

Application Reference No: s62A/2023/0026

Applicant: Rosconn, Nigel John Burfield Holmes, Rosemary Holmes, Mark Burfield Holmes, Robert Murton Holmes, Sasha Renwick Holmes, and Tanya Renwick Cran

Proposal description: 'Outline application for the erection of up to 40 dwellings with all matters reserved except for access'

Site address: Land west of Robin Hood Road, Elsenham

Proposed Planning Conditions

Update 05-02-2024:

Please find below a refined list of conditions that have been reordered in accordance with the best practice guidance in the PPG, reworded to ensure consistency in the language and rationalised to avoid repetition and to remove matters not considered necessary.

Please also note that under condition 1 – “access” has been added regarding “internal road and footpaths”. The Town and Country Planning (Development Management Procedure) (England) Order 2015 states: *“access”, in relation to reserved matters, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made”.*

Time limits

1. Details of the appearance, landscaping, layout, scale, and access (internal road and footpath details), hereafter 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.

Reason: In accordance with Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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; and the development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Drawings

3. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (Drawing Ref: BW289a-PL-01 Rev 00 (Rosconn)) and Site Access Arrangements (Drawing Ref: DWG-06 (Savoy Consulting)).

Reason: For certainty and to ensure that the development is carried out in accordance with the approved plans and details.

Pre-commencement conditions

4. No development shall take place until the Developer has submitted to the Local Planning Authority for approval, in consultation with the highway authority, details relating to the provision of a pedestrian footway, minimum width 2m from the site access on Robin Hood Road to the north-east corner of the site and the junction of Rush Lane and Robin Hood Road. Details to include any relocation or provision of signage, lighting, utilities, drainage, associated resurfacing or works to the existing carriageway to facilitate the overall highways scheme. Once approved, the development shall not be occupied until such time as all approved works have been completed.

Reason: to ensure safe and suitable access to key facilities for pedestrians in accordance with policy DM1 and DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

5. No development 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 shall be implemented in accordance with the approved details and shall be retained in that manner thereafter. 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.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site. In accordance with the guidance in paragraphs 167, 173 and 174 of the National Planning Policy Framework (2023).

6. 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.

Reason: To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

7. 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.

Reason: To enhance protected and Priority species & habitats and allow the local planning authority to discharge its duties under the National Planning Policy Framework (2023) and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

8. No development shall take place, including any ground works or demolition, until a Construction and Environment Method Statement has been submitted to, and approved in writing by, the local planning authority, in consultation with the highway authority. The approved statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - a) vehicle routing, access during construction and manoeuvring
 - b) the parking of vehicles of site operatives and visitors
 - c) loading and unloading of plant and materials
 - d) storage of plant and materials used in constructing the development
 - e) wheel and underbody cleaning facilities
 - f) treatment and protection of public rights of way during construction
 - g) dust mitigation and management measures
 - h) details of a complaints procedure with a designated person on site responsible for complaint handling
 - i) hours of working

Reason: to ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and in accordance with Policy DM1 of the Highway Authority's Development Management Policies February 2011, and In the interests of the

amenity of surrounding locality residential premises in accordance with Policies GEN2, and GEN4 of the Uttlesford District Council Local Plan as Adopted (2005), and the National Planning Policy Guidance (2023)

9. No development shall take place 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 be implemented in accordance with the approved details. 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.
 - No dwelling shall be occupied until 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 has been submitted and approved in writing. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included in the validation report, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990 and in the interest of human health in accordance with Policy ENV14 of the Adopted Local Plan (2005) and the National Planning Policy Framework (2023).

10. No development shall take place 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.

- No dwelling shall be occupied until a post excavation assessment has been submitted to and approved in writing by the local planning authority. The assessment must 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.

Reason: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework (2023).

Pre-occupation conditions

11. No dwelling shall be occupied until a vehicular access with 5.5m wide carriageway and 2no. 2m wide footways, as shown in principle on submitted drawing DWG-06 has been provided. The access works shall include clear-to-ground visibility splays of 2.4m by 33m to the north and 2.4m by 24m to the south. Such vehicular visibility splays shall be retained free of any obstruction at all times thereafter.

Reason: to provide a safe access for all users and ensure that vehicles can enter and leave the highway in a controlled manner with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

12. No dwelling shall be occupied until a pedestrian connection between the development and Public Footpath 28 (Elsenham 13), details of which shall first have been submitted to and agreed in writing with the local planning authority, shall be provided and retained thereafter.

Reason: to ensure the continued safe passage of pedestrians on the public right of way and accessibility and ensuring an appropriate walking network in accordance with Policies DM1, DM9 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

13. No dwelling shall be occupied until a scheme of noise mitigation measures shall be submitted in writing to the local planning authority for approval. The scheme shall follow all 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.

Reason: To ensure future occupiers enjoy a good acoustic environment, in accordance with Policy ENV10 of the Uttlesford Local Plan (2005) which requires appropriate noise mitigation and sound proofing to noise sensitive development, and the National Planning Policy Framework (2023).

14. No dwelling shall be occupied until all mitigation and enhancement measures and/or works have been 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.

Reason: To conserve and enhance protected and Priority species and allow the Local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

Other conditions

15. As part of the reserved matters for layout, each dwelling hereby approved shall be provided with an electric vehicle charging point. Once provided the charging points shall be retained thereafter.

Reason: To minimise the impact of development on air quality by providing infrastructure to support the use of plug-in and other ultra-low emission vehicles in accordance with Policy ENV13 of the Uttlesford District Local Plan (2005) and paragraph 116 of the National Planning Policy Framework (2023).

16. As part of the reserved matters for layout, 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.

Reason: To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan (2005) and the subsequent SPD on Accessible Homes and Playspace, and paragraph 135 of the National Planning Policy Framework (2023).

17. As part of the reserved matters for landscape, the open water is either to be removed from the attenuation proposals; or if this is not possible, it should be planted with Common Reed, or planted with a dense margin of emergent vegetation and surrounded by trees such as willow or alder to obscure the open aspect of the water.

Reason: To safeguard and enhance the character and amenity of the area, in accordance with Policies S7, GEN 2 and ENV 8 of Uttlesford Local Plan (2005), and the National Planning Policy Framework (2023), and to protect flight safety by minimising the risk of bird strike to aircraft using Stansted Airport.

Condition matters and areas of dispute

Following a further detailed review the applicant wishes to raise the following:

Flood risk and drainage

The LLFA Flood risk and drainage conditions can be simplified to a single condition, the first condition, as retained is sufficient as it requires a detailed scheme to be prepared that addresses both onsite and offsite impacts. There is also no need to include a separate condition requiring management and maintenance details as this is also captured within the condition. Propose the following are removed:

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.

Reason: National Planning Policy Framework paragraph 167 and paragraph 174 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Prior to occupation of the development, a surface water drainage system maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Construction and Environmental Management Plan

The condition imposing hours of working is not necessary and an additional point within the criteria covering hours of working is sufficient, as this will all be addressed under the CEMP. Propose the following is removed:

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.

Reason: In the interests of the amenity of surrounding locality residential premises in accordance with Policies GEN2, and GEN4 of the Uttlesford District Council Local Plan as Adopted (2005), and the National Planning Policy Guidance.

Landscape and aerodrome safeguarding

Condition relating to berry bearing landscaping. Originally proposed by MAGS, and then removed by the previous Inspector. Ultimately this relates to Landscape, which is reserved. The key issue of landscaping within the SUDs feature is retained as a condition. Therefore, propose the following is removed:

No development to take place until the berry bearing proportion of the proposed landscaping is reduced to no more than 30%.

Reason: To safeguard and enhance the character and amenity of the area, in accordance with Policies S7, GEN 2 and ENV 8 of Uttlesford Local Plan (2005), and the National Planning Policy Framework (2023), and to protect flight safety by minimising the risk of bird strike to aircraft using Stansted Airport.