

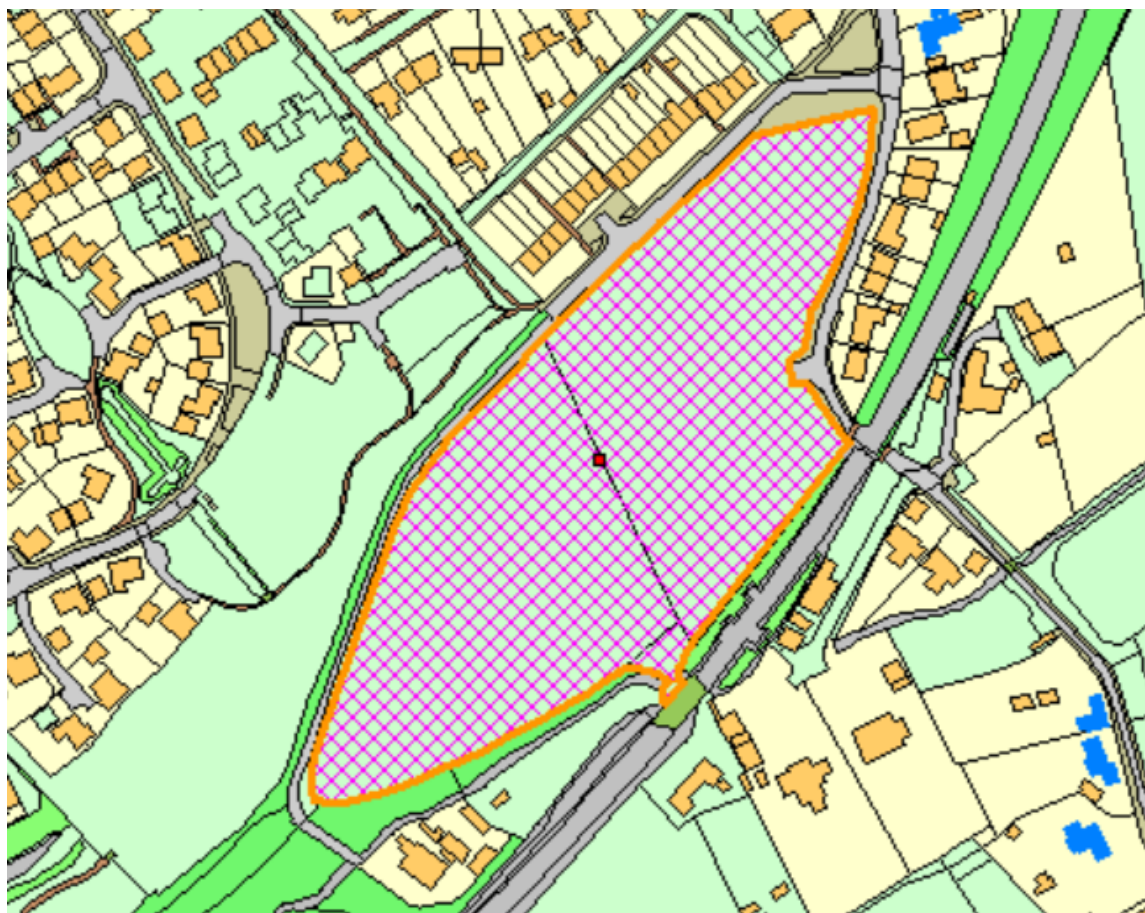
**ITEM NUMBER:**

**PLANNING COMMITTEE DATE:** 10 January 2024

**REFERENCE NUMBER:** S62A/2023/0026 and UTT/23/2622/PINS

**LOCATION:** Land South Of (West Of Robin Hood Road),  
Rush Lane, Elsenham

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council Date: 29<sup>th</sup> October 2023

**PROPOSAL:** Outline application for the erection of up to 40 dwellings with all matters reserved except for access

**APPLICANT:** Rosconn, Nigel John Burfield Holmes, Rosemary Holmes

**AGENT:** Mr F Hickling

**DATE CONSULTATION RESPONSE DUE:** Extension of time given to 12<sup>th</sup> January 2024.

**CASE OFFICER:** Rachel Beale

**NOTATION:** Outside Development Limits / Within Countryside Protection Zone

**REASON THIS CONSULTATION IS ON THE AGENDA:** This is a report in relation to a major planning application submitted to the Planning Inspectorate (PINS) for determination. Uttlesford District Council (UDC) has been designated by Government for poor performance in relation to the quality of decision-making on major applications.

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

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**1. RECOMMENDATION**

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

Details are to be outlined by the Planning Committee.

**2. SITE LOCATION AND DESCRIPTION**

**2.1** The site lies to the south of Rush Lane and comprises a sloping parcel of land consisting of 2.25 ha set mainly to grass and scrub and enclosed by boundary vegetation which falls down to Stansted Brook and the London to Cambridge railway line. A public footpath (No.29, Elsenham) runs through the site in a north-east to south-west direction linking Robin Hood Road with undeveloped land further to the south-west to the rear of the new Elsenham Vale housing development.

- 2.2 A row of modern terraced houses faces the site along Rush Lane to the immediate north. A row of further houses comprising a mixture of modern and older dwellings, including four listed buildings extends along Robin Hood Road on the site's east side leading down to the railway line which has a pedestrian level crossing to enable pedestrians to access Fullers End (Tye Green Road) and vice versa. A small development of very recently constructed houses front Tye Green Road to the immediate south of the level crossing extending behind on the site of a former timber yard and small industrial estate.

### 3. **PROPOSAL**

- 3.1 The site lies to the south of Rush Lane and comprises a sloping parcel of land consisting of 2.25 ha set mainly to grass and scrub and enclosed by boundary vegetation which falls down to Stansted Brook and the London to Cambridge railway line. A public footpath (No.29, Elsenham) runs through the site in a north-east to south-west direction linking Robin Hood Road with undeveloped land further to the south-west to the rear of the new Elsenham Vale housing development.

- 3.2 A row of modern terraced houses faces the site along Rush Lane to the immediate north. A row of further houses comprising a mixture of modern and older dwellings, including four listed buildings extends along Robin Hood Road on the site's east side leading down to the railway line which has a pedestrian level crossing to enable pedestrians to access Fullers End (Tye Green Road) and vice versa. A small development of very recently constructed houses front Tye Green Road to the immediate south of the level crossing extending behind on the site of a former timber yard and small industrial estate.

### 4. **ENVIRONMENTAL IMPACT ASSESSMENT**

- 4.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

### 5. **RELEVANT SITE HISTORY**

#### 5.1 **Application Site:**

- 5.2 UTT/19/0437/OP - Outline application for the erection of up to 40 dwellings with all matters reserved except for access – Refused at committee - Allowed at appeal.

- 5.3 UTT/23/2028/DFO - Details following outline application UTT/19/0437/OP (allowed on appeal reference APP/C1570/W/19/3242550) for erection of 40 dwellings - details of appearance, landscaping, layout and scale – Decision pending.

### 6. **PRE-APPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

6.1 Full details of the applicant's engagement and consultation exercises conducted is discussed in the supporting Statement.

## 7. **STATUTORY CONSULTEES**

7.1 All statutory consultees are required to write directly to the Planning Inspectorate (PINS) (and not the Local Planning Authority) with the final date for comments being 8 January 2024.

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

## 8. **PARISH COUNCIL COMMENTS**

8.1 These should be submitted by the Parish Council directly to PINS within the consultation period are thereby not informed within this report.

## 9. **CONSULTEE RESPONSES**

9.1 All consultees' comments should be submitted directly to PINS (and not the Local Planning Authority) within the 21-day consultation period, which closes 8 January 2024. Accordingly, it should be noted that considerations/advice normally obtained from consultees to assist in the determination of a major planning application have not been provided and are thereby not included within this report. Notwithstanding this, the following comments have been received:

9.2 **Place Services Archaeology**  
No objections subject to conditions.

9.3 **UDC Housing Officer**  
No objections, details to be secured at reserved matters.

9.4 **Essex Police**  
No objections subject to details.

## 10. **REPRESENTATIONS**

10.1 The application was publicised by sending letters to adjoining and adjacent occupiers and by displaying a site notice. Anyone wishing to make a representation (whether supporting or objecting) are required to submit their comments directly to PINS within the 21-day consultation period which closes 8 January 202. All representations should be submitted directly to PINS within the consultation period.

**10.2** UDC has no role in co-ordinating or receiving any representations made about this application. It will be for PINS to decide whether to accept any representations that are made later than the extended consultation period

**11. MATERIAL CONSIDERATIONS**

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

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

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

(aza) a post-examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

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

**11.4 The Development Plan**

**11.5** Essex Minerals Local Plan (adopted July 2014)  
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)  
Uttlesford District Local Plan (adopted 2005)  
Felsted Neighbourhood Plan (made Feb 2020)  
Great Dunmow Neighbourhood Plan (made December 2016)  
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)  
Thaxted Neighbourhood Plan (made February 2019)  
Stebbing Neighbourhood Plan (made 19 July 2022)  
Saffron Walden Neighbourhood Plan (made 11 October 2022)  
Ashdon Neighbourhood Plan (made 6 December 2022)  
Great & Little Chesterford Neighbourhood Plan (made 2 February 2023)

## **12. POLICY**

### **12.1 National Policies**

National Planning Policy Framework (2021)

### **12.2 Uttlesford District Plan 2005**

S7 – The Countryside

GEN1 – Access

GEN2 – Design

GEN3 – Flood Protection

GEN6 – Infrastructure Provision

ENV2 – Development Affecting Listed Buildings

ENV4 – Ancient monuments and Sites of Archaeological Importance

ENV10 – Noise Sensitive Developments

ENV13 – Exposure to Poor Air Quality

ENV14 – Contaminated Land

H1 – Housing development

H9 – Affordable Housing

H10 – Housing Mix

### **12.3 Supplementary Planning Document or Guidance**

Uttlesford Local Residential Parking Standards (2013)

Essex County Council Parking Standards (2009)

Supplementary Planning Document- Accessible homes and play space  
homes Essex Design Guide

Uttlesford Interim Climate Change Policy (2021)

## **13. CONSIDERATIONS AND ASSESSMENT**

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

A) Background and Principle of Development

B) Design

C) Residential Amenity

D) Heritage Impacts and Archaeology

E) Affordable Housing Mix and Tenure

F) Access

G) Nature Conservation

H) Air Quality, Contamination & Noise

I) Flooding

J) Planning Obligations

K) Other matters

L) Planning Balance and Conclusion

### **13.2 A) Background and Principle of Development**

- 13.2.1** In 2019, application UTT/19/0437/OP for outline planning permission for the erection of up to 40 dwellings with all matters reserved except for access was refused at Committee and then allowed at appeal under appeal ref. APP/C1570/W/19/3242550.
- 13.2.2** Since the application was approved, little has changed in terms of local and national policy, and in terms of the site context.
- 13.2.3** The development plan for the site is the Uttlesford District Local Plan (2005) (the Local Plan). A new Local Plan was released on 11 November for Regulation 18 Preferred Options consultation. Within this emerging local plan, this site is allocated for residential development. However, at such an early stage in the process, it carries negligible weight when considering the proposed development. As such the relevant saved policies contained within the Local Plan are the most relevant to the assessment of this application. Those of most relevance should be given due weight according to their degree of consistency with the NPPF under paragraph 219.
- 13.2.4** Although the Council can demonstrate a 5YHLS (5.14 years), the recently updated NPPF (2023) requires the Council to also provide a 20% buffer. The Council are unable to meet this. Additionally, the proposals cannot be tested against a fully up-to-date Development Plan. Thereby paragraph 11 of the NPPF is engaged, as was the case in 2019.
- 13.2.5** The site lies just outside development limits for Elsenham on the south side of the village whereby the development limits boundary for the village runs along Rush Lane to the immediate north, which comprises a quiet cul-de-sac off Robin Hood Lane, itself a quiet road which terminates at the railway crossing to the immediate south. A parade of local shops lies along the high street to the north of the site within immediate walking distance, whilst Elsenham Primary School and the village surgery also lie within walking distance. The Leigh Drive bus stop is located within 800m north of the site along Stansted Road.
- 13.2.6** The site also lies within the Countryside Protection Zone where planning permission will only be granted for development within the zone that is required to be there or is appropriate to a rural area, adding that there will be strict control on new development. The policy adds that development will not be permitted if a) new buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside and b) it would adversely affect the open characteristics of the zone.
- 13.2.7** In allowing the appeal and therefore granting outline planning permission on the site, the Inspector concluded that the development would result in limited harm to the open characteristics of the CPZ and countryside. There would be no significant coalescence either between Elsenham and the airport or surrounding settlements. Overall, there would be limited conflict with the countryside protection aims of LP Policies S7 and S8.



### **13.3 B) Design**

**13.3.1** Scale, Layout, Appearance and Landscaping are reserved matters which do not fall to be considered for this outline application following the decision by the applicant during the course of the current application to remove Layout from the application (leaving just Access).

**13.3.2** The indicative layout is as per the approved application and therefore is continued to be considered 40 houses could be appropriately delivered on the site.

### **13.4 C) Residential Amenity**

The NPPF requires a good standard of amenity for existing and future occupiers of land and buildings. Policies GEN2 and GEN4 of the Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

**13.4.1** The proposal would be up to two storeys in scale. The proposed site would be located due north / north-east of closest neighbouring residential development, where the proposed dwellings would be separated from the houses to the south by Jacks Lane. There would also be a substantial distance and soft-landscaped buffer between the site and the closest properties to the south-west and north of the site that would adequately off-set any potential adverse impacts in terms of daylight / sunlight or appearing overbearing or resulting in loss of outlook.

**13.4.2** Given the generous spacings between the proposed units within the development and to that of the closest neighbouring residential developments, the proposal would have an acceptable impact upon the residential amenity of neighbouring occupiers. As such, the proposal would comply with Policies GEN2 and GEN4 of the Local Plan.

### **13.5 Standard of Accommodation**

**13.5.1** In terms of the amenity of future occupiers, the proposed units would be dual aspect and would provide sufficient levels of outlook, daylight and natural ventilation for the future occupiers. All of the proposed houses and bungalows will have direct access to private amenity space in the form of gardens that comply with the relevant Essex Design Guide standards of 100sqm for 3 bed + houses, and 50sqm for 1 or 2 bed Houses. The apartments would have access to landscaped communal spaces. The proposed dwellings would also meet the minimum internal floor space requirements for each unit.

**13.5.2** In terms of noise, it is noted that the Council's Environmental Health Team have commented on the application, highlighting that the submitted noise assessment does not consider noise impacts from Essex and Herts

Shooting School, which is which is located approximately 400m to the north-east of the proposed development.

**13.5.3** However, it is noted that there were no such concerns raised as part of the previous appeal and it is likely that the potential levels of noise to the dwellings and the majority of external areas could be adequately mitigated through the installation or reasonable noise protection measures to ensure compliance with policy GEN2 of the Local Plan.

## **13.6 D) Heritage impacts and Archaeology**

### **13.6.1** Heritage

**13.6.2** Robin Hood Road contains some Grade II listed buildings within the existing building line, including The Robin Hood PH. As with the previously approved outline, it is considered that the wider setting of these listed buildings are unlikely to be significantly affected by the development proposal for Rush Lane given their relative proximity to the site and by the fact that modern linear housing development already exists along Robin Hood Road and Rush Lane, diminishing their wider setting over time. No heritage objections can therefore be reasonably raised to the application proposal at this outline stage under ULP Policy ENV2 where an assessment of the impacts of the proposal on any heritage assets cannot be known at this stage and where a fuller assessment would be made at reserved matters stage.

### **13.6.3** Archaeology

**13.6.4** In terms of archaeology, policy ENV4 of the adopted local plan, the preservation of locally important archaeological remains will be sought unless the need for development outweighs the importance of the archaeology. It further highlights that in situations where there are grounds for believing that a site would be affected, applicants would be required to provide an archaeological field assessment to be carried out before a planning application can be determined, thus allowing and enabling informed and reasonable planning decisions to be made.

**13.6.5** The application was formally consulted to Place Services Historic Environment, who note that the proposed development lies within an area of known archaeological potential. As such, it is recommended that an Archaeological Programme of Trial Trenching followed by Open Area Excavation with a written scheme of investigation would be required. This would be secured by way of conditions, as suggested by the Place Services Historic Environment Consultant.

## **13.7 E) Affordable Housing Mix and Tenure**

**13.7.1** In accordance with Policy H9 of the Local Plan, the Council has adopted a housing strategy which sets out Council's approach to housing provisions. The Council commissioned a Strategic Housing Market

Assessment (SHMA) which identified the need for affordable housing market type and tenure across the district. Section 5 of the Framework requires that developments deliver a wide choice of high-quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

**13.7.2** The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 ha or 15 or more properties. The affordable housing provision on this site will attract the 40% policy requirement as the site is for 40 properties. This amounts to 16 affordable housing properties.

**13.7.3** In terms of mix, Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2- and 3-bedroom market dwellings. However, since the policy was adopted, the Council in joint partnership with Braintree District Council have issued the 'Housing for New Communities in Uttlesford and Braintree (ARK Consultancy, June 2020)'. The study recommends appropriate housing options and delivery approaches for the district. It identifies that the market housing need for 1 bed units is 11%, 2-bedunits 50%, 3-bed units 35.6% and 4 or more bed units being 3.4%.

**13.7.4** It is also the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). The Council's Housing Strategy 2021-26 also aims for 5% of all units to be bungalows delivered as 1- and 2-bedroom units. This would amount to 2 bungalows across the whole site delivered.

All the above details will be secured as part of a reserved matters application should outline planning permission be granted again.

## **13.8 F) Access**

**13.8.1** Paragraph 110 (b) of the NPPF states that development should ensure that 'safe and suitable access to the site can be achieved for all users', whilst Paragraph 112 (c) states that development should 'create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.'

**13.8.2** Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must compromise road safety and take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than a vehicle.

**13.8.3** The access is the key difference between this current outline application and the approved outline application. The main access to the site is now proposed to be from Robin Hood Road rather than Rush Lane.

**13.8.4** The acceptance of the proposed vehicle access point and highway impacts, including the Construction Management Plan will ultimately be assessed by the Highway Authority in respect to matters of highway safety, traffic congestion, intensification, and accessibility. The Highway Authority will directly provide written advice of their findings and conclusions directly to PINS.

### **13.9 G) Nature Conservation**

**13.9.1** Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.

**13.9.2** The acceptance of the proposed development in the context of nature conservation and biodiversity will ultimately be assessed by ECC Place Services Ecology. Place Services Ecology will directly provide written advice of their findings and conclusions directly to PINS.

### **13.10 H) Air Quality, Contamination & Noise**

#### **13.10.1** Noise

The proposed development at Rush Lane would be affected to some extent by background noise generated by the adjacent railway line to the south of the site, albeit that the dwelling units for the indicated scheme would be positioned at the northern end of the site, and to a lesser extent by noise from the M11.

**13.10.2** UDC Environmental Health are yet to comment but recommended conditions on the previously approved application, an outcome that is likely to be similar on this application. These comments will go directly to PINS. Environmental Health subject to appropriate noise conditions to reflect the findings of the report (ULP Policy ENV10).

#### **13.10.3** Air Quality

**13.10.4** The site is not within an Air Quality Management Area, although the issue of air quality is required to be considered in the wider local context given levels of poor air quality which are currently being experienced along the lower reaches of Grove Hill and parts of Stansted where the granting of permission for further housing developments within Elsenham are likely to compound these reduced air quality levels for these areas in terms of cumulative effects

**13.10.5** UDC Environmental Health are yet to comment but recommended conditions on the previously approved application, an outcome that is likely to be similar on this application. These comments will go directly to PINS.

**13.10.6** Contamination

**13.10.7** Policy ENV14 of the Local Plan states that any proposal on contaminated land needs to take proper account of the contamination. Mitigation measures, appropriate to the nature and scale of the proposed development will need to be agreed.

**13.10.8** The site is a greenfield site which is currently vacant and unused. However, the presence of the railway line running along the southern boundary of the site and the former sawmill beyond this, which has recently been developed for residential use, are both considered to be historic uses and potential sources of contamination whereby elevated levels of ground gas was found at the sawmill during the contamination remediation scheme carried out for the approved new housing on that site.

**13.10.9** The Environmental Health Officer will directly provide written advice of their findings and conclusions directly to PINS. Notwithstanding, based on their response to the previously allowed outline scheme, matters regarding contamination could be adequately dealt with by way of condition, ensuring that further assessment of the nature and extent of contamination should be submitted to and approved in writing by the Local Planning Authority.

**13.11** **I) Flooding**

**13.11.1** The NPPF states that inappropriate development in areas of high-risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

**13.11.2** New major development for housing need to include a flood risk assessment as part of their planning application, to ensure that the required form of agreed flood protection takes place. Additionally, all major developments are required to include sustainable drainage to ensure that the risk of flooding is not increased to those outside of the development and that the new development is future proofed to allow for increased instances of flooding expected to result from climate change.

**13.11.3** The site falls within Flood Zone 1, which represents the lowest risk of flooding, albeit that the site lies adjacent to Stansted Brook below (Main River) whereby any flood overflow of the brook at the bottom end of the site would be within Flood Zone 2 (medium risk of flooding). The proposed housing area for Rush Lane as indicatively shown on the submitted site parameters plan would be on the northern upper section of the site away from Stansted Brook.

**13.11.4** The LLFA are yet to comment but recommended conditions on the previously approved application, an outcome that is likely to be similar on this application. These comments will go directly to PINS.

## **13.12 J) Planning Obligations**

**13.12.1** Paragraph 57 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matters that the Council would seek to secure through a planning obligation, if it were proposing to grant it permission.

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

- 13.12.3**
- i. Affordable housing provision (40%)
  - ii. Payment of education financial contributions; Early Years, Primary and Secondary Schools
  - iii. Financial contribution for Libraries
  - iv. School Transport
  - v. Provision and long-term on-going maintenance of public open space and play area.
  - vi. Highways obligations and associated financial contributions towards sustainable transport measures

## **13.13 K) Other Matters**

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

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

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

**13.13.4** The LPA is also a statutory consultee and must provide a substantive response to the consultation within 21 days, in this case by 16th March 2023. This should ideally include a recommendation, with reasons, for whether planning permission should be granted or refused, and a list of conditions if planning permission is granted. However, as indicated above, the Local Planning Authority are not in possession of all the required information that would be available to it to make an informed assessment of this development proposal.

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

#### **13.14 L) Planning Balance and Conclusion**

**13.14.1** Although the Uttlesford District Council can demonstrate a 5-year housing land supply, the recent NPPF requires a 20% buffer is also secured which UDC cannot demonstrate. There is also currently no up-to-date Local Plan.

**13.14.2** As a consequence, NPPF paragraph 11(d) is triggered as the policies most important for determining the proposal are out of date. NPPF paragraph 11(d)(i) is not relevant as there are no policies in the NPPF that protect areas or assets of particular importance which provide a clear reason for refusing the development. Instead, NPPF paragraph 11(d)(ii) states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

**13.14.3** Notwithstanding the above, it is a material consideration that the site has outline planning permission as allowed by the Inspector under appeal ref. APP/C1570/W/19/3242550. In allowing this appeal, the Inspector concluded the following:

**13.14.4** The the development would result in limited harm to the open characteristics of the CPZ and countryside. There would be no significant coalescence either between Elsenham and the airport or surrounding settlements. There would inevitably be landscape harm arising from a loss of openness across the appeal site. However, given the site's high level of visual containment and close relationship to the existing built form of Elsenham, these are not factors that weigh heavily against the scheme. Overall, there would be limited conflict with the countryside protection aims of LP Policies S7 and S8.

**13.14.5** Nevertheless, the following balancing exercise has been undertaken for the current application.

**13.14.6** Benefits of the development:

- 13.14.7** The development would result the delivery of 40 dwellings. The number of dwellings proposed would make a minor contribution to maintaining the supply of housing locally.
- 13.14.8** The proposal would provide additional affordable housing at 40%. This would equate to 16 affordable homes.
- 13.14.9** The provision of public open space and a play area would also represent a social benefit of the scheme, along with the inclusion of pedestrian links.
- 13.14.10** The environmental benefits include small biodiversity gains.
- 13.14.11** The appeal site is also located in an accessible and sustainable location on the edge of Elsenham, a town with a reasonable range of shops and services. Public transport contribution towards increasing the frequency of bus services through the village has the potential to benefit the local community.
- 13.14.12** The development would provide economic benefits in terms of the construction of the dwellings and supporting local services and amenities providing investment into the local economy. Further consideration would also been given in respect to net gains for biodiversity.
- 13.14.13** Adverse impacts:
- 13.14.14** There would inevitably be landscape harm arising from a loss of openness across the appeal site. However, given the site's high level of visual containment and close relationship to the existing built form of Elsenham, these are not factors that weigh heavily against the scheme.
- 13.14.15** Neutral:
- 13.14.16** Cumulative impact of the development proposals on local infrastructure can be mitigated by planning obligations and planning conditions.
- 13.14.17** Indicative plans indicate an intention to provide landscape features at the site to compensate for the loss of soft landscaping.

## **14. Conclusion**

- 14.1** Due to the nature of this application process, it is not possible to provide a detailed assessment of all of the relevant material considerations to this proposal. Neighbour comments have also not been factored into this assessment.
- 14.2** However, as noted above, given the site history and that some consultee comments have been provided regarding the previous outline application for the same development at the site, these elements would help to inform the assessment of the proposal.



- 14.3** All other factors relating to the proposed development will need to be carefully considered by relevant statutory and non-statutory consultees in respect to the acceptance of the scheme and whether the scheme is capable of being satisfactorily mitigated, such that they weigh neutrally within the planning balance. These factors include biodiversity, highways, drainage and flooding, local infrastructure provisions and ground conditions.
- 14.4** The unique application process that is presented by this submission, requires the Local Planning Authority to advise the Planning Inspectorate whether or not it objects to this proposal. Having regard to the limited opportunity to consider the proposals the Planning Committee is invited to provide its comments on this proposal.