological Impact Assessment (CSA Environmental, updated December 2019). This includes incorporating plant species of known wildlife value within a landscaping scheme including night-scented varieties to benefit Bats, provision of at least 22 bat boxes and 22 bird nesting boxes incorporated within new buildings which face onto green habitats, at least four log piles for wildlife benefit sited within boundary vegetation, and the provision of hedgehog gaps across the site. This will ensure measurable net gains for biodiversity, which will meet the requirements of Paragraph 170d of the National Planning Policy Framework 2019. This should be secured by a condition of any consent via a Biodiversity Enhancement Strategy. We also recommend that the management of features created as part of the landscaping scheme (including the new tree, hedgerow and grassland planting) should be secured over a five-year period, via a Landscape and Ecological Management Plan (LEMP). This will ensure appropriate establishment of these biodiversity enhancements.

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 below should be a condition of any planning consent.

Recommended Conditions:

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

“All mitigation measures and/or works shall be carried out in accordance with the details contained in the revised Ecological Impact Assessment (CSA Environmental, updated December 2019), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This includes the creation of approximately 6ha of open space designed to offer high quality semi-natural habitats, promotion of responsible recreational use of the nearby Alsa Woods Local Wildlife Site through provision of interpretation board and information leaflets, compensatory hedgerow planting with native species in addition to supplementary planting to strengthen existing and retained hedgerows, planting of a number of native trees to compensate for the loss of trees (mature oak tree (T1) and a semi-mature goat willow, creation of new swales and ditches (planted with dense reedbeds to create complex habitat structures of interest to wildlife) in order to

*mitigate for the loss of loss of pond P1 and the majority of the existing ditch network, accordance with BS5837:2012 to avoid impact to off-site woodland and on-site hedgerows, standard best practice construction phase pollution prevention and control measures, a bat sensitive external lighting scheme developed for both the construction and postconstruction phases, prior to commencement of any felling or pruning works to tree T1 update surveys will be carried - either by an updated full aerial inspection **on the day of felling** or alternatively once three emergence/re-entry surveys have been undertaken and confirmed no evidence of bats, due*

diligence for badgers and nesting birds, reptile mitigation strategy, and bird strike risk evaluation and avoidance strategy.'

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 and s40 of the NERC Act 2006 (Priority habitats & species).

2. CONCURRENT WITH RESERVED MATTERS: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (BIODIVERSITY)

A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of "biodiversity protection zones".*
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- d) The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) Use of protective fences, exclusion barriers and warning signs.*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

Reason: To conserve Protected and Priority species and 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).

3. CONCURRENT WITH RESERVED MATTERS: BIODIVERSITY ENHANCEMENT STRATEGY

"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:

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

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).

4. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

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 (through the provision of appropriate technical specification) 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)*

5. PRIOR TO OCCUPATION: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

“A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.*
- b) Ecological trends and constraints on site that might influence management.*
- c) Aims and objectives of management.*
- d) Appropriate management options for achieving aims and objectives.*
- e) Prescriptions for management actions.*
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*
- g) Details of the body or organisation responsible for implementation of the plan.*
- h) Ongoing monitoring and remedial measures.*

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.”

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)*

Essex Police Crime Prevention Officer

- 9.4 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 however question the need for the footpath leading to what appears to be an unmanned crossing of the railway line to Old Mead Road, whilst at present it serves current needs with a development of this size there is a greater risk to those crossing and from the railway it produces increased vulnerability to those properties adjacent to the railway line.

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.

UK Power Network

- 9.5 Advised that should your excavation affect our Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV), please contact us to obtain a copy of the primary route drawings and associated cross sections.

Sport England

- 9.6 The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit.

If the proposal involves the provision of additional housing, then it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

In line with the Government's NPPF (including Section 8) and PPG (Health and wellbeing section), consideration should also be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities.

Uttlesford District Council Housing Enabling Officer

- 9.7 The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils 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 220 (net) units. This amounts to 88 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 Councils' 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 bedroom units. This would amount to 11 bungalows across the whole site delivered as 4 affordable units and 7 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 house 2 people, 2 bed properties house 4 persons, 3 bed properties house 5 persons and 4 bed properties house 6 persons.

	Land North of Bedwell Road UTT/19/2266/OP				Totals
	1 bed	2 bed	3 bed	4 bed	
Total affordable units	11	37	33	7	88
Affordable Rent	8	26	23	5	62
Shared Ownership	3	11	10	2	26

Lead Local Flood Authority position

- 9.8 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.

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 conditions.

NATS Safeguarding

- 9.9 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.

Network Rail

- 9.10 I am writing to provide you with Network Rail's comments regarding the above planning application. Network Rail's Asset Protection, Level Crossing and Liabilities Teams have raised concerns regarding the possible impact of the proposed development. Please see below two areas of concern.

Elsenham Emergency Hut Level Crossing

This is a passive level crossing where public footpath 32 in the parish of Henham crosses the railway line. Because of non-compliance of the level crossing given the speed of approaching trains and the time taken to cross the railway, it has been closed under a Temporary Traffic Regulation Order since 2011. [Note this is not the manned Elsenham Station level crossing, but a footpath crossing around 460m north of the station level crossing.]

Given the size and proximity of the proposed development to Elsenham Emergency Hut Level Crossing, Network Rail is concerned the proposal will increase the usage of the level crossing (the temporary closure notwithstanding) thus increasing the risk. As mentioned previously, Network Rail are actively seeking to reduce the risk at level crossings, reduce the number and types of level crossings and subsequently have applied for a new Transport and Works Act Order (TWAo) "Network Rail (Essex and Others) Level Crossing Reduction Order 2019/2020". If successful, the TWAo will result in the closure of Elsenham Emergency Hut Level Crossing through creation of a diversionary route.

Should the proposed "Network Rail (Essex and Others) Level Crossing Reduction Order 2019/2020" be unsuccessful, it is not acceptable for Elsenham Emergency Hut Level Crossing to remain open. The developer and council should devise a plan to allow for the closure of the Elsenham Emergency Hut Level Crossing. Network Rail would like to suggest a 3-phase approach:

1. Allow the TWAo to complete and cooperate with Network Rail in delivering the alternative route so far as their land is affected.
2. If 1 fails, the applicant should apply to divert or extinguish the LC.
3. If 2 fails, we ask that the applicant contributes via s106 agreement to the building a footbridge allowing for the level crossing to be closed.

As the crossing is currently temporarily closed, Network Rail request a condition is attached to any planning permission to ensure the legal permanent closure of Elsenham Emergency Hut Level Crossing is completed before any dwellings are occupied.

Condition Example:

No dwelling hereby approved shall be occupied so long as of Elsenham Emergency Hut Level Crossing remains open.

Any dwelling may not be occupied until this rail crossing has been closed and a footpath diversion has been provided or a bridge or other possible measures to be agreed by the Council in writing are in place.

Proximity of proposed development to the operational railway

Due to the proximity of the proposed development to Network Rail land and the presence of Overhead Line Equipment (OLE), Network Rail strongly recommends the developer contacts AssetProtectionAnglia@networkrail.co.uk prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>

Please see Appendix 1 for additional comments the applicant will be required to comply with to ensure the safety of the operational railway. Network Rail are committed to ensuring the railway is as safe as reasonably practicable and therefore would like to discuss the above with the applicant and Uttlesford District Council.

Essex County Council Place Services Archaeological Advice

- 9.12 The Historic Environment Record shows that the proposed development lies within a potentially sensitive area of heritage assets. Cropmark evidence to the west (and east) of the proposed development identifies the potential for preserved archaeological features. To the west, a trackway and potential enclosure are located, and flint tools and medieval pottery were also found within this area during the M11 widening. Archaeological excavations at Stansted Road identified various features which were Roman and Medieval in date (EHER 48393). There is the potential for further prehistoric evidence and Roman occupation to be identified within the development area.

A recognised team of professionals should undertake the archaeological work. The archaeological work would comprise a programme of archaeological evaluation of all areas of ground disturbance to fully assess the surviving heritage assets on the site and record them. This will facilitate discussions on further archaeological investigation and alterations to designs to protect important archaeological deposits in situ. The initial phase of work would comprise a trial trenching exercise. A brief detailing the requirements of this work can be obtained from this office.

RECOMMENDATION: Archaeological Programme of Trial Trenching followed by Open Area Excavation

- 1. No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.*
- 2. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work and before any reserved matters are agreed.*
- 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.*

Highways England

- 9.13 After looking at the details and information provided, we find that, although the location of the proposed development is next to the M11, it is also remote from any junctions or access to the M11. As such it is unlikely to have a severe impact upon the Strategic Road Network.

Consequently, we offer no comment.

Additionally, we would recommend consultation regarding this planning application with local authority highways, with particular attention brought to;

1. The nature of the road (Bedwell Lane) where vehicular access is to be gained.
2. The possibility that the existing M11 overbridge could limit/obstruct the view of traffic exiting the proposed development onto Bedwell lane.
3. What infrastructure will be put in place along Bedwell Lane to allow cyclist and pedestrian travel, safely, to Elsenham train station.

Aerodrome Safeguarding

- 9.14 The proposed development has been examined for aerodrome safeguarding, this proposal does not conflict with any safeguarding criteria. Accordingly, Stansted Airport has no safeguarding objections to the proposal.

Natural England

- 9.15 We consider that without appropriate mitigation the application has potential to damage or destroy the interest features for which Hatfield Forest Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR) has been notified.

Natural England is working alongside the National Trust in carrying out research into visitor patterns, impacts and mitigation measures to Hatfield Forest SSSI/NNR. To date, this work has included winter and summer visitor surveys and identified a Zone of Influence (Zol) of 14.6km which has been shared with your authority with the view of establishing a strategic solution for visitor impacts to the Forest.

On this basis, this application falls within the currently identified Zol for recreational impacts to Hatfield Forest SSSI, NNR, whereby new housing within this zone is predicted to generate impacts and therefore will be expected to contribute towards mitigation measures, such as a financial contribution.

Whilst we are working towards a strategic solution, Natural England advises that for the purposes of addressing the interim situation, a bespoke mitigation package

should be sought for this application, which we suggest is designed in consultation with the National Trust as site managers.

In the absence of a strategic solution, Natural England would not want to see any permissions granted that would create a precedent of acceptability for additional housing developments close to Hatfield Forest SSSI, NNR. As these mitigations are in the process of being defined in a 'mitigation package', we cannot comment further at this stage of the particulars of a future mitigation strategy.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured.

National Trust

- 9.16 The proposed development is approximately 5.8km from the SSSI, National Nature Reserve areas and ancient woodland of Hatfield Forest which extends over 424 hectares, including Wall Wood and Woodside Green. The area has been owned and managed by the National Trust since 1924. Of greatest significance is that Hatfield Forest is the finest surviving example of a small Medieval Royal Hunting Forest. The Forest's ecological and historic importance is reflected in its designations - for its considerable ecological significance and especially for its veteran trees and old growth woodland on undisturbed soils.

The forest is experiencing rapid and unsustainable growth in visitor numbers which is putting it under considerable pressure and there are signs that the SSSI, NNR and other designated/protected features there are being damaged. In order to advance its understanding of these issues as well as an understanding of visitor numbers, origin and behaviour when visiting the Forest, the Trust, with support from Natural England (NE), commissioned consultants Footprint Ecology to undertake visitor surveys and prepare an impact management report to help build a practical strategy for the Forest going forward. This established a 'Zone of Influence' (ZOI), within which this site falls. A copy of this report (the Hatfield Forest 'Visitor Survey and Impact Management Report 2018') has been sent to Uttlesford District Council. Natural England also wrote to your planning department in April and September 2019 to alert you to this evidence and advise that where relevant, planning decisions are informed by this.

The Footprint Ecology report describes the issues arising from recreational pressure in more detail and recommends the development of a strategy to mitigate these impacts in order that new development can meet planning policy requirements (including NPPF para.170-175). There are also duties on LPA's under section 28G(2) of the Wildlife and Countryside Act 1981 to take reasonable steps as part of the authority's functions to further the conservation and enhancement of SSSI's. Furthermore, there is a specific obligation on an authority under section 28I where it is proposing to permit an operation likely to damage a SSSI, to give Natural England prior notice.

Having regard to the evidence and in accordance with the above requirements it is considered that the impacts of the development on Hatfield Forest should be addressed. New housing development within the ZOI will contribute further (both individually and cumulatively) towards recreational pressure on the Forest. Whilst it is acknowledged that this was not an issue when the current Local Plan was adopted and that the draft new local plan has recently been withdrawn from examination, there is nonetheless evidence now available which identifies an issue at a SSSI

which Natural England has identified as warranting mitigation. This evidence formed part of discussions with the LPA, Natural England and the Planning Inspectorate as part of the Local Plan process. The Post Stage 1 Hearings letter from PINS to the LPA (dated 10th January 2020) acknowledged that the Inspector's shared the concerns raised by NE about a lack of mitigation measures to address recreational impacts of new housing development on Hatfield Forest and stated that the matter needed resolving. Although the submission Local Plan was withdrawn, the issue remains and on the advice of Natural England a bespoke solution should be sought on a case-by-case basis in the absence of an up to date Plan.

Based on recommendations set out in the 'Visitor Survey and Impact Management Report', and as referred to in Natural England's letter, the National Trust, in consultation with Natural England, has prepared a costed Mitigation Strategy. This includes a costed package of mitigation measures.

For the proposed development we consider the following mitigation would be appropriate:

On-Site Mitigation

On-site measures which would help relieve the pressure on Hatfield Forest should be provided.

These should take the form of:

- High-quality, informal, semi-natural areas, to be provided prior to first occupation of the dwellings
(including a dog walking circuit and dogs off lead area);
- Any other on-site mitigation as advised by Natural England.

However, this alone would not mitigate the impacts of increased recreational pressure on Hatfield Forest arising from the development. Hatfield Forest offers other visitor experiences which could not be replicated on a new site. It is used for a range of recreational activities including jogging, cycling, wildlife watching, family outings and photography. It also includes visitor infrastructure such as a café, toilet, shop and education building. This makes it vulnerable to current and future demand. Even if on-site mitigation is proposed, it is considered that there will still be a residual recreational impact on Hatfield Forest which needs to be mitigated.

Off-Site Mitigation

A financial contribution of £33,330 to the National Trust for use at Hatfield Forest towards visitor and botanical monitoring and mitigation works.

The Hatfield Forest Mitigation Strategy is being used by the property team to address recreational impacts at Hatfield Forest. A copy of this can be provided if required. The Strategy seeks a proportion of costs to be met through developer contributions, the rest would be met by the National Trust.

In the absence of a tariff setting out a cost per dwelling, a contribution of £33,330 would be proportionate to requests made for other developments within the ZOI, based on the number of dwellings proposed. Examples of priority works from the Strategy include veteran tree management, soil decompaction, ride side ditching, temporary ride closures. Furthermore, now that we have this evidence and baseline information, fundamental to the monitoring of this will be on-going survey work. This includes independent visitor surveys every 5 years, annual impact surveys, soil

compaction analysis and gate counter data. The costed measures are set out on Pages 13-25 of the Mitigation Strategy.

Environment Agency

9.17 Foul Drainage

We note that Thames Water own the Water Recycling Centre (WRC) that would treat the sewage for the new 220 houses proposed in this development. Anglian Water can accommodate the connection to the sewage network, but Thames Water highlight the need to develop their infrastructure in order to deal with the sewage.

We have reviewed both the Planning Statement and Foul Drainage Assessment Documents and have the following comments to make:

Planning Statement

We note the following statement: *“It is clear from the analysis of both legal and technical aspects relating to foul drainage, that this development can be effectively drained without causing detriment to the public sewerage network.”* (Page. 16, Section 3.3.12). This is the opposite of what the application has demonstrated, as Thames Water themselves are not sure whether their sewer network can function from the increased load.

Foul Drainage Assessment

The following statement was noted when reviewing the foul drainage assessment: *“... 340 metres downstream from the proposed point of connection, ownership of public sewers changes to Thames Water (cross-boundary sewers). Thames Water has identified that improvement works (network reinforcement) may be required to accommodate additional flows from the Anglian Water system in its network. Once a planning consent has been granted, Thames Water can complete further investigations and if deemed necessary, design, plan and implement suitable network reinforcement.”* (Page 5. Executive Summary).

We are pleased to see that contact has been made with the responsible sewage undertaker, Thames Water. We note that Thames Water provided an estimation of their standard development timescale for network improvement works (Page 9. Development Timescales). However, there is no confirmation from Thames Water that they can provide the network capacity. It is expected that the serving WRC will be Stansted Mountfitchet. According to the latest The Uttlesford District Water Cycle Study (2019), Stansted Mountfitchet is estimated to exceed their permitted Dry Weather Flow (DWF) in 2036, based on the predicted future growth figures.

Therefore, given the current evidence provided, we consider planning permission at this outline stage could be granted providing the condition below be appended to any permission granted.

Condition

No development shall commence until confirmation has been provided by Thames Water, submitted and approved in writing by the Local Planning Authority, that their sewage network can receive the development's foul drainage proposals.

Reason

To ensure that there is no detrimental impact on the water environment potentially arising from the increased flows contributing to the network as a result of this development.

Uttlesford District Council Environmental Health

Land Contamination

- 9.18 The applicants have submitted a Phase I Geo-Environmental assessment dated April 2019 prepared by Lees Roxburgh. The proposal site is currently arable with a small area of shrub, and no potentially contaminative historic usage. The assessment has concluded that there is a low risk from the site itself, but the railway and historic sidings to the east and historic tanks discovered on the site present a potential source of contamination which should be investigated further, due to the sensitive end use of residential with gardens. A condition is recommended to cover this, together with a watching brief condition to ensure any unidentified contamination is addressed if encountered:

No development approved by this permission shall take place until a Phase 2 site investigation report, as recommended by the previously submitted Phase I Geo-Environmental assessment dated April 2019 prepared by Lees Roxburgh has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.

In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

Noise

The proposed dwellings would be exposed to significant transport noise. The Environmental Health Service has concerns that whilst part of the site is suitable for residential development with regard to noise, detailed design and layout demonstrating compliance with the principles of good acoustic design are largely

absent from the outline planning application. Whilst it may be possible to develop 220 dwellings on the site, it is affected by both road and rail noise above the external design range of 50 - 55 dB LAeq 16hr. Therefore, this service would wish to ensure that a good acoustic design process is followed when considering the final layout and design of the development.

A noise assessment report dated June 2019 prepared by Wardell Armstrong has been submitted in support of the proposal. The assessment has considered noise impacts on future occupiers of the site from existing noise sources, and confirms the site is impacted by noise from the M11 motorway to the west, mainline railway to the east and intermittent aircraft noise contributions.

The assessment has not considered the potential noise source of Golds Nurseries Business Park immediately to the south of the south east portion of the site. The indicative site layout shows 2-3 properties with gardens sharing a boundary with the Business Park, gardens which will also be subject to noise from the M11 and railway. The Business Park has the potential to be a source of noise with a different character from transport noise sources, for example early morning/ evening vehicle movements or other intrusive noise at noise sensitive hours, which may give rise to complaints.

Also not considered in the assessment is the potential impact of noise from the operation of the proposed foul water pump station, shown on the layout positioned in the north east sector of the site close to proposed dwellings.

Whilst both sources are unlikely to be at the levels of the transport sources, their different character and frequency spectrum must be considered in the specification for internal sound insulation, and in the design of outdoor amenity areas.

The assessment was informed by a noise survey carried out during two midweek days in January, when weather conditions were acceptable for monitoring purposes. Two monitoring points were used, MP1 close to the shared boundary with the M11 and MP2 close to the boundary the site shares with the railway. An Leq 63.4dB16hr was found at MP1 and 58.9 dB Leq 16hr at MP2, with 75.3 dB LAm_{ax} recorded during night time hours. It is known from noise surveys carried out for similar development alongside the railway, that night time noise events up to 92 max have been recorded, usually from passing freight trains.

Guidance on acceptable internal and external noise in gardens and outdoor amenity space is provided in BS8233:2014 Guidance on sound insulation and noise reduction for buildings, and within World Health Organisation (WHO) "Guidelines on Community Noise", which suggest it is desirable that the external noise level does not exceed 50 LAeq16hr with 55dB LAeq16hr acceptable in noisier environments.

The report has identified that mitigation measures are needed in order to achieve desirable internal and external acoustic environments for future occupants. The carriageway of the M11 is elevated alongside the site, therefore noise levels will be proportionately higher at a given distance than areas where the carriageway is in a cutting or level. Also, there is a risk that noise from traffic will increase in future years with development of the M11 corridor, and the mitigation measures should therefore be seen as a minimum necessary. Measures include a 50m set back of development from both the M11 and railway and locating gardens of proposed dwellings closest to respective noise sources on the screened side of the dwelling. By doing so it is predicted that LAeq16hr 55 dB or below can be achieved in gardens. The outline layout shows dwellings in the centre avenue of the site and along the southern

boundary where orientation of gardens away from each noise source has not been practically possible, and reliance on orientation in these areas may not be sufficient to meet the guidance criteria.

A rest/play area has been included close to the centre of the site, where noise levels will be at their lowest should future occupants choose to escape some noise. Additional acoustic screening in this area could be provided if found to be necessary at the detailed stage.

With regard to internal noise levels, the assessment has identified that satisfactory living conditions can be achieved by use of acoustic insulation measures. The criteria set out in BS 8233:2014. are for steady external noise sources such as motorway traffic, and for sites which may be affected by individual noise events such as passing trains it is more appropriate to use the guidance contained in the WHO guidelines, which suggest that good sleep will not generally be disturbed if internal levels of LAF max 45dB are not exceeded more than 10-15 times per night.

The report concludes that up to 33.5 dB of attenuation is needed to ensure that the occupants of sensitive rooms do not experience unacceptable levels of noise, and it acknowledges it will be necessary for some dwellings to keep windows closed, with provision of acoustic ventilation and enhanced glazing. This may be acceptable where there is overriding need for accommodation, otherwise, and in accordance with the principles of the Professional Practice Guidance on Planning & Noise (2017), the design and layout of the development should ensure that internal noise level guidelines are achieved in noise sensitive rooms with windows open.

With the above in mind, the following conditions are recommended to address the noise issues identified:

Prior to commencement of development a noise impact assessment and detailed a noise insulation scheme of the building(s) and or associated plant, shall be submitted to and approved in writing by the local planning authority. The assessment shall have regards to the principles of good acoustic design as outlined within Professional Practice Guidance on Planning & Noise (2017) and British Standard 8233:2014 Sound Insulation and noise reduction for buildings. The design of the development shall ensure that façade noise levels at all bedroom window and door positions do not exceed 45 dB LAeq (8 hr) and 60dB LAmax between 23:00 and 07:00. Furthermore, noise levels at the façade of living room window and door positions shall not exceed 50dB LAeq 16hr between 07:00 – 23:00.

Prior to first use of the foul water pumping station commencing, a scheme shall be submitted for approval to the Local Planning Authority to demonstrate that the rating level of sound emitted from the operation of the pumping station shall not exceed the typical background sound level at any noise sensitive premises. All measurements shall be made in accordance with BS4142:2014 (as amended).

Construction Environmental Management Plan

The proposal site borders existing noise sensitive residential development and noise impacts from any construction phase have not been addressed within the report. Noise from the construction can be controlled through the implementation of best practicable means (BPM) in accordance with recognised standards such as BS5228:2009. Details would be expected at any detailed stage within a Construction Environmental Management Plan (CEMP):

Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

- a) The construction programme and phasing*
- b) Hours of operation, delivery and storage of materials*
- c) Details of any highway works necessary to enable construction to take place*
- d) Parking and loading arrangements*
- e) Details of hoarding*
- f) Management of traffic to reduce congestion*
- g) Control of dust and dirt on the public highway*
- h) Details of consultation and complaint management with local businesses and neighbours*
- i) Waste management proposals*
- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.*
- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.*

All works shall be carried out in accordance with the approved CEMP thereafter.

Light

Artificial external lighting provided at the proposed development may have an adverse impact on nearby existing occupiers and future occupiers of the development. No details have been provided at this stage, and any scheme should be designed to prevent adverse impact from glare or spillover. The following condition in the event of approval is suggested:

No fixed lighting shall be installed until a detailed scheme of lighting has been submitted to and approved in writing by the local planning authority. The scheme shall include the design of the lighting unit, any supporting structure, the extent of the area to be illuminated, and the intensity of the lights specified in Lux. All external lighting shall be installed in accordance with the details approved. The intensity of illumination of the lighting shall at all times be at the minimum level necessary to ensure safe and secure operational use of the site.

Air Quality

In light of the additional information provided and further work conducted by our appointed consultants, I am of the opinion that there is unlikely to be an exceedance of the annual mean NO₂ objective in Stansted arising from the proposed development. I therefore withdraw the objection as previously recommended by Ann Lee Moore.

CHH Pipeline System Limited

- 9.19 Our client, CLH-PS, does not have apparatus situated within the vicinity of your proposed works, and as such do not have any further comments to make.

ECC Infrastructure

- 9.20 From the information I have received, I have assessed the application on the basis of 220 houses. Assuming that all of these units are homes with two or more

bedrooms, a development of this size can be expected to generate the need for up to 19.80 Early Years and Childcare (EY& C) places; 66.00 primary school, and 44.00 secondary school places.

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 summer 2019, there are a total of zero unfilled places 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 places to meet the demand for this proposal. An additional 19.80 places would be provided at an estimated total cost of £344,955.60 at April 2019 prices. This equates to £17,422.00 per place. So, based on the demand generated by this proposal as set out above, a developer contribution, index linked to April 2019, is sought to mitigate its impact on local EY&C provision

Primary Education:

This development sites within the priority admissions area of Henham & Ugly Primary School but, since it is on the edge of Elsenham, Elsenham CE Primary School would be more accessible to residents. Both schools currently have some surplus capacity, but I am cognisant of the proposals for 44 homes at Rush Lane (UTT/19/437); 130 homes West of Hall Road (UTT/19/0462/FUL) and 350 homes North West of Henham Road (UTT/17/3573/OP). As you will see from the ECC's response to the Henham Road application, schools further afield may have to be expanded if development is permitted. According to figures published in Essex School Organisation Service's "Ten Year Plan" to meet demand for school places, the long-term forecast for the area (Uttlesford Primary Group 2 – Stansted) suggest there will be 14 (fourteen) surplus Reception places per year. Based on maintaining the recommended 5% surplus, as set out on page 31 of Essex County Council's Developer Guide to Infrastructure Contributions, this equates to capacity for just 7 new houses.

So, based on the demand generated by this proposal as set out above, a developer contribution of £1,008,546.00, index linked to April 2019, is sought to this proposals impact on local primary school provision. This equates to £15,281.00 per place.

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 8 (eight) unfilled places in Year 7 (the first secondary year) at the last schools census in May 2019 and a slightly larger cohort was expected this September. Forecasts set out in the 10 Year Plan suggest that from 2020/21 additional places will be required to meet local demand.

A project to provide sufficient capacity is, therefore, proposed. The estimated cost of the project is £1,021,416.00 at April 2019, 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 the 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.

West Essex Clinical Commissioning Group

9.21 To be Reported

Anglian Water

ASSETS

9.22 Section 1 - Assets Affected

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Not AW owned Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

Section 3 - Used Water Network

This response has been based on the following submitted documents: FOUL DRAINAGE ANALYSIS The sewerage system at present has available capacity for these flows. Please note that the proposed pumped rate of 7l/s is considered excessive for a development of this size. We would expect a 90mm rising main is required to serve this development, the self-cleansing velocity of a rising main is 4.8l/s, we expect to see a rate closer to this and will ask for a detailed pump design and rate at section 106 stage. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

(1) INFORMATIVE - Notification of intention to connect to the public sewer under

S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

(4) INFORMATIVE Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

(5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented.

10. REPRESENTATIONS

- 10.1 331 Representations have been received. A Site Notice was posted on the 26th September 2019. The Press Notice was published on the 26th September 2019.

10.2 Summary of representations received as follows:

- Impact on village services and amenities which are already overstretched.
- Traffic impacts on narrow country roads
- Pollution and noise impacts
- Poor road infrastructure; blind bends and limited line of sight
- Loss of agricultural land used for food production
- Impact upon wildlife
- Loss of trees and hedgerows
- Elsenham has already accommodated additional housing
- Additional impacts upon Grove Hill and Chapel Hill in Stansted Mountfitchet
- Traffic impacts upon Pound Lane and New Road
- The proposal would create congestion through the village of Ugley Green
- Piecemeal form of development
- Lack of pedestrian pathways locally
- Will exacerbate existing problems of road accidents
- Impacts upon rail services
- The development will exacerbate indiscriminate parking problems around Elsenham train station
- Impacts upon school provision locally
- Impacts upon GP provision locally
- Impacts upon health and welfare of future and existing residents
- Proposal would lead to further rat running locally
- Impacts upon sewerage infrastructure
- Unsafe crossing of railway line
- Flooding impacts
- The development would be a danger to horse riders
- Inappropriate scale of development for a rural area
- The area is being destroyed by creeping urbanisation
- The site will not be served by sustainable transport choices ie lack of bus service
- The site is within the open countryside
- Application is being promoted purely on the basis of a lack of 5-year land supply in Uttlesford
- The proposed development is not in the interests of the locally community
- Concerns over construction traffic accessing the site

APPRAISAL

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

- A Principle of development of this site for residential development (NPPF, ULP policies S7, S8 and GEN2)**
- B Access, and impact on highway network (ULP Policy GEN1 and NPPF)**
- C Design, and impact on neighbour's amenity (NPPF and ULP Policies GEN2, and SPD "Accessible Homes and Playspace");**
- D Vehicle Parking Standards (ULP Policy GEN8);**
- E Housing Mix (ULP Policy H10);**
- F Affordable Housing, Education Contributions and Health Contributions (ULP Policies H9 and GEN6);**
- G Flood Risk and Drainage (ULP policy GEN3, NPPF)**
- H Biodiversity and Protection of Natural Environment (ULP policies GEN7, GEN2, ENV7 and ENV8)**
- I Noise, Pollution and Air Quality (ULP Policies GEN4 and ENV13)**

- A Principle of development of this site for residential development (NPPF, ULP policies S3, S7, and GEN2)**

11.1 Elsenham is identified in saved ULP Policy S3 as one of 5 Key Rural Settlements, with this policy going on to explain that within the boundaries of such settlements, development compatible with the settlement's character and countryside setting will be permitted. The application site is located outside the development limits of Elsenham within open countryside and is therefore located within the Countryside where ULP policy S7 applies. This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. A review of policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas. It is not considered that the development would meet the requirements of policy S7 of the Local Plan and that, as a consequence, the proposal is contrary to policy S7 of the adopted 2005 Local plan

11.2 S70 (2) of the Town and Country Planning Act 1990 states that "in dealing with a planning application the local planning authority shall have regard to the provisions of the Development Plan so far as is material to the application and to any other material considerations". S38 (6) of the Planning and Compulsory Purchase Act 2004 states that "if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. Paragraph 2 of the National Planning Policy Framework 2019 (NPPF) reiterates

this requirement and paragraph 5 confirms that the NPPF is a material planning consideration. Paragraph 49 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In this regard, the most recent housing trajectory identifies that the Council has a 3.11-year land supply. The Council considers that it is a 5% buffer authority and that there has not been a persistent under-supply of housing delivery.

- 11.3 It is therefore necessary to assess whether the application proposal is sustainable and presumption in favour is engaged in accordance with paragraphs 7 - 11 of the NPPF
- 11.4 The NPPF emphasises that sustainability has three dimensions (Paragraph 8); an economic role (contributing to building a strong economy), a social role (providing housing and accessible local services) and an environmental role (contributing to protecting and enhancing our natural, built and historic environment. Due to the Council not having a 5 year land supply then the tilted balance of the NPPF would apply and as a consequence, sites that are located in the countryside are being considered for residential development by the council to address this shortfall.
- 11.5 Economic: The NPPF identifies this as contributing to build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity, and by identifying and coordinating the provision of infrastructure. The proposed development would provide economic benefits by the provision of jobs during the construction phase, although these would be of a temporary nature. The occupiers of the proposed dwellings could provide some additional support for the local facilities, such as the shop and pub. However, the proposals would also result in increased pressures on existing facilities, such as health care and education. The impacts on local infrastructure could be mitigated by the way of financial contributions as identified by the consultees and these could be secured by way of s106 Legal Obligation. As such, the economic benefits have moderate weight in the planning balance.
- 11.6 Social: The proposal would deliver social benefits by the way of 220 dwellings, including 40% affordable houses. This would be a benefit given the lack of a 5-year housing land supply in the district. The proposals also include areas of open space, financial contributions towards the provision of the new community centre, and financial contributions towards health care – to be reported.. In terms of sustainability, the Transport Statement demonstrates that the site is located near to existing public bus stops and is served by existing bus routes that give access to Stansted Airport and Bishops Stortford, Stansted Mountfichet and Saffron Walden. The proposal would include financial contributions towards improved bus service serving key destinations including Stansted Mountfichet, Bishops Stortford and Stansted Airport. Ultimately it is planned that this contribution, combined with other contributions, will be used to provide a half hourly service during the week and enhanced evening services. The site also provides access to Elsenham railway station and the main line service between Cambridge and London. The village of Elsenham is also relatively well served with facilities, many of which are within walking and cycling distance of the application site and development of the site would allow residents to access facilities by means other than the motor car.

- 11.7 Environmental: The environmental role seeks to protect and enhance the natural, built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. As stated above, the introduction of 220 dwellings would be harmful to the rural characteristics of the area.
- 11.8 It is considered that the weight to be given to the requirement to provide a 5-year land supply and that the housing provision which could be delivered by the proposal would outweigh the harm identified in relation to rural restraints set out in ULP policy S7. The site is relatively sustainable and, in balancing planning merits, taking into account the many benefits of the proposal, it is considered that the principle of the development is acceptable. Further, the recent appeal decision to Land east of Elsenham, to the north of the B1051, Henham Road – included as **Appendix 1** to this Report, is a relevant material consideration to this application off Bedwell Road, in terms of the tilted balance related to an out-of-date Development Plan, where the provisions of additional housing in the absence of a 5-year housing supply takes precedent.

B. Access and impact on highway network (ULP Policy GEN1 and NPPF)

- 11.9 Policy GEN1 states: Development will only be permitted if it meets all of the following criteria:
- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
 - b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.
 - c) The design of the site must not compromise road safety and must take account of the needs of cyclists.
 - d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to access.
 - e) The development encourages movement by means other than driving a car.
- 11.10 Several objections and concerns relating to the effect in which the proposed development would have upon highway safety due to the increased amount of traffic movements to and from the site resulting in unwanted traffic congestion on the surrounding highway networks and junctions.
- 11.11 The application is supported by a Transport Assessment which includes committed development (development sites for which planning consent has been granted) in Elsenham and Stansted Mountfitchet, additionally it includes a sensitivity test of the possible future committed development of 350 residential units on Henham Road. Cumulative impacts in particular need to be considered in relation to impacts on Henham Road/ High Street and Lower Street/Grove Hill junctions. Essex Highways, using contributions from another site, has recently upgraded the Grove Hill junction and test of the new equipment has shown that the detection of traffic is such that it will achieve the mitigation needed.
- 11.12 In view of the above, Highways England have been consulted. They state that *....after looking at the details and information provided, we find that, although the location of the proposed development is next to the M11, it is also remote from any junctions or access to the M11. As such it is unlikely to have a severe impact upon the Strategic Road Network.* Further, Essex County Council as Local Highway Authority are seeking that this development provides a financial contribution to an improved bus service serving key destinations including Stansted Mountfitchet,

Bishops Stortford and Stansted Airport. Ultimately it is planned that this contribution, combined with other contributions, will be used to provide a half hourly service during the week and enhanced evening services. This will provide an alternative to the car and it is expected will ultimately result in a reduced impact on the highway network. The bus service contribution for this site would be £587,787 (index linked from the date of this application). ~the applicants have agreed to pay a contribution towards the enhanced bus service, and this would be secured by a S106 agreement should the application be approved.

- 11.13 The proposed access to the site via Bedwell Road/ Snakes Lane/ Pound Lane has to be widened to ensure the access meets current highway requirements for adoption. An improved footpath connection will also be provided as part of this new pedestrian/ cycle link in the vicinity of the site. These improvements are to be made as part of a contribution by the applicant to the Local Highway Authority.
- 11.14 A series of pedestrian access points are located around the site integrating the development into the wider network of Public Rights of Way
- 11.15 The proposals have also been considered with regards to their potential impact on the strategic highway network. This has been considered by Highways England who confirm that they consider that the proposals would not result in harmful impacts on the strategic highway network and therefore raise no objections to the proposals.
- 11.16 Due to the proximity of the proposed residential dwellings, Network Rail is concerned by the potential impact that this would have on the usage and safety of the Elsenham Emergency Hut Level Crossing, which is a passive level crossing where PROW 32 in the parish of Henham crosses the railway line. The development is highly likely to increase usage of the adjacent public footpath level crossing. As the crossing is currently temporarily closed, Network Rail request a condition is attached to any planning permission to ensure the legal permanent closure of Elsenham Emergency Hut Level Crossing is completed before any dwellings are occupied.
- 11.17 In view of the above it is considered that the proposal would comply with the aims of policy GEN1

C Design, and impact on neighbour's amenity (NPPF and ULP Policies GEN2, and SPD "Accessible Homes and Playspace");

- 11.18 Policy GEN2 sets out the design criteria for new development. In addition, section 12 of the National Planning Policy Framework 2019 sets out the national policy for achieving well-designed places and the need to achieve good design. Elsenham is a small settlement and on its northern edge the building pattern has diverse scale, style and form as it gradually opens out into the countryside. The site is a sensitive edge of village location and this development would be a transition between the built-up confines of Elsenham and the rural lands to its immediate setting. The southern boundary is defined by residential properties at Spencer Close/ Gold Close, and the Gold Nursery Business Park; further dwellings are situated to the south west off Maytree Gardens and Bedwell Road. Existing trees and scrub landforms the northern boundary of the site. A small area of grass and scrubland is found to the south west of the application site.
- 11.19 The outline planning application for the erection of up to 220 dwellings including affordable housing with public open space, structural planting and landscaping and sustainable drainage system (SuDS) with vehicular access point from Bedwell

Road, has been submitted with all matters reserved except for means of access. The application is however supported by a Development Framework Plan, an Illustrative Masterplan, a Proposed Movement Strategy, and a Building Heights Plan.

- 11.20 The Development Framework Plan provides a broad outline of the road networks within the application site, the general location of dwellings within blocks within the site, the location of formal and informal areas of open space, including LAPs and LEAPs, and the location of SuDs solutions to the periphery of the site, formed by swales and ditches, planted with aquatic margins, native thicket and tree planting, to create ecological and wildlife features. Further, the northern part of the site proposes a community woodland/ conservation area, with native woodland, thicket, tree planting and wildflower meadows to encourage biodiversity enhancement. In terms of the Residential Development Area, this equates to 7.08 hectares, with the Green Infrastructure amounting to 5.84 hectares in area.
- 11.21 The Illustrative Masterplan indicates an *indicative* layout of the site in terms of the type of street patterns within blocks as indicated within the Development Framework Plan, in terms of avenues, formal squares and informal shared streets. In terms of allowing the Local Planning Authority and the local community to retain control of the detailed matters coming forward as reserved matters in the future, it is suggested that a planning condition should be introduced with this outline planning approval to control or *Code* these detailed issues. The wording of the condition would be such as:
- Prior to the submission of the first reserved matters, a site-wide design guide for all areas of the housing development, public realm and character areas, shall be submitted to and approved in writing by the local planning authority. All reserved matters submissions shall accord with the approved site wide design guidance, unless otherwise agreed in writing by the local planning authority. The agreed strategy for each area shall be implemented within 12 months of occupation of the dwellings in each respective phase to which it relates.*
- 11.22 The Proposed Movement Strategy provides an indication of the street layout of the site, including the location of the main Spine street, the Secondary streets, with the private lanes/ drives, together with the retained alignment of the Public Footpath crossing the site, recreational routes and potential future routes.
- 11.23 In addition, the Building Heights Plan indicates that the proposed dwellings will be at 2 and 2 ½ storeys in height. Further, the proposal provides some indication of the levels of building density, and in general terms, the density of development will graduate from higher densities in the more central parts of the residential development area to lower densities towards the development's peripheral areas. However, within this overall density framework, a range of densities will be established throughout the site.
- 11.24 Finally, and whilst Appearance is a Reserved Matter, the application states that the external appearance of the new homes will respect the local vernacular of Elsenham and the surrounding villages. Further, and in terms of the proposed palette of materials, the submitted application indicates that the composition of materials will generally be red/ buff bricks/ render/ timber cladding to walls, with orange/ brown plain tiles and pantiles, with slate. Boundary treatments will be a mix of timber picket fencing and planted vegetation.
- 11.25 The proposal would therefore comply with the aims of Policy GEN2.

D Vehicle Parking Standards (ULP Policy GEN8);

11.26 The proposed application is in outline form only, with detailed matters reserved for future consideration. Uttlesford District Council has adopted the 'Parking Standards Design and Good Practice September 2009' which was produced by Essex County Council and is identified in the current Adopted Local Plan (2005) in Policy GEN8. The standards form a consistent basis for new developments and should be applied throughout Essex. In accordance with these standards, the following car and cycle provision will be applied and determined at the Reserved Matters stage as a minimum. The adopted Essex County Council parking standards require the provision for one parking space for a one bedroomed dwelling, two parking spaces per dwelling for two- and three-bedroom dwellings and three parking spaces for three+ bedroomed properties and additional visitor parking spaces

11.27 In accordance with Supplementary Planning Document – Accessible Homes and Playspace the proposed dwellings would need to be accessible and designed to Lifetime Homes Standards. In new housing developments of 20 dwellings or more the council will require 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 and 2016 amendments. In this respect Part M4 (2) paragraph 2.12 relating to car parking, in order to comply with the Building Regulations it states:

Where a parking space is provided for the dwelling, it should comply with all of the following.

- a) Where the parking is within the private curtilage of the dwelling (but not within a carport or garage) at least one space is a standard parking bay that can be widened to 3.3m*
- b) Where communal parking is provided to blocks of flats, at least one standard parking bay is provided close to the communal entrance of each core of the block (or to the lift core where the parking bay is internal) The parking bay should have a minimum clear access zone of 900mm to one side and a dropped kerb in accordance with paragraph 2.13d*
- c) Access between the parking bay and the principal private entrance or where necessary, the alternative private entrance to the dwelling is step free.*
- d) The parking space is level or, where unavoidable, gently sloping*
- e) The gradient is as shallow as the site permits.*
- f) The parking space has a suitable ground surface.*

11.28 Several of the representations make reference to Highway issues and parking, however a Transport Statement has been submitted with the application and the Highway's Department have been consulted and raise no objections, subject to conditions, to the proposals in highway terms. The proposals therefore satisfy the requirements of ULP Policy GEN8.

E Housing Mix (ULP Policy H10);

- 11.29 Policy H10 states that all development on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. All developments on a site of three or more homes must include an element of small two and three bed homes, which must represent a significant proportion of the total.
- 11.30 The proposal relates to the erection of 220 dwellings. This mix of market dwellings would be determined at the Approval of Reserved Matters stage, in accordance with Policy. In terms of affordable housing, this would be provided at 40%. in accordance with adopted Policy H10 and would be a mix of shared equity dwellings and affordable rent, following guidance from the Councils Housing Enabling Officer.
- 11.31 The proposals would provide an appropriate mix of housing and as such the proposals would be able to comply with Policies H9 and H10.

F Affordable Housing, Education Contributions and Health Contributions (ULP Policies H9 and GEN6);

- 11.32 Policy H9 states that the Council will seek to negotiate on a site basis an element of affordable housing of 40% of the total provision of housing. The Council commissioned a Strategic Housing Market Area Assessment which identified the need for affordable housing market type and tenure across the District. As a result of this the Council will require a specific mix per development proposal.
- 11.33 The Strategic Housing Market Area Assessment supports the provision of a range of Affordable Housing: Affordable Housing provision (rounded up to the nearest whole number) 40% on sites of 15 or more dwellings or sites of 0.5ha or more.
- 11.34 It is considered that the proposal meets the aims of ULP policy The applicant has indicated that they are prepared to enter a S106 legal agreement to provide the affordable housing. Subject to this agreement being completed, the proposal would comply with the requirements of policy H9
- 11.35 The proposed development is likely to have an impact on the services of one GP practice operating within the vicinity of the application site. The GP practice does not have capacity for the additional growth resulting from this development
- 11.36 The proposed development will likely have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development.
- 11.37 Whilst West Essex CCG has been consulted on the application and contact has been made with them; full details of the likely impacts of the proposed development have not to date been provided but will be reported to Members in advance of the Planning Committee meeting.
- 11.38 Essex County Council Education has also therefore identified a requirement for additional Early Years and childcare, primary and secondary places to accommodate the increased number of pupils likely to arise as a result of this development proposal. This would require financial contributions to offset the impacts, £344,955.60 for Early Years and Childcare, £1,021,416 in respect of Secondary provision and also £1,008,546 in respect of Primary provision.
- 11.39 A planning obligation can only be sought if it is:

- a) Necessary to make the development acceptable in planning terms
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

11.40 It is considered that the ECC request is policy compliant.

11.41 The applicant has also made an offer to contribute 52% of the total amount towards the provision of a new community facility to serve Elsenham, up to a value of £524,615.

11.42 A section 106 Agreement under the provisions of the Town and Country Planning Act 1990, as amended, is currently being drawn up. Elsenham Parish Council are actively engaged in this process. It is considered that, subject to the developer entering a S106 agreement to provide the above contributions, the proposal would comply with the requirements of ULP policy GEN 6.

G Flood Risk and Drainage (ULP policy GEN3, NPPF)

11.43 The NPPF states that inappropriate development in areas of high risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

11.44 The built form of the development proposed lies within Flood Zone 1 (low probability of flooding) as defined by the Environment Agency.

11.45 The application is accompanied by an Environmental Impact Assessment and a Flood Risk Assessment. The Lead Local Flood Authority, following the submission of the requested additional information, raises no objections to the proposals subject to conditions requiring a surface water drainage scheme for the site to be submitted and approved, a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution to be submitted and approved, a maintenance plan detailing the maintenance arrangements to be submitted and agreed and for the applicant or any successor in title must maintain yearly logs of maintenance which must be available for inspection on request by the Local Planning Authority.

11.46 The proposals have also been considered by Anglian Water who confirm that no objections provided that the developer follows the sequential approach to the disposal of surface water. As such, the proposals comply with Policy GEN3 and the NPPF

11.47 The site is located 6km from Stansted Airport and as such Airport Safeguarding team stipulate that bodies of open water must be avoided, owing to the possibility of attracting large numbers of birds, with the consequent risk of aircraft bird strike. The swales will be grassed depressions and the water will pass through the grass and are designed not to pond in the worst-case storm events.

H Biodiversity and Protection of Natural Environment (ULP policies GEN7, GEN2, ENV7 and ENV8)

11.48 The application site itself is not the subject of any statutory nature conservation designation being largely an open grassland field with some mature trees and hedgerows scattered along its boundaries.

- 11.49 The application site is located in relatively close proximity to an important and Ancient Woodland and a Local Wildlife Site (Alsa Wood, Stansted Mountfitchet). In addition, the site is within the Zone of Influence for development that could potentially adversely affect Hatfield Forest, which is a Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR)
- 11.50 Policy GEN7 seeks to protect biodiversity, protected species and habitats. The application is accompanied by an Ecological Impact Assessment as part of the Environmental Assessment. A water Vole and Otter Survey, Reptile Mitigation Strategy, Preliminary Ecological Strategy, Arboricultural Impact Assessment, Badger Survey, a Landscape and Visual Impact Assessment and a Recreational Strategy Plan. There were no records for protected or rare species for the site itself, although there were numerous records for species within 2km of the site.
- 11.51 The submitted documents have been assessed by the County Ecologist and they, now have no objection subject to securing biodiversity mitigation and enhancement. The Council's Landscape Officer also has no objections.
- 11.52 Policies ENV7 and ENV8 seek to protect designated sites for nature conservation and other landscape elements of importance for nature conservation. Policy ENV8 requires the protection of hedgerows, linear tree belts, and semi-natural grasslands. The site itself does not fall within any designated areas, but does lie within 100m of a local wildlife site. Given the nature of the proposals and the open space and ecological measures included in the scheme, it is not considered that the proposals would result in any significant adverse harm to these areas. As such the proposals comply with Policies ENV7 and ENV8.
- 11.53 Natural England and the National Trust have requested that in order to mitigate against the recreational impacts of the development on Hatfield Forest, SSSI and NNR that on site mitigation of and off site mitigation are requested:
- On-Site Mitigation
On-site measures which would help relieve the pressure on Hatfield Forest should be provided. These should take the form of:
- High-quality, informal, semi-natural areas, to be provided prior to first occupation of the dwellings;
 - A circular dog walking route within the site to be provided prior to first occupation of the dwellings;
 - A dedicated 'dogs-off-lead' area, to be provided prior to first occupation of the dwellings;
 - Educational signage and a 'Home Pack' to householders to promote these areas for recreation, to be provided prior to first occupation/to the first occupants of the new dwellings.
- Off-Site Mitigation
- A financial contribution of £33,000 to the National Trust for use at Hatfield Forest towards visitor and botanical monitoring and mitigation works.
- 11.54 In summary, the National Trust does not object to the principle of this development. However, if the LPA is minded approving the application, it is requested that appropriate mitigation for recreational impacts upon Hatfield Forest SSSI and NNR are secured through a S106 Agreement. The onsite mitigation can be secured by an appropriate condition.

- 11.55 With regards to the request for a financial contribution towards mitigation for Hatfield Forest, this 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. The applicant has agreed to the payment of the contribution via a section 106 agreement.
- 11.56 As the site is located close to Stansted Airport, any planting on the site, should not include a high proportion of berry bearing plants that attract birds as this could result in bird strike and threaten Air safety. This can be addressed by a suitably worded condition.
- 11.57 In view of the above, it is not considered that the proposal would have any material detrimental impact in respect of protected species or biodiversity to warrant refusal of the proposal and accords with ULP policy GEN7.

I Noise, Pollution and Air Quality.

- 11.58 The application site is in close proximity to the M11 motorway, which is elevated above the application site to the west and also is adjacent to the West Anglia Main Line railway to the east. The Parish Council have raised concerns in respect of the dominant noise source affecting the site is the train line along the western boundary of the site which may require some form of mitigation (glazing and acoustic barriers etc.) The application is accompanied by an Air Quality Assessment and a Noise Assessment. The Council's Environmental Health Officer has considered the Assessments and subject to a condition requiring a scheme for protecting the occupants of the proposed dwellings from noise from road and rail traffic to be submitted and agreed by the Local Planning Authority and a further condition requiring a Construction Method Statement to be submitted is satisfied that no adverse impacts will result from the proposals. As such, subject to condition, the proposals comply with Policy ENV13
- 11.59 Representations have been received in respect of potential harm in respect of air pollution. The site is not in an area currently monitored for air quality (AQMA) and Environmental Health officers have been consulted, who confirm that they are not concerned in respect of air quality issues and that they have no objections to the proposal.
- 11.60 In order to encourage cleaner vehicle usage a condition is recommended for the provision of electric charging points to be provided. The developer has agreed that each dwelling will have infrastructure for vehicle electric vehicle charging points.

12. CONCLUSION

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

- A** The principle of residential development is considered acceptable.
- B** The means of access to the site is acceptable and that the proposals would not result in harmful impacts on the strategic highway network
- C** The design, scale and layout is considered to be appropriate for this edge of settlement location.
- D** Adequate parking provision would be provided to meet the adopted parking standards.
- E** The housing mix provision is considered appropriate and in accordance with policy.
- F** The affordable housing provision is acceptable, and contributions are in accordance with Local Plan policy H9
- G** There would be no increase in flood risk and the proposed drainage subject to conditions is acceptable.
- H** There would not be any adverse impacts on biodiversity, subject to implementation of identified mitigation
- I** The proposal is acceptable in respect of noise and pollution and air quality subject to mitigation measures.

RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION:

(I) The applicant be informed that the Planning Committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Head of Legal Services, in which case he shall be authorised to conclude such an obligation to secure the following:

- (i) provision of 40% affordable housing**
- (ii) payment of education contributions**
- (iii) contribution of 51% of cost of community facility up to a maximum of £524,615**
- (iv) Provision/ completion and long term ongoing maintenance (whether Elsenham PC or private management company,) of open space (including LAP and LEAP**
- (v) Payment of contribution towards visitor and botanical monitoring and mitigation works at Hatfield Forest.**
- (vi) Financial contribution to enhance bus services (contribution of £587,787 (index linked from the date of this application)**
- (vii) Financial contribution of £40,700 towards works to mitigate the impact of additional use of the public right of way and pedestrian network and improve accessibility on foot or cycle to and in the vicinity of the site (but not within it). Works to include but not be limited to upgrading, resurfacing, drainage and signage of the network).**

- (viii) Contribution towards health care (to be agreed)**
- (ix) Payment of the Council's reasonable legal costs**
- (x) Payment of monitoring fee**

(II) In the event of such an obligation being made, the Assistant Director Planning shall be authorised to grant permission subject to the conditions set out below

(III) If the freehold owner shall fail to enter into such an obligation by 14th October 2021, the Assistant Director Planning shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:

- (xi) inadequate provision of affordable housing**
- (xii) Non-payment of education contribution**
- (xiii) Non- payment of the contribution for the community facility.**
- (xiv) Non- transfer of land for educational use**
- (xv) Non- provision of open space**
- (xvi) lack of suitable long-term maintenance arrangements for the open space**
- (xvii) Non- payment of contribution towards monitoring and mitigation works at Hatfield Forest.**
- (xviii) Non -payment of public transport contribution towards enhancement of local bus services.**
- (xix) Non- payment towards footpath contribution**
- (xx) Non- payment towards health care**
- (xxi) Non- payment of the Council's reasonable legal costs**
- (xxii) Non- payment of the monitoring fee**

Conditions

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

REASON: In accordance with Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) 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 must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

REASON: In accordance with 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 must be begun no later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. 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: Limiting discharge rates to 14.6l/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. A medium pollution risk should be assigned to the site.
- 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.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

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.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- 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.

5. 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. 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 runoff 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.

6. 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. 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.

7. 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. Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

8. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for;

- I I. vehicle routing,
- II II. the parking of vehicles of site operatives and visitors,
- III III. loading and unloading of plant and materials,
- IV IV. storage of plant and materials used in constructing the development,
- V V. wheel and underbody washing facilities.
- VI VI. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense were caused by developer.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

9. Prior to occupation of the development, the access, shown in principle on submitted drawing 17033-16-02 shall be provided, including 2 footways minimum width 2m to link to the existing footways on Bedwell Road and a clear to ground visibility splays with dimensions of 2.4 metres by 59 metres in both directions, as measured from and along the nearside edge of the carriageway. Visibility splays to be kept clear thereafter a Traffic Regulation Order to restrict parking shall be sought as part of the access arrangement.

REASON:: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear 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 policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

10. Prior to occupation of the development the enhancement of the public right of ways 51/14 and 25/32 with appropriate widening to allow cycleways, surfacing works, signing, and adoption within the proposed layout.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM11 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

11. Prior to commencement a technically approved scheme for the provision of laybys/widening on Bedwell Road/Snakes Lane/Pound Lane in the area indicated on drawing number 17033-16-10 to be submitted to the planning authority for approval, the approved scheme to be implemented prior to first occupation.

REASON: In the interest of highway capacity and safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

12. Prior to first occupation of the proposed development, the Developer shall submit a residential travel plan to the Local Planning Authority for approval in consultation with Essex County Council. The plan shall include specific costed cycling incentives such as bike vouchers/training/promotion together with fund of a minimum of £200 per household to pay for these initiatives. Such approved travel plan shall then be actively implemented by a travel plan co-ordinator for a minimum period from first occupation of the development until 1 year after final occupation. It shall be accompanied by an annual monitoring fee of £1500 (index linked), to be paid to Essex County Council. Further, and prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County

Council Supplementary Guidance in February 2011, and Uttlesford Local Plan Policy GEN1.

13. All mitigation measures and/or works shall be carried out in accordance with the details contained in the revised Ecological Impact Assessment (CSA Environmental, updated December 2019), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the creation of approximately 6ha of open space designed to offer high quality semi-natural habitats, promotion of responsible recreational use of the nearby Alsa Woods Local Wildlife Site through provision of interpretation board and information leaflets, compensatory hedgerow planting with native species in addition to supplementary planting to strengthen existing and retained hedgerows, planting of a number of native trees to compensate for the loss of trees (mature oak tree (T1) and a semi-mature goat willow, creation of new swales and ditches (planted with dense reedbeds to create complex habitat structures of interest to wildlife) in order to mitigate for the loss of loss of pond P1 and the majority of the existing ditch network, accordance with BS5837:2012 to avoid impact to off-site woodland and on-site hedgerows, standard best practice construction phase pollution prevention and control measures, a bat sensitive external lighting scheme developed for both the construction and postconstruction phases, prior to commencement of any felling or pruning works to tree T1 update surveys will be carried - either by an updated full aerial inspection **on the day of felling** or alternatively once three emergence/re-entry surveys have been undertaken and confirmed no evidence of bats, due diligence for badgers and nesting birds, reptile mitigation strategy, and bird strike risk evaluation and avoidance strategy.'

REASON: To conserve Protected and Priority species and allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 and s40 of the NERC Act 2006 (Priority habitats & species).

14. A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

REASON: To conserve Protected and Priority species and 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).

15. 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:

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

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).

16. 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 (through the provision of appropriate technical specification) 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)

17. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.

h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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)

18. No dwelling hereby approved shall be occupied so long as of Elsenham Emergency Hut Level Crossing remains open. Any dwelling may not be occupied until this rail crossing has been closed and a footpath diversion has been provided or a bridge or other possible measures to be agreed by the Council in writing are in place.

REASON: In the interests of the railway safety and ease of movement and in accordance with Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

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.

2. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work and before any reserved matters are agreed.

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: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the Planning Policy Framework 2019.

20. No development shall commence until confirmation has been provided by Thames Water, submitted and approved in writing by the Local Planning Authority, that their sewage network can receive the development's foul drainage proposals.

REASON: To ensure that there is no detrimental impact on the water environment potentially arising from the increased flows contributing to the network as a result of this development and to ensure suitable drainage for the development, in accordance with Policies GEN2 and GEN3 Uttlesford Local Plan (adopted 2005).

21. No development approved by this permission shall take place until a Phase 2 site investigation report, as recommended by the previously submitted Phase I Geo-Environmental assessment dated April 2019 prepared by Lees Roxburgh has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action. In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

22. Prior to commencement of development a noise impact assessment and detailed a noise insulation scheme of the building(s) and or associated plant, shall be submitted to and approved in writing by the local planning authority. The assessment shall have regards to the principles of good acoustic design as outlined within Professional Practice Guidance on Planning & Noise (2017) and British Standard 8233:2014 Sound Insulation and noise reduction for buildings. The design of the development shall ensure that façade noise levels at all bedroom window and door positions do not exceed 45 dB LAeq (8 hr) and 60dB LAmax between 23:00 and 07:00. Furthermore, noise levels at the façade of living room window and door positions shall not exceed 50dB LAeq 16hr between 07:00 – 23:00.

REASON: In the interests of the amenity in accordance with Policies GEN2, GEN4 and ENV11 of the Uttlesford Local Plan (adopted 2005).

23. Prior to first use of the foul water pumping station commencing, a scheme shall be submitted for approval to the Local Planning Authority to demonstrate that the rating level of sound emitted from the operation of the pumping station shall not exceed the typical background sound level at any noise sensitive premises. All measurements shall be made in accordance with BS4142:2014 (as amended).

REASON: In the interests of the amenity in accordance with Policies GEN2, GEN4 and ENV11 of the Uttlesford Local Plan (adopted 2005).

24. Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

- a) The construction programme and phasing
- b) Hours of operation, delivery and storage of materials
- c) Details of any highway works necessary to enable construction to take place
- d) Parking and loading arrangements

- e) Details of hoarding
- f) Management of traffic to reduce congestion
- g) Control of dust and dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

All works shall be carried out in accordance with the approved CEMP thereafter.

REASON: In the interests of the amenity in accordance with Policies GEN2, GEN4 and ENV11 of the Uttlesford Local Plan (adopted 2005).

25. No fixed lighting shall be installed until a detailed scheme of lighting has been submitted to and approved in writing by the local planning authority. The scheme shall include the design of the lighting unit, any supporting structure, the extent of the area to be illuminated, and the intensity of the lights specified in Lux. All external lighting shall be installed in accordance with the details approved. The intensity of illumination of the lighting shall at all times be at the minimum level necessary to ensure safe and secure operational use of the site.

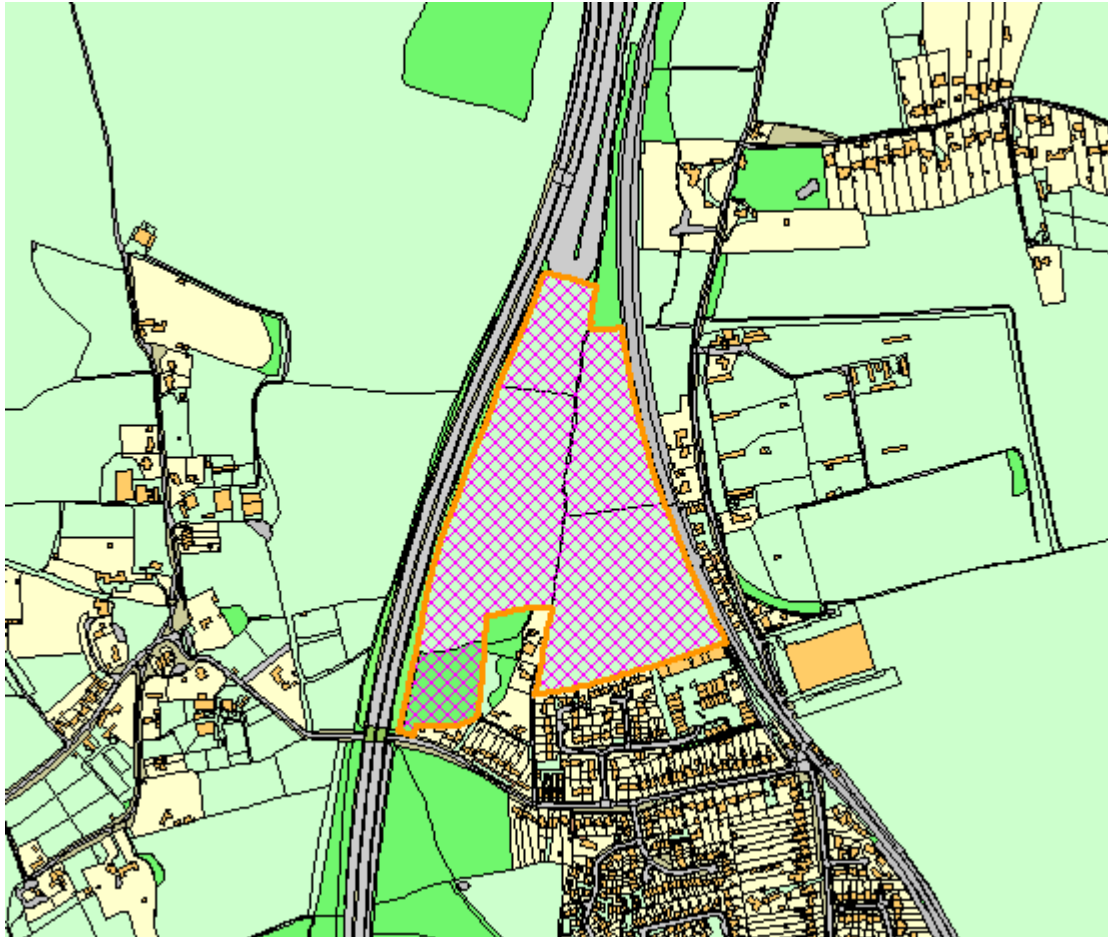
REASON: In the interests of the amenity of surrounding locality residential/business premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

26. 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 Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace

27. Prior to the occupation of the dwellings hereby permitted, Electric Vehicle Charging Points shall be made available from every dwelling.

REASON: In order to reduce carbon emissions and encourage renewable energy in accordance with the provisions of Policy EN15 of the Uttlesford Local Plan 2005



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Department: Planning

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