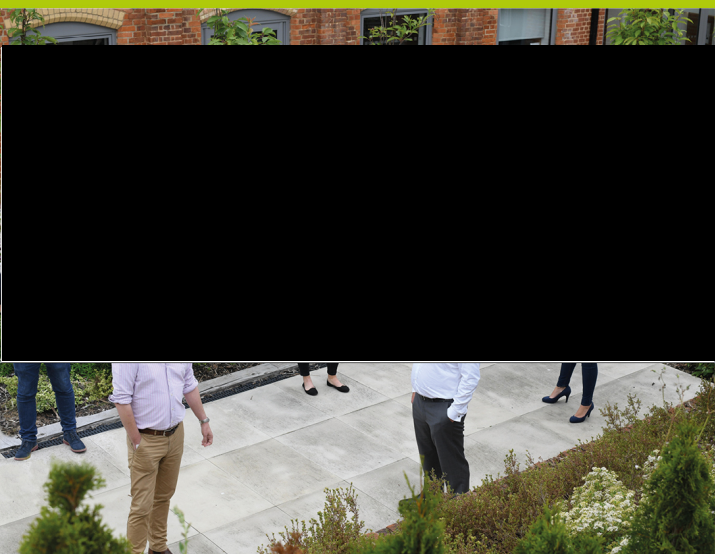




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Response to initial consultation period and interim correspondence dated 09 December 2022 from the Planning Inspectorate (Proposed erection of 15 dwellings at Canfield Moat, High Cross Lane, Little Canfield)

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Date: 09 February 2023



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Introduction

The purpose of this statement is to provide a written response, on behalf of the applicant, to the interim correspondence received from the Planning Inspectorate dated 09 December 2022 at **Appendix 1**. The aforementioned correspondence was issued following the completion of an initial consultation period and additional information and clarification on certain matters was requested in relation to highways, public rights of way, protected species, flood risk and drainage, archaeology, planning obligations and third party comments. Each of the matters are addressed in separate sections of the statement however as will be appreciated many of the issues raised are interrelated.

The applicant is keen to hear the Inspector's opinions at this stage on the principle of the development, following the completion of the initial consultation process prior to instructing any additional reports that may be requested prior to the determination of the application. It is appreciated that there are many factors yet to be fully considered and a further consultation process is to be undertaken, however the Inspector is invited at this stage to provide observations on the principle of the development in terms of its location.

The applicant has submitted the following documentation for the consideration of the Inspector.

Appendix A 10949 A1 06 rev A (Proposed Site Plan)

Appendix B 10949 A1 11 Rev B (Proposed Floor Plan Units 3-6)

Appendix C 10949 A1 12 Rev A (Proposed Elevations Plan Units 3-6)

Appendix D 10949 A1 26 Rev A (Visibility Splay and Access Plan)

Appendix E Archaeological Monitoring Report (Essex County Council Field Archaeological Unit)

Appendix F Heads of Terms (draft)

Appendix G Affordable Housing Commuted Sum Calculator

Units 3-6

It has been recognised that the gross internal floor space for units 3-6 fell slightly short of the space standards for a 3-bed 5-person two storey dwelling in accordance with NDSS. An adjustment has been made in order to increase the size to 95m², which now exceeds the minimum NDSS requirement of 93m² for the aforementioned house type.

The revised floor plan and elevation plan of the units have been submitted to accompany this statement at **Appendix B** (10949 A1 11 Rev B) and **Appendix C** (10949 A1 12 Rev A). The increase in the footprint of the dwellings has also been incorporated into revised Proposed Site Plan at **Appendix A** (10949 A1 06 rev A).

Highways and Public Rights of Way

Additional information has been requested by the Inspector in relation to the intended access which will serve the proposed development. It is recognised that the stretch of highway (High Cross Lane West) which intersects with the internal drive is subject to a 60 mph speed limit, however in reality the average speed of vehicles passing the entrance point will be significantly lower given the width of the road. It is expected that the average speed would be no more than 40 mph if a speed survey was undertaken using the 85th percentile. On this basis a visibility splay of 65 metres would be required in both directions, and the accompanying Visibility Splay Plan at **Appendix D** (10949/A1 26 Rev A) demonstrates that these splays would be achievable.

A speed survey can be instructed to accompany the application should this be necessary however, as referred to earlier, the applicant would seek the initial views of the Planning Inspector as to the principle of development at this location prior to funding additional reports.

There is scope within the red line boundary of the site to widen the existing internal driveway and upgrade it in terms of surfacing for the benefit of existing users of Canfield Moat, the farm, gymnasium and prospective occupants of the proposed development.

Additional information was requested in relation to the location of the existing public footpaths 14, 15 and 16 that run adjacent to the site. The Proposed Site Plan at **Appendix A** (10949 A1 06 rev A) has been revised to incorporate the footpaths and clearly demonstrates that accessibility will not be impacted by the proposed development.

The Proposed Site Plan has incorporated a turning circle within the central part of the site, which will enable refuse vehicles to turn within the site and exit in a forward gear. The stretch of driveway which will lead up to and include the turning circle will be surfaced with tarmac to ensure it is suitable for this purpose and will be constructed to withstand a gross vehicle weight of 32 tonnes and axle loading of 11.5 tonnes.

Protected species

ECC Place Services has reviewed the documentation provided and requested additional information specifically in relation to the potential removal of tree T60 as identified on the AIA. The AIA includes trees that require removal to facilitate the development but also trees which will require removal in the near future as they are approaching the end of their lifespan.

It is the applicant's intention to retain T60 as part of the development but, due to its lifespan, it is likely to require removal at some point in the next few years which is why it has been identified for removal on the AIA. Prior to the tree being removed in the future, which would be post development, an ecologist will be consulted in advance.

In relation to the proposed lighting scheme and specifically the arrangements at Canfield Moat and the Coach House, the applicant is prepared to accept a pre-commencement condition requiring the submission and subsequent approval of a wildlife-sensitive lighting strategy to be prepared in consultation with a qualified ecologist.

Flood risk and drainage

The holding objection issued by ECC is noted and its request for additional information in relation to infiltration capacity, size, form and location of the attenuation, calculations and design details of SuDS features. It is intended that the additional information will be provided by a qualified drainage expert once the applicant has received an indication from the Inspector that the principle of the development is acceptable in terms of the location of the site.

Archaeology

The Planning Inspector has noted that the Archaeological Desk-Based Assessment indicates that the site has a moderate to high (significant) potential of encountering archaeological features and deposits associated with the medieval moated enclosure. A low to moderate potential for encountering prehistoric and Romano-British remains has also been identified. Given the potential archaeological significance of the site, further pre-determination field evaluation is required to assist in decision-making.

The applicant has provided an Archaeological Monitoring Report produced by Essex County Council Field Archaeological Unit dated February 2010 at **Appendix E**. The fieldwork referred to in the report related to the construction of a garage and pool house within the grounds of Canfield Moat. The report was produced in order to satisfy an archaeological condition imposed by UDC in relation to planning application UTT/0704/09 which granted consent for the aforementioned buildings, and some finds were discovered. It is clear that the fieldwork only related to the areas of the site where the proposed development took place. The applicant is willing to accept the conditions recommended by Place Services as provided below, should planning consent be granted in due course.

1. No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured in accordance with a written scheme of investigation which has been submitted and undertaken by the applicant, and approved by the planning authority.
2. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of the above trial trenching work
3. 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.
4. The applicant will submit to the local planning authority a post-excavation assessment

(to be submitted within six 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.

According to the Historic England database Canfield Moat is not a listed building, however ECC Place Services has referred to the property as a non designated heritage asset. The proposed development is considered to enhance the setting and character of the asset.

The Historic England's Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) has been considered. The document provides that improving access, or interpretation of an asset including its setting is considered to be an enhancement supported by paragraph 137 of the NPPF.

It is considered that the proposed development will result in an increased number of visitors to the site which will enhance the appreciation of the building. At the present time very few members of the public will have an opportunity to appreciate the asset due to the current low level of occupancy on the site. The site is effectively screened from surrounding land and as a consequence can only be glimpsed from a distance.

The design of the development has been wholly influenced by the asset and, as set out in detail within the Planning Statement, would introduce features that are commonplace on country estates such as a gatehouse, worker cottages and a stable block conversion. Although the aforementioned features did not pre-exist on this site, the design has been carefully considered in order to respond positively to the setting of the asset rather than proposing standard forms of development which would be out of keeping with a country house estate. The new features will add to the public appreciation of the asset which at the present time is virtually non-existent given Canfield Moat is a private residence.

The development is also proposed to be low density in order to ensure that the asset remains the most prominent feature on the site. The largest introduction to the site would be stable block. However this would be located to the rear of the asset. The lower impact elements such as the gatehouse entrance and workers cottages would be within the front section of the site. The cottages would be enclosed in a 'secret garden' type

layout in order to limit visual impact. The gatehouse dwellings would be deliberately prominent at the entrance to the site in order to create the impression that visitors are entering the grounds of a country house, thus drawing attention to the fact that there is an asset on the site to be viewed.

Planning Obligations

In relation to planning obligations it is evident that no details were released by UDC during the consultation process as to what contributions it would expect to secure against the proposed development. Subsequently officers had been asked to provide details in order that some draft Heads of Terms can be submitted. Upon this request UDC stated that it would provide details, however this has not been forthcoming.

UDC was also been asked if it had a preferred draft legal document which could be used to secure any payments, however we were informed that no preference exists.

Subsequently the applicant duly submitted a draft Heads of Terms document for the agreement of UDC which is included at **Appendix F**. Upon agreement of the Heads of Terms the applicant would intend to prepare and submit a draft Section 106 agreement to UDC.

Affordable housing

The affordable housing commuted sum to be secured against the development scheme, as identified in the Heads of Terms, has been calculated at £355,335. The calculation has been made in accordance with a standard commuted sum calculator which has been adopted by various local authorities at **Appendix G**. The calculator has assumed that there would be a requirement of 6 affordable housing homes (4 x affordable rent and 2 x shared ownership) which equates to 40% of the 15 units to be provided on the development as per local policy. The scheme mix for the affordable housing units is identified on the calculator and includes 1 x 2-bed house, 2 x 3-bed houses and 1 x 4-bed house for affordable rent and 1 x 2-bed house and 1 x 3-bed house for shared ownership.

The first payment of 25% is intended to be paid following the occupation of the 8th dwelling on the site. The second payment of 25% would be due upon the occupation of the 12th dwelling, and the 50% balance would be payable upon occupation of the final dwelling.

Other contributions

No Open Space contribution has been identified as the proposed development has incorporated its own provision for the benefit of the prospective residents, including a communal woodland and swimming pool.

No education contribution is required as the trigger point for this type of payment generally starts at 20 homes according to the Developers' Contributions SPG22 document.

Third Party Comments

The Planning Inspector requested that a response to third party comments in relation to additional matters raised was provided.

Firstly it should be recognised that only two objections have been raised to the proposed development from members of the public, which is unusually low number for a major development. Although the Inspector is required to determine the application on its own merits irrespective of the strength of local opposition, the lack of public opposition does emphasise that the proposed development has generally not been considered to be controversial.

Uttlesford District Council

The starting point for considering third party comments is the response from Uttlesford District Council (UDC) dated 15 December 2022. It was stated that the proposed development is considered to be unsustainable in an open countryside location, and would cause harm to the setting contrary to policy S7 of the ULP.

The LPA has acknowledged with its own Delegated Officer's report that it is unable to demonstrate a five year supply of housing, and as a consequence paragraph 8 of the NPPF and the tilted balance is engaged. Policies such as S7 which serve to restrict development outside settlement boundaries are considered to be out of date and limited weight should be afforded to them during the decision making process. The site is not in an area of particular importance as identified in the NPPF and the accompanying Landscape and Visual Impact Assessment (LVIA) concludes that the proposed development would result in a negligible impact upon the landscape and would be visually acceptable from surrounding land. No reference to the LVIA was made in the Committee Report or correspondence dated 15 December 2022.

The proposed development would provide an additional 15 dwellings in a district which cannot demonstrate a five year supply of housing and has repeatedly failed to grant consent for the required threshold of major developments.

It is stated by the UDC that the quality of the development is mediocre, however no justification whatsoever has been provided to support this assertion either in the Committee Report or the correspondence dated 15 December 2022.

It is acknowledged that one of the house types (Units 3 to 6) falls slightly short of NDSS and a minor amendment has been made to the plans which accompanies this statement for the consideration of the Planning Inspector, as referred to earlier.

In relation to affordable housing provision the correspondence states that the council was disappointed that the proposal will not provide onsite affordable housing, however the view of the council's own housing team appears to have been overlooked or ignored by the members. Correspondence from the Housing Strategy, Enabling & Development Officer's dated 09 November 2022 states '*Normally, the preference is for on-site affordable housing provision, but given the location of the proposed development on this occasion there is no objection to a commuted sum being provided in lieu of on-site delivery*'.

Finally UDC states that Natural England has identified the site as a traditional orchard, and the accompanying Tree Survey and Arboricultural Impact Assessment has accounted for all the trees on the site. There are simply 5 apple trees adjacent to the entrance which would be retained as part of the proposed development, but do not comprise a commercial orchard. Furthermore no information has been received from Natural England to demonstrate to the contrary, and UDC appears to have overlooked the accompany tree reports when considering its consultation response.

Public objections

Most of the reasons given for objecting to the application by the two public objectors have been addressed above, but any of the issues not covered are considered herewith.

One of the objectors states that '*The government has now just scrapped the mandatory building targets so the argument about housing supply is no longer a legal requirement on Uttlesford and as such any argument providing a weighting to housing supply should carry considerably less weight.*'

The Government has announced that mandatory housing supply targets will be scrapped, however no legislation has yet come forward to remove this requirement. Until or when the provisions of the current NPPF are replaced, paragraph 8 and the titled balance is fully engaged.

It is also stated that there is considerable housing stock in the area, but UDC itself has admitted it cannot demonstrate a five year supply of housing to meet the demand. It is noted that the objector supports the argument that affordable housing on the site would not be viable given the context of the development and the site, hence the commuted sum approach has been adopted.

The same objector states that Canfield Moat is a Listed building but this is simply incorrect.