



The Planning Inspectorate

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Savills

Your Ref:

Our Ref: S62A/22/0007

Attachments: None.

Date: 6 October 2022

Dear Sir

Town and Country Planning Act 1990 (Section 62A Applications)
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, on land to the south of Henham Road, Elsenham)

at

Land to the south of Henham Road, Elsenham, Essex

1. As the appointed person, I have reviewed the planning application and the representations received as of the 23 and 30 September 2022. The representations can be viewed at: <https://www.gov.uk/guidance/section-62a-planning-application-s62a220007-land-to-the-south-of-henham-road-elsenham-essex>
2. I have the following comments and observations.

Uttlesford District Council (UDC)

3. The recommendation of the Director of Planning was, no objection to the grant of outline planning permission subject to the imposition of conditions and:
 - (1) the provision of 40% affordable housing;
 - (2) that 5% of the scheme is delivered as fully wheelchair accessible units;
 - (3) a contribution of £310,000 towards a community hall;
 - (4) appropriate education, health and transport contributions.
4. Notwithstanding the Director of Planning's recommendation, the Planning Committee object to the grant of planning permission on the following grounds that:

- (1) the proposed development would adversely affect heritage assets located in the vicinity of the site;
- (2) the single point of access, would impact on Henham Road particularly during the school rush hour;
- (3) the development would have an adverse cumulative impact on traffic congestion on the surrounding road network.

Highway and Transport Matters

5. The Transport Assessment (TA) uses VISSIM, a microsimulation traffic model, to assess the effect of the development at the Grove Hill/Lower Street junction and the interaction between junctions in Stansted Mountfitchet. Essex County Council, (ECC) as highway authority (HA) has requested further information, including a copy of the model. The information required is, details of the application of the committed development traffic flows; raw traffic survey data, including the queue lengths collected; and further details of how traffic demand has been treated in the junction models.

Please can the applicant confirm the date when this further information will be submitted to the HA.

6. The TA identifies the potential for traffic to travel south via Hall Road, Coopers End Roundabout, and routes adjacent to Stansted Airport. Consultees and interested person have highlighted that Stansted Airport has, in the past, closed this route and could do so again.

Can the applicant address this matter, providing further information on (a) the potential for road closures adjacent to the airport and if necessary (b) assess the effect of a road closure on junction capacity and queuing from traffic routing onto alternative routes.

7. The Planning Statement and Framework Residential Travel Plan refer to opportunities to promote the use of non-car modes of transport. The measures include the promotion of public transport services including financial contributions towards the existing bus service.

The applicant is requested to indicate whether the relevant transport providers have identified what provision can be made and what the mechanisms are to implement that provision.

8. Elsenham Parish Council (EPC) express concern that the traffic modelling takes no account of proposed, but not permitted, developments in the Elsenham and Stansted Mountfitchet areas. As such, the predicted traffic impacts are unrealistic.
9. EPC disputes the applicant's walking distances to various. These errors result in an overstatement of the ability of prospective residents to access various facilities other than use of the private car.
10. EPC submits that the submitted Travel Plan is unlikely to bring about material changes in travel patterns and would have no material impact on reducing traffic impacts.

The applicant is requested to consider EPC's comments and to indicate whether further information needs to be submitted and whether a further Transport Assessment is required.

11. At the time of writing a full response from the HA has not been received (anticipated 12 October 2022). Therefore, the above should be read as interim comments and it may be necessary to seek further clarification once the response of the HA has been considered.

MAG – London Stansted Airport

12. The airport Safeguarding Authority has submitted a holding objection relating to the potential for an increased risk of bird strike. MAG refer to the SuDS drainage strategy, which includes 2 attenuation basins, swales, permeable paving, and an underground storage tank. MAG suggests that all drainage should be underground to prevent the swales attracting hazardous waterfowl or that appropriate mitigation is provided.
13. MAG seeks further information on (1) confirmation of drain down times for the attenuation basins, (2) a management and maintenance programme for the SuDS, confirming that regular maintenance will be in place to ensure the drainage outlets on the swales and basins continue to drain down correctly, (3) mitigation measures on the basins to deter hazardous waterfowl, and (4) confirmation that no islands or peninsulas will be introduced on any waterbody. Should the above concerns be satisfied and planning permission granted, MAG suggest conditions relating to, dust/smoke control, landscaping, and lighting.

The applicant should consider this request and provide further information on how the threat of potential bird strikes can be mitigated.

Biodiversity

14. The application proposes ecological enhancement measures on an additional area of land, edged green on the Site Location Plan and within the ownership of the applicants, approximately 100–200 m to the north-east. The Biodiversity Net Gain Design Stage Report indicates that to ensure the delivery of these ecological features there is a requirement for an appropriate Construction Environmental Management Plan and Landscape and Ecology Management Plan to be in place from design to the operational phase of the development. The report goes on to indicate that a Management Plan would be required for the off-site proposals.

The applicant is requested to confirm that the area identified for off-site ecological enhancement forms part of the planning application and is identified on an appropriate plan as "land edged blue".

The applicant is requested to indicate what measures are being proposed and how they will be implemented to ensure the ongoing provision and management of the off-site ecological area.

15. The site is located some 1.7km, 2.4km and 4.7km from Elsenham Woods, Hall's Quarry and Quendon Woods, 3 Sites of Special Scientific Interest (SSSI). In addition, the site is some 4.8km from the Hatfield Forest SSSI and National Nature Reserve (NNR). The application is accompanied by ecological

assessment¹ (EA) and a biodiversity net gain (BNG) report². The EA recognises the potential for impacts on the Elsenham SSSI and Hatfield Forest SSSI/NNR and identifies that on-site mitigation, links to public rights of way and financial contributions towards the management and mitigation of the effects on the SSSIs and NNR may be required.

16. ECC Places Services – Ecology has submitted a holding objection indicating that there is insufficient information to assess the potential effect on Priority Species – Skylark.

The applicant should consider this request and provide further information to address any omission.

17. ECC and the National Trust (NT) identify that the site is located within Zone of Influence of the Hatfield Forest Site SSSI and NNR and the Impact Risk Zone for the Elsenham Woods SSSI. Residential development within these zones requires on-site and off-site mitigation measures agreed with Natural England (NE) to put in place. 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.
18. NE has no objection to the proposal subject to securing appropriate mitigation to offset the harm the proposals may have upon the Hatfield Forest SSSI and NNR. NE advises that permission should not be granted until such time as the on and off-site mitigation measures have been assessed and secured through the appropriate means.
19. Suggested on-site mitigation includes informal semi-natural areas, circular dog walking routes of more than 2.7km and/or links to surrounding public rights of way (PROW), dedicated dog off-lead areas, signage/leaflets to householders to promote these areas for recreation and dog waste bins.
20. Off-site mitigation would take the form of a financial contribution of some £19,500 to the NT for use towards visitor and botanical monitoring and mitigation works.

The applicant is requested to assess the on and off-site mitigation measures referred to by NE and the NT and indicate how and what progress have been made to address these requests.

21. NE offers additional advice in relation to landscape, the use of best and most versatile agricultural land and soils, impact on protected species, the impact on local sites and priority habitats and species, woodland and trees, environmental and biodiversity gains and access and recreation.

The applicant should indicate how the proposal would address the above matters.

22. Based on the information available to date, the Inspector considers that it might be necessary for the competent authority i.e., the Secretary of State, to undertake an Appropriate Assessment in this case. Article 6 of the Habitats

¹ Ecological Assessment July 2022 (Rev C) Southern Ecological Solutions

² Biodiversity Net Gain Design Stage Report (Rev E) August 2022 Southern Ecological Solutions.

Directive, transposed into UK law through the Conservation of Habitats and Species Regulations 2017, requires that where a project is likely to result in a significant effect on a European site either alone or in combination with other plans or projects, and where the project is not directly connected with or necessary to the management of the European site, a competent authority is required to make an Appropriate Assessment of the implications of that plan or project on the integrity of the European site in view of the site's conservation objectives.

The applicant is requested to consider the need for an Appropriate Assessment and, if necessary, to submit a shadow assessment to assist the Inspector in determining this application.

Heritage Assets

23. ECC Place Services Historic Environment Team identify adverse impacts on the setting of the following 8 Grade 2 Listed Buildings and how are they experienced and appreciated. These are:

The Lodge;
The Stores and House;
The Crown Inn;
1 and 2, the Cross;
Village Hall Cottage;
5, The Cross;
Tinkers Cottage;
The Old Vicarage.

ECC assess the level of harm to their significance to be low to middle in the spectrum of less than substantial harm.

24. ECC identifies considerable harmful urbanising effects on the following 6 Grade 2 Listed Buildings:

Gardener's Cottage;
Range of thatched, timber framed outbuildings, and barn to west of Gardeners Cottage;
Elsenham Place:
Barns to west of Elsenham Place;
Dovecote to south-west of Elsenham Place.

ECC assess the level of harm to their significance to be middle in the spectrum of less than substantial harm.

25. ECC assess that there would be no harm to the significance of the Grade 1 Listed Church of St Mary the Virgin.

26. Of the 15³ Grade 1 and 2 Listed Buildings assessed by the applicant, 3 are identified as experiencing a low level of less than substantial harm to their significance. These are: barns to the west of Elsenham Place, Dovecote to the south-west of Elsenham Place and Nos. 1 and 2 The Cross. The applicant submits that the less than substantial harm to the heritage assets would be

³ ECC do not assess the effect on the Grade 2 Listed Elsenham Hall.

outweighed by public benefits, which includes a site wide biodiversity net gain of 20%.

The applicant to consider whether and to indicate if further assessment of the effect on the settings of the Listed Buildings identified by ECC as being adversely affected is necessary.

The applicant to explain how the proposed biodiversity net gains would outweigh the less than substantial harm to heritage significance and to explain why this is a relevant consideration in relation to the heritage balancing exercise required by paragraph 202 of the Framework.

Housing Mix & Tenure

27. Policies H9 and H10 of the Uttlesford Local Plan 2005 (LP) refer to Affordable Housing (AH) and Housing Mix. Also referred to is the Housing Strategy 2021–2026 (HS).
28. LP Policy H9 indicates that on windfall sites, the lpa will seek to negotiate, on a site by site basis, AH of up to 40% of the total provision. On tenure, the Planning Statement proposes the provision of 40% (52 units) AH. Of these, the applicant anticipates that 70% would be for intermediate rent, 25% would be First Homes, and 5% shared ownership.
29. UDC's Housing Strategy section has indicated, (1) a policy requirement for 40% AH, (2) AH to be delivered by a preferred Registered Provider, (3) that 5% of all units are delivered as fully wheelchair accessible and (4) mix and tenure split to be determined at the reserved matter stage.

The applicant is requested to indicate how the proposed AH is intended to be delivered, by who and outline what discussions, if any, have occurred regarding tenure split.

30. LP Policy H10 requires developments of 3 or more dwellings to include a significant proportion of market housing comprising small properties. The Illustrative Masterplan shows 2 bungalows. The HS, page 15, highlights a shortage of bungalows within the district for both market purchase and affordable rent and a requirement for 5% of properties on new housing developments to be bungalows. This requirement applies to both the affordable and market housing on a site.

The applicant is requested to indicate whether any discussions have taken place with the lpa in relation to dwelling mix by type and how the requirements of the Housing Strategy 2021-2026 could be achieved by this proposal.

Noise

31. The Environmental Health Team indicate that external sound levels are expected to exceed the upper guideline value of BS8233 at a several properties close to Henham Road and Hall Road. Thus, there is the potential for some residents to be adversely affected by unacceptable levels of noise pollution.

Can the applicant address this concern?

S106 Agreements/Undertakings

32. Both the applicant and UDC identify a need for planning obligations in relation to:

Applicant and UDC

1. the delivery of the proposed off-site ecological enhancement area;
2. the provision of on-site affordable housing;
3. a financial contribution to primary healthcare provision;
4. a financial contribution to education provision;
5. a financial contribution towards the mitigation of impacts identified by the National Trust and Natural England.

UDC

6. a financial contribution for libraries;
7. provision and long-term maintenance of public open spaces;
8. highways obligations and associated financial contributions;
9. community facilities;
10. provision of a community meeting room;
11. a contribution for a community hall;

The applicant is requested to identify, having regard to the provisions of the Framework and R21 of the Community Infrastructure Regulations, the scale of financial contributions considered necessary and the mechanism for ensuring their implementation.

Please be aware that these are interim comments and I am yet to fully consider the application. Alerting you to these matters at this early stage allows you to respond to and consider issues that have been raised, to seek to resolve them.

Please can you confirm by **13 October** how you wish to seek to address the above and the likely timescales for the submission of any additional information.

Please note that, when new information is taken into account, the Planning Inspectorate may be required to carry out additional notification and consultation. New information will therefore only be accepted where there is an agreement to extend the time period for deciding the application.

In light of the above, the need to consider the applicant's response, and the potential of additional notification and consultation on any new information, the proposed hearing date of 25 October 2022 has been postponed.

Following your response to this letter, we will seek a mutually agreed extension to the determination period to take account of the time required for you to prepare the information, the additional notification period, and the effect of this on the future hearing date.

Yours sincerely,

G Baird

Inspector