



# The Planning Inspectorate

## The Town and Country Planning (Section 62A Applications) (Hearings) Rules 2013

### ISSUES REPORT

**Application Reference No:** S62A/22/0007

**Applicants:** Countryside Partnerships PLC; Sir Richard N C Mordaunt; D A J Mordaunt; T A Nutting; and P A C Mordaunt.

**Local Planning Authority:** Uttlesford District Council.

**Description of proposal:** Residential development comprising 130 dwellings, together with a new vehicular access from Henham Road, public open space, landscaping and associated highways, drainage and other infrastructure works (all matters reserved for subsequent approval apart from the primary means of access).

**Site address:** Land to the south of Henham Road and east of Hall Road Elsenham, Essex.

**Report prepared by:** S R G Baird BA (Hons) MRTPI.

**Hearing to be held on:** 10 May 2023

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### Preliminary Matters

1. The application was made under Section 62A of the Town and Country Planning Act 1990, which allows for applications directly to the Planning Inspectorate where a local planning authority (lpa) has been designated by the Secretary of State.
2. The application was submitted on the 29 July 2022 and validated on the 17 August 2022. Notifications were sent to Consultees and residents on the 25 and 26 August 2022 respectively and allowed for responses by 23 September 2022. An extension of time to respond (30 September 2022) was granted to the lpa, Essex County Council - Highways and Natural England.
3. A request for a screening opinion under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 was made to the Planning Inspectorate on the 29 July 2022. A screening opinion was issued on 6 September 2022 confirming that the proposal would not be likely to have significant effects on the environment and that an Environmental Impact Assessment is not required.
4. Following a Hearing held under the provisions of the above Act on 12 December 2022, outline planning permission for the development of up to 200 residential dwellings, was granted subject to conditions on land east of Station Road, Elsenham.
5. As a major application, a Hearing will be held on Wednesday 10 May 2023 and will be conducted in accordance with The Town and Country Planning (Section 62A Applications) (Hearings) Rules 2013.

6. Decisions on planning applications are determined in accordance with the development plan, unless material planning considerations indicate otherwise. The relevant parts of the development plan for Uttlesford District are the Uttlesford Local Plan 2005 (ULP) and the Essex Minerals Local Plan and Essex and Southend-on-Sea Waste Local Plan. Preparation of a new Uttlesford Local Plan is at a very early stage.
7. The National Planning Policy Framework 2021 (Framework) contains national planning policies and is an important material consideration. Planning Practice Guidance (PPG) supports the Framework.

### **The Site and Surroundings**

8. Comprising some 5.3ha of undulating pastureland, the site is located on the south-eastern edge of Elsenham, to the south of the B1051 Henham Road and to the east of Hall Road.
9. The northern boundary is defined by a post-and-wire fence behind a narrow pavement and grass verge. The northern side of Henham Road is lined by several large, modern detached houses leading towards its junction with Hall Road and High Street (Elsenham Cross). Where Henham Road meets High Street and Hall Road, the junction is characterised by a cluster of mature buildings comprising the Grade 2 listed Crown Inn, No.5 The Cross, Village Hall Cottage, and Tinkers Cottage.
10. The western boundary is bounded by Hall Road, defined by a banked verge and a low hedge and fence. On its western side, leading southwards towards The Old Vicarage (Grade 2), a narrow pavement edges part of Hall Road and associated dwellings. To the north-west, adjoining the site is a 2-storey, Grade 2 Listed dwelling. Connecting Hall Road with Henham Road, a public footpath (PRoW 13) runs across the site.
11. To the east, most of the landscape comprises open fields. Immediately to the east there are several buildings, of which, Elsenham Place, associated barns, and dovecote are Grade 2 listed.
12. The southern boundary is formed by dense mature tree planting and the Stansted Brook. To the south, the land rises to the Church of St Mary the Virgin (Grade 1) and Elsenham Hall (Grade 2). Stansted Brook flows to the west/south-west and links to a series of drains and ponds. A bridleway follows a route close to Stansted Brook.
13. Within the wider landscape there are pockets of woodland and ancient woodland.

### **The Proposal**

14. The application is in outline with all matters, other than means of access, reserved for a residential development of 130 dwellings, together with a new vehicular access from Henham Road, public open space, landscaping and associated highways, drainage and other infrastructure works (Drawing No. 001.02). The application is supported by drawings and documents including an Illustrative Masterplan (Drawing No. 300.01) and an Illustrative Layout Plan (Drawing No. 303.03).
15. The primary point of vehicular access would be from Henham Road, via a simple priority T-junction. Visibility splays of 94m to the east and 61m to the west would be provided (Drawing No. 2008170-0008 REV A).

16. The Illustrative Masterplan shows the site being developed in 7 parcels for market (60%) and affordable housing (AH) (40%). AH would comprise 70% Intermediate Rent, 25% First Homes and 5% Shared Ownership.
17. The Illustrative Layout shows houses positioned in front of existing properties on Henham Road and Hall Road and includes an entrance green and public open space, incorporating tree and shrub planting, ponds, and species rich grassland. The access cul-de-sac leads to shared surfaces and private drives. The margins of the site would be landscaped public open space with the larger areas concentrated on the southern and eastern boundaries. These larger areas would include a community orchard and a play area.
18. Most existing hedgerows and mature trees on the perimeter and the single mature tree within the site would be retained and supplemented by new planting to provide a landscape framework reinforcing the character of the settlement edge. PRow 13 linking the settlement to the rural landscape and the northern settlement edge would remain and incorporate views towards Elsenham Cross and the barns at Elsenham Place. Walkers would continue to use PRow 13 through the development and into the farmland to the west and south. A circular Heritage Trail within the scheme would provide connections to the wider PRow network whilst retaining views to the Church and the wider landscape.
19. Off-site environmental improvements would be provided on land, within the applicants' ownership, some 100m to the north-east of the site. Off-site highway improvements would include a realignment of the Hall Road junction, a new informal pedestrian/cycle crossing on Hall Road to provide connections from the site to village amenities and primary school. Replacement bus stops on Henham Road and Hall Road and cycle parking at the local convenience store and station would be provided.

### **Consultation Responses**

20. Consultation responses were received from the following:

Uttlesford District Council	UDC Housing Strategy
UDC Environmental Health Service	National Trust
Elsenham Parish Council	Natural England
Stansted Mountfitchet Parish Council	Historic England
Henham Parish Council	Sport England
ECC – Highway & Transportation	ECC – Ecology
ECC – Historic Environment	ECC – Flood Risk
ECC - Planning & Development	National Grid
Cadent Gas	Gigaclear
UK Power Networks	Thames Water
National Highways	NATS Safeguarding
Essex Police	MAG Airports – Stansted
21. Seventy-seven responses were received from residents.

### **Position of the Local Planning Authority**

22. The Planning Officer's report identifies the relevant parts of the development plan and Supplementary Planning Documents or Guidance. Relevant supplementary guidance includes the Uttlesford Local Residential Parking Standards (2013); Essex County Council Parking Standards (2009); Supplementary Planning Document- Accessible Homes and Play Space, Essex Design Guide and the Uttlesford Interim Climate Change Policy (2021).

23. Located outside the settlement boundary (ULP Policy S3), the development is not supported by ULP Policy S7 – The Countryside. Policy S7 indicates that the countryside will be protected for its own sake and planning permission will only be granted for development that needs to take place there or is appropriate to a rural area.
24. In the absence of an assessment of the highway implications of the development by ECC as highway authority, and ECC Place Services in relation to effects on heritage assets and drainage, the report does not provide comments on these matters.
25. Given the scale of the development, 40% (52) of Affordable Housing (AH) units are required with 5% of the whole scheme to be delivered as fully wheelchair accessible units (ULP Policy H9).
26. The report identifies a need for obligations relating to early years, primary and secondary education, libraries, healthcare, the provision and long-term maintenance of public open spaces, highways, community facilities including a community meeting room.
27. The report concludes that as the lpa cannot show a 5-year housing land supply, and the ULP significantly pre-dates the Framework, the provisions of Framework paragraph 11d are engaged.
28. The report lists the benefits of the development as, a boost to the housing supply including AH and economic gains. The harms would be, the loss of a greenfield site, an unquantifiable decline in air quality and an increase in noise pollution from additional traffic.
29. The report concludes that the benefits of granting planning permission would, on balance, outweigh the conflict with development plan and the identified adverse impacts of development. Subject to the imposition of planning conditions and securing a legal agreement to mitigate the effects of the development, the report concludes that the proposal would result in a positive and sustainable form of development.
30. The Planning Officer's recommendation was, **No Objection** to the grant of outline planning permission subject to appropriate conditions and, the provision of 40% affordable housing, 5% of the scheme to be delivered as fully wheelchair accessible units and the securing of appropriate education, health and transport contributions and a contribution of £310,000 towards a community hall.
31. The Planning Committee noted that the recommendation was made without sight of consultation responses normally available to assist in forming a view. The Committee concluded that there was insufficient information available to it to accurately assess the proposal and provide the Planning Inspectorate with an informed view. Accordingly, the Council resolved to **Object** to the planning application on the grounds that,
  1. the development would adversely affect heritage assets (HA) in the vicinity of the application site, and
  2. the development would have an adverse cumulative impact on traffic congestion on the surrounding road network.

## **Main Issues**

32. These are:
- a. the implications for highway safety and the free flow of traffic on the highway network,
  - b. the effect on the character and appearance of the area,
  - c. the effect on heritage assets,
  - d. the effect on biodiversity,
  - e. whether adequate provision would be secured for provide for additional facilities, including transport, education, community facilities, and open space arising from the development,
  - f. whether having regard to the supply of housing and applying the tilted balance set out in Framework paragraph 11(d)(ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole.

## **Issue A – Highway Safety**

33. ULP Policy GEN1 says that development will only be permitted where, safe access is provided, the surrounding highway network can accommodate the traffic generated, the design of the site does not compromise road safety and provides for the needs all users and the use of other means of transport other than the private car are encouraged.
34. Framework paragraph 110 says that when assessing applications, regard should be had to its location, ensuring that: appropriate opportunities to promote sustainable transport modes can be or have been taken up; safe and suitable access can be achieved for all users; the design of streets and parking areas reflects current national guidance and any significant impacts from the development on the transport network in terms of capacity and congestion or on highway safety, can be cost effectively mitigated to an acceptable degree.
35. Framework paragraph 111 says 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. Decisions should ensure that development: gives priority first to pedestrians and cyclists and as far as possible facilitates access to high quality public transport; addresses the needs of those with reduced mobility; creates developments that are safe and secure; allows for access for deliveries and emergency vehicles and allows for the charging of electric and ultra-low emission vehicles.
36. The application is accompanied by a Transport Assessment (TA) July 2022 and a Transport Addendum Report (TAR) February 2023. The TAR was produced to address concerns raised by ECC, Elsenham Parish Council (EPC) and the operators of Stansted Airport regarding the TA.
37. Two key areas of concern are the cumulative impact of traffic generated by developments in Elsenham on,

- a. the operation of junctions in Stansted Mountfitchet particularly at the Grove Hill/Lower Street (westbound), Lower Street/Grove Hill (northbound) and Silver Street/Chapel Hill (northbound) junctions, and
- b. traffic impacts on the Parsonage Road/Hall Road and the Coopers End roundabouts.

Transport Assessment and Transport Assessment Addendum

Stansted Mountfitchet

- 38. Future year models included in the TAR have been produced using the same assumptions as the TA. Significant levels of robustness are built in to the VISSIM model (TAR paragraphs 3.7 to 3.40). These include divergence from development and network peak hours, static routing assumptions, traffic assignment single destination, and the treatment of on-street parking. ECC confirms that the base model used by the applicants provides a sound basis upon which to make decisions.
- 39. Two areas where extensive on-street parking affect the free-flow of traffic are on Grove Hill on the approach to the Grove Hill/Lower Street signals and on Chapel Hill, either side of the recreation ground access. It is accepted that road space is limited. However, at both areas, parking surveys show that sections of the road are not used to their full capacity during peak hours (TAR Appendix A). When vehicles are not parked in these areas, the road space is used by vehicles to cede their road position to oncoming traffic allowing the road network to operate more effectively. The model assumes as a worst-case scenario that here all parking is unavailable during the peak hours.
- 40. Alternative scenarios have been tested that make an allowance for reduced trip generation as a result of home and hybrid working. Traffic flows from committed and uncommitted schemes have been reduced by 15%. This deduction is supported by data on home-working levels in the 2021 Census data (TAR Table 3.2) and statistics from the Office for National Statistics. This adds a further level of robustness to the model.
- 41. Development traffic would generate below 30, 2-way movements through the Stansted Mountfitchet Road network with a 1% to 2% impact compared to base flows. These levels show a smaller level of impact than other uncommitted local schemes.
- 42. TAR Table 3.3 compares the effect on the AM and PM peak flows arising from committed development schemes with and without the 15% reduction in traffic and from the development at the Lower Street/Grove Hill, Lower Street/Chapel Hill and Chapel Hill/Lower Street junctions. The modelling shows that development traffic would be a small proportion of the committed schemes and that a small reduction (15%) through home or hybrid working would compensate for the full traffic flows generated by the development. Traffic assessments for the committed developments generally adopt a robust/worst case scenario, and regularly over-estimate traffic generation. Thus, should the traffic flows from committed schemes not come forward as predicted, this would create additional headroom on the highway network.
- 43. TAR Tables 3.4 and 3.5 compare the effect on the AM and PM peak flows with and without the 15% reduction in traffic for the Station Road scheme, other uncommitted schemes and the full development flows at the Lower Street/Grove Hill, Lower Street/Chapel Hill and Chapel Hill/Lower Street junctions. This shows that development traffic would be much smaller than

the flows from the Station Road scheme and other uncommitted schemes. Development traffic would be materially smaller than the now permitted Station Road development and the other non-committed schemes. The development would not have a severe impact on the highway network.

44. The VISSIM modelling of future scenarios includes allowances for the signal changes, which ECC could implement at any time, and the introduction of extra detectors at the Grove Hill junction expected as the result of other committed developments.
45. TAR Figures 3.2 and 3.3 show the journey time implications of the scenarios for the AM and PM peaks. The model shows that the development would result in marginal increases in journey time across the full 1.4km network in the AM peak hour, less than 30 seconds westbound and 33 seconds eastbound (TAR Figure 3.2). This increase is less than 10% of the total journey time for the whole route when viewed against the committed scheme levels of the 2027 Base. TAR Figure 3.3 shows only a marginal increase in journey time in the PM peak as a result of the development when compared against the 2027 Base. Over the 1.4km network, the westbound journey time is predicted to increase by 47 seconds overall, and 37 seconds eastbound.
46. The TAR acknowledges that substantial increases in journey times would occur when uncommitted schemes are included. Across the 1.4km network, these schemes could add a total of 183 seconds to the westbound journey whereas the development traffic would only add less than 30 seconds to the 2027 Base. Thus, impacts on the network are disproportionately increased as a result of uncommitted schemes rather than the development scheme.
47. With the allowance for home and hybrid working, the model shows the development is predicted to increase journey times by 29 seconds westbound and 22 seconds eastbound in the AM peak hour. The uncommitted scheme impacts on the local road network are much more significant, 74 seconds westbound and 29 seconds eastbound. In the PM peak the development is predicted to increase journey times by 29 seconds westbound and 23 seconds eastbound. With the uncommitted schemes, the impact on the network would be more significant increasing to 63 seconds westbound and 38 seconds eastbound than the development.
48. When the effects of home and hybrid working are accounted for, the development scenario is predicted to operate at a similar journey time level to that of the 2027 Base, which has been accepted by ECC through various committed developments being permitted. The predicted operation of the network is a worst-case scenario. The modelling is highly robust and there is no guarantee that the uncommitted schemes would be permitted, which would provide further capacity on the network. The modelled network would operate significantly better than reported.
49. Mitigation factored into the model is the inclusion of a new detector unit of unknown specification along Grove Hill to rationalise traffic flows on the approach to the Grove Hill/Lower Street junction. However, the final specification of the unit could result in greater operational performance than has been modelled. Moreover, travel planning measures, public transport investment and schemes to prevent HGV movements through part of the network could also enhance network performance and mitigate the impact of the development.

50. ECC are considering a scheme to reduce HGV through movements in Stansted Mountfitchet, which this development and other uncommitted schemes have been requested to provide contributions. The scheme could remove some conflicts between HGVs and other vehicles in physically constrained parts of the network i.e., where shuttle working occurs due to parked vehicles. The S106 Highway Works contribution includes £25,000 for the reduction of the impact of HGVs through the town and to effectively enforce the weight restrictions on Grove Hill.
51. The S106 Agreement includes a contribution of £2,671 per dwelling, potentially providing £347,230, for bus stop enhancements and contributions towards bus services to Stansted Mountfitchet, Bishops Stortford and Stansted Airport. This would result in significant improvements to the public transport network, help the transition towards more sustainable travel patterns and reduce car usage levels. Travel Planning measures and the provision of additional cycle stands at local facilities would be provided to further enhance non-car travel options.
52. The ability for residents to vary their working times or travel patterns has not been modelled. However, it is natural for individuals to vary their travel times in response to local traffic conditions. Moving departures by as little as 15 minutes can result in more consistent journey times. Whilst not strictly a mitigation measure, this would have the effect of dampening the impacts of the proposed development. The above measures either singularly or in combination could further reduce the impacts of the scheme and provide betterment to the already robustly modelled results.

#### Stansted Airport

53. Revised modelling has been undertaken to account for the committed growth associated with the airport and the development. The modelling includes a sensitivity test to include the development to the east of Station Road. Impacts at these junctions are below the 30 2-way movement threshold, with a 1% to 2% impact compared to base flows. Junction operation is more significantly impacted by the Stansted Airport expansion and other uncommitted schemes. Development flows would be a very small proportion of flow at these locations.
54. Minor modifications within the Stansted Airport network on the approach to the Coopers End Roundabout could enhance the operation of the junction (Drawing No. 2008170-033). This junction was not assessed as part of the Stansted Airport expansion application, but it is understood that a significant contribution has been secured to allow for monitoring and mitigating changes to traffic on the local highway network. The development is not of a scale of impact to warrant the implementation of this capacity enhancement.
55. The improvement scheme at the Parsonage Road/Hall Road mini-roundabout junction could be implemented within highway land and would increase capacity at this junction (Drawing No. 2008170-043). Whilst the development is not of a scale to warrant the implementation of this capacity enhancement, the S106 Agreement provides for a contribution of £50,000 towards improvement works.



## Other Matters

56. Walking distances from the site to key facilities have been reviewed. The changes do not materially change the TA conclusion that the development would be located within easy walking distance of local services, bus stops and the train station.

## Applicants' Conclusion

57. The development flows would result in a marginal increase in journey times across the 1.4km modelled area, through junctions where the development would have a 1% to 2% impact and with fewer than 30, 2-way peak hour movements additional to the base scenarios. The effect would be less than severe, particularly when given the robustness levels added to the modelling and that flows from committed and uncommitted schemes are predicted to far outweigh any changes to journey time or network operation as a result of the development scheme. This development would not result in a severe residual cumulative impact on the road network or unacceptably affect highway safety.

## Essex County Council

### Stansted Mountfitchet

58. Stansted Mountfitchet has a significant number of amenities and is the most direct route to Bishops Stortford and the M11. Stansted Airport is a major employer with a highway network that provides a link to the M11 and to the south of Bishops Stortford. Both routes are options for several destinations. Whilst there are facilities within Elsenham, residents would need to use these routes and travel by car for work, shopping, school and recreation.
59. The key issue is cumulative impact. Various developments have come forward in Elsenham with each adding more traffic to the network. Whilst there has been mitigation to reduce the severity of the impact of individual developments this is not the case with this application.
60. The key junction to access Stansted Mountfitchet from Elsenham is Grove Hill/Lower Street, a complex junction with traffic signals to manage single-file movement through a narrow section of carriageway. The operation of Grove Hill is affected by 2 blocks of on-street parking located to the north-east of the signals. Westbound vehicles approaching the signals from Elsenham queue at 2 places, at the stop line where 4 vehicles can wait and then beyond the on-street parking where traffic can wait before moving forward to the stop line when not opposed by oncoming vehicles.
61. The signals at this junction have been upgraded recently. The upgrade has increased the detection range of the signals and improved their efficiency. Funds for further mitigation have been secured from other developments to further improve capacity and a detailed design is underway. It is anticipated that improvements will provide some additional capacity by managing queuing. This mitigation has been included in the applicants' modelling work. That said, given land constraints and parking that cannot be relocated, no further improvements to increase capacity at this junction can be made.
62. The agreed VISSIM model produces journey times and queue lengths to assess the impact of committed and uncommitted development on the highway network. The modelling has been assessed and ECC is satisfied that it is representative of the highway network and provides a sound basis upon which to make decisions.

63. The applicants test a variety of scenarios. These include a reduction of 15% for flows from committed developments and uncommitted schemes, including land east of Station Road. This deduction is an assumption based how people are making their trips post-pandemic. Whilst there has been some change, local traffic counters show that this is less than 10% in the AM peak with no material change in the PM peak. It is unknown if reduction in the AM peak flows will be permanent, and that assumption should not be used to make decisions. Whilst traffic generated by the land east of Station Road development is included within the sensitivity testing, ECC had issues with the accuracy of that modelling and recommended the application be refused on highway grounds.
64. There would be a change in journey times from one side of Stansted Mountfitchet to the other compared to the 2023 base. In the AM peak, westbound journey times would rise by 77 seconds, 24%, and by 133 seconds, 44%, northbound. With the uncommitted developments, the westbound journey time more than doubles rising by 398 seconds, 122%, and by 194 seconds, 64%, northbound.
65. If development traffic is looked at in comparison to the 2027 base, westbound in the AM peak a 29 second increase is expected in 2027 committed growth, but the same traffic gives a 167 second rise on top the uncommitted growth. These effects are the result of the network becoming more unstable. As traffic volumes increase so the same traffic generated by the development makes a disproportionate impact on journey times. The increase in journey times would impact on public transport as well as car drivers. As more traffic goes through Stansted Mountfitchet, journey times would rise disproportionately.
66. The model assesses average maximum queue lengths in metres in relation to the 2027 committed and sensitivity growth. The key queues are at Grove Hill westbound, Silver Street northbound and Lower Street northbound. At Grove Hill, with the committed mitigation modelled, the cumulative impact shows an increase of 147m, 112%, in the AM peak and in the sensitivity test this rises 366m, 444%, against current queues. The development traffic makes a much greater impact when compared to 2027 growth, a 52m increase against committed development versus 218m with uncommitted development. This is because the junction is not clearing traffic each cycle and the queue lengthens disproportionately as more vehicles join the back of the queue.
67. In the PM peak on Silver Street, the queues turning right are forecast to grow significantly. Cumulative impact, considering committed development, sees an increase of 528m, 700%, and with uncommitted developments 1126m, 1501%, when compared to the 2023 situation. As this junction is over capacity, development traffic would have a significant impact with a rise of 239m above 2027 committed development and 424m above the 2027 uncommitted developments.
68. Silver Street is an important route for buses and a strategic route connecting the villages to Bishops Stortford. Here, an increase in queueing would have a significant adverse impact. Northbound queues on Lower Street, are significant because, although not as long as the other queues, the distance between Grove Hill and the roundabout to the south is only 110m. The average maximum queue in the PM peak is 63m in 2023 but is forecast to breach this distance by 3m with the 2027 base committed growth. With development traffic, it would rise to 131m and with the uncommitted developments it would rise to between 142 and 149m. This level of queueing is

likely to cause grid lock at the roundabout, affecting the operation of the whole Stansted Mountfitchet network. One result could be an increase in negative driver behaviour and impact highway safety, e.g., pushing on to the roundabout or pulling out into an inappropriate gap. Options for physical changes on the network are not proposed by the applicants and ECC does not consider a scheme of further mitigation at Grove Hill is possible.

69. Mitigation in the form of promoting sustainable transport options has been considered and if the application is approved these would be required. Congestion on the network, particularly at Grove Hill, would have an impact not only on car drivers but on the attractiveness and suitability of the route for pedestrians, cyclists and bus passengers. Grove Hill is narrowed by on-street parking leaving limited room for cyclists to pass queues. Pedestrians are constrained by the very narrow footway, which means they are close to the traffic with moving traffic pushed closer by the likely queues. This would make the route unpleasant and potentially less safe for walking. Congestion in the peak hours would affect bus services making them less reliable and unattractive.
70. The applicants recognise that the modelling has identified that the cumulative impact on highway network is unacceptable, and the TAR lists several reasons why the modelling is overly robust. The reasons include that, based on the Census, the use of pre-pandemic traffic flows is an overestimate. However, the Census was taken during one of the pandemic lockdowns and the question asked was, "how you travelled to work that day" and not "how do you usually travel to work". As such the results are not a reliable indicator and should not be used to inform travel patterns post-lockdown.
71. It is accepted that the model does not allow drivers to change routes, however the distribution of trips across the network allows for this and allows a significant proportion to use the alternative route via Hall Road and as such is accounted for. Models always have limitations, but monitoring, local knowledge and residents' feedback indicates that currently there are unacceptable delays in Stansted Mountfitchet and that Grove Hill is a particular problem. These comments are borne out by the modelling.  
Stansted Airport
72. Revised modelling of the Hall Road mini roundabout, part of the highway network and the Coopers End Roundabout, part of the Airport network was undertaken to ensure that the committed growth associated with the airport was considered. A sensitivity test was undertaken to include the land east of Station Road development.
73. The modelling shows that the main impact is on the short, 29m link between the 2 roundabouts, which accommodates 5 cars. The link can accommodate current queues. However, with the development in the PM peak the queue rises from 25 vehicles in the 2027 base to 32 vehicles. affecting the airport network. In the sensitivity test, which includes the land east of Station Road flows, the queues would be longer and from 64 to 73 vehicles with the development. There would be a material effect on the highway network as the queue would increase to from 13 in 2027, to 17 in the AM peak to 59 in the uncommitted development sensitivity test.
74. The applicants have suggested improvements to address the impact on the airport network and propose as part of the S106 Agreement a £50,000 contribution to any works. It is recognised that a more comprehensive mitigation is required to ensure that the effect on the local and Airport

highway network is addressed. It is also recognised that the growth is from several developments including the airport. In this situation, a proportionate contribution to a larger scheme would be the most appropriate way to address this impact. ECC is working with Stansted Airport to provide a sum for that contribution.

#### Mitigation

75. The proposed access and highway work adjacent to the site are acceptable as outline schemes. Implementation could be covered by conditions suggested by ECC on a without prejudice basis.

#### Overall Conclusion.

76. The residual cumulative impact of development traffic on Stansted Mountfitchet would be severe. Increased queue lengths and delays as a result of the cumulative impact could not be adequately mitigated against. Delays would affect the attractiveness of sustainable transport options and queueing from one junction to another would unacceptably affect highway safety and the efficiency of the highway network. The development would conflict with ULP Policy GEN 1 and Framework paragraph 111.

#### Elsenham Parish Council (EPC)

77. There are ongoing problems of congestion in Stansted Mountfitchet, particularly along the single file sections at Grove Hill and Chapel Hill, a situation consistently underplayed in TAs for development proposals.
78. There is no evidence to show that the TAR is excessively robust. Indeed, some of the factors, i.e., overlapping peak periods or a lack of dynamic route assignment have no material impact on the model outputs. The inclusion of uncommitted sites in the model does not make the model overly robust. Rather, they are a necessary element to understand the cumulative impacts of development on Stansted Mountfitchet.
79. The TAR scenarios include the Grove Hill traffic signals mitigation scheme as part of the baseline and no further alterations or improvements are possible at Grove Hill.
80. Two of the sensitivity tests include a deduction of 15% in traffic generation to account for changes in travel behaviour after the pandemic. Analysis of TRICS data and the 2021 Census does not support this deduction. The Census was taken during a pandemic lockdown, when only essential workers were allowed to travel to work. Thus, comparisons between 2011 and 2021 Census journey to work statistics cannot be relied upon to model post-pandemic travel patterns. Whilst some permanent changes to working arrangements may result, the long-term effects of the pandemic on travel patterns cannot be reliably estimated at present. A 15% trip rate reduction is not justified, and no weight should be given to the SENS2 and SENS3 modelling scenarios.
81. The TAR modelling shows a major improvement in performance, with much reduced queues, delays and journey times, relative to the TA. However, with higher levels of future development included in the modelling, this appears counterintuitive. Whilst some change can be explained, the level of change is substantial and suggests that some other adjustment/optimisation of the model may have been undertaken. That said, the model continues to show that the cumulative impacts of development are severe.

82. The TAR shows queue comparison data for the Grove Hill and Silver Street junctions. For Grove Hill in the AM peak hour queuing is predicted to increase from 131m, the current baseline scenario, to 226m in 2027 including committed development and increasing to 712m with uncommitted development. This would be a five-fold increase relative to current conditions. In the PM peak, a ten-fold increase in queue length is predicted. Comparison of the sensitivity tests confirms that the development in isolation would result in very substantial impacts. The model shows the very significant net and cumulative impacts of future development at a location that already experiences unacceptable traffic congestion and where no further mitigation is possible.
83. For the Silver Street/Chapel Hill junction, in the AM peak, the queue on the northbound approach increases from 50m at the current baseline to 250m in 2027 with committed development, with a further increase to 416m with the development and uncommitted development. This would be an eight-fold increase relative to current conditions. In the PM peak, the queue increases from 75m to 1201m in 2027 with the development and committed development, a sixteen-fold increase. Again, the comparison between the sensitivity tests shows a significant impact in isolation from the committed and uncommitted development sites. The predicted AM and PM peak results confirm that here the net and cumulative impacts of development would be severe.
84. The TA contained queue comparison data for Lower Street, but no results are included in the TAR. Therefore, it is impossible to assess the effect of the development on Lower Street.
85. The TAR provides an overview of network-wide impacts for the various test scenarios. In the AM peak, the average delay per vehicle increases from some 33 seconds at the 2022 base to 160 seconds in 2027 with committed and uncommitted developments, a five-fold increase. The percentage delay per trip would double from 27% in 2022 to 54% in 2027 with the development plus other committed and uncommitted developments. A similar pattern emerges for the PM peak with the average delay per vehicle increasing from some 30 seconds to 138 seconds, a 4.6-fold increase, and the percentage delay per trip almost doubling from 26% to 49%. The network performance statistics confirm the same pattern as the queue comparison results i.e., traffic conditions would worsen substantially in the period to 2027 and that the cumulative impacts of development are severe.
86. Under mitigation, the TAR refers to an ECC study to investigate options for better enforcement of the current 7.5T weight limit for eastbound traffic (westbound traffic is not restricted) on Grove Hill. However, this limit has several exemptions, which would make enforcement difficult. Moreover, Grove Hill is part of the B1051 between Stansted Mountfitchet and Elsenham and there are no other suitable HGV routes available.
87. The aim of the study is to establish whether better signing or other measures might assist better appreciation of the weight limit and the need for compliance with it, by vehicles outside the exempted categories. An outright ban of heavy vehicles would not be practical due to the need to maintain access along the B1051 corridor. Pending the completion of the feasibility study there is no certainty that any significant improvements are possible or that they would materially affect the modelling results. As such, no weight can be attached to this matter.

88. Under sustainability, other than correcting errors relating to walking distances in the TA, the TAR does not respond to concerns raised by EPC. Elsenham offers only a limited range of local facilities and services, and future residents would be reliant on higher order centres to meet most of their daily needs. Sustainable travel options to these centres are limited. Census data confirms that Elsenham residents are heavily reliant on car journeys and that public transport usage is low. In relation to the Travel Plan, the TAR provides no new information to counter concerns that it would not materially reduce reliance on the private car.
89. The TAR fails to show that the highway impacts of the development can be made acceptable. The proposal conflicts with ULP Policy GEN1 and Framework paragraph 111.  
Stansted Airport Limited
90. The operator agrees with ECC that a comprehensive mitigation scheme for the Hall Road mini roundabout and the Coopers End roundabout is required to ensure that the effect on the local and Airport highway networks are addressed. Mitigation would be achieved by the applicants making a proportionate financial contribution to the necessary works.

### **Issue B – Landscape and Visual Impact**

91. The site is in agricultural use in an area designated in the ULP to remain open. The site is not within a nationally or locally designated landscape. The site is located outside the settlement boundary of Elsenham (ULP Policy S3) in the open countryside, which the ULP seeks to protect for its own sake and limits development to that which needs to take place there or is appropriate to a rural area. Development will only be permitted where it protects or enhances local character (ULP Policy S7).
92. The applicants and EPC refer to ULP Policy S8 – The Countryside Protection Zone (CPZ). The Elsenham Inset Map shows the land to the south and south-east of the settlement boundary washed over as the CPZ. Within the CPZ, the priority is to maintain a belt of countryside around Stansted Airport that will not be eroded by coalescing developments. Development consistent with national planning policy for the countryside will only be permitted if it also accords with this overriding objective. Reiterating the objectives of ULP Policy S7, Policy S8 says that development will not be permitted if, (a) development that would promote coalescence between the airport and existing development, or (b) development that would adversely affect the open characteristics of the CPZ.
93. Framework paragraph 174 requires that planning decisions should contribute to and enhance the local environment by recognising the intrinsic character and beauty of the countryside.
94. Using recognised methodology for assessing landscape and visual impacts, the applicants have submitted a Landscape, Townscape and Visual Impact Assessment (LTVIA). Assessments of local landscape character are contained in the Essex Landscape Character Assessment 2003 (ELCA) and the Uttlesford Landscape Character Assessment 2006<sup>1</sup> (ULCA). In both, the site is located within the Stort Valley/Stort River Valley Landscape Character Areas (LCA).
95. The LTVIA assesses the townscape of Elsenham as generally homogenous, with the typical modern housing estate character type extending over most of

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<sup>1</sup> Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment.

the settlement. Individual detached dwellings with large gardens are a feature of Henham Road and Hall Road. Building materials include predominantly red brick or painted render with black or white painted timber boarding and windows. Roof materials include predominantly red or buff tiles and slate. Townscape character is that of mostly Modern Residential and of ordinary condition. The Historic Core at Elsenham Cross is of good condition.

96. The landscape value of the site and surroundings is assessed as Low to Medium. The grassland, hedgerows, trees, and stream within the site are neither rare nor important examples in the wider LCA. The site has limited scenic quality due to its close association with the settlement edge, and proximity to Stansted Airport. Given its surroundings and as managed farmland, the site and surroundings are not part of a wild landscape. The most valued aspect of the site and surrounding landscape is the recreational opportunity provided by the PRoW network and the visual amenity of views over the surrounding farmland. Walkers are a feature within the fields on the edge of a settlement. Whilst the site has some positive landscape elements and some recreational and wildlife interest, these are not sufficient to elevate this area of land to one that is a valued landscape as per Framework paragraph 174.

#### Landscape Effects

97. The Stort River Valley LCAs are characterised by valley slopes dominated by farmland with hedgerows, tree belts and riverbank trees. Whilst permanent changes would occur, these LCAs have the capacity to absorb residential development of this scale. The site has a typical character and exhibits few special qualities of its own, resulting in a landscape of no more than local value within the context of the adjacent settlement. The ordinary condition of the landscape provides the opportunity to introduce new housing without significant effects. The loss of openness would not significantly change the pattern and grain of the settlement edge landscape. The historic core at Elsenham Cross would continue to have an influence over the townscape/landscape interface, providing an established context for a small residential scheme. Residential development with an appropriate site layout and landscape strategy, would ensure that the site would, even at night, function well and add to the character and quality of the area with **Moderate to Negligible** adverse effects on landscape character.
98. The landscape strategy includes retention of existing trees and hedgerows, reinforced by native tree and shrub planting and wildflower/amenity grassland. As the landscaping matures, it would soften and enhance the quality of the landscape and townscape. Overall, the quality and character of the landscape and townscape would be maintained in the long term.

#### Visual Effects

99. The Zone of Theoretical Visibility for the scheme is localised and well defined by surrounding vegetation and built development to the east and west. The greatest change in views would be experienced by walkers using the PRoW within the site and private views from properties on Henham Road and Hall Road. Given the high sensitivity of receptors, the proximity of viewing locations and the prominence of the new houses there would be a change in the character and composition of these views. Initially, the effect would be **Moderate Adverse**, but not significant. Visual effects at other viewpoints on the edge of Elsenham and in the local agricultural landscape would not be

significant and would range from **Minor** to **Negligible Adverse**, depending on the nature of the intervening view.

100. Mitigation measures would include new hedgerow and tree boundaries which would, in time, reinforce the hedgerow network and field pattern on the edge of the agricultural landscape, with the effects reducing by Year 10. Tree and shrub planting, pond and meadow creation and an improved management regime of grass and wildflower seeding within the open space areas would enhance the biodiversity of the site. Overall, the scheme would not result in significant effects to visual amenity.
101. EPC submits that the development would have harmful landscape and visual impacts. The site is the last green space adjacent to the village that provides the countryside setting referred to in ULP Policy S3. The scheme, given its location, size, scale in relation to Elsenham and the sloping nature of the site, would result in a harmful form of development that would fail to protect or enhance the character of the countryside contrary to ULP Policy S7.
102. Although the LTVIA refers to the Key Characteristics of the Stort River Valley, it fails to refer to its Sensitivities to Change, i.e., a relatively High Sensitivity to change. Moreover, the LTVIA ignores the Suggested Landscape Planning Guidelines for the Stort River Valley LCA. The scheme would sit on the valley side of the Stansted Brook, it would not be small-scale, nor would it respond to the historic settlement pattern, form and building materials of this part of Elsenham and the historic context and local vernacular of this edge of village site.
103. The Framework requires that planning decisions should contribute to and enhance the natural and local environment and should recognise the intrinsic character and beauty of the countryside. Here, development on the last greenfield site on the edge of the village, would have a detrimental impact on the rural character of the area, with built development extending into the open countryside and down the valley side. Contrary to the aims of the Framework and ULP Policies S7 and S8, the scheme would adversely affect the open and informal character of this rural area and would neither contribute to nor protect nor enhance the natural, built and historic environment.

### **Issue C – Heritage Assets**

104. Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard is paid to the desirability of preserving Listed Buildings (LB), their settings, and any architectural features they may possess. ULP Policy ENV2 indicates that development proposals that adversely affect the setting a LB will not be permitted.
105. Framework paragraph 189 identifies that Heritage Assets (HA) are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Whether a proposal results in substantial or less than substantial harm to the significance of a HA, Framework paragraph 199 requires the decisionmaker to attach great weight to its conservation. Framework paragraph 202 says that where a proposal would lead to less than substantial harm to the significance of a HA, this harm is to be weighed against the public benefits of the proposal.
106. The applicants' Built Heritage Statement (BHS) assesses the significance of 15 LBs and the degree to which their significance could be affected. The development would have no direct effect on the fabric of nearby LBs, rather



the effect would be indirect i.e., on their setting. The applicants and ECC agree that on the spectrum of less than substantial harm, the proposal would result in **Moderate Harm** to the Grade 2 LBs at: Gardener's Cottage, outbuilding and barns at Gardener's Cottage, Elsenham Place, barns at Elsenham Place and dovecote at Elsenham Place and **Low/Moderate Harm** to the Grade 2 listed Nos. 1 and 2 The Cross.

107. Regarding the Grade 2 listed, The Lodge, The Stores and House, The Crown Inn, Village Hall Cottage, No. 5 The Cross, Tinkers Cottage and The Old Vicarage, the applicants submit that on the spectrum of less than substantial harm the proposal would result in **Negligible Harm**. ECC considers the harm would be **Low/Moderate**.
108. Whist ECC consider there would be no harm to The Church of St Mary the Virgin, the applicants consider the level of harm would be **Negligible** as would the effect on Elsenham Hall<sup>2</sup>.
109. EPC agrees with ECC's overall assessment and submits that the impact on the HAs, is underplayed. The HAs rely on the site for their setting and it contributes significantly to views of the HAs and their understanding.

#### **Issue D - Biodiversity**

110. ULP Policy GEN7 says that development that would have a harmful effect on biodiversity will not be permitted unless need for the development outweighs the importance of the feature to nature conservation.
111. ULP Policy ENV7 says that proposals that adversely affect Sites of Special Scientific Interest (SSSI) and National Nature Reserves (NNR), will not be permitted unless need for the development outweighs the particular importance of the nature conservation value of site or reserve.
112. ULP Policy ENV8 relates to other landscape elements of importance for nature conservation. Development that adversely affects landscape elements such as hedgerows, semi-natural grasslands and river corridors will only be permitted where, need for the development outweighs the need to retain the elements for their importance to fauna and flora and mitigation measures are provided that would compensate for the harm and reinstate the nature conservation value of the locality.
113. Framework paragraph 174 says that decisions should minimise impacts on and provide net gains for biodiversity. Framework paragraph 180 says that planning permission should be refused if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for. Development outside a SSSI, which is likely to have an adverse effect on it individually or in combination with other developments, should not normally be permitted. The only exception is where the benefits of the development clearly outweigh both its likely impact on the features of the site that make it of special scientific interest.
114. The application is accompanied by an Ecological Assessment Rev C July 2022 (EA), a Biodiversity Net Gain (BNG) Design Stage Report August 2022, Arboricultural Constraints Advice March 2022 and a Lighting Strategy REV P01 June 2022, relating to the likely impacts of development on designated sites, protected and priority species and habitats and the identification of appropriate mitigation measures. The EA categorises the site as comprising

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<sup>2</sup> ECC omit to assess the impact on Elsenham Hall.

improved grassland, species-poor hedgerows and trees. Overall, the habitats are assessed as of local ecological value only.

115. The site is located some 1.7, 2.4 and 4.7km respectively from the Elsenham Woods, Hall's Quarry and Quendon Woods SSSIs and some 4.8km from the Hatfield Forest SSSI and NNR. The EA recognises the potential for impacts on the Elsenham Woods SSSI and Hatfield Forest SSSI/NNR and identifies that on-site mitigation, links to PRow and financial contributions towards the management and mitigation of the effects on the SSSIs/NNR will be required. In addition to the on-site measures, 2.3ha of land off-site is included for the delivery of ecological enhancements.
116. The EA notes that badgers, breeding birds, reptiles, hedgehog and the common toad may use the habitats available on-site in a transient nature. Mitigation and enhancement measures are proposed for these species, including precautionary working methods, retention and protection of existing habitats and new habitat creation. Recommendations have been provided for the protection of bats and nesting birds. These are primarily to retain suitable habitats wherever possible and to incorporate enhancements within the development.
117. The EA concludes that, with mitigation, impacts on the Hatfield Forest SSSI/NNR and Elsenham Woods SSSI would be **Neutral**. At a site level, the effect on habitats would be **Positive**. The impacts on Protected/Notable Species i.e., badgers, bats, birds, reptiles, invertebrates, hedgehogs, and toads would be at site level. With suitable enhancement of the habitats on-site and the off-site ecological enhancement area, there would be scope for a BNG of at least 20%. This would be consistent with Framework and ULP policies on biodiversity.
118. Natural England (NE), the National Trust (NT) and ECC identify that the site is located within the Zone of Influence (ZoI) of the Hatfield Forest SSSI/NNR and the Impact Risk Zone for the Elsenham Woods SSSI. New housing within this zone is predicted to generate impacts, which without mitigation has the potential to damage or destroy the interest features for which Hatfield Forest SSSI/NNR has been notified. It is considered that the development, would contribute, individually and cumulatively, towards recreational pressure on Hatfield Forest. The NT refer to the Strategic Access Management Measures (SAMMS) document (Hatfield Forest Mitigation Strategy – May 2021 which contains a costed package of mitigation measures.
119. NE has **No Objection** to the proposal, subject to appropriate mitigation being secured to offset the harm the proposal might have upon the Hatfield Forest SSSI and NNR. Suggested on-site mitigation includes informal semi-natural areas, circular dog walking routes of more than 2.7km and/or links to surrounding PRow, dedicated dog off-lead areas, signage/leaflets to householders to promote these areas for recreation and dog waste bins. Off-site mitigation would take the form of a financial contribution of £19,500 to the NT for use towards visitor and botanical monitoring and mitigation works.
120. ECC considers the submitted information indicates that the likely impacts on designated sites, protected and Priority species and habitats can, with appropriate mitigation measures being secured, be made acceptable. The mitigation measures identified in the EA should be secured by appropriate conditions. These include the submission of a Construction and Environmental Management Plan (CEMP) to protect the Stansted Brook and Priority Habitat and a Landscape and Ecological Management Plan (LEMP) to

manage the on and off-site habitats. Conditions are necessary to conserve and enhance protected and Priority species particularly bats, nesting birds, common reptiles, amphibians, and mobile mammal species. ECC has **No Objection** subject to biodiversity mitigation and enhancement measures<sup>3</sup> being secured.

### **Issue E - Provision for Facilities and Infrastructure.**

121. ULP Policy GEN6 says that 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.*”

122. A draft S106 Agreement has been submitted to UDC and EEC setting out the obligations to be performed by the applicant/owner.

These are:

- i.) 40% of the dwellings to comprise AH of which 5% would wheelchair accessible. The tenure mix of the AH would be 70% affordable rent, 25% First Homes and 5% shared ownership.
- ii.) A Bus Service Contribution of £2,671 per dwelling to be used for an enhanced bus service to Stansted Mountfitchet.
- iii.) A Community Hall Contribution of £310,000 to be used for an extension to the Community Hall.
- iv.) Coopers End and Hall Road Capacity Contribution of £50,000 to be used for a scheme to mitigate the impact of the development on the Coopers End and Hall Road roundabouts.
- v.) Monitoring Fee of £4,400 towards ECC’s costs of monitoring the performance of the S106 Agreement.
- vi.) Education Contributions comprising:
  - a) Early Years and Childcare Contribution of £17,268 for the provision of facilities for the education and/or care of children between the ages of 0 to 5 including those with special educational needs within a 3-mile radius of the site.
  - b) Primary Education Contribution of £17,268 for the education and/or care of children between the ages of 4 to 11 including those with special educational needs within the planning group Uttlesford Primary 3 and or a 3-mile radius of the site.
  - c) Secondary Education Contribution of £23,775 for the provision of facilities for the education and/or care of children between the ages of 11 to 19 including those with special educational needs at Forest Hall

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<sup>3</sup> Revised Consultation response to UDC, Email dated 27 October 2022.

School, Stansted Mountfitchet and/or education facilities in the vicinity.

- vii.) A Health Care Contribution of £344.36 per dwelling to be paid to the Council for the provision of additional capacity to accommodate patient growth generated by the development.
- viii.) Highways Works comprising:
  - a) Bus stop enhancement on the south side of Henham Road.
  - b) Bus stops on the west and east sides of Hall Road.
  - c) Provision of cycle parking at the station and local shopping area.
  - d) reinstatement of highways and statutory undertakers' equipment.
- ix.) Real Time Passenger Information Maintenance Contribution of £10,085 for the maintenance of the Real Time Passenger Information displays on the Henham and Hall Road bus stops.
- x.) Highway Works contribution of £25,000 for the reduction of the impact of HGVs through the town and effectively enforce the weight restrictions on Grove Hill.
- xi.) Submission of a Public Open Spaces Management Scheme.
- xii.) Creation of Management Company to be responsible for the long-term management and maintenance of the public open space.
- xiii.) Provision and maintenance of a Local Area of Play.
- xiv.) Library Contribution of £77.80 per dwelling to upgrade local libraries.
- xv.) Submission of an Off-Site Ecological Mitigation Scheme detailing improvements to biodiversity on the Off-Site Ecological Enhancement land for the purposes of achieving a 20% BNG.
- xvi.) SAMMS (Hatfield Forest SSSI) contribution of £19,500 to be passed on to the National Trust for the management and monitoring of the Hatfield Forest SSSI.
- xvii.) Agree a Residential Travel Plan, appoint a Residential Travel Plan Coordinator and contribute £1,596 for the monitoring of the Residential Travel Plan.
- xviii.) Agree a Residential Travel Information Pack to be supplied to each household.
- xix.) Provide Travel Vouchers to include one season bus ticket voucher for each eligible member of a household and/or incentives for rail travel in the sum of £100.

- xx.) To use reasonable endeavors to establish a Car Club or extend an existing Car Club, provide 2 Car Club parking spaces within the development, make available 2 free Car Club memberships per dwelling and make available one Car Club credit per household.

## **Other Matters**

### Benefits

123. Benefits arising from a development proposal are capable of being a material consideration when undertaking the Planning Balance. Taking a cue from the Framework, the applicants list the benefits of this scheme under the headings of Economic, Social and Environmental.
124. Positive economic benefits<sup>4</sup> would include:
- during the construction phase, the local economy could benefit from a temporary boost from the spending of workers within shops, bars and restaurants, and other service facilities in Elsenham.
  - investment in construction and support for construction jobs, the development could support 103 direct full-time equivalent (FTE) jobs annually. A further 127 FTE indirect and induced jobs would be supported locally within the economy through the suppliers of construction materials and equipment.
  - whilst not all economic benefits would be retained locally, the construction phase could generate £10.1m of direct Gross Value Added (GVA) and £12.7m of indirect and induced GVA during each year of construction.
  - an enlarged labour force of economically active residents.
  - additional household spending in the local area. New movers spend on furnishings and decoration with the scheme generating some £715,000 of first occupation spend within the local economy supporting local businesses. Ongoing additional residential expenditure could, once the development is fully occupied, amount to some £1.2m net per annum supporting a further 13 FTE jobs in retail, leisure, hospitality, catering and other local services.
  - £193,000 per annum in additional Council Tax payments.
  - New Homes Bonus for investment in local infrastructure and facilities.
125. Positive social benefits would include:
- the provision of a mix of high-quality market and affordable housing in a sustainable location with good public transport provision, supporting local family connections and maintain a balanced community.
  - additional household spending and demand for services and facilities that would support their ongoing viability and community vitality; and
  - additional public open space for play and recreation.
126. Positive environmental benefits would include new native species planting, provision of additional public open space, the provision of a Heritage Trail, the enhancement of existing PROW and the enhancement of biodiversity.

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<sup>4</sup> Economic Benefits Briefing Note Lichfields 3 August 2022.

## Housing Land Supply

127. The 5-year housing land supply (HLS) is some 3.52 years, and the deficit is not de-minimis. It is estimated that the projected supply will decrease in future years with no likely prospect of the lpa being able to demonstrate a 5-year HLS until a replacement local plan is adopted.

## Infrastructure

128. EPC and others highlight that since 2012, that given the rural location of the village, the scale of completed, committed and proposed development is wholly disproportionate and the range of services and facilities amenities have not kept pace with the rapid expansion. Concerns are, the lack of shopping provision, increased pressure on primary healthcare and education provision.
129. Elsenham has 2 community halls: the Village Hall and the Memorial Hall. Both were built to serve the village prior to its rapid expansion. The Village Hall is a shared facility predominantly used by the primary school during school hours and the Memorial Hall has limited capacity. New developments in Elsenham have provided for land and contributions towards a new village hall. However, growth has been greater than anticipated when proposals for the new hall were drawn up and contributions calculated. Moreover, costs have increased such that the previously agreed funding will longer finance the construction of the hall and recent appeal decisions have not included contributions for the new hall. This development would increase pressure on the existing halls and EPC seeks a contribution of £310,000 towards the construction of a new Community Hall.

## Design & Layout

130. Framework paragraphs 126 to 130 confirm that good design is a key aspect of sustainable development and decisions should ensure that developments will be visually attractive, establish a strong sense of place, function well and add to the overall quality of the area over the lifetime of the development. ULP Policy GEN2 also seeks high quality designs and layouts.
131. There is that the Illustrative Layout fails to show that the proposed housing acceptably addresses the amenity of future residents and the impact on nearby LBs. The development would be cramped and would unacceptably affect the amenity of future residents. The layout places heavy reliance on courtyard parking in conflict with UDC's parking standards, which actively discourages the use of courtyards. Residents prefer to park where their vehicles can be seen and the extensive reliance on courtyards would lead to unacceptable levels of on-street parking. If the application is permitted, the Illustrative Layout should be specifically excluded from any approval.
132. Elsenham has an aging population, and all new development should make provision for the elderly and disabled. ULP Policy H10 requires that developments of 3 or more dwellings should include a significant number of small properties. UDC's Housing Strategy 2021-2023 October 2021 (HS) highlights a shortage of bungalows within the district for both market purchase and affordable rent. Whilst the Illustrative Layout shows 2 of the units as bungalows, the HS requires 5% of properties on new housing developments to be bungalows.
133. There are concerns regarding the implications of the development for surface water flooding. ECC, as the Lead Local Flood Authority having reviewed the submitted Flood Risk Assessment and associated documents do not object to the proposal subject to the imposition of conditions.

## Issue F - Planning Balance

134. Applications for planning permission are to be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.
135. Framework paragraph 11d indicates that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, which includes applications for housing where the lpa cannot show a 5-year supply of deliverable housing land, permission should be granted unless: (i). Framework policies that protect areas or assets of particular importance (habitat sites, SSSIs and designated HAs) provide a clear reason for refusing the development, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against Framework policies read as a whole. This exercise is commonly referred to as the tilted balance.
136. The relevant parts of the development plan are, the Uttlesford Local Plan (ULP) 2005 and the Essex Minerals Local Plan 2014 (MULP).
137. Whilst there are a range of ULP policies relevant to determining this application, the most important ULP policies or determining this application are:
- Policy H1 Housing Development,
  - Policy S3 Other Development Limits,
  - Policy S7 The Countryside,
  - Policy S8 Countryside Protection Zone,
  - Policy GEN1 Access,
  - Policy GEN6 Infrastructure Provision to Support Development,
  - Policy GEN7 Nature Conservation,
  - Policy ENV2 Development Affecting Listed Buildings,
  - Policy ENV7 The Protection of the Natural Environment,
138. The MULP shows the site is within a Minerals Safeguarding Area. MULP Policy S8 requires a resource assessment to establish whether a mineral resource of economic importance exists. The applicants' assessment and confirmed by ECC, indicates that once buffer zones have been applied, the residual site would be less than 5ha, and no further assessment of potential mineral resources is required.
139. UDC has acknowledged that it does not have a 5-year housing land supply and that the tilted balance would be engaged unless the less than harm to the significance of the designated HAs and/or the harm resulting from the development on the nearby SSSIs/NNR are not outweighed by the benefits of the development. In those circumstances, the tilted balance would be disengaged.
140. In undertaking the planning balance, the weight to be attached to the most important ULP policies is determined by their consistency with the Framework. The applicants conclude that the most important policies for determining the application are largely out-of-date and as UDC is unable to demonstrate a 5-year HLS, the tilted planning balance is engaged, and neither the low level of harm to some of the nearby HAs nor the nearby SSSIs disengages that balance. That the most important policies are out-of-date has been confirmed in several appeal decisions and assessments by

applicants and the Ipa, albeit the Ipa's assessment pre-dates the latest version of the Framework.

141. The applicants submit that the public benefits of development attract the following:
- **Significant** weight to the provision of much-needed market housing,
  - **Significant** weight to the provision of much-needed affordable housing,
  - **Significant** weight to the positive residual ecological impacts, and the delivery of a BNG of at least 20%
  - **Moderate** weight to the provision of the Heritage Trail, and other direct heritage benefits are a significant and substantial public benefit,
  - **Moderate** weight to the positive economic, social and environmental impacts that provide a significant and substantial public benefit,
  - **Some** weight to the direct landscape benefits, resulting in an increase in public access to natural space,
  - **Some** weight to the positive impact on public transport and other sustainable modes of travel.
142. The applicants acknowledge that the following harms need to be balanced against the benefits,
- **Limited** weight to the harm resulting from the conflict with Policies S7 and S8,
  - **Limited** weight to the limited harm to some of the nearby HAs,
  - **Moderate** weight to the resulting impact on the landscape,
  - **Moderate** weight to the impact on traffic matters.
143. The applicants submit that taking the development plan as a whole and all other material considerations, the evident and varied locational and public benefits of the development clearly outweigh any harm, including harm to the nearby HAs. There would be no breach of the development aspirations of the ULP, and there are no other reasons why planning permission should be refused. There are no significant and demonstrable adverse impacts that would outweigh the benefits of granting planning permission and boosting the supply of housing.

### **Planning Conditions**

144. A comprehensive list of suggested conditions has yet to be provided. The applicants and the Ipa are requested to submit an agreed list of suggested conditions prior to the Hearing. Suggested conditions should be drafted in accordance with Planning Practice Guidance and specific reasons should be provided for each condition. Where there is a disagreement about a condition or its wording, the basis of the disagreement should be explained and if appropriate an alternative wording suggested. Detailed discussion at the Hearing on suggested conditions should not be taken to indicate that the Inspector is minded to allow the application.



## **Site Visits**

145. Prior to the Hearing, the Inspector will make unaccompanied visits to the site and its surroundings. Following the Hearing the Inspector intends to repeat the above exercise and whether these visits will be accompanied or unaccompanied will be determined at the Hearing. If there are any other locations the parties wish the Inspector to visit these should be identified before the Hearing and directions provided.

*George Baird*

Inspector