



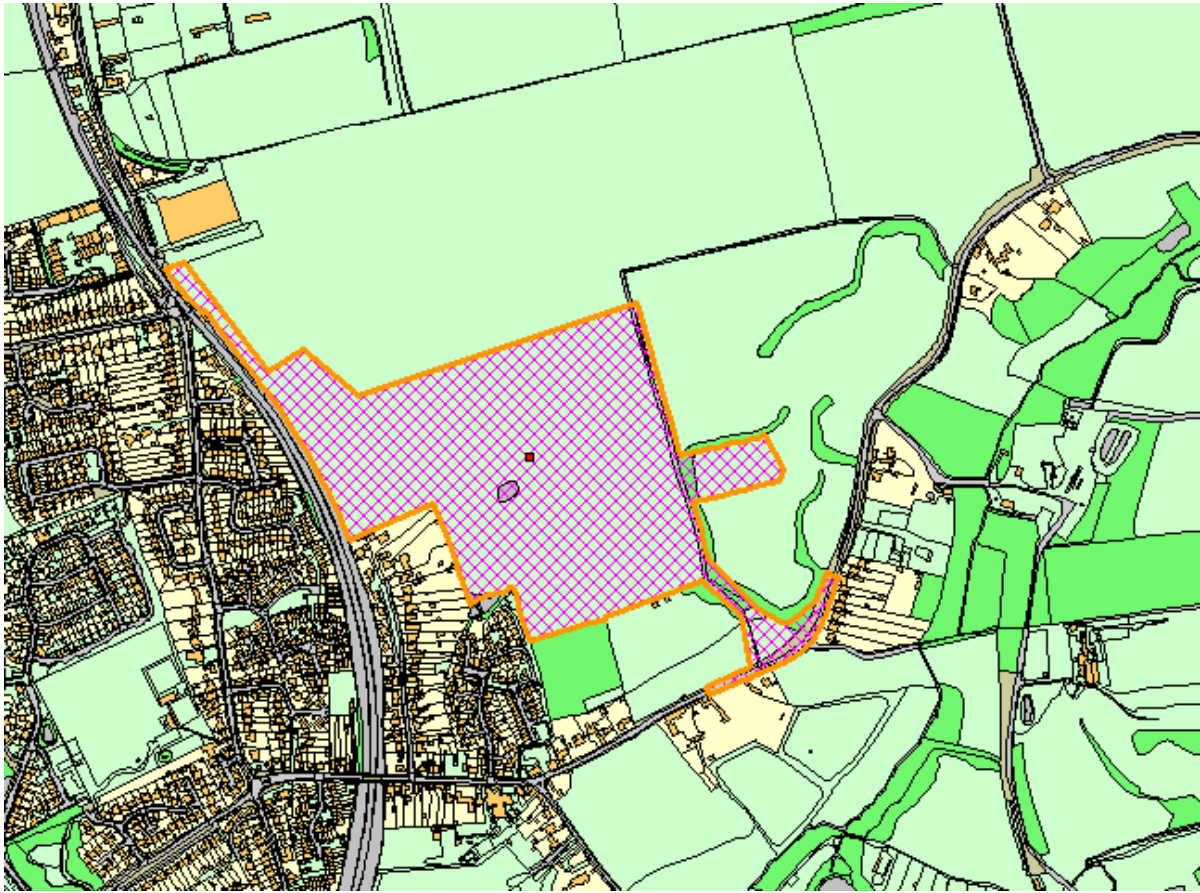
ITEM NUMBER: 8

PLANNING COMMITTEE DATE: 8 February 2023

REFERENCE NUMBER: UTT/22/2480/FUL

LOCATION: Land To The North West Of, Henham Road,
Elsenham,

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: February 2023

PROPOSAL: Variation of conditions 2, 9, 10 and 11 attached to outline permission UTT/17/3573/OP granted on appeal - conditions 2, 9 and 10 to be varied to amend the Access Plan reference to updated plans and condition 11 to be amended to alter trigger for completion of cycleway

APPLICANT: Bloor Homes

AGENT: Mr Anas Makda

EXPIRY DATE: 6 December 2022

EOT Expiry Date

CASE OFFICER: Laurence Ackrill

NOTATION: Outside Development Limits/Adjacent to Listed Buildings.

REASON THIS APPLICATION IS ON THE AGENDA: Major planning application.

1. **EXECUTIVE SUMMARY**

1.1 This application is to vary conditions made under Section 73 of the town and Country Planning Act 1990 (as amended) pursuant to application UTT/17/3573/OP allowed at appeal on 22nd December 20

1.2 The amendment seeks to vary Condition 2 (approved plans), Condition 9 (access plan), 10 (transport infrastructure) & 11 (footway/cycleway scheme).

1.3 The proposed variations to conditions 2, 9 and 10 involve the substitution of a previously consented plan with a new plan that would bring the outline conditions in line with the access details approved through the reserved matters. The proposed variation of Condition 11 (footway/cycleway scheme) seeks to amend the timeframe within which the footway cycleway shall be constructed from prior to the occupation of the first dwelling to prior to the occupation of the 80th dwelling on site.

2. **RECOMMENDATION**

2.1

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

- A) Conditions
- B) S106 Agreement

3. **SITE LOCATION AND DESCRIPTION:**

3.1

The application site lies on the north-west side of the B1051 Henham Road to the immediate north-east of the existing built-up area for Elsenham village and comprises for the purposes of the land edged in red part of undeveloped amenity land / parkland running parallel with the Henham Road frontage and part of open arable agricultural land lying to the rear.

3.2

The site slopes up from the B1051 towards the rear (northern) site boundary as edged in red. A listed residential property lies opposite the site on the south side of Henham Road, whilst further residential properties line the south-eastern side of the road just past the site after a gradual bend. Public footpath PRoW 13_21 traverses the site north-east/south-west and leads across an existing field track leading from Henham Road to the northern end of the site.

3.3

The site is not located within or adjacent to any conservation areas. However, there are several Grade II listed buildings along the south side of Henham Road.

4. **PROPOSAL**

4.1

To vary conditions made under Section 73 of the town and Country Planning Act 1990 (as amended) pursuant to application UTT/17/3573/OP allowed at appeal on 22nd December 2020.

4.2

The application seeks to vary Condition 2 (approved plans), Condition 9 (access plan), 10 (transport infrastructure) & 11 (footway/cycleway scheme).

4.3

The proposed variations to conditions 2, 9 and 10 involve the substitution of a plan drawing that would bring the outline conditions in line with the access details approved through the reserved matters UTT/21/2799/DFO granted on 17.12.2021 Condition 11 seeks to amend the wording to defer delivery of the foot/cycleway from 'prior to the occupation of the first dwelling' to 'prior to the occupation of the 80th dwelling on site.' The amended plan includes the following changes:

- 4.4
- The footway has been widened on one side of the carriageway from 2.0m to 3.5m.
 - Space for swales has been included.
 - The carriageway has been narrowed from 6.5m to 6.0m.
 - The carriageway has been re-aligned to increase the distance between road users and the former quarry embankment.
 - 'Narrowings' have been added to encourage 20mph design speed throughout the development and reduce vehicle speeds on the approach to the PRoW (Public Right of Way) crossing.
 - A raised table has been added to promote awareness of the PRoW crossing.
 - Radii have been increased at the access and the junction footway extended.

5. **ENVIRONMENTAL IMPACT ASSESSMENT**

- 5.1 The proposed amendments would not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

6. **RELEVANT SITE HISTORY**

- 6.1
- UTT/17/3573/OP - Outline application with all matters reserved except for access for: up to 350 dwellings, 1 no. primary school including early years and childcare setting for up to 56 places, open spaces and landscaping including junior football pitch and changing rooms, access from B1051 Henham Road with associated street lighting and street furniture, pedestrian, cycle, and vehicle routes. pedestrian and cycles link to Elsenham Station and potential link to Hailes Wood, vehicular and cycles parking. provision and/or upgrade/diversion of services including water, sewerage, telecommunications. electricity, gas and services media and apparatus, on-plot renewable energy measures including photo-voltaics, solar heating and ground source heat pumps, drainage works, sustainable drainage systems and ground and surface water attenuation features, associated ground works, boundary treatments and construction hoardings - Land to The North West Of Henham Road Elsenham – Not Determined - Appeal Ref: APP/C1570/W/19/3243744 – Appeal Allowed – 22/12/2020.
 - UTT/21/2799/DFO - Details following outline approval UTT/17/3573/OP (approved under appeal reference APP/C1570/W/19/3243744) for access road infrastructure to serve up to 350 new homes and associated uses - details of appearance, landscaping, layout and scale. - Land To The North West Of Henham Road Elsenham Hertfordshire - Approved with Conditions – 17/12/2021.

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

- 7.1 No formal discussions have taken place.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority – No Objection.

8.1.1 The highway authority has considered the documents submitted for the discharge of conditions 2 and 9, drawings EA177-EN-100 Rev E, EA177-EN-101 Rev F and 2101-522 038G as these are in accordance with the approved S278 drawings we are happy for the conditions to be varied to include them.

8.1.2 Condition 10, the highway authority has considered the variation to this condition and looked at it in relation to the submitted phase plan. The highway authority would be willing to accept a variation to the condition which required the footway cycleway to be made available for use prior to the occupation of the 80th development, I would like added that, safe access from the occupied dwellings to the cycle path should be maintained at all times during the construction of the site.

8.2 Highways Agency – No Objection.

8.2.1 With this application for the proposed variation of conditions 2, 9, 10, and 11 for the planning permission of the proposed development, there is unlikely to have any severe effect on the Strategic Road Network. Therefore, we offer no objection.

9. Elsenham Parish Council

9.1 No comments received.

10. CONSULTEE RESPONSES

10.1 No consultee responses required.

11. REPRESENTATIONS

11.1 The application was publicised by sending letters to adjoining and adjacent occupiers, displaying a site notice and advertising it within the local newspaper. The following issues were raised in representations that are material to the determination of the application and are addressed in the next section of this report.

- 563 Neighbouring properties sent letters.
- Site Notice erected close to the site.
- Press Notice published.
- 0 Comments received.

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 The Development Plan

12.4 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)
Stebbing Neighbourhood Plan (made 19 July 2022)
Saffron Walden Neighbourhood Plan (made 11 October 2022)
Ashdon Neighbourhood Plan (made December 2022)

13. POLICY

13.1 National Policies

13.2 National Planning Policy Framework (2021)

13.3 Uttlesford Local Plan 2005

13.4 GEN1 – Access
GEN6 – Infrastructure Provision

13.5 Supplementary Planning Document or Guidance

13.6 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 An application can be made under s73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. A Section 73 application results in a new permission being issued.

14.2 Guidance for determining s73 applications is set out in the National Planning Practice Guidance (NPPG) which states that a minor material amendment is one “whose scale and nature results in a development which is not substantially different from the one which has been approved”. This is not a statutory definition, but the Department for Communities and Local Government agree with this statement. It is further stated that the development which the application under s.73 seeks to amend will by definition have been judged to be acceptable in principle at an earlier date. Consequently, the extent of the material planning considerations is somewhat restricted and only the amendments being applied for should be considered at this stage.

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

14.4 A) Access

14.4.1 Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must compromise road safety and take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than a vehicle.

14.4.2 As noted above, the amendments to the plan drawing as part of conditions 2, 9 & 10 would bring the content of the outline conditions in line with the access details considered acceptable and approved as part of the reserved matters application UTT/21/2799/DFO.

14.4.3 Condition 11 seeks to amend the wording to defer delivery of the foot/cycleway to provide a connection to the station until prior to the occupation of the 80th dwelling on site rather than prior to the occupation of the 1st dwelling. As part of the heads of terms as set out within the appeal decision, the applicant was required to make provision for the phasing of the development to be agreed with the Council. This was subsequently agreed with by the Council as part of drawing No. EA177-PHASING-0A Rev A. Given the agreed phasing plan for the development,

with the western part of the site forming one of the later phases, the ECC Highways Team consider that this amendment would be a reasonable and appropriate timeframe for the cycleway to be provided.

- 14.4.4 As referred to above, the ECC Highways Authority have been consulted as part of the application and consider the variations to the conditions to be acceptable.
- 14.4.5 The proposed amended layout would ensure that the safety and accessibility for pedestrians and cyclists would be prioritised as required by Policy GEN1 of the Uttlesford Local Plan 2005.

15 ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

15.2 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.

15.3 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.

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

15.5 Human Rights

15.6 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

16.7 The scale and nature of the changes outlined above and explained in the planning submission are considered to minor in relation to the approved scheme at outline stage and would bring the outline conditions in line with the access details approved through the reserved matters.

16.8 It is therefore recommended that the application be approved subject to the suggested conditions.

17. S106/ CONDITIONS

17.1 S106

17.2 The S106 Agreement signed as part of the outline permission states under section 16 that 'in the event that the Council or Inspector on appeal shall at any time hereafter grant a planning permission pursuant to an application made under section 73 of the 1990 Act in respect of the conditions attached to the Permission (and for no other purpose whatsoever) references in this Deed to the Permission and the Development shall be deemed to include any such subsequent planning applications and planning permissions granted as aforesaid and this Deed shall henceforth take effect and be read and construed accordingly. Therefore, a Deed of Variation to the S106 is not required as part of this application.

17.3 Conditions

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

Application for approval of the first Reserved Matters must be made to the local planning authority not later than the expiration of 2 years from the date of permission UTT/17/3573/OP, dated 22/12/2020. The development hereby permitted must be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

- FFP012-151 Rev B Site Location Plan
- FFP012-132 Rev J Parameter Plan
- EA177-EN-100E Access General Arrangement (Sheet 1)
- EA177-EN-101F Access General Arrangement (Sheet 2)
- EA177-EN-038G S38 Adoption Plan

3 The development shall be carried out in accordance with the details of Archaeology as part of planning consent references UTT/22/2410/DOC & UTT/22/3166/DOC, unless otherwise agreed in writing by the Local Planning Authority. The development hereby permitted shall be implemented in accordance with the approved details.

4 The development shall be carried out in accordance with the details of the Construction Management Plan as part of planning consent reference UTT/22/2194/DOC, unless otherwise agreed in writing by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with the approved details.

5 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the occupation of any dwelling. The LEMP shall include provision for habitat creation and management during the life of the development hereby permitted, and shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-year period).
- g) Details of the body or organisation responsible for implementation of the plan. Ongoing monitoring, remedial/contingency measures triggered by monitoring to ensure that conservation aims, and objectives are met.
- h) Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured and the management body or bodies responsible for its delivery.

The approved plan will be implemented in accordance with the approved LEMP.

6 The development shall be carried out in accordance with the details of the Invertebrate Mitigation and Management Plan as part of planning consent reference UTT/22/0699/DOC, unless otherwise agreed in writing by the Local Planning Authority. The development hereby permitted shall be implemented in accordance with the approved details.

The measures and/or works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

7 Prior to the installation of any fixed external lighting within the public realm, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme must:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging.

- b) Show how and where external lighting will be installed (through the provision of a design drawing and a spill light isolux drawing) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- c) Provide details of future maintenance of installed fixed lighting.

The lighting scheme shall be implemented in accordance with the approved details.

- 8** The development shall be carried out in accordance with the details of the Skylark Mitigation Strategy as part of planning consent in reference UTT/22/0700/DOC, unless otherwise agreed in writing by the Local Planning Authority. The development hereby permitted shall be implemented in accordance with the approved details.

The Skylark Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum period of 10 years.

- 9** Prior to the occupation of any dwelling access from Henham Road shall be provided in accordance with drawings EA 17 7 - EN- 100E Access General Arrangement, EA177 - EN - 101F Access General Arrangement, and EA177 - EN - 038G S38 Adoption Plan, and shall include visibility splays with dimensions of 4.5 metres by 120 metres in both directions, as measured from and along the nearside edge of the carriageway. The vehicular visibility splays shall be retained free of any obstruction clear to ground at all times thereafter.

- 10** Prior to the occupation of any dwelling the transport infrastructure as shown in principle on drawing number EA 17 7 - EN- 100E Access General Arrangement, EA177- EN - 101F Access General Arrangement, and EA177- EN - 038G S38 Adoption Plan, shall be provided:

- Two bus stops, to the specification of Essex County Council and including poles, flags, timetables, raised kerbs, shelters and appropriate road markings.
- 2m wide footway on the north side of Henham Road from the site access to join with the existing footway to the west.
- Footway on the south side of Henham Road to link the existing footways.
- Dropped kerb crossing point of Henham Road.
- Raised table crossing point of public right of way and associated signing of Public Right of Way (PROW) 21 (Elsenham).

- 11** Prior to the commencement of the development, a scheme showing a footway/cycleway of minimum width of 3m, linking the development to Old Mead Road (as shown on the approved Parameter Plan (FFP012-132 Rev J), including details of associated signing and lighting shall be

submitted to and approved in writing by the Local Planning Authority. The footway/cycleway shall be constructed in accordance with the approved scheme and made available for use prior to the occupation of the 80th dwelling hereby permitted.

Safe access from the occupied dwellings to the cycle path should be maintained at all times during the construction of the site.

- 12** Prior to the occupation of any dwelling hereby permitted an electrical vehicle charging point shall be provided for that dwelling. For houses these shall be accessible from any on-plot parking spaces associated with that house. For every 25 flats, one or more parking bays shall be marked out for use by electrical vehicles only. Charging infrastructure and cabling shall be provided and thereafter maintained and retained.
- 13** Prior to the opening of the primary school, an Education Travel Plan must be submitted to and approved by the Local Planning Authority in writing. The Education Travel Plan shall then be actively implemented from the opening of the primary school for a minimum period of 5 consecutive years during which the school is operational.
- 14** The development shall be carried out in accordance with the details of the Noise Insulation Measures as part of planning consent reference UTT/22/2978/DOC, unless otherwise agreed in writing by the Local Planning Authority. The development hereby permitted shall be implemented in accordance with the approved details.
- 15** Prior to the opening of the primary school, a scheme of design and mitigation measures to achieve BB93 School Acoustics criteria for the specific rooms of the school, and for any external teaching areas so that noise levels should not exceed 50dB LAeq 30 mins shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.
- 16** Prior to installation of any externally mounted ancillary plant for non-residential buildings, equipment and servicing a scheme of design and details of any necessary mitigation to achieve a rating level at the closest noise sensitive receptor from all plant combined of 5 dB LAeq below the typical background (LAeq 90) level at the nearest noise sensitive receptor shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.
- 17** The development shall be carried out in accordance with the details of contamination as part of planning consent reference UTT/22/0590/DOC, unless otherwise agreed in writing by the Local Planning Authority. The development hereby permitted shall be implemented in accordance with the approved details.
- 18** The development shall be carried out in accordance with the details of the Surface Water Drainage as part of planning consent reference

UTT/22/2359/DOC, unless otherwise agreed in writing by the Local Planning Authority. The development hereby permitted shall be implemented in accordance with the approved details.

- 19** Prior to the occupation of any of the dwellings hereby permitted 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, shall be 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.

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

- 20** 5% of the dwellings approved by this permission shall be built to Category 3 (Wheelchair user) housing M3 (3)(2)(a) wheelchair adaptable. The remaining dwellings must be built to Category 2: Accessible and adaptable dwellings M4 (2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

- 21** No development or preliminary groundworks shall commence until an Unexploded Ordnance Risk (UXO) Assessment has been submitted to and approved in writing by the Local Planning Authority. The UXO Assessment shall include details of risk mitigation measures, how mitigation will be implemented, details of the procedures should high risk UXO not previously identified be encountered and the reporting regime. The mitigation shall be undertaken in accordance with the approved scheme.

- 22** Prior to commencement a detailed arboricultural method statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall identify trees to be retained as part of the development and shall include details of measures to protect and manage those trees during and after the construction stage of the development. The development shall be undertaken in accordance with the approved statement.

- 23** Prior to the occupation of any dwelling a scheme for hedgerow gap planting in the hedgerow to the south of Footpath 15 shall be submitted to and approved in writing by the Local Planning Authority. The hedgerow gap planting shall be undertaken in accordance with the approved scheme.

Appendix 1 –Statutory Consultee Responses

[External] UTT/22/2480/FUL Highway Consultation Response 11091



Katherine Wilkinson - Strategic Development Engineer <[REDACTED]>
To Laurence Ackrill; Planning



Wed 25/01/2023 11:49

UTT/22/2480/FUL

Variation of conditions 2, 9, 10 and 11 attached to outline permission UTT/17/3573/OP granted on appeal - conditions 2, 9 and 10 to be varied to amend the Access Plan reference to updated plans and condition 11 to be amended to alter trigger for completion of cycleway

The highway authority has considered the documents submitted for the discharge of conditions 2 and 9, drawings EA177-EN-100 Rev E, EA177-EN-101 Rev F and 2101-522 038G as these are in accordance with the approved S278 drawings we are happy for the conditions to be varied to include them.

Condition 10, the highway authority has considered the variation to this condition and looked at it in relation to the submitted phase plan. The highway authority would be willing to accept a variation to the condition which required the footway cycleway to be made available for use prior to the occupation of the 80th development, I would like added that, **safe access from the occupied dwellings to the cycle path should be maintained at all times during the construction of the site.**

Kind regards

Katherine Wilkinson | Strategic Development Engineer
Strategic Development



SAFER GREENER HEALTHIER

T: [REDACTED]

E: [REDACTED]

W: www.essex.gov.uk/highways

Please note I work Tuesday - Thursday



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

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

To: Uttlesford District Council FAO, Laurence Ackrill

CC: transportplanning@dft.gov.uk
spatialplanning@highwaysengland.co.uk

Council's Reference: UTT/22/2480/FUL **National Highways Ref:** 96079

Location: Land to The North West of Henham Road, Elsenham, Hertfordshire

Proposal: Variation of conditions 2, 9, 10 and 11 attached to outline permission UTT/17/3573/OP granted on appeal - conditions 2, 9 and 10 to be varied to amend the Access Plan reference to updated plans and condition 11 to be amended to alter trigger for completion of cycleway.

Referring to the re-consultation on a planning application dated 08 September 2022, referenced above, in the vicinity of the M11, that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

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

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

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

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

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

Signature: S. H.	Date: 13 September 2022
Name: Shamsul Hoque	Position: Assistant Spatial Planner
National Highways Woodlands Manton Lane Bedford MK41 7LW	

Annex A National Highway's assessment of the proposed development

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

The proposed development site is located remotely from the Strategic Road Network, where proposed site access will be from the local road network.

With this application for the proposed variation of conditions 2, 9, 10, and 11 for the planning permission of the proposed development, there is unlikely to have any severe effect on the Strategic Road Network.

Therefore, we offer no objection.