

PLANNING STATEMENT

**LAND EAST OF
STATION ROAD,
ELSENHAM**

**ON BEHALF OF
BLOOR HOMES LTD
AND GILLIAN SMITH,
JOHN ROBERT
CARMICHAEL SMITH,
ROBERT GILES
RUSSELL SMITH AND
ANDREW JAMES
SMITH**

September 2022

Carter Jonas

Date: September 2022

Client: Bloor Homes Ltd and Gillian Smith, John Robert Carmichael Smith, Robert Giles Russell Smith and Andrew James Smith

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1.0 INTRODUCTION

1.0 This Planning Statement has been prepared by Carter Jonas LLP on behalf of Bloor Homes Ltd and Gillian Smith, John Robert Carmichael Smith, Robert Giles Russell Smith and Andrew James Smith in support of an outline planning application at land east of Station Road, Elsenham. The description of development is as follows:

“Outline Planning Application with all matters Reserved except for the primary means of access for the development of up to 200 residential dwellings along with landscaping, public open space and associated infrastructure works.”

1.1 This application represents an opportunity to deliver additional residential dwellings within a highly sustainable location, benefitting from its walking distance to nearby facilities and services, and rail and bus services to higher order settlements. Train services are available to Cambridge and London Liverpool Street stations.

1.2 This Supporting Planning Statement is structured as follows. The next section considers the site’s context and its surroundings, with the third section discussing the planning policy context in Uttlesford District, followed by a section summarising the development proposals. Thereafter, the material planning considerations relevant to this application are discussed.

1.3 The supporting documentation for this application is set out in Table 1.1 below:

SUPPORTING DOCUMENTS	PRODUCED BY
Application Plans / Drawings	Carter Jonas LLP
Application Forms and Certificates	Carter Jonas LLP
Design and Access Statement	Carter Jonas LLP
Minerals Resource Assessment	Carter Jonas LLP
Planning Statement (inc Draft S106 Heads of Terms)	Carter Jonas LLP
Built Heritage Statement	RPS
Transport Assessment	WSP
Framework Travel Plan	WSP
Flood Risk Assessment and Drainage Strategy	WSP
Tree Survey and Arboricultural Impact Assessment	SES (Southern Ecological Solutions)

Landscape Strategy and Landscape Visual Impact Assessment	LDA Design
Ecological Assessment, Biodiversity Metric Assessment and Validation Checklist	SES (Southern Ecological Solutions)
Preliminary Risk Assessment	WSP
Archaeological Desk Based Assessment	RPS
Noise Assessment	WSP
Air Quality Assessment	WSP
Utilities Report	WSP
Agricultural Land Classification Report	Berrys
Statement of Community Involvement	Concilio

2.0 SITE CONTEXT

2.0 The site falls within the jurisdiction of Uttlesford District Council (the 'Council'). The application site is shown edged red on the aerial image below.

Site & Surroundings



- 2.1 The application site is 11.12 hectares in size (including the access to Henham Road to the south), and is currently in agricultural use as an arable field.
- 2.2 The Application Site is located on the north-eastern edge of Elsenham. The Application Site is in agricultural use as arable land. The Proposed Development would be located on part of the existing field, but does not extend to the western, northern or eastern field boundaries. The site is 10.8Ha in size and is broadly rectangular in shape. The site is relatively flat, although the eastern part of the site is at a slightly higher level than the western part of the site.
- 2.3 To the west of the site is the railway line, with Elsenham Station and station car park located to the north-west of the site. There are commercial buildings located to the north of the station car park. To the north and east of the site are agricultural fields. There is a public right of way adjacent to the northern field boundary. The land to the south of the site currently comprises a construction site and

Bloor Homes are currently building out the 350 dwellings (Refs. Outline Permission UTT/17/3573/OP and APP/C1570/W/19/3243744 and Reserved Matters UTT/21/3269/DFO) approved here.

- 2.4 At this stage the dwelling mix, parking provision and site layout is unknown. These matters will be determined during the preparation of subsequent reserved matters application(s). However, an illustrative layout has been provided and this demonstrates how up to 200 dwellings could be accommodated on the application site.
- 2.5 Elsenham Railway Station is situated on the West Anglian main line railway and is located at the junction of Old Mead Road/New Road to the north of Elsenham. It provides train connections between London Liverpool Street, and Cambridge and Ely.
- 2.6 The site also benefits from its proximity to existing bus stops, with two bus stops located at Henham Road (opposite the Crown) and at Station Road. These are served by the 77a and 441 bus services. These provide connections between Bishops Stortford and Stansted Airport, and between Takeley and Saffron Walden.
- 2.7 The village possesses a wide range of local services and facilities commensurate with its status as a Tier 2 settlement. These include a primary school, GP surgery, shop and community facilities that are within walking and cycling distance of the Site. An additional primary school and nursery have been proposed for the development immediately to the south of the Site. This new school is on a call basis, with Bloor Homes committed to providing a serviced parcel within 18 months. There is a 10 year span, which has nine years left and as of yet, Essex County Council as the Lead Education Authority have not called for the site.
- 2.8 In summary, the site is situated within a highly sustainable location.

Policy Allocation

- 2.9 The Adopted Local Plan Policies Map identifies that the Site is located outside of the defined settlement boundary for Elsenham.

Surrounding Context

Pre-Application Engagement

Pre-application meeting

- 2.10 A request for pre-application advice was submitted to Uttlesford District Council in July 2022 and assigned reference UTT/22/2136/PA. Discussions have taken place with a range of Officers at the Council including; planning, landscape, and environmental health. These discussions have been beneficial and have helped to inform the proposals. Separate pre-application discussions including two meetings have also taken place with Essex County Council Highways and these have again informed the scope of the Transport Assessment which accompanies the application.

Public Consultation

- 2.11 Letters were sent out to local elected representatives, notifying them of the consultation and inviting them to a briefing with the project team. Briefing offers were made to the Ward Councillors from Uttlesford District Council (Elsenham and Henham ward) and to Elsenham Parish Council and Henham Parish Council. Letters were also sent out to local community and economic stakeholders, notifying them of the consultation and inviting them to attend the online webinar.

- 2.12 The consultation process undertaken with respect to the planning application for Land East of Station Road, Elsenham has been influenced by the advice for community engagement laid out in Uttlesford District Council's Statement of Community Involvement, and other consultation guidelines. The communication consultants:
- Conducted an engagement programme that is appropriate for the local community and key stakeholders;
 - Conducted a well-publicised and accessible digital consultation for two weeks;
 - Explained clearly what the scope of the consultation is;
 - Analysed the results from the consultation objectively;
 - Publicised collective responses, with due regard to the Data Protection Act and GDPR requirements; and
 - Summarised how these responses have informed the proposals.
- 2.13 The consultation website was publicised by a hand-delivered flyer which was sent to 965 residential and business addresses and encouraged people to visit the consultation website, sign up for our online webinar and provide feedback.
- 2.14 In total, to date (20th September), 1463 people visited the consultation website and viewed the proposals since the launch. The online webinar was watched by 10 people, live or recorded. The online consultation resulted in 737 website views, 15 survey responses and 5 webinar views.
- 2.15 In terms of the survey respondents, all confirmed that they were local residents.
- 2.16 40% of the respondents agreed or strongly agreed that the delivery of 40% affordable housing within the development scheme was important. Whilst a further 40% of respondents were neutral. Only 20% of respondents disagreed or strongly disagreed with this proposition.
- 2.17 In terms of the key concerns raised by respondents in connection with the proposed development, the impact on local infrastructure and services were the most prominent (particularly in respect of local highways).
- 2.18 The Statement of Community Involvement that accompanies this application provides further detail on the matters raised and the Applicant's response.

Environmental Impact Assessment

- 2.19 A letter was sent on 18 August 2022 that requested that the Council adopt a 'Screening Opinion' as to whether an Environmental Impact Assessment (EIA) was required for the proposed development at the site, in accordance with Regulation 6(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The Council subsequently responded by confirming in writing (letter dated 14 September 2022) that the proposed development does not constitute EIA development.

3.0 PLANNING POLICY

- 3.0 This section of the Planning Statement sets out the planning policy background against which the proposed development will be considered. It identifies the relevant planning policy and guidance contained within the statutory Development Plan and the National Planning Policy Framework (NPPF).
- 3.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that "...if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

National Planning Policy Framework (NPPF)

- 3.2 The National Planning Policy Framework (NPPF) was revised on 20 July 2021, replacing the previous update from February 2019 and which contains the relevant national planning policy issued by Central Government. The NPPF sets out Central Government's planning policies for England and guidance on how these should be applied.
- 3.3 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the NPPF states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise (Paragraphs 2, 12 and 47). The NPPF is a material consideration (Paragraphs 2 and 218).
- 3.4 The central objective to the NPPF is that of achieving sustainable development. Paragraph 8 of the NPPF set out three overarching objectives for achieving sustainable development: economic, social, and environmental.
- 3.5 So that sustainable development is pursued in a positive way, Paragraph 10 explains that at the heart of the Framework is a *presumption in favour of sustainable development*.
- 3.6 This is set out in Paragraph 11 and, in relation to decision making, this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 3.7 Footnote 7 clarifies that the policies referred to in d) i. are those in the Framework relating to habitats sites and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park or defined as Heritage Coast; irreplaceable habitats; designated heritage assets; and areas at risk of flooding or coastal change.
- 3.8 Footnote 8 clarifies that the reference to policies which are out-of-date in d) includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

Delivering a sufficient supply of homes

- 3.9 Section 5 of the NPPF addresses the need to deliver a sufficient supply of homes, which includes the provision of affordable housing and of an appropriate size, type and tenure of housing to meet different localised needs.
- 3.10 Paragraph 69 emphasises the important contribution that small and medium sized sites can make to meeting the housing requirement of an area since they are often built out relatively quickly.
- 3.11 Paragraph 74 explains that *‘local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.’* An additional buffer of 5%, 10% or 20% should be included, with the latter appropriate where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply. Footnote 41 clarifies that this will be measured against the Housing Delivery Test, where this indicates that delivery was below 85% of the housing requirement.

Promoting healthy and safe communities

- 3.12 Section 8 of the NPPF addresses the importance of promoting healthy and safe communities. Developments should ensure active street frontages and where possible include for the provision of high-quality shared spaces, encouraging social interaction.

Promoting sustainable transport

- 3.13 Section 9 of the NPPF addresses the need to promote sustainable transport.
- 3.14 Paragraph 105 of the NPPF states that *“significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health...”*
- 3.15 Paragraph 110b of the NPPF advises that applications for development should ensure, *“safe and suitable access to the site can be achieved for all users”* with paragraph 110a specifying that *“appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location”*.
- 3.16 Paragraph 111 of the NPPF states that *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.
- 3.17 Paragraph 112a outlines that developments should *“create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards”*.

Achieving well-designed places

- 3.18 Section 12 of the NPPF addresses the need to achieve well-designed places with Paragraph 126 stating that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

- 3.19 Paragraph 130 of the NPPF advises that planning decisions should ensure that developments amongst other things
- Will function well and add to the overall long-term quality of the area;
 - Are visually attractive with good architecture, layout, and landscaping;
 - Establish or maintain a strong sense of place whilst taking cues from the surrounding built environment and are sympathetic to local character; and
 - Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks.
- 3.20 Paragraph 131 of the NPPF states that existing trees should be retained wherever possible with appropriate measures in place to secure the long-term maintenance of newly-planted trees.
- 3.21 Paragraph 132 of the NPPF states that design quality should be considered throughout the evolution and assessment of individual proposals. Early discussions are encouraged between applicants and the local planning authority and local community.

Meeting the challenge of climate change, flooding and coastal change

- 3.22 Paragraph 152 of the NPPF specifies that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change.
- 3.23 Paragraph 154 of the Framework goes on to state in response to climate change that new developments should help to reduce greenhouse gas emissions, including through their location, design and orientation.

Conserving and enhancing the natural environment

- 3.24 Section 15 of the NPPF addresses the need to conserve and enhance the natural environment.
- 3.25 Paragraph 174 of the NPPF recognises the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. It advises that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, minimising impacts on and providing net gains for biodiversity

Five Year Housing Supply

- 3.26 Uttlesford's Five-Year Housing Land Supply Statement (December 2021) states that the Council's [housing trajectory and 5-year housing land supply](#) calculation has now been reviewed and updated. It represents the housing land supply position as of 1 April 2021 and demonstrates that the district only possesses **3.52** years of housing supply for the 2021-2026 five-year period.
- 3.27 ONS data published in March 2022 shows that Uttlesford's property price to income ratio rose to 13.4 in 2021, up from a ratio of 12.8 in 2020.
- 3.28 At present, there is a substantial shortfall of market and affordable housing within the district. As such, the scheme would make a very important contribution towards this housing need.
- 3.29 The results from the 2021 Housing Delivery Test (HDT) for Uttlesford (published in January 2022) indicated a HDT measurement of 99%. This result was calculated for the period 2018-19 to 2020-21,

with 1,830 net homes delivered against the HDT housing requirement of 1,848 dwellings. As a consequence, the Authority faced no consequences.

- 3.30 Whereas at face value, Uttlesford’s current HDT score looks reasonable, the tables below shows that the figure masks serious declines in housing delivery within the district over the two most recent monitoring years:

Number of Homes Required		
2018/19	2019/20	2020/21
723	654	470

Number of Homes Delivered		
2018/19	2019/20	2020/21
983	507	340

Development Plan

- 3.31 The sites fall within the jurisdiction of Uttlesford District Council. The Development Plan for Uttlesford District currently comprises of the Adopted Uttlesford Local Plan, Adopted Essex Minerals Local Plan and Adopted Essex and Southend-on-Sea Waste Local Plan.

Uttlesford Local Plan (2005) saved policies (2007)

- 3.32 The Uttlesford Local Plan was adopted in January 2005. The Plan showed how at least 4,620 homes would be provided over the period 2000 to 2011.
- 3.33 Chapter 2 of the Adopted Local Plan considers where development will take place. Elsenham, together with Great Chesterford, Newport, Takeley and Thaxted are all identified as Key Rural Settlements. These key settlements are all located on main transport networks, as well as being able to provide local employment opportunities. The Plan’s intention is to protect or strengthen the role of these communities where there is potential to encourage people to live and work locally. Local affordable housing and community facility needs may be met on “exception sites” outside development limits.
- 3.34 The Council commissioned Ann Skippers Planning to independently review the saved policies of the Local Plan to determine whether they are consistent with the NPPF. In September 2012, the Council’s Cabinet adopted the ‘Uttlesford Local Plan 2005 - National Planning Policy Framework Compatibility

Assessment for Development Management purposes. No further assessments have been prepared to take account of the most recent iterations of the NPPF.

3.35 The key Policies of note contained within the Adopted Local Plan are:

- S3: Other Development Limits
- S7: The Countryside
- GEN1: Access
- GEN2: Design
- GEN3: Flood Protection
- GEN4: Good Neighbourliness
- GEN5: Light Pollution
- GEN6: Infrastructure Provision to Support Development
- GEN7: Nature Conservation
- GEN8: Vehicle Parking Standards
- ENV2: Development Affecting Listed Buildings
- ENV3: Open Spaces and Trees
- ENV4: Ancient Monuments and Sites of Archaeological Importance
- ENV5: Protection of Agricultural Land.
- ENV7: The Protection of Natural Environment – Designated Sites
- ENV8: Other Landscape Elements of Importance for Nature Conservation
- ENV9: Historic Landscapes
- ENV10: Noise Sensitive Development and Disturbance from Aircraft
- ENV12: Protection of Water Resources
- ENV13: Exposure to Poor Air Quality
- ENV14: Contaminated Land
- H1: Housing Development
- H9: Affordable Housing
- H10: Housing Mix

3.36 An assessment of the application proposals against these policies is provided in the policy matrix contained in **Appendix A**.

3.37 Policies S3, S7 and H1 are the main planning policies relating to proposed housing development. We discuss these in more detail in Section 5, together with how much weight should now be afforded to these particular policies.

3.38 Elsenham is one of the district's larger villages and is identified as a key rural settlement. Accordingly, the existing employment areas at Gold Enterprise Zone and the nearby warehouse east of the railway, which total 2.2ha are identified as land that will be safeguarded from redevelopment or change of use to other uses. Policy E2 will apply Elsenham Local Policy 1 identifies Gold Enterprise Zone and Old Mead Road as sites identified on the Proposals Map Inset as key employment areas.

Emerging Uttlesford Local Plan

- 3.39 The Adopted Local Plan will be at least 20 years old before any replacement Plan is able to be adopted.
- 3.40 The Council's two most recent Draft Local Plans had to both be withdrawn at the Examination stage, at the direction of Inspectors.
- 3.41 An Issues and Options consultation in respect of the new Uttlesford Local Plan closed in April 2021.
- 3.42 The Council's Local Development Scheme (LDS) published in October 2020 identified that its 'Preferred Options' Regulation 18 consultation, involving the publication of a detailed draft plan, would take place in "early 2022".
- 3.43 The latest LDS published in July 2022 subsequently identified that the 'Preferred Options' consultation would take place during November-December 2022. The timetable estimated that Local Plan adoption would occur in March 2025.
- 3.44 In September 2022, the Council announced that the November 2022 consultation had been cancelled. A revised timetable is currently being considered and it is proposed that the consultation is delayed until early Summer 2023 and after the next local elections in May 2023.
- 3.45 Accordingly, it is apparent from the above that the adoption of any new Local Plan for Uttlesford is now some years away.

Essex Minerals Local Plan (2014)

- 3.46 The Essex Minerals Local Plan was adopted in July 2014.
- 3.47 Policy S8: Safeguarding mineral resources and mineral reserves – seeks to apply Mineral Safeguarding Areas (MSA's) and or Mineral Consultation Areas (MCA's). Its purpose is to safeguard mineral deposits of sand and gravel, silica sand, chalk, brickearth and brick clay of national or local importance.
- 3.48 The policy requires that the Mineral Planning Authority shall be consulted on all planning applications for development on a site located within an MSA that is 5ha or more for sand and gravel, 3ha or more for chalk and greater than 1 dwelling for brickearth or brick clay.
- 3.49 A Minerals Resource Assessment must be submitted in respect of proposals that exceed the above thresholds. Where surface development is to be permitted, consideration should be given to the prior extraction of existing minerals in order to avoid mineral resources being unnecessarily sterilised. The planning application is accompanied by a Minerals Resource Assessment.

Essex and Southend-on-Sea Waste Local Plan Adopted (2017)

- 3.50 The [REDACTED] was adopted in July 2017.
- 3.51 Policy 3: Strategic Site Allocations - identifies suitable sites for biological waste management, inert waste recycling, inert landfill and hazardous landfill.
- 3.52 Site W8: Elsenham is allocated as a 15.65 ha site for Inert Waste Recycling Capacity. It states that the land to the west of the haul road should be retained for mitigation purposes only (including a robust scheme of landscaping) with the waste management facility being located entirely within land to the east of the haul road.

- 3.53 Policy 12: Transport and Access - states that proposals for waste management development will be permitted where it is demonstrated that the development would not have an unacceptable impact on the efficiency and effective operation of the road network, including safety and capacity, local amenity and the environment.

Supplementary Planning Documents (SPD)

- 3.54 The Adopted Uttlesford Local Plan is supported by a series of Supplementary Planning Documents (SPD) that contain more detailed policy guidance:
- Accessible Homes and Play Space (November 2005)
 - Energy Efficiency and Renewable Energy (October 2007);
 - Urban Place Supplement to the Essex Design Guide (March 2007);
 - Essex County Council Parking Standards (September 2009);
 - Essex Design Guide (2018);
 - Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (September 2020);
 - Interim Climate Change Planning Policies (February 2021).
- 3.55 In addition, other guidance exists in relation to 'Building for a Healthy Life'. This design guidance sets the standard for well-designed homes and neighbourhoods. It has been adopted by the Council and was endorsed by the Local Plan Leadership Group on 28 October 2021.
- 3.56 The guidance is based on 'Building for a Healthy Life', a government-endorsed industry standard, and will be used to inform decisions on planning applications.

Neighbourhood Plan

- 3.57 Uttlesford District Council have designated a number of Neighbourhood Plan Areas. However, no such designation has yet been sought in relation to either Henham or Elsenham.

4.0 THE PROPOSALS

4.0 Outline planning permission is sought for:

Planning Application with all matters Reserved except for the primary means of access for the development of up to 200 residential dwellings along with landscaping, public open space and associated infrastructure works. The proposed Land Use, Open Space and Access Parameter Plan is provided below.



Housing

- 4.1 The development of up to 200 dwellings is commensurate with a Tier 2 settlement. It will integrate with, and supplement the adjoining Phase 1 development currently under construction to its immediate south.
- 4.2 Following consideration of the surrounding context analysis, the proposed scheme will draw upon influences from the surrounding houses and buildings and will use similar and established materials, details and features. The development will use a combination of different dwelling sizes and designs, which will help to create a distinctive character area.

Access and Transport

- 4.3 The application is supported by a Transport Assessment and Travel Plan.

- 4.4 The Stansted Mountfitchet VISSIM model provides a robust evidence base which has been used to assess the operational performance of the network in 2027 with the addition of the proposed development at Elsenham.
- 4.5 The effect of the additional traffic generated by the development “Land to East of Station Road” during both peak hours on network performance, queue lengths, journey times and delay is expected to remain similar between the reference case scenario and the proposed development scenario. There are improvements to network performance, journey times, queue lengths and delay, particularly on Grove Hill, between the base year scenario and the reference case scenario, associated with the signal improvements on Grove Hill.
- 4.6 The small increases in journey times, queue length and delay expected in the proposed development scenario are not expected to be perceptible to drivers.
- 4.7 The primary site access will be from Henham Road which will be an all-movement priority controlled simple T-junction. A spine road runs in a southeast direction from the site to connect to B1051 Henham Road at a priority junction.
- 4.8 A pedestrian/cycle connection will be provided to Elsenham Station/Old Mead Road. This will provide a direct and attractive connection between the proposed development and the rail station. This connection will maximise the attractiveness of the rail services available from the station to future residents. A pedestrian route will also be provided to the southeast of the site that connects with the Phase 1 development, close to the location of the proposed primary school and early years facility.
- 4.9 The submitted Transport Assessment shows that the Site is well located to encourage local trips to be undertaken on foot and by bicycle, with local shops, Elsenham Church of England Primary School and Elsenham rail station within reasonable walking and cycling distance of the site. The education facility that will be delivered as a part of the consented phase 1 development will also enable future local residents to access early years and primary education on foot and by bicycle. The Site will also benefit from direct walk and cycle access to the Elsenham rail station (via the consented Phase 1 development) and good accessibility to the existing bus service on Henham Road.
- 4.10 The consented Phase 1 development will deliver a pedestrian improvement scheme along Henham Road. This will encourage local trips to be made on foot and by cycle, as well as provide access to two new bus stops that are also being delivered on Henham Road as a part of the consented Phase 1 development.
- 4.11 The existing local bus route provides some opportunities for local travel by public transport. Elsenham also benefits from a rail station which provides a viable and attractive travel option for destinations towards Cambridge and south towards London. To further support and improve public transport services in Elsenham, Bloor Homes Ltd will provide a contribution to ECC via a S106 planning obligation to the improvement of local bus services in Elsenham.
- 4.12 The key target of this Residential Travel Plan (RTP) is to achieve a 10% reduction in the single occupancy car driver mode share for the fully occupied development from the baseline level.
- 4.13 The proposed measures are intended to bring about a change in the way residents travel. Therefore, an interim SMART (Specific, Measurable, Achievable, Realistic and Time Bound) target has been derived to help measure quantifiable progress against the objectives of the RTP.
- 4.14 One approach may be to promote a target of a 10% reduction in the number of people travelling from the site as single occupant car driver is proposed, to be agreed with ECC in due course. This reduction can be established against the results of the initial travel survey undertaken at 50% occupation of the site.

- 4.15 A five-year monitoring period is proposed as many of the measures outlined in this RTP will take a period of time to fully introduce and, importantly, to bring about an ongoing positive change in residents travel patterns. Progress against this target will be monitored on an annual basis to ensure an ongoing evaluation of progress is made.
- 4.16 Where progress against the target is falling below trajectory, additional resources and measures will be considered and implemented to ensure the target is reached. If the above target is reached in five years, then a more ambitious target will be considered.
- 4.17 At the triangular junction of Hall Road/Henham Road/High Street no dropped kerbs or tactile paving is provided. Therefore, there is scope for pedestrian crossing improvements at this junction to assist pedestrians routing towards the centre of Elsenham. Parking provision for residents will be provided with regard to the standards set out in the Essex County Council's Parking Standards (2009), which were adopted by Uttlesford District Council in February 2013 or any relevant parking standards at the time of the application.

Drainage and Water Management

- 4.18 The proposed development drainage arrangement will comprise of a SuDS treatment train consisting of permeable pavement, piped network and attenuation basin to provide source control, water quality treatment and biodiversity enhancement, prior to discharging surface water via attenuation basins to existing nearby ditch located north-west of the site.
- 4.19 The proposed SuDS features are designed to provide the required storage volume as required by Essex Lead Local Flood Authority

Trees and Landscaping

- 4.20 This proposal seeks to enhance existing hedgerow with additional tree planting to mitigate potential views of rooftops from Henham to the north-east, and create a wooded edge.
- 4.21 A meandering path will be provided through central park to provide an accessible route for all up the hill. A central swale will lead to attenuation basins at the bottom of the hill.
- 4.22 Multi-functional open space will be provided for play, food production, social gathering, leisure and recreation

5.0 PLANNING ASSESSMENT

5.0 This section of the Planning Statement assesses the proposed development against the key material planning considerations, including relevant national and local planning policy as identified within Section 3.

Principle of Development

5.1 When considering the principle of development, it is necessary to have regard to the key saved policies set out in the Adopted Uttlesford Local Plan (2005), in particular:

- Policy H1: Housing Development makes provision for additional housing for the period 2000-2011. As such, the Council has publicly acknowledged that this policy is out of date.
- Policy S3: Other Development Limits defines the boundaries for Elsenham and other key rural settlements on the Policies Map.
- Policy S7: Countryside states that policy applies to all those parts of the Plan area beyond the Green Belt that are not within the settlement or other site boundaries. It goes on to specify that 'in the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area'.

5.2 There are a significant number of important appeal decisions that have considered the level of weight that can now be apportioned in decision making to these particular planning policies. We highlight below those decisions that we consider to be particularly relevant to the consideration of this planning application:

5.3 In an appeal decision dated December 2020, in respect of [REDACTED] [REDACTED]¹ the Inspector referred to the fact that the Council acknowledged that Policy S7 should not seek to impede the delivery of much needed housing:

"It is common ground that the first two sections are not consistent with the requirements of the Framework, which instead takes a less protectionist position requiring that the intrinsic character and beauty of the countryside be recognised, with development in the countryside to be determined on the basis of objectively assessed need. Therefore, the locational aspects of saved policy S7 are out of date. Consequently, there is also no dispute that the proposal is in conflict with these first two sections of the policy, as a result of the proposal being outside the settlement boundary. The Council accept that the settlement boundaries must be flexible and that saved policy S7 must be breached in order for a sufficient supply of houses to be provided" (our emphasis).

5.4 The Inspector went on to comment upon the worsening housing land supply position faced by the Council²:

"Indeed, since Flitch Green, the housing supply position has materially worsened, to 2.68 years supply, and the dLP withdrawn with no new local plan in place until 2024 at earliest. The Council also confirmed at the inquiry that all the 2005 housing allocations have been built out,

¹ Appeal Ref: APP/C1570/W/20/3256109 - Land off Isabel Drive and Land off Stansted Road, Elsenham (paragraph 9)

² Appeal Ref: APP/C1570/W/20/3256109 - Land off Isabel Drive and Land off Stansted Road, Elsenham (paragraph 12)

with just 1 or 2 ongoing. Taken together, this suggests that the Council will continue to rely heavily upon breach of saved policy S7 to deliver the required number of new homes. Furthermore, whilst the Council can demonstrate substantial recent over-delivery under its Housing Delivery Test, given the circumstances on the ground that the Council currently finds itself in, this cannot be taken as a reliable indication of future delivery. Instead of plan-led housing delivery provided by a framework for addressing housing need, the Council relies on an incremental supply of sites coming forward. I return to the harm caused by the overall conflict with policy S7 later in this decision”.

5.5 As a result, the Inspector determined that the appeal should be allowed³:

“Consequently, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is a material consideration of sufficient weight to indicate that the appeal should be determined otherwise than in accordance with the development plan.

I conclude that outline planning permission should be granted subject to the conditions in the attached schedule”.

5.6 A further appeal decision from 22 December 2020 in respect of [REDACTED]

“This is an assessment of whether or not the Council is able to demonstrate a 5 year supply of deliverable housing sites, with the appropriate buffer. This matter is clear-cut in this case, with the Council’s most recent position, set out in its Housing Trajectory (April 2019) and 5 Year Land Supply Statement (October 2019), being that it only has a 2.68 year housing land supply (HLS). Accordingly, the development plan policies which are most important for determining this proposal are out-of-date, such that the decision-taking process to be applied here is that set out in paragraph 11(d) of the Framework.”⁴

5.7 The same Appeal Inspector made the important point that the Council is not currently in a position to rectify the housing shortfall:

“...Notwithstanding the Council’s comment that its housing delivery performance has been positive in recent years, delivering 147% of its need in 2018 and 153% in 2019, it currently has no short or medium-term strategy to address this significant shortfall from the required 5-year supply. In these circumstances I consider that the provision of new homes through this scheme should carry significant weight”⁵.

5.8 Whereas an appeal decision from 25 October 2021 in respect of [REDACTED], [REDACTED] highlighted the significant sustainability attributes pertaining to the village. These findings are considered particularly important given the close proximity of the Site to Elsenham Railway Station⁶:

³ Appeal Ref: APP/C1570/W/20/3256109 - Land off Isabel Drive and Land off Stansted Road, Elsenham (paragraphs 60-61)

⁴ Appeal Ref: APP/C1570/W/19/3243744 - Land east of Elsenham, to the north of the B1051, Henham Road (paragraph 140)

⁵ Appeal Ref: APP/C1570/W/19/3243744 - Land east of Elsenham, to the north of the B1051, Henham Road (paragraph 191)

⁶ Appeal Ref: APP/C1570/W/21/3274573 - Land north of Bedwell Road, Elsenham (paragraphs 70, 71, 72 and 77)

“The railway station, which offers regular services towards Cambridge and London is a benefit to this village location and is less than 1km from the site. Census data sets out that 11% of commuters use the train, which I consider to be a high proportion.

The location of the station offers a real and valuable alternative to car travel and it is entirely realistic to expect that many residents would walk to the station from the site. However, even if residents drove to the station, taking the train for the latter part of their journey would remain a sustainable choice of travel. Other sustainable transport modes

The proposal would contain electric vehicle charging points for each dwelling, and this would encourage the use of electric cars. This is another sustainable transport mode and may encourage residents to purchase electric cars.

Consequently, I am satisfied that the site would offer a genuine choice of transport modes, giving priority first to pedestrian and cycle movements. This would be compliant with Policy GEN1 of the ULP, which seeks to encourage movement by means other than the use of a car. There would also be compliance with the Framework, which seeks to promote sustainable travel”.

- 5.9 Once again, the Inspector concluded that the Council’s housing policies are out of date⁷ and that the tilted balance was engaged:

“The ULP covers a period of 2005-2011. It is widely accepted that it is out of date for the purposes of the housing requirement set out in Policy H1. Indeed, the housing land supply stands at 3.11 years, which is a significant shortfall, and one which is unlikely to be remedied anytime soon. Because of this, the policies which are most important for determining the application are out of date”.

- 5.10 The Inspector then went on to recognise that notwithstanding other significant recent planning consents for residential development at Elsenham, the district’s acute housing supply shortfall, together with the village’s high levels of sustainability meant that further development could be supported:⁸

“Elsenham has seen a high level of growth in recent years. This is unsurprising in the context of a lack of housing land supply and it being within the second tier of growth hierarchy. Furthermore, the village benefits from a train station with direct links to London and Cambridge, which 2 of the market towns do not. It is also very close to Stansted airport which provides employment opportunities. Therefore, I do not accept the R6 or interested parties’ arguments that Elsenham has reached its limit in terms of development. Benefits

The proposal would quickly deliver up to 220 homes, of which 40% would be affordable. Whilst Elsenham will see a high level of growth in both market and affordable housing from existing proposals granted planning permission, there remains a significant shortage of both market and affordable housing supply in the district. I attach significant weight to the benefit of market homes and significant weight to the 40%, or up to 88 affordable homes, for local people in housing need”.

⁷ Appeal Ref: APP/C1570/W/21/3274573 - Land north of Bedwell Road, Elsenham (paragraph 96)

⁸ Appeal Ref: APP/C1570/W/21/3274573 - Land north of Bedwell Road, Elsenham (paragraphs 99-100)

- 5.11 A further appeal decision of particular interest is that dated 30 November 2021 in respect of [REDACTED]. [REDACTED] The Inspector chose to highlight the significant benefits that further residential development would accrue⁹:

“... It is agreed that the Council cannot demonstrate a five-year supply of deliverable homes. The most recent data suggests that the housing land supply is substantially deficient at 3.11 years. Given that the Council withdrew its local plan in early 2020, and the most recent iteration of the plan is at a very early stage there is no immediate prospect of the housing supply situation being resolved through plan making.

The proposed development would provide 18 affordable homes. This would be policy compliant. Details of type and tenure will be determined at reserved matters stage. Nonetheless, all parties consider that this benefit should be accorded significant weight. All the evidence I heard supports this view and it is one with which I concur in a district where the average house price is 13 times the workplace base average earnings.

Similarly, all parties are as one that the benefit of the additional market housing should be attributed significant weight. This is even if the development is not described as a locally driven scheme. Whether it is speculative or not, is irrelevant to the benefits to be accrued from additional housing. I am aware that the R6 party tempers this with a reference to the comparatively small contribution of the appeal proposal given the extent of the shortfall. Similarly, reference has been made to the fact that the Council has tried to address its housing supply issues via the local plan process, but that these have failed not ‘for want of trying, and that the Council’s record of housing delivery has significantly increased over recent years. Nonetheless, the reality of the situation is that in the context of what remains a significant shortfall, and one to which there is no imminent plan led solution, the modest but nonetheless important contribution should be afforded significant weight. This is particularly the case as there appear to be a number of developers who are keen to take on the site and to deliver housing.

A 20% net gain in biodiversity is to be controlled by condition. There is no reason to suggest that this will not be realised. I therefore concur that this benefit, which is consistent with paragraph 179b of the Framework, should be accorded significant weight”.

- 5.12 Accordingly, the Henham Inspector concluded that¹⁰:

“The Council is unable to demonstrate a five-year supply of deliverable housing land. Given that the agreed housing land supply position is 3.11 years, the shortfall is, at least, significant. In light of paragraph 11d) of the Framework and associated footnote 8, the absence of a five-year supply means that the policies most important for determining this appeal are deemed to be out of date”.

- 5.13 The same Inspector highlighted the fundamental deficiencies of Policy S7 and recognised that further greenfield development is necessary¹¹:

⁹ Appeal Ref: APP/C1570/W/21/3272403 – Mill Road, Henham (paragraphs 106-109)

¹⁰ Appeal Ref: APP/C1570/W/21/3272403 – Mill Road, Henham (paragraph 115)

¹¹ Appeal Ref: APP/C1570/W/21/3272403 – Mill Road, Henham (paragraph 117)

117. Policy S7 is central to the determination of the appeal and is of direct relevance to whether the appeal site would be an appropriate location for development with particular reference to the Council's development strategy. The protection of countryside for 'its own sake' is inconsistent with paragraph 174 of the Framework. However, there is a logic that in the specific circumstance of Uttlesford, where there is a plan which is both 'long in the tooth' and predicated on providing for a quantum of housing need which is no longer relevant, irrespective of the five-year housing land supply situation there is likely to be an unavoidable requirement to build on greenfield land and to breach the settlement boundaries.

5.14 As a result, she concluded that the conflict with Policy S7, with reference to it defining land outside of the settlement strategy of the Plan, should only be accorded limited weight¹².

5.15 The Henham Inspector also recognised the pragmatic approach required in connection with the loss of agricultural land¹³:

"The loss of agricultural land will be in the context of a rural district where much of the land is of high agricultural quality. Consequently, and as it has been accepted by the Council that some of this will need to be lost to development, in the circumstances of this particular relatively small field of around 5 ha, I conclude that limited weight can be given to the conflict with policy ENV 5 of the LP".

5.16 In conclusion, the Henham Inspector identified the appropriate actions that need to be taken regarding the determining proposed residential development schemes¹⁴:

"It is common ground that the tilted balance set out within paragraph 11d of the Framework has been triggered. However, whilst there may be more than one mechanism for it to be triggered, it can only be done once.

Limb di) is not engaged as there are no relevant areas or assets of particular importance that provide a clear reason for refusing the development. Therefore, I must consider whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

In other words, permission should be granted unless the presumption in favour of sustainable development can be displaced. That is not to say, however, that any conflict with relevant policies should be disregarded".

5.17 The most recent appeal decision of relevance dates from 19 January 2022 and relates to [REDACTED] [REDACTED]. The Appeal Inspector made a number of important observations and findings. The most important being that the policies of the adopted Local Plan that influence housing supply, including Policy S7, are out of date and the emerging Local Plan has, at this point, no proposed allocations to demonstrate how the shortfall will be made up. The 'tilted balance' set out in the Framework at Paragraph 11d) is therefore engaged. In this context, the supply of further housing would be highly significant:¹⁵

"The Council has a housing shortfall and I note that, although the published Housing Delivery Target (HDT) results for Uttlesford in 2020 show that in the last 3 years the District achieved in

¹² Appeal Ref: APP/C1570/W/21/3272403 – Mill Road, Henham (paragraph 119)

¹³ Appeal Ref: APP/C1570/W/21/3272403 – Mill Road, Henham (paragraph 123)

¹⁴ Appeal Ref: APP/C1570/W/21/3272403 – Mill Road, Henham (paragraph 125-127)

¹⁵ Appeal Ref: APP/C1570/W/21/3270615 - Land to the west of Buttleys Lane, Great Dunmow (paragraph 29)

excess of the target, the Council can only demonstrate 3.52 years of housing supply as at 1 April 2021 with a shortfall of over 1000 homes. The policies of the adopted ULP influencing housing supply including Policy S7 are therefore out of date and the emerging Local Plan has, at this point, no proposed allocations to demonstrate how the shortfall will be made up. The 'tilted balance' set out in the Framework at Paragraph 11d) is therefore engaged. In this context, the supply of further housing would be highly significant.

- 5.18 Importantly, the same Appeal Inspector went on to highlight the importance of the 'tilted balance' being engaged in such circumstances¹⁶:

"With the Framework's 'tilted balance' engaged it is important to apply that balance. Paragraph 11d) of the Framework provides that the presumption in favour should apply other than in two circumstances. The first of these, namely where the development would conflict with Framework policies to protect areas or assets of particular importance would not apply in this case. Even though the site is close to a listed heritage asset at Highwood Farm appropriate design and landscaping buffer at the reserved matters stage would ensure that no harm would arise and the asset and its setting would be at least preserved. The second circumstance requires that permission is granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. Policies in respect of supply of housing and meeting local housing need would support the proposal and as discussed above the harm from the development of the site would not be significant and would not materially affect the Framework policies in respect of design and the natural environment".

- 5.19 Since the above appeal decision was issued, the Council has announced in autumn 2022 that the emerging Local Plan timetable is being reviewed. It is proposed that the next round of consultation is delayed until Summer 2023. As a consequence, draft new housing allocations are now even further away into the future.
- 5.20 Planning legislation requires that decisions on planning applications are determined in accordance with the development plan, unless material planning considerations indicate otherwise. The Uttlesford Local Plan is not up to date and significantly pre-dates the NPPF 2021. As outlined above and confirmed within a number of appeal decisions within the District, Uttlesford cannot demonstrate a 5-year supply of deliverable housing land. Consequently, in terms of the NPPF, the development plan policies for the supply of housing are out of date and decisions on planning applications must be determined in accordance with the presumption in favour of sustainable development and permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole. Those policies provide clear support for the development proposed. There are also delays and uncertainty surrounding the introduction of a new Local Plan within the District and therefore additional housing land will need to be urgently brought forward to ensure that housing delivery within the District is increased.
- 5.21 Elsenham is considered to one of the more sustainable settlements within the District and therefore represents a suitable location for further residential development. There are a wide range of services and facilities found locally with Elsenham also benefitting from excellent public transport facilities. The application site is accessible to the services and facilities provided within the village by walking, and cycling and proposals will provide much needed housing for the District and needed affordable housing.

¹⁶ Appeal Ref: APP/C1570/W/21/3270615 - Land to the west of Buttleys Lane, Great Dunmow (paragraph 30)

- 5.22 The application proposes up to 200 dwellings of which up to 80 dwellings (40%) will be affordable, which is consistent with the requirements of Policy H9. Such provision will make an important and early contribution to boosting the district's housing supply. This is a substantial planning benefit in the context of a significant shortfall of market and affordable housing within Uttlesford, specifically a 3.52-year housing supply according to the Council's latest published monitoring data. In summary, the principle of development is considered to be entirely acceptable.

High Quality Sustainable Design, Landscaping and Open Space

- 5.23 In respect of Regional Landscape Character, the Uttlesford Landscape Character Assessment (2006)¹ identifies that the site falls within the B10 Broxton Farmland Plateau Character Area.
- 5.24 The landscape type's key characteristics are identified as being;
- Gently undulating farmland on glacial till plateau, dissected by River Roding.
 - Large open landscape with tree cover appearing as blocks on the horizon or as scattered trees along field boundaries, with intermittent hedgerows.
 - Higher ground where plateau broadens and flattens is expansive and full of big sky views.
 - Dispersed settlements and few villages of any size.
 - Some sunken lanes.
 - Moats, halls and historic farmsteads scattered over the area.
- 5.25 Stansted Airport is acknowledged as being a major influence on the southwestern part of this area.
- 5.26 The area contains 17 sites of nature conservation value including Elsenham Woods SSSI.
- 5.27 The following Proposed Landscape Strategy Objective is identified:
- "Conserve - seek to protect and enhance positive features that are essential in contributing to local distinctiveness and sense of place through effective planning and positive land management measures".*
- 5.28 The following Suggested Landscape Planning and Management Guidelines are highlighted:
- Conserve the rural character of the area.
 - Ensure that any new development responds to historic settlement pattern, especially scale and density, and that use of materials, and especially colour, is appropriate to the local landscape character; such development should be well integrated with the surrounding landscape.
 - Encourage the appropriate use of colour as well as deciduous tree planting to mitigate the visually intrusive effects of large modern farm buildings; avoid coniferous screen planting.
 - New farm buildings such as sheds should be sensitively located within the landscape to respect local character and avoid the skyline.
 - Small-scale development should be carefully sited in relation to existing farm buildings.
 - Encourage sensitive conversion of barns which respects traditional materials, built fabric and landscape character.
- 5.29 The following Land Management Guidelines are suggested:

- Strengthen and enhance hedgerows with hawthorn where gappy and depleted.
 - Conserve and manage ecological structure of woodland, copses and hedges within the character area.
 - Conserve and manage areas of ancient and semi-natural woodland as important landscape, historical and nature conservation sites.
 - Conserve historic lanes and unimproved roadside verges.
- 5.30 A Landscape Strategy has been prepared for the site. It seeks to shield development from being visible from Henham village to the north-east. It aims to achieve this by woodland creation, which will also enhance the local landscape character of the area, which is well wooded. This, together with proposed vegetation, would create a new green infrastructure for wildlife.
- 5.31 One of the key design moves with the landscape strategy is the creation of a central area of open space aligned to views from within Elsenham into the site. By locating open space in this location, it maintains the village's visual connection with its valley landscape setting and allows views back towards the village from within the site. The central park can be multi functioning open space with a myriad of uses from increasing biodiversity, creation of swales, providing play, leisure and community uses to create an attractive communal hub to the site.
- 5.32 Access and permeability into the site can be maximised by creating links to the adjacent development to the south, the public footpath to the north and the railway station and the village to the west. These routes will encourage people to walk or cycle rather than getting in the car.
- 5.33 The Design and Access Statement explains in detail how the principles for the site have been met by the submitted proposals.

Other Technical Considerations

Drainage

- 5.34 The application is accompanied by an Outline Flood Risk Assessment and Drainage Strategy.
- 5.35 The report concluded that:
- The development site is located entirely within Flood Zone 1.
 - The development site is not located within a groundwater source protection zone or protected drinking water area.
 - Following site-specific ground investigation, infiltration is not expected to be a viable means of surface water discharge due to the abundance of clays throughout the site.
 - The site is at low or negligible risk from all sources of flooding.
 - The proposed development drainage arrangement will comprise of a SuDS treatment train consisting of permeable pavement, piped network and attenuation basin to provide source control, water quality treatment and biodiversity enhancement, prior to discharging surface water via attenuation basins to existing nearby ditch located north-west of the site.
 - Surface water runoff will be attenuated via on-site basins for all events up to and including the critical 1 in 100-year storm rainfall event plus a 40% allowance for climate change.

- The proposed foul water drainage strategy will include an adoptable gravity network and pumping station that will discharge all foul flows via the proposed Phase 1 gravity network into the Thames Water foul sewer network south-east of the site.

5.36 Consequently, it is concluded that the site is presented as sustainable in terms of flood risk and compliant with the criteria set out in the NPPF.

Contamination

5.37 The application is accompanied by a Preliminary Risk Assessment in relation to contamination.

5.38 The Assessment found that on-site sources of potential contamination are associated with the current and historical uses of the site, including agricultural land use, and ground associated with the disused railway line. Potential off-site sources of contamination include the surrounding current and historical land uses including the adjacent former sand and gravel extraction and associated infilling of the pits, agricultural land and surrounding residential and commercial development.

5.39 In conclusion, the Preliminary Risk assessment indicates generally a Low to Moderate risk to human health, controlled waters, and site structures

Noise

5.40 The application is accompanied by a noise impact assessment.

5.41 A baseline noise survey has been conducted to establish the existing noise levels on the site. The results of the noise survey have been used in the assessment of ambient noise affecting the proposed development once built and occupied.

5.42 An assessment of commercial noise from Tuplin, to the north-west of the site, has been carried. The result of the assessment provided an indication of a low impact for the worst affected dwellings in the north-west corner of the proposed development.

5.43 Appropriate acoustic performance requirements for glazing and ventilation have been identified, to achieve the adopted internal noise criteria for the proposed residential dwellings. Reasonable internal conditions can still be achieved in habitable rooms with windows open to manage overheating and the majority of gardens are expected to achieve the external noise criterion of 55 dB LAeq,16hr.

5.44 A small number of gardens are expected to exceed the criterion by no more than 1 dB in a portion of the garden area which is not considered a significant in terms of noise impact. Several gardens in the south-east of the proposed development will achieve the 50 dB criterion LAeq,16hr.

5.45 On this basis the site is considered suitable for residential development and will meet the objectives set out in the Council's Development Plan.

Archaeology

5.46 The application is accompanied by an archaeological desk-based assessment.

5.47 In terms of relevant designated archaeological heritage assets, the assessment concluded that no Scheduled Monuments, World Heritage Sites, Registered Battlefields, Registered Parks and Gardens or Historic Wreck sites lie within the Study Site or its immediate vicinity.

5.48 The Study Site is considered to have a moderate to high potential for evidence of Bronze Age, Iron Age and Medieval cultivation. A moderate potential is identified for evidence of Mesolithic activity and

all other evidence relating to the Bronze Age and Iron Age, and also in respect of evidence of Roman agricultural use.

- 5.49 Overall, the evaluation found that any archaeological evidence present within the Study Site is most likely to be of low (local) significance only, similar to that identified in the immediate vicinity.
- 5.50 It considered that an archaeological evaluation, comprising geophysical surveying and trial trenching represents an appropriate and proportionate response to the archaeological potential identified. It concluded that any such archaeological works could follow the granting of planning consent and be secured by an appropriately worded archaeological planning condition.
- 5.51 In conclusion, the Assessment considered it highly unlikely that the proposed residential use of the Study Site will have a significant archaeological impact.

Agricultural Land Quality

- 5.52 The application is accompanied by an agricultural land classification report.
- 5.53 Under the Provisional Agricultural Land Classification for England and Wales (MAFF 1986) the area of the site is shown as grades 2 (70.1%) and 3 (29.9%). The Provisional Land Classification was only ever intended for strategic use, not being sufficiently accurate for the assessment of individual fields or sites. Therefore, the report seeks to confirm the site-specific land grades present.
- 5.54 The site inspected was found to comprise:

	Hectares	%	Main Limitations
Grade 1	3.52	35.9	
Grade 2	6.31	64.1	Wetness / Droughtiness

It is evident from the above that just over 60% of the entire Site is Grade 2 agricultural land. This particular agricultural land classification is prevalent in respect of land surrounding Elsenham, and also across the district as a whole.

Built Heritage

- 5.55 The application is accompanied by a Built Heritage Statement, which assesses the potential impact of the proposed development on the significance of relevant built heritage assets.
- 5.56 It identifies that there are no designated or non-designated built heritage assets within the Site. The Grade II listed "The Waiting Room", on the East Side of Line at Elsenham Station lies approximately 5m to the west of the Site and has the potential to be affected by the proposed development through the alteration of its setting.
- 5.57 The proposed development would result in a low level of less than substantial harm to the significance of the listed building. This harm would arise from an erosion of the historic rural setting of the listed building, which allows for an understanding of its historic context. This level of harm is considered low as the proposals would develop an area of its historic rural context, but only form the backdrop of views to the listed building. It would engage paragraph 202 of the NPPF, which states the low level of harm will need to be weighed against the public benefits of the scheme in the planning balance.

- 5.58 Given the extent of intervening distance, planted boundaries, and surrounding modern built development there are no other designated built heritage assets, buildings identified on Uttlesford District's local list, nor any other non-designated built heritage assets within 500m of the Site, that will be affected by the proposed development.

Utilities

- 5.59 The application is accompanied by a Utilities Statement.
- 5.60 To determine the feasibility of bringing in new supplies to the site, an assessment of the load profile has been undertaken to predict the anticipated utility demands for the development, and approached the incumbent utility providers with new supply enquiries to determine the points of connection and where provided, the budget costs to service the site. Further information regarding anticipated costs is provided within the accompanying report.
- 5.61 A further review will be required during the detailed design stage to confirm any anticipated works associated with existing assets affected by any alterations to existing highways, footways, and landscaping (i.e., proposed tree planting) layouts including changes to line and level.
- 5.62 It will be necessary to undertake intrusive/non-intrusive surveys in key areas to validate record information obtained from affected utility stakeholders at an appropriate time during the development of the masterplan. For example, surveys may be required where new highway and footway alignments are proposed in the vicinity of buried apparatus.

Air Quality

- 5.63 The application is accompanied by an Air Quality Assessment (AQA) which seeks to examine the impact of development traffic road emissions from the proposed development upon existing and future sensitive receptors (operational phase) and the construction phase.
- 5.64 The assessment was undertaken in accordance with current technical guidance published by the Department of Environment, Food and Rural Affairs (DEFRA) and other relevant guidance published by the Institute of Air Quality Management (IAQM).
- 5.65 Background NO₂, PM₁₀ and PM_{2.5} concentrations corresponding to the 1km² grid squares covering the Application Site were obtained from DEFRA's published national pollutant mapping data¹¹. The background pollutant data were used for air quality assessment at the associated link roads and identified sensitive receptor locations.
- 5.66 Based on the available information and professional judgement, the local air quality impacts associated with emissions from construction vehicles and plant are expected to be negligible.
- 5.67 The AQS objective for annual mean NO₂ concentrations is 40µg/m³. The results of the assessment show that in the 2019 baseline case the highest predicted concentrations are as follows:
- Off-site 39.0µg/m³ at R21 adjacent to the M11 and 27.2µg/m³ at R44 on Grove Hill, Stansted Mountfitchet
 - On-site 12.9µg/m³ at P1 next to the railway line, Elsenham
 - Countryside development 19.9µg/m³ at A6 on High Street/Hall Road junction, Elsenham

- 5.68 By 2027, the assessment year of the Proposed Development, the predicted concentrations at receptors both with and without the development are well below the 2019 base case. The highest concentrations are predicted as follows:
- Off-site 21.8µg/m³ at R21 (Do-Minimum) adjacent to the M11 and 18.8µg/m³ (Do-Something) at R44 on Grove Hill, Stansted Mountfitchet
 - On-site 10.1µg/m³ (Do-Something) at P5 in the approved Phase 1 development
 - Countryside development at 10.8µg/m³ C6 on High Street/Hall Road junction, Elsenham
- 5.69 As outlined within the accompanying Ecological Assessment, it is proposed that a financial contribution towards the management of Elsenham Woods SSSI will be secured within the S06 Agreement. Once this mitigation is agreed it is considered that the development will result in a neutral residual impact on the Elsenham Wood SSSI.
- 5.70 The Proposed Development is not located within or near to any AQMA's. UDC operates an extensive network of continuous monitoring and passive diffusion tubes within the district. The data from Table 4-2 demonstrates that there are no pollutant exceedances from diffusion tubes located within 3.5km of the Application Site. Despite a lack of representative monitoring data close to the Proposed Development, monitoring conditions within the Application Site, and surrounding area, are estimated to be below the relevant air quality objectives.
- 5.71 DEFRA's background pollutants (Table 4-1) show that concentrations in the current year (2022) are predicted to remain below their respective annual mean objectives. Furthermore, these concentrations are predicted to fall further in assessment year 2027.
- 5.72 The results show that the Proposed Development would cause a small increase in NO₂, PM₁₀. and PM_{2.5} concentrations but would not cause any exceedances of the statutory objectives. All impacts on human health are judged as negligible based on the magnitude of predicted increases.
- 5.73 It is therefore judged that the development proposals comply with the NPPF and Policy ENV13 – Exposure to Poor Air Quality of the UDC Adopted Local Plan on the basis of human health. The judgement of significance of the ecological impacts of the Proposed Development will be provided by a specialist ecologist.
- 5.74 There are therefore no constraints to the development in the context of air quality.

Ecology

- 5.75 This application is accompanied by an Ecological Assessment to assess any potential ecological impacts of the proposal. The Assessment reports on a phase 1 habitat survey undertaken at the site in August 2021.
- 5.76 The site consists arable land, boundary hedgerow to the north (which will be retained), and improved grassland. The majority of the site is considered to be of low ecological value (arable land), with the hedgerow being the most ecologically valuable habitat.
- 5.77 The assessment identified the potential for foraging/commuting bats, nesting birds, foraging/commuting badgers, common reptiles and European hedgehog., with mitigation and compensation measures recommended.
- 5.78 The proposed mitigation measures include a lighting plan to avoid disturbing bats; the enhancement of the retained tree buffers along the northern, western and southern boundaries; and native species planting throughout the scheme. wildlife sensitive lighting, sensitive clearance of vegetation for nesting

birds, hedgehogs and reptiles; and precautionary measures during construction for hedgehog, brown hare and badgers. A reptile exclusion fence is recommended for installation to prevent nearby populations of reptiles entering the site during the construction phase.

- 5.79 The site falls within the Impact Risk Zone for Elsenham Woods SSSI and Hatfield Forest that relates to residential planning applications of 50 and 100 or more units respectively. The report found no direct or indirect impacts are considered likely in isolation as a result of this development. However, a contribution to the Strategic Access Management Measures (SAMMs) will be required to appropriately mitigate in combination cumulative impacts of the proposed development. This will need to be agreed with Natural England and/ or the National Trust (who own and manage the site).
- 5.80 Overall, the site was considered to be of low ecological value, and through implementing the recommended measures detailed in this report, it is considered that all adverse effects from the proposed development on the habitats and species on site will be fully mitigated. With suitable enhancement of the habitats on site, the Assessment found that there could be a net gain of 12.67% for local biodiversity in line with relevant wildlife legislation and national planning policy (MHCLG, 2021), and the Councils planning policies related to biodiversity.
- 5.81 The Ecological Assessment recommended that a landscape ecology management plan (LEMP) should also be secured by an appropriately worded planning condition to ensure the created habitats are implemented and managed appropriately to achieve their target conditions.
- 5.82 The supporting Arborticultural Impact Assessment has identified that there are no trees with crown areas or Root Protection Areas (RPAs) within or adjacent to the redline boundary of the site. There will therefore be no impacts to trees at the site.
- 5.83 Consequently, no individual trees will require removal to accommodate the proposed layout.

Minerals

- 5.84 The Site falls within a Minerals Safeguarding Area for Sand & Gravel. British Geological Survey data indicates that the Site is underlain by superficial geology comprising Head deposits (clays and silty, sand & gravel) along its western extent. The “Kesgrave Catchment” subgroup, comprising sand & gravel, is located within the centre of the site and to the east, but in the eastern part of the site the Kesgrave sand & gravel is overlain by the “Lowestoft Formation”, glacial till comprising chalk and sandy, gravelly clays. The superficial deposits rest unconformably on the bedrock comprising the “London Clay formation”.
- 5.85 The various site investigation works that have been undertaken, both within the Site and immediately adjacent to it, have confirmed the presence of sand & gravel within the central zone of the site and to the eastern extent underlying the Lowestoft Formation. The depth of both the overburden comprising the Lowestoft Formation and the Kesgrave sand & gravel varies across the site, with laboratory analysis also indicating that the quality of the deposits also vary due to silt content and the fine nature of the sands. The gravel content of the deposits has also been questioned, albeit this is from trial pit samples at relatively shallow depth.
- 5.86 Regard has been had to the potentially recoverable resource across the Site, taking into account appropriate “buffer zones” to neighbouring properties, which reduces the estimated resource area (excluding Head deposits) to less than 5 hectares, which is the minimum threshold at which safeguarding provisions apply.
- 5.87 Additional constraints to potential mineral extraction have also been considered, which include: slope gradient batters to allow any mineral extraction to be achievable within the proposed housing

development site; the need to manage potential groundwater (possibly perched water); and the potential low quality of the mineral reserve, all of which have reduced the estimated resource area further with a recoverable resource that makes a minimal contribution to sand and gravel supply within the County.

- 5.88 The Mineral Resource Assessment concludes that the prior extraction of the sand and gravel within the site has been rendered uneconomic by the characteristics of the Site including its size, shape, geology and the constraining effect of residential dwellings in close proximity. Opportunistic extraction may be possible to a shallow depth during the preparatory works such as the foundations and footings or landscaping works associated with the development, albeit this will be subject to quality and the potential requirement to manage groundwater during any extraction.

CIL/ S106 Matters

- 5.89 Uttlesford District Council is not a CIL charging authority.
- 5.90 As required by Policy, the applicants are prepared to enter into a S106 Agreement with the Councils to secure the necessary funding towards infrastructure projects that the development would require. Initial discussions regarding the S106 Agreement have taken place with Planning Officers at UDC and Highways Officers at ECC and it is felt that the following matters/ Heads of Terms will be picked up and help to inform any future legal agreement:
- Public Transport Contribution
 - Community Facilities contribution
 - Health Care contribution
 - Early Years education contribution
 - Primary education contribution
 - Secondary education contribution
 - Financial contribution towards Hatfield Forest SSSI
 - Financial contribution towards Elsenham Woods SSSI
 - Monitoring
- 5.91 The scheme will deliver 40% affordable housing and this will be secured by the S106 Agreement. It is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

Benefits of the Scheme

- 5.92 Much needed market and affordable housing, making a material contribution to the supply of housing within Uttlesford District and within Elsenham, which will provide a choice of high quality homes to meet local needs in a manner that can achieve sustainable growth and sustainable design.
- 5.93 The latest available figures show that total number of households on the housing waiting list for 2020/21) in respect of Uttlesford district was 1,337. This demonstrates that addressing housing need is currently an issue of critical importance to Uttlesford.

- 5.94 Therefore, given that the Council currently lacks a 5-Year Housing Land Supply, and any new potential Local Plan allocations are still at least several years away, the fact that the proposed scheme will deliver up to 200 new residential dwellings must be regarded as a very significant public benefit.
- 5.95 Secure the delivery of a significant number of new dwellings which will in turn generate a significant cash injection for the area through the 'New Homes Bonus'.
- 5.96 The application site is located within a highly sustainable location on the edge of Elsenham (a Tier 2 settlement) and is located entirely within Flood Zone 1.
- 5.97 It benefits from its close proximity to nearby facilities and services and will be integrated with the new Bloor housing development located to its immediate south. Therefore, it provides an opportunity to utilise new facilities and services for the benefit of both the proposed, and current, adjoining developments.
- 5.98 New construction jobs.
- 5.99 Potential for increased expenditure in existing local village services and facilities.
- 5.100 A new pedestrian/cycle connection will be provided to Elsenham Station/Old Mead Road, which will deliver a direct and attractive connection between the proposed development and the railway station. This connection will maximise the attractiveness of the rail services from the station to future residents, which provide good links to Cambridge and London.
- 5.101 Local bus services provide access to Bishop's Stortford and Stansted Airport, including in respect of local employment opportunities.
- 5.102 The accompanying Residential Travel Plan (RTP) will seek to deliver a 10% reduction in the single occupancy car driver mode share for the fully occupied development from the baseline figure.
- 5.103 Bloor Homes Ltd will provide a financial contribution to ECC via a S106 planning obligation, to support the improvement of local bus services in Elsenham. It is also proposed that a car club vehicle will also be delivered on site.
- 5.104 The scheme can deliver pedestrian crossing and village centre access improvements at the triangular junction of Hall Road/Henham Road/High Street, where no dropped kerbs or tactile paving is currently provided.
- 5.105 The scheme will deliver a net local biodiversity gain in excess of 10%. It will also enhance existing hedgerow with additional tree planting to create a wooded edge, that will mitigate potential views of rooftops from Henham to the north-east.
- 5.106 Additional open space will also be provided which will support and complement the existing recreation areas, including a meandering path through a central park to deliver an accessible route for all up the hill. A central swale will lead to attenuation basins at the bottom of the hill. Multi-functional open space will be provided for play, food production, social gathering, leisure and recreation.
- 5.107 Secure funding towards other infrastructure projects through a S106 Agreement including for education, primary health care, community facilities and sustainable transport.
- 5.108 When considering the Development Plan as a whole, and all other material considerations (including national policy, the application and its supporting evidence demonstrate that the proposed scheme will deliver important public benefits, not least the provision of much needed housing.
- 5.109 Therefore, with the tilted balance being engaged, it is evident that the resultant levels of harm generated by the development scheme would not be significant, or demonstrably outweigh the

benefits. Consequently, we consider that there to be no sound reasons why planning permission should be refused.

6.0 CONCLUSION

- 6.0 This Planning Statement demonstrates that the proposed development is in accordance with national planning policy and complies with those local planning policies that remain up to date.
- 6.1 Uttlesford District Council currently possess a housing land supply of only 3.52 years. This is considerably below the minimum 5-year housing land supply figure that it is required to accommodate and represents a shortfall of over 1000 homes.
- 6.2 Furthermore, the withdrawal of the two most recent Draft Local Plans means that there is no pipeline of sites being brought forward by the Council in order to boost the current housing supply.
- 6.3 It is evident that there have in recent times been numerous appeal decisions issued by Inspectors regarding proposed large residential developments within Uttlesford District. A large number of these Inspectors have now concluded that the key policies within the Adopted Local Plan that relate to housing supply, including Policy S7, are out of date
- 6.4 Indeed, during many of these appeals the Council has also fully acknowledged the fact that significant parts of its key housing supply policies are now out of date given that either relate to a time-period that is long out of date, or no longer comply with national policy
- 6.5 Work on the emerging Local Plan has not yet progressed very far and has recently been paused, whilst a new Local Plan preparation timetable is produced.
- 6.6 As a result, there are no proposed allocations on the horizon to show how the current housing supply shortfall will be made up. It will be at the very least another three years before the Council could have a new Local Plan adopted, and based upon recent Plan-making attempts, potentially significantly longer.
- 6.7 Accordingly, national policy is clear that in such circumstances the ‘tilted balance’ set out in the Framework at Paragraph 11 d) needs to be engaged. In this context, the supply of further housing should be regarded as highly significant.
- 6.8 The Framework’s ‘tilted balance’ specifies that the presumption in favour should apply, other than in two circumstances. The first of these, being where the development would conflict with Framework policies to protect areas or assets of particular importance. The second circumstance requires that permission is granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
- 6.9 This planning application is accompanied by a range of technical reports, which demonstrate that the proposals would not have any unacceptable adverse impacts, and that this is a sustainable form of development.
- 6.10 Policies in respect of the supply of housing and meeting local housing support the proposal.
- 6.11 This application will deliver up to 200 new residential dwellings within a highly sustainable location on the edge of Elsenham. The Site benefits from its close proximity to nearby facilities and services and will be integrated with the new housing development located to its immediate south.
- 6.12 The site is highly sustainable given its bus connections to nearby Bishop’s Stortford and Stansted Airport and train services to Cambridge and London Liverpool Street railway stations.
- 6.13 The proposed development will make an important and early contribution to meeting the urgent need for new housing in the district.

- 6.14 The development construction phase is predicted to take place between 2024 and 2027. Housing delivery is anticipated to range from around 80 dwellings per annum. It is anticipated that development will commence in the south and work northwards.
- 6.15 The proposed development should be approved because it provides additional housing that would contribute towards the significant housing shortfall, and is in a sustainable location. Therefore, in these circumstances planning applications for residential development should be considered favourably where there is no five year supply of deliverable housing sites, as is clearly the case in Uttlesford District. The submitted reports demonstrate that there is no residual harm arising from development. The site represents a suitable and sustainable location for further residential development.
- 6.16 The proposed development would provide up to an additional 80 affordable dwellings. The Council has confirmed that there is a considerable need for affordable housing across the District and at Elsenham.
- 6.17 The Government has made it clear that there is a need for further housing and that the answer to development should be 'yes' unless significant harm would arise. Decision makers are expected to approach decision-taking in a positive way to foster the delivery of sustainable development. In light of the Government's strong advice and clear intention, and in accordance with the Development Plan, we request that planning permission should be granted for the proposed development without delay.

APPENDICES

A Policy Audit

Policy	Summary	Assessment of Proposed Development	Compliance
Adopted Uttlesford Local Plan			
S3: Other Development Limits	<p>Elsenham, Great Chesterford, Newport, Takeley and Thaxted are identified as Key Rural Settlements. Their boundaries, including village extensions at Takeley and Thaxted, and the boundaries of other settlements are defined on the Proposals Map. Development compatible with the settlement's character and countryside setting will be permitted within these boundaries.</p> <p>The Council's 2012 NPPF Compliance Review concluded: 'No implications'.</p>	<p>This policy is now significantly out of date and at variance with national policy.</p> <p>Much needed new market and affordable housing will be delivered on the edge of Elsenham, which is one of Uttlesford's Tier 2 settlements.</p>	See Section 5.
S7: The Countryside	<p>The countryside to which this policy applies is defined as all those parts of the Plan area beyond the Green Belt that are not within the settlement or other site boundaries. In the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. This will include infilling in accordance with paragraph 6.13 of the Housing Chapter of the Plan. There will be strict control on new building. Development will only be permitted if its</p>	<p>This policy is now significantly out of date and at variance with national policy.</p> <p>Much needed new market and affordable housing will be delivered on the edge of Elsenham, which is one of Uttlesford's Tier 2 settlements.</p>	See Section 5.

Policy	Summary	Assessment of Proposed Development	Compliance
	<p>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.</p> <p>The Council's 2012 NPPF Compliance Review concluded: 'Partly consistent'.</p>		
<p>GEN1: Access</p>	<p>Development will only be permitted if it meets all of the following criteria:</p> <p>a) Access to the main road network must be capable of carrying the traffic generated by the development safely.</p> <p>b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.</p> <p>c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.</p> <p>d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.</p> <p>e) The development encourages movement by means other than driving a car.</p> <p>The Council's 2012 NPPF Compliance Review concluded:</p>	<p>The accompanying Transport Assessment demonstrates that the surrounding road network is fully capable of safely accommodating the proposed levels of traffic that will be generated from the proposed development.</p> <p>Accompanying Transport Modelling demonstrates that the small increases in journey times, queue length and delay expected in the proposed development scenario are not expected to be perceptible to drivers.</p> <p>The accompanying Residential Travel Plan (RTP) demonstrates how sustainable means of travel have been addressed.</p> <p>The key target of this RTP is to achieve a 10% reduction in the single occupancy car driver mode share for the fully occupied development from the baseline level.</p> <p>The implementation of this RTP will be managed by a Residential Travel Plan Coordinator (RTPC) appointed by the developer 3</p>	<p>Complies</p>

Policy	Summary	Assessment of Proposed Development	Compliance
	<p>'Generally consistent'.</p>	<p>months prior to first occupation.</p> <p>The supporting Design and Access Statement demonstrates how the proposed scheme will comply with the policy. More detailed information will accompany the Reserved Matters application.</p>	
<p>GEN2: Design</p>	<p>Development will not be permitted unless its design meets a range of criteria and has regard to adopted Supplementary Design Guidance and Supplementary Planning Documents.</p> <p>The Council's 2012 NPPF Compliance Review concluded: 'Generally consistent, although NPPF goes beyond the scope of the policy and should be read in conjunction with this policy as it highlights the importance of good design'.</p>	<p>The supporting Design and Access Statement demonstrates how the proposed scheme will comply with the policy. More detailed information will accompany the Reserved Matters application.</p>	<p>Complies</p>
<p>GEN3: Flood Protection</p>	<p>Within the functional floodplain, buildings will not be permitted unless there is an exceptional need. Developments that exceptionally need to be located there will be permitted, subject to the outcome of flood risk assessment. Where existing sites are to be redeveloped, all opportunities to restore the natural flood flow areas should be sought.</p> <p>Within areas of flood risk, within the development limit, development will normally</p>	<p>The submitted Flood Risk Assessment and Drainage Strategy demonstrates how the proposed scheme will ensure compliance with national and local flood protection policies and guidance.</p>	<p>Complies</p>

Policy	Summary	Assessment of Proposed Development	Compliance
	<p>be permitted where the conclusions of a flood risk assessment demonstrate an adequate standard of flood protection and there is no increased risk of flooding elsewhere.</p> <p>Within areas of the floodplain beyond the settlement boundary, commercial industrial and new residential development will generally not be permitted. Other developments that exceptionally need to be located there will be permitted subject the outcome of a flood risk assessment.</p> <p>Outside flood risk areas development must not increase the risk of flooding through surface water run-off. A flood risk assessment will be required to demonstrate this.</p> <p>Sustainable Drainage Systems should also be considered as an appropriate flood mitigation measure in the first instance.</p> <p>For all areas where development will be exposed to or may lead to an increase in the risk of flooding applications will be accompanied by a full Flood Risk Assessment (FRA) which sets out the level of risk associated with the proposed development. The FRA will show that the proposed development can be provided with the appropriate minimum standard of protection throughout its lifetime and will demonstrate the effectiveness of flood</p>		

Policy	Summary	Assessment of Proposed Development	Compliance
	<p>mitigation measures proposed.</p> <p>The Council's 2012 NPPF Compliance Review concluded: 'Partly consistent. For development management purposes the up to date advice in the NPPF and the associated technical guidance should 'trump' this policy'.</p>		
<p>GEN4: Good Neighbourliness</p>	<p>Development and uses will not be permitted where they would cause noise, vibrations, smell, dust, light, fumes, electromagnetic radiation, exposure to other pollutants, which would cause material disturbance or nuisance to occupiers of surrounding properties.</p> <p>The Council's 2012 NPPF Compliance Review concluded: 'Consistent'.</p>	<p>The application and supporting documents contain further details regarding how the requirements of the good neighbourliness policy will be met.</p> <p>More detailed information will be set out in any Construction Environmental Management Plan that is required.</p>	<p>Complies</p>
<p>GEN5: Light Pollution</p>	<p>Development that includes a lighting scheme will not be permitted unless:</p> <p>a) The level of lighting and its period of use is the minimum necessary to achieve its purpose, and b) Glare and light spillage from the site is minimised.</p> <p>The Council's 2012 NPPF Compliance Review concluded: 'Consistent'.</p>	<p>The application and supporting documents contain further details regarding how the requirements of the light pollution policy will be met.</p>	<p>Complies</p>

Policy	Summary	Assessment of Proposed Development	Compliance
<p>GEN6: Infrastructure Provision to Support Development</p>	<p>Development will not be permitted unless it makes provision at the appropriate time for community facilities, school capacity, public services, transport provision, drainage and other infrastructure that are made necessary by the proposed development. In localities where the cumulative impact of developments necessitates such provision, developers may be required to contribute to the costs of such provision by the relevant statutory authority.</p> <p>The Council's 2012 NPPF Compliance Review concluded: 'Generally consistent, but need to recognise the emphasis on viability of development and more recent guidance on legal agreements and CIL'.</p>	<p>The application and supporting documents contain further details regarding how infrastructure will be provided to support development.</p> <p>In particular, the Draft S106 Heads of Terms document and Utilities Report contain additional information on the timing and funding of the key infrastructure required to support the development.</p>	<p>Complies</p>
<p>GEN7: Nature Conservation</p>	<p>Development that would have a harmful effect on wildlife or geological features will not be permitted unless the need for the development outweighs the importance of the feature to nature conservation. Where the site includes protected species or habitats suitable for protected species, a nature conservation survey will be required. Measures to mitigate and/or compensate for the potential impacts of development, secured by planning obligation or condition, will be required. The enhancement of biodiversity through the creation of</p>	<p>The Ecological Assessment and Biodiversity Net Gain Assessment demonstrate how nature conservation policy requirements will be met.</p> <p>The former document recommends appropriate mitigation and compensation measures.</p> <p>The latter document demonstrates that with suitable enhancement of the habitats on site, a net local biodiversity gain of 12.67% could be achieved, in line with relevant wildlife legislation and national planning policy (MHCLG, 2021), and the</p>	<p>Complies</p>

Policy	Summary	Assessment of Proposed Development	Compliance
	<p>appropriate new habitats will be sought.</p> <p>The Council's 2012 NPPF Compliance Review concluded: 'Partly consistent in that the policy seeks to conserve wildlife and geological features and to enhance biodiversity. However, the NPPF is more detailed and outlines in what circumstances the need, and benefits of, development would clearly outweigh the deterioration or loss of an irreplaceable habitat. For development management purposes, the NPPF should 'trump' this policy'.</p>	<p>Councils planning policies related to biodiversity.</p>	
<p>GEN8: Vehicle Parking Standards</p>	<p>Development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location, as set out in Supplementary Planning Guidance "Vehicle Parking Standards."</p> <p>The Council's 2012 NPPF Compliance Review concluded: 'The aim of this policy is consistent, but the standards themselves may be dated and take limited account of accessibility. The standards should be applied with the advice in the NPPF in mind and justified locally'.</p>	<p>The application and supporting documents show how vehicle parking standards will be complied with.</p> <p>Further details will be provided at the Reserved Matters stage.</p>	<p>Complies</p>
<p>ENV2: Development</p>	<p>Development affecting a listed building should be in</p>	<p>The application is accompanied by a Built</p>	<p>Complies</p>

Policy	Summary	Assessment of Proposed Development	Compliance
<p>Affecting Listed Buildings</p>	<p>keeping with its scale, character and surroundings. Demolition of a listed building, or development proposals that adversely affect the setting, and alterations that impair the special characteristics of a listed building will not be permitted. In cases where planning permission might not normally be granted for the conversion of listed buildings to alternative uses, favourable consideration may be accorded to schemes which incorporate works that represent the most practical way of preserving the building and its architectural and historic characteristics and its setting.</p> <p>The Council's 2012 NPPF Compliance Review concluded: 'Consistent'.</p>	<p>Heritage Statement, which assesses the potential impact of the proposed development on the significance of relevant built heritage assets.</p> <p>The proposed development would result in a low level of less than substantial harm to the significance of a nearby listed building.</p> <p>It engages paragraph 202 of the NPPF, which states the low level of harm will need to be weighed against the public benefits of the scheme in the planning balance.</p>	
<p>ENV3: Open Spaces and Trees</p>	<p>The loss of traditional open spaces, other visually important spaces, groups of trees and fine individual tree specimens through development proposals will not be permitted unless the need for the development outweighs their amenity value.</p> <p>The Council's 2012 NPPF Compliance Review concluded: 'Consistent'.</p>	<p>Further information to demonstrate compliance with this policy is contained within the Landscape Strategy and Landscape Visual Impact Assessment, Tree Survey and Arborticultural Impact Assessment, and the Design and Access Statement.</p>	<p>Complies</p>
<p>ENV4: Ancient Monuments and Sites of Archaeological Importance</p>	<p>Where nationally important archaeological remains are affected by proposed development, there will be a presumption in favour of their physical preservation</p>	<p>The submitted archaeological desk-based assessment has identified that there are no known nationally important archaeological sites within the</p>	<p>Complies</p>

Policy	Summary	Assessment of Proposed Development	Compliance
	<p>in situ. The preservation in situ of locally important archaeological remains will be sought unless the need for the development outweighs the importance of the archaeology. In situations where there are grounds for believing that sites, monuments or their settings would be affected developers will be required to arrange for an archaeological field assessment to be carried out before the planning application can be determined. In circumstances where preservation is not possible or feasible, then development will not be permitted until satisfactory provision has been made for a programme of archaeological investigation and recording prior to commencement of the development.</p> <p>The Council's 2012 NPPF Compliance Review concluded: 'Consistent'.</p>	<p>Study Site or its immediate vicinity.</p> <p>An archaeological evaluation, comprising geophysical surveying and trial trenching represents an appropriate and proportionate response to the archaeological potential identified.</p>	
<p>ENV5: Protection of Agricultural Land</p>	<p>Development of the best and most versatile agricultural land will only be permitted where opportunities have been assessed for Accommodating development on previously developed sites or within existing development limits. Where development of agricultural land is required, developers should seek to use areas of poorer quality except where other</p>	<p>The accompanying Agricultural Land Classification Report contains more detailed information with regard to the protection of agricultural land.</p> <p>The nature of the district, together with the lack of alternative development sites, means that the release of higher quality agricultural land is inevitably required in order for the Council to meet its required housing supply.</p>	<p>Partly Complies</p>

Policy	Summary	Assessment of Proposed Development	Compliance
	<p>sustainability considerations suggest otherwise.</p> <p>The Council's 2012 NPPF Compliance Review concluded: 'Consistent'.</p>		
<p>ENV7: The Protection of Natural Environment – Designated Sites)</p>	<p>Development proposals that adversely affect areas of nationally important nature conservation concern, such as Sites of Special Scientific Interest and National Nature Reserves, will not be permitted unless the need for the development outweighs the particular importance of the nature conservation value of site or reserve. Development proposals likely to affect local areas of nature conservation significance, such as County Wildlife sites, ancient woodlands, wildlife habitats, sites of ecological interest and Regionally Important Geological/ Geomorphological Sites, will not be permitted unless the need for the development outweighs the local significance of the site to the biodiversity of the District. Where development is permitted the authority will consider the use of conditions or planning obligations to ensure the protection and enhancement of the site's conservation interest.</p> <p>The Council's 2012 NPPF Compliance Review concluded: 'Partly consistent - In relation to SSSIs, the NPPF differs from the</p>	<p>Further information to demonstrate compliance with this policy is contained within the Landscape Strategy and Landscape Visual Impact Assessment, Ecological Assessment and Biodiversity Net Gain Assessment, Tree Survey and Arborticultural Impact Assessment, and the Design and Access Statement.</p>	<p>Complies</p>

Policy	Summary	Assessment of Proposed Development	Compliance
	<p>policy in that the <i>benefits</i> (rather than the need) for the development should <i>clearly</i> outweigh the impact on the SSSI <i>and</i> any broader impacts on the national network.</p> <p>With regard to other sites in the policy the test in the NPPF is again to <i>clearly</i> outweigh.</p> <p>The NPPF should be used as the basis for development management purposes’.</p>		
<p>ENV8: Other Landscape Elements of Importance for Nature Conservation</p>	<p>Development that may adversely affect these landscape elements</p> <p>Hedgerows Linear tree belts Larger semi natural or ancient woodlands Semi-natural grasslands Green lanes and special verges Orchards Plantations Ponds reservoirs River corridors Linear wetland features Networks or patterns of other locally important habitats.</p> <p>will only be permitted if the following criteria apply:</p> <p>a) The need for the development outweighs the need to retain the elements for their importance to wild fauna and flora;</p> <p>b) Mitigation measures are provided that would compensate for the harm and reinstate the nature conservation value of the locality.</p> <p>Appropriate management of these elements will be encouraged through the use of conditions and planning obligations.</p>		<p>Complies</p>

Policy	Summary	Assessment of Proposed Development	Compliance
	<p>The Council's 2012 NPPF Compliance Review concluded:</p> <p>'Partly consistent as the NPPF refers to the <i>benefits</i> of the development (rather than the need) <i>clearly</i> outweighing the loss or deterioration. The NPPF should be used as the basis for development management purposes'.</p>		
<p>ENV9: Historic Landscapes</p>	<p>Development proposals likely to harm significant local historic landscapes, historic parks and gardens and protected lanes as defined on the proposals map will not be permitted unless the need for the development outweighs the historic significance of the site.</p> <p>The Council's 2012 NPPF Compliance Review concluded:</p> <p>'Consistent. Decision making should assess the significance the asset makes and its contribution'.</p>	<p>Further information to demonstrate compliance with this policy is contained within the Landscape Strategy and Landscape Visual Impact Assessment, Ecological Assessment and Biodiversity Net Gain Assessment, Tree Survey and Arborticultural Impact Assessment, and the Design and Access Statement.</p> <p>The submitted Landscape Strategy seeks to shield development from being visible from Henham village to the north-east. It aims to achieve this by woodland creation, which will also enhance the local landscape character of the area, which is well wooded. This, together with proposed vegetation, would create a new green infrastructure for wildlife.</p>	<p>Complies</p>
<p>ENV10: Noise Sensitive Development and Disturbance from Aircraft</p>	<p>Housing and other noise sensitive development will not be permitted if the occupants would experience significant noise disturbance. This will be</p>	<p>The accompanying Noise Assessment supports residential development on the Site.</p>	<p>Complies</p>

Policy	Summary	Assessment of Proposed Development	Compliance
	<p>assessed by using the appropriate noise contour for the type of development and will take into account mitigation by design and sound proofing features.</p> <p>The Council's 2012 NPPF Compliance Review concluded: 'Consistent'.</p>		
<p>ENV12: Protection of Water Resources</p>	<p>Development that would be liable to cause contamination of groundwater particularly in the protection zones shown on the proposals map, or contamination of surface water, will not be permitted unless effective safeguards are provided.</p> <p>The Council's 2012 NPPF Compliance Review concluded: 'Consistent'.</p>	<p>The accompanying Flood Risk Assessment and Drainage Strategy demonstrates how water resources will be protected.</p>	<p>Complies</p>
<p>ENV13: Exposure to Poor Air Quality</p>	<p>Development that would involve users being exposed on an extended long-term basis to poor air quality outdoors near ground level will not be permitted. A zone 100 metres on either side of the central reservation of the M11 and a zone 35 metres either side of the centre of the new A120 have been identified on the proposals map as particular areas to which this policy applies.</p> <p>The Council's 2012 NPPF Compliance Review concluded: 'Generally consistent'.</p>	<p>The accompanying Air Quality Assessment identifies that the site is suitable for residential development and that there are no air quality impediments relating to the proposed scheme.</p>	<p>Complies</p>

Policy	Summary	Assessment of Proposed Development	Compliance
<p>ENV14: Contaminated Land</p>	<p>Before development, where a site is known or strongly suspected to be contaminated, and this is causing or may cause significant harm, or pollution of controlled waters (including groundwater) a site investigation, risk assessment, proposals and timetable for remediation will be required.</p> <p>The Council's 2012 NPPF Compliance Review concluded: Consistent'.</p>	<p>The application is accompanied by a Preliminary Risk Assessment. It indicates generally a Low to Moderate risk to human health, controlled waters, and site structures.</p>	<p>Complies</p>
<p>H1: Housing Development</p>	<p>The local plan proposes the development of 5052 dwellings for the period 2000 to 2011.</p> <p>The Council's 2012 NPPF Compliance Review concluded: Not consistent. 'The NPPF requires an additional 5% or 20% beyond an identified five-year supply'.</p>	<p>The Policy is both out of date and inconsistent with the NPPF.</p>	<p>See Section 5.</p>
<p>H9: Affordable Housing</p>	<p>The Council will seek to negotiate on a site-to-site basis an element of affordable housing of 40% of the total provision of housing on appropriate allocated and windfall sites, having regard to the up-to-date Housing Needs Survey, market and site considerations.</p> <p>The Council's 2012 NPPF Compliance Review concluded: 'Consistent with plan making requirements in the NPPF, but care should</p>	<p>The proposals include a range of affordable homes. These will be physically indistinguishable from other types of homes and are distributed throughout the development.</p>	<p>Complies</p>

Policy	Summary	Assessment of Proposed Development	Compliance
	<p>be exercised in using this policy and any target should be justified in the light of robust evidence’.</p>		
<p>H10: Housing Mix</p>	<p>All developments on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties.</p> <p>The Council’s 2012 NPPF Compliance Review concluded: ‘Consistent if this mix is still required based on local Needs’.</p>	<p>A range of market and affordable housing types and sizes are proposed to deliver and inclusive and accessible environment.</p> <p>See the Design and Access Statement for further details.</p>	<p>Complies</p>

ⁱ P.305, Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment (2006) [Chris Blandford Associates]