

**Residential development comprising 130 dwellings,
land to the south of Henham Road, Elsenham
Planning Inspectorate Reference: S62A/22/0007
Uttlesford District Council Reference: UTT/22/2174/PINS**

Representations from:

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I have considered the documents relating to the above application, and I wish to make the following objections.

1. Development in Elsenham

Uttlesford District Council is unable to demonstrate a five-year housing land supply, and the Local Plan is currently stalled. It is claimed that the application will help to make good the deficit.

The position, however, is that, whatever the situation in Uttlesford as a whole, there is no deficit in recent or scheduled housing in Elsenham, as the following table of approved applications since 2012 makes clear:

Reference	Date of Approval	Description	Number	Status
UTT/2166/11/DFO	15 Aug 2012	Orchard Crescent	53	Complete
UTT/12/6116/FUL	7 Feb 2014 (appeal)	Old Goods Yard	10	Complete
UTT/13/2917/FUL	23 July 2014	Hailes Wood	32	Complete
UTT/15/1121/FUL	9 Dec 2015	Hailes Wood, additional	3	Complete
UTT/14/3279/DFO	1 May 2015	North of Stansted Road	155	Complete
UTT/15/2632/DFO	5 Feb 2016	South of Stansted Road	165	Complete
UTT/17/0335/DFO	6 July 2017	Elsenham Nurseries	42	Complete
UTT/17/2542/DFO	22 Dec 2017	North of Leigh Drive	20	Complete
UTT/19/0462/FUL	6 Nov 2019	West of Hall Road	130	S106 signed

UTT/19/0437/OP	4 Sep 2020 (appeal)	Rush Lane	40	Detailed application awaited
UTT/21/3269/DFO	1 June 2022	North-west of Henham Road	350	Commenced
UTT/19/2470/OP	31 Dec 2020 (appeal)	West of Isabel Drive	99	Detailed application lodged
Small schemes	Various	Various	36	
TOTAL			1,135	

The last four schemes in the table above are all committed developments, but none of them has reached the stage where any new homes have been occupied. Thus, at the time of writing, there are agreements that a further 619 new dwellings will be built in Elsenham. Clearly there is no shortage of committed new house-building in the village.

If all applications are considered strictly on their merits, there is no regard for the cumulative impact; but the point must be reached where it must be considered, and Elsenham has already got beyond that point.

The number of households in Elsenham is shown in the 2011 census as 980. The percentage increase since 2011 is thus 116%.

If this application was granted, the total increase since 2011 would be $1,135 + 130 = 1,265$, which would represent a total increase since 2011 of 129%.

Development already committed in Elsenham is wholly disproportionate, amenities in the village have not kept pace with the rapid expansion which has taken place, and road traffic access routes are already at, or beyond, capacity.

Notwithstanding all the new developments, Essex Highways have failed to invest in road improvements in the area, and there has been very little in the way of improved infrastructure. If, perchance, this application should be granted, the least which should be offered in the S106 agreement is a substantial contribution to the new Community Hall. It is badly needed, and contributions have been agreed with other local developers.

2. Biodiversity Net Gain

It is claimed that the project, if implemented, would result in a net gain in biodiversity, but the method suggested is clearly flawed.

The first problem is the lack of clarity. A 'Management Plan' is proposed, and eight bullet points are set out (*Biodiversity Net Gain Design Stage Report*, 5.10). These bullet points are hopelessly lacking in specificity, and amount to no more than, 'There will be a plan'.

The second problem is the extraordinary suggestion that the net gain should be achieved, not within the site which is the subject of the application, but in a series of fields located at some distance away. As far as can be discerned, the proposal is that there should be some trees and some hedges on this separate area. But there is nothing to indicate whereabouts they might be.

A host of questions suggest themselves:

- How would the separate area be monitored?
- How would the biodiversity be reported on, and to whom?
- How would the continuance of the 'net gain' be enforced?
- What penalties would be exacted, by whom and on whom, in the event of non-compliance?
- How would it be ensured that the 'net gain' was maintained over the long period proposed of 30 years?
- Even if it was maintained, would there be any way of ensuring that the 'net gain' remained available to the next generation?

A satisfactory agreement on these lines would prove to be practically and administratively impossible.

It is very clear that an attempt to provide biodiversity net gain in a separate area would yield no benefit to residents of the new development, or to Elsenham residents generally. The 'net gain' must be achieved within the site itself, as has been the case with all the many other applications in recent years.

As shown on the outline plans presented, there is an ancient ditch which is still clearly discernible towards the south of the site, parallel with and not far from Stansted Brook. The area south of the ditch could, with advantage, be dedicated to enhancing biodiversity, with appropriate planning and planting, and the results would be available for all to appreciate. The ancient ditch itself would be crossed only by a pedestrian pathway, instead of being breached by a roadway as proposed by the applicants.

3. Spatial Coordination

The application is for exactly 130 new dwellings - no more, no less. The applicants therefore need to show that 130 dwellings can be accommodated on the site, having due regard to limiting factors, and this they have failed to do.

Two bungalows only are shown (*Spatial Coordination*, Fig 3.1.4), which directly contravenes Uttlesford District Council's policy:

There is a shortage of bungalows within the district for both market purchase and affordable rent. It is a requirement for 5% of properties to be bungalows upon new housing developments and this applies to both the affordable and the market sale housing upon the site (*UDC Housing Strategy 2021-2026*, 15).

Thus a housing scheme of 130 dwellings should include seven bungalows rather than two, a deficiency of five.

UDC parking standards need to be observed. These are:

1 bedroom:	1 space per dwelling;
2+ bedrooms:	2 spaces per dwelling;
4+ bedrooms:	3 spaces per dwelling.

Three areas marked 'courtyard' are shown (*Spatial Coordination*, Fig. 3.1.1). Presumably these are intended as parking courts, which are at variance with Uttlesford's declared

policy. On the easternmost of these areas, just south of the legend 'courtyard', there is a house which appears to be almost surrounded by parking.

The 'Scale Parameters Plan' indicates 'garages and undercroft parking' (*Spatial Coordination*, Fig. 3.1.4); undercroft parking arrangements are not compatible with UDC's policy concerning parking in a rural area.

Essex Parking Standards specify 0.25 visitor parking spaces per dwelling, rounded up, totalling 33 for a development of 130, and there is nothing to show that due allowance has been made.

Garden sizes should conform to the Essex Design Guide, that is:

- 25 sq m per apartment;
- 50 sq m per one-bed and two-bed dwelling;
- 100 sq m per three-bed, four-bed and five-bed dwelling

There is nothing to indicate compliance with this standard.

It was shown in 2. above that the application needs to be radically revised in order to include measures of biodiversity net gain within the site, rather than in some distant, unrelated fields. It is appreciated that the application is outline only, with all matters reserved apart from access. Nonetheless, the applicants need to demonstrate that they have had due regard for policies regarding bungalows, parking, visitor parking and gardens if they can justify an application for the exact number of 130 dwellings, rather than 'up to' 130 dwellings. The application cannot be acceptable in its present form.

4. Sustainability

The applicants claim that the development would satisfy the three 'dimensions to sustainable development'. These are prescribed in the *National Planning Policy Framework*, 8: the economic, the social and the environmental.

In the sections below, I quote from *Planning Statement*, 5.6, in black, with my comments in red.

Economic Benefits

The Proposed Development would result in a range of positive economic benefits, including:

- An enlarged labour force of economically active residents - but this would be a handicap to the village. There are very few employment opportunities; increased travel to employment elsewhere would result, often by car, increasing the already chronic problems of traffic congestion
- Additional household spending in the local area - this is of no great benefit. The small range of local shops is limited and parking is hopelessly inadequate. Much the major part of local spending is outside the village, again with travel by private car;
- Additional demand for services and facilities - but the applicants have no proposals for satisfying that demand and there is already excess demand on the surgery, with no realistic prospect that it could be alleviated;

- Investment in construction and support for construction jobs - but there is no suggestion of unemployed construction workers locally. The construction jobs would be filled overwhelmingly from outside, again travelling mostly by private vehicle and exacerbating the acute problems of traffic congestion; and
- New Homes Bonus for investment in local infrastructure and facilities - I have seen no evidence at all of any such investment following the large number of new housing developments already agreed.

Social Benefits

The Proposed Development would result in a range of positive social benefits, including:

- Provision of a mix of high quality additional market and affordable housing in a sustainable location with good public transport provision, thereby helping support local family connections and maintain a balanced community - the proposals would do nothing to maintain a balanced community. The new housing would overwhelmingly attract the young, swamping the school, and do nothing to encourage the elderly to stay in view of the absence of suitable dwellings for down-sizing purposes. Most travel into and out of the village would not be by public transport;
- Additional household spending and demand for services and facilities that would support their ongoing viability and community vitality - such as they are, they are not in need of further support, but there are acute problems of parking at the local shops. There is a demand for more shops and employment opportunities, but this proposal does nothing to satisfy them; and
- Additional public open space for play and recreation - every new development brings its own open space, used mostly by residents of the development. The provision of open space around the outside of the development is not generous.

Environmental Benefits

As discussed above, the Proposed Development would result in a range of positive environmental benefits, including new native species planting, provision of additional public open space; and the enhancement of biodiversity - see 2. above.

To summarise this section, the conclusion must be that the proposal does nothing to meet the three dimensions prescribed by the *NPPF*.

5. Landscape

The applicants claim that the landscape is of low to medium value, with no demonstrable special qualities. But the point is that it's all we have left.

The applicants' 'Land Use Plan' (*Site Analysis*, Fig 1.9.4) does not show those areas where development has already been approved. These are:

'West of Hall Road', 130 homes in the area to the west of the legend 'Hall Road', stretching to the west as far as the railway;

'Rush Lane', 40 homes in the roughly oval shaped area at the south of the diagram, immediately to the north of the railway;

'North-west of Henham Road', 350 homes in a large area to the north of Henham Road, stretching to the east as far as the left-hand bend in the road and to the north west as far as the railway;

'West of Isabel Drive', 99 homes in two separate parts: an irregularly shaped parcel to the east of Alsa Wood; a parcel to the south of Alsa Wood and east of the motorway.

If these four areas are filled in on the plan, it is very evident that the field which is the subject of this application is the last such open space in the village.

The village has been urbanised beyond recognition over the last decade. To claim that the last open field should now be developed is akin to claiming that a park in a town should be developed because it offers very little by way of landscape qualities. This last green field is close by the historic heart of the village and the impact on the heritage assets has been well described by others. It is accepted that Policy S7 is to some extent a matter of interpretation. But if Policy S7 means anything at all, then it should rule out this proposed development.

It is also of consequence that this field is in the Stansted Airport Countryside Protection Zone. It is relevant to ask whether policy S8 means anything. If it does, then the application must be rejected on these grounds.

6. Road transport

Elsenham is very curiously situated from the point of view of transport links. It has a railway station, but the road access consists of little more than a series of country lanes. In particular, the main access route, via Stansted Mountfitchet, has long been acknowledged as unsatisfactory.

The configuration at Grove Hill, Stansted Mountfitchet, is unique, and close study and several site visits are needed in order to understand the full nature of the problem. The applicants can claim no such familiarity. They rely on models rather than any first-hand observation:

The models are based on geometry taken from topographical survey in the case of the proposed site access, and Ordnance Survey mapping in the case of the other junctions (*Transport Assessment*, 6.36).

Grove Hill is often described as a 'signal controlled junction', including by Essex Highways, but that is incorrect. The signals control a narrow stretch of road, on a bend and on the hill, where one-way working is necessary. The proximity of the junction of Lower Street and Grove Hill, at an inconvenient angle, is a complicating factor. A further complicating factor is the presence of permitted parking on the hill above the lights (towards Elsenham) and in close proximity to them, such that there is always a risk that vehicles approaching the lights from Elsenham will block the road for traffic travelling towards Elsenham. Gridlock indeed occurs on occasion, and is only prevented from being a regular occurrence through local knowledge and unwritten convention. The normal rule of the road is that, where there are parked cars on one side of the road, priority rests with the drivers on the other side of the road, whose progress is not impeded by the parked vehicles. If all drivers observed this rule consistently at all times on Grove Hill, gridlock and frustration would quickly ensue.

A driver approaching the lights from Elsenham must make a decision on approaching the first of the parked cars. If s/he is not certain of being able to clear all the parked cars without forming a queue of, roughly, more than four vehicles beyond the parked cars, then s/he must wait above the first parked car so that vehicles can proceed up the hill.

Most of the time, this works well enough, but there are occasions when miscalculations occur, or some of the finer points of the conventions are not agreed, leading to conflict, or a driver new to the route is simply unaware of what is needed.

An appeal against refusal of an application to build 800 dwellings to the north-east of Elsenham was dismissed in 2016, largely on grounds of the inadequacy of the road network:

Nevertheless, even if the increase in congestion would not amount to a severe impact, it remains the case that the scheme would bring significant volumes of additional traffic to a village at a significant distance from employment and services. It is unlikely that traffic could be accommodated on the surrounding roads, contrary to LP Policy GEN1. This also weighs heavily against a conclusion that the scheme would amount to sustainable development (UTT/13/0808/OP; APP/C1570/A/14/2219018, Decision by the Secretary of State of Communities and Local Government, 25 August 2016, report by the Planning Inspector, 15.99).

In the period since the dismissal of this appeal for 800 dwellings, applications have been agreed for a total of 619 new dwellings in Elsenham, as summarised above. The present application is for a further 130 dwellings.

At the appeal inquiry into the application to build 99 new homes on two sites to the west of Elsenham, Essex Highways's objection was withdrawn on the morning of the first day of the Inquiry when the applicants proposed a second detector at the top of Grove Hill, in order to reduce the queues from the Elsenham direction downhill into Stansted (UTT/19/2470/OP; APP/C1570/W/20/3256109).

Three points are relevant:

- a proposal on the same lines was brought forward at the appeal relating to the application for 800 dwellings referred to above, but withdrawn because it was concluded it would make little practical difference;
- the scheme has yet to be implemented, and remains untested;
- any success in reducing queue length downhill into Stansted can only result in increased queues in Lower Street, which is of greater consequence since they will tend to back up to the mini-roundabout at the western end of Lower Street, resulting in delays to traffic some of which is not bound for Grove Hill.

Grove Hill is the most difficult of the impediments facing drivers in Stansted, but it is not the only one. The whole of the main route towards the south and west, via Grove Hill, Lower Street, Chapel Hill and the junction with Cambridge Road is difficult and subject to delays and congestion, such that some local residents avoid the route and seek longer alternatives.

The applicants mention the use of the alternative route via Coopers End roundabout and roads through Stansted Airport. But apparently they are not aware that the Airport authorities have closed this route in the past and could close it again, on the grounds that Airport roads are only available for Airport purposes (see *Transport Assessment*, 6.96). A robust assessment would not consider this route as an alternative.

The alternative to the uncertainties of the route through Stansted Mounfitchet is via Station Road, Bedwell Road, Ugley Green, Snakes Lane and Pound Lane, a narrow twisty country lane with acute difficulties over forward visibility owing to parked vehicles at the Elsenham end, and with as many as eight sharp bends in a distance of little more than a mile. It says much for the unpredictability of the route through Stansted Mountfitchet that many residents prefer the comparative certainties of this longer route. The applicants are not aware of this alternative (see *Transport Assessment*, 6.94).

The argument that some number of new dwellings will not make a material difference has been made several times. Even on the applicants' own results, the consequences of their development are not negligible:

The results indicate that there is an increase in journey time of 22 seconds in the AM peak and 94 seconds in the PM peak through the Grove Hill/Lower Street junction for westbound/southbound journeys (*Transport Assessment*, 6.70).

But the cumulative effect must be considered. If a single application had been made for the 619 already approved since 2019, plus the 130 which are the subject of the present application, a total of 749, there can be no doubt it would have been rejected. The same outcome should befall an application which leads to a comparable cumulative effect.

Conclusion

The usual explanation offered by developers when it is pointed out that an outline application is defective is that of course the detail is purely illustrative and any defects or shortcomings will be resolved later. However, if a superior scheme is available, it really ought to be presented. That is particularly the case with the present application. It seeks approval for exactly 130 dwellings, and therefore must demonstrate that 130 can be accommodated, having due regard for district policy on bungalows, parking, visitor parking and gardens. There is no leeway for any adjustment of numbers at a later stage, nor is there leeway for building upwards beyond the occasional use of 2.5 storey dwellings.

We see here a determination to cram in as many dwellings as possible, to the extent of the extraordinary proposal of offering biodiversity net gains elsewhere. The scheme does not offer sustainability by way of social, economic or environmental benefits. Impact on the landscape must be considered in the light of the loss of landscape in the village generally, and the impact on heritage assets has been well dealt with elsewhere. Impact on the highway network must have regard for the cumulative impact of this and other schemes recently approved.

Creeping incremental development has to stop somewhere. It should have stopped in Elsenham before now.