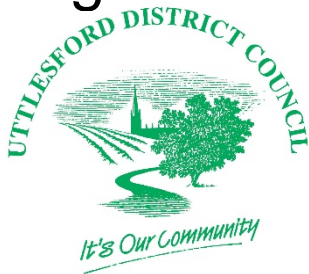


Agenda Item 7



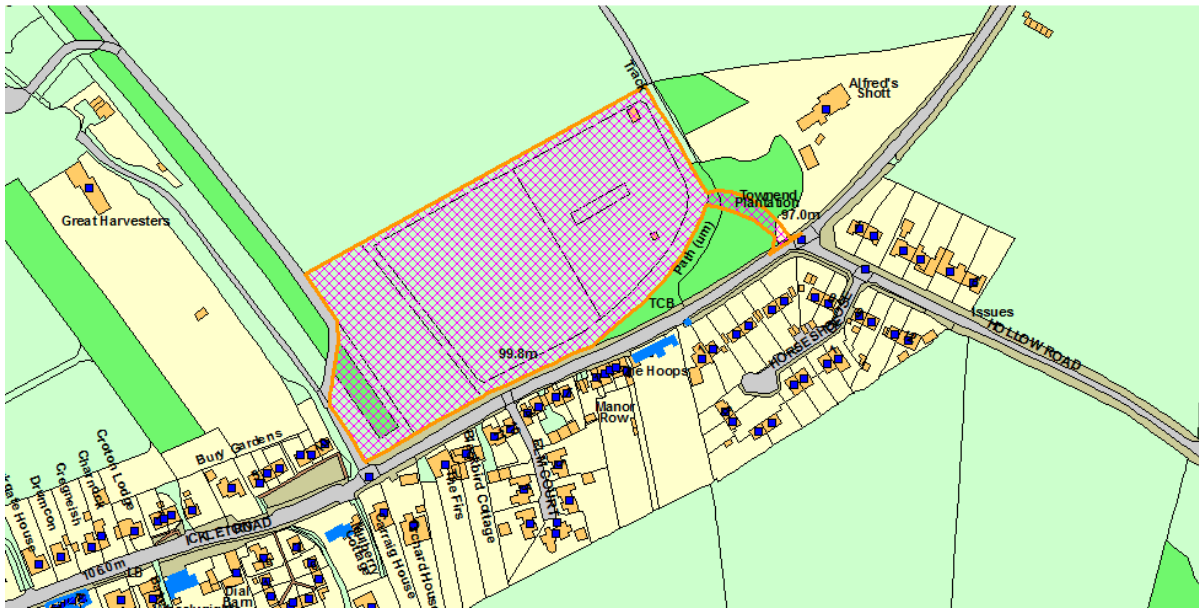
ITEM NUMBER: 7

PLANNING COMMITTEE DATE: 08 March 2023

REFERENCE NUMBER: PINS: S62A/2023/0015
UDC: UTT/23/0246/PINS

LOCATION: Grange Paddock
Ickleton Road
Elmdon

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 21 February 2023

PROPOSAL: Consultation on S62A/2023/0015 - Town and Country Planning Act 1990 (Section 62A Applications).

Application for outline planning permission for the erection of 18 dwellings including provision of access road, car parking and residential amenity space, a drainage pond, and communal open space, with all matters reserved for subsequent approval except for means of access and layout.

APPLICANT: Mr R Smith, Rocol Estates Ltd

AGENT: Mr T Coombs

DATE CONSULTATION RESPONSE DUE: 16 March 2023

CASE OFFICER: Bruce O'Brien

NOTATION: Outside Development Limits; Within Flood Zone 1; Mineral Safeguarding Area, SSSI Impact Risk Zone; Contaminated Land Historic Land Use Area

REASON THIS CONSULTATION IS ON THE AGENDA: This is a report in relation to a major (outline) planning application submitted to the Planning Inspectorate (PINS) for determination.

Uttlesford District Council (UDC) has been designated by Government for performance in relation to the quality of decision-making on 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.

1. **RECOMMENDATION**

That the Director of Planning and Building Control 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 subject site is situated in the area of Elmdon. It is in the north of Uttlesford District.

The application site comprises approximately 5.5 acres of land; a broadly rectangular parcel; outside of the recognised settlement boundary of Elmdon. The site is adjacent to the northern edge of the development boundary, separated only by Ickleton Road.

2.2 There is an existing access from the highway, adjacent to the western boundary of the site. The access leads to a track which runs alongside the western boundary.

There is a footpath (not a Public Right of Way) heading northeast from Ickleton Road passing along the eastern boundary of the proposed development area.

2.3 The application site is located on existing farmland. Currently used for pasture, Natural England Agricultural Land Classification Map (Eastern Region) shows the land classified as Grade 2, very good arable land.

2.5 The site is opposite a Grade II listed building, a residential dwelling, 'The Hoops'.

2.4 The entirety of the application site is in flood zone 1 where there is a low probability of flooding. The site slopes downwards towards its southern boundary where there is a drainage ditch running alongside Ickleton Road.

3. PROPOSAL

3.1 Application for outline planning permission for the erection of 18 dwellings including provision of an access road, car parking and residential amenity space, a drainage pond, and communal open space, with all matters reserved except for means of access and layout.

3.2 The application has been submitted with an indicative layout plan which shows one potential primary vehicular access point into the site, from the south, Ickleton Road.

3.3 The proposed site plan demonstrates 18 units, each on its own plot. The housing mix would comprise 1 x 2-bedroom bungalow, 6 x 3-bedroom semi-detached, 2 x 2-bedroom semi-detached, 5 x 4-bedroom detached, 4 x 5-bedroom detached.

3.4 To the west of the site, the proposal includes a children's play area and a community green space. These are to be available to residents other than those living on the proposed development. The area would be accessed by way of a publicly accessible pathway, leading north from Ickleton Road.

3.5 Other features include a rotunda with a central attenuation pond, resident's amenity space and visitor's parking spaces.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The proposed 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 There is no recent planning application history relating to this site.

6. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

- 6.1 In line with the guidance of Paragraphs 40 and 132 of the National Planning Policy Framework (2021), the submission is accompanied by a Statement of Community Involvement which sets out the following engagement methods/procedures: -

- 6.2 In 2022, the applicant approached Elmdon Parish Council to seek advice on how best to inform local people of these proposals and their input into the design of the scheme.

The Parish Council recommended that a presentation be made one weekday evening and should include the applicant's draft proposals for the siting and layout of the development. The agreed date was Friday 17th June 2022. The applicant put up several posters in the village to invite all residents and representatives of the applicant also attended. Display boards were set up and informal discussions took place with local people and their representatives. The display boards also included the applicants first proposals for the scheme.

- 6.3 The response from the residents was that there are strong objections to the principle of development of the site.

- 6.4 Comments were as follows:
The speed of traffic on the main road particularly at the bend was a strong local concern.
The access should be re-sited at the eastern end of the site.
Affordable housing was very much supported and welcomed as part of the proposals.
Most attendees recognised that there was a clear demand for new housing, both market and affordable housing.
The scheme should include significant landscaping to help mitigate impacts.

- 6.5 The applicant considered the comments and has changed the proposed layout, accordingly, including the relocation of the vehicular access to the eastern side of the site.

- 6.6 Regarding concerns about speed of traffic on the main road, the application includes a comprehensive Transport Statement to demonstrate that a safe vehicle access to the site is achievable.

6.7 The applicant is willing to consider proposals for detailed contributions to support existing local facilities.

7. **STATUTORY CONSULTEES**

7.1 All statutory consultees are required to write directly to the Planning Inspectorate (PINS) (and not the Local Planning Authority) within the 21 days period: the end date being the 16 March 2023.

7.2 Accordingly, it should be noted that 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 21-day consultation period being the 16 March 2023.

9. **CONSULTEE RESPONSES**

9.1 All consultees' comments are required to be submitted directly to PINS (and not the Local Planning Authority) within the 21-day consultation period, which closes 16th March 2023. 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, the following comments have been received:

Essex Police (Designing Out Crime): No objection and have provided some advisory guidance.

UDC Housing: The UDC Housing Team have noted the requirement for affordable housing provision and an appropriate mix.

ECC Archaeology: ECC Archaeology advice is that Historic England be consulted on the proposed development and a pre-commencement condition be added to any approval decision.

10. **REPRESENTATIONS**

10.1 The application was publicised by sending letters to adjoining and adjacent occupiers. 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 ending the 16 March 2023

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 21 days.

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

- 11.4.1** 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 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

12.1.1 National Planning Policy Framework (NPPF) (2021)

12.2 Uttlesford District Plan 2005

S3 – Other Development Limits

S7 – The Countryside

GEN1 – Access

GEN2 – Design

GEN3 – Flood Protection

GEN4 – Good Neighbourliness

GEN5 – Light Pollution

GEN6 – Infrastructure Provision

GEN7 – Nature Conservation

GEN8 – Vehicle Parking Standards

ENV1 – Design of Development within Conservation Areas

ENV2 – Development Affecting Listed Buildings

ENV3 – Open Spaces and Trees

ENV4 - Ancient Monuments and Sites of Archaeological Importance

ENV5 – Protection of Agricultural Land

ENV7 – Protection of the Natural Environment

ENV12 – Groundwater Protection

ENV14 – Contaminated Land

H1 – Housing Development

H9 – Affordable Housing

H10 – Housing Mix

12.3 State name of relevant Neighbourhood Plan in this title

N/A

12.4 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:

- 13.2**
- A) Principle Of Development**
 - B) Highways Considerations**
 - C) Design**
 - D) Housing Mix and Tenure**
 - E) Archaeology**
 - F) Flooding**

- G) Arboriculture**
- H) Climate Change and Sustainability**
- I) Air Quality and Pollution**
- J) Ecology**
- K) Heritage**
- L) Planning Obligations**
- M) Other matters**
- N) Planning Balance and Conclusion**

13.3 A) Principle Of Development

- 13.3.1** The application site is located outside of the settlement boundary of Elmdon; therefore, set within the countryside; wherein the principle of development would generally be acceptable if the scheme were to comply with the details as outlined in Policy S7 of the Uttlesford Local Plan (2005) and other Local Plan policies and the NPPF (2021).
- 13.3.2** However, regard is given to the Uttlesford Local Plan being out of date and that the plan significantly pre-dates the introduction of the National Planning Policy Framework in 2012 and as amended (2021).
- 13.3.3** Additionally, the Council as Local Planning Authority is not currently able to demonstrate a 5-year housing land supply (5YHLS).
- 13.3.4** Given the above factors, Paragraph 11 of the NPPF becomes relevant here. Development is inherently sustainable and should be granted planning permission unless:
- i. the application of policies in this Framework that protect areas or assets, or particular importance provides a clear reason for refusing the development proposed, or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 13.3.5** Regarding (i) above, the NPPF (2021) at Section 2, provides guidance on the areas /assets of particular importance that provide a clear reason for refusing the proposed development. These areas are habitat sites and/or designated Sites of Special Scientific Interest, land designated as Green Belt, Local Green Space, Areas of Outstanding Natural Beauty, a National Park or defined as heritage Coast; irreplaceable habitats; designated heritage assets and areas at risk of flooding or coastal change.
- 13.3.6** The application site is not located within an area that is specifically protected as outlined in (i) above.
- 13.3.7** Paragraph 11 of the NPPF requires the decision maker to grant planning permission, unless having undertaken a balancing exercise, there are (a) adverse impacts and (b) such impacts would ‘significantly and demonstrably’ outweigh the benefits of the proposal.

13.3.8 The proposal seeks outline planning permission for 18 residential units. This quantum of development would make a valuable contribution to the district's housing supply. In principle the proposal may be acceptable subject to the assessment of the scheme under the requirement for sustainability as outlined in Paragraph 8 of the NPPF and the relevant policies of the Uttlesford Local Plan.

13.3.9 Paragraph 8 identifies three mutually dependent strands to sustainability which need to be jointly considered in the assessment of this application. These relate to the economic, social, and environmental roles that may be attained by way of the proposed development.

13.3.10 Economic:

The NPPF identifies this is contributing to building a strong, responsive, and competitive economy that supports growth and innovation and identifies and co-ordinates development requirements including the provision of infrastructure.

In economic terms the proposal would have short-term benefits to the local economy in terms of localised construction activity. It would also have medium/long term benefits in terms of the local support of services arising from the proposed residential development. However, these factors have limited weight.

13.3.11 Social:

The NPPF identifies this as supplying homes in a high-quality built environment with accessible local services that reflect community need and wellbeing.

In social terms, the proposal would contribute to local housing supply in an area that is close to an established settlement. The proposal would also make a suitable contribution to the provision of affordable housing. Additional social benefits include provision of a publicly accessible open space/play areas.

13.3.12 Environmental:

The NPPF identifies this as making effective use of land, seeking to protect and enhance the natural and built environment, improving biodiversity, minimising waste and pollution, and mitigating and adapting to climate change.

13.3.13 The site is currently undeveloped, and the proposal will therefore result in the loss of land that is in agricultural use. Most of the land on the site is identified on the Uttlesford District Council Constraints Map as being Grade 2 Agricultural Land.

Such land is very good quality, high yielding agricultural land with minor limitations which affect crop yield, cultivations or harvesting and can support a wide range of agricultural and horticultural crops.

13.3.14 Local Plan policy ENV5 (Protection of Agricultural Land) states that development of the best and most versatile agricultural land will only be permitted where opportunities have been assessed for accommodating

development on previously developed sites or within existing development limits. Where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.

- 13.3.15** Local Plan policy ENV5 (Protection of Agricultural Land) states that development of the best and most versatile agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. Where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.
- 13.3.16** There is conflict with the requirements of policy ENV5. The applicant has failed to assess whether the proposed development could be accommodated elsewhere within the district, which may prove to be more sustainable or of a poorer quality of agricultural category.
- 13.3.17** However, Local Plan policy E4 allows for alternative uses of agricultural land provided the development includes proposals for landscape and nature conservation enhancement, the development would not result in a significant increase in noise levels or other adverse impacts beyond the holding, the continued viability and function of the agricultural holding would not be harmed, and that the development would not place unacceptable pressures on the surrounding rural road network. The proposed development complies broadly with policy E4 and given that the land is currently used for pasture, it is considered that the harm caused by the loss of agricultural land is balanced by the positive impacts of the development when assessed against policy E4 and other local and national policies as a whole.
- 13.3.18** The applicant intends to compensate for the loss of agricultural land by way of the provision of affordable housing, and landscape features, including public open space and a children's play area. It is expected that there would be ecological mitigation and biodiversity enhancement measures attached to any approved scheme.
- 13.3.19** It is acknowledged that the site is situated outside of the settlement boundaries. Policy S7 of Local Plan seeks to protect the Countryside and would normally preclude the location of this form of development in this location. However, Policy S7 has been found, in many recent appeal and planning decisions to not fully comply with the NPPF; as it seeks to place greater restrictions on development in the countryside over and above those of the NPPF.
- 13.3.20** Having regard to other consented planning permissions for residential development, within the District in countryside locations, adjacent to settlements; the lack of a 5YHLS, and an out of date Local Plan, the proposal is considered likely to be acceptable in principle, unless Paragraph 11 applies; *any adverse impacts of doing so would significantly and demonstrably outweigh*

the benefits, when assessed against the policies in this Framework taken as a whole. These matters are further considered below.

13.4 B) Highways Considerations

13.4.1 Access is not a matter that is reserved for future consideration and consent is sought at this stage. The application proposes the creation of a principal vehicular access point at the eastern section of the site which links directly into the main highway of Ickleton Road. A public pedestrian access point would be provided at the western corner of the site, to provide a route to the public play area/open space.

13.4.2 Policy GEN1 of the Local Plan sets out that development will only be permitted if the following criteria is met: -

- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
- b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.
- c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.
- d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.
- e) The development encourages movement by means other than driving a car.

13.4.3 The proposal, which seeks consent for 18 residential units, will cumulatively lead to an increase in traffic movements within the locality. At this stage however, as no comments are available from Essex County Council Highway Authority it is not possible to assess whether vehicular movements associated with this proposed development is acceptable.

13.4.4 There is a need to comply with the Council's parking standards as outlined in Local Plan policy GEN8, Uttlesford Local Residents Parking Standards (December 2012) and the Essex County Council's Parking Standards (September 2009).

13.4.5 There is a requirement for a minimum of 2 spaces per dwelling (and 3 spaces per dwelling for dwellings with 4+ bedrooms) and 0.25 spaces per dwelling for visitor parking. Cycle provision will also be required if no garage or secure parking is provided within the curtilage of the dwelling.

13.4.6 The proposed parking provision as shown on the submitted layout is policy compliant.

13.4.7 The proposed access arrangements for this outline planning application and the highway impact associated with the proposed development fall to be considered by Essex County Council as the Highway Authority. However due to the nature of the S62A application process; wherein comments are to be provided directly to the Planning Inspectorate for decision-making; the Local

Planning Authority are unable to make detailed comments on the highway aspect of the proposed development.

13.5 C) Design and Landscape

13.5.1 This application seeks consent for layout and access only at this stage; with scale, external appearance and landscape considerations being reserved for future consideration.

13.5.2 The guidance set out in Section 12 of National Planning Policy Framework outlines that proposed development should respond to the local character, reflect the identity of its surroundings, optimise the potential of the site to accommodate development and is visually attractive because of good architecture.

13.5.3 Local Plan Policy GEN2 seeks to promote good design requiring that development should meet with the criteria set out in that policy. Regard should be had to the scale form, layout, and appearance of the development and to safeguarding important environmental features in its setting to reduce the visual impact of the new buildings where appropriate. Furthermore, development should not have a materially adverse effect on the reasonable occupation and enjoyment of residential properties because of loss of privacy, loss of daylight, overbearing or overshadowing.

13.5.4 Layout

The application has been submitted with an illustrative layout plan; together with illustrative site sections showing how the proposed development could be accommodated on the site.

13.5.5 The proposed development would be at a two-storey height and would aim for congruent design using vernacular materials.

13.5.6 The development would comprise a low-density scheme of 8/9 dwellings per hectare.

13.5.7 The LPA acknowledge the public benefits of supplying a publicly accessible area of open land and play space. However, there are concerns over the proposed funding mechanism for the provision. The applicant intends to maintain these areas by way of a service charge payable by residents of the proposed development. It is questionable whether private residents would agree to the financing of public spaces in perpetuity. Furthermore, the play areas are to the east of the site and there is no pedestrian link from within the development directly to the play/open space. This matter should be addressed.

13.5.8 The application does not suggest an over-developed or cramped layout. There is enough separation between dwellings, each dwelling would have adequate amenity spaces and parking provision.

13.5.9 Details would be required as to safety aspects regarding the proposed pond within the site.

13.6 D) Housing Mix and Tenure

- 13.6.1** 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. Paragraph 62 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.
- 13.6.2** 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 UDC Housing Team have been consulted on the scheme and conclude that the affordable housing provision on this site will attract the 40% policy requirement as the site is for up to 18 properties. This amounts to 7 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.
- 13.6.3** The specific tenure split and mix for the affordable housing provision can be agreed later if the application is approved, but the recommendation is 5 dwellings for affordable rent and 2 First Homes.
- 13.6.4** The First Homes will be delivered at, or below, a price cap of £250,000 after a 30% developer contribution has been applied.
- 13.6.5** The applicant is prepared to provide an appropriate amount of affordable housing, secured by way of legal agreement. This provision is satisfactory and weighs in favour of the scheme.
- 13.6.6** Policy H10 of the Local Plan requires that for larger schemes a significant portion of market housing comprising smaller properties (2 and 3 bedroom).
- 13.6.7** Layout is being considered at outline stage and as such there is an opportunity to ensure that an appropriate housing mix is secured. The proposed housing mix is 1 x 2-bedroom bungalow, 6 x 3-bedroom semi-detached, 2 x 2-bedroom semi-detached; this is an appropriate provision of smaller dwellings.
- 13.6.8** It is 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 proposed layout demonstrates that this could be achieved. There would be one bungalow, and this could meet the regulations of a Part M, Category 3 home. A condition requiring this will be suggested if the Inspector is mindful of granting consent.

13.7 E) Archaeology

13.7.1 Policy ENV4 Ancient Monuments and Sites of Archaeological Importance Where nationally important archaeological remains, whether scheduled or not, and their settings, are affected by proposed development there will be a presumption in favour of their physical preservation in situ. The preservation in situ of locally important archaeological remains will be sought unless the need for the development outweighs the importance of the archaeology. In situations where there are grounds for believing that sites, monuments, or their settings would be affected developers will be required to arrange for an archaeological field assessment to be carried out before the planning application can be determined thus enabling an informed and reasonable planning decision to be made. In circumstances where preservation is not possible or feasible, then development will not be permitted until satisfactory provision has been made for a programme of archaeological investigation and recording prior to commencement of the development.

13.7.2 The Historic Environment Record identifies the proposed for development as being within an area of potentially sensitive archaeological deposits at the edge of the historic settlement of Elmdon. The proposed development lies near Elmdonbury, a site which encompasses the Scheduled Monument of Castle Grove a ringwork 370 metres northwest of Elmdon Church (SM1011780, EHER3878) as well as the historic farmstead. The proposed development has the potential to impact the setting of this scheduled monument. Further west is the Scheduled Monument of Dagworth moated Site (SM1012055, EHER124) formerly Dagworth Manor House.

Within the vicinity of the proposed development prehistoric pottery has been identified indicating occupation in the locality (EHER46378). Ring ditches have also been identified through cropmarks to the north of the proposed development (EHER16273).

There is therefore the potential for roadside development, prehistoric and medieval features within the proposed development site.

13.7.3 Historic Environment Advice from Essex County Council has advised that the Inspectorate should seek consultation with Historic England on this application. Furthermore, to meet the requirements of Local Plan policy ENV4, a pre-commencement condition would be required to include trial trenching and open area excavation and subsequent assessment.

13.8 F) Flooding

13.8.1 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.

13.8.2 The application site is located within Flood Zone 1 where there is a minimal risk of flooding.

13.8.3 Local Plan policy GEN3 states that: Outside flood risk areas development must not increase the risk of flooding through surface water run-off. A flood risk assessment will be required to demonstrate this. Sustainable Drainage

Systems should also be considered as an appropriate flood mitigation measure in the first instance.

13.8.4 The application is supported by an outline Flood Risk Assessment and Drainage Strategy.

13.8.5 The site is in Flood Zone 1 and shown to be at a low risk of other sources of flood risk. Infiltration testing identified that infiltration methods are viable at the site. For this Outline Planning Application, infiltration devices such as permeable paving, soakaways and an infiltration pond/basin have been utilised to demonstrate how surface water run-off could effectively be managed for all storms up to and including the 1 in 100yr + 40 % Climate Change event. At reserved matters stage, it is advised that further infiltration tests are undertaken and deep bore soakaway tests to detail the infiltration drainage strategy.

13.8.6 All maintenance tasks for drainage within private areas are to remain private, with all shared drainage to be the responsibility of the site's residential management and maintenance teams.

13.8.7 The site is at a low risk of flooding and the proposals do not increase flood risk onsite or elsewhere. The proposed SuDS strategy effectively manages the surface water runoff associated with all new impermeable areas.

It is proposed that foul discharge will be to sewage network connections as identified in the submitted report 3.13 and 3.14.

13.8.8 The proposals will be assessed by Essex County Council who are the lead local flood authority in respect to matters of relation surface water drainage and to flooding. The authority will provide written advice directly to PINs by the 16th March 2023.

13.9 G) Arboriculture

13.9.1 Local Plan policy ENV3 states that 'The loss of traditional open spaces, other visually important spaces, groups of trees and fine individual tree specimens through development proposals will not be permitted unless the need for the development outweighs their amenity value.'

13.9.2 The proposed development would require the loss of trees to make way for the proposed access route to the site. The strong boundary hedge to the front (south) of the site is to remain. The retained trees on the site would be protected during the construction phase by way of methods outlined in a submitted arboriculture impact assessment.

13.9.3 The proposed loss of trees and the protection of others is supported by a submitted arboriculture impact assessment which outlines an arboriculture method statement and tree protection measures.

13.9.4 The Arboriculture impact assessment identifies that there will be a high impact from the loss of the trees to the front of the site. There will be moderate to high impact from the loss of the trees to the sides of the proposed access road. These trees contribute to the overall backdrop; however, they would be more visible from the road once the road frontage trees are removed.

There will be moderate impact from the loss of trees within the upper area as this is visible from a distance, being on higher ground.

13.9.5 An assessment impacts cannot be undertaken without considered input from UDC landscape specialist. Any comments from the Landscape Officer are required to be submitted directly to PINS. However, it is considered that any harmful impacts posed by these matters may be addressed by way of planning conditions to ensure replacement planting.

13.10 H) Climate Change and Sustainability

13.10.1 Council's supplementary planning document 'Uttlesford Interim Climate Change Policy (2021)' requires new development proposals to demonstrate the optimum use of energy conservation and incorporate energy conservation and efficiency measure. The applicant has provided a Sustainability Statement which outlines potential technologies and strategies to achieve and met the targets in the SPD.

13.10.2 All new development, as part of a future growth agenda for Essex, should provide climate friendly proposals in terms climate change mitigation and adaptation measures.

13.10.3 However, given the outline nature of the application under consideration which is seeking consent for layout and access only at this stage; it is not possible to provide a detailed analysis of the sustainability advantages of the scheme.

13.11 I) Environmental Health

13.11.1 Policy ENV13 of the Local Plan states that new development that would involve users being exposed on an extended long-term basis to poor air quality outdoor near ground level will be refused.

13.11.2 Local Plan policy ENV14 requires appropriate investigation and remediation of sites that could be harmful to future users.

13.11.3 Local Plan policy ENV10 relates to Noise Sensitive Development. Housing and other noise sensitive development will not be permitted if the occupants would experience significant noise disturbance.

13.11.4 An assessment of air quality, land contamination and noise impacts cannot be undertaken without considered input from Environmental Health specialists. Any comments from Environmental Health are required to be submitted directly to PINS. However, it is considered that any harmful impacts posed by these matters may be addressed by way of planning conditions.

13.12 J) Ecology

Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the

development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.

- 13.12.1** The application is accompanied by a Preliminary Ecological Assessment which indicates that no ecological interest would be harmed by this proposed development. A hedgerow would be retained and trees with any level of bat roosting potential would not be lost.
- 13.12.2** It is possible that bats would commute and forage in the area. Therefore, it is advised that a bat considerate lighting scheme be utilised during construction and completed phases of the proposal.
- 13.12.3** In addition, it is recommended that very significant additional planting be undertaken to reinforce existing boundary hedges and tree lines, replace trees lost to the proposal and plant new tree buffer zones and hedgerows where there are currently no such features. In addition to retained/replacement planting, it is advised that structurally integral bat boxes are installed on each building, with tree mounted bat boxes also installed.
- 13.12.4** The ecological assessment sets out proposed ecological enhancements by way of a badger route, precautions during construction, lighting, nesting birds and enhancements relating to bird and bat boxes, replacement planting and a biodiversity management plan.
- 13.12.5** However, given the nature of the application under consideration, comments from Essex Place Services Ecology consultants shall be submitted directly to PINS. However, it is considered that any harmful impacts posed by biodiversity matters may be addressed by way of planning conditions.

13.13 K) Heritage

- 13.13.1** The application site lies approximately 120 metres east of the Elmdon Conservation Area and is opposite a Grade II Listed Building 'The Hoops'
- 13.13.2** Given the nature of the application under consideration, comments from Essex Place Services Heritage consultants shall be submitted directly to PINS and the Local Planning Authority are unable to comment further on the potential for harm to the setting of heritage assets.

13.14 L) Planning Obligations

- 13.14.1** 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.

- 13.14.2** 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:
- i. Payment of education financial contributions; Early Years, Primary and Secondary Schools
 - ii. Financial contribution for Libraries
 - iii. Financial contribution for Health contributions
 - iv. Provision and long-term on-going maintenance of public open space and play area.
 - v. Highways obligations and associated financial contributions.
 - vi. Other community facilities

13.15 M) Other matters

- 13.15.1** 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.

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.

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.

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.

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.

13.16 N) Planning Balance and Conclusion

- 13.16.1** The Local Planning Authority is currently unable to demonstrate a 5-year housing land supply. Additionally, the Uttlesford Local Plan significantly predates the National Planning Policy Framework 2021; meaning that some local policies do not fully comply with the Framework.

13.16.2 As a result, Paragraph 11d of the NPPF applies which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.

13.16.3 In respect to highlighting the benefits, adverse impacts and the neutral impacts of the proposed development, the following has been concluded:

13.16.4 **Benefits:**

Provision of up to 18 dwellings would represent a boost to the district's housing supply.

The proposal would provide additional housing to the locality including affordable housing at 40%. This would equate to 7 affordable homes.

The provision would provide social gains in the form of the provision of public open space and a play area, the additional use of local services and added vitality to the community. The LPA acknowledge the public benefits of supplying a publicly accessible area of open land and play space. However, there are concerns over the proposed funding mechanism for the provision. The applicant intends to maintain these areas by way of a service charge payable by residents of the proposed development. It is questionable whether private residents would agree to the financing of public spaces in perpetuity.

The proposed layout indicates an intention to make efficient use of the land with proposed development that is of a low density commensurate with the surrounding locality.

13.16.5 **Adverse impacts:**

Potential to affect the setting of the Grade II listed building 'The Hoops'.

Loss of trees.

13.16.6 **Neutral:**

Loss of agricultural land.

Cumulative impact of the development proposal on local infrastructure can be mitigated by planning obligations.

Proposed biodiversity/ ecology enhancements and mitigation.

Proposed SuDs features on site.

13.16.7 Due to the nature of this application process, it is not possible to provide a detailed assessment of any traffic and transportation, ecology, design, or heritage considerations relating to this proposal. Neighbour comments have not been factored into this assessment.

13.16.8 The unique application process that is presented by this submission, requires the Local Planning Authority to advise the Planning Inspectorate of its thoughts on the proposed scheme. Having regard to the limited opportunity to consider the proposals the Planning Committee is invited to provide its comments.