

**From:** Ed Durrant [REDACTED]  
**Sent:** Monday, August 19, 2024 3:18 PM  
**To:** Section 62A Applications <section62a@planninginspectorate.gov.uk>; Planning <planning@uttlesford.gov.uk>  
**Cc:** [REDACTED]  
**Subject:** RE: S62A/2024/0049 Land South of Bedwell Road, Elsenham  
**Importance:** High

Good afternoon Leanne,

Thank you for the opportunity to provide a response to the Council's e-mail.

The Council has a very selective memory when it comes to this site. This may be because the officer responding on behalf of the Council did not attend the Inquiry during which the points that he raised were discussed and attended to by the Inspector who approved the scheme and the layout. The points below are primarily based on the Council's recent comments that the application is proposing a "low quality development" and "does not deliver a mix of tenures". When assessing the weight that can be attached to these comments the Inspector must take into account the following matters:

- The outline application twice went to planning committee with an officer recommendation of approval.
- Through the Statement of Common Ground (SoCG) the Council confirmed that the appeal was only being objected to on the grounds of noise.
- The Council's EHO confirmed that the use of taller development to mitigate noise from the M11 was acceptable.
- The Appeal Inspector confirmed that the use of taller development to mitigate noise from the M11 was acceptable in light of the physical circumstances of the site (para. 12 Appeal Decision)
- The Appeal Inspector confirmed that the appeal was allowed based on the assessment of the Indicative Site Layouts that he required be listed as approved plans under condition 6 (paras. 2 and 8 Appeal Decision)
- Through the SoCG the Council confirmed that the principle of three storey development was acceptable on the site.
- The only controls that the Council sought over the affordable housing through the S106 was to agree the mix and type of units and that no cluster should exceed 18 units unless otherwise agreed by the Council.
- The Council has confirmed in the Committee Report for the meeting of 24<sup>th</sup> July and verbally at the same meeting that it has agreed the type and mix of affordable housing, which include apartments.
- The cluster of affordable housing does not exceed 18 units as set out in the S106.
- As there are both affordable and market units proposed both as apartments and dwellinghouses, with the former according with the agreed mix and type of affordable housing and cluster threshold, it is questionable how the matters raised by the Council relate

to the matters that are reserved, namely the layout, scale, landscaping, and appearance of the development.

- Housing delivery is a chronic problem for Uttlesford. The emerging Local Plan is the third attempt to adopt a new Local Plan since the 2005 Local Plan. The changes to the NPPF are inevitably going to complicate the Local Plan process with greater emphasis on housing delivery and scrutiny of the delivery of approved sites.
- The application site is identified in the recently approved Regulation 19 plan as being within the development limits of Elsenham. For the purposes of housing delivery, the Council will be likely to have identified the site as a part of its future housing trajectory figures.
- The R4U administered Council remains in Special Measures due to its poor quality of dealing with major applications and its high percentage of refusals.
- R4U has rejected Central Governments requirement for Uttlesford to accommodate nearly 1,500 homes more than the Reg19 plan is based upon.

The proposed scheme is essential to providing the necessary mitigation for the site to be deliverable. Without taller development as a barrier block, which will inevitably contain some affordable housing given that 40% is required across the site, the site would not be deliverable in light of the physical circumstances of the site. Based on the Council's response, the loss of 50 dwellings from the Council's housing trajectory would further complicate an already complex Local Plan process. Moreover, it would result in further land being needed, most likely in a less sustainable and more visually intrusive countryside location. Accordingly, the Council's objection to the scheme and its argument that the changes to the NPPF would not support it are unfounded. Importantly, the Council's attempts to get this application refused are counter to the aims of its emerging Local Plan and the Government's commitment to boost the supply of housing.

Regards

Ed

**Ed Durrant**

Associate Planner



Suite 4 | Pioneer House | Vision Park | Histon | Cambridge | CB24 9NL



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