



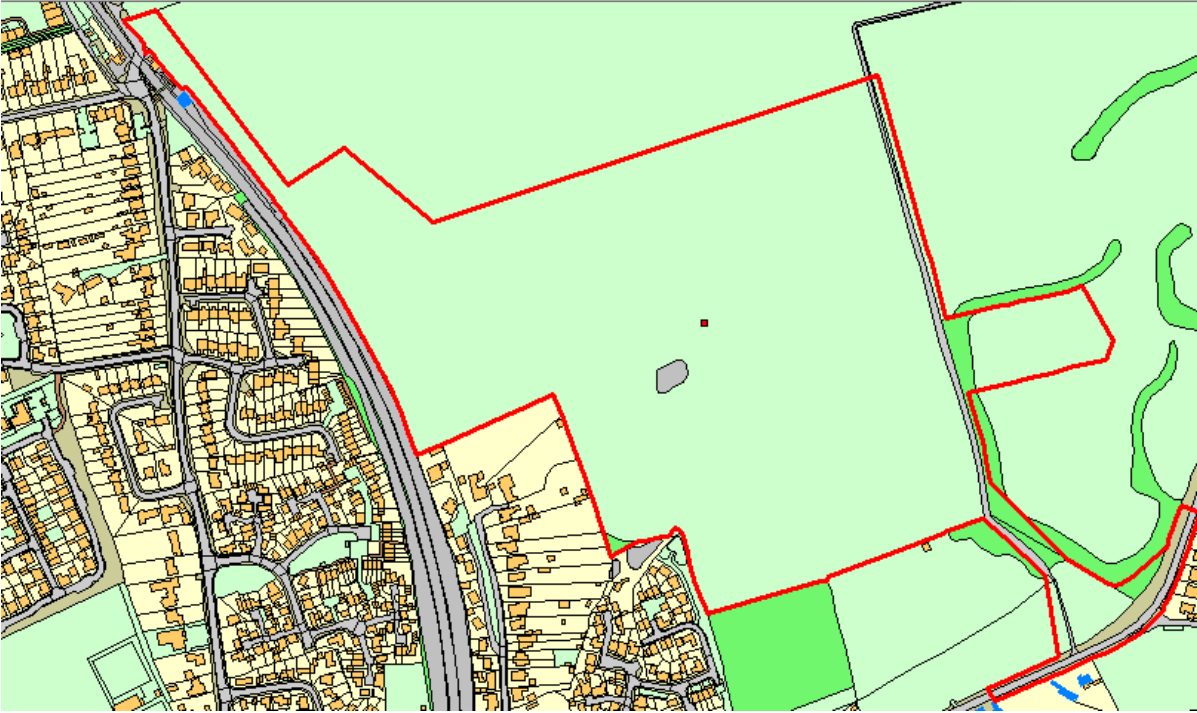
**ITEM NUMBER:** 6

**PLANNING COMMITTEE DATE:** 25 May 2022

**REFERENCE NUMBER:** UTT/21/3269/DFO

**LOCATION:** LAND TO THE NORTHWEST OF HENHAM ROAD,  
ELSENHAM

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: 14 April 2022**

**PROPOSAL:** Approval of reserved matters (layout, scale, appearance and landscaping) relating to outline application UTT/17/3573/OP for the erection of 350 dwellings, internal roads, open space and sports pitch provision, other associated infrastructure including that required to serve future primary school and early years facility and siting of sports pavilion

**APPLICANT:** Bloor Homes

**AGENT:** Nicky Parsons, Pegasus Group

**EXPIRY DATE:** 01 February 2022

**EOT Expiry Date:** 29 April 2022

**CASE OFFICER:** Nigel Brown

**NOTATION:** Outside Development Limits

**REASON THIS APPLICATION IS ON THE AGENDA:** Major development

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**1. EXECUTIVE SUMMARY**

**1.1** This application was reported to Planning Committee on 27.4.22, Members resolved to defer the determination of the planning application to allow clarification of the following matter

Clarification of the provision of the football facilities and the ongoing requirements of the community and football club.

Clarification over the footpath linkages for the site, specifically to Hailes Wood

Clarification over the parking arrangements, which includes the sharing of school drop-off parking with visitors 'parking

Consideration of the MAG objection to the altered water feature on the open space

To consider the Committee's concerns regarding garden sizes.

- 1.2** A meeting on site was held on 6 May 2022, between the Development Manager, Parish Council, Ward Councillor, Football Club and the Developer.
- 1.3** The Development Manager will clarify these points in detail to the Committee, but to summarise.
- 1.4** The football club has clarified its requirements regarding the proposed football pitches. To better compliment the proposed pavilion and the needs of the community and football club, there is a local requirement for the flexibility and capacity to provide an adult football pitch. The requirement secured through the outline planning permission and the subject S106 is very prescriptive. However, the developer has confirmed that they are prepared to provide the capacity for an adult football pitch, this would not require any variation to the S106.
- 1.5** The indicated footpath linkages will be clarified at the meeting. Currently there is an informal link between the existing development Hailes Wood onto the development site which directly adjoins it. The developer has no control of the access link onto Hailes Wood (the ownership is either retained by Persimmon Homes or is controlled through a management company). The developer is not promoting this as an active link (however desirable and well used it currently is). However, nonetheless it would retain the linkage on its side and would not compromise its continued informal provision.
- 1.6** At the Committee on 27.4.22 members did raise queries over the principle of using the visitors' car parking for school drop off. It should be noted that Essex County Highways are not supportive of school dropping off points. The use of visitors' car parking as drop off spaces for the confined periods of school dropping times is an acceptable use of these spaces and would not compromise the general visitor' car parking provision on the development.
- 1.7** Whilst not a statutory consultee the Council is required to notify MAG regarding any development within relatively close proximity of the airport, as regards safeguarding against bird strikes. This proposal does involve the clearing of vegetation and low-quality trees to open up an existing pond on the site. The pond is an important biodiversity feature, which has been struggling and choking due to the current vegetation cover. To remove some the vegetation would rejuvenate the pond. MAG are concerned that rejuvenated pond would attract larger wildfowl such as geese or swans. It is considered that due to the pond's modest size the pond would not be of significant size to attract cursory wildfowl. On balance it is considered that the retention and rejuvenation of the existing pond would be the preferred outcome.
- 1.8** The provision of the amenity space will be clarified at the meeting. It can be confirmed that as submitted indicates very few of these dwellings fall

below the Essex Design Guidance for garden sizes. Of those that fall below the guidance they are 90-95% of the requirement. Although the amenity space provision rates high on the scheme, the developer is striving to provide a further enhanced provision, members will be updated at the meeting.

**1.9** The layout, scale, landscaping and appearance is in general conformity with the approved outline scheme. Further enhancements have been made to further improve the visual amenities of the scheme and provide a good living environment for future occupiers.

**1.10** The scheme has evolved positively through liaison with the local community and UDC which has resulted in a good quality sustainable scheme.

**1.11** The scheme will deliver much needed accommodation in the district.

## **2. RECOMMENDATION**

That the Interim Director of Planning and Building Control be authorised to **GRANT** permission for the development subject to those items set out in section 17 of this report -

A) Conditions

## **3. SITE LOCATION AND DESCRIPTION:**

**3.1** The site lies on the north-west side of the B1051 Henham Road to the immediate north-east of the existing built-up area for Elsenham village.

**3.2** A listed residential property lies opposite the site on the south side of Henham Road, whilst further residential properties line the south-eastern side of the road just past the site after a gradual bend. Public footpath PROW 13\_21 traverses the site north-east/south-west and leads across an existing field track leading from Henham Road to the northern end of the site.

**3.4** The site covers approximately 18.531 hectares and was last in use for predominantly agricultural purposes.

**3.5** The land slopes gently with a number of gentle ridges; falling towards the south and the west. The highest point on site is approximately 105.65m AOD and occurs at the northeast corner of the site. The southeast corner has a level of 97.92m AOD.

## **4. PROPOSAL**

- 4.1 This Reserved Matters application (layout, scale, appearance and landscaping) relates to outline application UTT/17/3573/OP for the erection of 350 dwellings, internal roads, open space and sports pitch provision, other associated infrastructure including that required to serve future primary school and early years facility and siting of sports pavilion. However, this application does not include the education uses which are to be delivered by others.
- 4.2 Outline planning permission was granted for the development proposed is for up to 350 dwellings (Class C3); a One Form Entry primary school including Early Years and Childcare Setting for up to 56 places (Class D1); open spaces and landscaping including provision of junior football pitch and changing rooms; access from B1051 Henham Road with associated street lighting and street furniture; pedestrian, cycle and vehicle routes, including streets, squares, lanes and footpaths along with associated street lighting and street furniture; pedestrian and cycle link to Elsenham Station and potential pedestrian and cycle link to Hailes Wood; vehicular and cycle parking; provision and/or upgrade/diversion of services including water, sewerage, telecommunications, electricity and gas, and service media and apparatus; on-plot renewable energy measures including photo-voltaics, solar heating and ground source heat pumps; drainage works, sustainable drainage systems and ground and surface water attenuation features; associated ground works; and boundary treatments including construction hoarding, application reference UTT/17/3573/OP, Appeal Ref: APP/C1570/W/19/3243744 on the 22nd December 2020.
- 4.3 The approved outline scheme fixed the means of access. Furthermore, a reserved matters application ref. UTT/21/2799/DFO provided details on the road infrastructure to be provided. The extent and remit of the approved reserved matters application related to the inclusion of the proposed access point from Henham Road, and then part of the proposed access road leading from it, only relating to the above outline approved development,
- 4.4 The proposed development will include the following:
- 350 residential units
  - 140 of the units will be affordable (40% of the total).
  - sports pitch(es)
  - a sports pavilion,
  - play areas
  - areas of public open space
  - land retained for a future primary school with early years facility

## 5. **ENVIRONMENTAL IMPACT ASSESSMENT**

- 5.1 The approved outline scheme was supported by an Environmental Impact Assessment (EIA) and Environmental Statement (ES), which covered a

large number of matters including landscape impact, heritage, air quality, transportation and flood risk.

**6. RELEVANT SITE HISTORY**

**6.1**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>
UTT/12/5497/SO	Scoping Opinion - Outline applications for 800 dwelling and 3000 dwellings	Opinion given
UTT/13/0192/SO	Scoping Opinion - Outline applications for 800 dwellings and supporting uses	Opinion given
UTT/13/0808/OP	Outline application with all matters reserved, except access, for up to 800 dwellings; up to 0.5ha of class B1a and B1c employment uses; up to 1,400sqm of retail uses; a primary school; up to 640sqm of Health Centre use; up to 600sqm of community buildings; changing rooms; access roads including access points to B1051 Henham Road and Old Mead Road, a construction access and haul route from B1051 Henham Road, a Waste Water Treatment Works access from Bedwell Road, and provision of a link road at Elsenham Cross between the B1051 Henham Road and Hall Road; a Waste Water Treatment Works and other associated infrastructure, landscaping and boundary treatment works. Demolition of all existing buildings.	Refused
UTT/14/3463/OP	Outline application with all matters reserved, except access, for up to 800 dwellings; up to 0.5ha of class B1a and B1c employment uses; up to 1,400sqm of retail uses; a	Withdrawn

	primary school; up to 640sqm of Health Centre use; up to 600sqm of community buildings; changing rooms; access roads including access points to B1051 Henham Road and Old Mead Road, a construction access and haul route from B1051 Henham Road, a Waste Water Treatment Works access from Bedwell Road, and provision of a link road at Elsenham Cross between the B1051 Henham Road and Hall Road; a Waste Water Treatment Works and other associated infrastructure, landscaping and boundary treatment works. Demolition of all existing buildings.	
UTT/17/3573/OP		Non determination appeal granted
UTT/21/2799/DFO	Details following outline approval UTT/17/3573/OP (approved under appeal reference APP/C1570/W/19/3243744) for access road infrastructure to serve up to 350 new homes and associated uses - details of appearance, landscaping, layout and scale.	Granted
UTT/22/0306/FUL	Variation of Condition 2	Pending consideration
UTT/22/0307/FUL	Variation of condition 1	Pending consideration
UTT/22/0308/FUL	Variation of condition 22	Pending consideration
UTT/22/0309/FUL	Variation of conditions 9 and 10	Pending consideration
UTT/22/0310/FUL	Variation of condition 11	Pending consideration
UTT/22/0311/FUL	Variation of condition 18	Pending consideration



UTT/22/0589/DOC	Discharge of condition 3	Pending consideration
UTT/22/0590/DOC	Discharge of condition 17	Approved
UTT/22/0642/DOC	Discharge of condition 21	Pending consideration
UTT/22/0691/DOC	Part discharge of condition 4 (Access)	Pending consideration
UTT/22/0699/DOC	Discharge of condition 6	Pending consideration
UTT/22/0700/DOC	Discharge of condition 8	Pending consideration

## **7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

**7.1** Pre-application discussions with officers from Uttlesford District Council and various consultees were held.

**7.2** The Localism Act requires pre-application consultation on certain types of planning applications made in England. As such the following consultation events have been held by the applicants:

programme of engagement with community and stakeholders  
included meetings site meeting and virtual meetings  
virtual exhibition  
one-to-one meetings with local residents

## **8. SUMMARY OF STATUTORY CONSULTEE RESPONSES**

### **8.1 Highway Authority**

**8.1.1** The Highways Authority are liaising with the developer to seek further information to improve the scheme further to their formal request for additional information.

18/01/22 they stated "The Highway Authority has assessed the layout of the development shown in drawing number ST161 there are a number of issues that need to be resolved and further information will be required from that applicant before a formal recommendation can be issued".

### **8.2 Highways England - No Objection**

**8.2.1** No objection.  
Given the scale and location of this development, and the fact that this application is for reserved matters, it is unlikely that the application will result in a severe impact upon the Strategic Road Network

### **8.3 Natural England - No Objection**

**8.3.1** The proposed amendments to the original application are unlikely to have significantly different impacts on the natural

environment than the original proposal.

**SUMMARY OF NATURAL ENGLAND'S ADVICE: NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED**

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 (Zoi) 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 Zoi 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.

#### **8.4 Sport England - Offered Advice**

**8.4.1** Thank you for consulting Sport England on the amended plans and information that have been submitted in relation to the above application. Since our formal response dated 26th November 2021 was submitted the applicant has engaged with Sport England to address some of the comments made in this previous response focused around the sports ground layout and the pavilion design.

Following consideration of the amended plans I can advise that the comments made in our previous response about the sports ground layout and the pavilion design have been substantially addressed and that the proposed design of both the sports ground and the pavilion is broadly welcomed. However, I would wish to make the following advisory comments based on the amended plans based on sports ground layout, pavilion design and layout, ball stop fencing and the relationship with adjoining Cricket Ground. Conditions have been recommended.

I can therefore confirm that our position on the application remains as set out in our original response dated 26th November 2021 as supplemented by this response.

#### **9. PARISH COUNCIL COMMENTS**

**9.1** Elsenham Parish Council have objected on the following grounds:  
1.Communityinvolvement  
2.Plans  
3.CommunityHall (required)

- 4.Housing mix (bungalows welcomed but more scope for maisonettes and chalet bungalows
- 5.Design- bland and uninspiring
- 6.Number of storeys- 2x 3 storey blocks not acceptable
- 7.Domestic energy supply
- 8.Garden sizes- no amenity space for flats and diagram hard to read
- 9.Sports pavilion- plans are not fixed and should be
- 10.Sports pitches- smaller pitch is insufficient in size
- 11.Parking for residents all units should be allocated parking
- 12.Parking for visitors- poor distribution
- 13.Roads within the development
- 14.Speed limit
- 15.Construction vehicle route
- 16.Recreational walking
- 17.Lighting- welcomed in principle
- 18.Pond- welcomed in principle; however tensions between ecological and social need to be addressed.
- 19.Tree maintenance
- 20.Access via Hailes Wood
- 21.PhasingPlan

In conclusion “EPC takes the view that the applicants have not demonstrated that 350 dwellings can reasonably be accommodated, and that the proposals should be reconsidered accordingly”.

## **10. CONSULTEE RESPONSES**

### **10.1 UDC Housing Enabling Officer**

#### **10.1.1** The affordable and market housing mix meet the need identified within the SHMA 2017 and the inclusion of both market and affordable bungalows is welcomed. The affordable provision is also well integrated within the site.

There are however some observations regarding the affordable provision as in previous correspondence with the developer it was agreed that the 2-bedroom flats would be 4 person rather than 3 person yet the schedule still shows that they are 3 person.

Whilst it is acknowledged that the proposed properties will not meet the NDSS confirmation is required that they will meet the HQI space standards.

There does not appear to be a communal garden for affordable flat blocks plots 225 to 233 and plots 240 to 248 and this is required as it provides some amenity space and a drying area for clothes to prevent the need for tumble drying throughout the year. Clarification/confirmation is required that a communal garden is to be provided for the affordable flat blocks.

Some of the affordable plots do not have gardens that adhere to the minimum size recommended in the Essex Design Guide (EDG) and of

particular concern are the gardens proposed for the 3-bedroom affordable properties plots 14,15 and 16 which EDG recommends a minimum size of 100sqm yet they are 75sqm, 79sqm and 74sqm respectively. The market 4-bedroom house plot 321 also has a proposed garden size of 80sqm rather than the minimum recommended in the EDG of 100sqm.

## **10.2 UDC Environmental Health**

**10.2.1** The applicant has submitted an updated noise assessment prepared by 24Acoustics ref - R8931-1 Rev 2 dated 11th March 2022 which seeks to demonstrate compliance with these conditions.

The report concludes that calculations have been completed to determine mitigation measures such that acceptable internal noise levels would be achieved and that calculations have also been undertaken to address noise in external amenity areas. The report also suggests the noise mitigation measures to achieve the required to achieve the required level. . Whilst these appear to be satisfactory and would meet the condition if implemented in full the calculation (noise modelling) and the methodology is not included in the report.

## **10.3 UDC Landscape Officer/Arborist**

**10.3.1** The submitted tree protection plan, and proposed planting plans are considered satisfactory. The boundary treatment plan needs to be revisited. There is an issue with the legend which needs to be checked as it appears that a 2.4m high acoustic fence is proposed to be erected at the LEAP, which is clearly not the intention, and other fencing is not keyed.

## **10.4 UDC Urban Design Officer**

**10.4.1** When considered against the available policy (GEN2) taking into account positive and negative aspects of the scheme, and on balance, an overall objection on urban design grounds is not raised. When considered against the Building for Healthy Life guidance (material consideration) there are points for improvement which are detailed in this assessment.

## **10.5 Place Services (Conservation and Heritage)**

**10.5.1** The application provides details of design, materials and landscaping for a development of 350 homes. There are a cluster of listed buildings to the south of the site, grouped around Henham Road. These include:

- Gardeners Cottage, (list entry no: 1171192)
- Thatched outbuildings and Barn to west of Gardeners Cottage, (list entry no: 1112339)
- Elsenham Place, (list entry no: 1112337)
- Barns to the west of Elsenham Place, (list entry no: 1171188)
- Dovecote to south west of Elsenham Place, (list entry no: 1112338)
- The Lodge (list entry no: 1391101)

There is a Grade II listed building to the north-west of the site, the waiting room at Elsenham Station (list entry no: 1305711). The principal considerations are the indirect effects to heritage assets due to change within their setting.

The development is predominantly two storey dwellings, constructed of brick with tiled or slate-effect roofs, with a cluster of single-storey dwellings at the southern border. The lower heights at this end will reduce the impact on the setting of the listed buildings to the south and the scale of the proposed development is considered acceptable.

While the use of mostly red brick for the elevations does not particularly reflect the Essex vernacular, it is in keeping with the modern development on the east side of the railway line, which is predominantly constructed of brick. There would be a preference for higher quality, natural materials such as timber windows and doors, clay roof tiles and natural slates, which would respond better to local character than uPVC windows or concrete roof tiles and would provide a more sympathetic wider setting to the listed buildings. Nevertheless, the choice of materials is unlikely to cause harm to the setting of the listed buildings because of the distances between the development and the heritage assets.

There is a field buffer between the development and the listed buildings along Henham Road and the south side of the development will be partially screened by existing mature hedgerows. The southern boundary appears to be formed from the hedgerows, without any walls or fencing (which would have an urbanising impact). The proposed boundary treatments are considered acceptable.

Upon review of the submitted documents, I do not consider the details of the scheme to result in any additional harm to the setting of the listed buildings. Therefore, I have no objection to this application.

## **10.6 Place Services (Ecology)**

**10.6.1** No objection subject to securing biodiversity mitigation and enhancement measures

## **10.7 Place Services (Archaeology)**

**10.7.1** The Historic Environment Record shows that the proposed development lies within an area of known archaeological deposits. The planning application contains a desk based archaeological assessment, a geophysical survey report and a built heritage impact assessment. The desk based assessment and the geophysical survey indicate the likely presence of archaeological deposits within the scheme, and on the present evidence interpret that unexpected deposits of national importance are unlikely to be located.

The desk-based assessment also indicates the requirements of a programme of works to be agreed to be undertaken if the application receives consent. The Historic Environment Record shows that immediately to the east of the application area multi-period deposits including burials have been recorded within Pledgdon Pit (EHER 4609-4614). Information from aerial photographs indicates the presence of cropmarks within the application area, comprising possible enclosures (EHER 18898).

RECOMMENDATION: An Archaeological Programme to be defined including Open Area Excavation

**10.8 ECC Waste and Minerals Team**

**10.8.1** No waste safeguarding implications were identified in relation to this application. On the basis of the above, the MWPA have no comments to make with regards to this application

**10.9 Crime Prevention Officer**

**10.9.1** We would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with this policy by achieving a Secured by Design Homes award. An SBD award is only achieved by compliance with the requirements of the relevant Design Guide ensuring that risk commensurate security is built into each property and the development as a whole.

**10.10 Thames Water**

**10.10.1** Thames Water have identified that some capacity exists within the foul water network to serve 190 dwellings but beyond that, upgrades to the waste water network will be required. Works are ongoing to understand this in more detail and as such Thames Water feel it would be prudent for an appropriately worded planning condition to be attached to any approval to ensure development doesn't outpace the delivery of essential infrastructure.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection.

**10.11 Anglian Water**

**10.11.1** The applicant has indicated on their application form that their method of surface water drainage is via SuDS. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Planning Strategic Enquiry.

The Lead Local Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial for all concerned organisations and individuals.

## **10.12 Manchester Airport Group**

**10.12.1** The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We continue to object because whilst some changes have been made, many points previously made have not been addressed, and the site still has the potential to attract and support species of bird that are hazardous to aircraft. Biodiversity enhancements or mitigations do not overrule flight safety, and to allow them to do so would be irresponsible. Responsible biodiversity enhancement near an airport would seek to prioritise habitats which increase biodiversity without resulting in an exploitable resource for birds hazardous to aircraft.

## **11. REPRESENTATIONS**

**11.1** Site notice/s were displayed on site and 926 notifications letters were sent to nearby properties. A press notice was also issued.

### **11.3 Object**

**11.3.1** Congestion  
Noise pollution  
Traffic  
Lack of infrastructure  
Not in keeping  
Harm to landscape  
Impact on the environment  
Loss of agricultural land  
Loss of wildlife  
Over development

### **11.4 Comment**

**11.4.1** The objects have been considered within the main body of the report.

## **12. MATERIAL CONSIDERATIONS**

**12.1** In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the "Considerations and Assessments" section of the report. The

determination must be made in accordance with the plan unless material considerations indicate otherwise.

**12.2** Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

(a) The provisions of the development plan, so far as material to the application,:

(a) a post-examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

**12.3** Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation Area

## **12.4 The Development Plan**

**12.4.1** Essex Minerals Local Plan (adopted July 2014)  
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)  
Uttlesford District Local Plan (adopted 2005)  
Felsted Neighbourhood Plan (made Feb 2020)  
Great Dunmow Neighbourhood Plan (made December 2016)  
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)  
Thaxted Neighbourhood Plan (made February 2019)

## **3. POLICY**

### **13.1 National Policies**

**13.1.1** National Planning Policy Framework (2021)

### **13.2 Uttlesford District Plan 2005**

**13.2.1** S7 – The countryside Policy  
GEN1- Access Policy  
GEN2 – Design Policy  
GEN3 - Flood Protection Policy  
GEN4 - Good Neighbourliness Policy  
GEN5 –Light Pollution Policy



GEN6 - Infrastructure Provision Policy  
GEN7 - Nature Conservation Policy  
GEN8 - Vehicle Parking Standards Policy  
H9 - Affordable Housing,  
Policy H10 - Housing Mix Policy  
ENV1 - Design of Development within Conservation Areas Policy  
ENV2 - Development affecting Listed Buildings Policy  
ENV3 - Open Space and Trees, Policy  
ENV4 - Ancient monuments and Sites of Archaeological Importance  
ENV5 - Protection of Agricultural Land Policy  
ENV10 - Noise Sensitive Development, Policy  
ENV13 - Exposure to Poor Air Quality Policy  
ENV14 - Contaminated Land

### **13.3 Supplementary Planning Document or Guidance**

**13.3.1** Uttlesford Local Residential Parking Standards (2013)  
Essex County Council Parking Standards (2009)  
Supplementary Planning Document- Accessible homes and play space  
homes Essex Design Guide  
Uttlesford Interim Climate Change Policy (2021)

## **14. CONSIDERATIONS AND ASSESSMENT**

**14.1** The issues to consider in the determination of this application are:

**14.2** **A) Principle of Development**  
**B) Housing Supply**  
**C) Housing Mix**  
**D) Layout**  
**E) Scale**  
**F) Landscaping**  
**G) Appearance**  
**H) Highways**  
**I) Other Matters**

**14.3** **A) Principle of development**

**14.3.1** Planning history  
Outline planning permission was previously granted on the site, following an appeal which was allowed (against non-determination) on the 22<sup>nd</sup> December 2020 appeal reference APP/C1570/W/19/3243744. This scheme will be referred to within this report as the 'approved outline scheme' and the Planning Inspectors comments within the appeal decision will also be referenced accordingly. The approved outline consent is a material consideration for the current Reserved Matters application as this permission establishes the principle of residential development on the site.

**14.3.2** Below are key headlines in relation to the approved outline scheme:

Up to 350 dwellings (Class C3  
A One Form Entry primary school including Early Years and Childcare  
Setting for up to 56 places (Class D1);  
Open spaces and landscaping including provision of junior football pitch  
and changing rooms;  
Access from B1051 Henham Road with associated street lighting and  
street furniture.  
Pedestrian, cycle and vehicle routes, including streets, squares, lanes  
and footpaths along with associated street lighting and street furniture;  
pedestrian and cycle link to Elsenham Station  
Potential pedestrian and cycle link to Hailes Wood; vehicular and cycle  
parking; provision and/or upgrade/diversion of services including water,  
sewerage, telecommunications, electricity and gas, and service media  
and apparatus;  
On-plot renewable energy measures including photo-voltaics, solar  
heating and ground source heat pumps; drainage works, sustainable  
drainage systems and ground and surface water attenuation features;  
associated ground works; and boundary treatments including construction  
hoardings

The approved scheme contained a Parameters Plan designed to 'fix' the  
key parameters of the proposal.

- 14.3.3** The site falls within the key rural settlement of Elsenham and falls within Policy S3 of the Local Plan. As such the principle of development is acceptable on the basis that Development is compatible with the settlement's character and countryside setting.
- 14.3.4** The Inspector concluded *"In my assessment, balancing the benefits and disbenefits detailed above indicates quite clearly that the adverse impacts of allowing this proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. This means that the appeal proposal would constitute sustainable development, and this is a weighty material consideration in the appeal proposal's favour. In my assessment it is sufficient to outweigh the conflict with the development plan in this case."*
- 14.3.5** Effectively the principle of housing development on this site has been established, subject to detailed consideration of the potential development impacts.
- 14.3.6** Furthermore, compliance with the above policies as set out above was addressed at the outline stage, whereby the principle of the development was agreed, subject to a series conditions and Section 106 Agreement.
- 14.3.7** Overall, the Reserved Matters application is considered to accord with the principles of the approved outline consent and the associated parameter plans. The proposals have developed in response to the iterative design process undertaken between UDC officers and the applicant, resulting in

a high-quality scheme which accords with the principles already established.

#### 14.4 B) Housing supply

14.4.1 The NPPF describes the importance of maintaining a 5 YHLS of deliverable housing sites. The Council's 5 YHLS falls short of this and is only able to demonstrate a supply of 3.52 years (5 YHLS update April 2021).

14.4.2 Paragraph 11 of the NPPF considers the presumption of sustainable development, this includes where there are no relevant development plan policies, or where policies which are most important for determining the application are out-of-date. This includes where the 5 YHLS cannot be delivered. As the council is currently unable to demonstrate a 5 YHLS, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

14.4.2 The proposed development would contribute to the provision of housing in the district where there is an evident need, and the balance is tilted in favour of the provision of housing.

#### 14.5 C) Housing Mix

14.5.1 Policy H10 Housing Mix of the adopted Local Plan requires new developments to provide a mix of dwelling types. Policy H9 states that the Council will seek to negotiate on a site-to-site basis an element of affordable housing of 40%.

Please see below the amended housing mix, the changes from the original submission are identified in brackets:

	Open market	Affordable		Total	%
		Affordable rent	Shared ownership		
1-bed apartment	-	10	-	10	3%
2-bed apartment	-	8	-	8	2%
1-bed bungalow	-	5	-	5	1%
2-bed bungalow	4	2	-	6	2%
3-bed bungalow	7	-	-	7	2%
1-bed house	-	4	-	4	1%
2-bed house	61 (+2)	35	22	118 (+2)	34%
3-bed house	60 (+36)	29	20	109 (+36)	31%
4-bed house	65 (-39)	5	-	70 (-39)	20%
5-bed house	13 (+1)	-	-	13 (+1)	4%
<b>Total</b>	<b>210</b>	<b>98</b>	<b>42</b>	<b>350</b>	<b>100%</b>

14.5.2 A mixture of housing types are proposed to suit different needs. 140 of the units will be affordable (40% of the total). 95% M4(2) and 5% M4(3) compliant. The units are accessible on different streets. The housing and

enabling officer has stated that the affordable and market housing mix meet the need identified within the SHMA 2017 and the inclusion of both market and affordable bungalows is welcomed. The affordable provision is also well integrated within the site.

- 14.5.3** There were concerns raised regarding the 2-bedroom flats would be 4 person rather than 3 person. This has now been resolved.
- 14.5.4** Whilst it is acknowledged that the proposed properties will not meet the NDSS confirmation is required that they will meet the HQI (Housing Quality Indicators) space standards. The applicant has confirmed that all affordable houses will meet HQI space standards.
- 14.5.5** Again, the housing officer raised concerns about the lack of provision for a communal garden for affordable flat blocks plots 225 to 233 and plots 240 to 248. This has now been provided.
- 14.5.6** It is considered that the housing mix complies with Policies H9 and H10 of the Local Plan.

## **14.6 D) LAYOUT**

- 14.6.1** National and local policies seek to secure good quality design which respects general townscape and the setting of heritage assets and is a key aspect of sustainable development. Policy GEN2 of the Local Plan states seeks to ensure that design of all new development is compatible with the scale, form, layout, appearance and materials of surrounding buildings.
- 14.6.2** The layout refers to buildings, routes and open spaces within the development and how they are laid out. The layout has been designed to comply with the approved parameter plans forming part of the outline consent, following discussion with Officers and Members.
- The following is proposed:
- 14.6.3** The primary school is located on the north-eastern corner of the site.  
The attenuation basin is located in the north-western part of the site  
The sports area is within the area dedicated for open space in the south-eastern part of the site  
The developable area wraps around the site  
The proposed corresponds with the approved parameters plan.
- 14.6.4** The back-to-back distances vary from 25 – 31 metres which are considered sufficient to protect the amenities of the adjoining occupiers.
- 14.6.5** The local plan does not have a policy which specifies garden area, however the Essex Design Guide sets out a guidance. There are now approximately 3% of gardens which fall below the 100% compliance. Plot 312 has a shortfall of 10sqm and plot 17 shortfall of 9sqm; all other plots that have a shortfall, the shortfall is marginal.

The applicant state that there is also placemaking justification for the few gardens that do not fully meet standards, *The properties occupying these plots add to the character of the particular areas in which they fall. Forming village terraces, that maintain strong building lines or turning corners. All these plots have nearby access to public open space or pocket parking within a 1-to-3-minute walk*.

**14.6.6**

The masterplan comprises 4 main character areas:

1. Central Green- larger dwellings with varied set backs creating a 'village green'
2. The Avenue- terraced and semi fronting onto tree lined avenue
3. Green Edge- larger dwellings with varied set backs on the periphery
4. Core Housing – smaller terraces and semi-detached units higher density form

**14.6.7**

The Urban Design Officer was involved in the development of the scheme at pre-application stage. Following submission further comments have been made and the applicant has sought to address these concerns. Initially, a number of 'red' ratings were given to the scheme using the Building for Healthy Life toolkit, however following amendments all of the red elements have been removed, resulting in 7 'amber' ratings and 14 'green' ratings, demonstrating that the scheme achieves a good quality of design.

**14.6.8**

In conclusion the Urban Design Officer states "*When considered against the available policy (GEN2) taking into account positive and negative aspects of the scheme, and on balance, an overall objection on urban design grounds is not raised. When considered against the Building for Healthy Life guidance (material consideration) there are points for improvement which are detailed in this assessment*".

**14.6.9**

Changes have made following comments from the Urban Design Officer as follows:

General design changes

A new house type with a build over has been introduced

overlinks have been utilised between buildings

unique build over house type, materials and landscaping have also been utilised

Differing boundary treatments, comprising low brick wall, metal railings and landscaping to define front gardens

Flint on the elevations of houses on key corners

occasional use of black and white boarding on front elevations

a focal landmark has been created on the north-west corner – utilising 2.5 storeys

Eastern boundary: breaking up the vehicular route into

separate private drives arrangement, leading to a more informal and quieter edge to the development

#### LEAP and NEAP

The LEAP design has subsequently been made more bespoke, with play mounding elements of natural play and other features  
The LEAP will be bounded by fencing and a hedge, enclosing any children young enough to have a risk of wandering into the pond  
The northern side of the pond closest to the play area will also be enclosed by a shrub,

#### The NEAP

the NEAP will provide a zipline, obstacle course and table tennis table along with other play equipment

#### Incidental amenity

3 x new incidental greenspaces which will incorporate play on the way features such as hopscotch and climbing trunks trim trail has been incorporated on the eastern boundary along the shared cycleway / footway to encourage play by children on the way to and from school  
A climbing frame is also proposed in the north-west corner

- 14.6.10** Policy LC4 seeks to ensure large development incorporate adequate sports facilities. As part of the approved outline scheme a s106 agreement required sports facilities to be provided, details of which form part of this reserved matters submission. The approved outline permission requires provision of a junior football pitch rooms which need to meet the following requirements as set out in the S106.
- 14.6.11** The applicant has been liaising with Sports England to overcome the concerns previously raised. Sports England have contacted the LPA and have stated "Ground. As such it is considered that the main issued have been addressed and conditions have been included as recommended by Sports England.
- 14.6.12** Policy GEN2 of the Local Plan seeks to ensure that the design of new development It helps to minimise water and energy consumption. Uttlesford Interim Climate Change Policy sets out a list of Policies of note a demonstration of how developments demonstrate the path towards carbon zero.
- 14.6.13** The following sustainability measures are proposed:

31% reduction in emissions against the current Building Regulations standard

Fabric first approach

Sustainable construction and waste

optimising layout (within constraints of the site) and building orientation to maximise benefits of solar gain

energy efficient lighting and appliances

Provision of rainwater recycling via rainwater butts

Provision of PV panels

This would be in line with the Interim Climate Change Policy (2021) and have been duly conditioned.

**14.6.14** It is concluded therefore that the proposed layout adopts many of the positive design principles incorporated in the approved Parameter Plan set out within the Outline Planning Approval. The proposal is therefore considered to be consistent with the provisions of Policies GEN2 and GEN4 of the adopted Uttlesford Local Plan 2005.

**14.6.15** Policy GEN2 of the Local Plan states seeks to ensure that design of new development would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.

**14.6.16** The nearest residential properties are a considerable distance away from the proposed development. It is considered that the use of the site for residential purposes would be in keeping with the character of the area, and no undue noise or disturbance would likely be generated.

**14.6.17** The proposed properties are well spaced apart and sufficient separation distances have been provided. Habitable rooms to the rear face onto garden areas and landscaping.

**14.6.18** Therefore, it is unlikely that the proposed development would directly detract from the amenities of the neighbouring occupiers. Overall, the scheme complies with Policy GEN2.

## **14.7 E) SCALE**

**14.7.1** The scale refers to information on the size of the development including height, width and length of the proposed buildings.

**14.7.2** The masterplan has been designed to comply with the building heights parameter plan which is an approved plan and forms part of the outline consent UTT/13/2107/OP.

**14.7.3** The approved Parameters Plan showing a maximum height of 12m above finished ground level. The proposed masterplan conforms with this through the provision of the following:

Majority of homes 2 or 2½ storeys,  
2½ and 3 storey buildings marking key nodes and landmarks.  
2 x 3 storey buildings in key areas on the periphery of the development  
A significant proportion 2 storey buildings  
A small proportion of 2.5 storey buildings of the main avenue  
1 storey buildings on the southern extent of the site

**14.7.4** It is therefore concluded that the proposed master plan complies with the approved building heights parameter plan. The proposals are therefore considered to be generally consistent with the provisions of Policies GEN2 and GEN4 of the adopted Uttlesford Local Plan 2005,

## **14.8 F) LANDSCAPING**

**14.8.1** Landscaping refers to the improvement or protection of amenities of the site and surrounding area. Policy ENV3 (open spaces and trees) seeks to ensure that trees and open spaces are not lost unless the need for development outweighs their amenity value.

**14.8.2** The main route would be tree lined. Formal public open space, smaller areas of greenspace and soft landscaping have been provided across the site to ensure the scheme retains a green and village character.

**14.8.3** The applicant is providing 6.06ha of publicly accessible open space throughout the site including:

A Green heart (with Local Equipped Area for Play)  
2 junior sports pitches  
Pavilion (in accordance with Sport England requirements, providing changing rooms for 4 teams.  
Changing room  
A Mini sports pitch (above the parameters requirement)  
A Neighbourhood Equipped Area for Play (NEAP)

**14.8.4** This includes the attenuation basins which will be dry except in exceptionally rainy periods, therefore allowing amenity use. They are proposed to be landscaped and provide ecological enhancement.

**14.8.5** Overall, the proposals provide a high quality multi-functional open space, which will serve a range of requirements whilst also providing a range of recreational opportunities, and this arrangement is considered acceptable to the Local Planning Authority. Some matters of clarification have been raised by the Landscaping Officer which are in the process of being addressed by the applicant. The proposals are therefore considered to be consistent with the provisions of Policies ENV3 of the adopted Uttlesford Local Plan 2005,

**14.8.6** Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 states that: 'Every public authority must, in exercising its



functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’

**14.8.7** The following biodiversity enhancement measures are proposed:

enhancements of retained scrub, pond and hedgerows  
creation of attenuation basins  
wildflower and tussock grassland  
the installation of integrated and external bat boxes  
installation of bird nest boxes and Swift bricks

The scheme will provide a Biodiversity Net Gain of 6.56%, as well as a 192.8% net gain in hedgerow biodiversity.

**14.8.8** A response has now been provided to MAG on how the proposals for the pond will not increase bird risk in a revised Bird Hazard Management Plan, to overcome their concerns. However, it should be noted that the outline permission contains a pre-commencement condition (4) requiring the submission and approval of a BHMP.

**14.8.9** The submitted documents have been duly reviewed by the Place Services Ecologist who stated that no objection was raised subject to securing biodiversity mitigation and enhancement measures. Natural England consider that the proposal will be unlikely to have significantly different impacts on the natural environment.

Subject to the recommended conditions, the application proposal is considered to accord with ULP Policy GEN7 and the NPPF.

## **14.9 G) APPEARANCE**

**14.9.1** Paragraph 126 of the NPPF states that “*the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*”. As such, the design quality of the proposal should be duly considered in the overall planning balance

**14.9.2** A character assessment has been undertaken to inform the proposals. The materials proposed centre around the character areas and include 5 different brick types (varying between red and buff); cream render is proposed; a mixture of cladding (flint, weatherboard white and weatherboard black); and roof tiles (slate, brown, redbrown and brown).

**14.9.3** The Inspector stated that there was harm afforded to the heritage assets, although overall, the public benefits of the scheme and benefits in general outweighed the harm. As such the impact on the heritage assets is acceptable.

**14.9.4** Notwithstanding the above, *the Heritage Team have commented on the proposals as follows “the development is predominantly two storey dwellings, constructed of brick with tiled or slate-effect roofs, with a cluster of single-storey dwellings at the southern border. The lower heights at this end will reduce the impact on the setting of the listed buildings to the south and the scale of the proposed development is considered acceptable. It is considered that the materials are in keeping with the modern development on the east side of the railway line, which is predominantly constructed of brick. Although there was a preference for higher quality materials, they considered that nevertheless, “the choice of materials is unlikely to cause harm to the setting of the listed buildings because of the distances between the development and the heritage assets; and they conclude that “I do not consider the details of the scheme to result in any additional harm to the setting of the listed buildings. Therefore, I have no objection to this application”.* It is also stated that the boundary treatment is considered to be acceptable.

**14.9.5** It is considered that the materials reflect the local vernacular and assimilate with the site. The detailing proposed and provides articulation including chimneys, gables and canopies.

In general terms, the proposed choice of materials will give a good variety of treatments across the site, which would enhance the setting of the development. The proposals are therefore considered to be consistent with the provisions of Policies GEN2 of the adopted Uttlesford Local Plan 2005.

## **14.10 H) HIGHWAYS**

**14.10.1** Policy GEN1 seeks to ensure that development is only permitted if the access is appropriate, traffic generation does not have a detrimental impact on the surrounding road network, it is designed to meet the needs of people with disabilities and it encourages sustainable modes of transport. The access for the scheme was approved as part of the outline approval and previous reserved matters application. The applicant is working with the Highway Authority to provide additional information and minor alterations to improve the scheme.

**14.10.2** The applicant has sought to make have made walking and cycling an attractive option, especially to the school, through the provision of the shared footway / cycleway running from the main access and the train station access to the school, allowing safe and convenient walking and cycling opportunities. They have also provided trim trail playing equipment along the eastern boundary cycleway, and in the north-western corner again alongside the cycleway, to make walking an active and playful option.

**14.10.3** In terms of distribution of visitor parking, although the parking is not evenly distributed there are a number of plots (38 total) that are provided with an additional parking space, above that required by parking standards.

These extra spaces can be utilised as visitor spaces for those plots, freeing up formal visitor parking spaces for others.

**14.10.4** There are also pedestrian waiting areas which have been designed on the basis that most parents will walk to drop off and pick up students. It should also be noted that the school will provide parking for staff within its own land, so the visitor parking spaces will only be used by parents at drop off and pick up times.

**14.10.5** The parking provision is considered acceptable given the sustainable location of the site, including the enhancement and provision of pedestrian links, improvement to public transport.

## **14.11 I) OTHER MATTERS**

### **14.11.1 Noise**

**14.11.2** Policy ENV10 of the Local Plan seeks to ensure that residential development will not be permitted if the occupants would experience significant noise disturbance

**14.11.3** The applicant has proposed a 2.4 metre high noise barrier along the western boundary with the railway line to prevent noise pollution which would be in keeping with Policy ENV10 of the Local Plan.

### **14.11.4 Flooding**

**14.11.5** Policy GEN3 contains the Local Plan policy for flooding, although this has effectively been superseded by the more detailed and up-to-date flood risk policies in the NPPF and the accompanying PPG.

**10.11.6** The approved Parameter Plan showed approximate locations of 3 SuDS attenuation basins located in the east, south-west and north-west of the site.

**14.11.7** This remains the same within the proposed scheme, however the drainage basis to the south has been moved slightly east to be adjacent to the sports pitches. Following infiltration testing this was considered more appropriate. It is considered that this minor change is appropriate and would not impact on the layout of the development.

**14.11.8** The proposed drainage strategy is to convey surface water run-off from the development to three attenuation basins located on the eastern, southern and north-western boundaries of the site.

**14.11.9** A pumping station is proposed adjacent to the north-western attenuation basin. This area was previously shown in the parameter plan as open space. The submitted site layout plan highlights that this is a newly proposed area. The applicant states that this is required because of the

topography of the site and to allow flows from low lying areas to be pumped to the proposed foul connection point. It is considered that this is acceptable given the general conformity with the parameter plan and would compromise a minor alteration in the context of the site area and development proposals.

**14.11.10** The Local Lead Flood Authority have raised no objection subject to conditions.

**14.11.11** Overall, it is considered that the proposals comply with GEN3 and ENV12 of the Local Plan.

**14.11.12 Contributions**

**14.11.13** Policy GEN6 seeks Infrastructure provision to support development which is towards direct on-site provision by the developer as part of a scheme or in the immediate vicinity of the development.

**14.11.14** Contributions were sought and secured by s106 agreement relating to Education Land for a primary school also formed part of the s106 agreement. Within the north-east extent of the site land has been retained within the site which will be offered to Essex County Council for the future provision of the Primary School and Early Years Childcare Facility. This concurs with the parameters plan. In accordance with the s106 agreement, the primary school site totals 1.093ha and the early years site totals 0.13ha.

**14.11.15 PLANNING BALANCE**

**14.11.16** The LPA are unable to demonstrate a 5-year housing land supply, therefore paragraph 11d of the NPPF is engaged, and the titled balance should be in favour of housing.

**14.11.17** The inspector undertook a planning balance exercise as part of the appeal scheme and stated *“I have concluded that the economic benefits should carry moderate weight; and that significant weight should be given to the provision of up to 350 much needed new dwellings, with significant weight also being given to the provision of up to 140 affordable homes. The provision of new public open space, including a new junior football pitch and changing rooms carries moderate weight, with modest weight going to the environmental and ecological benefits. The provision of land for a primary school, and an Early Years and Childcare facility attracts modest weight, whilst enhancement of the local bus service attracts moderate weight. Finally, the provision of a direct pedestrian and cycle link from the proposed development to the rail station attracts modest weight. Set against these benefits, the harm to the character and appearance of the countryside carries limited weight; great weight has to be attributed to the heritage harm; and finally, the loss of BMV land attracts very limited weight”*. In conclusion, the Inspector considered that *“the adverse impacts of allowing this proposal would not significantly and demonstrably*

*outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.*

- 14.11.18** Paragraph 11 of the NPPF makes it clear that planning application decisions should apply a presumption in favour of sustainable development. Furthermore, it sets out that where relevant development policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 14.11.19** The design of the scheme has evolved positively during the application. The scheme would provide good quality housing and design and although there are some elements which could be improved somewhat, the application is assessed holistically, considering the need to maximise the potential of the site and the significant public benefits of the proposed housing, the overall design approach is found to be acceptable.
- 14.11.20** Outlining the positives of the scheme, the public benefits include the contribution of 350 residential units towards the districts housing target. It is further acknowledged that the Council is currently unable to demonstrate a 5 YHLS and as such the proposed housing would make a very significant contribution towards this shortfall and this weighs strongly in favour of the scheme. The applicant has also agreed to 40% of the total provision and this also weighs in favour of the scheme. There will be clear economic benefits to the local and wider area through construction of homes, and the spending of future occupiers
- 14.11.21** Overall, it is considered that the public benefits of the scheme as a whole which includes the provision of a significant amount of housing are such that they outweigh any harm.

## **15. ADDITIONAL DUTIES**

### **15.1 Public Sector Equalities Duties**

- 15.1.1** The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.
- 15.1.2** The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

15.1.3 Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised

## 15.2 Human Rights

15.2.1 There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application

## 16. CONCLUSION

16.1 The submitted Reserved Matters would accord with the development plan and National Planning Policy Framework 2021, and no material considerations indicate that the application should be refused.

16.1 The application accords with policy, will provides an important contribution to housing land supply position in a high-quality design led scheme.

It is therefore recommended that approval be granted subject to conditions

## 17. CONDITIONS

1. Landscaping  
If within a period of 10 years from the date of planting the tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.

REASON: To ensure the suitable provision of landscaping within the site in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

2. Dwellings shall not be occupied until such time as their associated vehicle parking area indicated on the approved plans, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, and Uttlesford Local Plan Policy GEN1.

3. a) No development of the natural turf playing field shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:
- (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality; and
  - (ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.
- (b) The approved scheme shall be carried out in full and in accordance with a timeframe agreed with the Local Planning Authority. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

REASON: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Development Plan Policy LC4 of the Uttlesford Local Plan.

4. No development of the natural turf playing field shall commence until a schedule of playing field maintenance including a programme for implementation covering the period prior to handover to the management body has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. Following practical completion of natural turf playing field the approved schedule shall be complied with in full.

REASON: To ensure that the playing field is first established as a functional playing field to an adequate standard and is fit for purpose and to accord with Development Plan Policy LC4 of the Uttlesford Local Plan.

5. No development of the playing fields shall take place until details of the ball stop fencing to be provided around the boundary of the sports pitches will be submitted to the Local Planning Authority for approval.

REASON: To protect the amenities of the adjoining and future occupiers in accordance with GEN2 and GEN4.

- 6.** Prior to the first occupation of any dwelling, details of solar photovoltaic panel arrangements shall be submitted to and approved in writing by the Local Planning Authority, confirming the details and location of the photovoltaic panels within each phase of development of the site.

REASON: To ensure an acceptable standard of development in accordance with Policy GEN2 and the Interim Climate Change Policy.



## Statutory Consultee responses

Your Ref: UTT/21/3269/DFO  
Our Ref: TST/SD/KMW/  
Date:- 18/01/2022



**Essex County Council**

Andrew Cook  
Director of Highways and Transportation

CC: by email Cllr Gooding

To: Uttlesford District Council  
Assistant Director Planning & Building Control  
Council Offices  
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SAFFRON WALDEN  
Essex CB11 4ER

County Hall  
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Essex CM1 1QH

### Response

Application No. UTT/21/3269/DFO

Applicant Bloor Homes C/o Pegasus Group

Site Location Land To The North West Of Henham Road Elsenham

Proposal Approval of reserved matters (layout, scale, appearance and landscaping) relating to outline application UTT/17/3573/OP for the erection of 350 dwellings, internal roads, open space and sports pitch provision, other associated infrastructure including that required to serve future primary school and early years facility and siting of sports pavilion

The Highway Authority has assessed the layout of the development shown in drawing number ST161 there are a number of issues that need to be resolved and further information will be required from that applicant before a formal recommendation can be issued. The matters that require further consideration are listed below:

## **1. Cycle connections**

- a. Details of the access to the cycle route from Old Mead Road should be provided, this should include visibility splays and any barriers or signing required.
- b. Provide forward visibility splay around the corner adjacent to the pumping station to ensure it is kept clear of fencing and vegetation.
- c. A walking/cycle connection between the roads serving plots 287 and 286 should be provided to serve the west of the site.
- d. The hoggin path to the east of the site near plots 1-6 will be a natural pedestrian and cycle desire line to the school from the should and it would be better if it was a hardwearing surface cycle/pedestrian route.
- e. Dropped kerbs should be provided to allow cyclists to access the cycleway when coming from the side roads.

## **2. Spine Road**

- a. There is a section of the spine road that is different to the approved application UTT/21/2799 (the addition of a layby adjacent to the playing fields). It should be ensured this is clear of the visibility splays for the access to the playing field.

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Clarification is needed and the correct process agreed with the planning authority.

- b. If the layby is intended for coaches and mini-buses it should be signed as such.
- c. A visibility splay should be provided from the access to the playing fields.
- d. A footway/cycleway should be provided to the playing fields from the spine road.

a. A footway/cycleway should be provided to the playing fields from the spine road.

### **3. Playing fields**

- a. A footway/cycleway should be provided to the Pavillion so pedestrians and cyclists do not have to walk through the carpark. footway/cycleway required above.
- b. Cycle parking should be provided for the playing fields in accordance with the Essex parking standards

### **4. Road Layout**

- a. Visibility splays should be shown for all junctions within the site (visibility splays will be adopted and harden).
- b. The required 0.5m maintenance strip for shared surfaces should be shown on the plans
- c. The refuse vehicle used to track the sites is shorter than that used by UDC, which has a length of 10.324m details are at the end of this letter.
- d. To ensure a 20mph speed limit throughout the development traffic calming should be shown and should adhere to the latest regulations and guidance
- e. Shared surfaces should be 6m in width.
- f. Footways should taper where the road transitions from D or E type road to a shared surface
- g. ECC does not adopt lighting on shared surfaces.
- h. A crossing point is shown at plot 342 which crosses onto a verge and should connect to the footway
- i. The turning heads at 288/297, 284/280 do not conform to the Essex Design Guide. The tracking of the turning heads on the northern boundary show the vehicle going across the walking/cycling links into the site and also into the primary school land.
- j. Accesses should be at right angles to the highway plots 58 and 57 should be reconsidered.

## 5. Parking

- a. The concentrations visitor parking around the school and green mean that 59% of the visitor parking is in these two areas and other areas of the development do not have any or very few visitor parking spaces. This could lead to inappropriate parking on footways or blocking the road.
- b. We would not want vehicles reversing in the area of the school where children are walking and cycle to school. Any parking provided should be parallel parking. The preference is for high quality walking and cycling facilities rather than a large amount of parking.
- c. There is a large number of dwellings where vehicles will be triple parked, these might not be used properly and parking inappropriately might occur, so these should be avoided.
- d. Any dwellings without a garage should be provided with secure cycle parking on plot, these should be identified on the plan.
- e. It is not clear where cycles will be parked in the home office garages as only 6m x 3m of the internal space is available for parking and other storage which does not comply with the Essex Parking Standards.

- 
- f. The cycle parking for flats would be improved and make better use of space if double doors were provided and put on the longer side, as bikes could be more easily manoeuvred and it would be more convenient.

The highway authority would not want the application approved until the comments above have been addressed.

Essex County Council  
**Development and Flood Risk  
Environment and Climate Action,**  
C426 County Hall  
Chelmsford  
Essex CM1 1QH



Henrietta Ashun  
Uttlesford District Council  
Planning Services

Date: 13<sup>th</sup> April 2022  
Our Ref: SUDS-005629  
Your Ref: UTT/21/3269/DFO

Dear Henrietta Ashun,

**Consultation Response – UTT/21/3269/DFO - Land To The North West Of Henham Road Elsenham**

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

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

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

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

**Lead Local Flood Authority position**

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following:

**Condition 1**

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:

- Provide engineering site layout of the proposed drainage network at the site. This should include the following details: manholes cover levels, invert levels, pipes dimensions, slopes, basin top and base levels, and invert levels both at inlet and

outlets, outflow rates, as well as top water level in the attenuation basins/ponds during 100year plus 40percent CC allowance.

- Provide calculations for the conveyance and storage network for the proposed development. The network should not predict surcharge in 1yr events, and should not predict flooding in 30year events. During 100 year plus 40pc cc event if any marginal flooding is predicted then it should be directed away from the building using appropriate site grading.
- Detailed engineering drawings of each component of the drainage scheme.
- 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.

### **Condition 2**

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 167 and paragraph 174 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.

### **Condition 3**

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 prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

#### **Condition 4**

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.

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.  
<https://www.essex.gov.uk/protecting-environment>

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

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.

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### **Summary of Flood Risk Responsibilities for your Council**

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);

- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.



## **INFORMATIVES:**

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15<sup>th</sup> of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

## **Appendix 1 - Flood Risk responsibilities for your Council**

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

- Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements)

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.

- Flood recovery measures (including flood proofing and other building level resistance and resilience measures)

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Further information can be found in the Department for Communities and Local Government publications '[Preparing for Floods](#)' and '[Improving the flood performance of new buildings](#)'.

- Sustainability of the development

The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.

Essex County Councils  
**Minerals & Waste Planning**  
County Hall  
Chelmsford  
Essex CM1 1QH



Your ref UTT/21/3269/DFO  
Our ref:  
Date: 09 November 2021

Dear Sir / Madam

**Nature of Response:** To address minerals and waste safeguarding implications arising through Application UTT/21/3269/DFO.

**Proposal:** Approval of reserved matters (layout, scale, appearance and landscaping) relating to outline application UTT/17/3573/OP for the erection of 350 dwellings, internal roads, open space and sports pitch provision, other associated infrastructure including that required to serve future primary school and early years facility and siting of sports pavilion

**Location:** Land To The North West Of Henham Road, Elsenham, Hertfordshire

Thank you for your email received 5<sup>th</sup> November 2021 consulting the Mineral and Waste Planning Authority (MWPA) on the above proposals.

The MWPA previously entered a representation in relation to Application Reference UTT/17/3573/OP on 7<sup>th</sup> August 2019. This stated that having reviewed the Mineral Resource Assessment (MRA) Addendum 2019, the MWPA accepts the overarching conclusion that the prior extraction of mineral underlying the application site is not practicable.

No waste safeguarding implications were identified in relation to this application.

On the basis of the above, the MWPA have no comments to make with regards to this application.

Yours sincerely,



**National Highways Planning Response (NHPR 21-09)  
Formal Recommendation to an Application for Planning Permission**

**From:** Martin Fellows (Regional Director)  
Operations Directorate  
East Region  
National Highways  
[PlanningEE@highwaysengland.co.uk](mailto:PlanningEE@highwaysengland.co.uk)

**To:** Uttlesford District Council

**CC:** [transportplanning@dft.gov.uk](mailto:transportplanning@dft.gov.uk)  
[spatialplanning@highwaysengland.co.uk](mailto:spatialplanning@highwaysengland.co.uk)

**Council's Reference:** UTT/21/3269/DFO

**Location** Land to the North West of Henham Road Elsenham

**Proposal** Approval of reserved matters (layout, scale, appearance and landscaping) relating to outline application UTT/17/3573/OP for the erection of 350 dwellings, internal roads, open space and sports pitch provision, other associated infrastructure including that required to serve future primary school and early years facility and siting of sports pavilion

Referring to the consultation on a planning application dated 16 March 2022 referenced above, in the vicinity of the A120 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

- a) offer no objection (see reasons at Annex A);
- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);~~
- ~~c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);~~
- ~~d) recommend that the application be refused (see reasons at Annex A)~~

**National Highways Planning Response (NHPR 21-09) September 2021**

Highways Act 1980 Section 175B is not relevant to this application.<sup>1</sup>

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the [Town and Country Planning \(Development Affecting Trunk Roads\) Direction 2018](#), via [transportplanning@dft.gov.uk](mailto:transportplanning@dft.gov.uk) and may not determine the application until the consultation process is complete.

<b>Signature:</b> 	<b>Date:</b> 21 March 2022
<b>Name:</b> Mark Norman	<b>Position:</b> Spatial Planner
<b>National Highways</b> Highways England   Woodlands   Manton Lane   Bedford   MK41 7LW	

**Annex A National Highway's assessment of the proposed development**

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Date: 09 December 2021  
Our ref: 374469  
Your ref: UTT/21/3269/DFO



Clive Theobald, c/o planning@uttlesford.gov.uk

**BY EMAIL ONLY**

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

Dear Mr Theobald

**Planning consultation:** UTT/21/3269/DFO - Approval of reserved matters(layout, scale, appearance and landscaping) relating to outline application UTT/17/3573/OP for the erection of 350 dwellings, internal roads, open space and sports pitch provision, other associated infrastructure including that required to serve future primary school and early years facility and siting of sports pavilion

**Location:** Land To The North West Of Henham Road, Elsenham

Thank you for your consultation on the above dated 05 November 2021 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**SUMMARY OF NATURAL ENGLAND'S ADVICE: NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED**

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 (Zoi) 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 Zoi 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. Natural England is aware that the outline planning permission which governs this reserved matters application (ref UTT/17/3573/OP) is subject to a Section 106 agreement which requires the owner to pay a specified "Hatfield Forest Contribution" (a sum of £44,323 for the provision of visitor monitoring and mitigation works carried out by or on behalf of the National Trust at Hatfield Forest) prior to the commencement of the development.

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. Accordingly, in order to mitigate the adverse impacts of the associated increase in visitor pressure, the Local Planning Authority should ensure that the Hatfield Forest Contribution referred to above is secured prior to commencement of the development, as required by the Section 106 Agreement.

### **Further advice on mitigation**

Hatfield Forest is a National Nature Reserve (NNR). It is nationally designated as a Site of Special Scientific Interest (SSSI) and regarded to be of international importance for its ancient wood pasture-forest habitats. The interest features of these habitats are vulnerable to recreational impacts and within recent years there has been increasing concern regarding the number of visitors. It has been noted that there has been significant increases in visitor numbers, linked to nearby residential development. Both Natural England and the National Trust therefore have concerns regarding the impacts of increasing visitor pressure on the designated site and it is apparent that the current number of visitors is exceeding carrying capacity of some important SSSI habitats and features.



### **Further advice on mitigation**

Hatfield Forest is a National Nature Reserve (NNR). It is nationally designated as a Site of Special Scientific Interest (SSSI) and regarded to be of international importance for its ancient wood pasture-forest habitats. The interest features of these habitats are vulnerable to recreational impacts and within recent years there has been increasing concern regarding the number of visitors. It has been noted that there has been significant increases in visitor numbers, linked to nearby residential development. Both Natural England and the National Trust therefore have concerns regarding the impacts of increasing visitor pressure on the designated site and it is apparent that the current number of visitors is exceeding carrying capacity of some important SSSI habitats and features.

More recently, the National Trust has undertaken visitor surveys to establish a Zone of Influence (Zoi) for recreational impacts to Hatfield Forest SSSI, NNR. To date, the results of the winter and summer surveys have indicated a zone of 14.6km radius from the site. Natural England regards this information as material and therefore would anticipate that the application be assessed in the context of these issues and the developing strategic solution. Please note Natural England's Impact Risk Zones have since been updated to reflect this Zoi. New residential housing within this Zoi therefore is likely to damage the interest features of Hatfield Forest SSSI/NNR and consequently requires further assessment in the context of this development.

The evidence in relation to these joint concerns have been shared with your authority and we wrote to all Local Planning Authorities identified as falling within the Zoi to confirm Natural England's position via the letter dated 5th April 2019 and letter dated 24<sup>th</sup> September 2019. More recently, a joint letter from Natural England and the National Trust (dated 28th June 2021) has been sent to your Authority outlining the updated position and including the costed Mitigation Strategy prepared by the National Trust. We would direct you to these letters for further information on Natural England's recommended approach. Whilst we are working towards a strategic solution with the relevant Local Planning Authorities 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. Where possible this should be designed in-line with the package of mitigation measures as drafted by the National Trust. In this regard it is noted that the outline planning permission which governs this reserved matters application (ref UTT/17/3573/OP) is subject to a Section 106 agreement which requires the owner to pay a specified "Hatfield Forest Contribution" (a sum of £44,323 for the provision of visitor monitoring and mitigation works carried out by or on behalf of the National Trust at Hatfield Forest) prior to the commencement of the development. This planning obligation is required in order to make the development acceptable in planning terms and the Hatfield Forest Contribution should therefore be secured prior to commencement of the development to ensure the necessary mitigation can be undertaken.

We would take this opportunity to highlight your authority's duties under the Wildlife and Countryside Act 1981 (as amended), notably under section 28G with respect of the SSSI. Appropriate measures, such as the mitigation outlined above, should therefore be taken to ensure the conservation and enhancement of the SSSI. This is further reflected within paragraphs 174 and 180 of the NPPF, whereby authorities should seek to protect and enhance the natural environment, including sites of biodiversity value.

In terms of Local Policy, which in this case is the current adopted Uttlesford DC Local Plan (2005), we note that policy ENV7 refers to the protection of the Natural Environment and designated sites. The policy states that "Development proposals that adversely affect areas of nationally important nature concerns, such as Sites of Special Scientific Interest and National Nature Reserves will not be permitted unless the need for development outweighs the particular importance of the nature conservation value of site or reserve...".

On this basis, notwithstanding the current (draft) status of the developing Mitigation Strategy, Natural England considers that there is clear justification for the securing of the "Hatfield Forest Contribution" referred to above, to ensure compliance with the above referenced local and national policies.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

#### SITE SPECIFIC ASSESSMENT

We consider that the provision of 'on-site' measures, within the red line boundary of the site, can be important in helping to reduce the frequency of visits to sensitive designated sites if effectively designed in quantity and quality. We would advise that as the Local Planning Authority, an assessment is made as to whether the on-site provision, such as green infrastructure is sufficiently designated to provide mitigation, prior to the determination of this application.

For areas of green infrastructure, we would generally advise that these should include elements, such as the following:

- High-quality, informal, semi-natural areas
- Circular dog walking routes of >2.7 km and/or with links to surrounding public rights of way (PRoW)
- Dedicated 'dogs-off-lead' areas
- Signage/leaflets to householders to promote these areas for recreation
- Dog waste bins etc.

Notwithstanding this, the unique draw of the identified designated site means that even well-designated, 'on-site' provisions are unlikely to fully mitigate impacts. Natural England therefore agrees that it is appropriate to consider the agreement of 'off-site' mitigation measures (outside of the red line boundary). As stated, the development of a strategic solution is currently underway which will include a mitigation package, though this has not yet been developed. However, as noted above, the governing outline planning permission (ref UTT/17/3573/OP) is subject to a planning obligation which secures mitigation for the off-site impacts of increased recreational pressure at Hatfield Forest SSSI/NNR. This planning obligation is required in order to make the development acceptable in planning terms and the Hatfield Forest Contribution should therefore be secured prior to commencement of the development to ensure the necessary mitigation can be undertaken.

Local authorities have responsibilities towards the conservation of SSSIs under [s28g of the Wildlife & Countryside Act \(1981 as amended\)](#), and your biodiversity duties under [s40 of the NERC Act 2006](#). If you have not already done so, we recommend that you ensure that sufficient information in the form of an SSSI impact assessment report or equivalent is built into the planning application validation process.

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

### **Other advice**

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geo-conservation group or other recording society and a local landscape characterisation document in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

### ***Protected Species***

Natural England has produced [standing advice](#)<sup>1</sup> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

### ***Environmental gains***

Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Development also provides opportunities to secure wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

Natural England's [Biodiversity Metric 3.0](#) may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites the [Small Sites Metric](#) may be used. This is a simplified version of [Biodiversity Metric 3.0](#) and is designed for use where certain criteria are met. It is available as a beta test version.

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<sup>1</sup> <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Natural England's [Environmental Benefits from Nature tool](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside [Biodiversity Metric 3.0](#) and is available as a beta test version.

### ***Biodiversity duty***

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#)

This concludes Natural England's advice at this stage which we hope you will find helpful.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our [Discretionary Advice Service](#).

If you have any queries relating to the advice in this letter please contact me at: [tessa.lambert@naturalengland.org.uk](mailto:tessa.lambert@naturalengland.org.uk)

Please consult us again once the information requested above, has been provided.

Yours sincerely

**Subject:** [External] App Ref: UTT/21/3269/DFO: Land To The North West Of Henham Road, Elsenham  
**Date:** 26 November 2021 16:23:14  
**Attachments:** [pitch sizes \(metric\) 2013.pdf](#)

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For the attention of Clive Theobold  
Dear Mr. Theobold

**App Ref: UTT/21/3269/DFO: Land To The North West Of Henham Road, Elsenham (Sport England Ref: PA/21/E/UT/60088)**

Thank you for consulting Sport England on the above application.

**Summary:**

An **objection** is made to the planning application due to a range of issues being raised about the design, layout and management of the proposed sports ground as set out in this response. Advice is provided on solutions for addressing these issues. Advisory comments about the design and layout of the proposed development with respect to active design considerations which are **requested** to be considered before the application is determined.

**Sport England – Non Statutory Role and Policy**

The Government, within their Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities to consult Sport England on a wide range of applications. <https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space>

This application falls within the scope of the above guidance as it relates to the creation of one or more playing pitches.

Sport England assesses this type of application in line with its planning objectives and with the National Planning Policy Framework (NPPF). Sport England's planning objectives are to PROTECT existing facilities, ENHANCE the quality, accessibility and management of existing facilities, and to PROVIDE new facilities to meet demand. Further advice is provided in Sport England's Planning for Sport guidance which can be found here:

<https://www.sportengland.org/facilities-and-planning/planning-for-sport/planning-for-sport-guidance/>.

**The Proposal and Assessment against Sport England's Objectives and the NPPF**

***Sports Ground***

The planning application involves the approval of reserved matters for the residential development on land to the north west of Henham Road in Elsenham that was granted outline planning permission (UTT/17/3573/OP) through appeal in 2020. The development includes a sports ground to the south of the site that has been designed to accommodate a 9v9 junior football pitch, a 5v5 mini football pitch, a NEAP, sports pavilion and an ancillary car park. I would wish to make comments on the following matters:

- **Sports Ground Layout:** While the principle of providing sufficient space to accommodate a 9v9 junior football pitch and a 5v5 football pitch is welcomed, there are the following issues with the proposed layout:
  - **Junior Football Pitch Run-off:** A run-off area to the south of the 9v9 junior pitch is not shown. An unobstructed run-off area of at least 3 metres is required around the whole of the pitch is required for safety reasons. The hedgerow/trees along the southern boundary cannot form part of the run-off area;
  - **5v5 Mini Football Pitch Dimensions:** While the FA no longer uses imperial measurements, the FA's dimensions for a 5v5 mini football pitch are 43 x 33 metres (40 x 30 yards) with a minimum 3m perimeter run-off area. The dimensions shown on the plan are 46 x 50 yards although when measured off the Site Plan appear to be approximately 39 x 27 yards. It would therefore appear that the 5v5 pitch shown would not meet the recommended dimensions (in metres or yards);
  - **Potential 7v7 Mini Football Pitch:** Most sports grounds designed for junior and mini football provide space for accommodating the full range of junior and mini football pitches to provide the flexibility for clubs to meet all of their needs on the same site. While the layout shows a

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9v9 junior and a 5v5 mini pitch, it is unclear whether the layout would offer the flexibility to provide a 7v7 mini pitch instead of a 5v5 pitch if required by the users of the site. It is therefore requested that the site layout shows how a 7v7 pitch could be accommodated as an alternative to a 5v5 pitch if required.

an alternative to a site plan is required.

- **NEAP and Car Park:** To provide more space for accommodating football pitches in order to allow a potential 7v7 football pitch to be marked out and to allow pitch markings to be realigned from season to season to address wear, it is requested that consideration be given to reviewing the siting and size of the NEAP and the siting of the car park. It is unclear whether all of the space shown for the NEAP is required and positioning it next to the football pitches is not ideal because when the football pitches are in use this can create conflicts between the users of the NEAP and the football pitches due to the risk of ball strike from the football pitches. The siting of the car park is set back from the road (Main Avenue) and creates some open space between the road and the car park which does not appear to have any function. Collectively the NEAP and car park siting do not make the most efficient use of the space available and if possible the NEAP should be sited away from the football pitches. A reconfiguration of the NEAP and car park on the east side of the sports ground could help address these matters.

To address the above issues, it is requested that a revised layout of the sports ground is prepared which addresses the above points. Dimensions of pitches should be shown in metres rather than yards and should accord with the attached FA guidance

- **Football Pitch Construction and Design:** No details have been provided with the planning application about the proposed construction and design of the football pitches. In order to assess the suitability of the site to accommodate sports pitches, it will be important that the ground conditions and pitch specification to prepare the site as a playing field are given careful consideration due to the need to understand the implications of topography, soils, drainage, surface preparation etc. Without this there is a risk that the pitches will not be fit for purpose because they will suffer from problems such as waterlogging and uneven surfaces. This matter would usually have been dealt with as a requirement of a planning condition imposed on the outline planning permission but such a condition has not been included. It is therefore requested that a sports pitch feasibility study (undertaken by a sports turf specialist/agronomist) is prepared before the application is determined which would assess the ground conditions of the site and recommend a scheme for preparing the playing fields to the required specification. A detailed construction specification would then be prepared based on the study recommendations. Detailed guidance on the issues that require consideration in a feasibility study is set out in Sport England's guidance 'Natural Turf for Sport' <https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/outdoor-surfaces>. Examples of feasibility studies, details of sports turf consultants etc can be provided upon request. If the Council is of the view that this matter can be addressed through a planning condition being imposed requiring the feasibility study and construction specification to be submitted and approved prior to any construction starting on the sports ground then a model planning condition can be provided upon request.

- **Interim Sports Pitch Maintenance:** Linked to the construction and design, there is a need to ensure that an appropriate maintenance programme for the new sports pitches is put in place to ensure that the pitches are maintained to a suitable standard following their completion prior to handover to the management body. Without this, there is a risk that the quality of the pitches will quickly decline following their completion due to an inadequate or inappropriate maintenance regime being applied. While the section 106 agreement makes provision for a maintenance contribution to fund long term maintenance post handover it does not make provision for interim maintenance by the applicant in advance of the handover. Sport England has experience of local authorities not accepting transfer of sports pitches provided in developments because they have not been adequately maintained during the interim period between construction works being completed and the handover which can sometimes be a considerable time period. To address this, it is essential that an appropriate maintenance programme is delivered by the applicant until the pitches are handed over. It is therefore requested that provision is made for an interim maintenance programme to be prepared which could form part of the above requested playing field construction specification. If the Council is of the view that this matter can be addressed through a planning condition being imposed requiring the interim maintenance programme to be submitted and approved prior to completion of the transfer of the sports ground to the management body then a model planning condition

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can be provided upon request.

- **Ball Stop Fencing:** It is noted that a 2.5 metre chain link fence is proposed around the northern and western boundaries of the sports ground to prevent balls entering the adjoining residential properties and road. While ball stop fencing is welcomed, 2.5m is not considered to be sufficiently high to address ball stop especially behind the goals to the north of the sports ground. The Football Association recommend that 4.5 metre high fencing is provided to provide adequate ball stop. An alternative to fencing is netting or a combination of fencing and netting. It is therefore requested that the height of the proposed fencing is reviewed to address potential residential amenity and highway safety issues arising. A planning condition is also requested that makes provision for the detailed design of the fencing to be submitted and approved.



- **Pavilion and Parking Facilities:** The planning application does not include a floor plan of the proposed pavilion. It is therefore not possible to provide informed advice to the Council on whether the pavilion would meet the specification requirements of the section 106 agreement which are set out in paragraph 5.88 of the Design Compliance Statement. It would not be appropriate to consider the detailed design of the pavilion at a later date through a separate reserved matters application because if the footprint is inadequate for meeting the requirements of the section 106 agreement this may have consequential implications for the layout of the remainder of the sports ground which is being determined through the current application. It is therefore requested that a floor plan is provided to allow an informed assessment to be made. In relation to the car park, the above comments on the siting of the car parking should be considered with a view to maximising the space available for football pitches. Sport England does not provide advice on the quantity of parking provision so it is therefore recommended that the Council considers whether the proposed 25 spaces is adequate for meeting needs
- **Relationship with adjoining Cricket Ground:** The cricket ground to the south of the sports ground has been used in the past by Stansted Hall & Elsenham Cricket Club. This is currently disused for cricket for a number of reasons including the lack of pavilion facilities but the ECB has advised that potential exists for cricket to return to the site in the future. While the applicant has no obligation to design the proposed sports ground to help support the re-establishment of cricket on the adjoining site, the provision of the pavilion and car parking would offer the opportunity to facilitate the re-establishment of cricket which would benefit the residents of the new development which is pertinent given that the proposed sports ground is suitable for football but not cricket. The ECB have therefore requested that the pavilion is designed to support cricket use as well as football use. Sport England and the ECB can provide further guidance on this matter upon request but minor design amendments such as the floor area of the changing rooms can allow the pavilion to be suitable for cricket as well as football. If possible, it is also requested that the layout of the sports ground is designed to facilitate a potential pedestrian access through the hedgerow that separates the sites.
- **Facility Management:** It is understood that following completion of the sports ground, it would be transferred to either Elsenham Parish Council, Henham Parish Council or Uttlesford District Council. It is considered essential that in view of the issues raised above, the views of these bodies in their potential capacity as the future management body of the sports ground are taken into account as decisions taken on the design and layout of the sports ground will have implications of the long term management and sustainability of it.

It is considered that all of the issues raised above require consideration and addressing before the planning application is determined. Without this, the proposed sports ground may not be fit for purpose from a design perspective and may not be responsive to the needs of the community it is intending to serve. There may also be implications for its operational sustainability over a long term period. In view of the range of issues raised above, an **objection** is made to the planning application. I would be willing to review this position if the issues identified above were considered and appropriately addressed as part of the planning application. In view of the range of issues raised above, I would encourage the applicant to discuss the proposals with Sport England before making any amendments to the application as further advice can be provided and any queries can be answered.

to answer.

### **Active Design**

Sport England, in conjunction with Public Health England, has produced 'Active Design' (October 2015) <https://www.sportengland.org/facilities-planning/active-design/>, a guide to planning new developments that create the right environment to help people get more active. The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active Design principles are aimed at contributing towards

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the Government's desire for the planning system to promote healthy communities through good urban design which is consistent with section 8 of the NPPF. Sport England commends the use of the guidance in the master planning process for new residential developments. It should also be noted that the current version of the Essex Design Guide (February 2018) <https://www.essexdesignguide.co.uk/> has embedded the Active Design principles into the guide. The development proposals offer opportunities for incorporating the active design principles and some of the proposals are welcomed and considered to be consistent with the principles. During consideration of the planning application, it is recommended that particular consideration is given to the following matters:

- The pedestrian access to key facilities such as Elsenham Station and bus stops is welcomed. The connection point and supporting pedestrian route to Elsenham Station has also been designed considerably with dwellings overlooking the footpath within the site area to provide natural surveillance and use of street lighting to create a safer environment at night. Furthermore, urban design principles such as permeable development blocks with dwellings fronting the public realm, use of focal buildings, openness and enclosure and the use of materiality on dwellings and shared surfaces, combine to provide a legible, attractive and safe environment for pedestrians. The majority of car parking is on plot, removing cars from the public realm to reduce the dominance of cars. A hierarchy of streets has been applied with a good network of footpaths and pedestrian cycle connections included within the street typologies. However, there is a large amount of 'primary route' in the central and northeast part of the site and we would suggest that some of these streets be downgraded to secondary streets to provide streets that are smaller in size and more focused on pedestrian movement as oppose to vehicular routes.

- There does not appear to be a travel plan included within the proposals and we would request that one is developed to assist with the promotion of active travel opportunities for the site. An important feature of travel plans include welcome packs which provide information on walking and cycling for future residents. This is a simple way to encourage active travel and form new habits to reduce car use as residents move into the site. As the design of the of the school and sports pavilion are developed, we would expect to see supporting cycle equipment such as secure cycle parking, showers and lockers included to encourage users and employees to cycle to the facilities.
- The central location of the LEAP is welcomed and it provides natural surveillance to make space attractive and usable. The open space strategy includes a 'playable landscape' approach with formal play spaces, pedestrian routes that offer a varied activity network utilising landform and natural features. To enhance this aspect of the scheme, informal play and exercise features should be added along the green routes, features such as naturalistic play equipment and trim trail workout equipment would encourage further activity for instance.
- The Building for a Healthy Life Assessment states that rest stops will be provided along the green routes within the scheme to assist visitors with mobility issues and encourage people to connect with nature. However, the landscape proposals appear to only show two benches in the LEAP. To comply with this ambition we would expect to see further benches added to the scheme in key areas such as the green routes, attenuation basin footpaths, the primary school and sports pavilion.
- Potential exists for greater connectivity between the various green spaces proposed within the development and for the creation of a circular footpath around the development for walking and running. For example, there does not seem to be any pedestrian linkages between the central village green, the attenuation basin to the south west of the site and the sports ground. The same would apply to the links between the central village green and the attenuation basin to the north west of the site. There is the potential to connect them up through creating a green link around the western periphery of the site but this opportunity has not been taken. A footpath could connect them all to provide a chain of green spaces for recreational use but instead they would appear to be a series of self-contained green spaces. While there appears to be a continuous footpath around the periphery of the east and north of the development this does not extend to cover the other parts of the development to create a loop;
- It is positive to see integration of landscaping and some integration of SuDS within the site, particularly the eastern attenuation basin has a footpath that activates the space and enables

users to access the amenity benefits of SuDS features. Information boards and viewing platforms should be used to enhance the amenity value of these SuDS features. The attenuation basins to the north west and south west of the site should be supported by circular footpaths and seating to encourage residents to walk to them and around them for informal recreation as the basins provide an additional opportunity for informal recreation. The attenuation basin to the east of the site should be supported by seating at key points on the perimeter footpath;

- The central village green should provide an open area not constrained by landscaping, ponds etc that can be used for community events as this will encourage residents to visit the green for activities;
- Cycle parking should be considered in prominent locations at the front of properties rather than in rear gardens to encourage cycle use.

I hope that these comments can be given full consideration when a decision is made. I would be happy to discuss the response with the local planning authority and/or the applicant as the determination of the application progresses. Please contact me if you have any queries. We would be grateful if you would advise us of the outcome of the application in due course by forwarding a copy of the decision notice.

Yours sincerely