



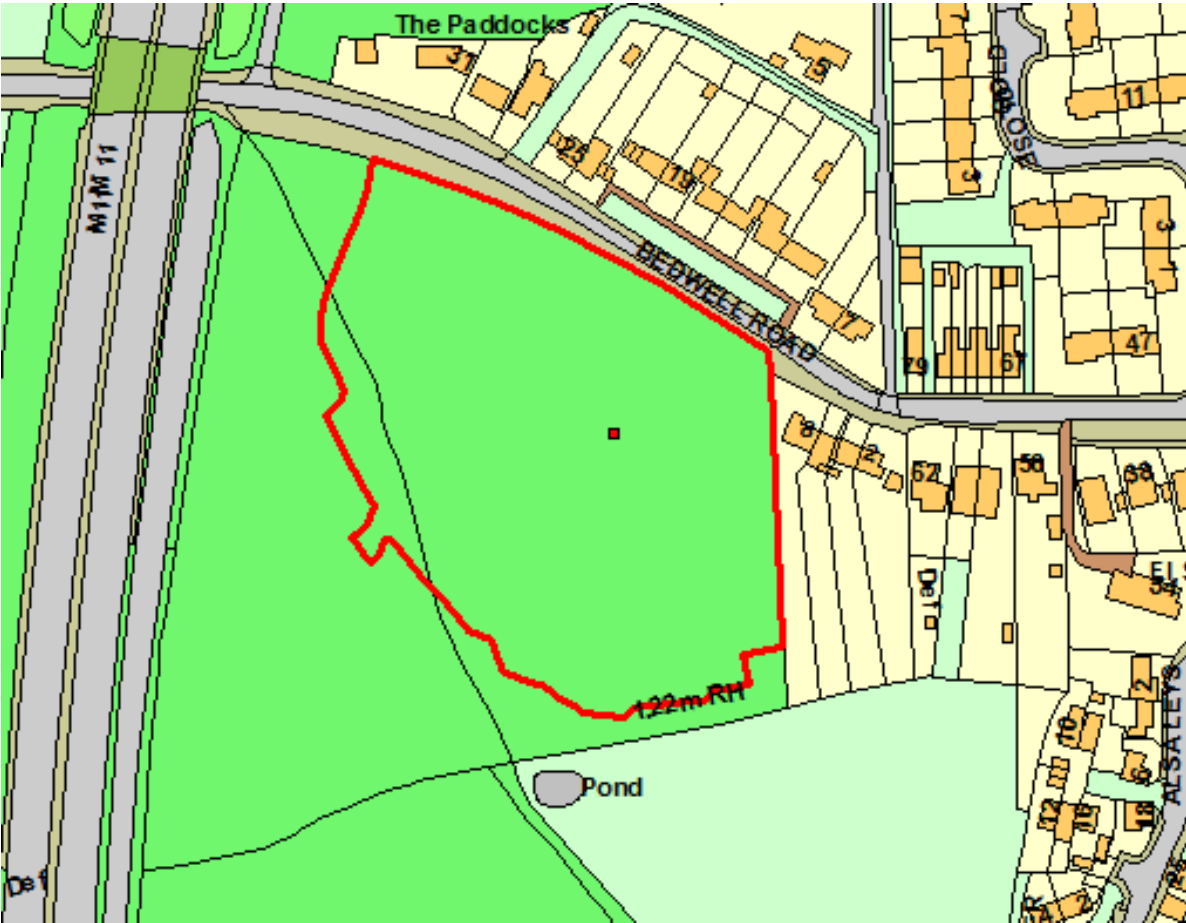
ITEM NUMBER: 7

PLANNING COMMITTEE DATE: 6 July 2022

REFERENCE NUMBER: UTT/20/2908/OP

LOCATION: LAND SOUTH OF BEDWELL ROAD, UGLEY

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 14 April 2022

PROPOSAL: Outline application for up to 50 market and affordable dwellings, public open space and associated highways and drainage infrastructure - all matters reserved except access.

APPLICANT: Rochester Properties Ltd, J F C Sergeant and J F M Anderson

AGENT: Pegasus Group

EXPIRY DATE: 16 February 2021

EOT Expiry Date:

CASE OFFICER: Patricia Coyle

NOTATION: Outside Development Limits; Minerals Safeguarding Area; Archaeological Area; M11 Consultation Zone; SSSI Consultation Zone

REASON THIS APPLICATION IS ON THE AGENDA: Major Development

1. EXECUTIVE SUMMARY

- 1.1** This application was deferred at the Planning Committee meeting on 8 June 2022 to enable a Member Site Visit to take place and for further discussions and clarification to be undertaken on Noise, Air Pollution and the Parish Council request for a contribution. This report has been amended to reflect the outcome of these discussions.
- 1.2** Planning permission is sought for an outline application for up to 50 market and affordable units within a former agricultural field which abuts the M11.
- 1.3** It is considered that on balance there are no significant adverse impacts that would outweigh the benefits of development. Furthermore, the titled balance is engaged in favour of housing.

2. RECOMMENDATION

That the Director of Planning be authorised to **GRANT** permission for the development subject to those items set out in section 17 of this report –

- A) Heads of Terms
- B) Conditions

And

If the freehold owner shall fail to enter into such an agreement, the Director Planning shall be authorised to **REFUSE** permission following the expiration of a 6-month period from the date of Planning Committee.

3. SITE LOCATION AND DESCRIPTION:

- 3.1 The application site measures approximately 1.4ha and is located on the southern side of Bedwell Road, to the east of the M11. Elsenham train station is located to east of the site along Bedwell Road.
- 3.2 The site is a former agricultural field now comprising scrub. The site falls towards the north-eastern part of the site. To the east and north of the site are existing residential properties. To the west is Alsa Wood which contains a Public Right of Way (PROW) running north to south, beyond which is the M11 which is elevated over Bedwell Road.
- 3.3 Beyond the houses to the north of the application site is the location of the Gladman scheme which was recently refused planning permission and dismissed on appeal.
- 3.4 The application site is located outside of the development limits, within a minerals safeguarding area and is an archaeological site. The application site is also within the M11 motorway consultation area, the SSSI consultation area. Alsa Wood which is Important Woodland.

4. PROPOSAL

- 4.1 Outline Planning permission is sought for up to 50 market and affordable dwellings, public open space and associated highways and drainage infrastructure. Only access is to be determined at this stage with all other matters reserved.
- 4.2 The proposal would provide 40% affordable housing.
- 4.3 While siting, scale, layout, appearance are matters to be determined at the later, reserved matters stage, the noise mitigation measures would require a barrier of 12m in height to the western side of the application site between the site and the M11. The applicants propose to provide the noise mitigation measures as a block of flats or townhouses with a pitched roof; they indicate that this could be either 3-storey or 2 1/2 -storey with accommodation in the roof space. Details of the exact location, appearance etc. would be provided at the detailed application stage.

5. ENVIRONMENTAL IMPACT ASSESSMENT

- 5.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017; as such the outline application did not require an Environmental Impact Assessment.

6. **RELEVANT SITE HISTORY**

- 6.1 None.

7. **PRE-APPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

- 7.1 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:

18th September 2021 a leaflet setting out the development proposals was delivered to properties in the immediate vicinity of the site. The leaflet directed the public to the developer's website.

18th September 2021 details sent to the clerk of the parish councils at Elsenham and Ugley

- 7.2 No Pre-application discussions with officers from Uttlesford District Council were held.

8. **SUMMARY OF STATUTORY CONSULTEE RESPONSES**

8.1 **Highway Authority**

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

- 8.1.2 The location of the site to the north of the village is such that the journey to Stansted Mountfitchet quicker via the Pound Lane and the B1383 route than Stansted Road and Grove Hill so the impact on this junction will be very limited. There will be an impact to the west of the site on Pound Lane, but this is also limited. This is estimated as an additional 5 trips eastbound and 14 westbound in the morning peak and 12 trips eastbound and 5 westbound in the evening peak hour which will not have a significant impact on the road.

- 8.1.3 A contribution to the bus service and bus infrastructure is being sought to improve the bus service between Elsenham, Stansted Mountfitchet, Stansted Airport and Bishops Stortford. This is part of the developing

strategy for Elsenham to improve the service to half hourly and extend morning and evening services. There is the opportunity to extend the service along Bedwell Road down the B1383 to Stansted Mountfitchet, a possible variant of the current service, providing Bedwell Road with an hourly service (2 hourly on Sundays) and collectively providing the village with a half hourly day time service. If this is taken forward a bus stop will be provided on Bedwell Road to decrease walking distances.

8.1.4 In order to facilitate walking a contribution to mitigate the impact on the footpath network has been sought as a link into the developments below is made via footpaths 13/31 and a condition to improve 51/29 within the site.

8.2 Health and Safety Executive

8.2.1 HSE is a statutory consultee for certain developments within the consultation distance of major hazard sites and major accident hazard pipelines and has provided planning authorities with access to the HSE Planning Advice Web App - <https://pa.hsl.gov.uk/> - for them to use to consult HSE and obtain our advice. As the proposed development does not lie within the consultation distance of a major hazard site or major accident hazard pipeline, there is no need to consult HSE on this application, and HSE therefore has no comments to make.

8.3 National Highways

8.3.1 No objection

8.4 Local Flood Authority

8.4.1 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:

8.5 Environment Agency

8.5.1 No response.

8.6 Natural England

8.6.1 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.

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

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

8.7 Sport England

8.7.1 Out of Remit.

Thank you for consulting Sport England on the above application.

The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG)

Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case but would wish to give the following advice to aid the assessment of this application.

General guidance and advice can however be found on our website:

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-forsport#_planning_applications

9. PARISH COUNCIL COMMENTS

9.1 Elsenham Parish Council have objected on the following grounds:

1. Introduction
2. Housing Volume
3. Public Open Spaces
- 4, Affordable Housing Units
5. Height, Massing and Noise Mitigation
6. Housing Mix

7. Housing Commitments in Elsenham from 2011
8. Parking
9. Economic Benefit
10. Environmental Benefit
11. Landscape
12. Woodland
13. Footpaths
14. Poor Air Quality
15. Archaeological Site
16. The Needs of the Local Community
17. Section 106 – £119,231.00 contribution towards community hall provision

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer

The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 ha or 15 or more units. The affordable housing provision on this site will attract the 40% policy requirement as the site is for 50 units. This amounts to 20 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

It is also the Councils' policy to require 5% of the whole scheme to be delivered as wheelchair adaptable (building regulations, Part M, Category 3 homes) as well as 5% of all units to be fully wheelchair accessible bungalows delivered as 1- and 2-bedroom units. This would amount to 3 bungalows across the whole site delivered as 1 affordable one-bedroom bungalow and 2 market sale bungalows.

The mix and tenure split of the affordable properties are given below; this mix should be indistinguishable from the market housing, with good integration within the scheme and be predominately houses with parking spaces.

Homes should meet the following standards: 1 bed property house 2 people, 2 bed properties house 4 persons and 3 bed properties house 5 persons.

	1 bed	1 bed bungalow	2 bed	3 bed	total
Total affordable properties (number)	3	1	9	7	20
Affordable rent	2	1	6	5	14
Shared ownership	1	0	3	2	6

The affordable housing provision proposed within the application would predominantly provide flats rather than houses and would be clustered in one corner of the development, is not well integrated and given that 3 storeys are proposed a lift would be required as it exceeds 2 storeys. A service charge for maintenance and servicing of the lift would therefore be likely to be required.

The affordable housing provision proposed does not include any bungalow provision which is disappointing. Undercroft and courtyard parking is proposed for much of the affordable housing which in the case of the undercroft parking in particular is not particularly favourable.

I request that these matters are taken into account when deciding upon this application

10.2 ECC Minerals and Waste

Thank you for your email received 18 November 2020 consulting the Mineral and Waste Planning Authority on the above application.

The Mineral Planning Authority has no comment to make in relation to this application as the area of the proposed development site located within the sand and gravel Mineral Safeguarding Area is below the minimum Minerals Local Plan 2014: Policy S8 threshold of 5ha.

10.3 UDC Environmental Health

10.3.1 Original Comments:

There are no material reasons in relation to noise why the proposed scheme should not receive outline approval. However, given that the development site is currently within the outline stage, and considering the detail contained within the supporting documentation, it is recommended that the principles of good acoustic design be adopted within the final masterplan to include the positioning of buildings and fences to maximise the screening effects, internal layout design, glazing and ventilation specifications.

Therefore, an additional noise report should be submitted as part of any subsequent planning application, including full and detailed plans, specifications, and noise mitigation measures, to demonstrate how the internal and external noise target levels given in BS 8233: 2014. We would expect the approach to have regard to the guidance contained in ProPG; Planning and Noise guidance, furthermore we would expect any internal noise calculations to be done in accordance with the more rigorous approach detailed in Annex G2.1 of BS 8223;2014.

It should be noted that it may be necessary to amend the overall proposed layout and or number of properties if the noise target values cannot be achieved, particularly in the garden areas.

10.3.2 Comments following Committee deferral:

Noise

From the details submitted in the outline application and the initial noise assessment report it has been demonstrated that it is possible to develop the proposed 50 units and meet the required internal and external noise levels. This is with the proviso that further detail of design and specification is submitted at the reserve matters stage. The desired noise levels in the external amenity levels are primarily met by using the three storey elements of the development as acoustic screening. If this is not going to be part of the permitted scheme, then the alternative would be to have some form of acoustic barrier between the development and the M11. The most effective would be close to the carriageway, however the applicant has indicated that this was considered but initial modelling showed that this was not an effective option as the carriageway at this point is elevated but these calculations were not included in the submitted noise assessment. Any alternative effective barrier is likely to be of a significant height and its effectiveness would need to be calculated.

Air Quality

To clarify there was no Air quality report undertaken or submitted in relation to this site. This was discussed with a member of the Environmental Health team at an early stage, and it agreed that as there was sufficient existing information regarding air quality from previous surveys undertaken for applications at adjacent sites an additional assessment was not considered necessary. I will need to revisit the previous assessments to consider the rationale behind the advice and whether particulate matter was considered or is a relative consideration. Notwithstanding this I note that the air quality impacts from the construction phase were not considered, and a construction management plan will need to be conditioned.

10.4 ECC Infrastructure

10.4.1 Thank you for providing details of the above planning application. From the information I have received, a development of this size can be expected to generate the need for up to 4.50 Early Years and Childcare (EY&C) places; 15.0 primary school, and 10.00 secondary school places. Please note that any developer contribution figures referred to in this letter are calculations only, and that final payments will be based on the actual dwelling unit mix and the inclusion of indexation.

Early Years and Childcare:

The proposed development is located within the Stort Valley Ward. According to Essex County Council's childcare sufficiency data, there is one provider of early years and childcare in the area. For Essex County Council to meet its statutory duties it must both facilitate sufficient places

to meet free childcare entitlement demand and also ensure a diverse range of provision so that different needs can be met. The data shows insufficient places to meet the demand from this proposal.

An additional 4.50 places would be provided at an estimated total cost of £77,706.00 at January 2020 prices. This equates to £17,268.00 per place and so, based on the demand generated by this proposal as set out above, a developer contribution of £77,706.00, index linked to January 2020, is sought to mitigate its impact on local EY&C provision.

Primary Education:

This development sits within the priority admissions area of Henham and Ugley Primary School but, since it is on the edge of Elsenham, Elsenham CE Primary School would be more accessible to residents. Both schools currently have some surplus capacity, but I am cognisant of the proposal for 130 homes west of Hall Road (UTT/19/0462/FUL) which, if approved, would also put pressure on these schools. According to our latest forecasts, schools in Uttlesford Primary Group 2 (Stansted) can be expected to be full in Reception by 2030.

A project to provide sufficient school capacity is proposed that would add 15 places. The estimated cost of the project is £259,020.00 at January 2020 costs. This equates to £17,268.00 per place and so, based on the demand generated by this proposal as set out above, a developer contribution of £259,020.00, index linked to January 2020, is sought to mitigate its impact on local primary school provision.

Secondary Education:

With regards to secondary education, the Priority Admissions Area school for the development would be the Forest Hall School. Although the school is not currently full, there are already more Essex children for whom this is their closest option than there are places. The school has recently increased its Published Admission Number from 112 to 132 but our latest forecasts suggest that action may be required, around 2026, to add further capacity.

A project to provide sufficient school capacity is proposed that would add 10 places. The estimated cost of the project is £237,750.00 at January 2020 costs. This equates to £23,775.00 per place and so, based on the demand generated by this proposal as set out above, a developer contribution of £237,750.00, index linked to January 2020, is sought to mitigate its impact on local secondary school provision.

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

Libraries:

Essex County Council may seek contributions to support the expansion of the library service to meet customer needs generated by residential developments of 20+ homes.

The provision of a Library Service is a statutory duty under the 1964 Public Libraries and Museums Act and it's increasingly become a shared gateway for other services such as for accessing digital information and communications.

In this case the suggested population increase brought about by the proposed development is expected to create additional library usage. In accordance with the Essex County Council Developers' Guide to Infrastructure Contributions (Revised 2020), a contribution is therefore considered necessary to improve, enhance and extend the facilities and services provided, at a cost of £244.92 and £77.80 per unit, respectively. Improvements could include, but is not limited to, additional facilities, additional furniture, provision of learning equipment / play equipment for younger children, improved access, external works such as parking and bike racks and IT.

In this case, and taking the above into account, it is calculated that a contribution of £12,246.00 or £3,890.00 is requested and should be included in any Section 106.

10.5 Place Services (Ecology)

10.5.1 No objection subject to securing biodiversity mitigation and enhancement measures

Summary

We have reviewed the Preliminary Ecological Appraisal (Southern Ecological Solutions, July 2020), Updated Invertebrate Survey and Assessment (Hopkins Ecology, August 2021), Breeding Bird, Foraging Bat & Reptile Survey report (Geosphere, September 2021) and Outline Mitigation and Enhancement Strategy (Geosphere, September 2021) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats.

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

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

We note that the development site is situated within the 14.6km evidenced Zone of Influence for recreational impacts at Hatfield Forest Site of Special Scientific Interest (SSSI)/National Nature Reserve (NNR) as shown on MAGIC map (www.magic.gov.uk). Therefore, Natural

England's letter to Uttlesford DC relating to Strategic Access Management and Monitoring Strategy (SAMM) – Hatfield Forest Mitigation Strategy (28 June 2021) should be followed to ensure that impacts are minimised to this site from new residential development.

As a first step towards a comprehensive mitigation package, the visitor management measures required within Hatfield Forest SSSI / NNR have been finalised in a Hatfield Forest Mitigation Strategy. Natural England are now working with the LPA to consider what level of developer contribution towards a package of funded Strategic Access Management Measures (SAMMs) at Hatfield Forest is appropriate for all residential development within the evidenced Zone of Influence. Natural England's advice is that during this interim period before a co-ordinated strategic solution has been established by all authorities, housing projects of 50 units or greater should provide a proportionate mitigation contribution to be agreed with the National Trust.

As this application contains 50 units, a financial contribution should be provided towards the delivery of off-site SAMM for Hatfield Forest SSSI/LNR, which will need to be secured via a legal agreement.

The mitigation measures identified in a final version of the Mitigation and Enhancement Strategy (based on Geosphere, September 2021) should be secured by a condition of any consent and implemented in full. The presence of Barbastelle bats on site will require details to ensure connectivity of habitat for this Appendix II and European Protected Species is maintained for foraging and commuting.

This is necessary to conserve and enhance protected and Priority species particularly bats, Badger, nesting birds, reptiles, invertebrates and Priority species (Hedgehog, Harvest Mouse, Common Toad etc.).

It is noted that Biodiversity net gain calculations resulted in a net loss of habitat units (-7.17) and that off site mitigation will be required to achieve a biodiversity net gain at the site.

We also support the proposed reasonable biodiversity enhancements including the inclusion of bat and bird boxes, log piles, reptile hibernacula as well as wildlife-friendly planting within the development and a woodland management plan for the retained woodland, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021). The reasonable biodiversity enhancement should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006. Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013.

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

10.6 Place Services (Archaeology)

10.6.1 The proposed development lies within an area of known archaeological remains. The following recommendation is in line with the new National Planning Policy Framework. RECOMMENDATION: An Archaeological Programme of Trial Trenching followed by Open Area Excavation

1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above.

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

Reason for Archaeological Recommendations The Historic Environment Record shows that recent excavations to the south of the proposed development found evidence of a medieval settlement, and indications of Late Iron Age and Roman occupation with features including pits and ditches (EHER 48393). Within the area of the proposed development fieldwalking has identified prehistoric artefacts and medieval pottery (EHER 4694). There is therefore the potential for the presence of prehistoric, Roman and medieval remains within the proposed development area. The archaeological work would comprise initial trial trenching to identify the extent and depth of archaeological deposits followed by open area excavation if archaeological deposits are identified. All archaeological work should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by this officer.

10.7 Crime Prevention Officer

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

We do note that within the Design and Access Statement there is a reference to 'Secured by Design Principles' an intention that could be reinforced by a desire to achieve a Secured by Design award.

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

10.8 NATS Safeguarding

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

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

10.9 National Trust East of England

10.9.1 The proposed development is approximately 5.6km from the SSSI, National Nature Reserve areas and ancient woodland of Hatfield Forest which extends over 424 hectares, including Wall Wood and Woodside Green. The area has been owned and managed by the National Trust since 1924. Of greatest significance is that Hatfield Forest is the finest surviving example of a small Medieval Royal Hunting Forest. The Forest's ecological and historic importance is reflected in its designations - for its considerable ecological significance and especially for its veteran trees and old growth woodland on undisturbed soils.

On-Site Mitigation - On-site measures which would help relieve the pressure on Hatfield Forest should be provided. These should take the form of: - High-quality, informal, semi-natural areas, to be provided prior to first occupation of the dwellings;

Any other on-site mitigation as advised by Natural England.

Off-Site Mitigation

A financial contribution of £7575 to the National Trust for use at Hatfield Forest towards visitor and botanical monitoring and mitigation works.

10.10 MAG

10.10.1 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no aerodrome safeguarding objections to the proposal subject to the following Conditions:

During construction, robust measures must be taken to control dust and smoke clouds.

Reason: Flight safety – dust and smoke are hazardous to aircraft engines; dust and smoke clouds can present a visual hazard to pilots and air traffic controllers.

During construction, robust measures to be taken to prevent birds being attracted to the site. No pools of water should occur and prevent scavenging of any detritus.

The drainage swales must be designed to be generally dry (with an underdrain if necessary) and hold water only during and immediately after an extreme rainfall event. Any changes to the drainage scheme must be discussed with the aerodrome safeguarding authority prior to construction.

Reason: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using STN.

No lighting directly beneath any installed roof lights that will emit light upwards – only downward facing ambient lighting to spill from the roof lights upwards – ideally, automatic blinds to be fitted that close at dusk.

All exterior lighting to be capped at the horizontal with no upward light spill.

Reason: Flight safety - to prevent distraction or confusion to pilots using STN.

No reflective materials to be used in the construction of these buildings. (*please liaise with STN to check).

Reason: Flight safety - to prevent ocular hazard and distraction to pilots using STN.

No solar photovoltaics to be used on site without first consulting with the aerodrome safeguarding authority for STN.

Reason: Flight safety - to prevent ocular hazard and distraction to pilots using STN.

11. REPRESENTATIONS

- 11.1 Site notice/s were displayed on site and 203 notifications letters were sent to nearby properties. A press notice was also issued.
- 11.2 **Objections:**
- 11.2.1 Unacceptable level of growth that would turn the village into a town
- 11.2.2 Unacceptable increase in traffic on narrow country lanes resulting in likely traffic congestion, accidents and danger to other road users including horses, cyclists and pedestrians
- 11.2.3 There is no need for housing here as sufficient housing has already been provided
- 11.2.4 There would be a loss of countryside/rural character/wildlife/trees/green space etc contrary to policy
- 11.2.5 There is inadequate public transport, infrastructure, services, community provision etc. such that the proposal cannot currently be supported
- 11.2.6 The development would be unsustainable and would not meet CO2 emissions reduction requirements
- 11.2.7 Increase in likely flooding and concerns raised that sustainable drainage cannot be provided
- 11.2.8 The proposal will result in air quality issues arising
- 11.2.9 Other, brownfield, sites are available and should be used first
- 11.2.10 The proposal would have an adverse impact on the ancient woodland, Alma Wood
- 11.2.11 Contrary to Policy S7/not an allocated site in 2016 draft Local Plan

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,;

- (aza) 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)

13. 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
ENV3 - Open Space and Trees, Policy
Policy - 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) Design & Character**
- E) Climate Change**
- F) Trees & Landscaping**
- G) Highways**
- H) Environmental health**
- I) Flooding**
- J) Infrastructure**
- K) Planning Balance**

14.3 A) Principle of development

14.3.1 Planning history

14.3.2 The nearby Gladman scheme was dismissed on appeal, however it is noted that this site was between a railway on one side and the M11 on the other side. The Inspector did not consider that the harm to the countryside and lack of connectivity significantly impacted on the scheme. However, the impact of noise on the amenity of future occupiers was the main reason the appeal was dismissed.

14.3.3 Loss of agricultural land

The proposed development would result in the loss of an agricultural field. Policy ENV5 states that where development of agricultural land is required, developers should seek to use areas of poorer quality unless sustainability considerations suggest otherwise.

14.3.4 The site comprises principally of two agricultural fields which includes 3.8ha of grade 2 quality agricultural land and 13.1ha of subgrade 3a land as demonstrated in the submitted application. Annex 2 (glossary) of the NPPF describes Best and Most versatile land as 'land in grades 1, 3 and 3a of the Agricultural Land Classification'.

Most of the agricultural land within Uttlesford District is classified as best and most versatile land. Indeed, most of the sites that are being identified for development within the emerging Local Plan are on such land. The Council accepts that it is inevitable that future development will probably have to use such land as the supply of brownfield land within the district is very restricted. Virtually all the agricultural land within the district is classified as Grade 2 or 3 with some small areas of Grade 1.

14.3.5 The site is outside the development limits as defined by the Proposals Map and is therefore located within the countryside where ULP Policy S7 applies. This states that the countryside will be protected for its own sake and that planning permission will only be given for development that needs to take place there or is appropriate to the rural area, with development only being permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

14.3.6 The National Planning Policy Framework (NPPF 2021) applies a presumption in favour of sustainable development. Development will only be permitted if the appearance of the development protects or enhances the particular character of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. In any case, paragraph 80 of the NPPF seeks to avoid isolated homes in the countryside unless there are special circumstances. In this regard, housing site should be within or adjacent to existing settlements to prevent sporadic development in the countryside.

14.3.7 As such the development should be assessed against the three strands of sustainable development (social, economic and environmental).

14.3.8 Social: The site as proposed is in close proximity to Elsenham Station.

Economic: The development will deliver an economic role by the creation of employment during the construction phase and the occupier(s) of the houses would contribute to the local economy in the long term, as such there would be a positive economic benefit.

Environmental: The site is outside of the development limits and currently comprises agricultural land. The proposed development would result in a built-up form which could be minimised to limit harm to the countryside.

Therefore, a balanced approach should be applied in the assessment of the proposed development and whether the potential harm the development might cause 'significantly and demonstrably' outweighs the potential positive outcomes of the development as a whole. It is considered that the poor connectivity of the site would render the scheme unsustainable.

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 housing land supply currently 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).

14.4.3 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.

The housing mix is not clear from the submitted indicative plans; however it is indicated that the housing mix is as follows:

1 x one bed
31 x Two bed
18 three bed

14.5.2 95% of the properties will be M4(2) and 6 units will be M4(3) bungalows. All of the houses across the site would meet the minimum size standard of the Nationally Described Space Standard. Amendments to the scheme have been made as requested by the Housing and Enabling Officer to enable the affordable and market housing mix to meet the need identified within the SHMA 2017 and the inclusion of both market and affordable bungalows is welcomed.

14.5.3 Policy H9 states that the Council will seek to negotiate on a site-to-site basis an element of affordable housing of 40%. Policy H9 states that the Council will seek to negotiate on a site-to-site basis an element of affordable housing of 40%. The applicant has proposed 40% affordable housing, however there is concern raised by the Housing and Enabling Officer that the offer would be concentrated within a particular area and would wholly comprise flatted units. It is considered that the affordable housing should be tenure blind and distributed evenly thorough the site. Furthermore, a mix of units should be provided to meet the immediate affordable housing need. Such details will need to be shown at the details stage (in the DFO application). Should the scheme be recommended for

approval, affordable housing provision would form part of a S106 legal agreement.

14.6 DESIGN AND CHARACTER

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.

14.6.2 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. 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.

Amenity space

14.6.3 From the illustrative plans submitted, it is considered that there is sufficient space on site to accommodate the dwellings whilst meeting the provisions of the Essex Design Guide and providing sufficient separation and spacing between dwellings within the site and outside of the site. However, this matter is for further consideration under any future reserved matters application.

Scale, layout, detailing (as shown on illustrative plans)

14.6.4 The proposed illustrative development would comprise two-character areas: the 'formal centre' and the 'park edge'. The applicants indicate that there would be a formal centre comprising the heart of the development formed around the main street. And that the park edge would form a "doughnut" located on the outer edges of the development.

14.6.5 The parameter heights of the buildings would be predominately two-storeys with some single storey bungalows. It is also proposed that there would be 3-storey terracing to the rear (west/south-west). It is considered that a terrace to the rear and 3-storey height upto 12m above ground level would not impact on the streetscene given its rear location with lower housing forms in advance while performing the dual role of mitigating noise from the M11, forming a solid barrier.

14.6.6 The properties proposed comprise semi-detached, detached and short terraces extending two-stories and the three-storey element would be a single long block.

14.6.7 Details of the elevations and treatment have been proposed however given that this is an outline application, this will be dealt with by means of access.

- 14.6.8** The separation distances afforded between facing habitable room windows within the proposed development itself would, if adhered to in the reserved matters submission, be satisfactory, preventing a loss of privacy and provide suitable daylighting. Details will need to be assessed fully at the details stage.
- 14.6.9** Dwellings are proposed to have access to amenity space which is secure and useable.
- 14.6.10** Therefore, the illustrative plans show that it would be possible to comply with Policies GEN2 and GEN4 in relation to the level of amenities for future occupiers. However, further assessments will need to be made at the details stage in this respect and also in respect of the impact on existing occupiers' residential amenities.

14.7 E) CLIMATE CHANGE

- 14.7.1** 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.

The NPPF seeks to ensure that new development should avoid increased vulnerability arising from climate change. More so, developments should help to reduce greenhouse gas emissions.

- 14.7.2** The applicant has proposed the following sustainability measures: fabric first principles, energy efficient appliances and lighting, water efficiency measures. It is observed that no renewable energy sources are proposed however the proposal will need to meet minimum building regulation requirements which were updated on 15th June 2022.

14.8 F) TREES AND LANDSCAPING

- 14.8.1** 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** 100m² of natural play space has been proposed on the periphery of the site adjacent to the woodland. This will be along a trim trail path. The PROW is proposed to be enhanced and there would be provision of a direct link to Alsa Woods.
- 14.8.3** It is considered that the play areas and open space are limited on the site, albeit the site is in close proximity to Alsa Woods and communal and private amenity space provision is compliant with the Essex Design Guide.

- 14.8.4** 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'
- 14.8.5** Natural England raised no objection subject to providing sufficient mitigation. However, they state "... *notwithstanding the current (draft) status of the developing Mitigation Strategy, Natural England would anticipate that mitigation measures, such as an appropriate financial contribution towards measures within Hatfield Forest SSSI/NNR are sought to ensure compliance with the above referenced local and national policies*". An offsite contribution towards Hatfield Forest SSSI/NNR would need to be calculated and included within the S106 legal agreement.
- 14.8.6** The applicant proposes the following biodiversity measures: habitat retention; new boundary hedgerow and tree planting; the provision of bird boxes; woodland and hedgerow planting.
- 14.8.7** Subject to the recommended conditions, the application proposal is considered to accord with ULP Policy GEN7 and the NPPF.
- 14.8.8** 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.
- 14.8.9** The design ethos is centred on interpreting local patterns to create a *simple minimalistic architectural language*. Symmetry and regularity are main features in the design. Articulation is proposed through the use of canopy's, porches, gables, bays and dormers. This is nonetheless subject to the details application.
- 14.8.10** In general terms, the proposed design ethos for the development 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.

14.9 G) HIGHWAYS

- 14.9.1** 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.

14.9.2 The Highways Authority consider the site to be sustainable on the basis that mitigation is provided. On this basis the parking provide is considered to be adequate.

14.9.3 The main access if provided on Bedwell Road. The Highway Authority state *“The location of the site to the north of the village is such that the journey to Stansted Mountfitchet quicker via the Pound Lane and the B1383 route than Stansted Road and Grove Hill so the impact on this junction is will be very limited. There will be an impact to the west of the site on Pound Lane but this is also limited. This is estimated as an additional 5 trips eastbound and 14 westbound in the morning peak and 12 trips eastbound and 5 westbound in the evening peak hour which will not have a significant impact on the road”*.

The Highways Authority consider that the impact of the proposed development would have a limited impact on the highway as such the development meets the requirements of GEN1.

14.9.4 In order to facilitate walking a contribution to mitigate the impact on the footpath network has been sought as a link into the developments below is made via footpaths 13/31 and a condition to improve 51/29 within the site. In addition, a contribution to the bus service and bus infrastructure is being sought to improve the bus service between Elsenham, Stansted Mountfitchet, Stansted Airport and Bishops Stortford.

14.9.5 Policy GEN 8 applies appropriate car parking standards which include minimum cycle spaces and maximum vehicle spaces. The applicant complies with these standards through the provision of 1 parking space and cycle space for one-bedroom units; 2 parking spaces for two and three bedroom units and two cycle spaces; and three parking spaces and three cycle spaces for four bedrooms plus

14.9.6 The parking provision is considered acceptable given the sustainable location of the site, including the enhancement and provision of pedestrian links and enhanced public transport. Electrical Vehicle Charging Points are required; as of 15 June 2022, the Building Regulations requires the provision of EV Charging points for new development where the Building Notice was not submitted prior to that date.

14.10 H) ENVIRONMENTAL HEALTH

14.10.1 Noise

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

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

The submitted Noise Impact Assessment found that the site as subject to environmental noise from the nearby M11 motorway which is elevated over Bedwell Road. The applicants propose to provide a 12m high, three-storey residential block to the western part of the site to provide a noise mitigation barrier.

The Environmental Health Officer has reviewed the Noise Impact Assessment and had no objection on noise grounds on the basis that the mitigation measures – the implementation of a 3-storey residential block to the west of the application site (or similar alternative acoustic barrier) - are adhered to. Nonetheless this is subject to modelling/ and further details are submitted to demonstrate this at reserved matters/details stage that the mitigation measures will be acceptable. Suitable conditions can be attached to any planning approval.

14.10.3 Air Quality

14.10.4 Policy ENV13 (Exposures to Poor Air Quality) and seeks to protect users of residential properties from exposure to poor level air quality. The application was not supported by an Air Quality Assessment. However, Environmental Health Officers have received a number of assessments for recent neighbouring developments and have concluded that in respect of the end use on the application site that no additional mitigation techniques are required to meet relevant air quality objectives.

In respect of reducing the impact of the development on air quality, the applicant has proposed electrical charging points for each new dwelling.

14.11. I) FLOODING

14.11.1 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. The outline consent included conditions to ensure the flood risk is minimised and drainage is sufficient.

14.11.2 Policy ENV12 (Surface water flooding) seeks to ensure all development will incorporate Sustainable Urban Drainage Systems (SUDs).

The proposed Sustainable Urban Drainage Strategy (SUDs) is based on infiltration due to the permeability of the chalk geology. In line with SuDS officer's comments, it is considered that this would provide suitable drainage of the site.

14.12. J) INFRASTRUCTURE

14.12.1 Taking into account the nature and scale of the development it is considered that there would be requirement for improvements to off-site infrastructure. A number of financial contributions have been secured to

mitigate the impact of development with regards to education. No feedback from the NHS has been provided despite chasing several times therefore an NHS contribution has not been sought. Mitigation towards Hatfield Forest has been sought, however UDC has not adopted this mitigation strategy.

- 14.12.2** A request has been made by the Parish Council for a contribution to a new Community Hall; the proposed contribution of £199,231 has been pro-rata-ed from one of the amounts secured against an approved scheme in Elsenham and that expected from a scheme awaiting the signing of a S106 agreement. The applicants have advised that the pro-rata payments were £2,171, £2,000 and £2,385 a dwelling respectively. The applicants have made an offer of £100,000.00. The Parish Council have not confirmed that they agree to this reduced amount. An oral update is expected to be made at the Committee meeting.

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

14.13 K) PLANNING BALANCE

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

- 14.13.2** The nearby Gladman scheme (UTT/19/2266/OP refused 15.4.21) was dismissed on appeal, however it is noted unlike the application site, that this site was between a railway on one side and the M11 on the other side – two noise generators. The Inspector did not consider that the harm to the countryside and lack of connectivity significantly impacted on the scheme. However, the impact of noise on the amenity of future occupiers was the main reason the appeal was dismissed. The applicant has liaised with the Council's Environmental Health Officer and has provided information to demonstrate that, providing the 3-storey block of flatted development forms part of the details following outline submission, future occupiers would have a reasonable quality of accommodation. As this is a material consideration, on balance the proposed development would not warrant a refusal.

- 14.13.3** The planning benefits of the site includes the provision of 50 new homes and tenures including 40% affordable units. Although it is acknowledged that the housing mix is limited and the affordable housing is not indicated at the outline stage to be well distributed across the site, the overall quantum/provision of housing has significant weight. The provision of public open space and new habitat is limited, however given the improvements to connect to nearby woodland this is given moderate weight.

14.13.4 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 the harm identified.

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 proposal would result in the loss of agricultural land from the countryside. There are issues relating to noise and biodiversity net gain nonetheless, there are no objections from relevant expert consultees, subject to the imposition of suitable conditions.

16.2 The application would make an important contribution to housing land supply position and on balance, it is recommended that approval be granted subject to the signing of a S106 legal agreement and planning conditions.

17 106/Conditions

17.1

S106 HEADS OF TERMS

- (i) Provision of 40% affordable housing
- (ii) Payment of education financial contributions; Early Years, Primary and Secondary
- (iii) Libraries' contribution
- (iv) Financial contribution for Community Hall provision
- (v) Provision and long-term on-going maintenance of public open space (including LAP and LEAP)
- (vi) Financial contribution to provide sustainable highway improvements.
- (vii) Financial contribution to mitigate on impact of Hatfield Forest
- (viii) Monitoring cost
- (ix) Payment of the council's reasonable legal costs.

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

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

- 2** Application for approval of the Reserved Matters must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

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

- 3** The development hereby permitted must be begun no later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.

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

- 4** The development hereby permitted shall be carried out in accordance with the approved plans as follows:

Plan Ref	Version	Received
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BEE.SLP.000

17th November 2020

BEE.IPL.001

17th November 2020

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

- 5 Prior to the construction of any dwellings, samples of the colours and details of the materials to be used for the construction of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the development, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

- 6 Prior to the construction of any dwelling's full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved and thereafter be retained as such. These details shall include: -

- i. means of enclosure including details of the proposed walls and fencing
- ii. a scheme for the erection of fencing adjacent to the recreation ground to protect residents from cricket balls.
- iii. vehicle and pedestrian access and circulation areas.
- iv. hard surfacing materials.
- v. details of the safety measures proposed
- vi. minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, street lighting, etc.);

Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme].

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

- 7 All hard and soft landscape works shall be carried out in accordance with the approved details shall thereafter be retained as such. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

REASON: In the interests of the appearance of the site and area and for the safety of all residents and visitors in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

- 8 Prior to the commencement of development, a management plan for the site shall be submitted to and approved in writing by the local planning authority to detail arrangements for the provision, maintenance and retention of:

- i. All roads and footpaths.
- ii. All common areas; and
- iii. Lighting.

Thereafter, the development shall be implemented and retained in accordance with the management plan.

REASON: To ensure an acceptable standard of development is provided and maintained in compliance with Policies GEN2 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

- 9 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

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

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

- i. vehicle routing,
- ii. the parking of vehicles of site operatives and visitors,
- iii. loading and unloading of plant and materials,
- iv. storage of plant and materials used in constructing the development,
- v. wheel and underbody washing facilities.
- vi. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1 of the Highway Authority's Development Management Policies February 2011 and Policy GEN1 of the Uttlesford Local Plan 2005.

- 11 AS PART of the Reserved matters applications, an additional noise report shall be submitted, including full and detailed plans, specifications, and noise mitigation measures, to demonstrate how the internal and external noise target levels given in BS 8233: 2014. The approach shall have regard to the guidance contained in ProPG; Planning and Noise guidance, with any internal noise calculations to be done in accordance with the more rigorous approach detailed in Annex G2.1 of BS 8223;2014.

REASON: In to ensure that future occupiers of the proposed development are protected from noise nuisance from the M11 Motorway in accordance with Policy GEN2 of the ULP (2005) and the NPPF (2021)

- 12 Prior to the occupation of any building electric vehicle charging points shall be provided for all the dwellings these shall be incorporated within the residential garage(s) or accessible from any on plot parking space associated with that dwelling. Thereafter these charging points shall be maintained and retained as provided.

REASON: To provide residents with access to more sustainable forms of transport in accordance with DM9 of the Essex Development Management Policies (2011) Policy GEN1 of the Uttlesford Local Plan 2005 and the NPPF

- 13 The development hereby approved shall not be implemented other than in accordance with the recommended acoustic mitigation measures outlined in the acoustic report by WSP Acoustic Report (ref. No 70053753) dated September 2020 and WSP Acoustic Report Addendum (ref. No 70091019) dated 6th December 2021 and shall thereafter be retained as approved.

REASON: To safeguard the amenities of the occupiers on the site, the neighbourhood and to comply with policy GEN4 Uttlesford Local Plan (adopted 2005) and the NPPF.

- 14 No extension, enlargement, alteration or provision within the curtilage of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A - F of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-

enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

REASON: The Local Planning Authority considers that given the sensitive location of the site, permitted development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and to comply with Policy GEN2 of the Uttlesford Local Plan 2005.

- 15 During construction robust measures must be taken to control dust and smoke clouds.

REASON: Flight safety – dust and smoke are hazardous to aircraft engines; dust and smoke clouds can present a visual hazard to pilots and air traffic controllers in accordance with Policy GEN2 of the Uttlesford Local Plan 2005.

- 16 During construction, robust measures to be taken to prevent birds being attracted to the site. No pools of water should occur and prevent scavenging of any detritus.

The drainage swales must be designed to be generally dry (with an underdrain if necessary) and hold water only during and immediately after an extreme rainfall event. Any changes to the drainage scheme must be discussed with the aerodrome safeguarding authority prior to construction.

REASON: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using STN in accordance with Policy GEN2 of the Uttlesford Local Plan 2005.

- 17 No lighting directly beneath any installed roof lights that will emit light upwards – only downward facing ambient lighting to spill from the roof lights upwards – ideally, automatic blinds to be fitted that close at dusk.

All exterior lighting to be capped at the horizontal with no upward light spill.

REASON: Flight safety - to prevent distraction or confusion to pilots using STN.

- 19 No reflective materials to be used in the construction of these buildings.

REASON: Flight safety - to prevent ocular hazard and distraction to pilots using STN.

- 20 No solar photovoltaics to be used on site without first consulting with the aerodrome safeguarding authority for STN.

REASON: Flight safety - to prevent ocular hazard and distraction to pilots using STN.

- 21 No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

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

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

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

- 23 **CONCURRENT WITH RESERVED MATTERS ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS**
All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Final Mitigation and Enhancement Strategy (based on Geosphere, September 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination

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

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

24 CONCURRENT WITH RESERVED MATTERS PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

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

The CEMP (Biodiversity) shall include the following.

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

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

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

25 CONCURRENT WITH RESERVED MATTERS PRIOR TO COMMENCEMENT: REPTILE MITIGATION STRATEGY

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

The Reptile Mitigation Strategy shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

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

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

26

CONCURRENT WITH RESERVED MATTERS PRIOR TO COMMENCEMENT: BIODIVERSITY NET GAIN DESIGN STAGE REPORT

“A Biodiversity Net Gain Design Stage Report, in line with Table 2 of CIEEM Biodiversity Net Gain report & audit templates (July 2021) shall be submitted to and approved in writing by the local planning authority which provides biodiversity net gain, using the DEFRA Biodiversity Metric 3.0 or any successor.

The content of the Biodiversity Net Gain Design Stage Report should include the following:

- Baseline data collection and assessment of current conditions on site;
- A commitment to measures in line with the Mitigation Hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity;
- Provision of the full BNG calculations, with detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality;
- Details of the implementation measures and management of proposals;
- Details of any off-site provision to be secured by a planning obligation;
- Details of the monitoring and auditing measures.

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

REASON: In order to demonstrate measurable net gains and allow the LPA to discharge its duties under the NPPF (2021).

27 CONCURRENT WITH RESERVED MATTERS PRIOR TO ANY WORKS ABOVE SLAB LEVEL BIODIVERSITY ENHANCEMENT STRATEGY

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

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

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

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

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

28 CONCURRENT WITH RESERVED MATTERS PRIOR TO OCCUPATION: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

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

The content of the LEMP shall include the following:

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

- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

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

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

29 CONCURRENT WITH RESERVED MATTERS: PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

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

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

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

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

Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.

Limiting discharge rates to 2.07l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.

Demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change.

Final modelling and calculations for all areas of the drainage system.

The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.

Detailed engineering drawings of each component of the drainage scheme.

A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

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

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

31

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

REASON: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure

development does not increase flood risk elsewhere and does not contribute to water pollution.

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

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

- 32 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.

- 33 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.

- 34 No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

REASON: The proposed development lies within an area of known archaeological remains.

36

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

REASON: The proposed development lies within an area of known archaeological remains.

Appendices:

Your Ref: UTT/20/2908/OP
Our Ref:HT/TPD /SD/KW/ 47880
Date:-29 March 2021



Essex County Council

Andrew Cook
Director for Highways and Transportation

CC: Essex Highways DM
Cllr Gooding

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

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/20/2908/OP

Applicant Rochester Properties Ltd, J F C Sergeant And J F M Anderson C/o Pegasus Group

Site Location Land South Of Bedwell Road Ugley

Proposal Outline application for 50 market and affordable dwellings, public open space and associated highways and drainage infrastructure - all matters reserved except access.

Note

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

The location of the site to the north of the village is such that the journey to Stansted Mountfitchet quicker via the Pound Lane and the B1383 route than Stansted Road and Grove Hill so the impact on this junction is will be very limited. There will be an impact to the west of the site on Pound Lane but this is also limited. This is estimated as an additional 5 trips eastbound and 14 westbound in the morning peak and 12 trips eastbound and 5 westbound in the evening peak hour which will not have a significant impact on the road.

A contribution to the bus service and bus infrastructure is being sought to improve the bus service between Elsenham, Stansted Mountfitchet, Stansted Airport and Bishops Stortford. This is part of the developing strategy for Elsenham to improve the service to half hourly and extend morning and evening services. There is the opportunity to extend the service along Bedwell Road down the B1383 to Stansted Mountfitchet, a possible variant of the current service, providing Bedwell Road with an hourly service (2 hourly on Sundays) and collectively providing the village with a half hourly day time service. If this is taken forward a bus stop will be provided on Bedwell Road to decrease walking distances.

In order to facilitate walking a contribution to mitigate the impact on the footpath network has been sought as a link into the developments below is made via footpaths 13/31 and a condition to improve 51/29 within the site.

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

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for;
 - I. vehicle routing,
 - II. the parking of vehicles of site operatives and visitors,
 - III. loading and unloading of plant and materials,
 - IV. storage of plant and materials used in constructing the development,
 - V. wheel and underbody washing facilities.
 - VI. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

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

2. **Access:** Prior to first occupation of the development, the access as shown in principle on submitted drawing 2774/SK10 shall be provided, including a clear to ground visibility splays with dimensions of 2.4 metres by 59 metres to the north west and 2.4 metres by 43m in both directions, as measured from and along the nearside edge of the carriageway. The vehicular visibility splays shall retained free of any obstruction at all times thereafter. Works shall include any necessary Traffic Regulations Order being sought to control parking and keep the vicinity of the access clear. **Reason:** To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
3. **Footway:** Prior to first occupation of the development provision of the footway improvements to the east and west of the access shown in principle in drawing number SK03 REV C minimum width 2m where sufficient highway is available, footway to the east to have suitable connection to existing footway on Bedwell/New Road and leave the site entirely in land in control of the applicant and tie into the existing footway. **Reason:** To ensure safe and suitable access for pedestrians in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011
4. **Public Right of Way within the site:** Prior to occupation of the development the enhancement of the public right of way 51/29 with surfacing works including but not limited to provision of semi-hard, semi-permeable surface and any associated drainage work, signage and appropriate adoption to be carried the satisfaction of the Local Planning Authority. **Reason:** In the interests of reducing the need to travel by car and

promoting sustainable development and transport in accordance with policies DM9 and DM11 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

5. **Footpath contribution** Prior to the occupation of the development, pay a contribution of £21,735, (index linked from the date of this contribution) for the enhancement of the public right of way 13/31 with surfacing works including but not limited to provision of semi-hard, semi-permeable surface and any associated drainage work and signage to be carried to the satisfaction of the Local Planning Authority, subject to these works not already being undertaken to the satisfaction of the highway authority. **Reason:** In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM11 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011
6. **Passenger Transport:** Prior to first occupation the payment of a contribution of £133,588 (index linked from the date of this recommendation) to support or enhance a bus service to provide an improved service between Elsenham and Stansted Mountfitchet, Bishops Stortford and the airport, improvements to include a half hourly weekday service and extended morning and evening services and/or sustainable transport infrastructure within the vicinity of the site and local amenities. **Reason:** In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011
7. **Travel Packs:** Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. **Reason:** In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

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

Informatives:

- (i) In making this recommendation the Highway Authority has treated all planning application drawings relating to the internal layout of the proposal site as illustrative only.
- (ii) Any signal equipment, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction. To be provided prior to the issue of the works licence.
- (iii) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by

email at development.management@essexhighways.org or by post to SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.

- (iv) Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- (v) The Applicant should provide for agreement, information regarding their drainage proposals i.e. draining by gravity/soakaways/pump assisted or a combination thereof. If it is intended to drain the new highway into an existing highway drainage system, the Developer will have to prove that the existing system is able to accommodate the additional water.
- (vi) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

required.

- (vii) The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public right of way no 51/29 shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

Thank you for your email of 18 November 2020 seeking HSE's comments on planning application UTT/20/2908/OP.

HSE is a statutory consultee for certain developments within the consultation distance of major hazard sites and major accident hazard pipelines, and has provided planning authorities with access to the HSE Planning Advice Web App - <https://pa.hsl.gov.uk/> - for them to use to consult HSE and obtain our advice.

As the proposed development does not lie within the consultation distance of a major hazard site or major accident hazard pipeline, there is no need to consult HSE on this application, and HSE therefore has no comments to make.

I should be grateful if you would arrange for the HSE Planning Advice Web App to be used to consult HSE for advice on all future proposals for developments which do lie within the consultation distance of a major hazard site or major accident hazard pipeline.

Should you or your colleagues need any additional help in using HSE Planning Advice Web App to obtain HSE's advice on a proposed development, a central support service is available at lupenquiries@hsl.gsi.gov.uk or by telephone on 02030 0283708.

**Developments Affecting Trunk Roads and Special Roads
Highways England Planning Response (HEPR 16-01)
Formal Recommendation to an Application for Planning Permission**

From: Martin Fellows
Operations (East)
planningee@highwaysengland.co.uk

To: Uttlesford District Council

CC: growthandplanning@highwaysengland.co.uk

Council's Reference: UTT/20/2908/OP

Referring to the planning application referenced above, dated 25 August 2020, planning application for 50 market and affordable dwellings, public open space and associated highways and drainage infrastructure, Land south of Bedwell Road, Ugley, notice is hereby given that Highways England's formal recommendation is that we:

- a) offer no objection;
- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions);~~
- ~~c) recommend that planning permission not be granted for a specified period (see Annex A – further assessment required);~~
- ~~d) recommend that the application be refused (see Annex A – Reasons for recommending Refusal).~~

Highways Act Section 175B ~~is~~ is not relevant to this application.¹

¹ Where relevant, further information will be provided within Annex A.

Annex A Highways England recommendation no objection

HIGHWAYS ENGLAND has been appointed by the Secretary of State for Transport as 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.

This response represents our formal recommendations with regards to UTT/20/2908/OP and has been prepared by Mark Norman.

Given the size and location of the development, it is unlikely to result in a severe impact upon the strategic road network.

It is expected that there will be a noise barrier erected to protect the new dwellings, although there are no details in the application, this will not be allowed on Highways England land.

We also take the opportunity to point out that Highways England will not allow third party connections to our drainage asset.

Dear Mr Tyler,

Consultation Response – UTT/20/2908/OP - Land South Of Bedwell Road Ugley

Thank you for your email received on 18/11/2020 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 15th April 2015.

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

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

Lead Local Flood Authority position

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

The discharge rate needs to be restricted to the 1 in 1 greenfield rate of 2.07 l/s. If the half drain time cannot be subsequently met for the 1 in 30 year storm event then we can accept sufficient capacity for a subsequent 1 in 10 year storm event.

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.

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.
- 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 15th 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.

Yours sincerely,

Dear Mr Tyler

Planning consultation: UTT/20/2908/OP. Outline application (amendment) for 50 market and affordable dwellings, public open space and associated highways and drainage infrastructure - all matters reserved except access.
Location: Land South Of Bedwell Road Ugley

Thank you for your consultation on the above which was received by Natural England on 07 January 2021.

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.

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

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

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 24th September 2019. 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.

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 policies of the NPPF 170, 171, 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 would anticipate that mitigation measures, such as an appropriate financial contribution towards measures within Hatfield Forest SSSI/NNR are sought 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.

In this instance, due to the 'outline' nature of the application, Natural England would anticipate that an assessment is made as to the capacity of the site to provide adequate mitigation and that confirmation of these details is sought through the appropriate method, such as an appropriately worded planning condition or obligation.

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 geoconservation 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](#)¹ 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.

Ancient woodland and veteran trees

You should consider any impacts on ancient woodland and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forest Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland/veteran trees where they form part of a SSSI or in exceptional circumstances.

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

Environmental enhancement

Development provides opportunities to secure a net gain for nature and local communities, as outlined in paragraphs 8, 102, 118, 174 and 175 of the NPPF. We advise you to follow the mitigation hierarchy as set out in paragraph 175 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 may wish to consider off site measures, including sites for biodiversity offsetting. 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;

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);

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 on 07385 400068.

Yours sincerely

Tessa Lambert
Lead Advisor – Land Use Planning, West Anglia Team

Thank you for consulting Sport England on the above application.

The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application.

General guidance and advice can however be found on our website:

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#planning_applications

If the proposal involves the **loss of any sports facility** then full consideration should be given to whether the proposal meets Par. 97 of National Planning Policy Framework (NPPF), link below, is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

If the proposal involves the provision of a **new sports facility**, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes:

<http://sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

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

In line with the Government's NPPF (including Section 8) and PPG (Health and wellbeing section), consideration should also be given to how **any new development**, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing or assessing a proposal. Active Design provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity.

NPPF Section 8: <https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-communities>

PPG Health and wellbeing section: <https://www.gov.uk/guidance/health-and-wellbeing>

Sport England's Active Design Guidance: <https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design>

Please note: this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.