



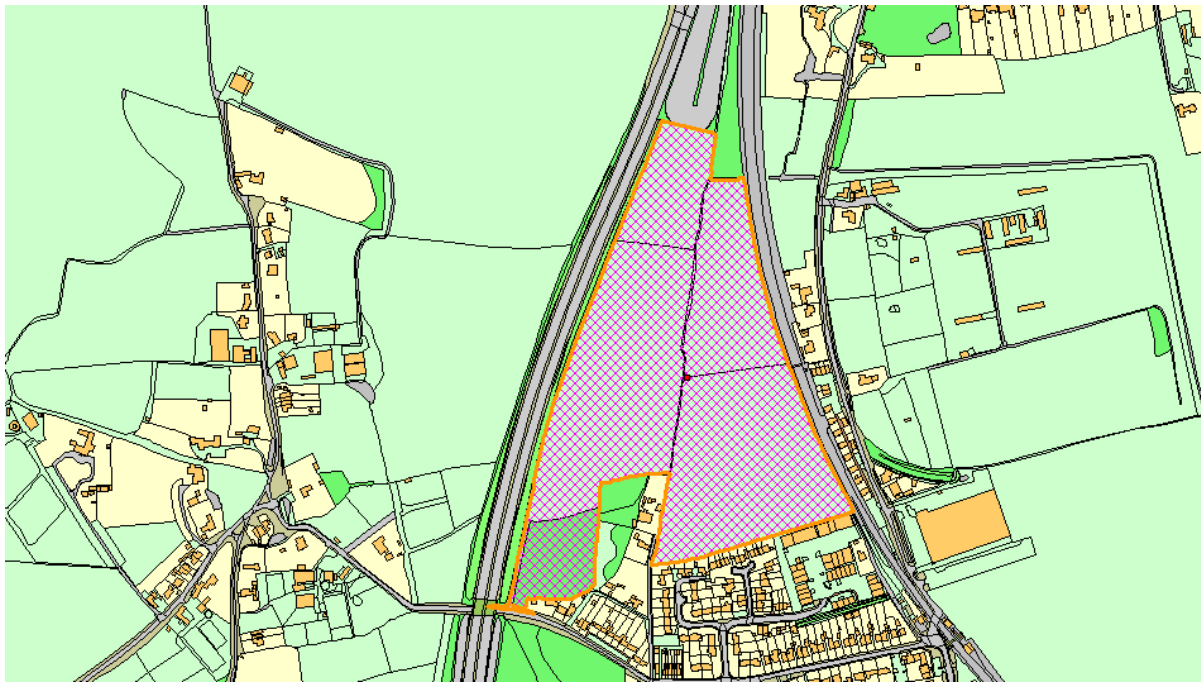
ITEM NUMBER: 6

PLANNING COMMITTEE DATE: 7 May 2025

REFERENCE NUMBER: UTT/24/0543/OP

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

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 20 January 2025

PROPOSAL: Outline planning permission with all matters reserved except access for the erection of up to 240 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point.

APPLICANT: Gladman Developments Ltd

AGENT: N/A

EXPIRY DATE: 21/06/2024

EOT Expiry Date

CASE OFFICER: Chris Tyler

NOTATION: Outside Development Limits & site within 100m of Local Wildlife Site

REASON THIS APPLICATION IS ON THE AGENDA: Major Planning Application.

1. EXECUTIVE SUMMARY

- 1.1** This application seeks outline planning permission with all matters reserved except for access, for the construction of up to 240 dwellings, including the provision of 40% affordable housing (96 dwellings). The details appearance, landscaping, layout and scale would be subject to a reserved matters application.
- 1.2** The application site lies outside the defined settlement boundary limits and is thereby located within the countryside. Thereby the proposals are contrary to Policy S7 of the Adopted Local Plan. However, as the proposals cannot be tested against a fully up-to-date Development Plan, paragraph 11 of the National Planning Policy Framework (NPPF) is thereby the tilted balance is engaged. As such, a detailed “Planning Balance” has been undertaken of the proposals against all relevant considerations.
- 1.3** The proposed development would provide social and economic benefits in terms of the construction of the dwellings and the investment into the local economy. The proposals would provide up to 96 affordable

dwellings. Furthermore, weight has been given in respect to the biodiversity net gain and the provision of public open space. Thus, taken together, significant weight has been afforded to the benefits of the development proposed.

1.4 Therefore, and taken together, the harm caused by the proposed development is not considered to significantly and demonstrably outweigh the overall benefits of the scheme, when assessed against the policies in this Framework taken as a whole (NPPF Paragraph 11d (ii). In the circumstances, the proposal would represent sustainable development in accordance with the NPPF.

1.5 Taking into account the more up- to-date nature of the NPPF with respect to the determining issues, it is considered that the lack of accordance with the development plans is overridden in this instance. Regards have been had to all other materials considerations, and it is concluded that planning permission should be granted.

2. RECOMMENDATION

2.1

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

- A) Completion of a s106 Obligation Agreement in accordance with the Heads of Terms as set out
- B) Conditions

And

If the freehold owner shall fail to enter into such an agreement, the Strategic Director of 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 site is located on the northern side of Elsenham in the Parish of Ugly and Henham, and forms a rough triangular area of agricultural land, bounded by Bedwell Road to the south, the railway is to the east, and the embankment to the M11 motorway to the west. The southern boundary is defined by residential properties and the Gold Nursery Business Park. Existing trees and scrub landforms the northern boundary of the site. A small area of grass and scrubland is found to the southwest of the application site. The southern boundary contains residential properties and Gold Nursery Business Park. A public right of way crosses the site from the southwest at Bedwell Road.

3.2 The site itself is irregular in shape over an area of 13 hectares. The site is generally flat at approximately 90m Above Ordnance Datum.

3.3 Access to the site is via Bedwell Road to the southwest of the site. Pedestrian/cycling routes are found within the site.

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

4. PROPOSAL

4.1 The application is for outline planning permission for the erection of up to 240 dwellings, including the provision of 40% affordable housing (96 dwellings) with all matter reserved except access.

4.2 Structural landscape planting and the retention and positive management of key landscape features.

4.3 Formal and informal open space including a community orchard, proposed area for nature conservation and community woodland as well as tree-lined streets.

4.4 Vehicular access onto Bedwell Road.

4.5 Sustainable Drainage System (SuDS) is to be provided.

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.

6. RELEVANT SITE HISTORY

6.1 UTT/19/2266/OP

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

6.1.2 Refused, dismissed at appeal on noise disturbance.

6.1.3 *Adjoining Sites*

6.2 UTT/20/2908/OP

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

6.2.2 Refused, allowed at appeal.

6.3 UTT/24/1618/PINS

6.3.1 Consultation on S62A/2024/0049 - Approval of reserved matters following outline approval UTT/20/2908/OP for Up to 50 market and affordable dwellings, public open space and associated highways and drainage infrastructure

6.3.2 Approved.

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 A statement of community involvement has been included with the application.

7.2 The applicant has consulted the local community of Elsenham prior to the application being submitted. It is considered that the scope of the community consultation has met with, and gone beyond, the recommendations of Local and National planning policies and legislation.

7.3 The applicant considers they have taken true accountability of the views expressed by those who were consulted and has engaged with the local community in a variety of different ways to ensure that their opinions have been considered within the evolution of the scheme put forward within this application.

7.4 The developer consultation included:

7.4.1 Engagement with the local community including press release, leaflet drop and dedicated website for further information.

7.5 Engagement with Parish Councils

Gladman wrote to Elsenham, Ugley and Henham Parish Councils with details of the proposed development and community consultation including copies of the location plan and consultation leaflet on 27th June 2019.

7.6 Engagement with Ward Councillors

Gladman wrote to the Ward Councillors for Elsenham and Henham, Councillor Garry LeCount and Councillor Petrina Lees and to the Stort Valley Ward Councillor Janice Loughlin to provide details of the consultation and included a copy of the consultation leaflet on the 27th June 2019.

7.7 Engagement with Uttlesford District Council

Gladman requested pre-application advice from Uttlesford District Council. A meeting was held on 12th June 2019 with the Case Officer to discuss our proposal.

- 7.8 Engagement with the MP for Saffron Walden
Elsenham is in the constituency of Saffron Walden. Gladman wrote to the Member of Parliament for Saffron Walden, Rt. Hon. Kemi Badenoch, to notify and inform her about the development proposals.

8. **SUMMARY OF STATUTORY CONSULTEE RESPONSES**

8.1 **Highway Authority**

- 8.1.1 No objection subject to conditions.

8.2 **Local Flood Authority**

- 8.2.1 No objection subject to conditions.

8.3 **National Highways**

- 8.3.1 No objection.

8.4 **Network Rail**

- 8.4.1 Given the sensitive nature of the nearby infrastructure, including Network Rail's, it is imperative that the construction phase be overseen by an experienced organization with working near to Railways experience. Construction management required and should be secured by condition.

8.5 **Natural England**

- 8.5.1 No objections subject 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.

- In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures should be secured through planning conditions:
- Financial contribution towards Strategic Access Management and Monitoring (SAMM)
- The provision of on-site Accessible Natural Greenspace (ANG)
- A signposted circular dog walking route of approximately 2.3-2.5km, making use of Public Rights of Way (PRoW) if needed.

9. **Elsenham Parish Council**

- 9.1 Concerns raised in regard to the planning obligations:

Details are requested regarding a proposal by the applicants for 'an offsite sports provision'. Clarification is needed regarding proposed improvements to the bus service.

- 9.1.1** Reference is made to the provisions in the S106 for a previous application on the same site for 220 dwellings. Contributions within the S106 for the present application are requested with regard to health (with an assurance that it will be used locally).
- 9.1.2** The community halls in Ugley and Elsenham require improvements and also improvements to the public rights of way network.
- 9.1.3** There has been a lack of community involvement on behalf of the applicant.
- 9.1.4** The proposed healthcare provision should be provided

9.2 Ugley Parish Council

- 9.2.1** The speed limit on Pound Lane is 60mph. With all this extra traffic the Parish Council request that the limit is reduced to 30mph.
- 9.2.2** Urgent works is required for the village hall for a replacement or refurbishment.
- 9.2.3** Footpaths along Patmore Road need to be improved.

9.3 Henham Parish Council

- 9.3.1** The Planning Inspector, when considering an appeal against the UDC refusal of the planning application in 2020 found the noise levels from the M11 and the Railway unacceptable as a location for residential housing.
- 9.3.2** Elsenham and Henham Parish Councils have engaged a Noise consultant to consider the new application to see if any adjustments have been made which would mitigate the Inspectors findings.
- 9.3.3** Henham Parish Council engaged a Planning and Transport consultant to advise the Council during the last application and into the Inspectors hearing. The reports presented by these planning consultants are still relevant to the considerations by the Planning Committee.
- 9.3.4** Since the Inspectors hearing into this case the built and allowed planning applications in this area of Elsenham have increased. From a base in the 2011 census of 980 dwellings this figure has increased by 1550 dwellings to 2530 dwellings. No infrastructure has been added to the area resulting in overstretched amenities such as schools, surgeries, and road infrastructure.

- 9.3.5** The location of this site on the narrow country lanes of Bedwell Road leading through to Ugley and surrounding roads are woefully inadequate.
- 9.3.6** HPC are also concerned at the Air Quality being so close to M11. Not only exhaust emissions, but a considerable amount of brake dust and tyre rubber in the air. New housing often attracts young families, and children are more vulnerable to such pollution. This pollution added to the preexisting fuel stink from Stansted Airport must make the area uninhabitable for residents in the M11 corridor.
- 9.3.7** HPC considers this an opportunist application and an attempt to get under the wire before the Local plan reaches the Section 19 consultation. This application was considered by a Planning Inspector over a lengthy hearing who carefully considered the suitability of the site for residential housing and found it unsuitable. Nothing has changed. We ask the UDC planning refuse this application.

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer

- 10.1.1** Objects to the development:
- site adjacent to both the M11 and the railway line result in noise mitigation measures being required
 - these mitigation measures are primarily by way of having 3-storey blocks
 - these mitigation measures are primarily by way of having 3-storey blocks
 - Irrespective of tenure the proposed flat blocks should not be the acoustic barrier for the proposed development.
 - Registered Providers are becoming more selective in respect of which sites they are willing to bid upon and one with an active development programme within the Uttlesford district has recently advised that they are unwilling to bid upon sites where the noise mitigation consists of constructing flat blocks as a sound barrier.

10.2 UDC Environmental Health

- 10.2.1** No objection, I am satisfied that the noise concerns have been raised have been adequately addressed. It still remains that external amenity spaces will be subject to high levels of road traffic/rail noise for significant periods of time, which are above guideline levels in some cases. There may be local requirements and demand for housing in this area and therefore the noise impact on external amenity spaces will have to be balanced against this requirement from a broader planning perspective.

I would recommend the following condition: Details of a scheme of noise mitigation measures in full compliance with all recommendations of the submitted acoustic report to be secure by condition. Further conditions for land contamination, construction management plans, and external lighting should be included.

10.3 UDC Landscape Officer

10.3.1 I reviewed the LVIA, arborist report, Parameters Plan and Development Framework Plan.

10.3.2 I agree with UDC Urban Design Officer that there are access issues due to the site's constrained nature, noise and pollution issues from the M11 to the west and the lack of public open space to the south-east of the site.

10.3.3 My additional comments include:

- Centrally located LAP provides good focal point for development
- PROW route should be more direct - follow desire line of most efficient route
- More information needed on potential future pedestrian link to north, eg what route would this take? Where would this connect to? What form would this take?
- Sometimes there is a break in street trees where there are raised shared surfaces/pedestrian priority areas - street trees should continue with consistent spacing through these areas.

10.4 ECC Infrastructure

10.4.1 No Objection subject to contributions., a development of this size can be expected to generate the need for the following financial contribution to mitigate the need for education places based on 240 dwellings:

Early Years (Financial contribution -£500,947.00)

Primary Education (Financial Contribution- £1,398.600

Secondary Education: (Financial contribution of £1,282,416.00)

Libraries: (Financial contribution of £18,672.00)

10.5 NHS

10.5.1 No objection subject to contributions, the proposed development would deliver 240 dwellings, which based on an average occupancy of 2.4 occupants per dwelling will create circa 576 new patient registrations. A financial contribution is requested for health infrastructure to mitigate the primary health care impacts from this development., this includes:

Total GMS monies requested: 240 dwellings x £1,292 per dwelling = £310,080.00.

10.6 Aerodrome Safeguarding

10.6.1 No aerodrome safeguarding objections to the proposal subject to conditions.

10.7 Anglian Water

10.7.1 Anglian Water have no objections.

10.8 Essex Police

10.8.1 No objection, we would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with this policy by achieving a Secured by Design Homes award.

10.9 Place Services (Ecology)

10.9.1 Holding Objection

10.9.1.1 Additional details submitted Committee will be updated

10.10 Active Travel England

10.10.1 No objection, subject to conditions, these include:

- Approval of travel plan,
- Internal walking and cycle routes,
- Approval of travel design code,
- Approval of cycle parking

10.11. UDC Urban Design Officer

10.11.1 The most significant issue with this site is the noise generated by the motorway and whether this is compatible with creating a safe, pleasant and attractive place to live. The applicant has made great efforts to mitigate the noise with the arrangement of buildings and the use of noise attenuation strategies and equipment. However, whilst the internal noise levels may be able to be moderated, it is questionable as to whether a long-term community should be expected to tolerate the constant motorway noise whenever they are outdoors. This is particularly relevant when considering the location of the play areas.

10.11.2 The proposals are for a cul-de-sac type development accessed from a single point of entry and egress. Given the location of the site entrance and the layout, the resulting scheme is poorly connected to local amenities and facilities. Furthermore, development of this scale with the

limited outward connections and sustainable travel options will, in all likelihood, be overly reliant on cars for the majority of journeys. This coupled with the introverted nature of the layout risks creating a dormitory development that does not fully integrate with its neighbourhood.

- 10.11.3** The above points aside, the urban design would benefit from more distinction between character areas and a public realm that better aids wayfinding, with the inclusion of additional open spaces.

10.12 National Trust

- 10.12.1** Neither objecting to or supporting the Planning Application,

- 10.12.2** Having regard to the evidence and in accordance with the above requirements and the advice of Natural England, it is considered that the impacts of the development on Hatfield Forest should be addressed. New housing development within the ZOI will contribute further (both individually and cumulatively) towards recreational pressure on the Forest.

- 10.12.3** We consider a financial contribution of £334,800.00 (£1,395.00/dwelling) to the National Trust would be appropriate for use at Hatfield Forest towards visitor and botanical monitoring and mitigation works. This would be proportionate with contributions secured for other developments and reflects the current tariff agreed between the four authorities.

- 10.12.4** If, however, appropriate mitigation is not secured to address the issue set out above then the National Trust objects to this application

11. REPRESENTATIONS

- 11.1** Site notice/s were displayed on site and 485 notifications letters were sent to nearby properties. The application was also advertised in the local press.

11.2 Summary of Objections

- 11.2.1**
- Occupiers – impact from noise
 - Increase in vehicle movement in the local area,
 - Lack of local infrastructure,
 - Flooding and drainage issues,
 - Overdevelopment of Elsenham,
 - Increase in pollution,
 - Impact to traffic and highway safety,
 - The design of the development is inappropriate,
 - Not a requirement for further houses in Elsenham,
 - Harmful impact to wildlife and ecology,
 - Impact/ loss of trees,

- Elsenham has recently significantly grown,
- Development on this site has previously been refused and dismissed at appeal.

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

12.3.1 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 21 February 2020)
 Great Dunmow Neighbourhood Plan (made December 2016)
 Newport and Quendon and Rickling Neighbourhood Plan (made 28 June 2021)
 Thaxted Neighbourhood Plan (made 21 February 2019)
 Stebbing Neighbourhood Plan (made 19 July 2022)
 Saffron Walden Neighbourhood Plan (made 11 October 2022)
 Ashdon Neighbourhood Plan (made 6 December 2022)
 Great and Little Chesterford Neighbourhood Plan (made 2 February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2023)

13.2 Uttlesford District Plan 2005

- 13.2.1** S7 – The Countryside
GEN1 – Access
GEN2 – Design
GEN3 – Flood Protection
GEN4 – Good Neighbourliness
GEN5 – Light Pollution
GEN6 – Infrastructure Provision
GEN7 – Nature Conservation
GEN8 – Vehicle Parking Standards
ENV2 – Development Affecting Listed Buildings
ENV3 – Open Spaces and Trees
ENV5 – Protection of Agricultural Land
ENV7 – Protection of the Natural Environment
ENV8 – Other Landscape Elements of Importance
ENV10 – Noise Sensitive Developments
ENV12 – Groundwater Protection
ENV14 – Contaminated Land
H1 – Housing development
H9 – Affordable Housing
H10 – Housing Mix

13.3 Neighbourhood Plan

- 13.3.1** It is confirmed a Neighbourhood Plan has not been made.

13.4 Supplementary Planning Document or Guidance

- 13.4.1** 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)
Uttlesford Design Code (2024)

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2** A) Principle of Development
B) Countryside Impact
C) Design & Neighbouring Amenity (ULP Policy GEN1 and NPPF)
D) Access, and impact on highway network
E) Affordable Housing Mix and Tenure
F) Biodiversity and Protection of Natural Environment (ULP policies GEN7, GEN2, ENV7 and ENV8)
G) Noise, Pollution and Air Quality
H) Climate Change
I) Contamination
J) Flooding
H) Planning Obligations

14.3 A) Principle of development

14.3.1 Housing Delivery

14.3.2 The 2024 National Planning Policy Framework (NPPF) establishes the overarching principles of the planning system, including the requirement of the system to “drive and support development” through the local development plan process. It advocates policy that seeks to significantly boost the supply of housing and requires local planning authorities to ensure their Local Plan meets the full, objectively assessed housing needs for market and affordable housing.

14.3.3 The scheme would facilitate the construction of residential units in a location close to public transport and local facilities, including affordable housing. The proposal would be in line with the overarching objectives of adopted policy in delivering additional housing in the district, subject to consideration of all other relevant policies of the development plan, as discussed below.

14.3.4 Development Limits

14.3.5 Paragraph 82 of the NPPF states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this.

14.3.6 The application site is located outside of the development limits and in the countryside. Policy S7 of the Local Plan specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

14.3.7 Policy S7, sets out at paragraph 6.13 of the Local Plan that outside development limits, sensitive infilling proposals close to settlements may be appropriate subject to the development being compatible with the character of the surroundings and have a limited impact on the countryside will be considered in the context of Local Policy S7.

14.3.8 A review of Policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas and therefore should be given moderate weight. Nevertheless, it is still a saved local plan policy and carries weight. The proposal would be located to the

north-western edge of Elsenham in an area which is effectively an enclave of undeveloped land that is adjacent to residential development to the east and south and bound by the M11 Motorway to the west. This would serve to offset the visual impact of the development on the landscape in wider views of the site. Whilst the proposal would have a localised impact on the local landscape, the proposal would not meet the requirements of Policy S7 of the Local Plan and that, consequently the proposal is contrary to that policy.

14.3.9 Loss of Agricultural Land

14.3.10 Paragraph 187(b) of the Framework states *“Planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland”*.

14.3.11 Annex 2 of The Framework defines “best and most versatile land” as land in grades 1, 2 and 3a of the Agricultural Land Classification.

14.3.12 Local Plan Policy ENV5 (Protection of Agricultural Land) states that development of the best and most versatile (BMV) agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. It further states that where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.

14.3.13 The policy is broadly consistent with the Framework which notes in paragraph 187(b) that planning decisions should recognise the economic and other benefits of BMV agricultural land, whilst the footnote to paragraph 188 states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. However, the Framework does not require development proposals to have undertaken an assessment of alternative sites, as this policy implies, and in this regard the policy is not fully consistent with the Framework and should therefore be given reduced weight.

14.3.14 Most of the agricultural land within Uttlesford District is classified as best and most versatile 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 areas of Grade 1.

14.3.15 Whilst there would be some conflict Policy ENV5, the site is consists of

Subgrade 3 – good quality agricultural land and therefore classified as best and most versatile land. Given the above and that the loss of BMV land as part of the application would be approximately 13 hectares and taking into consideration the consideration of the Planning Inspector, there would be moderate harm to the supply of best and most versatile agricultural land. Therefore, the loss of agricultural land in this location is considered to give rise to conflict with Policy ENV5 and as such this should be considered as any tilted balance exercise.

14.3.16 Suitability and Location

14.3.17 Paragraph 83 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. New homes create additional population, and rural populations support rural services and facilities through spending.

14.3.18 Although outside the settlement boundaries of Elsenham, the new built form would be constructed adjacent to the northern edge of the settlement and therefore the proposals provide a logical relationship with the existing settlement. The siting of the development would not be unreasonable in respect to its location when taking into account the sites proximity to local services and facilities and therefore considered to be an accessible and sustainable location.

14.3.19 Therefore, the proposals provide a logical relationship with the existing settlement. The siting of the development would not be unreasonable in respect to its location when taking into account the sites proximity to local services and facilities and therefore considered to be an accessible and sustainable location.

14.3.20 NPPF Policy Position

14.3.21 The National Planning Policy Framework (NPPF) was updated in late December 2024. The housing land supply position has changed in response to the updated NPPF given that the 4-year requirement (for councils that have published their Regulation 19 emerging Local Plan) has been removed. The Council can demonstrate 3.46 years of housing land supply (including 20% buffer), which is a shortfall in comparison to the reinstated 5-year housing land supply requirement

14.3.22 As of February 2025, the Council can demonstrate 3.46 years of housing land supply (which includes a 20% buffer). With the Housing Delivery Test (HDT) being at 69%, the situations of Footnote 8 apply, which means that the Council must continue engaging with the presumption in favour of sustainable development under paragraph 11(d) of the NPPF. It is noted and as per paragraph 11 (d)(i) of the NPPF, the policies within

the Framework that protect areas or assets of particular importance do not provide a strong reason for refusing the development proposed.

14.3.23 Paragraph 11 (d) (ii) of the NPPF requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.

14.3.24 The "Planning Balance" is undertaken further below, but before doing a wider assessment of the proposal against all relevant considerations to determine if there are impacts, before moving to consider if these impacts are adverse and would 'significantly and demonstrably' outweigh the benefits of the proposal in the planning balance.

14.3.25 However, taking into account the engagement of the tilted balance and when reviewed against the aforementioned policies, the proposal is on balance, considered to be acceptable in principle.

14.4 B) Countryside Impact

14.4.1 A core principle of the NPPF is to recognise the intrinsic and beauty of the countryside. Paragraph 187 of the Framework further states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

14.4.2 Landscape Character is defined as 'a distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse'. The landscape character is that which makes an area unique.

14.4.3 The Site is located on the northern edge of the settlement of Elsenham. It forms a broadly triangular shaped land parcel between the built edge of Elsenham, the M11 and the West Anglian Main Line railway. Neither the Site nor the landscape in its vicinity, are covered by any statutory or non-statutory designation for landscape character or quality.

14.4.4 The Site lies within the Broxted Farmland Plateau, as identified in the Uttlesford District Landscape Character Assessment. Whilst the Site displays some characteristics of the wider character area in that it is relatively open farmland, it is heavily influenced by the surrounding transport infrastructure and the built edge of Elsenham.

14.4.5 In addition, it is relatively low lying, flat land which is contained by the rising land to the east and west. The Site contains few landscape features of note, and lacks a strong landscape framework, with field boundary hedgerows largely absent. The landscape quality and value of the Site is assessed as medium to low.

14.4.6 The submitted Landscape and Visual Impact Assessment considers that although there would be a substantial change in the character of the Site,

landscape and visual effects on the character or views from the wider countryside would be limited. Development at the Site will extend built development at the northern edge of Elsenham into an area of farmland. Despite this, the Site is well contained by the surrounding transport infrastructure which separates it from the wider countryside to the east and west. Development in this location would form a logical extension to the existing built-up area and would be well related to the established settlement pattern within Elsenham.

14.4.7 The Council's Landscape Officer has reviewed the submitted Landscape Assessment and advises the proposal the effect of the proposed on the existing character of the immediate site would be major to moderate adverse, although this would be localised. This is due to the change of the undeveloped agricultural field to a residential development, however this is localised.

14.4.8 The proposal for up to 240 dwellings would result in the introduction of built form where there is none currently. The new built form would be partly screened and contained within the established structure and fabric of the site when seen from outlying countryside locations. The proposed woodland areas to the north of the site additional planting and retention of existing trees and vegetation would significantly mitigate the visual impact of the development on the wider landscape. The landscaping of the development would be approved as part of a reserved matters application. The development would not result in a significant overly prominent or discordant effect and would appear as an unobtrusive addition to the settlement set behind the established boundary treatments and adjacent to existing properties.

14.5 C) Design & Neighbouring Amenity

14.5.1 Design

14.5.2 In terms of design policy, good design is central to the objectives of both National and Local planning policies. The NPPF requires policies to plan positively for the achievement of high quality and inclusive design for the wider area and development schemes. Section 12 of the NPPF highlights that the Government attaches great importance to the design of the built development, adding at Paragraph 131 '*The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve*'. These criteria are reflected in Policy GEN2 of the adopted Local Plan.

14.5.3 This is an outline application where appearance, layout, scale, and landscaping are reserved matters. The application includes a number of plans that indicate the key aspects of the design and layout such as access, position of housing, open space and landscape features. The height of residential development would be predominantly 2 and 2 and ½ and 3 storey buildings. The density of the site would be between

approximately 18 dwellings/hectare and there would be a mixture of housing types.

14.5.4 The Council Urban Design Officer has been consulted and raises concerns in regard to the :

- The design of the dwellings that will form a noise barrier,
- The houses forming this barrier will be close together and three storeys high, which will create a long, monotonous and unbroken building line,
- Potentially not creating a beautiful and attractive place to live,
- The two LEAP children's play facilities are in a location with acceptably high noise levels,
- This creates a site with very poor connectivity to its surroundings and local amenities,
- The 4-character areas are broadly the same with little defining features to differentiate them,
- In terms of legibility and wayfinding there is not sufficient distinctiveness or character to any of these areas that will create a successful place,
- The landscape strategy appears to be largely driven by a response to the site constraints,
- The scheme could benefit from another area of open space in the south-west quadrant of the layout.

14.5.5 The submitted Illustrative Masterplan and 3D Bird's Eye Illustration which accompanied the Design & Access Statement (DAS), efforts have been included to ensure proposed landscaping, building and surfacing materials have been used to add interest to this edge of the proposed neighbourhood.

14.5.6 The new homes have been set behind a large green corridor; running the extent of the Site's western boundary, incorporating new landscaping, existing vegetation which has the potential to create ecological and visual interest within this area. The development will include tree planting lining the road, perpendicular bay parking has been separated by substantial grass verges, and shared area parking courts laid to block paving helping to add interest to the street scene, creating an attractive environment when travelling along the street in a car, on foot or by bicycle.

- 14.5.7** The proposal includes public open space and a local equipped play area (LEAP). The combination of the embankment, close board fence, existing tree belt and large extents of proposed structural, thicket and tree planting within these areas would give the impression of an enclosed and intimate character.
- 14.5.8** In terms of connectivity is important to note that matters of connectivity were comprehensively considered as part of the previous appeal on the Site and the Inspector found to be acceptable.
- 14.5.9** Active Travel Routes to local facilities within the centre of Elsenham are more than 800m from the Site, however the actual walk distances are consistent with the requirements of Manual for Streets. Walk distances were not considered an issue by the previous appeal Inspector who personally walked the routes to the village shops and the primary school.
- 14.5.10** In regard to the previously approved application UTT/24/1618/PINS for 50 dwellings and located to the south of this application site. Although the LPA expressed concerns to the design of the 3-storey apartment block, the Inspector advised they did not find at the location, scale or design of the apartment block would be visually harmful or incongruous, primarily due to its location to the rear of the site when viewed from Bedwell Road and its footprint, which breaks up the elevations and results in the articulation of its roof.
- 14.5.11** The Planning Inspector considering the previous dismissed appeal at this site for application UTT/19/2266/OP (220 dwellings) did not raise any concerns in regard to the 3 storey block design of the development in terms of its appearance, however concerns were raised to whether this design principle could in fact ensure the future occupants of housing would not experience significant noise disturbance.
- 14.5.12** In regard to the role of separating settlements and ensuring there is no coalescence of Ugley Green, Old Mead and Henham, it is considered the site contained by the M11 and railway. The M11 bridge is directly to the west of the access and forms a strong physical barrier between the site in Elsenham and the hamlet of Ugley Green. The site cannot be seen from Ugley Green itself and is only partially visible on a PRow to the north of the hamlet, across the motorway.
- 14.5.13** Development in the northern part of the site would be very limited based upon the parameters plan and would not extend far beyond the northern dwelling on Old Mead Road. Therefore, containment of the site means that it provides a very limited, if any, function in separating settlements or preserving openness.
- 14.5.14** The public right of way running through the site has a rural quality and value, in this case it is located undeveloped field and the rural setting of Elsenham can be appreciated from the site. This would be lost through

the development and there would be an adverse effect. Although this may be the case, any housing development on the edge of a village with a public right of way running through it would have a similar effect. Furthermore, the proximity of the other developments surrounding the site results in this value being limited, this also is due to the public right of way being closed at the railway crossing point. The development of this site would retain the public right of way and the parameters plan sets out this would be within green corridors.

14.5.15 Whilst the layout of the development is a matter reserved for consideration at a later date, the Council has to be satisfied that the site is capable as accommodating the number of dwellings proposed along with suitable space for policy compliant levels of car parking, garden and open space areas and SuD's etc. It is concluded that the proposals would likely be able to accommodate the required standards, however, this would be addressed when the reserve matters applications are submitted if outline consent were to be granted.

14.5.16 Development of the site would inevitably and significantly change the landscape character, and this would be a localised permanent spatial and visual change. Whilst change does not necessarily equate to harm, the loss of an open and undeveloped rural field is generally regarded as adverse in landscape terms. Extensive landscaping and a community woodland are also proposed. The development could be designed sympathetically, having regard to the edge of village setting, creating a softer edge than currently exists to the south. Furthermore, Elsenham would retain its rural setting and there would be no sense of coalescence.

14.5.17 Therefore, on balance and taking into consideration the previous dismissed appeal on this site it is considered there would be a moderately adverse effect on the character and appearance of the area. Although this would conflict with ULP Policy S7 of the ULP, which seeks to protect or enhance the countryside. Lastly, there would be moderate conflict with the Framework, which seeks to recognise the intrinsic character and beauty of the countryside.

14.5.18 Neighbouring Amenity

14.5.19 The NPPF requires a good standard of amenity for existing and future occupiers of land and buildings. Policies GEN2 and GEN4 of the Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

14.5.20 The application is seeking outline permission and layout is a matter for reserve consideration at a later date and therefore it is not possible to fully assess the impact it would have on the amenity of neighbouring occupiers.

- 14.5.21** The submission includes a parameter plan and layout of the site and that 2-storey dwelling will be located to eastern boundary of the site with 2 and half storey dwelling to the centre of the site and southern boundary. 3 storey dwelling are located to the western boundary.

Due to the size of the site the proposed built form could be easily sufficiently distanced from neighbouring properties adjacent and adjoining site and could be designed appropriately such that it is not anticipated that the proposed development would give rise to any unacceptable impact on the amenities enjoyed of these neighbouring properties in terms of noise, outlook, daylight or privacy. As such, the proposal would comply with Policies GEN2 and GEN4 of the Local Plan and the NPPF 2023.

14.6 D) Access, and impact on highway network (ULP Policy GEN1 and NPPF)

- 14.6.1** 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.

- 14.6.2** Several objections and concerns relating to the effect in which the proposed development would have upon highway safety due to the increased amount of traffic movements to and from the site resulting in unwanted traffic congestion on the surrounding highway networks and junctions.

- 14.6.3** The application is supported by a Transport Assessment which includes cumulative development (development sites for which planning consent has been granted) in Elsenham and Stansted Mountfitchet. Cumulative impacts in particular need to be considered in relation to impacts on Henham Road/ High Street and Lower Street/Grove Hill junctions.

- 14.6.4** The submitted Transport Assessment and Trip generation is based on 245 units ensuring a robust analysis. The development is assumed to be fully completed by 2029 and as such represents a worst-case assessment. The trip generation includes 117 traffic generation weekday (am) and 119 weekdays (pm). Although there would be an increase in traffic, but this would take it nowhere near capacity. Therefore, the traffic increase does not lead to the road becoming unsafe.

- 14.6.5** In view of the above, Highways England have been consulted. They advise after reviewing the entails and information provided, we find that, although the location of the proposed development is next to the M11, it is also remote from any junctions or access to the M11. As such it is unlikely to have a severe impact upon the Strategic Road Network.

14.6.6 Essex County Council as Local Highway Authority have been consulted, no objections are raised subject to a financial contribution to an improved bus service serving key destinations including Stansted Mountfitchet, Bishops Stortford and Stansted Airport. This will provide an alternative to the car and it is expected will ultimately result in a reduced impact on the highway network. The bus service contribution for this site would be £654,640 towards the enhanced bus service, and this would be secured by a S106 agreement should the application be approved.

14.6.7 The proposed access to the site via Bedwell Road/ Snakes Lane/ Pound Lane has to be widened to ensure the access meets current highway requirements for adoption. An improved footpath connection will also be provided as part of this new pedestrian/ cycle link in the vicinity of the site. These improvements are to be made as part of a contribution by the applicant to the Local Highway Authority.

14.6.8 A series of pedestrian access points are located around the site integrating the development into the wider network of Public Rights of Way. The proposals have also been considered with regards to their potential impact on the strategic highway network. This has been considered by Highways England who confirm that they consider that the proposals would not result in harmful impacts on the strategic highway network and therefore raise no objections to the proposals.

14.6.9 The proposal would have an acceptable effect upon the safety of all highway users. This would be compliant with Policy GEN1 of the ULP, which seeks to ensure access to the main road network must be capable of carrying the traffic generated by the development safely and the traffic generated by the development must be capable of being accommodated on the surrounding transport network. There would also be compliance with the Framework, which seeks to ensure safe and suitable access to the site can be achieved for all users.

14.7 E) Affordable Housing Mix and Tenure

14.7.1 In accordance with Policy H9 of the Local Plan, the Council has adopted a housing strategy which sets out the Council's approach to housing provisions. The Council commissioned a Strategic Housing Market Assessment (SHMA) which identified the need for affordable housing market type and tenure across the district. Section 5 of the National Planning Policy Framework requires that developments deliver a wide choice of high-quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

14.7.2 The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Council's policy requires 40% on all schemes over 0.5 ha or 15 or more properties. The affordable housing provision on this site will attract the 40% policy

requirement as the development proposes up to 240 properties. This amounts to up to 96 affordable housing properties.

14.7.3 Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2- and 3-bedroom market dwellings. The accommodation mix would be subject to reserved matters application where finer detail in terms of layout would be provided to ensure that the most appropriate mix for the site is submitted for assessment.

14.7.4 Moreover, it is also the Council's policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). The Council's Housing Strategy 2021-26 also aims for 5% of all units to be bungalows delivered as 1- and 2-bedroom units. The proposal included 40% affordable housing provision which is policy compliant and a significant public benefit as part of the proposal. Given the outline nature of the proposal, the tenure and mix of housing could be adequately dealt with by way of condition or at reserved matters stage.

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

14.8.1 Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.

14.8.2 The application site itself is not subject of any statutory nature conservation designation being largely used for agriculture. The application site is located in relatively close proximity to an important and Ancient Woodland and a Local Wildlife Site (Alsa Wood, Stansted Mountfitchet). In addition, the site is within the Zone of Influence for development that could potentially adversely affect Hatfield Forest, which is a Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR).

14.8.3 The application is accompanied by an Ecological Impact Assessment as part of the Environmental Assessment. A water Vole and Otter Survey, Reptile Mitigation Strategy, Preliminary Ecological Strategy, Arboricultural Impact Assessment, Badger Survey, a Landscape and Visual Impact Assessment and a Recreational Strategy Plan. There were no records for protected or rare species for the site itself, although there were numerous records for species within 2km of the site.

14.8.4 The submitted documents have been assessed by the County Ecologist they have raised a holding objection. To address this objection updated information has been submitted and Place Services have been reconsulted. Members will be updated.

14.8.5 Policies ENV7 and ENV8 seek to protect designated sites for nature conservation and other landscape elements of importance for nature conservation. Policy ENV8 requires the protection of hedgerows, linear tree belts, and semi-natural grasslands. The site itself does not fall within any designated areas, but does lie within 100m of a local wildlife site. Given the nature of the proposals and the open space and ecological measures included in the scheme, it is not considered that the proposals would result in any significant adverse harm to these areas. As such the proposals comply with Policies ENV7 and ENV8.

14.8.6 Natural England and the National Trust have requested that in order to mitigate against the recreational impacts of the development on Hatfield Forest, SSSI and NNR that on site mitigation of and off site mitigation are requested:

14.8.6.1 On-Site Mitigation

On-site measures which would help relieve the pressure on Hatfield Forest should be provided. These should take the form of:

- High-quality, informal, semi-natural areas, to be provided prior to first occupation of the dwellings;
- A circular dog walking route within the site to be provided prior to first occupation of the dwellings;
- A dedicated 'dogs-off-lead' area, to be provided prior to first occupation of the dwellings;

14.8.6.2 Off-Site Mitigation

We consider a financial contribution of £334,800.00 (£1,395.00/dwelling) to the National Trust would be appropriate for use at Hatfield Forest towards visitor and botanical monitoring and mitigation works. This would be proportionate with contributions secured for other developments and reflects the current tariff agreed between the four authorities.

14.8.7 In summary, the National Trust does not object to the principle of this development. However, if the LPA is minded approving the application, it is requested that appropriate mitigation for recreational impacts upon Hatfield Forest SSSI and NNR are secured through a S106 Agreement. The onsite mitigation can be secured by an appropriate condition.

14.8.8 With regards to the request for a financial contribution towards mitigation for Hatfield Forest, this is based on a draft document setting out a 14.1km Zone of Influence around Hatfield Forest. The relevant authorities involved in the potential implementation of this strategy are currently working with the National Trust and Natural England to agree the basis of the full consultation document. The applicant has agreed to the payment of the contribution via a section 106 agreement.

14.8.9 As the site is located close to Stansted Airport, any planting on the site, should not include a high proportion of berry bearing plants that attract birds as this could result in bird strike and threaten Air safety. This can be addressed by a suitably worded condition

14.8.10 In view of the above, it is not considered that the proposal would have any material detrimental impact in respect of protected species or biodiversity to warrant refusal of the proposal and accords with ULP Policy GEN7.

14.8.11 Trees

14.8.12 In order to implement the proposed access from Bedwell Road (non-reserved matter) and to achieve the requisite visibility splays, moderate quality oak and a section of low-quality hawthorn group will require removal. With regards to the development of the site it is anticipated that the location of the development parcels, spine road and SuDS features will require the removal of low-quality trees. In the context of the landscape proposals for the Site, the potential impacts are biconsidered acceptable from an arboricultural perspective.

14.8.13 Whilst the trees are considered low quality, the loss of these would be outweighed by replacement planting within the site and also along the proposed northern woodland area. This would ensure that the tree cover to be lost to facilitate access would be adequately replaced in terms of quantum and quality within the application site.

14.9 G) Noise, Pollution and Air Quality

14.9.1 The application site is in close proximity to the M11 motorway, which is elevated above the application site to the west and also is adjacent to the West Anglia Main Line railway to the east. Concerns have been raised in respect of the dominant noise source affecting the site is the train line along the western boundary of the site which may require some form of mitigation (glazing and acoustic barriers etc.)

14.9.2 As result of an iterative noise assessment process (the final iteration of which is reported here), a number of key changes have been made to the scheme design compared to that previously considered at appeal, based on the assessment findings to provide improved, embedded noise mitigation. These are:

- The housing blocks to the west of the site are closer together and higher to provide more effective screening of noise to the remainder of the site to the east.
- There are no bedrooms on the western façades closest to the M11.

- All living rooms for proposed dwellings adjacent to the M11 have windows which can be opened for ventilation and cooling without the resultant internal noise level being above guideline values.
- The layout of the remainder of the site has been adjusted to ensure that noise levels within all private gardens are acceptable, according to the standards previously agreed.
- All private gardens would be provided with a 1.8m high timber fence of suitable design to screen noise.

14.9.3 The application is accompanied by an Air Quality Assessment and a Noise Assessment. The Council's Environmental Health Officer considers it still remains that external amenity spaces will be subject to high levels of road traffic/rail noise for significant periods of time. All external areas would be below 58dB, LAeq,16h, as required by the Council. Many would be below 55dB, LAeq,16h, which is the preferred target. At the weekend, virtually all parts of all gardens would be below 55dB, LAeq,16h. There may be local requirements and demand for housing in this area and therefore the noise impact on external amenity spaces will have to be balanced against this requirement from a broader planning perspective.

14.9.4 Internal noise levels can be controlled for every habitable room around site using conventional noise mitigation approaches. Noise mitigation required for the majority of the site would be no higher than a "low" rating with a few of the dwellings closest to the road and rail line needing a "medium" level of noise mitigation

14.9.5 Subject to conditions requiring a scheme for protecting the occupants of the proposed dwellings from noise from road and rail traffic to be submitted and agreed by the Local Planning Authority and a further condition requiring a Construction Method Statement to be submitted is satisfied that no adverse impacts will result from the proposals. As such, subject to condition, the proposals comply with Policy ENV13.

14.9.6 Representations have been received in respect of potential harm in respect of air pollution. The site is not in an area currently monitored for air quality (AQMA) and Environmental Health officers have been consulted, who confirm that they are not concerned in respect of air quality issues and that they have no objections to the proposal. In order to encourage cleaner vehicle usage a condition is recommended for the provision of electric charging points to be provided. The developer has agreed that each dwelling will have infrastructure for vehicle electric vehicle charging points.

14.10 H) Climate Change

14.10.1 Policy GEN2 of the Local Plan seeks to ensure that the design of new development 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.

- 14.10.2** The applicant is committed to the delivery of a scheme which mitigates its impacts, is adaptable and built to high standards. An Energy Statement has been submitted as part of the application which highlights the key sustainability features that would be incorporated as part of the development. The proposals would achieve at least a 10% carbon emissions reduction over a Part L compliant development, with the predicted improvement of 30-50%, which is supported. Given the outline nature of the application, full details of such measures would be dealt with by way of condition through the submission of a more detailed energy and sustainability statement.

14.11 I) Contamination

- 14.11.1** Although the Council has no reason to believe the proposed site is contaminated and is not aware of any potentially contaminative past use on the site in question. It is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site in accordance with Policy ENV14 of the adopted Local Plan.

- 14.11.2** The Council's Environmental Health Officer has been consulted as part of the application and notes the proposed development is for a very contamination-sensitive end use of residential occupancy with gardens, it is therefore important to ensure that any contamination risks that may be present on site are identified, assessed and where necessary remediated to a suitable standard. It is therefore suggested that, if permission is granted, conditions requiring an assessment of the nature and extent of contamination should be imposed. This would require the developer to submit to, and obtain written approval from, the Local Planning Authority of a Phase 1 Desk Study Assessment, prior to any works commencing on site, with further potential site investigations and remediation taking place at the site.

14.12 J) Flooding

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

- 14.12.2** The Environmental Agency's website and the Councils policy maps has identified the site is within a fluvial Flood Zone 1; an area that is at low risk of flooding.

- 14.12.3** New major development for housing needs to include a flood risk assessment as part of their planning application, to ensure that the required form of agreed flood protection takes place. Additionally, all major developments are required to include sustainable drainage to ensure that the risk of flooding is not increased to those outside of the development and that the new development is future proofed to allow for increased instances of flooding expected to result from climate change.
- 14.12.4** The application is accompanied by an Environmental Impact Assessment and a Flood Risk Assessment. The Lead Local Flood Authority, following the submission of the requested additional information, raises no objections to the proposals subject to conditions requiring a surface water drainage scheme for the site to be submitted and approved, a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution to be submitted and approved, a maintenance plan detailing the maintenance arrangements to be submitted and agreed and for the applicant or any successor in title must maintain yearly logs of maintenance which must be available for inspection on request by the Local Planning Authority.
- 14.12.5** The proposals have also been considered by Anglian Water who confirm that no objections subject to conditions. As such, the proposals comply with Policy GEN3 and the NPPF.
- 14.12.6** The site is located 6km from Stansted Airport and as such Airport Safeguarding team stipulate that bodies of open water must be avoided, owing to the possibility of attracting large numbers of birds, with the consequent risk of aircraft bird strike. The sustainable drainage features should be secured by condition and approved in consultation with the aerodrome safeguarding authority.

14.13 K) Planning Obligations

- 14.13.1** Paragraph 58 of the NPPF sets out that planning obligations should only be sought where:
- they are necessary to make the development acceptable in planning terms;
 - directly related to the development;
 - and fairly and reasonably related in scale and kind to the development.
- 14.13.2** This is in accordance with Regulation 122 of the Community Infrastructure Levey (CIL) Regulations. The following identifies those matter that the Council would seek to secure through a planning obligation, if it were proposing to grant planning permission.
- Early Years and Childcare: Financial contribution of £500,947.00
 - Primary Education: Financial contribution of £1,398.600

- Secondary Education: Financial contribution of £1,282,416.00.
- Libraries: Financial contribution of £18,672.00).
- NHS: Financial contribution of £310, 080.00.
- Provision of 40% affordable housing.
- Provision of 5% wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010.
- Provision, long-term on-going maintenance and transfer of public open space.
- Financial contribution of £654,640 towards bus services.
- Provision of new bus stops on Bedwell Road
- Public Right of way upgrading: Financial contribution of £45,000
- Residential Travel Plan
- Residential Travel Pack
- Hatfield Forest Financial Contribution

14.13.3 A section 106 Agreement under the provisions of the Town and Country Planning Act 1990, as amended, is currently being drawn up. It is considered that, subject to the developer entering a S106 agreement to provide the above contributions, the proposal would comply with the requirements of ULP Policy GEN 6.

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. Planning Balance and Conclusion

16.1 As of December 2024 the Council's housing land supply figure is 3.46 years. Also the Council's Development Plan cannot be viewed as being fully up to date as such NPPF paragraph 11(d) of the National Planning Policy Framework (NPPF) is still relevant and the tilted balance is engaged.

16.2 The amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. Being out of date does not mean that a policy carries no weight. A review of Policy S7 concluded that this takes a more restrictive approach to development in the countryside compared to the NPPF which takes a more positive approach, and this could affect the delivery of housing. However, it is broadly consistent with the NPPF in terms of seeking to protect the character and appearance of the countryside. The **benefits** of the scheme and weight applied are set out below.

16.3 Delivery of up to 144 market and 96 affordable homes to be delivered in a sustainable location- **significant weight**

16.4 A significant contribution to improve the level of bus services in the area to provide a bus service and bus stops- **significant weight**

16.5 The provision of a large area of new public open space within the development site- **significant weight**

16.6 The provision of a financial contribution for the refurbishment or replacement of Elsenham and Ugley Village Hall is to hold **significant weight**

16.7 Improvement to the public right of way and pedestrian network enhancing accessibility on foot or cycle in the vicinity of the site- **significant weight**.

16.8 A net gain of biodiversity onsite that will not be realised without the Proposals- **moderate weight**.

16.9 Travel Plan including a cycle purchase voucher of £200 per household and the provision of Travel Packs for each Dwelling- **moderate weight**.

16.10 Secure covered cycle parking both at the railway station, and the local shopping area- **moderate weight**.

16.11 The construction cost of the development is expected to be around

£39.1 million. Calculations suggest that this construction expenditure would support around 91 Full Time Equivalent (FTE) construction jobs and 6 apprenticeships per year over the period of the build- **moderate weight**.

16.12 The development would provide economic and social benefits in terms of the construction of the dwellings and supporting local services and amenities providing investment into the local economy- **moderate weight**.

16.13 The sustainable drainage system would equally be of **neutral weight** as it would be required to offset the effect of surface water run-off from the development.

16.14 Turning to the **adverse impacts** of development, the negative environmental effect of the development would be the harmful impact caused to the landscape character and visual effects on the character and appearance of the countryside from the introduction of built form in this location, albeit this would be limited and localised.

16.15 Due to the location of the development external amenity spaces will be subject to high levels of road traffic/rail noise for significant periods of time, however noise levels within all private gardens are acceptable. Unlike the previously appeal which considered this to have significantly adverse for development on this site, the current proposal provides a more acceptable level of living standards. As such although there is some harm raised, I consider this at the lower level of the scale.

16.16 The site is outside the development limits, and there is fundamental conflict with Policy S7 on the matter of the location of development. However, this does not hold full weight given the housing supply context.

16.17 Therefore, and taken together, the harm caused by the proposed development is not considered to significantly and demonstrably outweigh the overall benefits of the scheme, when assessed against the policies in this Framework taken as a whole (NPPF Paragraph 11d (ii)). In the circumstances, the proposal would represent sustainable development in accordance with the NPPF.

16.18 Taking into account the more up- to-date nature of the NPPF with respect to the determining issues, it is considered that the lack of accordance with the development plans is overridden in this instance. Regards have been had to all other materials considerations and it is concluded that planning permission should be granted.

16.19 **RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION.**

17. **S106/ CONDITIONS**

17.1 S106 HEADS OF TERMS

- 17.2**
- Provision of 40% affordable housing
 - Provision of 5% wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010)
 - Securing Farmland Bird Mitigation Strategy to compensate offsite the loss or displacement of any Farmland Bird
 - Maintenance of SuDS including on-going maintenance of drainage systems where their outfall is beyond the sit
 - Provision and long-term on-going maintenance of public open space
 - Early Years and Childcare: Financial contribution of £500,947.00
 - Primary Education: Financial contribution of £1,398.600
 - Secondary Education: Financial contribution of £1,282,416.0
 - Libraries: Financial contribution of £18,672.00
 - NHS: Financial contribution of £310, 080.00
 - Financial contribution of £654,640 towards bus services
 - Financial contribution to Elsenham and Ugley Community / Village Hall.
 - Provision of new bus stops on Bedwell Road
 - Public Right of way upgrading: Financial contribution of £45,000
 - Residential Travel Plan
 - National Trust SAMM contribution
 - Pay the Council's reasonable legal costs
 - Pay the monitoring fee

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 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 set out in the Schedule.

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

PRE COMMENCEMENT

- 5** Prior to the commencement of the development hereby approved a Construction Method Statement shall be submitted and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) Construction/Operational Hours
- b) the parking of vehicles of site operatives and visitors
- c) loading and unloading of plant and materials
- d) storage of plant and materials used in constructing the development
- e) the control of noise and dust from construction, including the hours of working and hours of deliveries
- f) safe access to site and construction route
- g) wheel washing facilities
- h) measures to control the emission of dust and dirt during construction

REASON: The use of such pre commencement condition is required to protect the amenity of surrounding residential premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

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

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and

the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.

- Limiting discharge rates to 2.9l/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.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event;
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event OR, if impracticable.
- Demonstrate that features are able to accommodate a 1 in 10 year storm event 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 ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

- 7 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: To ensure an adequate level of surface water and drainage scheme is provided to minimise the risk of on and off-site flooding in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

- 8 Prior to commencement of the development hereby approved details of a scheme of noise mitigation measures in full compliance with all recommendations of the submitted acoustic report (Prepared by Sharps Acoustics, dated: 26th January 2024) shall be submitted to the Local Planning Authority for written approval. Once approved the scheme shall

be implement in full prior to the use commencing and permanently maintained thereafter.

REASON: To ensure future occupiers enjoy a good acoustic environment, in accordance with policy ENV10 which requires appropriate noise mitigation and sound proofing to noise sensitive development.

- 9** 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 and approved in writing by the local planning authority.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 10** No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in Part 1 and confirmed by the Local Authority archaeological advisors.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 11** 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: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 12** No development approved by this permission shall take place other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures until an investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) a survey of extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - Human health,

- Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- Adjoining land,
- Groundwaters and surface waters,
- Ecological systems
- Archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

REASON: To protect human health and to ensure that no future in accordance with the Policy ENV14 of the Adopted Local Plan and the NPPF.

- 13** The development hereby permitted shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: To protect human health and to ensure that no future in accordance with the Policy ENV14 of the Adopted Local Plan and the NPPF.

- 14** The development hereby permitted shall not commence other than that required to carry out the agreed remediation until the measures set out in the approved Remediation scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

REASON: To protect human health and to ensure that no future in accordance with the Policy ENV14 of the Adopted Local Plan and the NPPF.

- 15** In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An

investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared submitted for the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

REASON: To protect human health and to ensure that no future in accordance with the Policy ENV14 of the Adopted Local Plan and the NPPF.

- 16** If found to be necessary from the Phase 2 investigation and remediation scheme, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time to be agreed with the Local Planning Authority, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority.

REASON: To protect human health and to ensure that no future in accordance with the Policy ENV14 of the Adopted Local Plan and the NPPF.

- 17** Prior to the commencement of the development, an Energy and Sustainability Statement shall be submitted to, and approved in writing by, the local authority. The measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

REASON: To ensure that the proposals comply with the Council's corporate Interim Climate Change Planning Policy (2021) and the NPPF.

- 18** Prior to the first occupation of the development, details of measures to maximise the use of low-emission transport modes (e.g. secure covered storage for motorised and non-motorised cycles, an electric vehicle charge point) must be submitted to and approved in writing by the local planning authority. The measures must be installed in accordance with the approved details prior to occupation.

REASON: To minimise any adverse effects on air quality, in accordance with Policy ENV13 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 19** No development shall take place, including any ground

works or demolition, until a condition survey of the existing adopted Highway (carriageway and footway) within approximately 1.5km of the access to the site following the proposed vehicle routing has been submitted to, and approved in writing by, the local planning authority. The survey must consist of:

- i. A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.
- ii. a site plan showing the location of where the photographs were taken on the public highway.

REASON: To ensure that the construction works do not result in the deterioration of the condition of the public highway along the site and to ensure repairs are undertaken at the developer's expense where, caused by developer in the interests of highway safety and in accordance with ULP Policy GEN1.

- 20** No later than the submission of the first reserved matters application, a Site Wide Housing Mix Strategy for the proposed mix of dwellings (defined by number of bedrooms) shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved Strategy, or any such strategy subsequently approved by the Local Planning Authority.

REASON: To create a sustainable new community with a range of dwelling size, which contribute towards meeting need, in accordance with Policy H10 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 21** No reserved matters application shall be submitted until a Design Code document showing how the development will comply with the guidance in LTN 1/20 on Cycle Infrastructure Design, in Manual for Streets, Inclusive Mobility and the National Model Design Code (or subsequent documents that are current at time of design and submission) has been submitted to and approved in writing by the Local Planning Authority. The code should include, but not be limited to the following:

- 1) The phasing of the development including the phasing of infrastructure.
- 2) The principles of the street and public spaces hierarchy to address, permeability, walking, wheeling and cycling movement and the needs of people with disabilities
- 3) The design of the transport network street hierarchy, primary, secondary, local, tertiary, and multi-functional streets, cycleways/cycle paths, footways/footpaths and public spaces,

providing typical street cross-sections, which should include details of junction types, sideroad treatments, traffic calming, surfacing, segregation, lighting, tree planting, passive surveillance and on street parking, including construction design details.

4) Details of the approach to cycle parking for residential and community spaces including the distribution (resident/visitor parking and location in the development), dimensions (including spacing) and design of facility and any secure or non-secure structures associated with the storage of cycles.

5) Signing (wayfinding) strategy for the development to show active travel routes within and outside the development to key destinations and the active travel network. Subsequent applications for reserved matters approval shall accord with the approved details.

REASON: To ensure a high standard of design of active travel infrastructure, reflecting current national guidance, is secured to prioritise pedestrians and cycle movements and address the needs of people with disabilities in accordance with the National Planning Policy Framework and in accordance with ULP Policy GEN1.

- 22** Prior to development commencing, a detailed scheme of works to be agreed in writing with the Planning authority to include but not limited to, the realignment of footpath 14 and details of surfacing and width of the new diverted Public right of way . The application to permanently divert the PROW shall then be made under s257 Town & Country Planning Act 1990 to Uttlesford District Council and if successful shall be implemented prior to development commencing.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport and in accordance with ULP Policy GEN1.

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

REASON: In the interest of highway capacity and safety and in accordance with ULP Policy GEN1.

- 24** No development shall commence until details of the Sustainable Urban Drainage Schemes (SUDS) have been submitted to and approved in writing by the Local Planning Authority in consultation with the aerodrome safeguarding authority for Stansted Airport. The submitted Plan shall include details of:

Attenuation times; Profiles & dimensions of water bodies; Details of marginal planting

REASON: Flight safety - to avoid endangering the safe movement of aircraft and the operation of Stansted Airport through the attraction of species of birds that are hazardous to aircraft and thereby increase the bird hazard risk and in accordance with Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

- 25** No development should take place until a landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscaped areas, other than small privately owned domestic gardens shall be submitted to and approved by the Local Planning Authority in consultation with the aerodrome safeguarding authority for Stansted Airport. The Plan should contain a comprehensive list of species.

REASON: Flight safety - To avoid endangering the safe movement of aircraft and the operation of Stansted Airport through the attraction of species of birds that are hazardous to aircraft and thereby increase in the bird hazard risk by the inclusion of certain species of trees and shrubs on the application site and in accordance with Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

PRIOR TO SLAB LEVEL

- 26** Prior to any works above slab level details of the provision of on-site Accessible Natural Greenspace (ANG) of sufficient high quality and size (refer to GI Standards (naturalengland.org.uk) shall be submitted to and approved in writing by the local planning authority, the approved works shall be implemented in accordance with the approved details prior to the occupation of the last unit and shall be retained in that manner thereafter.

REASON: The application site 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, in accordance with ULP Policy GEN7 and the NPPF, whereby authorities should seek to protect and enhance the natural environment, including sites of biodiversity value.

- 27** Prior to any works above slab level details of a signposted circular dog walking route of approximately 2.3-2.5km, making use of Public Rights of Way (PRoW) shall be submitted to and approved in writing by the local planning authority, the approved works shall be implemented in accordance with the approved details prior to the occupation of the last unit and shall be retained in that manner thereafter.

REASON: The application site 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, in accordance with ULP Policy GEN7 and the NPPF, whereby authorities should seek to protect and enhance the natural environment, including sites of biodiversity value.

PRE OCCUPATION CONDITIONS

- 28** 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 and in accordance with ULP Policy GEN1.

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

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and in accordance with ULP Policy GEN1.

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

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety and in accordance with ULP Policy GEN1.

- 31** 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 an adequate level of surface water and drainage scheme is provided to minimise the risk of on and off-site flooding in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

- 32** 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 an adequate level of surface water and drainage scheme is provided to minimise the risk of on and off-site flooding in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

- 33** Prior to occupation of the 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 ULP policy GEN1 and the NPPF.

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

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety and in accordance with ULP Policy GEN1.

COMPLIANCE CONDITIONS

- 35** Details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. Only the details thereby approved shall be implemented.

REASON: To protect the amenities of the occupiers of adjoining properties in accordance with ULP Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005)

- 36** The dwellings hereby approved shall be built in accordance with Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

5% of the dwellings hereby approved wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010.

REASON: To ensure a high standard of accessibility, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005), the SPD entitled 'Accessible Homes and Playspace' and the Planning Practice Guidance.

- 37** Any air source heat pumps to be installed at the development shall be specified and designed, enclosed, or otherwise attenuated to ensure that noise resulting from their operation shall not exceed the existing background noise level as measured at the nearest noise sensitive receptor inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014

REASON: To safeguard the residential amenity of neighbouring properties from the impact of noise and disturbance, in accordance with ULP Policy GEN4 and the NPPF.

- 38** Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.

REASON: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport and in accordance with Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

- 39** Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no reflective materials other than clear or obscure glass, including solar PV panels, shall be added to the building without the express consent of the local planning authority.

REASON: Flight safety - to prevent ocular hazard and distraction to pilots using Stansted airport An aviation perspective Glint and Glare assessment may be necessary in accordance with Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

- 40** In the interests of aviation safety, measures to minimise and manage the creation of dust and smoke should be implemented for the full duration of all construction works, including demolition and excavation, in accordance with the advice of Stansted Airport and the Civil Aviation Authority.

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 Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

- 41** A minimum of a single electric vehicle charging point shall be installed at each of the dwellings. These shall be provided, fully wired and connected, ready to use before first occupation.

REASON: To encourage/support cleaner vehicle usage in accordance with the NPPF and ULP Policies ENV13 and GEN2 of the Uttlesford Local Plan (adopted 2005)”.and in accordance with the guidance in Approved Document S 2021.

- 42** After the completion of the development works, a follow up photographic condition survey to identify new defects to the existing adopted highway (carriageway and footway) within approximately 1.5km of the access to the site following the proposed vehicle routing shall be submitted to, and approved in writing by, the local planning authority. Any identified damage to the adopted highway shall be made good to the satisfaction of the local Authority prior to first occupation.

The survey must consist of:

- i. A written and photographic record of all new defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.
- ii. a site plan showing the location of where the photographs were taken on the public highway.
- iii. Should the post construction survey identify any damage to the highway caused by the construction works, details of measures to repair the highway, including timescales.

REASON: To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer, In the interest of pedestrian and highway safety and in accordance with ULP Policy GEN1.

Appendix 1:

Essex County Council
Development and Flood Risk
Waste & Environment
C426 County Hall
Chelmsford
Essex CM1 1QH



Uttlesford District Council
Planning Services

Date: 28th March 2024
Our Ref: SUDS-007397
Your Ref: UTT/24/0543/OP

Dear Sir/Madam,

Consultation Response –UTT/24/0543/OP – Land off Bedwell Road, Elsenham

Thank you for your email received on 07/03/24 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 do not object to the granting of planning permission based on the following:

Condition 1

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

- Limiting discharge rates to 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event,
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event, *OR, if impracticable*
- Demonstrate that features are able to accommodate a 1 in 10 year storm event 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.

Condition 2

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

Reason

The National Planning Policy Framework paragraph 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.

Condition 3

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

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

Condition 4

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

Reason

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below. <https://www.essex.gov.uk/protecting-environment>
- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. Planning applications with

outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures [Flood risk assessments: climate change allowances - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/flood-risk-assessments-climate-change-allowances)

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the FRA and the documents submitted with this application are implemented as agreed.

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 faithfully,

Richard Atkins
Development and Flood Risk Officer
Team: Development and Flood Risk
Service: Waste & Environment
Essex County Council

Appendix 2- Highway Authority

Travel Planning team

Director of Highways and Transportation

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/22/3470/OP
Applicant	Mr D Metson Baker & Metson Limited
Site Location	Land North Of Baynard Avenue Baynard Avenue Flitch Green Essex CM6 3FD
Proposal	Hybrid Planning Application - Outline application for up to 72 dwellings (Use Class C3) together with a building for use falling within Use Class E (a) or (b) or (c ii) or (c iii) or (d) or (e) or (f) or (g i) with all matters reserved, except access and structural landscaping. Full application for access and structural landscaping

This response supersedes the highway response dated 28th March 2023. Further to that response, a revised Transport Assessment (revision A 01.06.23) and revised Access Plans (2276-03/003 Rev J 04.07.23 and Rev K 28.07.23) have been submitted and reviewed by the highway authority.

The assessment of the application including its revised Transport Assessment has been undertaken with reference to the National Planning Policy Framework 2021 and in particular paragraphs 110 – 112.

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

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

1. Prior to occupation of the 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.

2. Prior to occupation of the development, the road junction at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres to the east and west, as measured from and along the nearside edge of the carriageway shown on drawing 2276-03/003 Rev K 28.07.23. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times

Reason: To provide adequate inter-visibility between vehicles using the road junction and those in the existing highway network in the interest of highway safety in accordance with policy DM1.

3. Prior to occupation of the development, the provision of an access formed at right angles to Baynard Avenue, as shown in principle on drawing no. 2276-03/003 Rev K 28.07.23 to include but not limited to: minimum 5.5 metre carriageway width with minimum radii of 6 metres; one 2 metre footway; one 3 metre shared cycle/footway and pedestrian crossing points

Reason: To ensure that vehicles can enter and leave the existing highway network in a controlled manner in the interest of highway safety in accordance with policy DM1.

4. 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:
 1. vehicle routing,
 2. the parking of vehicles of site operatives and visitors,
 3. loading and unloading of plant and materials,
 4. storage of plant and materials used in constructing the development,
 5. wheel and underbody washing facilities.

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.

5. Prior to work proceeding above slab level, to submit for approval details regarding the provision of a 3m combined shared footway/cycleway link to provide access to the Fitch Way, and, prior to occupation of the proposed development, construct the agreed link, to be maintained for the lifetime of the development

Reason: To provide a safe and convenient access for pedestrians and cyclists in the interest of highway safety and accessibility in accordance with policies DM1, DM9 and DM17.

6. Prior to occupation of the proposed development, the payment of a £150,000 contribution (index linked) towards enhancement of public transport services in the vicinity of the site, to be spent improving the service to Chelmsford passing the site on Station Road

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.

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.

Notes:

- LTN 1/20 compliance table/report for cycle routes will be required for the development.
- A RSA1 for the proposed access and off-site highway improvement scheme to be provided, ideally to be carried out by Essex Highways (to avoid the issue of additional items being identified at RSA2 stage which can then delay technical approval). Enquiries to: roadsafety.audit@essexhighways.org
- All highway related details should be agreed with the Highway Authority.

Informatives:

- (i) In making this recommendation the Highway Authority has treated all drawings relating to the internal layout of the proposal site as illustrative only
- (ii) 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 applicant should be advised to contact the SMO2 Development Management Team by email at development.management@essexhighways.org
- (iii) 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. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design checks, 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.
- (iv) Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway
- (v) There shall be no discharge of surface water onto the Highway.
- (vi) Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway