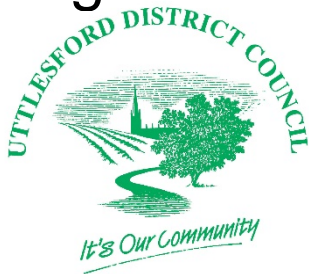


# Agenda Item 6



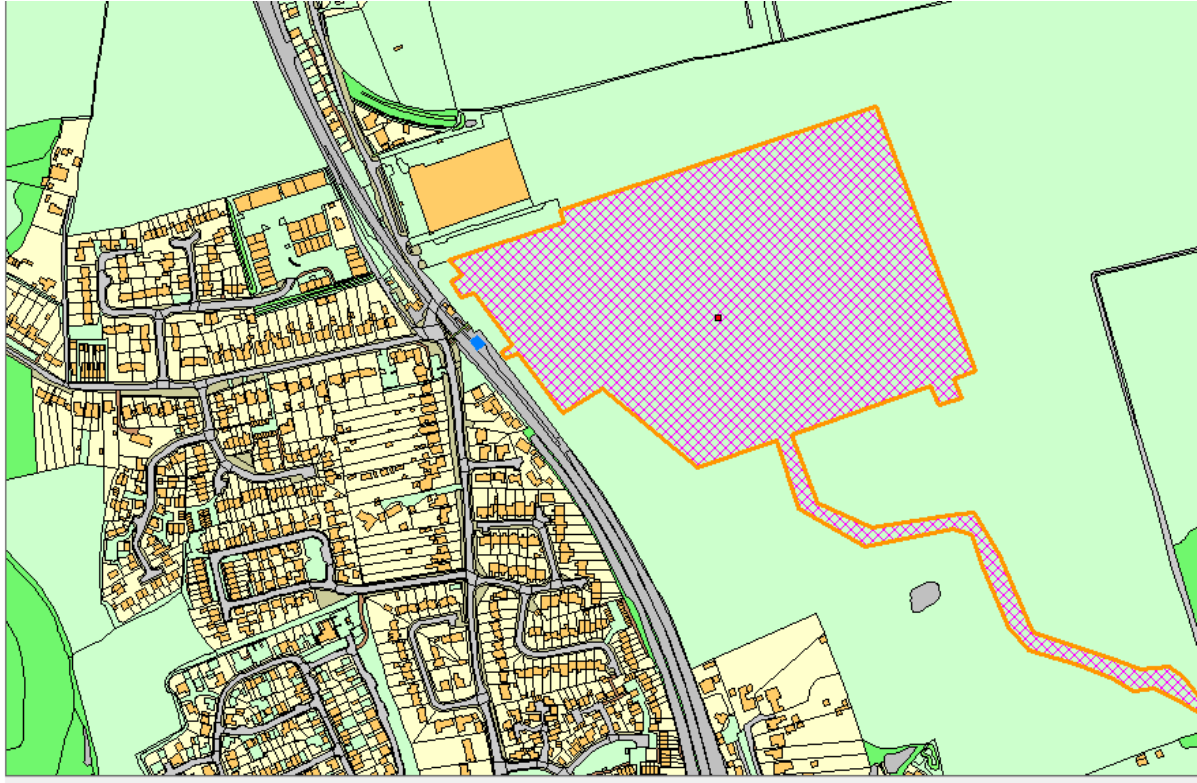
**ITEM NUMBER:** 6

**PLANNING COMMITTEE DATE:** 23 November 2022

**REFERENCE NUMBER:** S62A/22/0012  
UTT/22/2760/PINS

**LOCATION:** Land East of Station Road, Elsenham

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: 7 November 2022

**PROPOSAL:** Consultation on S62A/2022/0012- Town and Country Planning Act 1990 (Section 62A Applications).

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

**APPLICANT:** Bloor Homes Ltd and G Smith, J R Smith

**AGENT:** Mr P McKeown

**DATE CONSULTATION RESPONSE DUE:** 25 November 2022

**CASE OFFICER:** Femi Nwanze

**NOTATION:** Outside Development Limits; Within Flood Zone 1; Mineral Safeguarding Area, Local Wildlife Site SSSI Impact Risk Zone.

**REASON THIS CONSULTATION IS ON THE AGENDA:** This is a report in relation to a major (outline) planning application submitted to the Planning Inspectorate (PINS) for determination.

Uttlesford District Council (UDC) has been designated by Government for poor performance in relation to the quality of decisions making on major applications.

This means that the Uttlesford District Council Planning Authority has the status of a consultee and is not the decision maker. There is limited time to comment. In total 21 days.

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1. **RECOMMENDATION**

That the Director of Planning be authorised to advise the Planning Inspectorate that Uttlesford District Council make the following observations on this application:

Details are to be outlined by the Planning Committee.

## **2. SITE LOCATION AND DESCRIPTION**

- 2.1 The subject site is situated in Elsenham. It is in the north - eastern part of the settlement; east of Elsenham Railway Station and its associated level crossing (London – Cambridge railway line). The site comprises approximately 9.8 ha of land which is currently in use as arable farmland and bordered with trees and hedgerows. The land is classified Grade 2 (very good) and grade 3 (Good to moderate).

The subject site is generally level with a slight decline from north – east towards the west. It is bounded to the south by arable farmland, which benefits from planning permission for up to 350 dwellings and a primary school (Land to the northwest of Henham Road, Elsenham).

To the immediate north of the subject site lies the Elsenham Station car park; beyond which is the employment buildings at Old Mead Road. An east – west Public Right of Way exists to the north of the site; linking Old Mead Road to Mill Road to the east. To the west of the site lies the London – Cambridge railway line and Elsenham Station (including ‘The Waiting Room’ which is located on the eastern side of the station and is statutorily Grade II listed).

- 2.2 The entirety of the application site is in flood zone 1 where there is a low probability of flooding.
- 2.3 The sites lies within the B10 Broxted Farmland Plateau Landscape Character Area which comprises of flat open, agricultural landscape.

## **3. PROPOSAL**

- 3.1 This application seeks outline planning permission for a residential development of up to 200 dwellings, together with landscaping, public open space an associated infrastructure works. Consent is sought for access only at this stage; with all other matters (landscaping, scale, layout and appearance) being reserved for future consideration.

- 3.2 The application has been submitted with an indicative layout plan which designates one potential primary vehicular access point into this site from the south. The proposed location of this access point has been designed to integrate with the access point at the north of the adjacent site which has planning permission for residential development of 350 dwellings (and which is being constructed by the same developer). A further access point has been identified to the west of the site; however, this is proposed to be a pedestrian /cycle access point which will make use of the existing pedestrian /cycle path that runs along the western boundary of the site; adjacent to Elsenham Station.

## **4. ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 The Local Planning Authority has, further to the receipt of a formal request from the proposed developer, issued a Screening Opinion concerning this site. The Screening Opinion advised on 15.09.2022 that the proposed development does not constitute development that would require an Environmental Impact Assessment. Accordingly, this application has not been submitted with an Environmental Statement.

## 5. **RELEVANT SITE HISTORY**

5.1 There is no recent planning application history relating to this site. However, the following nearby sites have relevant planning history: -

### 5.2 **Fairfield Site, Station Road, Elsenham**

5.3 UTT/13/0808/OP -- Outline application with all matters reserved, except access, for up to 800 dwellings; up to 0.5ha of class B1a and B1c employment uses; up to 1,400sqm of retail uses; a primary school; up to 640sqm of Health Centre use; up to 600sqm of community buildings; changing rooms; access roads including access points to B1051 Henham Road and Old Mead Road, a construction access and haul route from B1051 Henham Road, a Waste Water Treatment Works access from Bedwell Road, and provision of a link road at Elsenham Cross between the B1051 Henham Road and Hall Road; a Waste Water Treatment Works and other associated infrastructure, landscaping and boundary treatment works. Demolition of all existing buildings. –

5.4 Refused 26.11.2013. Appeal dismissed: 25. 08.2016

### 5.5 **Land to the northwest of Henham Road, Elsenham**

5.6 UTT/17/3573/OP (APP/C1570/W/19/3243744) Outline application with all matters reserved except for access for: up to 350 dwellings, 1 no. primary school including early years and childcare setting for up to 56 places, open spaces and landscaping including junior football pitch and changing rooms, access from B1051 Henham Road with associated street lighting and street furniture, pedestrian, cycle and vehicle routes. pedestrian and cycles link to Elsenham Station and potential link to Hailes Wood, vehicular and cycles parking. provision and/or upgrade/diversion of services including water, sewerage, telecommunications. electricity, gas and services media and apparatus, on-plot renewable energy measures including photo-voltaics, solar heating and ground source heat pumps, drainage works, sustainable drainage systems and ground and surface water attenuation features, associated ground works, boundary treatments and construction hoardings

5.7 Outline consent granted 22. 12. 2020

5.8 UTT/21/3269/DFO – Approval of reserved matters (layout, scale, appearance, and landscaping) relating to outline application

**5.9** UTT/17/3573/OP for the erection of 350 dwellings, internal roads, open space and sports pitch provision, other associated infrastructure including that required to serve future primary school and early years facility and siting of sports pavilion.

**5.10** Reserved matters granted 01.06.2022

## **6. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

**6.1** The submission is accompanied by a Statement of Community Involvement which sets out the following engagement: -

- 6 July 2022 letters and briefing offers sent to key stakeholders.
- 6 July 2022 letters and briefing offers sent to local elected representatives (UDC ward councillors, Elsenham Parish Council and Henham Parish Council).
- 7 July 2022 – delivery of 965 flyers to neighbouring properties and businesses (notification of launch of consultation and consultation event).
- 7 July 2022 – launch of digital consultation website/ online survey accessible on web site.
- 14 July 2022 - Online webinar - 1463 visits were made to the consultation web site. The online webinar was watched 10 times.

**6.2** Residents were able to submit comments and questions via an email address or through a freephone telephone number.

**6.3** An online survey was also available with six questions the results are as follows:

- 100% of the respondents were residents.
- 93% of the respondents consider that energy efficiency and climate change is important.
- 43% of respondents disagree/strongly disagree that new leisure spaces will be of benefit to Elsenham, 43% were neutral and 14% agree/strongly agree.
- 73% did not like the design of the new building.
- 40% of respondents agree/ strongly agree that affordable housing is important, 40% were neutral.
- 100% of respondents did not like the proposed scheme –the key issues highlighted is traffic/transport, lack of infrastructure including GP practices, schools and local amenities, inadequate road infrastructure, interest in retaining green space.

**6.4** The developers have had limited pre application discussions with the Planning Service regarding these proposals. Officers has advised (without prejudice) that the principle of the proposal is likely to be acceptable. They have also held meetings with Essex County Council Highways.

## **7. STATUTORY CONSULTEES**

7.1 All statutory consultees are required to write directly to the Planning Inspectorate (PINS) (and not the Local Planning Authority) within the 21 days period being the 17 November 2022.

7.2 Accordingly, it should be noted that considerations/advice normally obtained from statutory consultees to assist the Local Planning Authority in the consideration of a major planning application have not been provided and are thereby not included within this report.

## 8. **PARISH COUNCIL COMMENTS**

8.1 These should be submitted by the Parish Council directly to PINS within the 21-day consultation period being the 17 November 2022.

Notwithstanding the following comments have been received from Elsenham Parish Council:

- Since 2011 there has been a 116% increase in households in Elsenham.
- Request for a minimum contribution of £596,154.00 towards the provision of a Community Hall.

## 9. **CONSULTEE RESPONSES**

9.1 All consultees' comments are required to be submitted directly to PINS (and not the Local Planning Authority) within the 21-day consultation period, which closes 17<sup>th</sup> November 2022. Accordingly, it should be noted that considerations/advice normally obtained from consultees to assist in the determination of a major planning application have not been provided and are thereby not included within this report.

Notwithstanding, the following comments have been received: -

9.1.1 UDC Housing: The affordable housing provision for this site will attract the 40% policy requirement. This amounts to up to 80 affordable homes and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers. It is also the Council's policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible homes (Part M Category 3 homes). The mix and tenure split of the affordable properties can be agreed at the reserved matters stage, subject to the outline application being approved.

9.1.2 UDC: Urban Design: raises concern about the application type – a full planning application would be more appropriate so that design issues can be considered early.

Building heights of 3 storey and 2.5 addressing open countryside is not appropriate.

An additional local area for play and financial contribution for a MUGA (multi – use games area) should be obtained.

Cycle routes to the south and west need to connect to the PROW (public right of way) to the north.

Concerns over the location of the pumping station in open space.

**9.1.3** ECC: Place Services; Historic Environment: No objection - Recommendation for an Archaeological programme of Trial Trenching followed by Open Area Excavation.

**9.1.4** Essex Police (Designing Out Crime): No objection but would like opportunity to review further details to assist developer achieving Secured by Design Homes award.

**9.1.5** Cadent Gas: No objection

## **10. REPRESENTATIONS**

**10.1** The application was publicised by sending letters to adjoining and adjacent occupiers and by displaying a site notice. Anyone wishing to make a representation (whether supporting or objecting) are required to submit their comments directly to PINS within the 21-day consultation period ending the 17 November 2022.

UDC has no role in co-ordinating or receiving any representations made about this application. It will be for PINS to decide whether to accept any representations that are made later than 21 days.

Notwithstanding the above, PINS has granted Uttlesford District Council an extension until 25<sup>th</sup> November 2022 to submit comments due to the Council's scheduled timetable for Planning Committee meetings.

## **11. MATERIAL CONSIDERATIONS**

**11.1** In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the "Considerations and Assessments" section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

**11.2** Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

a) The provisions of the development plan, so far as material to the application:



- (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- b) any local finance considerations, so far as material to the application, and
- c) any other material considerations.

**11.3** Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation Area

**11.4 The Development Plan**

- 11.4.1** Essex Minerals Local Plan (adopted July 2014)  
 Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)  
 Uttlesford District Local Plan (adopted 2005)  
 Felsted Neighbourhood Plan (made Feb 2020)  
 Great Dunmow Neighbourhood Plan (made December 2016)  
 Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)  
 Thaxted Neighbourhood Plan (made February 2019)  
 Stebbing Neighbourhood Plan (made July 2022)  
 Saffron Walden Neighbourhood Plan (made October 2022)

**12. POLICY**

**12.1 National Policies**

**12.1.1** National Planning Policy Framework (NPPF) (2021)

**12.2 Uttlesford District Plan 2005**

- S3 – Other Settlement Boundaries
- S7 – The Countryside
- GEN1 – Access
- GEN2 – Design
- GEN3 – Flood Protection
- GEN4 – Good Neighbourliness
- GEN5 – Light Pollution
- GEN6 – Infrastructure Provision
- GEN7 – Nature Conservation
- GEN8 – Vehicle Parking Standards
- E4 - Farm Diversification
- ENV1 – Design of Development within Conservation Areas
- ENV2 – Development Affecting Listed Buildings
- ENV3 – Open Spaces and Trees

- ENV4 – Ancient Monuments and Sites of Archaeological Interest
- ENV5 – Protection of Agricultural Land
- ENV7 – Protection of the Natural Environment
- ENV8 – Other Landscape Elements of Importance
- ENV10 – Noise Sensitive Developments
- ENV12 – Groundwater Protection
- ENV14 – Contaminated Land
- H1 – Housing Development
- H9 – Affordable Housing
- H10 – Housing Mix

**12.3 Supplementary Planning Document or Guidance**

- Uttlesford Local Residential Parking Standards (2013)
- Essex County Council Parking Standards (2009)
- Supplementary Planning Document- Accessible homes and play space homes Essex Design Guide
- Uttlesford Interim Climate Change Policy (2021)

**13. CONSIDERATIONS AND ASSESSMENT**

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

- 13.2**
- A) Principle Of Development**
  - B) Highways Considerations**
  - C) Design and Landscape**
  - D) Housing Mix and Tenure**
  - E) Flooding**
  - F) Energy And Sustainability**
  - G) Air Quality and Pollution**
  - H) Ecology**
  - I) Planning Obligations**
  - J) Other matters**
  - K) Planning Balance and Conclusion**

**13.3 A) Principle Of Development**

**13.3.1** The application site is located outside of the village of Elsenham wherein the principle of development would not generally supported as outlined in Policies S3 and S7 of the Uttlesford Local Plan.

**13.3.2** However, regard must be given the fact that the Uttlesford Local Plan is not up to date and significantly pre – dates the National Planning Policy Framework 2021.

**13.3.3** Additionally, the Council as Local Planning Authority is not currently able to demonstrate a 5-year housing land supply (5YHLS). Both of the aforementioned factors are cited in paragraph 11 of the NPPF as grounds to grant planning permission unless:

- i. the application of policies in this Framework that protect areas or assets, or particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

**13.3.4** With regard to (i) above Guidance is given in the NPPF re the areas /assets of particular importance that provide a clear reason for refusing the proposed development. These areas are habitat sites and/or designated Sites of Special Scientific Interest, land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park or defined as heritage Coast; irreplaceable habitats; designated heritage assets and areas at risk of flooding or coastal change.

**13.3.5** The application site is not located within an area that is specifically protected as outlined in (i) above.

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

**13.3.7** The proposal seeks outline planning permission for up to 200 residential units. This quantum of development would make a valuable contribution to the district's housing supply. In principle the proposal may be acceptable subject to an assessment of sustainability.

**13.3.8** There are three mutually dependent strands to sustainability which need to be jointly considered in the assessment of this application.

**13.3.9 Economic:**

The NPPF identifies this is contributing to building a strong, responsive and competitive economy that supports growth and innovation and identifies and co-ordinates development requirements including the provision of infrastructure.

In economic terms the proposal would have short – term benefits to the local economy in terms of localised construction activity. It would also have medium/long term benefits in terms of local support of services and infrastructure provision arising from the proposed residential development.

**13.3.10 Social:**

The NPPF identifies this is supplying homes in a high-quality built environment with accessible local services that reflect community need and wellbeing. In social terms, the proposal would make a reasonable contribution to local/regional/national housing supply in an area that is close

to a railway station and as such has a reasonable level of public transport accessibility. The proposal would also make a suitable contribution to the provision of affordable housing. Additional social benefits include provision of a publicly accessible recreation trail, around the perimeter of the site, provision of public open space/play /recreation areas.

**13.3.11 Environmental:**

The NPPF identifies this as making effective use of land, seeking to protect and enhance the natural and built environment, improving biodiversity, minimising waste and pollution and mitigating and adapting to climate change.

**13.3.12** The site is currently undeveloped, and the proposal will therefore result in the loss of land that is in agricultural use. The proposal seeks to compensate for this loss with an indicative housing density of 33 dwellings per hectare (medium density) and providing a variety of landscape features both within the site and around its perimeters; together with the provision of a SUDS and wildlife pond (however given the proximity of the site to Stansted Airport (this feature may need to be re- considered on the grounds of flight safety given that they may attract wild birds). Proposed, indicative internal roads are wide, and tree lined.

**13.3.13** The proposed development will provide landscape features around the built development including a nature trail and children's play area. However as identified by the Design officer, it is considered that an additional play area is required to the west of the site and that furthermore, a financial contribution to a MUGA (multi use games area) should be sought.

**13.3.14** It is acknowledged that the site is situated outside of the settlement boundaries. Policy S7 of Local Plan seeks to protect the Countryside and would normally preclude the location of this form of development in this location.

**13.3.15** However, Policy S7 has been found, in a number of appeals and planning decisions (UTT/17/3573/OP and APP/C1570/W/19/3243744) to be not in full compliance with the NPPF as it seeks to place greater restrictions on developing in such locations than the NPPF. In this regard, the site immediately to the south - Land to the north – west of Henham Road has similar site characteristics and planning circumstances as are presented in this application. The site was the subject of a successful appeal for 350 dwellings which was granted by the Planning Inspectorate in 2020.

**13.3.16** Having regard to the consented planning permission for residential development at the adjacent site; also, in a similar countryside location; the lack of a 5YHLS, the proposal is considered likely to be acceptable in principle.

**13.4 B) Highways Considerations**

- 13.4.1** Access is not a matter that is reserved for future consideration and consent is sought at this stage. The application proposes the creation of a principal vehicular access point at the southern section of the site which links directly into the northern section of the adjacent site at Land northwest of Henham Road which is in the same ownership and has planning permission for 350 homes. Vehicular access to the main road will therefore be obtained through the same access point that has already been consented for the development immediately to the south; with all vehicles exiting to the southeast at Henham Road. A potential cycle and pedestrian access point has been indicated at the western side of the site; providing access to the Elsenham Station and a potential pedestrian only access point will be provided at the south-eastern corner of the site.
- 13.4.2** Policy GEN1 of the Local Plan sets out that development will only be permitted if the following criteria is met: -
- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
  - b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network
  - c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.
  - d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.
  - e) The development encourages movement by means other than driving a car.
- 13.4.3** The proposal which seeks consent for 200 residential units will, cumulatively lead to an increase in traffic movements within the locality. However, in mitigation the applicants propose a residential travel plan that seeks to achieve a 10% reduction in single occupancy car use. At this stage however, as no comments are available from Essex County Council as Highway Authority it is not possible to assess whether vehicular movements associated with this proposed development is acceptable.
- 13.4.4** There will be a need to comply with the Council's parking standards as outlined in the Uttlesford Local Residents Parking Standards (December 2012) and the Essex County Council's Parking Standards (September 2009). There is a requirement for a minimum of 2 spaces per dwelling (and 3 spaces per dwelling for dwellings with 4+ bedrooms) and 0.25 spaces per dwelling for visitor parking. Cycle provision will also be required if no garage or secure parking is provided within the curtilage of the dwelling. These are matters that will be considered further at detailed stage.
- 13.4.5** The applicant has indicated an intention to utilise improvements already secured at the adjacent site and improve on them with additional cycle and pedestrian improvements and the use of a residential travel plan.

**13.4.6** The proposed access arrangements for this outline planning application and the highway impact associated with the proposed development fall to be considered by Essex County Council as the highway authority. However due to the particular nature of this application process; wherein comments are to be provided directly to the Planning Inspectorate for decision making; the Local Planning Authority are unable to make detailed comments on the highway aspect of the proposed development. Details regarding the parking provision for this scheme will be considered at reserved matters stage when detailed layouts have been provided.

**13.5 C) Design and Landscape**

**13.5.1** This application seeks consent for access only at this stage; with scale, layout, external appearance and landscape considerations being reserved for future consideration.

**13.5.2** The guidance set out in Section 12 of National Planning Policy Framework outlines that proposed development should respond to the local character, reflect the identity of its surroundings, optimise the potential of the site to accommodate development and is visually attractive as a result of good architecture.

**13.5.3** Local Plan Policy GEN2 seeks to promote good design requiring that development should meet with the criteria set out in that policy. Regard should be had to the scale form, layout and appearance of the development and to safeguarding important environmental features in its setting to reduce the visual impact of the new buildings where appropriate. Furthermore, development should not have a materially adverse effect on the reasonable occupation and enjoyment of residential properties as a result of loss of privacy, loss of daylight, overbearing or overshadowing.

**13.5.4** The application site is located within the B10 Broxted Farmland Plateau Character Area (Uttlesford Landscape Character Assessment 2006).

**13.5.5** Potential indicative landscape proposal seeks to shield the proposed development from wider views from Henham village to the northeast by the creation of a woodland landscape. The landscape strategy also proposes a central area of open space at the site in an effort to maintain the village's connection to the valley landscape setting.

**13.5.6** The extent to which these aspirations have been achieved cannot be assessed at this stage, due to the lack of detailed information including comments from the Landscape Advisor.

**13.5.7** The application has been submitted with an illustrative masterplan and layout plan; together with illustrative site sections showing potentially how this development form could be accommodated on the site. The details submitted indicate that the development site will be enclosed with blue and green landscape features. The proposed built development will be set away from the station, which is situated to the west of the site, in order to preserve

the setting of the Grade II listed building 'The Waiting Room 'and to preserve the amenity of prospective residential occupiers from the railway.

- 13.5.8** The illustrative material indicates that there is a potential to provide the number of units proposed; with building heights of 10 – 12 metres (2.5 - 3 storey buildings). The Design Officer has raised an objection to this proposed height against the open countryside edges and has highlighted that 1- 2 storeys are more appropriate with 3 storeys being appropriate internally within the site and adjacent to the railway line.
- 13.5.9** The proposed density of development is similar to that achieved at the neighbouring site 33 dwellings per hectare). However further consideration is required of the overall layout details including pedestrian connectivity to the sites' surrounds including the Public Right of Way to the north of the site. It also considered that aspects of the green and blue landscape features of the proposals may need further consideration. However, these are matters that would be considered in future submissions, should consent be granted.
- 13.5.10** However, due to the nature of the application process; wherein comments have not been obtained from Essex Place Services (and will be submitted directly to the Planning Inspectorate); it is not possible for the Local Planning Authority to provide further detail on this aspect of the development.

## **13.6 D) Housing Mix and Tenure**

- 13.6.1** In accordance with Policy H9 of the Local Plan, the Council has adopted a housing strategy which sets out Council's approach to housing provisions. The Council commissioned a Strategic Housing Market Assessment (SHMA) which identified the need for affordable housing market type and tenure across the district. Paragraph 62 of the Framework requires that developments deliver a wide choice of high-quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive, and mixed communities.
- 13.6.2** The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 ha or 15 or more properties. The affordable housing provision on this site will attract the 40% policy requirement as the site is for up to 200 dwellings. This amounts to up to 80 affordable homes. The applicant is aware of this requirement and has already indicated a policy compliant affordable housing offer. This weighs in favour of the scheme.
- 13.6.3** Layout is not being considered at this stage and as such there will be further opportunity to ensure that an appropriate housing mix is secured. Notwithstanding it is the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). A condition requiring this will be suggested if the Inspector is mindful of granting consent.

## **13.7 E) Flooding**

- 13.7.1** The NPPF states that inappropriate development in areas of high-risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 13.7.2** The application site is located within Flood Zone 1 where there is a minimal risk of flooding.
- 13.7.3** The application is supported by an outline Flood Risk Assessment and Drainage Strategy. This outlines that the proposed development will follow best practice regarding site drainage to ensure that surface water runoff from the development is managed. Surface water from the proposed development will be attenuated via on site basins for all events (including allowance for 1 in 100-year storm rainfall event plus an allowance for climate change). It is proposed that foul water discharge will be including the use of a proposed pumping station to be used in conjunction with network connections in the associated site to the south.
- 13.7.4** The proposals will be assessed by Essex County Council who are the lead local flood authority in respect to matters of relation surface water drainage and to flooding. The authority will provide written advice directly to PINs by the 17th of November 2022

## **13.8 F) Energy And Sustainability**

- 13.8.1** Council's supplementary planning document 'Uttlesford Interim Climate Change Policy (2021)' requires new development proposals to demonstrate the optimum use of energy conservation and incorporate energy conservation and efficiency measure. The applicant has provided a Sustainability Statement which outlines potential technologies and strategies to achieve and met the targets in the SPD.
- 13.8.2** All new development, as part of a future growth agenda for Essex, should provide climate friendly proposals in terms climate change mitigation and adaptation measures.
- 13.8.3** However, given the outline nature of the application under consideration which is seeking consent for access only at this stage; it is not possible to provide a detailed analysis of this aspect of the scheme at this stage.

## **13.9 G) Air Quality and Pollution**

- 13.9.1** Policy ENV13 of the adopted local plan states that new development that would involve users being exposed on an extended long-term basis to poor air quality outdoor near ground level will be refused.



**13.9.2** The application has been submitted with an Acoustic Assessment which seeks to demonstrate that the proposed residential development can be provided in this location without harm to residential amenity.

The site is not within an existing Air Quality Management Area (AQMA).

**13.9.3** The application has been submitted with an Air Quality report which seeks to demonstrate that all aspects of the proposed development can be mitigated so that air quality will not be adversely affected.

**13.9.5** Policy ENV14 requires appropriate investigation and remediation of sites that could be harmful to future users.

**13.9.6** The application is accompanied by a preliminary risk assessment regarding contamination. The previous agricultural use of the site and the previous use of the surrounding site for gravel extraction; together with the proposed residential use of the site could present a risk to human health if appropriate mitigation measures are not undertaken. The assessment indicates a low to moderate risk exists which can be mitigated by planning conditions.

**13.9.7** An assessment of air quality, noise pollution and land contamination cannot be undertaken without considered input from Environmental Health specialists. Any comments from Environmental Health are required to be submitted directly to PINS.

## **13.10 H) Ecology**

**13.10.1** The application has been accompanied by an Ecological Assessment which indicates that the site overall is considered to be of low ecological value; with the hedgerow being the most ecological habitat. The assessment sets out proposed mitigating measures which include a lighting plan, enhancement of retained tree buffers around the site and implementation of planting, sensitive site clearance measures and precautionary constructions measures that together could lead to a net gain of 29% for local biodiversity.

## **13.11 I) Planning Obligations**

**13.11.1** Paragraph 56 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations.

**13.11.2** Relevant statutory and non-statutory consultees will directly provide PIN's their formal consultation response in respect to the proposals which may or may not result in the need for obligations to be secured by a Section 106 Legal Agreement. Such matters that may arise include:

- i. Payment of education financial contributions; Early Years, Primary and Secondary Schools
- ii. Financial contribution for Libraries
- iii. Financial contribution for Health contributions
- iv. Provision and long-term on-going maintenance of public open space and Multi Use Games Area (MUGA)
- v. Highways obligations and associated financial contributions
- vi. Community facilities
- vii. Provision of Community Meeting Room

**13.11.3** It is noted that the Parish Council for Elsenham have requested funding for a community hall. This is acknowledged and can be highlighted to PINS on their behalf. However, they should also ensure that PINS are formally advised of this need too.

**13.12 J) Other matters**

**13.12.1** From 1 October 2013 the Growth and Infrastructure Act inserted two new provisions into the Town and Country Planning Act (1990) ('the Act'). Section 62A allows major applications for planning permission, consents and orders to be made directly to the Planning Inspectorate (acting on behalf of the Secretary of State) where a local planning authority has been designated for this purpose.

**13.12.2** The Planning Inspectorate will appoint an Inspector to determine the application. The Inspector will be provided with the application documents, representations and any other relevant documents including the development plan policies. Consultation with statutory consultees and the designated LPA will be carried out by the Planning Inspectorate.

**13.12.3** The LPA also must carry out its normal notification duties, which may include erecting a site notice and/or writing to the owners/occupiers of adjoining land.

**13.12.4** The LPA is also a statutory consultee and must provide a substantive response to the consultation within 21 days, in this case by 25th November 2022. This should ideally include a recommendation, with reasons, for whether planning permission should be granted or refused, and a list of conditions if planning permission is granted. However, as indicated above, the Local Planning Authority are not in possession of all the required information that would be available to it to make an informed assessment of this development proposal.

**13.12.5** The Planning Inspectorate will issue a formal decision notice incorporating a statement setting out the reasons for the decision. If the application is approved the decision will also list any conditions which are considered necessary. There is no right to appeal.

**13.13 K) Planning Balance and Conclusion**

**13.13.1** The Local Planning Authority is currently unable to demonstrate a 5-year housing land supply (although the position is improving). Additionally, the Uttlesford Local Plan significantly predates National Planning Policy Framework 2021; meaning that some (not all) policies do not fully comply with it.

**13.13.2** As a result of both of these factors paragraph 11d of the NPPF therefore applies which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.

**13.13.3** In respect to highlighting the benefits, adverse impacts and the neutral impacts of the proposed development, the following has been concluded:

**13.13.4** **Benefits:**

- Sustainable location of the site with direct links to London, Bishops Stortford, Cambridge, Harlow and Broxbourne by public transport within 60 minutes travel time.
- Provision of up to 200 dwellings would represent a boost to the district's housing supply. The provision would also provide economic gains in the form of additional local use of services and infrastructure including the primary school which forms part of the development to the south of the subject site.
- Proposed development will integrate with the consented development to the south for 350 dwellings which was allowed on appeal in 22.12.2020.
- The proposal would provide additional housing to the locality including much needed affordable housing at 40%. This would equate to 80 affordable homes.
- Proposed indicative/illustrative layout indicates an intention to make efficient use of the land available with proposed development that is commensurate with the surrounding locality. 33 (DPH) dwellings per hectare.

**13.13.5** **Adverse impacts:**

- In environmental terms the proposal will result in the loss of agricultural land.
- Potential to affect the setting of the Grade II listed building at Elsenham Station 'The Waiting Room'.
- Potential cumulative impact arising from other developments in the Henham Road area – traffic movements.
- Potential decline in air quality and increase in noise pollution arising from additional traffic.
- Lack of pedestrian connectivity to PROW (public right of way) to the north of the site.

**13.13.6 Neutral:**

- Cumulative impact of the development proposals on local infrastructure can be mitigated by planning obligations and planning conditions.
- Proposed indicative residential travel plan to promote sustainable travel options including car sharing initiatives improved local pedestrian infrastructure (in conjunction with improvements already secured for the southern site)
- Indicative plans indicate an intention to provide blue and green landscape features at the site to compensate for the loss of green space.
- Proposed SuDs features on site
- Proposed 10% biodiversity net gain

**13.13.7** Due to the nature of this application process, it is not possible to provide a detailed assessment of any traffic and transportation, ecology, design, heritage considerations relating to this proposal. Neither have any neighbour considerations been factored into this assessment.

**13.13.8** All other factors relating to the proposed development will need to be carefully considered by relevant statutory and non-statutory consultees in respect to the acceptance of the scheme and whether the scheme is capable of being satisfactorily mitigated, such that they weigh neutrally within the planning balance. These factors include biodiversity, highways, drainage and flooding, local infrastructure provisions and ground conditions.

**13.13.9** The unique application process that is presented by this submission, requires the Local Planning Authority to advise the Planning Inspectorate whether or not it objects to this proposal. Having regard to the limited opportunity to consider the proposals the Planning Committee is invited to provide its comments on this proposal.