



## UTTLESFORD DISTRICT COUNCIL

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12<sup>th</sup> January 2024

Your ref: S62A/2023/0026

Our ref: UTT/23/2622/PINS

Please ask for Mrs Rachel Beale on [REDACTED]

email: [REDACTED]

Dear Major Casework Team,

### **Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013 (as amended)**

Thank you for your letter of 30 November 2023 confirming that the Planning Inspectorate has received a valid application seeking outline planning permission for the erection of up to 40 dwellings with all matters reserved except for access at Land West of Robin Hood Road, Elsenham.

The Council has now had the opportunity to review all the documentation that was submitted by the Applicant in respect to the proposals and wishes to make representations in respect of this application, incorporating comments from internal/external non-statutory consultees and including observations in respect of the manner in which the application is to be determined.

The application was presented to Members of the Planning Committee on 10 January 2024. In addition to the issues defined in the Officers' Committee report, the main planning issues in respect of which the Council would like the Inspector to consider as part of their assessment of the proposals include:

#### **Draft Local Plan (Regulation 18)**

The new Uttlesford Local Plan has now been released for Regulation 18 Preferred Options consultation. As it is in such an early stage of the process it carries negligible weight when considering the proposed development.

#### **Indicative Layout**

The Council would like to make it clear that little weight is given to the submitted indicative layout and that were permission to be granted, the Council would not support the layout as shown. This is primarily due to the positioning of the LAP and its proximity to the open pedestrian railway crossing. The Council consider it inappropriate to position a children's play area so close to a crossing that is not guarded by gates but instead open to pedestrian access with only bollards in place to prevent vehicular access.

The Council would also like to flag the importance of protecting the nearby heritage assets, protecting neighbouring residents from impacts of noise from the adjacent railway line and ensuring the retention of the existing mature trees on the site, again something that will be a key consideration for any future reserved matters application.

### **Consultation Documentation**

The following documentation is provided as part of the Uttlesford District Council's consultation response in which should form part of the Inspectors assessment of the proposals.

1. Officers Committee Report
2. Note on revised NPPF and HDT
3. S106 from previously approved outline application (UDC ref. UTT/19/0437/OP and PINS ref. APP/C1570/W/19/3242550)

### **Suggested Conditions**

Following discussions by Members of the Planning Committee on 10 January 2024, it was further advised to Members that if the Inspector is mindful of granting consent for the works, that the following conditions, taken from the previously allowed outline application, and S106 Heads of Terms also be imposed:

#### **Conditions:**

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The access works shown on drawing number DWG-04 Rev B shall be provided prior to first occupation of any dwelling.
- 5) Prior to first occupation of any dwelling, a pedestrian connection between the development and Public Footpath 28 (Elsenham), details of which shall first have been submitted to and agreed in writing with the local planning authority, shall be provided and retained thereafter.
- 6) No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
  - Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753;
  - Limiting discharge rates to 6.5 l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change;

- Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event;
  - Demonstrate that all storage features can half empty within 24 hours for the 1:100 plus 40% climate change critical storm event;
  - Final modelling and calculations for all areas of the drainage system;
  - The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753;
  - Detailed engineering drawings of each component of the drainage scheme;
  - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features;
  - A written report summarising the final strategy and highlighting any minor changes to the approved strategy, and;
  - Details of maintenance and management arrangements The development shall be carried out in complete accordance with the approved details.
- 7) No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.
  - 8) All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Cotswold Wildlife Surveys, September 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
  - 9) No development shall take place until a Reptile Mitigation Strategy has been submitted to and approved in writing by the local planning authority. The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.
  - 10) No development shall take place until a Biodiversity Enhancement Strategy has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.
  - 11) Prior to first occupation of the development a scheme for protecting the proposed dwellings from rail noise shall be submitted in writing to the local planning authority for approval. The scheme shall follow the recommendations identified in the Resound Acoustics Noise & Vibration Assessment report (Ref: RA00562-Rep 1) dated January 2019. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved measures which shall be retained thereafter.
  - 12) Construction work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.
  - 13) The dwellings hereby permitted shall not begin until a scheme to deal with contamination of land/ground gas/controlled waters has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement in writing:

- A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175: 2011 Investigation of Potentially Contaminated Sites – Code of Practice.
  - A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.
  - A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.
  - If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the local planning authority.
  - A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to first occupation of the development. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.
- 14) Prior to first occupation, each dwelling hereby approved shall be provided with an electric vehicle charging point. Once provided the charging points shall be retained thereafter.
- 15) 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4 (3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4 (2) of the Building Regulations 2010 Approved Document M, Volume 2015 edition.
- 16) No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority prior to reserved matters applications being submitted.
- A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.
  - No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.
  - The applicant will submit to the local planning authority a postexcavation assessment (to be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

**S106 Heads of Terms (details not yet known)**

- Sustainable Drainage Scheme
- Provision of Local Area of Play
- Education Financial Contribution

- Provision of 40% affordable housing
- Provision of 5% wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010.
- Provision and long-term on-going maintenance of public open space.
- A financial contribution towards sustainable transport measures
- Financial Contribution to Elsenham Community Hall

### **Summary**

The Council do not raise an objection to the proposed development but rather provide the above comments for the Inspector's consideration.

Yours sincerely

Dean Hermitage MA Mgeog MRTPI  
**Director of Planning**