

Land West of Robin Hood Road,
Elsenham, Essex
Heritage Statement

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Heritage Statement

LANDGAGE HERITAGE LIMITED

Company registration Number: 12993775

Project Details

Landgag Heritage Project Reference	PR0179
Commissioning Client	Rosconn Strategic Land Limited
Local Planning Authority	Uttlesford District Council
Site grid reference	TL 53382 25934

Version History

Issue version	Date of issue	Author	Reviewed by	Comments
1 st issue	14 SEP 2023	William Bedford	William Bedford	1 st external issue

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Land West of Robin Hood Road, Elsenham, Essex – Heritage Statement

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Non-technical summary

This heritage statement considers the Land West of Robin Hood Road, Elsenham, Essex, which is proposed for residential development. The proposed development comprises a residential scheme, consisting of 40 new dwellings, 16 of which are affordable, together with associated access and infrastructure. The proposed development is largely the same as has been previously approved, with the exception of the access, which is now from Robin Hood Road, in the south-eastern part of the study site. This statement has been produced to inform a planning application for the proposed development of the study site.

This report has been produced in accordance with the Chartered Institute for Archaeologists (CIfA) standard and guidance for historic environment desk-based assessments (CIfA 2014), as well as Historic England (HE) guidance on the assessment of the significance and setting of heritage assets (HE 2015 and 2017, respectively). This statement has been informed by a historic environment desk-based assessment undertaken in 2019 of the same area (Bedford, 2019), as well as the results of a geophysical survey of the study site undertaken in 2023 (Sumo Services Limited, 2023).

This statement has considered the impacts of the updated development proposals and has found that the proposed development would have the same impacts and effects as those which had been previously identified in the historic environment desk-based assessment from 2019, as the distribution of housing and other elements within the study site is largely the same as was previously proposed. The change of the entrance from Rush Lane to Robin Hood Road was also considered, and it was concluded that this did not materially affect the setting or significance of the built heritage assets in the surrounding area. It was therefore concluded that the proposed development would not harm the significance of any built heritage assets in the surrounding area.

This statement also considered the potential for the study site to contain buried archaeological remains, and was able to consider both lidar data and the results of the geophysical survey, in addition to the information provided in the historic environment desk-based assessment provided in Appendix 1. The geophysical survey and lidar data did not detect any buried remains of archaeological interest, however it was acknowledged that these investigations cannot completely confirm the absence of remains from the prehistoric period, particularly where these may consist of smaller discrete features. The surveys have, however, confirmed that the study site is unlikely to contain buried remains from the Roman or later periods, which are more likely to be detected by geophysical survey.

On this basis, it was concluded that the study site has a general potential for the presence of prehistoric remains, as defined in section 3.2.4 of this statement. It was also found that any remains which may be present are likely to be of no more than local significance, as defined in section 3.3.8 of this statement.

The potential archaeological remains within the study site would be lost as a result of the proposed development, which would entail the excavation of foundations for buildings and access roads, as well as excavations for other elements such as drainage. However, it was found that the loss of any archaeological remains within the study site could be adequately mitigated by a programme of archaeological works, secured via planning condition.

It is therefore clear that the proposed development accords with the requirements in Section 16 of the NPPF, and with policies ENV2 and ENV4 of the Uttlesford District Council Local Plan 2005.

1.0 Introduction

1.1 The Study Site

1.1.1 This heritage constraints appraisal considers Land West of Robin Hood Road, Elsenham, Essex (Fig. 1). It has been prepared by Landgage Heritage Ltd on behalf of Rosconn Strategic Land Limited. It has been prepared to inform a planning application for the residential development of the site.

1.1.2 The site (hereafter referred to as the study site) is located at grid reference TL 53382 25934.

Site Conditions

1.1.3 The study site comprises a single pasture fields, which is located immediately to the south of Elsenham (see Plate 1 below).



Plate 1 Current aerial image of study site

Location, Geology and Topography

1.1.4 The study site is located to the south of Rush Lane and north of the rail line on the southern end of Elsenham (Fig. 1). The study site occupies a south facing slope, with a height above Ordnance Datum (aOD) of 88m at the northern boundary, and a height of 78m aOD at the southern boundary.

1.1.5 The solid geology of the study site comprises clay, silt and sand of the Thanet Formation and Lambeth Group, overlain by clay, silt, sand and gravel head deposits (BGS online geology viewer).

1.2 The Proposed Development

1.2.1 The proposed development comprises the residential development of the study site, together with associated access and infrastructure.

1.3 Purpose and Scope of Assessment

- 1.3.1 This report identifies heritage assets both within the study site, and in the surrounding area, which may be affected by the construction of the proposed development. It then assesses how their presence may constrain the implementation of the proposed development and considers options on how these constraints can be overcome, and the proposed development delivered without resulting in unacceptable effects to the historic environment.
- 1.3.2 This assessment is made in the context of the statutory and policy framework set out in section 2. It follows best practice, and the approach to the assessment is set out in section 3. It has also been produced in accordance with the Chartered Institute for Archaeologists (CIfA) standard and guidance for historic environment desk-based assessment (CIfA 2017).
- 1.3.3 Section 4 of the report provides:
- An assessment of which heritage assets have the potential to be affected by the proposed development, both through direct physical impacts and indirect effects through changes to their setting;
 - An assessment of the setting and significance of the heritage assets which could be affected; and
 - An assessment of the relationship of the study site to the heritage assets whose setting could be affected, to determine whether the study site makes a specific contribution to their significance by forming part of their setting.
- 1.3.4 Section 5 provides an assessment of the effect the implementation of the proposed development would have on the significance of the heritage assets, including a consideration of any mitigation measures and residual effects.
- 1.3.5 Finally, section 6 provides a summary of the results of the report.

2.0 Legislative, Planning and Development Plan Framework

2.1 Ancient Monuments & Archaeological Areas Act 1979

2.1.1 The Ancient Monuments & Archaeological Areas Act 1979 (as amended) protects the fabric of Scheduled Monuments, but not their settings.

2.2 Planning (Listed Building and Conservation Areas) Act 1990

2.2.1 The Planning (Listed Building and Conservation Areas) Act 1990 enacts special controls for the protection of Listed Buildings and Conservation Areas and their settings. Of particular relevance to this assessment are the general duties set out in relation to listed buildings and conservation areas in the exercise of planning functions in sections 66(1) and 72(1) of the Act.

2.2.2 Section 66(1) states:

“In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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”.

2.2.3 Section 72(1) states:

In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

2.2.4 The Act does not make specific provisions to protect the setting of conservation areas.

2.3 National Planning Policy Framework & Planning Practice Guidance

Introduction and General Overview

2.3.1 Government policy in relation to the historic environment is set out in section 16 of the National Planning Policy Framework (NPPF), entitled ‘Conserving and Enhancing the Historic Environment’. This provides policy for local planning authorities, property owners, developers and others on how effects to heritage assets which would result from a proposed development should be weighed and considered in plan-making and planning decisions.

2.3.2 The NPPF is supported by guidance provided in the Planning Practice Guidance (PPG), which helps to clarify some terms and requirements within the NPPF. The PPG has a category on the historic environment, which provides specific guidance in relation to heritage policies in section 16 of the NPPF.

2.3.3 In paragraph 189, the NPPF describes heritage assets as an irreplaceable resource, which should be “conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations”.

Key Heritage Policies

2.3.4 Section 16 of the NPPF contains a number of key policies in relation to decision-making and the historic environment. These are briefly described below and are referenced to the NPPF by paragraph number.

- 2.3.5 Paragraph 194 provides policy on the level of information required to inform a planning application which affects the historic environment. It states that developers must describe the significance of any heritage assets which would be affected by a proposed development, and specifies that the level of detail should be proportionate to the assets' importance and no more than is required to understand the impact the development would have on the significance of the asset.
- 2.3.6 Paragraph 199 requires that decision makers give great weight to the conservation of designated heritage assets when considering applications that could affect an assets' significance. It also makes clear that great weight must be given irrespective of the degree of harm which would result.
- 2.3.7 Paragraph 200 states that any harm to the significance of a designated heritage asset must be supported by a clear and convincing justification. It then goes on to differentiate between designated heritage assets, and designated heritage assets of the highest significance while setting policy in relation to substantial harm:

Substantial harm to or loss of:

- (a) *grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- (b) *assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional*
- 2.3.8 The NPPF does not provide a definition of substantial harm, however the Planning Practice Guidance on the historic environment provides guidance on how to identify substantial harm in paragraph 18a-018:

Whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later additions to historic buildings where those additions are inappropriate and harm the buildings' significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm, depending on the nature of their impact on the asset and its setting.

- 2.3.9 Paragraph 201 then states that where a development would result in substantial harm or loss to a designated heritage asset the local planning authority should refuse consent unless it can be demonstrated that the proposed development would provide substantial benefits that clearly outweigh the harm, or specific circumstances apply.

- 2.3.10 Paragraph 202 specifies that where a development would result in less than substantial harm to the significance of a designated heritage asset, then this harm should be weighed against the public benefits of the proposal.
- 2.3.11 Paragraph 203 specifies that effects of a proposed development on the significance of non-designated heritage assets should be taken into account in the determination of the planning application, and requires that a balanced judgement is had having regard to both the scale of any harm or loss, and the significance of the asset.
- 2.3.12 Paragraph 205 requires that developers record and advance understanding of the significance of any heritage assets to be lost, in a manner proportionate to the significance of the asset to be lost, and to make this evidence publicly available.
- 2.3.13 Paragraph 206 requires that local planning authorities treat favourably planning applications that preserve elements of the setting of a heritage asset that contribute positively to its significance, or better reveal or enhance the significance of the heritage asset.

Key Definitions

- 2.3.14 Annex 2 of the NPPF provides a number of key definitions in relation to the historic environment:
- **Heritage Assets:** A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).
 - **Archaeological Interest:** A heritage asset which holds or potentially could hold evidence of past human activity worthy of expert investigation at some point. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them.
 - **Designated Heritage Assets:** World Heritage Sites, Scheduled Monuments, Listed Buildings, Protected Wreck Sites, Registered Park and Gardens, Registered Battlefields and Conservation Areas.
 - **Significance:** The value of a heritage asset to this and future generations because of its heritage interest. This interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.
 - **Setting:** The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
 - **Conservation (for heritage policy):** The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.
- 2.3.15 In addition to the definitions provided in Annex 2 of the NPPF, the PPG also provides important definitions of what is meant by architectural, artistic and historic interest in paragraph 18a-006:

- **Architectural and artistic interest:** These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skill, like sculpture.
- **Historic interest:** An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation’s history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.

2.4 Local Planning Policy

2.4.1 Local planning policy is provided by the adopted Uttlesford District Council Local Plan, which was adopted in 2005. It contains a number of “saved” policies that continue to form part of the development plan until such a time as a new Local Plan is adopted. The 2005 Local Plan has the following saved policies relevant to this assessment:

Policy ENV2- Development affecting Listed Buildings

Development affecting a listed building should be in keeping with its scale, character and surroundings. Demolition of a listed building, or development proposals that adversely affect the setting, and alterations that impair the special characteristics of a listed building will not be permitted. In cases where planning permission might not normally be granted for the conversion of listed buildings to alternative uses, favourable consideration may be accorded to schemes which incorporate works that represent the most practical way of preserving the building and its architectural and historic characteristics and its setting.

Policy ENV4 Ancient Monuments and Sites of Archaeological Importance.

Where nationally important archaeological remains, whether scheduled or not, and their settings, are affected by proposed development there will be a presumption in favour of their physical preservation in situ. The preservation in situ of locally important archaeological remains will be sought unless the need for the development outweighs the importance of the archaeology. In situations where there are grounds for believing that sites, monuments or their settings would be affected developers will be required to arrange for an archaeological field assessment to be carried out before the planning application can be determined thus enabling an informed and reasonable planning decision to be made. In circumstances where preservation is not possible or feasible, then development will not be permitted until satisfactory provision has been made for a programme of archaeological investigation and recording prior to commencement of the development.

2.4.2 Uttlesford District Council is in the process of developing a new local plan however no draft policies for this plan are available at the time of writing.

3.0 Assessment Methodology

3.1 Scope of Study

For the Assessment of Archaeological Potential

- 3.1.1 The study site was the subject of an earlier historic environment desk-based assessment, which was produced as part of an earlier planning application for the same area as the study site (Bedford, 2019). The study site has also been subject to a geophysical survey undertaken in 2023 (Sumo, 2023).
- 3.1.2 On this occasion it is considered that these two reports provide an adequate baseline for the assessment of the archaeological potential of the study site, for the purposes of this statement.

For the Assessment of Setting Impacts

- 3.1.3 This assessment will also consider the potential effects of development within the study site on the significance of heritage assets, through effects to their settings. This will include any heritage assets within the study site, and those in the surrounding area, whose setting may be affected. The heritage assets which require assessment have been selected with reference to the National Heritage List for England (NHLE) database held by Historic England, as well as information held by the LPA on conservation areas and heritage assets.
- 3.1.4 A basic search radius of 1km from the study site boundary was used to establish which heritage assets required assessment for impacts. This is normally sufficient to ensure all assets which require consideration are properly assessed, as beyond this distance the residential development is rarely discernible to the degree that it would affect the heritage value of a view.
- 3.1.5 Finally, not all designated heritage assets within this radius will require full assessment for impacts; as set out in paragraph 194 of the NPPF, the level of detail will be sufficient to inform the nature and degree of effect of development within the study area on the significance of the heritage asset in question. When a heritage asset has been excluded, a clear justification will be provided, for example if the asset is sufficiently far, and well screened from the study site.

3.2 Methodology for assessment of archaeological potential

- 3.2.1 The available evidence will be reviewed and used to determine what potential the study site has to contain buried archaeological remains. Regard must be had to the reliability of the evidence reviewed, any limitations inherent in the methods used to generate that evidence, and to the relevance of the evidence in informing the assessment of archaeological potential of the study site. The assessment will consider the available archaeological evidence by historical period.
- 3.2.2 It is not necessary to describe all available evidence for each period exhaustively; the assessment of potential should focus on the evidence which helps to clarify the archaeological potential of the study site.
- 3.2.3 The historical periods referred to in this assessment are set out below:

Prehistoric period

Palaeolithic	900,000 BC to 12,000 BC
Mesolithic	12,000 BC to 4,000 BC
Neolithic	4,000 BC to 2,300 BC

Bronze Age	2,300 BC to 800 BC
Iron Age	800 BC to AD 43

Historic period

Roman	AD 43 to AD 410
Early medieval/Saxon	AD 410 to AD 1066
Medieval	AD 1066 to AD 1485
Post-Medieval	AD 1485 to AD 1901
Modern	AD 1901 to present

3.2.4 The potential for the study site to contain buried remains will be categorised as either known, moderate, general, low, limited, no potential or unknown potential, based on the criteria set out below.

- **Known potential:** where a site is known to have archaeological remains, for example from evidence provided by archaeological investigations.
- **Moderate potential:** where the available evidence suggests there is a strong possibility for a site to contain archaeological remains, but it is not conclusive or certain. For example, an adjacent field to that being assessed has been subject to archaeological field investigations and is known to have evidence of occupation remains. But there is no clear evidence in the results of the investigations that these remains continue into the site being assessed.
- **General potential:** where the available evidence suggests that archaeological remains may be present in the study site, but the evidence is not clear enough to determine whether the study site is likely or unlikely to contain associated buried remains. For example there may be a general potential for archaeology, evidenced by residual finds in nearby investigations and other evidence in the wider area, but no clear evidence close to the study site, which would help to determine whether their presence within the study site is likely or unlikely.
- **Low potential:** where the available evidence suggests that the presence of archaeological remains within a site is unlikely, but this is not certain or conclusive.
- **No potential:** where a site is known to have no archaeological remains, for example due to past mineral extraction, or when previous archaeological works demonstrate that no remains are present.
- **Unknown potential:** where there is insufficient information to provide any assessment of the archaeological potential of a site.

3.2.5 The assessments of potential set out above can refer to the potential across the whole of the study site, or to only part of it. For example, potential for evidence from a particular period may be focussed in a specific part of the study site, or there may be evidence of localised mineral extraction.

3.3 Methodology for Assessment of the Significance and Setting of Heritage Assets

3.3.1 The significance and setting of the heritage assets considered within this report will be assessed using the methodology set out below. The methodology has been informed by Historic England's Good Practice Advice in Planning notes 2 and 3, which provide guidance on the assessment of the significance and the setting of heritage assets.

3.3.2 This section will therefore firstly summarise the methods set out in the Historic England guidance notes. This will be followed by a description of how the Historic England methods will be applied within this report.

Methodology for Assessment of Significance of Heritage Assets

3.3.3 Ultimately the assessment of the significance of archaeological remains and other heritage assets is a matter of professional judgement, having regard to the available evidence, including research priorities, guidance, as well as any designation the asset may have. However, assessments of significance should follow Historic England's Historic Environment Good Practice Advice in Planning: 2, Managing Significance in Decision-Taking in the Historic Environment (GPA 2). This sets out that, when assessing the significance of a heritage asset, the nature, extent and level of the significance should be considered.

3.3.4 The **nature** of the significance refers to a heritage asset's archaeological, architectural, historic or artistic interest (NPPF annex 2), and to what extent its significance is derived from one or more of these. For example, a buried archaeological site may have high archaeological interest, but limited artistic interest.

3.3.5 The **extent** of the significance refers to the area in which the significance resides, which includes the setting of a heritage asset.

3.3.6 The **level** of significance refers to the heritage asset's importance; for example scheduled archaeological remains are considered to be of the national significance. For the purposes of this assessment, the significance of the heritage assets will be assessed to determine whether they are of the highest national, national, regional, local or limited significance. The distinction between heritage assets of national, as opposed to those of the highest national significance has been made to reflect the distinction made in paragraph 200 of the NPPF.

3.3.7 The assessment will be made with reference to the Principles of Selection for Scheduled Monuments provided in Annex 1 of the DCMS policy statement on Scheduled Monuments, Historic England designation guidance and research priorities set out in the relevant regional and local archaeological research frameworks, as appropriate.

3.3.8 The levels of significance used in this assessment are briefly defined below.

- **National (highest significance)** - Scheduled monuments (and archaeological remains of demonstrably equivalent significance), protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites.
- **National** - Grade II listed buildings, grade II registered parks or gardens and conservation areas.
- **Regional** - Archaeological remains which have considerable archaeological interest, but which do not meet the criteria for designation. Remains which contain evidence that would make a substantive contribution to regional research objectives. A historic building with considerable architectural and historic special interest, but which does not meet the criteria for listing.
- **Local** - Archaeological remains which have clear archaeological interest, and which preserve evidence that would contribute to local research priorities. Such remains would make a limited contribution to regional research objectives. Locally listed historic buildings identified by the LPA, for example in a conservation area appraisal.

- **Limited** - Archaeological remains which have limited evidence that would not meaningfully contribute to local or regional research objectives. A historic building which retains limited original fabric, and/or whose historic interest has been largely compromised.

Methodology for Assessment of Setting of Heritage Assets

3.3.9 The setting of heritage assets will be assessed in line with Historic England's Historic Environment Good Practice Advice in Planning 3: The Setting of Heritage Assets (GPA 3). This sets out a five-step process for the assessment of the setting of a heritage asset (Historic England, 2017, p 8):

- Step 1. Identify which heritage assets and their settings are affected.
- Step 2. Assess the degree to which these settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated.
- Step 3. Assess the effects of the proposed development, whether beneficial or harmful, on that significance or on the ability to appreciate it.
- Step 4. Explore ways to maximise enhancement and avoid or minimise harm.
- Step 5. Make and document the decision and monitor outcomes.

3.3.10 This assessment will consider Steps 1 through 3 for all heritage assets which require assessment. Step 4 may be considered on a case by case basis as required. Step 5 is beyond the remit of the assessment.

3.3.11 The guidance also sets out the “twin roles” of setting in relation to the significance of heritage assets. It states that the setting can either contribute to the significance of a heritage asset, or provide an ability to appreciate that significance (Historic England, 2017, p 1 and 4).

Application of methods within this report

3.3.12 A full assessment of the potential impacts and effects of a proposed development on the significance of a heritage asset must incorporate the approaches in both GPA 2 and GPA 3, as it is necessary to understand both the setting and the significance of a heritage asset in order to understand what effect a development proposal would have on the significance of the heritage asset in question.

3.3.13 This report has therefore been structured to ensure that each step within both guidance notes is undertaken consistently for each heritage asset assessed. Table 1, below, sets out where each step of GPA 2 and 3 are found within this report. The table is organised around the first four steps in GPA 3, as the assessment of significance outlined in GPA 2 forms part of step 2 of the approach set out in GPA 3.

Table 1: Summary of application of Historic England guidance within report	
GPA 3 Steps	Location within report and descriptions
Step 1	<ul style="list-style-type: none"> - Section 3.1: Sets out the search areas used to determine which heritage assets may require further assessment. - Section 4: Describes any refinements to the scope of the assessment, and confirms which heritage assets require assessment.
Step 2	<ul style="list-style-type: none"> - Section 4: Contains descriptions of all the heritage assets which have been confirmed as requiring further assessment, consisting of: <ul style="list-style-type: none"> o An assessment of the significance of the heritage asset, in accordance with the approach set out in Historic England’s Good Practice Advice in Planning note 2, and summarised above; and

Table 1: Summary of application of Historic England guidance within report	
GPA 3 Steps	Location within report and descriptions
	<ul style="list-style-type: none"> ○ A description of the setting of the heritage asset, and of the role the asset's setting plays in its significance. - Section 4: For archaeological remains, this process will be undertaken following the period-based evidence review and assessment of archaeological potential.
Step 3	<ul style="list-style-type: none"> - Section 4.2: For each heritage asset assessed, there will also be an assessment of the role the study site plays within its setting and significance, confirming whether the study site forms part of or is within the setting of the heritage asset, and whether it is a positive, negative or neutral aspect of its setting and / or significance. This helps to inform the impact assessment. - Section 4: For archaeological remains, this process will be undertaken following the period-based evidence review and assessment of archaeological potential. - Section 5.2: Provides an assessment of the impacts and effects of the proposed development on the significance of the heritage asset. This is undertaken in accordance with the approach set out in sections 3.4 and 3.5, below.
Step 4	<ul style="list-style-type: none"> - If appropriate, additional mitigation measures may be suggested to further reduce any harm identified in section 5.3.

3.4 Assessment of Impacts

3.4.1 As is confirmed by the PPG: “What matters in assessing whether a proposal might cause harm is the impact on the significance of the heritage asset” (PPG 18a-018). The NPPF uses the term “harm”, when discussing the impacts of a development on the significance of a heritage asset. The assessment of the overall impacts of the proposed development on the significance of heritage assets is evaluated by taking into account both the significance of the heritage asset, and the nature and extent of the predicted impact on that significance. If a proposal would change the setting of a heritage asset in a way which is considered harmful, it is essential that clear reasoning is provided on why the change would lead to harm. That reasoning must explain how the change to the setting of the heritage asset would either affect some element of its setting which contributes to its significance or hinder the appreciation of the asset’s significance.

3.4.2 The NPPF identifies only three levels of harm, substantial harm, less than substantial harm and no harm in the wording of the policies set out in paragraphs 200-202. However, as is noted above, the PPG states that substantial harm is a “high test” (PPG Paragraph 18a-018). This means that less than substantial harm can encompass impacts that range from just below substantial harm, down to just above negligible, which is a considerable range of impacts. Furthermore, in paragraph 18a-018 the PPG also clarifies that:

Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.

3.4.3 Therefore, to ensure the impacts are clearly articulated, where a finding of less than substantial harm is identified it will be categorised as either medium or low depending on the degree of harm. This results in a spectrum of potential impacts on the significance of heritage assets which ranges from no impact up to substantial harm. This spectrum of impacts is summarised in Table 1, below, along with brief descriptions of the terms used.

Table 2: Criteria for determining the degree of harm on the significance of heritage assets

Level of impact	Description
Substantial harm	<ul style="list-style-type: none"> - Total or substantial loss of the significance of a heritage asset. - Harm to a heritage asset through effects to its setting, such that the significance of the asset would be totally lost or substantially reduced (e.g. the significance of a designated heritage asset would be reduced to such a degree that its designation would be questionable; the significance of an undesignated heritage asset would be reduced to such a degree that its categorisation as a heritage asset would be questionable).
Less than substantial harm - medium	<ul style="list-style-type: none"> - Moderate harm to a heritage asset, such that the asset's significance would be materially affected/considerably devalued, but not totally or substantially lost.
Less than substantial harm - low	<ul style="list-style-type: none"> - Low level of harm to the significance of a heritage asset. - This could include the removal of fabric that forms part of the heritage asset, but that is not integral to its significance (e.g. the demolition of later extensions/additions of little intrinsic value). - Low level of harm to the heritage asset's significance through effects to its setting.
Negligible	<ul style="list-style-type: none"> - A change to a heritage asset or its setting that involves no loss of significance or harm.
No Impact	<ul style="list-style-type: none"> - No change to a heritage asset or its setting.

3.4.4 Assessments of the degree of harm on the significance of heritage assets are based on the extent to which the proposed development would affect the nature, extent and level of significance of the asset. By nature this process is not quantitative but relies on professional judgement. However, this judgment is informed by accepted, observable facts, such as spatial relationships and designations.

3.5 Assessment of Heritage Benefits

3.5.1 There are no criteria within the NPPF or in the PPG for the assessment of beneficial effects to the significance of heritage assets. However the NPPF does make it clear that enhancements to the significance of heritage assets are desirable (paragraph 197) and that developments that enhance the significance of heritage assets should be treated favourably (paragraph 206).

3.5.2 The National Planning Policy Guidance defines public benefits, and also provides examples of heritage benefits in Paragraph 18a-020:

The National Planning Policy Framework requires any harm to designated heritage assets to be weighed against the public benefits of the proposal.

Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

Examples of heritage benefits may include:

- *sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
- *reducing or removing risks to a heritage asset*
- *securing the optimum viable use of a heritage asset in support of its long term conservation*

3.5.3 Furthermore, there are often instances where the effects of a development on the significance of a heritage asset are multifaceted, with both harmful and beneficial effects. In these instances it is necessary to come to an overall understanding of the impact of a proposed development, which considers both positive and negative effects. To inform such a judgment, it is not sufficient to understand that an effect is beneficial, it is also necessary to understand the scale of the benefit in order to understand how a harmful effect compares to a beneficial one.

3.5.4 Therefore, where a beneficial effect to a heritage asset is identified it will be categorised as either substantial, moderate or low, mirroring the degrees of harm set out in table 1. Where a benefit is categorised, this will be justified within the assessment. The categorisation of a benefit will follow the broad criteria set out below in table 2.

Table 3: Scale of heritage benefits	
Level of effect	Description
Substantial benefit	- Benefits that enhance key elements of a heritage asset's significance to a substantive degree. This would include effects such as substantial repairs or restoration of original fabric of a listed building which is at risk, or works that allow a central part of an asset's special interest to be appreciated or understood where this was not previously possible.
Moderate benefit	- Benefits that provide a moderate enhancement to important elements of a heritage asset's significance. Examples would be realising the research value of remains of archaeological interest through archaeological investigation, modest repairs and restoration of key parts of the fabric of a heritage asset, and works that better reveal key elements of the significance of a listed building, either by removing unsympathetic extensions or by sympathetically modifying the building's setting.
Low benefit	- Benefits that either provide minor enhancements to important elements of a heritage asset's significance, or which benefit more peripheral elements of the asset's significance. Examples would include removing unsympathetic elements from the setting of a heritage asset which allow for generally enhanced appreciation of the asset's significance, or minor repairs and restoration of a historic building's fabric.

3.5.5 It is important to note that the descriptions and categories above are for guidance, and that assessments of benefits must ultimately be based on professional judgment which is informed by a thorough understanding of the heritage asset's significance, and of the effects of the proposed development.

3.6 Methodology for Assessment of Lidar Data

3.6.1 Lidar (light detection and ranging) uses airborne laser scanning to scan the ground to provide a highly accurate set of topographic data at a high level of resolution. This data can be used to detect slight earthwork remains and other archaeological features to a degree

of accuracy previously only possible through detailed field survey or photogrammetry (HE 2018).

- 3.6.2 The Environment Agency (EA) regularly collects Lidar data for England to help model flood risk, and has made this data publicly available. The EA has also completed a programme to map the whole of England using lidar to a resolution of 1m to help them better plan for the future and also so that this data can assist in other environmental studies. As such it should be possible to use lidar to help understand the archaeological potential of most rural sites across England.
- 3.6.3 Digital Terrain Models (DTM) are a surface model generated from lidar data, which shows the ground surface with buildings and trees filtered out to create a 'bare earth' effect. DTM data is regularly used to detect archaeological features, as the 'bare earth' model can assist in the detection of archaeological earthworks remains and even subtle depressions associated with ancient ditches. DTM models can also sometimes detect archaeological features which would be obscured by tree cover in aerial photographs. Therefore lidar assessments will make use of DTM data unless otherwise stated.
- 3.6.4 Generally the assessment will make use of the highest resolution data available from the EA for the study site and surrounding area, although regard will also be had to the date of the available data; some data is up to 10 years old and may not reflect the current condition of the site under assessment. The date and resolution of the data used will be noted in the assessment. Where two different datasets have been used, for instance where coverage for higher 0.5m resolution data does not cover the whole of the assessment site and 1m data is also used, the different datasets will be analysed separately and this will be clearly stated and referenced in the assessment.
- 3.6.5 EA lidar data is processed using standard settings in the Relief Visualisation Toolkit (RVT) version 2.4 and reviewed using QGIS. The results of the analysis are then reviewed for evidence of remains, in conjunction with other available evidence. The lidar data will only be illustrated where clear evidence of archaeological features is detected.

4.0 Archaeological and Heritage Baseline

4.1 Built Heritage Baseline

- 4.1.1 The built heritage baseline conditions for the study site and the surrounding area have been considered in detail in the historic environment desk-based assessment (HEDBA) provided in Appendix 1. This report found that the key built heritage assets that required consideration were the listed buildings to the immediate east of the study site on Robin Hood Road, the listed buildings to the south of the railway along Tye Green Road, and the non-designated Mill House and Railway Bridge located to the south of the study site.
- 4.1.2 The listed buildings on Robin Hood Road are listed below for ease of reference:
- NHLE 1171219 – Robin Hood Public House (grade II)
 - NHLE 1112342 – Wells Cottages (grade II)
 - NHLE 1322497 – Wells Cottages (grade II)
 - NHLE 1171224 – Wells Cottages (grade II)
- 4.1.3 The listed buildings on Tye Green Road are listed below for ease of reference:
- NHLE 1322534 – White Cottage (grade II)
 - NHLE 1112329 – Broomfield Cottage (grade II)
 - NHLE 1171144 – Spring Cottage (grade II)
- 4.1.4 The location of these listed buildings, and others in the wider area can be found in Figure 2 at the back of this report.
- 4.1.5 Section 3 of the HEDBA describes the significance and setting of these historic buildings, and section 5 provides a summary of the effects of the development proposed at that time, which was the same as is currently proposed, save for minor amendments. This summary is reproduced below for ease of reference (see page 25 of Appendix 1).

5.2 *The proposed development would protect the setting of the listed buildings on Robin Hood Road by retaining and reinforcing the existing hedge, nearest to the historic buildings and by setting the properties closest to the buildings back from the boundary, so that only the tops of the roofs of a few new homes would be visible, when looking across towards the study site from the southernmost property of the group of buildings. The introduction of the proposed development would not change the sub-urban setting of the buildings, nor would it affect any of the key elements of their significance. It would result in a change to an incidental part of the setting of the buildings, but this change would not materially affect the experience of the buildings, nor the character of their setting. Therefore, once operational it is considered that the proposed development would result in no material loss to their significance, and therefore no harm.*

5.3 *The proposed development includes an area of green space in the southern part of the study site, as well as planting along the southern boundary and within the proposed development. Given the dense screening provided by the intervening landscape, even in winter views, it is considered that the proposed development would not be readily discernible from the setting of the cottages on Tye Green Road. Even if glimpsed in the distance, the*

proposed development would be read as part of existing modern development along the southern part of Robin Hood Road, which would be assisted by the planned planting and open space within the proposed development. As such it is considered that the proposed development would have a negligible effect on the significance of the listed buildings on Tye Green Road.

5.4 *The other listed buildings in the wider area would be unaffected by the proposed development.*

5.5 *The non-designated Mill House and Railway Bridge located to the south of the study site were also considered. These non-designated heritage assets are of local interest. The proposed development would result in a change to the wider setting of these assets. However, this assessment has shown that this change would not result in any harm or loss of their significance.*

4.2 Archaeological Evidence, Potential and Significance

4.2.1 The archaeological potential of the study site was considered in detail by the HEDBA produced in 2019, and presented in Appendix 1. This report considered evidence available at that time, and provided the following summary of the archaeological potential of the study site (see page 21 of Appendix 1):

Summary of Archaeological Potential and Assessment of Significance

3.60 *A review of the available evidence, including the results of previous archaeological investigations in the wider area, suggests that the study site has a moderate potential to contain buried archaeological remains of interest from the prehistoric period, in particular given the proximity of the Bronze Age remains found at excavations 150m to the east of the study site. The available evidence suggests that the study site has a low potential to contain remains of interest from other periods.*

3.61 *If remains of prehistoric field systems are present within the study site, these would contribute to understanding of human interaction with the landscape and environment, which is an over-arching research theme and strategy in the current revisited research framework for the East of England (Medlycott et al 2011, pp. 84-85). However, given the modest size of the study site, and the absence of any evidence of substantive settlement remains from the prehistoric period, the contribution the likely remains would make to this objective would be limited. As such it is considered that, should buried remains from this period be present, they would likely be of local interest. Given the evidence available, there is a low risk of any remains of high significance, such that would prejudice a planning application, being present within the study site.*

Previous archaeological investigations

4.2.2 A geophysical survey of the study site was undertaken in 2023, and the results are provided under a separate cover (Sumo 2023). The survey detected a modern utility trench, and other evidence of modern disturbance, but found no evidence of remains of archaeological interest.

Lidar data

- 4.2.3 Lidar data from the Environment Agency was also reviewed as part of this statement, and this found evidence suggesting that the remains of a former field boundary running north to south in the eastern part of the study site. The lidar data did not detect any other evidence of archaeological remains. The lidar data was visualised using both multi-directional hillshade and a simple local relief model. The simple local relief model is provided in Figure 3 at the back of this report.

Updated summary of archaeological potential and significance

- 4.2.4 While the geophysical survey and lidar data did not detect any buried remains of archaeological interest, these investigation cannot completely confirm the absence of remains from the prehistoric period, particularly where these may consist of smaller discrete features. The surveys have, however, confirmed that the study site is unlikely to contain buried remains from the Roman or later periods, which are more likely to be detected by geophysical survey.
- 4.2.5 On this basis, it is considered that the study site has a general potential for the presence of prehistoric remains, as defined in section 3.2.4 of this statement. Any remains which may be present are likely to be of no more than local significance, as defined in section 3.3.8 of this statement.

5.0 Proposed Development and Predicted Effects

5.1 The Proposed Development

- 5.1.1 The proposed development comprises a residential scheme, consisting of 40 new dwellings, 16 of which are affordable, together with associated access and infrastructure. The proposed development is largely the same as has been previously approved, with the exception of the access, which is now from Robin Hood Road, in the south-eastern part of the study site.

5.2 Potential Impacts

Indirect impacts through effects to the setting of heritage assets

- 5.2.1 The impacts and effects of the previously proposed development were considered in detail in section 4 of the HEDBA provided in Appendix 1 of this statement. The proposed development would comprise largely the same development, with the exception of the change of the access into the study site, which will now be from Robin Hood Road, in the south-eastern part of the study site.

Listed buildings on Robin Hood Road

- 5.2.2 The proposed development would retain existing screening along the northern and north-eastern boundaries of the study site, which would preserve the existing character of the setting of the grade II listed Robin Hood Public House and the Wells Cottages on Robin Hood Road (also grade II listed). While the tops of some of the houses would be visible from the setting of the listed buildings, the buildings are already located in a sub-urban setting. Therefore the proposed development would not affect appreciation of the significance of the buildings. The listed buildings are also historically associated with the roadside, forming part of the initial development of settlement at Elsenham. As such, the study site is not considered to contribute to their significance in any other, contextual way. The entrance to the proposed development would be screened by the existing hedgerow, and would affect the character of the roadside setting of the buildings. It is therefore considered that the proposed development would result in a small change to an incidental part of the setting of the buildings, but this would not result in any harm or loss. The proposed development would therefore result in a negligible effect, as defined in Table 2 of this statement.

Listed buildings on Tye Green Road

- 5.2.3 The movement of the entrance into the study site would not materially affect the likely effects of the proposed development on White Cottage, Broomfield Cottage, and Spring Cottage on the Tye Green Road, from what was previously assessed in the HEDBA provided in Appendix 1. The southern part of the study site would remain as open space, with new trees planted. This, combined with the presence of the railway and mature vegetation to the south of the study site, would ensure that the proposed development would not be readily discernible from the setting of the listed cottages on Tye Green Road. As such it is considered that the proposed development would preserve the significance of these buildings, and would result in no harm.

Non-designated historic buildings

- 5.2.4 Finally, the change of location of the entrance would not materially change the previously assessed effects on the significance of the non-designated Mill House and Railway Bridge, which were considered in detail in section 4 of the HEDBA provided in Appendix 1 of this

statement, which found that the proposed development would change the setting of these heritage assets, but that this change would not result in any harm or loss. The proposed development would therefore result in a negligible effect, as defined in Table 2 of this statement.

Physical impacts

- 5.2.5 The construction of houses and associated roads, drainage and other utilities within the study site would involve the mechanical excavation of foundations and trenches, which would result in widespread impacts where these are planned. The depth of these impacts are likely be between 500mm and 1m deep, and would be likely to severely truncate or entirely remove any archaeological remains which may be present within areas that are developed.
- 5.2.6 This assessment has shown that there is a general potential for archaeology relating to the Prehistoric period and a low potential for the remaining periods. The potential Post-Medieval archaeological remains which may be present within the study site would be of no more than limited significance. The potential archaeology relating to all other eras would likely be of a local significance.
- 5.2.7 The proposed development would result in the physical loss of any remains within the study site, where new housing and associated infrastructure is proposed.

5.3 Mitigation Measures and Design Responses

For the loss of archaeological remains

- 5.3.1 The loss of the archaeological remains of local interest can be adequately mitigated by a programme of archaeological works. This would comprise an initial phase of archaeological evaluation, to confirm the nature and extent of the remains, followed by archaeological excavation and recording of any remains of interest. This would realise the research potential of the buried remains, and would provide information on the past use of the study site. As such these works would provide a small public benefit.
- 5.3.2 This benefit is considered sufficient to compensate for the loss of archaeological remains of local interest, and would be an appropriate response for the anticipated Prehistoric remains within the study site. Therefore, provided a suitable programme of archaeological works is secured, the loss of the archaeological remains within the study site would be acceptable.

For potential effects due to changes to setting

- 5.3.3 This statement has found that the mitigation measures embedded within the design of the Proposed Development would suffice to ensure that no harm or loss to the significance of built heritage assets in the wider area would result from the Proposed Development. As such no further mitigation measures are required.

6.0 Summary and Conclusions

- 6.1.1 This heritage statement considers the Land West of Robin Hood Road, Elsenham, Essex, which is proposed for residential development. The proposed development comprises a residential scheme, consisting of 40 new dwellings, 16 of which are affordable, together with associated access and infrastructure. The proposed development is largely the same as has been previously approved, with the exception of the access, which is now from Robin Hood Road, in the south-eastern part of the study site.
- 6.1.2 This statement has been informed by a historic environment desk-based assessment undertaken in 2019 of the same area (Bedford, 2019), as well as the results of a geophysical survey of the study site undertaken in 2023 (Sumo Services Limited, 2023).
- 6.1.3 This statement has considered the impacts of the updated development proposals and has found that the proposed development would have the same impacts and effects as those which had been previously identified in the historic environment desk-based assessment from 2019, as the distribution of housing and other elements within the study site is largely the same as was previously proposed. The change of the entrance from Rush Lane to Robin Hood Road was also considered, and it was concluded that this did not materially affect the setting or significance of the built heritage assets in the surrounding area. It was therefore concluded that the proposed development would not harm the significance of any built heritage assets in the surrounding area.
- 6.1.4 This statement also considered the potential for the study site to contain buried archaeological remains, and was able to consider both lidar data and the results of the geophysical survey, in addition to the information provided in the historic environment desk-based assessment provided in Appendix 1. The geophysical survey and lidar data did not detect any buried remains of archaeological interest, however it was acknowledged that these investigations cannot completely confirm the absence of remains from the prehistoric period, particularly where these may consist of smaller discrete features. The surveys have, however, confirmed that the study site is unlikely to contain buried remains from the Roman or later periods, which are more likely to be detected by geophysical survey.
- 6.1.5 On this basis, it was concluded that the study site has a general potential for the presence of prehistoric remains, as defined in section 3.2.4 of this statement. Any remains which may be present are likely to be of no more than local significance, as defined in section 3.3.8 of this statement.
- 6.1.6 The potential archaeological remains within the study site would be lost as a result of the proposed development, which would entail the excavation of foundations for buildings and access roads, as well as excavations for other elements such as drainage. However, it was found that the loss of any archaeological remains within the study site could be adequately mitigated by a programme of archaeological works, secured via planning condition.

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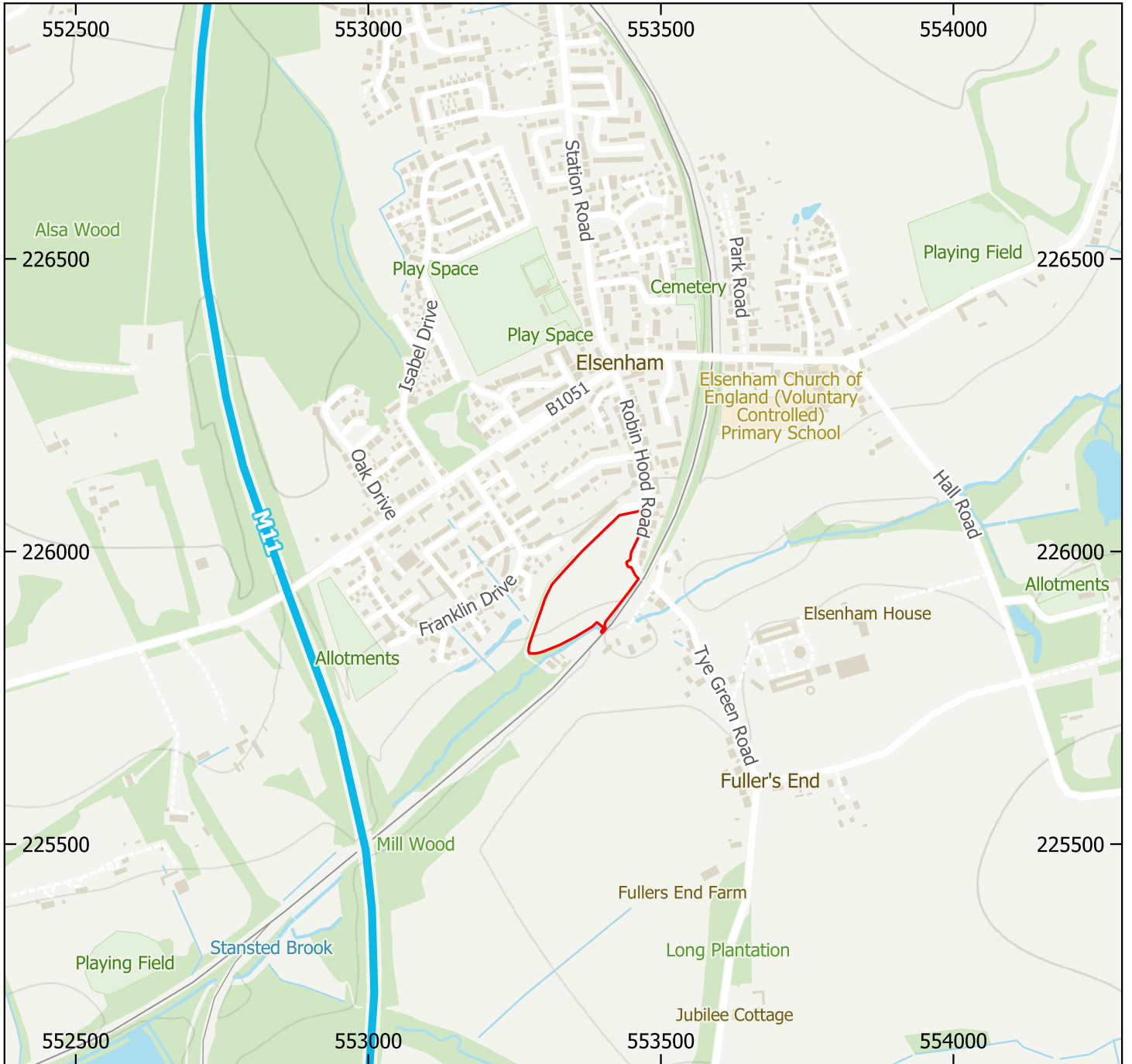
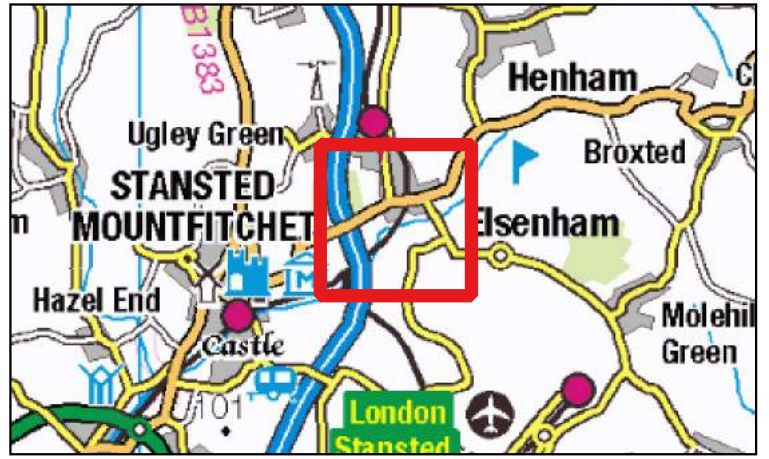
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Figures

Inserted overleaf



Project Number: PR0179 Date: 13 SEP 2023
 Drawing Number: PR0179-01

Legend

 Study Site



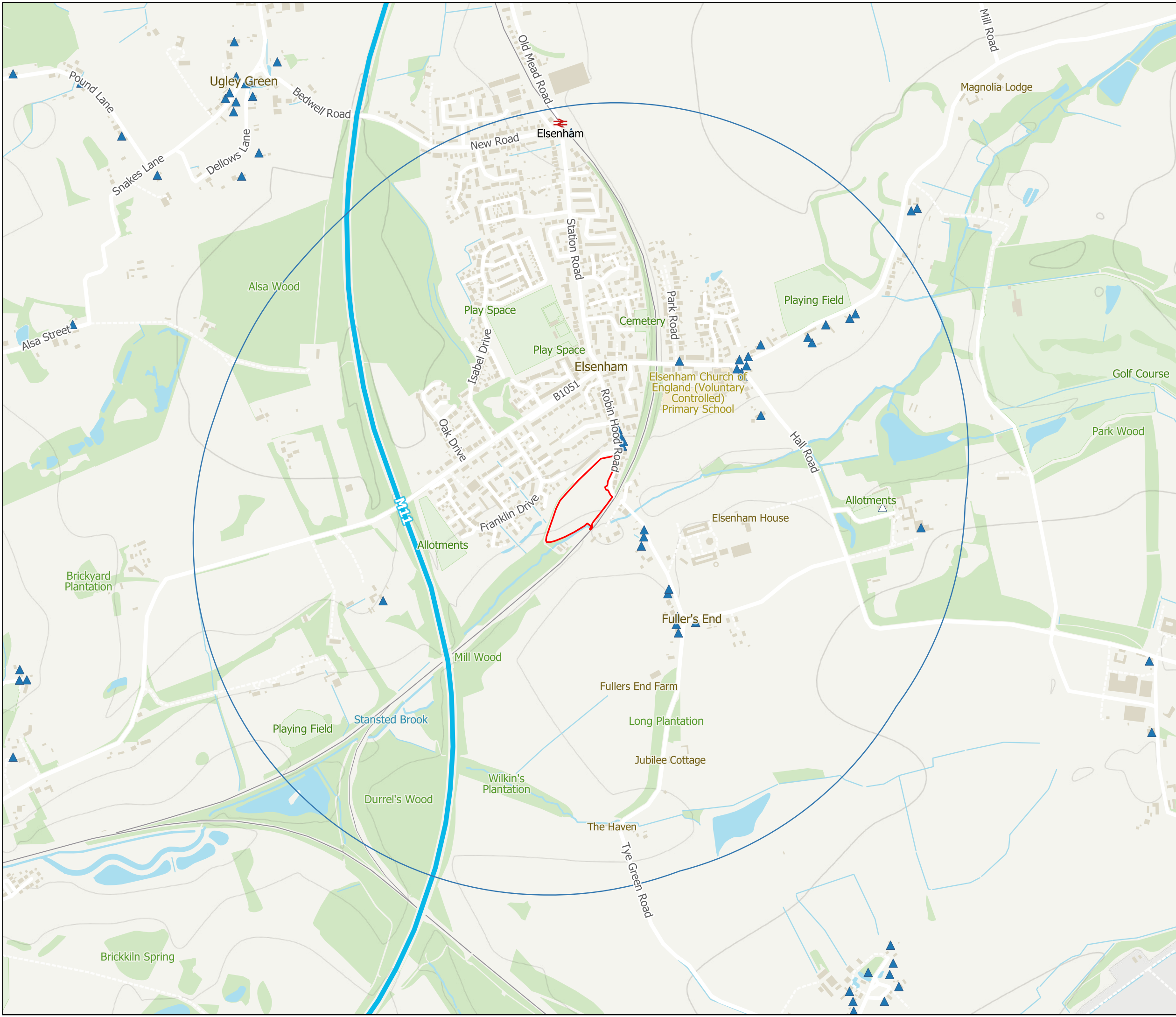
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Land West of Robin Hood Road,
 Elsenham, Essex

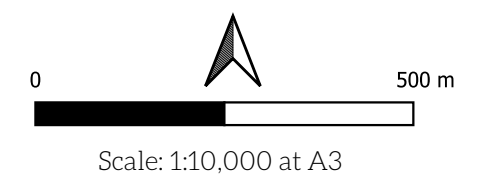
Title:

Figure 1: Site Location Plan



Legend

- Study Site
- 1km search area
- Listed Buildings**
- Grade I
- ▲ Grade II*
- ▲ Grade II



Project Number: PR0179 Date: 13 SEP 2023
 Drawing Number: PR0179-02

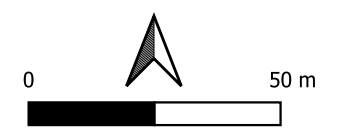
Address:
 Land West of Robin Hood Road, Elsenham,
 Essex

Title:
 Figure 2: Designated heritage assets within
 1km of the study site



Legend

 Study Site



Scale: 1:1,500 at A3



Project Number: PR0179 Date: 13 SEP 2023
Drawing Number: PR0179-03

Address:
Land West of Robin Hood Road,
Elsenham, Essex

Title:
Figure 3: Simple Local Relief Model of
Environment Agency Lidar data

Appendix 1 – Historic Environment Desk-Based Assessment

Inserted overleaf

Land off of Rush Lane, Elsenham, Essex
Historic Environment Desk-Based Assessment
January 2019

Land off of Rush Lane, Elsenham, Essex
Historic Environment Desk-Based Assessment
January 2019

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Report

Historic Environment Desk-Based Assessment

Site

Land off of Rush Lane, Elsenham, Essex

Client

Rosconn Strategic Land Ltd

Date

January 2019

Planning Authority

Uttlesford District Council

Site Centred At

TL 53382 25934

Prepared By

William Bedford BA MCIFA

Reviewd By

Rob Bourn

Report Status

Final

Orion Ref

PN1949

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Timescales Used in This Report

Prehistoric

Palaeolithic	450,000 - 12,000 BC
Mesolithic	12,000 - 4,000 BC
Neolithic	4,000 - 2,200 BC
Bronze Age	2,200 - 700 BC
Iron Age	700 - AD 43

Historic

Roman	43 - 410AD
Saxon/Early Medieval	410 - 1066AD
Medieval	1066 - 1485AD
Post Medieval	1486 - 1901AD
Modern	1901 - Present Day

Executive Summary

This historic environment desk-based assessment considers land off Rush Lane, Elsenham, Essex which is being considered for residential development. In accordance with government policy (National Planning Policy Framework), this assessment draws together the available archaeological, historic, topographic and land-use information in order to clarify the heritage significance and archaeological potential of the study site.

The proposed development would protect the setting of the listed buildings on Robin Hood Road by retaining and reinforcing the existing hedge, nearest to the historic buildings and by setting the properties closest to the buildings back from the boundary, so that only the tops of the roofs of a few new homes would be visible, when looking across towards the study site from the southernmost property of the group of buildings. The introduction of the proposed development would not change the sub-urban setting of the buildings, nor would it affect any of the key elements of their significance. It would result in a change to an incidental part of the setting of the buildings, but this change would not materially affect the experience of the buildings, nor the character of their setting. Therefore, once operational it is considered that the proposed development would result in no material loss to their significance, and therefore no harm.

The proposed development includes an area of green space in the southern part of the study site, as well as planting along the southern boundary and within the proposed development. Given the dense screening provided by the intervening landscape, even in winter views, it is considered that the proposed development would not be readily discernible from the setting of the cottages on Tye Green Road. Even if glimpsed in the distance, the proposed development would be read as part of existing modern development along the southern part of Robin Hood Road, which would be assisted by the planned planting and open space within the proposed development. As such it is considered that the proposed development would have a negligible effect on the significance of the listed buildings on Tye Green Road.

The other listed buildings in the wider area would be unaffected by the proposed development.

The non-designated Mill House and Railway Bridge located to the south of the study site were also considered. These non-designated heritage assets are of local interest. The proposed development would result in a change to the wider setting of these assets. However, this assessment has shown that this change would not result in any harm or loss of their significance.

A review of the available evidence, including the results of previous archaeological investigations in the wider area, suggests that the study site has a moderate potential to contain buried archaeological remains of interest from the prehistoric period, in particular given the proximity of the Bronze Age remains found at excavations 150m to the east of the study site. The available evidence suggests that the study site has a low potential to contain remains of interest from other periods.

The construction of the proposed development would remove any archaeological remains which may be present. However, this assessment has shown that the study site has a low potential for any remains of high archaeological significance. Therefore, the proposed development would not result in the loss of any significant archaeological remains. The only remains which may be lost would be buried remains of Local significance, if present.

Therefore, this assessment has determined the likely significance of any buried remains within the study site, which would be low, and the scale of the effect to their significance, which would be their removal by the construction of the proposed development, as is required by paragraph 189 of the NPPF. On this basis, no further information is considered necessary to inform a planning application for the proposed development with regard to archaeological matters.

The loss of the limited potential archaeological interest of the study site could be fully mitigated by a programme of archaeological investigation, which could be secured as a condition to planning consent.

1.0 Introduction

- 1.1 This heritage desk-based assessment considers land off of Rush Lane, Elsenham, Essex (Figure 1). It has been researched and prepared by Orion Heritage on behalf of the Rosconn Group. The site (hereafter referred to as the 'study site') is located at grid reference TL 53382 25934.
- 1.2 In accordance with the Standard and Guidance for Historic Environment Desk-Based Assessment (Chartered Institute for Archaeologists 2017), the assessment draws together available information on designated and non-designated heritage assets, topographic and land-use information so as to establish the potential for non-designated archaeological assets within the study site. The assessment includes the results of a site survey, an examination of published and unpublished records, and charts historic land-use through a map regression exercise.
- 1.3 The assessment enables relevant parties to assess the significance of heritage/ archaeological assets on and close to the study site and considers the potential for hitherto undiscovered archaeological assets, thus enabling potential impacts on assets to be identified along with the need for design, civil engineering or archaeological solutions.
- 1.4 The study area used in this assessment is a 1km radius from the centre of the study site (Figures 2, 3 and 4).

Location, Topography and Geology

- 1.5 The study site is located to the south of Rush Lane and north of the rail line on the southern end of Elsenham (Fig. 1). The study site occupies a south facing slope, with a height above Ordnance Datum (aOD) of 88m at the northern boundary, and a height of 78m aOD at the southern boundary.
- 1.6 The solid geology of the study site comprises clay, silt and sand of the Thanet Formation and Lambeth Group, overlain by clay, silt, sand and gravel head deposits (BGS online geology viewer).

2.0 Planning Background and Development Plan Framework

Ancient Monuments & Archaeological Areas Act 1979

- 2.1 The Ancient Monuments & Archaeological Areas Act 1979 (as amended) protects the fabric of Scheduled Monuments but does not afford statutory protection to their settings.

Planning (Listed Building and Conservation Areas) Act 1990

- 2.2 The Planning (Listed Building and Conservation Areas) Act 1990 sets out broad policies and obligations relevant to the protection of Listed Buildings and Conservation Areas and their settings.

- 2.3 Section 66(1) states:

“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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”.

- 2.4 Section 69 of the Act requires local authorities to define as conservation areas any ‘areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance’ and Section 72 gives local authorities a general duty to pay special attention ‘to the desirability of preserving or enhancing the character or appearance of that area’ in exercising their planning functions. These duties are taken to apply only within a Conservation Area. The Act does not make specific provision with regard to the setting of a Conservation Area, that is provided by the policy framework outlined below.

National Planning Policy Framework (NPPF) & National Planning Practice Guidance (NPPG)

- 2.5 Government policy in relation to the historic environment is outlined in Section 12 of the National Planning Policy Framework (NPPF), entitled ‘Conserving and Enhancing the Historic Environment’. This provides guidance for planning authorities, property owners, developers and others on the conservation and investigation of heritage assets. Overall, the objectives of Section 16 of the NPPF can be summarised as seeking the:

- Delivery of sustainable development;
- Understanding the wider social, cultural, economic and environmental benefits brought by the conservation of the historic environment;
- Conservation of England's heritage assets in a manner appropriate to their significance; and
- Recognition of the contribution that heritage assets make to our knowledge and understanding of the past.

- 2.6 Section 16 of the NPPF recognises that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term.

- 2.7 Paragraph 189 states that planning decisions should be based on the significance of the heritage asset, and that the level of detail supplied by an applicant should be proportionate to the importance of the asset and should be no more than sufficient to understand the potential impact of the proposal upon the significance of that asset.

- 2.8 *Heritage Assets* are defined in Annex 2 as: a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets include designated heritage assets and assets identified by the local planning authority (including local listing).

- 2.9 *Archaeological Interest* is defined as: a heritage asset which holds or potentially could hold evidence of past human activity worthy of expert investigation at some point. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them.

- 2.10 *Designated Heritage Assets* comprise: World Heritage Sites, Scheduled Monuments, Listed Buildings, Protected Wreck Sites, Registered Parks and Gardens, Registered Battlefields and Conservation Areas.

- 2.11 *Significance* is defined as: the value of a heritage asset to this and future generations because of its heritage interest. This interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.
- 2.12 *Setting* is defined as: the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 2.13 The NPPF is supported by the National Planning Policy Guidance (NPPG). In relation to the historic environment, paragraph 18a-001 states that:
- “Protecting and enhancing the historic environment is an important component of the National Planning Policy Framework’s drive to achieve sustainable development (as defined in Paragraphs 6-10). The appropriate conservation of heritage assets forms one of the ‘Core Planning Principles’.”*
- 2.14 Paragraph 18a-002 makes a clear statement that any decisions relating to Listed Buildings and their settings and Conservation Areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as satisfying the relevant policies within the National Planning Policy Framework and the Local Plan.
- 2.15 Paragraph 18a-013 outlines that the assessment of the impact of a proposed development on the setting of a heritage asset needs to take into account and be proportionate to the significance of the asset being considered, and the degree to which the proposed development enhances or detracts from the significance of the asset and the ability to appreciate the significance.
- 2.16 The NPPG outlines that although the extent and importance of setting is often expressed in visual terms, it can also be influenced by other factors such as noise, dust and vibration. Historic relationships between places can also be an important factor stressing ties between places that may have limited or no intervisibility with each other. This may be historic as well as aesthetic connections that contribute or enhance the significance of one or more of the heritage assets.
- 2.17 Paragraph 18a-013 concludes:
- “The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance. When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset’s significance may also damage its economic viability now, or in the future, thereby threatening its on-going conservation.”*
- 2.18 The key test in NPPF Paragraphs 194-196 is whether a proposed development will result in substantial harm or less than substantial harm. However, substantial harm is not defined in the NPPF. Paragraph 18a-017 of the NPPG provides additional guidance on substantial harm. It states:
- “What matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset. As the National Planning Policy Framework makes clear, significance derives not only from a heritage asset’s physical presence, but also from its setting. Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed.”*
- 2.19 Paragraph 196 of the NPPF outlines that where a proposed development results in less than substantial harm to the significance of a heritage asset, the harm arising should be weighed against the public benefits accruing from the proposed development. Paragraph 18a-020 of the NPPG outlines what is meant by public benefits:
- “Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy*

Framework (Paragraph 7). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.”

- 2.20 In considering any planning application for development, the planning authority will be mindful of the framework set by government policy, in this instance the NPPF, by current Development Plan Policy and by other material considerations.

Local Planning Policy

- 2.21 Planning policy for the study site is provided by the adopted Uttlesford District Council Local Plan, which was adopted in 2005. It contains a number of “saved” policies that continue to form part of the development plan until such a time as a new Local Plan is adopted. The 2005 Local Plan has the following saved policies relevant to this assessment:

Policy ENV2- Development affecting Listed Buildings

Development affecting a listed building should be in keeping with its scale, character and surroundings. Demolition of a listed building, or development proposals that adversely affect the setting, and alterations that impair the special characteristics of a listed building will not be permitted. In cases where planning permission might not normally be granted for the conversion of listed buildings to alternative uses, favourable consideration may be accorded to schemes which incorporate works that represent the most practical way of preserving the building and its architectural and historic characteristics and its setting.

Policy ENV4 Ancient Monuments and Sites of Archaeological Importance.

Where nationally important archaeological remains, whether scheduled or not, and their settings, are affected by proposed development there will be a presumption in favour of their physical preservation in situ. The preservation in situ of locally important archaeological remains will be sought unless the need for the development outweighs the importance of the archaeology. In situations where there are grounds for believing that sites, monuments or their settings would be affected developers will be required to arrange for an archaeological field assessment to be carried out before the planning application can be determined thus enabling an informed and reasonable planning decision to be made. In circumstances where preservation is not possible or feasible, then development will not be permitted until satisfactory provision has been made for a programme of archaeological investigation and recording prior to commencement of the development.

- 2.22 Uttlesford District Council is in the process of developing a new local plan to 2033, which is currently at Regulation 19 Pre-submission stage. The study site is allocated for residential development in the draft plan under policy ELS 1:

Policy ELS 1

Land south of Rush Lane

Quantum of Development: 40 No. dwellings

Site Area: 2.3 hectares

Land south of Rush Lane, Elsenham as shown on the Policies Map, is allocated for the development of approximately 40 dwellings. Detailed proposals that comply with other relevant policies and meet the following site specific development requirement will be permitted:

1. *The development provides 40 residential dwellings and recreational open space;*
2. *The informal recreation open space be located on the southern half of the site and link with the open space being provided with the housing development south of Stansted Road;*
3. *The development is designed to mitigate adverse effects upon existing residential and community interests and may be required, by legal obligation, to provide or contribute towards wider and longer term planning benefits reasonably associated with the alleviation of any such impact;*

4. A Transport Assessment may be required to support a planning application and appropriate access arrangements to be agreed and to the satisfaction of the highway authority;
5. A Landscape and Visual Impact Assessment will be required and should inform the design and layout of the site proposals; and
6. Appropriate ecological survey will be required.

2.23 The emerging plan also has the following heritage policies relevant to this assessment.

Policy EN1: Protecting the Historic Environment

Development will be supported where it preserves or enhances the significance of the historic environment.

Development proposals for the re-use of heritage assets will be favourably considered where the proposals represent the optimum viable re-use and are consistent with their conservation. In determining applications, the council will require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Relevant historic environment records should be consulted, and the heritage assets assessed using appropriate expertise where necessary. Proposals will be considered against the wider social, cultural, economic and environmental benefits that the historic environment can bring.

Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, the council requires developers to submit an appropriate desk-based assessment and a field evaluation.

Proposals to introduce energy efficiency and renewable energy measures affecting heritage assets will be weighed against harm to the significance of the heritage asset and the wider historic environment.

The Council will work proactively to safeguard heritage assets identified on the Local Buildings at Risk Register and the national Heritage at Risk Register by using statutory powers to secure urgent works and repairs as necessary, where there is identified harm, immediate threat or serious risk to its preservation.

The Council will continue to work alongside owners and relevant partners including, Essex County Council, Historic England and other heritage bodies to secure their restoration and optimum viable re-use.

Policy EN4: Development affecting Listed Buildings

Development affecting a Listed Building should be in keeping with its scale, form, character, materials and surroundings. Demolition of a Listed Building, or development proposals that adversely affect the setting, or alterations that impair the special architectural or historic interest of a Listed Building will not be permitted.

In cases where planning permission might not normally be granted for a change of use favourable consideration will be given to conversion schemes that represent the most appropriate way of conserving the Listed Building, its architectural and historic characteristics and its setting.

Development involving the installation of renewable energy equipment on a Listed Building will be acceptable if the following criteria are met:

1. Locations other than on a Listed Building have been considered and dismissed as being impracticable;
2. There is no irreversible damage to significant parts of the historic fabric; and
3. The location of the equipment on the Listed Building would not cause harm to its character or appearance.

EN6: Non-Designated Heritage Assets of Local Importance

The planning authority will seek to ensure the retention, enhancement, and viable use of heritage assets of local interest. Whilst not enjoying the full protection of statutory listing, the design and the materials used in proposals affecting these assets should be of a high standard and in keeping with their character and local significance.

Development proposals which would have an adverse impact upon the character, form and fabric of the heritage asset of Local interest and/ or would have a detrimental impact on the setting of the asset will be resisted. Development proposals will instead seek to enhance the heritage asset of Local interest

- 2.24 The above policies will be given weight according to the policy set out in Annex 1 of the NPPF.

Historic Environment Good Practice Advice In Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England 2015)

- 2.25 The purpose of this document is to provide information to assist local authorities, planning and other consultants, owners, applicants and other interested parties in implementing historic environment policy in the NPPF and NPPG. It outlines a six-stage process to the assembly and analysis of relevant information relating to heritage assets potentially affected by a proposed development:

- Understand the significance of the affected assets;
- Understand the impact of the proposal on that significance;
- Avoid, minimise and mitigate impact in a way that meets the objectives of the NPPF;
- Look for opportunities to better reveal or enhance significance;
- Justify any harmful impacts in terms of the sustainable development objective of conserving significance and the need for change; and
- Offset negative impacts on aspects of significance by enhancing others through recording, disseminating and archiving archaeological and historical interest of the important elements of the heritage assets affected.

Historic Environment Good Practice Advice In Planning Note 3: The Setting of Heritage Assets (Historic England 2017)

- 2.26 Historic England's Historic Environment Good Practice Advice in Planning Note 3 provides guidance on the management of change within the setting of heritage assets.
- 2.27 The document restates the definition of setting as outlined in Annex 2 of the NPPF. Setting is also described as being a separate term to curtilage, character and context; while it is largely a visual term, setting, and thus the way in which an asset is experienced, can also be affected by noise, vibration, odour and other factors. The document makes it clear that setting is not a heritage asset, nor is it a heritage designation, though land within a setting may itself be designated. Its importance lies in what the setting contributes to the significance of a heritage asset.
- 2.28 The Good Practice Advice Note sets out a five-stage process for assessing the implications of proposed developments on setting:
1. Identification of heritage assets which are likely to be affected by proposals;
 2. Assessment of whether and what contribution the setting makes to the significance of a heritage asset;
 3. Assessing the effects of proposed development on the significance of a heritage asset;
 4. Maximising enhancement and reduction of harm on the setting of heritage assets; and
 5. Making and documenting the decision and monitoring outcomes
- 2.29 The guidance reiterates the NPPF in stating that where developments affecting the setting of heritage assets results in a level of harm to significance, this harm, whether substantial or less than substantial, should be weighed against the public benefits of the scheme.

3.0 Archaeological and Heritage Baseline

Introduction

- 3.1 The locations of sites and records mentioned in the text are shown on Figures 2, 3, 4 and 5. The heritage assets under consideration have been identified by means of a review of the following resources:
- Historic Environment Record (HER) Data held by Essex County Council;
 - The National Heritage List for England (NHLE) held by Historic England;
 - Historic England Archive;
 - Pastscape;
 - Local studies and record office research; and
 - Review of historic mapping.
- 3.2 This resource has been used to provide an understanding of the heritage assets which may be affected by the proposed development. This chapter will describe the heritage assets which may be affected and assess their significance.
- 3.3 Chapter 4 will assess the nature of any effects to those heritage assets by the proposed development.

Built Heritage Assets

- 3.4 This assessment will consider the potential effects of development within the study site on the significance of designated heritage assets, including through effects to their settings. This will include any heritage assets within the study site, and those in the surrounding area, whose setting may be affected.
- 3.5 Heritage assets and potential impacts will be assessed using best practice, including that set out in Historic England's Good Practice Advice Note 3, The Setting of Heritage Assets (HE 2017). The heritage assets which require assessment have been selected with reference to the National Heritage List for England (NHLE) database held by Historic England, as well as information held by the LPA on conservation areas and heritage assets. A basic search radius of 1km from the study site boundary was used to establish which heritage assets required assessment for impacts, which is usually sufficient to ensure all assets which require consideration are properly assessed.
- 3.6 Not all designated heritage assets within this radius will require full assessment for impacts; where a designated heritage asset has been excluded, a clear justification will be provided, for example if the asset is sufficiently far, and well screened from the study site. Also, not all assets will require the same level of assessment. As set out in paragraph 128 of the NPPF, the level of detail will be sufficient to inform the nature and degree of effect of development within the study area on the significance of the heritage asset in question.
- 3.7 The distribution of built heritage designated heritage assets in relation to the study site can be found in Figure 2.
- 3.8 There are a number of listed buildings in the wider 1km study area, however the study site is well screened from these by intervening vegetation and topography. For example, the study site occupies a roughly south facing slope, and as such the historic buildings to the north of the study site, in Ugley Green and at Elsenham Station, are completely screened by intervening topography, the built form of Elsenham as well as Alsa Wood. As such these buildings would not be affected by residential development within the study site and it is not necessary to assess them further.
- 3.9 Likewise, the site visit made it clear that the historic buildings to the south of the study site, at Fuller's End, and Tye Green, are completely screened by intervening vegetation and topography. This can be seen in plate 1, below, taken from the northern boundary of the study site, which is along the highest elevation within the study site, looking south. The photo was taken on the 20th of November and demonstrates screening even in winter views. On this basis it is considered that these buildings would not be affected by residential development within the study site and it is not necessary to assess them further.



Plate 1 Looking S from centre of northern boundary of the study site

- 3.10 Likewise there are a number of historic buildings located to the east of the study site, including at Elsenham Hall, the church of St Mary the Virgin, the Old Vicarage and historic buildings along the Henham Road are all screened by intervening topography and vegetation. This was confirmed during the site visit, where the screening provided by the intervening topography and vegetation was evident even in winter views (see plate 2, below). Given this and the distance between these assets and the study site, it is clear that residential development within the study site would not affect their significance and as such it is not necessary to consider them further.



Plate 2 Looking WSW from centre of northern boundary of the study site towards Elsenham Hall and the Church of St Mary the Virgin

- 3.11 However, the study site is close to two groups of historic buildings, as well as to a non-designated built heritage asset. The closest of these comprises a group of listed buildings on eastern side of Robin Hood Road, to the east of the study site. The second comprises a group of three buildings on the western side of the Tye Green Road, 150m to the south of

the study site. The non-designated heritage assets comprise the Mill House and the brick underbridge over Stanstead Brook (HER MEX1049621), both located to the southwest of the study site. Given the proximity of these buildings they are considered in more detail below.

Listed buildings on Robin Hood Road

3.12 The group of listed buildings on Robin Hood Road represent some pre-Victorian extension of Elsenham, in place prior to the construction of the railway. The four buildings are the Robin Hood Public House and the Wells Cottages, which are subject to three different list entries. These have the following descriptions on the NHLE:

- NHLE 1171219 – ROBIN HOOD PUBLIC HOUSE, Grade II

C18-C19 timber-framed and plastered building. Two storeys. Three: one window range, modern casements. Two doorways with flat hoods on brackets. Roof tiled, half hipped at the south end. Section to rear not of special interest.

- NHLE 1112342 – 1 WELLS COTTAGES

Small C18-C19 timber-framed and plastered cottage. One storey. Two window range, casements. Boarded door. Roof tiled, with a small central chimney stack.

- NHLE 1171224 – 2 and 3 WELLS COTTAGES

C17 timber-framed and plastered house. Renovated in the C20. Two storeys. Four window range, modern casements with glazing bars. The north part, of one window range is jettied on the upper storey on exposed joists. Roof thatched, half-hipped. (RCHM 4).

- NHLE 1322497 – 4 WELLS COTTAGES

C18-C19 timber-framed and plastered home. Two storeys. Two window range, modern casements. Roof thatched, half-hipped, with an end external chimney stack at the north end. A later single storey addition with a tiled hipped roof extends at the north end.

3.13 The earliest cottages at nos. 2 and 3 can be seen in the 1727 Elsenham Hall Estate Plan (see Fig. 5); the other cottages are not yet present at the time of the production of this map. The whole group of buildings is clearly present by the 1840s (Fig. 7). The earliest map to show the group clearly is the 1875 OS map (1:2,500 series, see plate 3, below), which notes the Robin Hood public house and also labels a property as “Wells Gift”.

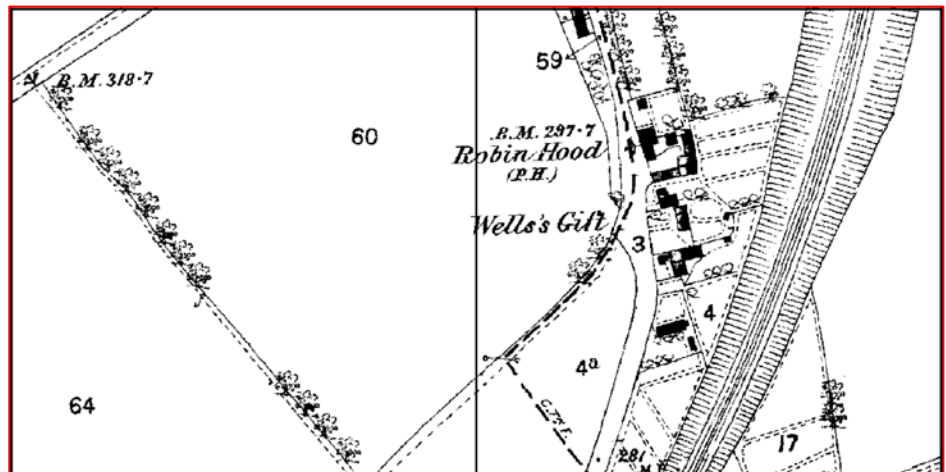


Plate 3 1875 OS map, 1:2,500 close up of listed buildings on Robin Hood Road (not to scale)

3.14 This likely refers to nos. 2 and 3 Wells Cottages, which were formally Almshouses left in trust together with an orchard by John Wells in 1656 (White's Directory of Essex 1848). The almshouses are also described in An Inventory of the Historical Monuments in Essex, Volume 1 (RCHME 1916, pp. 82-84):

Wells' Charity, an almshouse consisting of three tenements ½ m. W.N.W. of the church, was founded about 1656. On the W. front the upper storey projects at the N. end, and there is a steep-pitched dormer with an original casement window.

- 3.15 The cottages and public house are situated together on the Robin Hood Road, just to the northeast of the study site (see plate 4, below).



Plate 4 Looking NE towards group of listed buildings on Robin Hood Road

- 3.16 The setting of the buildings is focussed on the Robin Hood Road, with some views of nos. 2,3 and 4 also afforded from Rush Lane (see plate 5 below).



Plate 5 Looking NE towards group of listed buildings along Rush Lane, at northern boundary of the study site

- 3.17 The experience of the buildings from the wider area is limited by the presence of intervening more recent development, such that no meaningful experience of them is had from the wider area.
- 3.18 The significance of the buildings is derived from their architectural merit, historic interest as well as from their group value. Their setting, along the Robin Hood Road and to a lesser extent from Rush Lane, also contributes by providing an experience of their group value and architectural merit, as well as by preserving the legibility of the group value.
- 3.19 The study site forms part of the wider setting of the buildings. Specifically, the northern and north-eastern boundary hedges of the study site are visible when looking south from the vicinity of the southernmost buildings in the group. However, the study site provides only a limited means of experiencing the significance of the buildings, and is an incidental part of the buildings' setting. On this basis it is considered that the study site makes only a limited contribution to the significance of the buildings.

Listed buildings on Tye Green Road

- 3.20 This group of buildings is situated approximately 150m to the south of the study site and comprises three listed buildings. These are:

- Broomfield Cottage
- Spring Cottage
- White Cottage

3.21 These buildings have the following descriptions in the National Heritage List for England (NHLE):

- NHLE 1322534 – WHITE COTTAGE, Grade II

Timber-framed and plastered cottage of C17-C18 origin but much altered and renovated externally. One storey and attics. Casement windows with leaded lights, one small modern bay. Roof, cedar shingles; with one sloping roofed dormer (C20). Included for group value.

- NHLE 1112329 – 1 BROOMFIELD COTTAGE

Small C17-C18 timber-framed and plastered house with a later block added to the north end. Renovated in the C20, with timber-framing exposed on the south block. One storey and attics. Small casement windows with leaded lights. Roofs tiled, half hipped at the north and south ends, with 2 gabled dormer windows. The interior has some exposed timber.

- NHLE 1171144 – SPRING COTTAGE

C18 timber-framed and plastered cottage with a weather-boarded plinth. One storey and attics. Small casements with leaded lights. Roof thatched, half hipped at the north and south ends, with 2 gabled dormer windows and a central chimney stack.

3.22 The cottages are first discernible in the historic mapping in the Tithe maps in the 1840s (see Fig. 7). The earliest map to show the group clearly is the 1875 OS map (1:2,500 series, see plate 6, below),

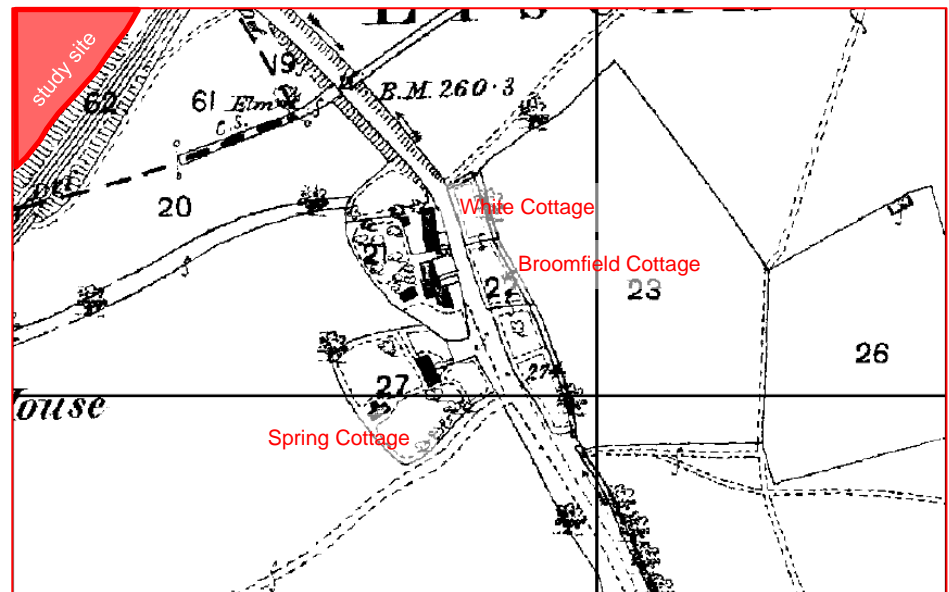


Plate 6 1875 OS map, 1:2,500 close up of listed buildings on Tye Green Road, with area of study site marked red (not to scale)

3.23 The setting of these buildings is focussed on the experience provided by the Tye Green Road, their grounds and the immediate vicinity (see plates 7 and 8 below). There is a limited experience of the buildings from the wider area, due to the presence of substantive intervening vegetation, even in winter views.

3.24 The significance of the buildings is derived from their architectural merit, historic interest as well as from their group value. Their setting, along the Tye Green Road, also contributes by providing an experience of their group value and architectural merit, as well as by preserving the legibility of their group value. The setting is also largely rural, which is consistent with the historic setting of the cottages.

3.25 The study site is well screened from these cottages by the intervening vegetation provided along the route of the railway, as well as that provided elsewhere in the intervening

landscape. As a result, the study site is not noticeable in views of the cottages (see for example, plate 8 below). Also, the cottages were not discernible from the study site during the site visit, even in winter views (see plates 1 and 2 above, which are taken from the high ground along the northern boundary of the study site both looking towards the cottages and vicinity).



Plate 7 Looking south along Tye Green Road, with the White Cottage in the foreground



Plate 8 Looking north along Tye Green Road towards study site

- 3.26 As such it is considered that the study site, while in the wider landscape setting of the cottages, does not make a specific contribution to the significance of the cottages.

The Mill House

- 3.27 The Mill House is not listed, nor it is mentioned in the HER. However, it can be seen in historic mapping, and is shown in the 1823 Estate Plan (Fig. 6), suggesting it dates at least

to the early 19th century, and may date to the late 18th. It is not, however, shown in the 1727 Estate Plan (Fig. 5).

- 3.28 The Mill House is of brick construction with a slate 'catslide' roof. It is situated 20m to the south of the study site at the nearest point. However, the Mill House is situated in grounds surrounded by mature vegetation and trees, so that any experience of the house from the wider area, including the study site, is limited (see plates 9 and 10, below).



Plate 9 Looking south from western part of study site towards Mill House



Plate 10 Looking west towards Mill House from close to railway bridge

- 3.29 The Mill House survives well, despite some minor modern additions to the exterior. Due to its age and some architectural merit it is of clear local interest, despite not being recorded in the HER.
- 3.30 The setting of the Mill House is largely focussed on the experience provided by its private grounds, which allows for appreciation of its architectural merit and historic interest. The wider setting currently makes a limited contribution due to the screening provided by the

mature vegetation along the boundary of the grounds of the Mill House. The study site is situated in the wider setting of the Mill House, and provides a limited means of experiencing the Mill House, particularly when compared to the experience provided by the more immediate setting in the grounds of the house. As such it is considered that the study site makes only a limited contribution to the significance of the house.

The Brick Underbridge over Stanstead Brook

- 3.31 The bridge is located approximately 25m to the south of the study site's southern boundary at the nearest point. It is recorded in the HER and has the following description (HER MEX1049621):

Brick underbridge with metal railings takes the line over a private track. Stansted Brook again flows under the line at this point.

- 3.32 The bridge dates to the 19th century, and is associated with the construction of the railway and crossing (HER MEX1049622). The bridge is situated at the bottom of a slope to the south of the study site, and as a result the experience of the bridge from a distance is limited (see for example plate 1 above, in which the bridge is seen just to the right of the fence line, but none of its historic interest or heritage value is discernible). The setting of the bridge is therefore largely focussed on the area of the underpass, and immediate vicinity, from where the historic fabric and interest of the bridge can be best appreciated (see plate 11, below).



Plate 11 Looking southwest towards railway bridge

- 3.33 The bridge is a surviving part of an early Victorian railway system and as such can be considered to be of some, local, interest. The significance of the bridge is largely derived from its age and historic interest, however there is some limited architectural interest as well. The immediate setting provided by the approach to the underpass, as well as by the underpass itself, provides an important means by which the historic interest of the bridge can be appreciated. However, as has been noted above, the experience of the bridge is limited in the wider area, which therefore makes only a limited contribution to the significance of the bridge.
- 3.34 The study site forms part of the wider setting of the bridge. The southernmost part of the study site is relatively close to the bridge and makes a contribution to its significance (see plate 11, taken from the southern boundary of the study site). However, the experience of the bridge from most of the study site is limited. Therefore, it is considered that the remainder of the study site makes only a limited contribution to the significance of the railway bridge.

Previous archaeological investigations

- 3.35 The HER contains no records of any archaeological investigation of the study site, however a number of investigations are recorded in the wider area. Of particular relevance is an archaeological evaluation undertaken at land to the north of Rush Lane (HER EEX56854), within 20m of the study site. The results of the evaluation are summarised in the evaluation report as follows (ASE 2015):

A total of forty 30m-long trenches were excavated by machine down to the natural deposits at between 0.2 and 0.5m below ground level. Archaeological features were recorded in four of the trenches. Trench 16 contained an undated shallow pit, a post medieval field boundary ditch was excavated in Trench 25, an undated linear feature was found in Trench 30 and Trench 36 yielded two possibly prehistoric pits.

It is concluded that the limited nature of the archaeological remains recorded within the evaluation trenches indicates a low potential for the presence of archaeological remains from any period across the wider site area.

- 3.36 An archaeological excavation was undertaken at land off of Hall Road, 100m to the east of the study site at the nearest point (HER EEX59063). The assessment report for the excavation provides a useful summary of the results (ASE 2015a):

The excavation comprised the archaeological investigation of two parcels of land totalling some 1.41 hectares in area. A small assemblage of largely residual Mesolithic/Early Neolithic flint attests to some activity of this date in the vicinity of the site. The earliest definite activity on the site, however, dates to the Late Neolithic. Early Bronze Age and comprised a ring-ditch monument, with possible associated pits in the north-westernmost part of Area B. This later became the focus for a brief period of Saxon activity, represented by two large pits.

Medieval activity on the site comprises a well-preserved field system of narrow strip fields, concentrated in the south-eastern part of the site but possibly extending to the north-west. The agricultural character of the site continued into the post-medieval period, with the retention and modification of the medieval field system and a sequence of two later post-medieval brick-built outbuildings, which may be part of a farmstead.

- 3.37 An archaeological evaluation was undertaken further to the north at land at Stanstead Road, 500m to the north of the study site. The report on this investigation provides the following summary of the results (TVAS 2013):

The evaluation has revealed the presence of an area of medieval activity possibly with another of Late Iron Age date. A little Roman activity was also recorded but appears to [be] limited to the presence of field boundaries within an agricultural landscape. Other linear features also likely to represent an agricultural landscape were undated. A single undated cremation burial was also recorded.

- 3.38 These and other investigations in the wider area will be discussed as appropriate in the relevant sections below.

Prehistoric

- 3.39 The HER contains no records of prehistoric evidence within the study site, however it contains a number of records for the wider area.
- 3.40 As is noted above, archaeological excavation work undertaken at land off Hall Road uncovered an early Bronze Age barrow, together with a field system which had Neolithic and later prehistoric elements (HER MEX1049435). The evaluation of the land north of Rush Lane found two small pits which may be prehistoric in date, however, finds from that investigation were limited (HER MEX1049124). Finally, archaeological evaluation works found evidence of late Iron Age occupation at land at Stanstead Road (HER MEX1042091).
- 3.41 More widely a number of findspots of prehistoric date are recorded along the M11 corridor, and cropmarks of potential enclosures are also recorded to the west of the M11 (HER MEX1032400 and MEX23771).

3.42 The closest archaeological investigations undertaken to the study site, those north of Rush Lane, found no evidence of prehistoric remains of interest in the trenches closest to the study site. Furthermore, the results of the evaluation off Stanstead Road suggest that any later prehistoric occupation may have been located further to the north. However, the proximity of the Bronze Age evidence to the east of the study site, together with its proximity to a watercourse suggest that there is some potential for prehistoric activity, which would likely take the form of field systems, with a moderate potential for additional features.

3.43 As such the study site has a moderate potential to contain remains from this period.

Roman

3.44 The HER contains no records of evidence from the Roman period within the study site, however a number of records are present for the surrounding area.

3.45 A potential Roman settlement was detected by geophysical survey at the site of the Tye Green Solar Park, 1.15km to the southeast of the study site (HER MEX1049100) and the line of a Roman Road is recorded 4.5km to the south (Stane Street, HER MEX4497).

3.46 The evaluation off the Stanstead Road, 500m to the north of the study site, found some limited evidence of Roman activity, potentially suggestive of some limited settlement activity nearby (HER MEX1042091).

3.47 However, the two closest investigations to the study site, that north of Rush Lane and off of Hall Road, found no evidence of Roman remains of interest (ASE 2015 and 2015a). On this basis it is considered that the study site is unlikely to contain Roman settlement remains of interest, and that any remains would likely consist of evidence of agricultural activity such as field boundaries.

Saxon and early Medieval

3.48 HER evidence from the Saxon and early Medieval period includes two large Saxon pits discovered at the excavation works at Hall Road, east of the study site. The pits were located in the north-western part of the study site, close to the Bronze Age barrow (ASE 2015a).

3.49 The Domesday Survey of 1086 noted that Takeley and Elsenham formed part of the most densely wooded district in Essex; in Elsenham woodland destruction was gradually progressive. The settlement at Elsenham at the time of the Domesday survey seems to have been substantive, and included the Church of St Mary the Virgin, which the HER suggests may have Saxon origins (HER MEX16201).

3.50 In the mid-11th century Elsenham (also Alsenham, Elsingham, Elsynham) was owned by Mereuna, a freewoman, and a man called Lestan, but by the time of the Domesday Survey of 1086 it was in the hands of John, the nephew of Waleran, and Robert Gernon. Elsenham at this time comprised four hides with two ploughs, eight villeins and five serfs. There were twelve acres of meadow and a mill, a rouncey and a colt. Soon after 1066 the Lordship of Elsenham belonged to the noble family of de Abrincis or d'Auranche, Baron of Folkestone in Kent, and it remained in the family until 1230, when it passed by marriage to Hamo de Crevequer.

3.51 The Saxon activity recorded in the excavation works at Hall Road was brief, and not suggestive of substantive settlement. Settlement during this time is thought to have been focussed in the vicinity of the Church of St Mary the Virgin (ASE 2015a). On this basis, it is likely that the study site was part of the rural hinterland surrounding settlement at this time. Therefore, the study site has a low potential to contain archaeological remains from this period.

Medieval

3.52 The HER records the potential site of a deserted Medieval village in the vicinity of the Church of St Mary the Virgin and Elsenham Hall, 600m to the east of the study site (HER MEX16209). A Medieval farm complex was discovered during archaeological excavation works at land off of Hall Road, 460m to the east of the study site in area A of that investigation (HER MEX1049436), close to the suggested site of the deserted Medieval village. Area B of the excavation works at Hall Road, which was located 100m to the east of

the study site, found evidence of a Medieval field system, likely to have been associated with the farmstead recorded further to the east in Area A (ASE 2015a).

- 3.53 Evidence of Medieval settlement was also found during evaluation works at Stanstead Road, 500m to the north of the study site (HER MEX1042091).
- 3.54 The evaluation works north of Rush Lane found no evidence of Medieval occupation (ASE 2015). Given this, and also the distance of the known and suspected settlement evidence in the wider area during this period, it is considered that the study site is likely to have formed part of the rural hinterland surrounding settlement during this time. As such the study site has a low potential to contain remains of significance from this period on current evidence.

Post Medieval

- 3.55 The HER records no evidence of Post-Medieval buried remains within the study site itself. The potential remains of the early railway station platform is thought to be located immediately to the south of the study site, close to the location of the pedestrian crossing today (HER MEX16445). The Elsenham Historical Society note that the Railway Station moved to its current location from Fullers End in 1847, however, the available historic mapping either dates to just before the construction of the railway (Fig. 7) or after (Fig. 8) and so the exact extent of any remains is not known. However, they are likely to have been limited and confined to an area close to the railway line.
- 3.56 The archaeological evaluation works to the north of the study site at the land north of Rush Lane found a Post-Medieval boundary ditch, but no other evidence of remains of interest (ASE 2015).
- 3.57 The study site was part of the Elsenham Hall Estate throughout much of the Post-Medieval period, which mostly lay in the parish of Elsenham, but also included part of the north-eastern portion of the parish of Stansted Montfitchett (see Figs. 6 and 7). By the time of the tithe survey the study site was in the ownership of George Rush, Lord of the Manor of Elsenham. In the early 19th century, Lord of the Manor was George Rush, celebrated balloonist and race horse breeder. In the 1840s the area of land containing the study site was intersected by a railway line which cut through part of the estate, which caused Tye Green Lane to be reconfigured and the internal field boundaries of the study site to be removed (Fig. 8).
- 3.58 Sales particulars of 1919 (ERO A14394 Box 1) show that the study site was no longer part of the estate at this time (Fig. 9). Since that time, the study site has remained unchanged, as the surrounding area was gradually developed during the 20th century (Fig. 10).
- 3.59 Based on the available evidence, it is clear that the study site comprised agricultural land during this period, and there is no evidence to suggest any remains of interest are present on the study site.

Summary of Archaeological Potential and Assessment of Significance

- 3.60 A review of the available evidence, including the results of previous archaeological investigations in the wider area, suggests that the study site has a moderate potential to contain buried archaeological remains of interest from the prehistoric period, in particular given the proximity of the Bronze Age remains found at excavations 150m to the east of the study site. The available evidence suggests that the study site has a low potential to contain remains of interest from other periods.
- 3.61 If remains of prehistoric field systems are present within the study site, these would contribute to understanding of human interaction with the landscape and environment, which is an over-arching research theme and strategy in the current revisited research framework for the East of England (Medlycott et al 2011, pp. 84-85). However, given the modest size of the study site, and the absence of any evidence of substantive settlement remains from the prehistoric period, the contribution the likely remains would make to this objective would be limited. As such it is considered that, should buried remains from this period be present, they would likely be of local interest. Given the evidence available, there is a low risk of any remains of high significance, such that would prejudice a planning application, being present within the study site.

4.0 Proposed Development and Potential Impact on Heritage Assets

Site Conditions

- 4.1 The study site and surrounding area were visited on the 20th of November 2018 (see plate 9). The study site comprised pasture fields at the time of the visit.



Plate 12 Looking SW across study site

The Proposed Development

- 4.2 The proposed development comprises residential development with associated access and infrastructure, details of which are provided in the Design and Access Statement. The development would retain and formalise the footpaths within the study site, would include an area of green space in the southern part of the study site, and would retain and reinforce the hedgerows along the eastern and northern boundaries of the study site.

Potential Built Heritage and Setting Impacts

Listed buildings on Robin Hood Road

- 4.3 The setting of the listed buildings on Robin Hood Road is already sub-urban in nature, with a number of modern developments evident around the buildings. The proposed development would retain and reinforce the existing hedge, nearest to the historic buildings, and would put the entrance further to the west, along Rush Lane. Furthermore, properties closest to the buildings have been set back from the boundary, so that only the tops of the roofs of new homes would be visible, when looking across towards the study site from the southernmost property of the group of buildings. The immediate setting of the group would not change, nor would the sub-urban character of their setting. The character of the views of the buildings from Rush Lane would also be preserved. Finally, the proposed development would in no way affect any of the key aspects of the significance of the buildings, namely their historic interest, architectural merit or their group value.
- 4.4 In conclusion, the introduction of the proposed development would not change the sub-urban setting of the buildings, nor would it affect any of the key elements of their significance. It would result in a change to an incidental part of the setting of the buildings, but this change would not materially affect the experience of the buildings, nor the character of their setting. Therefore, any effects would be minor during the construction of the proposed development, however once operational it is considered that the proposed development would result in no material loss to their significance, and therefore no harm.

Listed buildings on Tye Green Road

- 4.5 The proposed development includes an area of green space in the southern part of the study site, as well as planting along the southern boundary and within the proposed development. Given the dense screening provided by the intervening landscape, even in winter views, it is considered that the proposed development would not be readily discernible from the setting of the cottages on Tye Green Road (see plate 8, for example). Even if glimpsed in the distance, the proposed development would be read as part of existing modern development along the southern part of Robin Hood Road, which would be assisted by the planned planting and open space within the proposed development. As such it is considered that the proposed development would have a negligible effect on the significance of the listed buildings on Tye Green Road.

The Mill House and Railway Bridge

- 4.6 The proposed development would introduce residential development in the wider setting of the Mill House and Railway Bridge, which are heritage assets of local interest. However, the design of the proposed development has been sensitive to the setting of the Mill House and bridge, with the retention of the public footpath from which glimpsed views of the Mill House are afforded (see plate 9), as well as new planting and open green space between them and the residential development. As a result, the views of the house and bridge within their immediate setting would be preserved.
- 4.7 The views out from under the bridge when walking north would change and some of the proposed development would be visible. However, this would not affect understanding of the bridge's historic interest, nor of its architectural merit, which is not dependant on the surrounding area retaining particular character. The retention of open space in the southern part of the study site would also preserve the experience of the bridge provided by this part of the study site (see plate 11). Therefore, it is considered that the proposed development would change the wider setting of the bridge, but that this change would not affect nor harm its significance.
- 4.8 Views of the Mill House currently provided by the study site would be preserved within the proposed development (plate 9). Views of the study site from within the grounds of the Mill House are heavily screened by existing mature planting. Furthermore, the proposed development would be set back from the grounds of the house, with a considerable area of open space separating them, together with new planting. Therefore only some limited views out of the grounds would be affected, for example at the rear of the property, and the effect would be that some limited, heavily filtered views of the closest units may be possible in winter views. This effect would not affect the historic interest of the house, its architectural merit, nor the experience provided by its immediate setting, which preserves the historic relationship of the Mill House to the Stanstead Brook, an important aspect of its history. On this basis it is considered that the proposed development would change the wider setting of the Mill House to a limited degree, but this change would not affect nor harm its significance.

Potential Physical Archaeological Impacts and constraints

- 4.9 This assessment has identified no known archaeological heritage assets within or adjacent to the study site which would be adversely impacted by the proposed development.
- 4.10 The construction of the proposed development would remove any archaeological remains which may be present. However, this assessment has shown that the study site has a low potential for any remains of high archaeological significance. Therefore, the proposed development would not result in the loss of any significant archaeological remains. The only remains which may be lost would be buried remains of local significance, if present.
- 4.11 Therefore, this assessment has determined the likely significance of any buried remains within the study site, which would be low, and the scale of the effect to their significance, which would be their removal by the construction of the proposed development, as is required by paragraph 189 of the NPPF. On this basis, no further information is considered necessary to inform a planning application for the proposed development with regard to archaeological matters.

4.12 The loss of the limited potential archaeological interest of the study site could be fully mitigated by a programme of archaeological investigation, which could be secured as a condition to planning consent.

5.0 Summary and Conclusions

- 5.1 This historic environment desk-based assessment considers land off Rush Lane, Elsenham, Essex (Fig. 1). This land is under consideration for residential development.
- 5.2 The proposed development would protect the setting of the listed buildings on Robin Hood Road by retaining and reinforcing the existing hedge, nearest to the historic buildings and by setting the properties closest to the buildings back from the boundary, so that only the tops of the roofs of a few new homes would be visible, when looking across towards the study site from the southernmost property of the group of buildings. The introduction of the proposed development would not change the sub-urban setting of the buildings, nor would it affect any of the key elements of their significance. It would result in a change to an incidental part of the setting of the buildings, but this change would not materially affect the experience of the buildings, nor the character of their setting. Therefore, once operational it is considered that the proposed development would result in no material loss to their significance, and therefore no harm.
- 5.3 The proposed development includes an area of green space in the southern part of the study site, as well as planting along the southern boundary and within the proposed development. Given the dense screening provided by the intervening landscape, even in winter views, it is considered that the proposed development would not be readily discernible from the setting of the cottages on Tye Green Road. Even if glimpsed in the distance, the proposed development would be read as part of existing modern development along the southern part of Robin Hood Road, which would be assisted by the planned planting and open space within the proposed development. As such it is considered that the proposed development would have a negligible effect on the significance of the listed buildings on Tye Green Road.
- 5.4 The other listed buildings in the wider area would be unaffected by the proposed development.
- 5.5 The non-designated Mill House and Railway Bridge located to the south of the study site were also considered. These non-designated heritage assets are of local interest. The proposed development would result in a change to the wider setting of these assets. However, this assessment has shown that this change would not result in any harm or loss of their significance.
- 5.6 A review of the available evidence, including the results of previous archaeological investigations in the wider area, suggests that the study site has a moderate potential to contain buried archaeological remains of interest from the prehistoric period, in particular given the proximity of the Bronze Age remains found at excavations 150m to the east of the study site. The available evidence suggests that the study site has a low potential to contain remains of interest from other periods.
- 5.7 The construction of the proposed development would remove any archaeological remains which may be present. However, this assessment has shown that the study site has a low potential for any remains of high archaeological significance. Therefore, the proposed development would not result in the loss of any significant archaeological remains. The only remains which may be lost would be buried remains of Local significance, if present.
- 5.8 Therefore, this assessment has determined the likely significance of any buried remains within the study site, which would be low, and the scale of the effect to their significance, which would be their removal by the construction of the proposed development, as is required by paragraph 189 of the NPPF. On this basis, no further information is considered necessary to inform a planning application for the proposed development with regard to archaeological matters.
- 5.9 The loss of the limited potential archaeological interest of the study site could be fully mitigated by a programme of archaeological investigation, which could be secured as a condition to planning consent.

Sources

General

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 Essex History Centre
 British Library
 The National Archives

Cartographic

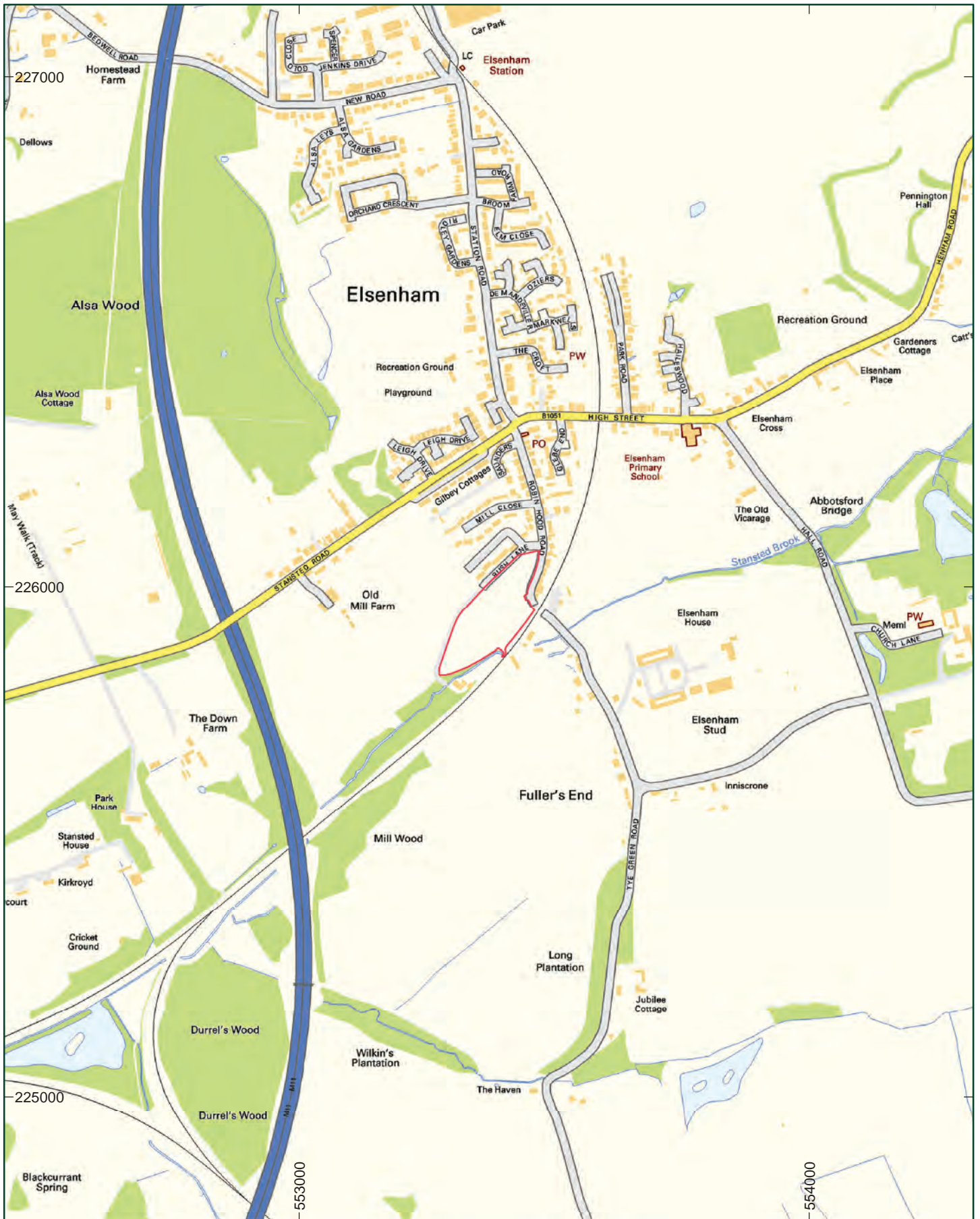
1748 Kitchin county Map
 1727 Elsenham Hall Estate Plan
 1823 Estate Plan
 1840 Elsenham Parish Tithe Map
 1843 Stansted Mountfitchet Tithe Maps
 1885 – 1994 1:2,500 Ordnance Survey Map series

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Legend

 Site

1:10,000 at A4

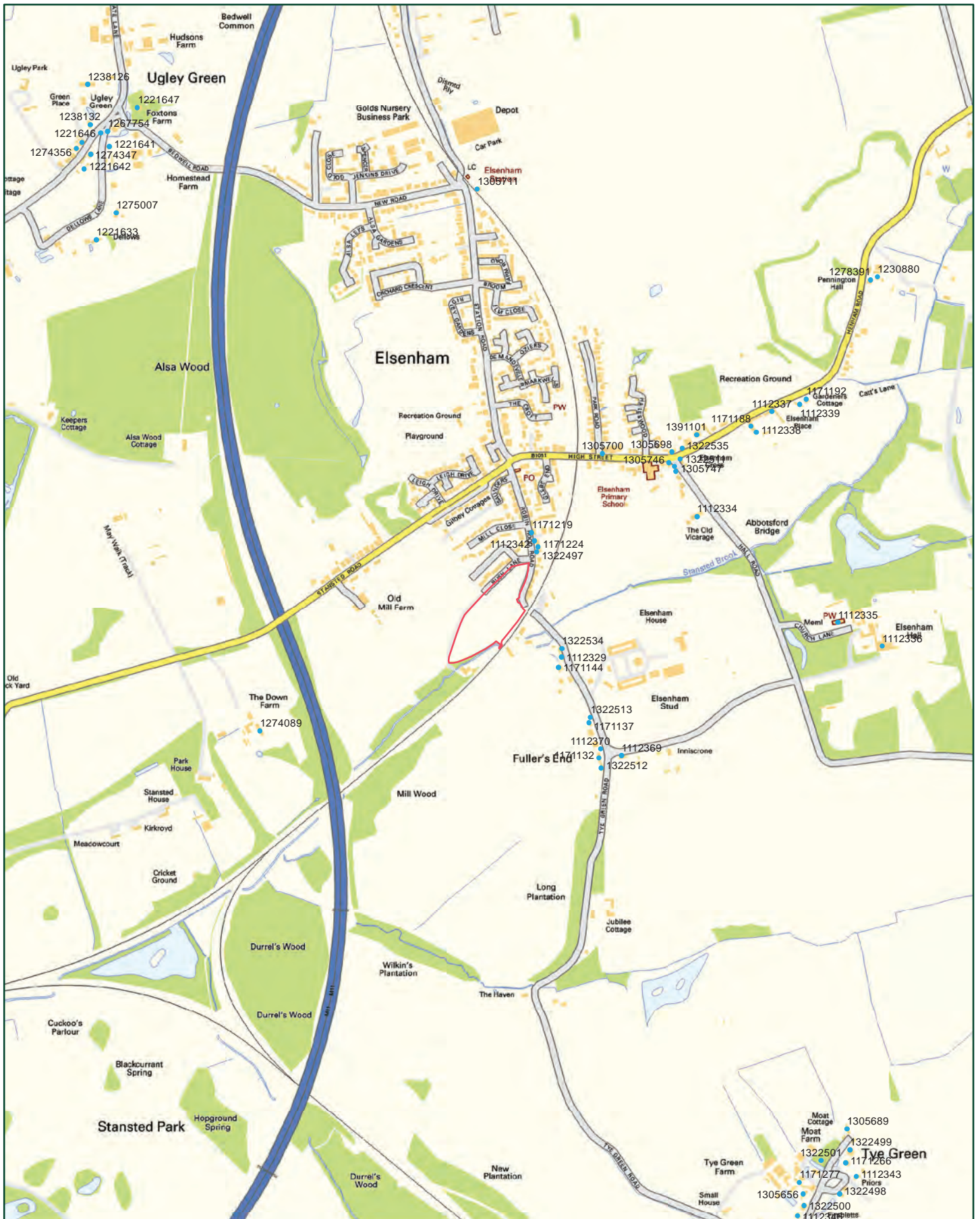


Title:
Fig. 1: Site Location

Address:
Land off Rush Lane, Eisenham, Essex



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Legend Site
• Listed Building

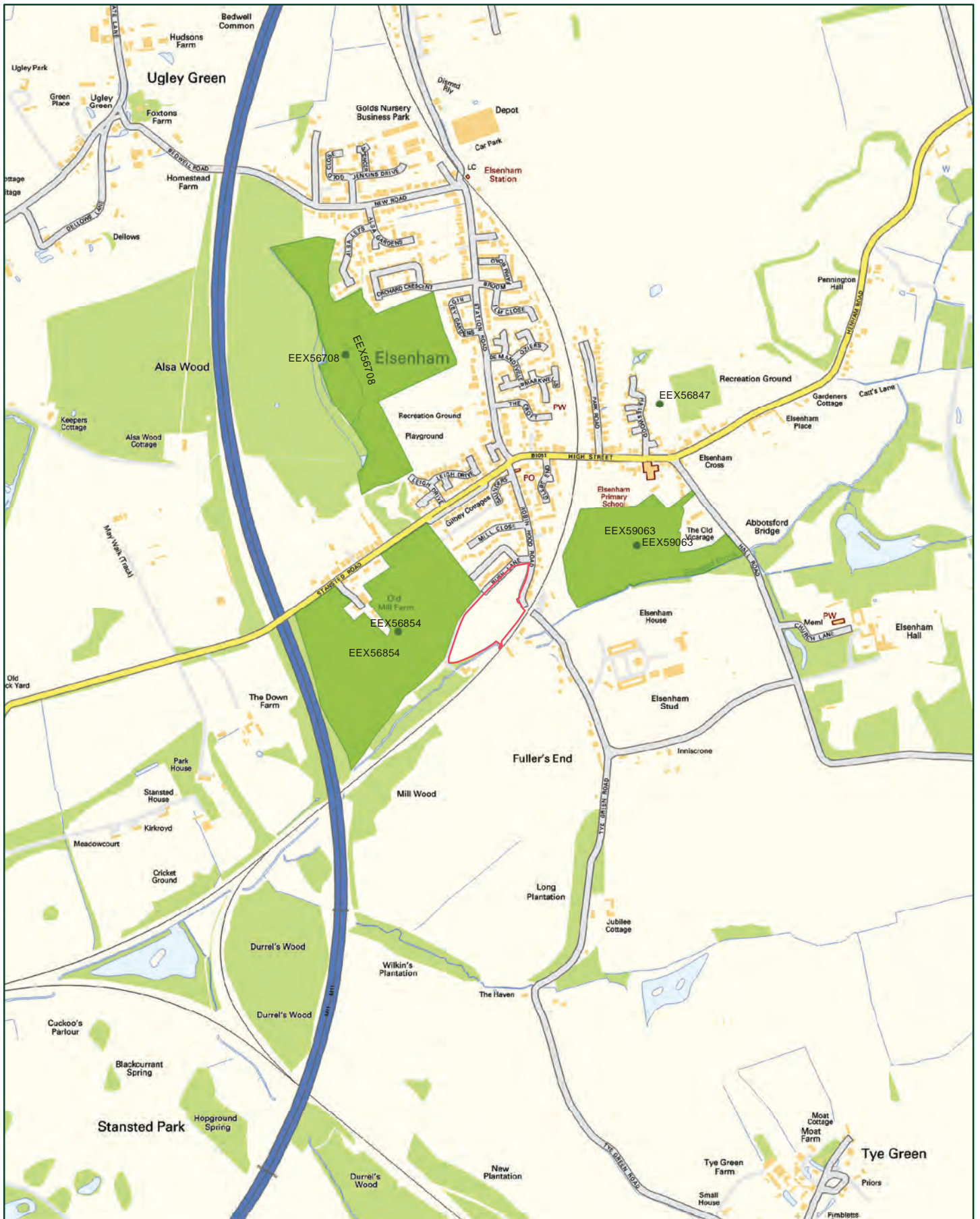
1:12,500 at A4



Title:
 Fig. 2: NHLE Data Plot – Designated Heritage Assets
Address:
 Land off Rush Lane, Elsenham, Essex



orion.



- Legend**
- Site
 - Event point
 - Event region

1:12,500 at A4



Title:
 Fig. 4: HER Data Plot – Events
Address:
 Land off Rush Lane, Elsenham, Essex



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Legend

 Approximate location of site

1:5,000 at A4



Title:

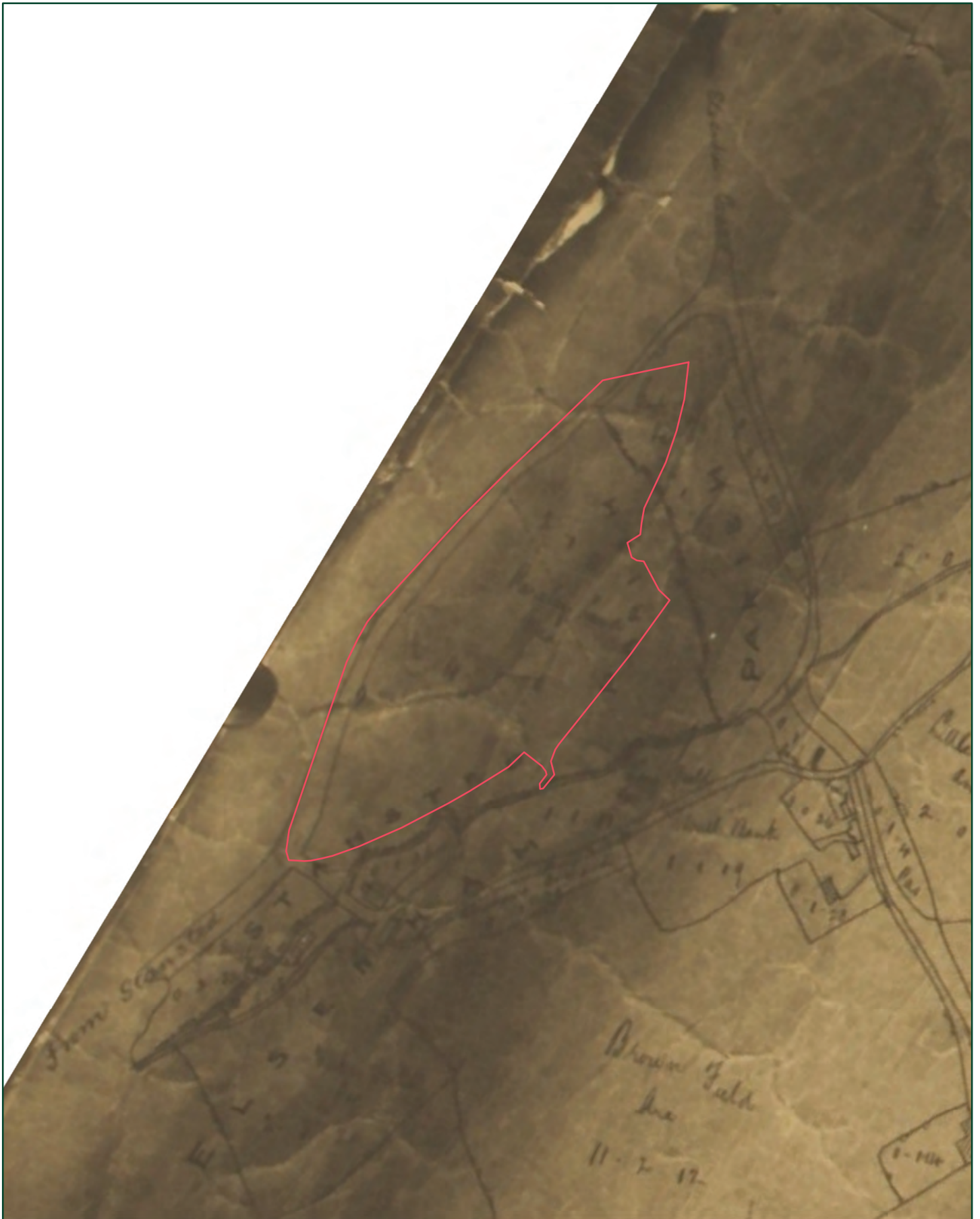
Fig. 5: 1727 Elsenham Hall Estate Plan

Address:

Land off Rush Lane, Elsenham, Essex



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Legend

 Approximate location of site

1:2,500 at A4



Title:

Fig. 6: 1823 Estate Plan

Address:

Land off Rush Lane, Elsenham, Essex



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 Approximate location of site

1:2,500 at A4



Title:

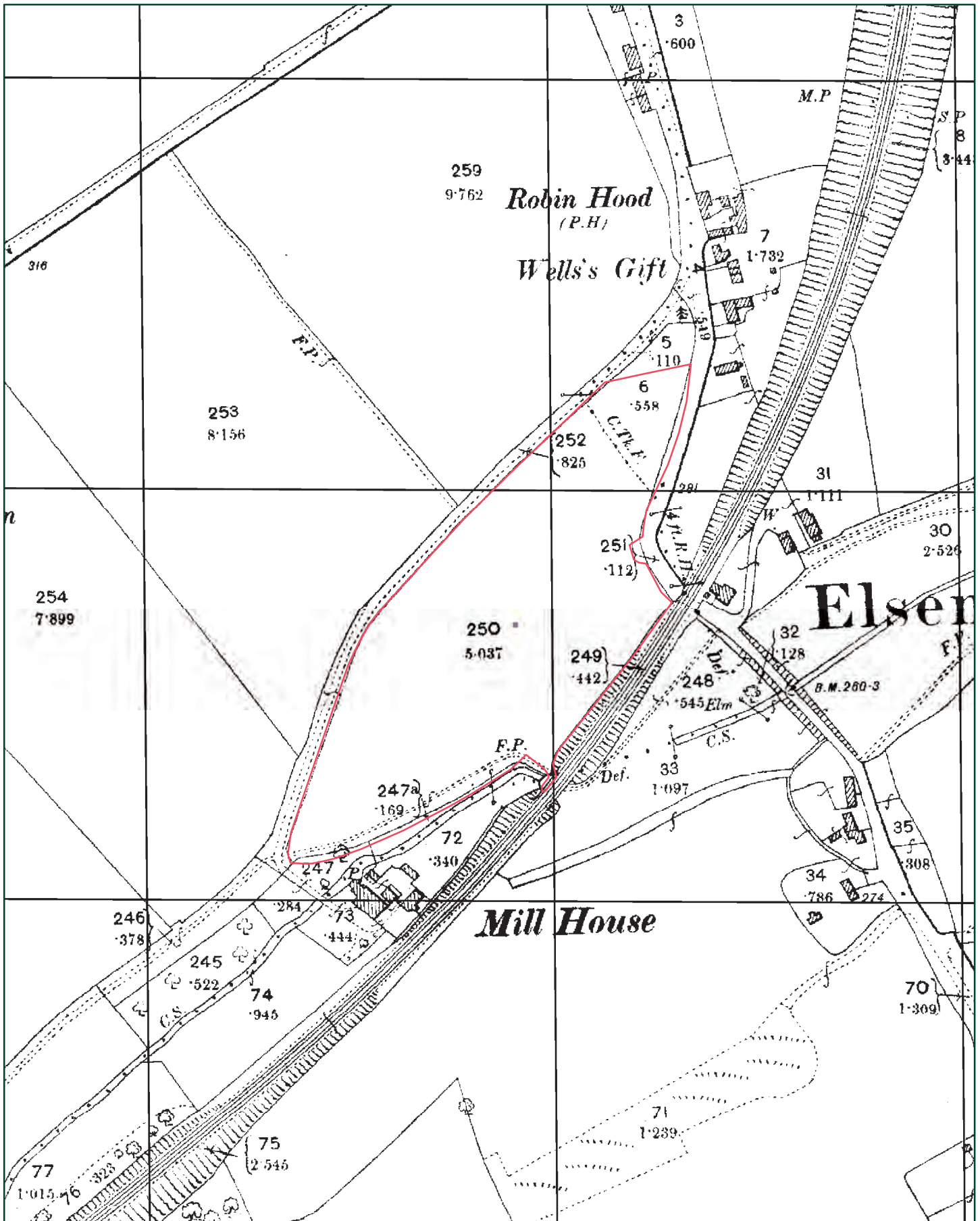
Fig. 7: 1840 Elsenham Parish and 1843 Stansted Mountfitchet Tithe Maps

Address:

Land off Rush Lane, Elsenham, Essex



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Legend

 Site

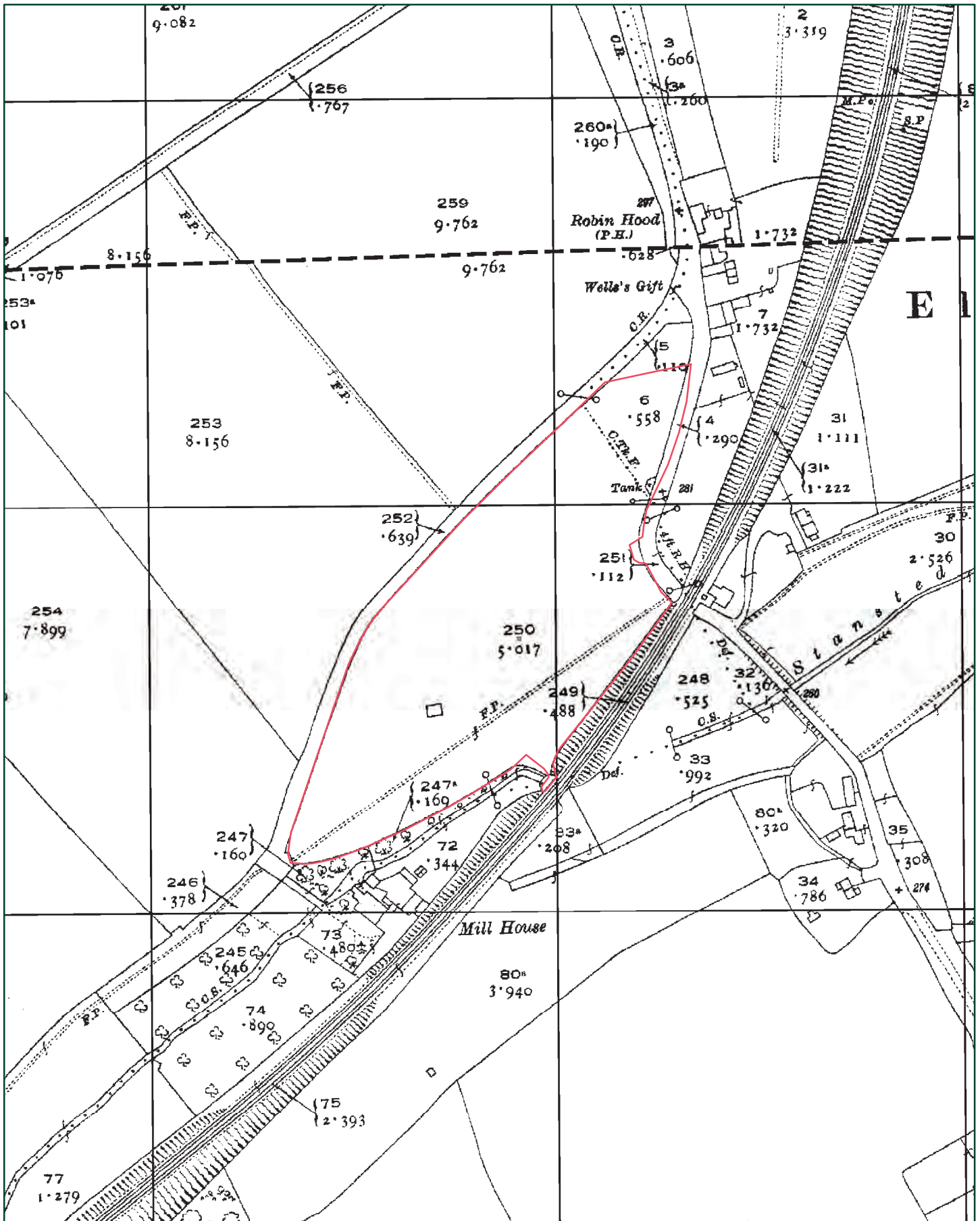
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 Fig. 8: 1897 Ordnance Survey 1:2,500 Map
Address:
 Land off Rush Lane, Elsenham, Essex



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 Site

1:2,500 at A4



Title:

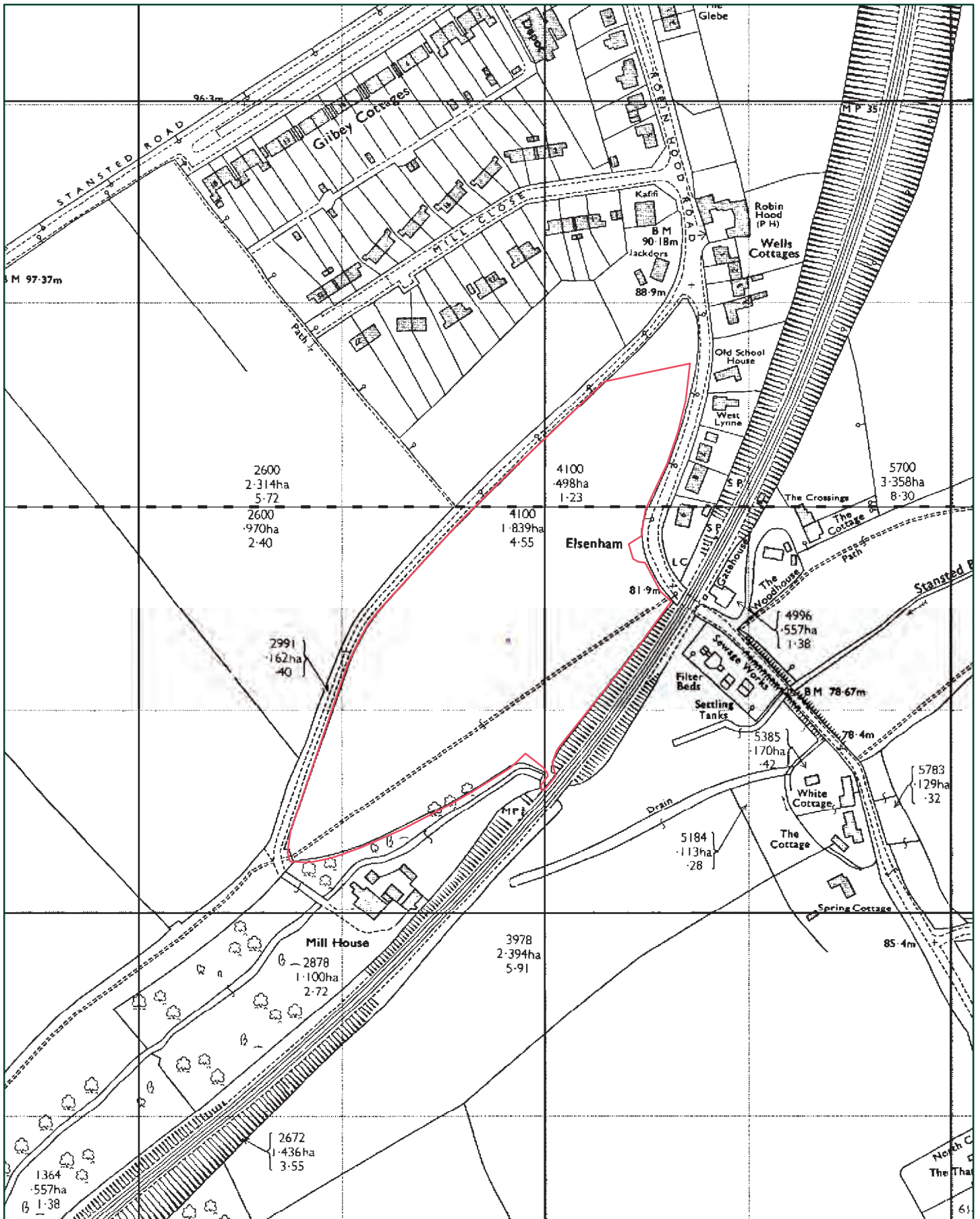
Fig. 9: 1920-21 Ordnance Survey 1:2,500 Map

Address:

Land off Rush Lane, Eisenham, Essex



orion.



Legend

Site

1:2,500 at A4



Title:

Fig. 10: 1970 Ordnance Survey 1:2,500 Map

Address:

Land off Rush Lane, Elsenham, Essex



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