



Planning Statement

Outline planning application with all matters reserved except access for up to 28 dwellings (Class C3) including public open space, sustainable drainage systems, landscaping and associated infrastructure and development

on behalf of

Richstone Procurement Ltd

Land to the north of Eldridge Close, Stickling Green, Clavering



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Title of document



DOCUMENT CONTROL SHEET

DATE	ORIGINATORS	APPROVED
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1.0 INTRODUCTION

- 1.1 This Planning Statement has been prepared by Andrew Martin – Planning Limited (AM-P) on behalf of Richstone Procurement Ltd. It supports an outline application for up to 28 dwellings (Class C3), public open space, sustainable drainage systems, landscaping and associated infrastructure and development on land to the north of Eldridge Close, Stickling Green, Clavering.
- 1.2 The application is made pursuant to S62A Town and Country Planning Act 1990 by which applications can be made directly to the Secretary of State (SoS) where a local authority has been so designated. Uttlesford District Council has been designated for major applications from 8 February 2022.
- 1.3 The application is submitted with the following supporting plans and documents:
- Site Location Plan 18/17/20;
 - Existing Site Plan 18/17/21;
 - Illustrative Site Plan 18/17/22;
 - Illustrative Street Scene 18/17/23;
 - Accommodation Schedule 18/17/24;
 - Design & Access Statement – Arcady Architects;
 - Planning Statement – Andrew Martin – Planning;
 - Landscape & Visual Impact Assessment – Kirsten Bowden;
 - Tree Survey Report – Kirsten Bowden;
 - Preliminary Ecological Appraisal – Greengage;
 - Essex Biodiversity Checklist;
 - Flood Risk Assessment (including preliminary SuDs Strategy) – Ingent Consulting Engineers
 - ECC SuDS Water Quantity and Quality Proforma;
 - Transport Statement – Ingent Consulting Engineers;
 - Noise Report – Sharpes Redmore; and
 - Draft Section 106 Agreement
- 1.4 The following sections of this statement:
2. Describes the site and the surrounding area;
 3. Sets out the planning history;
 4. Describes the proposed development;
 5. Reviews the relevant national and local planning policy and guidance applicable to the site;
 6. Assesses the material considerations of relevance; and
 7. Sets out the balancing exercise and a summary.



2.0 THE APPLICATION SITE AND SURROUNDINGS

- 2.1 The land north of Eldridge Close, Stickling Green is situated to the north east of Clavering within the hamlet of Stickling Green. It is approximately 1.35 hectares (ha) in size and is identified on the accompanying Site Location Plan.
- 2.2 The application site lies to the immediate north of Eldridge Close. Residential gardens lie to the north and east, whilst agricultural land lies to the west. Mature hedges and trees form the northern and western site boundaries, whilst hedges and a number of mature trees to the rear gardens of properties in Clatterbury Lane form the eastern boundary. The southern boundary to Eldridge Close is defined by a close boarded fence.
- 2.3 Britannica Works employment area lies to the south east of the site.
- 2.4 The site is in agricultural use for arable production. The land is classified as Grade 2 agricultural land.
- 2.5 The site is located approximately 10km to the south east of Saffron Walden and 10km to the north of Bishops Stortford. The Cricketers Public House and Clavering Village Hall both lie within easy walking distance of the site. Clavering Primary School together with a NISA supermarket and Post Office, lie within Clavering village centre which is approximately 1.2km to the south.
- 2.6 A Public Right of Way (PROW no.19) traverses through the site in the north eastern corner, from Clatterbury Lane to open countryside beyond.
- 2.7 The application site is not located within or adjacent to a Conservation Area and there are no listed buildings or Heritage Assets within close proximity.



3.0 PLANNING HISTORY

- 3.1 The planning history of the site includes a previous appeal decision for up to 9 units, further pre-application discussions with Uttlesford District Council and a recently refused scheme for up to 32 units which will be the subject of a forthcoming appeal.

Appeal Decision APP/C1570/W/21/3267624

- 3.2 Outline planning permission was refused on 15th September 2020 for up to 9 dwellings with all matters reserved except access under ref: UTT/20/1628/OP. Prior to the submission of that application, pre-application discussions were held in Summer/Autumn 2018 on the basis of a 39 unit scheme. Officers recognised that the site's position adjacent to the built-up area of the village ensures compliance with more up to date NPPF policy regarding the location of housing, and that some growth in existing settlements can facilitate the enhancement and maintenance of vitality in rural communities.
- 3.3 Pre-app advice concluded that 39 dwellings would have a harmful effect on the character of the rural area, but that there would be no issues in connection with loss of privacy or harm to nearby TPO's or listed buildings. Officer's stated that a smaller scheme for circa 5 units would have a greater chance of success, given that this would follow the more relaxed approach of the NPPF in relation to proposals that are not 'significant development'.
- 3.4 Having taken these comments into consideration, an outline application for up to 9 units was submitted. It was refused under delegated powers on 15th September 2020 for the following reasons:
- 1) The proposal would represent an inappropriate form of development within the countryside, having an encroaching and urbanising effect, that would be out of context with the existing pattern of development and harmful to the setting and character of the rural location. This will result in a development out of character with the site, street scene and surrounding area and in conflict with adopted Uttlesford Local Plan (2005) Policies S7 and GEN2, together with the appropriate provisions of the National Planning Policy Framework 2019.
 - 2) The proposal does not demonstrate to the satisfaction of the Local Planning Authority, as advised by the Highways Authority that the impact on the local highway network caused by this proposal is acceptable in terms of highway safety and accessibility.
- 3.5 A written representations appeal against the decision was subsequently lodged under PINS ref: APP/C1570/W/21/3267624 and the appeal was dismissed on 23rd August 2021 (Appendix 1). In determining the appeal, the Inspector considered the main issues to be the effect on the character and appearance of the area and whether the proposal would represent sustainable development.
- 3.6 The second reason for refusal relating to access was resolved with the highway authority prior to determination of the appeal, leaving just refusal reason 1 for consideration.



- 3.7 In deciding the appeal, the Inspector concluded that the submitted planning application did not represent sustainable development because it represented inefficient use of land. As such it would make the achievement of an appropriate supply of housing in the district much harder to achieve (para 21). The Inspector found that *“the harm to the social objective of achieving a sufficient number and range of homes would be substantial as would harm to the environment objectives given the inefficient use of land which would result in greater harm to the countryside overall.”* The proposal did not therefore achieve the social objective of the NPPF.
- 3.8 At para 19 the Inspector accepts that the proposal would bring social and economic benefits commensurate with the small number of houses, but in paragraph 9 he states that *“although being only for 9 houses, these benefits would be limited.”*
- 3.9 With regard to the other two overarching objectives of the NPPF, i.e. environmental and economic, the Inspector refers to para 79 of the Framework which states that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities and provide opportunities for villages to grow and thrive. At paragraph 9 of his decision, the Inspector refers to economic benefits and states that; *“The proposed site lies adjacent to the settlement boundary and the residents of new houses would be likely to contribute to the social life of the settlement and help support its services and facilities. Residents would contribute financially to local shops and services in the long term and in the investment required to build the houses would provide benefits in the short term”.*
- 3.10 With regard to the environmental objective, the Inspector examines in paragraphs 10 and 11 travel-related matters. He accepts that trips to access higher order settlements, jobs, transport links and a full range of services are likely to require significant journeys on country roads, but he goes on to say that; *“However, journeys to local facilities and services would be relatively short and provision can be made to encourage the use of more sustainable vehicles, walking and cycling. Within the local area there is a good range of such facilities and services. However, this is not a highly accessible location for new housing. Despite this, given the range of services available locally and the benefits to these services that would accrue, the likelihood of a high reliance on private vehicles is not a matter that would weigh against the proposal in this case.”*
- 3.11 The Inspector also accepts in paragraph 11 that the application is in outline and the houses could be designed to high environmental standards. The retention of the footpath through the field would offer benefits with regards to permeability and offer improved walking routes in accordance with NPPF paragraph 100.
- 3.12 The Inspector also accepts the environmental benefits of retaining the existing boundary trees and that there is clear potential for sustainable drainage provision and ecological enhancements: *“these matters gain support from the environmental objectives, particularly 174 (b&d) with regard to maintaining trees and woodland; and minimising impacts on and providing net gains from biodiversity. The houses could also offer high living standards for future residents”.* These matters gain support from the social and environmental objectives.



- 3.13 The Inspector refers at paragraph 14 to the lack of identified land for housing in the district and refers to paragraph 125 of the Framework which states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities; and seeks to ensure that developments make optimal use of the potential of each site.
- 3.14 In dismissing the appeal, the Inspector concluded that; *“The harm to the social objective of achieving a sufficient number and range of homes would be substantial as would the harm to the environmental objectives given the inefficient use of land which would result in greater harm to the countryside overall. In conclusion, the adverse impacts of this proposal would significantly and demonstrably outweigh the benefits of nine houses when assessed against the policies of the Framework taken as a whole.”*

Further Pre-Application Discussions

- 3.15 Following the appeal, Arcady Architects prepared a revised layout for up to 35 units taking into account the comments of the Inspector and a further pre-application submission was made to UDC. A virtual meeting was held on 6th December 2021 and a follow-up written response was received dated 10th February 2022 under ref: UTT/21/3179/PA (Appendix 2).
- 3.16 The written response generally accepted the findings of the Inspector and the need to weigh the harm to the character of the countryside against an appropriate number of dwellings. It was acknowledged that the Inspector did not indicate what number of dwellings may be acceptable, and the LPA advised that any future submission fully justifies the quantum of development and density being proposed and how it is appropriate in the context of the site.

Outline Application for up to 32 Units – UTT/22/1578/OP

- 3.17 An outline application for up to 32 units was submitted in May 2022 and reported to Uttlesford District Council’s Planning Committee on 7th June 2023 with an Officer’s recommendation for approval (Appendix 3). Whilst a large number of local representations were received, there were no objections from statutory consultees in respect of flood risk and surface water drainage, highways, urban design or landscape, whilst a holding objection in respect of ecology was removed following the receipt of additional information.
- 3.18 At the meeting of 7th June, the Members of the Planning Committee broadly accepted that the principle of the development is in line with the Inspector’s previous conclusion, but raised issues relating to the current adoption status of Eldridge Close, the protection of trees along the eastern and western site boundaries, views from the Public Right of Way running through the site. Members also wanted the Council’s Landscape Officer to be reconsulted to ensure the findings of the both Landscape and Visual Impact Assessments prepared on behalf of the Applicant and Parish Council had been taken into consideration.

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- 3.19 The application was deferred pending the submission of additional information from the Applicant and was then reconsidered at the Planning Committee Meeting of 2nd August 2023 where it was refused due to:
- i) Conflict with Local Plan Policy S7, GEN2 and the NPPF due to the development appearing out of character with the site and street scene and harmful to the rural character of the area;
 - ii) The significant loss of best and most versatile agricultural land contrary to Policy ENV5; and
 - iii) The absence of a S106 Agreement to secure affordable housing, education contribution and provision and maintenance of Public Open Space.
- 3.20 The concerns raised by the Planning Committee have formed the starting point for this revised application which sees a reduction in units from 32 to 28. The overarching concept remains the same however a reduction in numbers allows a looser fit with additional space and permeation between the buildings and further opportunities for green spaces. Further details are set out in Section 4.
- 3.21 An appeal against the refusal of the 32 unit scheme is currently being prepared and will shortly be submitted to PINS.



4.0 THE PROPOSED DEVELOPMENT

4.1 The development is described as;

“Outline application for up to 28 dwellings (Class C3), public open space, sustainable drainage systems, landscaping and associated infrastructure and development”

4.2 It is important to emphasise that as an outline planning application detailed matters of appearance, landscaping, layout and scale will all be determined through subsequent reserved matters submissions. The submitted Illustrative Site Plan and Street Scene set out the framework for matters such as building heights, scale, architectural appearance and materials and demonstrate how the site could be developed for the number of units proposed, whilst meeting relevant parking and amenity standards and having regard to the landscape characteristics of the site.

Number and Mix of Dwellings

4.3 The indicative layout shows 28 units on a site area of 1.35ha which represents a density of 21 dwellings per hectare.

Dwelling Type	No. of Bedrooms	No. of Units
Two Storey Dwelling	2	7
	3	8
	4	6
Bungalow	2	2
Apartments	1	3
	2	2
Total		28

Layout

4.4 Whilst layout will be subject to detailed approval at reserved matters stage, the Illustrative Site Plan has been amended further to create a looser form of development and increase the permeability through the buildings. This will enable more glimpses of the boundary trees to both the east and west when passing along the access road. Main highway access runs through the centre of the site with dwellings either side taking a linear approach, reflecting the character of dwellings along Clatterbury Lane. The layout focusses upon creating healthy streets intertwined with public open space, new tree planting, a Local Area for Play and attractive SuDS features. The bungalow on former Plot 14 has been removed to make way for enhanced landscaping, reduced hardstanding and greater openness along the PRoW.



- 4.5 Proposed plots 24-28 to the southern part of the site are 2.5 storey apartments in a farmstead arrangement. Two apartment units have been removed from the previous 32 unit scheme to reduce building mass and remove some parking bays to facilitate additional soft landscaping within this part of the site.
- 4.6 The apartments are the highest part of the scheme and built form reduces in height with a transition to bungalows at the northern end of the site. The bungalows in their more spacious setting creates a sensitive approach and transition into the countryside beyond, as well as creating a strong sense of place surrounding the Public Right of Way.
- 4.7 Parking is provided in a variety of ways including car ports, driveway spaces and garages adjacent the relevant plots. A total of 7 visitor parking spaces are provided throughout the scheme.

Scale

- 4.8 Scale will be subject to reserved matters approval, however potential elevations have been submitted showing a mix of 2.5 storey apartments, 2 storey dwellings and single storey bungalows.
- 4.9 It is considered that the illustrated height of buildings reflects the height and scale of nearby properties and respects the character and appearance of the local area.

Appearance

- 4.10 A contemporary design is proposed which transitions from the traditional design style of Eldridge Close to a modern take on a rural characteristic. Materials will include timber boarding to reflect the edge of settlement/rural setting. This design form was supported by the Council's Urban Design Officer during consideration of the 32 unit scheme.

Access

- 4.11 Whilst outline, this application seeks to fix means of access to the site. The accompanying Illustrative Site Plan shows that proposed vehicular access will be from a single point at the end of Eldridge Close to the south of the site.
- 4.12 An access into the site already exists at this location for land management purposes. It is proposed to retain and culvert the existing ditch and to create a two-way carriageway with adjacent footway along the both sides.
- 4.13 The existing public right of way to the northern end will be retained in its current alignment providing a link from Clatterbury Lane to open countryside beyond.



Amenity Space

- 4.14 The dwellings benefit from generous private amenity space, with all plots achieving well in excess of Essex Design Guide standards.
- 4.15 In addition, a generous green corridor runs along the central part which incorporates a Local Area of Play, whilst a proposed orchard to the north west corner of the site provides a soft transition between the development and adjacent open countryside.

Landscaping and Biodiversity

- 4.16 Landscaping will be subject to reserved matters approval but the layout has evolved with a strong emphasis on retaining existing trees where possible and incorporating generous areas of useable open space to provide space for amenity and soft landscaped breaks within the street scene. Existing boundary trees will be retained, managed and further enhanced by additional new planting.
- 4.17 The illustrative layout incorporates areas of wildflower along the Public Right of Way corridor and SuDS features such as swales in the form of a grassed depression, tree lined streets, a pond and a water garden. Proposed garages are to be flat with a sedum roof to increase biodiversity net gain across the site.

Affordable Housing

- 4.18 The development generates a requirement for 12 affordable homes (representing 40% of the total number of units). At this stage it is anticipated that this will comprise the following mix of units:
- 3 x 1 bed apartments
 - 2 x 2 bed apartments
 - 4 x 2 bed houses
 - 3 x 3 bed houses
- 4.19 The affordable housing mix will however be discussed and finalised, if planning permission is granted, with Uttlesford District Council's Housing Officer at the reserved matters stage.



5.0 PLANNING POLICY CONTEXT

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, then determination must be made in accordance with the plan, unless material considerations indicate otherwise.
- 5.2 In this case the relevant policies include those in the Adopted Uttlesford Local Plan (2005) and the NPPF (September 2023).

National Planning Policy Framework

- 5.3 Revised in 2023, the National Planning Policy Framework (NPPF) sets out the Government's planning policies for England.
- 5.4 The purpose of the planning system is to contribute to the achievement of sustainable development, as set out in paragraph 7.
- 5.5 Achieving sustainable development means that the planning system has three overarching objectives as identified in paragraph 8. These are economic, social and environmental. These dimensions set out the following roles for the planning system to perform:

an economic objective – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social objective – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

an environmental objective – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

- 5.6 Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. This means, for decision taking, approving development proposals that accord with the development plan; or, where policies are out-of-date, granting permission unless particular NPPF policies provide a clear reason to refuse or any adverse impacts would demonstrably outweigh the benefits. Footnote 8 confirms that relevant policies are rendered out-of-date where the local authority cannot demonstrate a five-year supply (plus appropriate buffer) of deliverable housing



sites or where housing delivery has fallen below 75% of the housing requirement over the last three years.

- 5.7 Local planning authorities should approach decisions on proposed development in a positive and creative way and decision makers at every level should seek to approve applications for sustainable development, as set out in paragraph 38.
- 5.8 Paragraph 60 explains that in order to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.
- 5.9 Paragraph 69 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should support the development of windfall sites through their policies and decisions- giving great weight to the benefits of using suitable sites within existing settlements for homes.
- 5.10 Paragraph 79 explains that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
- 5.11 Paragraph 125 relates to achieving appropriate densities and states that *'where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site'*.

Uttlesford Local Plan, 2005

- 5.12 The existing Uttlesford Local Plan was adopted in January 2005, almost 20 years ago and is in urgent need of revision.
- 5.13 The adopted Proposals Map identifies the site as falling within the Countryside where Policy S7 applies. This seeks to protect the countryside for its own sake. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside or where there are special reasons why the development in the form proposed needs to be there. Policy S7 has been found to be only partially consistent with the Framework.
- 5.14 Policy GEN1 requires development to have access to a main road network that is capable of carrying the traffic generated by the development and must not compromise safety.
- 5.15 Policy GEN2 sets out the Council's general design criteria which includes;

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- The design is compatible with the scale, form, layout, appearance and materials of surrounding buildings;
 - It safeguards important environmental features;
 - It provides an environment which meets the reasonable needs of all potential users.
- 5.16 Policy GEN7 seeks measures to mitigate and/or compensate for the potential impacts of development, secured by planning obligation or condition, will be required. The enhancement of biodiversity through the creation of appropriate new habitats will be sought.
- 5.17 Policy ENV8 lists certain landscape elements that a development proposal might affect. In order to be permitted, the development must outweigh the need to retain the elements for their importance to wild fauna and flora and mitigation measures are provided that would compensate for the harm and reinstate the nature conservation value of locality.
- 5.18 Policy ENV5 seeks to prevent significant losses of the best and most versatile agricultural land and states that developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.



6.0 MATERIAL PLANNING CONSIDERATIONS

Principle of Development

- 6.1 Paragraphs 3.2 to 3.14 of this Statement set out the Inspector's comments in connection with the refused appeal for 9 units. Whilst the Inspector found many aspects of the proposal acceptable, the appeal was dismissed on the basis that it did not represent sustainable development due to the low number of proposed units and inefficient use of land. It therefore failed the social objective of the NPPF and the harm to the character of the countryside would not be outweighed by the benefit of a small number of units. However, the Inspector raised no issues about the sustainability of the site for residential development, but only the limited amount of development proposed.

Appropriate Density

- 6.2 The appeal decision provides no guidance on what is considered to be an appropriate density for the site. The NPPF provides guidance on 'achieving appropriate densities' in paragraphs 124 and 125. This sets out the various considerations that should be taken into account in order to make an efficient use of land. This includes:-
- a) The identified need for different types of housing and the availability of land suitable for accommodating it;
 - b) Local market conditions and viability;
 - c) The availability and capacity of Infrastructure and services, as well as potential for future improvement and scope to promote sustainable travel modes that limit future car use;
 - d) The desirability of maintaining an area's prevailing character and setting (including residential gardens); and
 - e) The importance of securing well-designed, attractive and healthy places.
- 6.3 Paragraph 125 states that *"where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site"*. It is clear from the remainder of guidance in paragraph 125 that the question of deciding an appropriate density for an area is a matter for local judgement through both the plan-making process and in determining planning applications. The over-riding objective is to make optimal use of the potential for each site.
- 6.4 At present Uttlesford District Council (UDC) does not have an up-to-date development plan, but the 2005 Adopted Local Plan is still the statutory development plan and thus the starting point for considering planning applications. However, this Plan has no policy related to density requirements, only general design guidance criteria.



6.5 As part of the evidence gathering for the new Local Plan, a report was presented to the UDC Local Plan Leadership Group on 29th July 2021, by the New Communities Principal Urban Design Officer on 'Sustainable Density'. This explores the key considerations and provides examples of high quality designed and acclaimed housing schemes for different types of location both within Uttlesford and other districts. It refers to the Uttlesford proposed density range reproduced from the Strategic Land Availability Assessment Methodology April 2021. This was informed by assumptions used for the withdrawn submission Local Plan and densities that are considered to reflect existing local densities as follows:-

Location	Density	Justification
Within Saffron Walden or Great Dunmow	35-67 dph	Allows a mix of housing types comprising houses, terraces, and apartments
Within any other settlement	30-50 dph	Respects the rural character of Uttlesford
Adjacent to any settlement	30-50 dph	Respects the rural character of Uttlesford
New settlement	30-67 dph	Allows a mix of housing types comprising houses, terraces and apartments

- 6.6 The report also makes the following point about housing densities in smaller, village and remote sites: "Based upon the established principle that density is linked to connectivity, many remote and village sites in Uttlesford will be restricted to lower density development (~30dph) and will grow sustainably as far as the facilities and transport options at the existing settlement allow".
- 6.7 In terms of the density of housing adjoining the application site, clearly the existing established housing to the east is not appropriate because it is even lower than the application scheme. To the south, the Eldridge Close development is 38.3 dph.
- 6.8 The previously refused 32 units scheme resulted in a density of 23.7 dph and this revised scheme for 28 units is 21 dph. This sits below the above guidance but reflects the rural character of the area responds to concern from Members regarding the impact of built form around the PRow. The lower density also enables greater landscape and biodiversity enhancements.

5-Year Housing Land Supply Position

- 6.9 In the absence of a 5-year supply of housing land, paragraph 11 of the NPPF is duly engaged. AM-P have sought to confirm with UDC the most up to date housing land supply position. An email received on 11/9/23 from Maria Shoesmith, Strategic Applications Team Leader UDC, confirmed that the Council's current housing trajectory and 5-year housing land supply calculation as per the 1 April 2022 demonstrates that the district has a 4.89 years of housing supply for the 2022-2027 five-year period and this was taken into consideration as part of the Case Officer's assessment of the previous 32 unit application (UTT/22/1578/OP).
- 6.10 Just prior to submission of this application it came to light that UDC will be taking their updated 5 YHLS Statement to an Extraordinary Cabinet meeting for approval on 16th October 2023. The updated statement identifies a land supply position of 5.14 years, using a base date of 1st April 2023.



- 6.11 Paragraph 13 of the Report to Cabinet prepared by Andrew Maxted, Interim Planning Policy Officer, states that:

“Even though this is the first time Uttlesford has been able to record a positive (greater than five) land supply, for some years, because the 2005 Plan policies are out-of-date, simply by virtue of their age, a ‘tilted balance’ approach would likely still apply (unless protective policies in the NPPF apply).”

- 6.12 The report goes on to state at paragraph 16 that:

“However, it is the case that with a positive (greater than 5) land supply position, a lesser degree of weight will be given to the delivery of new dwellings in the planning balance than if the authority were unable to demonstrate a 5YHLS. This may influence the decisions taken with regard to planning applications for development within the district, however, it will not result in a moratorium on new residential development, which is key to ensure this positive 5YHLS position rolls forward in the future.”

- 6.13 The 5 YHLS includes an allowance for windfalls sites of 110 dwellings per year. Given that the site is highly suitable for housing development and can be developed without delay, it should at the very least be considered as a windfall site.
- 6.14 The updated supply position is only marginally over the 5-year requirement and the Government’s objective is to significantly boost the supply of housing. A number of the sites are likely to have long lead-in times, as opposed to this site which can be built out quickly and it is submitted that the proposed development should still be deemed acceptable based on consideration of the flat, rather than tilted balance.
- 6.15 To be deemed ‘sustainable development’ paragraph 8 of the NPPF indicates that the three overarching planning objectives must be met. Having revised the layout following the Inspector’s comments, it is considered that the proposal satisfies all these objectives as follows:

Social Role

- 6.16 The social element of sustainable development includes the need to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations. Furthermore, paragraph 79 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and provide opportunities for villages to grow and thrive, especially where this will support local services. The Inspector’s decision notes that the site lies adjacent to the settlement boundary and residents would be likely to contribute to the social life of the settlement and help support its services and facilities in that and nearby villages. However, the Inspector considered the social benefits would be limited, given the appeal proposal was for only 9 units.
- 6.17 The application site is situated within Stickling Green, which lies approximately 1.2km to the north of Clavering. Clavering and the surrounding villages contain local amenities and facilities such as schools, shops, public houses, community centres, commercial premises and other cultural and social services



required to meet the day to day needs of future occupiers. Although there is no public transport, the site lies within 250m of The Cricketers Pub and less than 500m from Clavering Village Hall. The Village Hall holds a wide range of regular groups and societies which future residents would in most cases, be expected to access by foot. As well as the Bowls Club, Tennis Club and children's playground, the village hall accommodates Clavering Scout group, various weekly baby and toddler groups, a drama group and Horticultural Society, all of which have the potential to be further supported by the proposed development.

- 6.18 This scheme for 28 units indicates provision for 2, 3 & 4 bed houses, bungalows and apartments, thereby resulting in far greater social benefits in terms of providing a wider range of homes to meet the needs of current and future generations, particularly where housing supply is low, as well as providing additional support to local services and facilities. The scheme also provides 12 affordable housing units which gives further support to the social role of sustainable development.

Environmental Role

- 6.19 Within walking distance of the application site lie Clavering Village Hall and The Cricketers Public House, whilst the NISA supermarket, Post Office and Primary School lie within Clavering village centre. Other services including doctor's surgery, library, pharmacy, Church and High School, can all be found within a less than 5km distance of the site.
- 6.20 The Inspector commented that journeys to local facilities and services would be relatively short and that provision can be made to encourage the use of more sustainable vehicles, walking and cycling. Given the range of services available locally and the benefits to these services that would accrue, the Inspector did not consider that a likelihood of a high reliance on private vehicles would weigh against the proposal in this case.
- 6.21 The existing footpath which traverses the northern section of the site will be retained and enhanced to ensure permeability through the site and offer improved local walking routes.
- 6.22 To further enhance the environmental benefits, the proposal seeks to retain existing boundary trees and provide sustainable drainage and ecological enhancements through the use of green roofs, wildflower planting and swales which minimise impacts and provide net biodiversity gains. It is also proposed to incorporate energy efficient design to include alternative heat sources, solar technology and electric vehicle charging points, whilst cycle storage will be located near front doors to encourage cycle rather than car use.

Economic Role

- 6.23 The economic objective of the NPPF requires development to contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.



- 6.24 Economic benefits arising from the proposed development include support for local jobs and sustaining local growth given the use of local services and facilities. Local services and facilities are available within walking and cycling distance and further services and facilities can be found in nearby larger towns, without resulting in a substantial number of vehicle movements or having a detrimental impact on the local highway network.
- 6.25 The development of up to 28 additional dwellings will assist in making a contribution to the local economy simply by providing housing of the right type in the right location. The houses are likely to be constructed by local building contractors and subcontractors, providing an opportunity to maintain workforce levels and continued local economic prosperity. The houses will add to the critical mass of housing in the local area, thereby helping to support local shops through increased local spending, as well as supporting businesses and the viability of public transport services. The houses will add to the supply of housing of the right type to meet a known local demand, which is not presently being met.
- 6.26 Further detailed planning considerations are examined below:

Design and Layout

- 6.27 The Illustrative Site Plan has been prepared by Arcady Architects following careful analysis of site context, opportunities and constraints. The layout is compliant with all relevant planning policy / guidance and creates a high-quality distinctive development of an appropriate scale for its setting. Notably, the development:
- Retains and enhances existing trees and boundary features;
 - Conforms with urban design principles set out in the Essex Design Guide;
 - Incorporates an attractive on-site sustainable drainage system integrated into the development;
 - Provides a modern house typology inspired by a traditional built form and materials pallet;
 - Creates and enhances pedestrian connections within the site and to the surrounding network.
- 6.28 Further information on the illustrative design and layout of the scheme are set out in the accompanying Design & Access Statement prepared by Arcady Architects.

Landscape Impact

- 6.29 The application site is currently in agricultural use and the proposed development will therefore have an impact on its existing character. However, the site area is only 1.35ha in extent and due to its limited size and boundary constraints, it is too small and inefficient for modern agricultural machinery. Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, as well as recognising the intrinsic beauty of the countryside.
- 6.30 Whilst the site is currently undeveloped, it is well defined and visually contained by existing boundaries thereby limiting views from the wider countryside. The application is supported by a Landscape and Visual Impact Assessment prepared by Kirsten Bowden dated September 2023.



- 6.31 The report finds that the trees and hedges surrounding the site add a sense of maturity and form a treed skyline and that this characteristic would be preserved through the retention of trees and hedges and a green open area to the western side of the site.
- 6.32 The physical impacts of the proposals are limited to potential removal of some material in the western boundary hedge to remove any risk associated with falling dead wood. In addition, new planting would be incorporated to ensure that any long term impact on the wider landscape is minimised.
- 6.33 In terms of landscape character, whilst the proposals would have a slight impact on the immediate area the site does have some capacity to absorb devilmint without undue detrimental effects on the 'Langley Chalk Upland' landscape characteristics.
- 6.34 The site has a fairly contained visual envelope and its location on the village edge and boundary vegetation helps to limit views in most directions.
- 6.35 The report concludes that whilst there would be a small change to the local landscape character, this would be limited to the immediate area. It is considered that a development of dwellings of a similar scale or layout to that proposed would not detract from the local setting.
- 6.36 The proposals seek to comply with Local Plan Policies S7 and ENV8.
- 6.37 Further information can be seen in the accompanying Landscape and Visual Impact Assessment.



Trees

- 6.38 The application is supported by an Arboricultural Report that was prepared by Kirsten Bowden in April 2020 and updated in May 2022. The report found there to be no Category A trees, three groups of Category B trees, two Category C hedges.
- 6.39 The report concludes that the proposal would not have any effect on amenity value of the trees retained and where possible work has been avoided through the considered layout design.
- 6.40 The proposals are in accordance with Local Plan Policies ENV3 and ENV8, as well as NPPF paragraph 180.
- 6.41 Further information can be seen in the accompanying Arboricultural Impact Assessment.

Ecology

- 6.42 The application is supported by a Preliminary Ecological Appraisal that was completed by Greengage in May 2020 and updated in November 2022.
- 6.43 The site was found to have UK BAP habitat in the form of hedgerows; with low potential for commuting/foraging bats; low potential on site for roosting bats; low potential for Great Crested Newts (GCN) in ponds within 500m of the site; and high potential for nesting birds associated with the treelined hedgerow on site.
- 6.44 Further details can be found in the accompanying Preliminary Ecological Appraisal.
- 6.45 During the course of the previous application for 32 units, further information was provided to Place Services in connection with the Priority Habitat (hedgerow) along the eastern site boundary, following concerns regarding the potential for inappropriate removal or management. In order to address this issue the Applicant suggested a planning condition requiring the retention of trees within the eastern site boundary. Place Services were satisfied with this approach and the Officer's Report into the 32 unit scheme included the following draft condition:

26 *The trees to the eastern boundary of the site and within the application site and as indicated on the Tree plan (18/7/11) shall not be cut down, uprooted or destroyed without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work)*

- 6.46 It is respectfully requested that a similar condition is added should the Inspector be minded to approve the scheme.
- 6.47 Whilst the introduction of a mandatory requirement for Biodiversity Net Gain has been deferred until January 2024, the Applicant would be happy to accept the requirement as a planning condition should permission be granted. A recent appeal decision within Uttlesford District (APP/C1570/W/21/3289775)



for a new neighbourhood included the following condition to achieve BNG: "Biodiversity enhancement measures shall achieve a meaningful enhancement of the development site that delivers a measurable net gain of at least 10%".

- 6.48 The proposed development seeks to retain, manage and increase planting and biodiversity on site, in accordance with Local Plan Policies GEN2 and ENV8 and NPPF paragraphs 174 and 180.

Transport

- 6.49 This application is supported by a Transport Statement prepared by Ingent Consulting Engineers dated September 2023. The report states that the proposed development is not considered to have any undesirable effects on pedestrian movements in the area and provides connectivity to the surrounding pedestrian network.
- 6.50 The report concludes that the proposed development satisfies transport-related policies and strategies advocated by national and local government. Based on low housing density in Stickling Green, Stickling Green Road is expected to have sufficient capacity to accommodate the additional trips forecast. Site traffic will have an insignificant impact on the surrounding highway network including Eldridge Close and Stickling Green Road, thus not requiring any highway mitigation measures due to the development impact.

Access

- 6.51 Eldridge Close is a 5.5m wide road with footpaths either side and is constructed to ECC Highways standards. The proposed access road within the application site will also be built to the correct standards and will logically connect onto the Eldridge Close highway.
- 6.52 During the Planning Committee's consideration of the 32 unit scheme, Members queried the current status of Eldridge Close and whether it is constructed to adoptable standards and therefore suitable to accommodate additional vehicle movements. The Applicant has sought further information from Weston Homes, developer of the adjoining site to the south, who currently own and maintain the road. Email correspondence from David Poole, Senior Planning Manager dated 16/08/2023, confirms that Weston Homes is currently in the process of having the road adopted by ECC Highways (**Appendix 4**).
- 6.53 The proposed new estate road will remain in privately managed ownership and subsequently put forward for adoption once Eldridge Close is adopted. A Draft Section 106 Agreement has been submitted with this application, which includes provisions for the maintenance of the estate road until it is adopted as publicly maintainable highway. Further details regarding the Draft S106 Agreement are set out in paragraphs 6.62 – 6.63 of this Statement.

Noise Impact

- 6.54 A Noise Survey was carried out by Sharpes Redmore on 7th May 2020 and their associated Environmental Noise Report is dated May 2020. The purpose of the survey was to consider the impact



of noise, both from employment uses at Britannica Works as well as road traffic noise, on the living conditions of future residents.

- 6.55 The report concludes that due to the design of units at the Britannica Works site, together with the existing planning restrictions on their use, noise from the industrial area will not cause adverse impact on the amenity of future residents.
- 6.56 As a result, the proposed development complies with the policy aims of the NPPF (para 185) in respect of noise pollution.

Flood Risk and Surface Water Drainage

- 6.57 This application is accompanied by a Flood Risk Assessment September 2023, prepared by Ingent Consulting Engineers. The Application Site lies in Flood Zone 1, outside any floodplain.
- 6.58 The report concludes that the site is not at risk of flooding from all sources and will not increase the risk of flooding to others.
- 6.59 The proposed surface water drainage strategy utilises permeable paving to private drives, with runoff from the access road draining to a swale which connects to a basin to the south.
- 6.60 In summary, the Proposed Development conforms with the requirements set out in Policy GEN3 of the Local Plan and paragraph 167 of the NPPF.

Loss of BMV Agricultural Land

- 6.61 The application site is classified as Grade 2 agricultural land which is regarded as the best and most versatile (BMV) agricultural land. In agricultural terms the site is small and is bounded by vegetation on three sides and inefficient for modern agricultural machinery. Given its relatively small size and the presence of high quality land across the majority of the District, loss of this site to development would not represent a significant breach of policy ENV5 and some loss of BMV across the district to meet the Council's housing needs is inevitable.



Draft Section 106 Agreement

- 6.62 In accordance with the Procedural Guidance for S62A Authorities in Special Measures April 2023, the Draft Agreement is at an advanced stage and is submitted alongside this appeal. The draft has been circulated to Uttlesford District Council and Essex County Council for comment, with a view to ensuring the completed agreement is in place within two weeks of the end of the representation period.
- 6.63 The S106 includes items as set out in the Officer's Report in connection with the 32 unit scheme and provides for:
- i) 40% Affordable Housing;
 - ii) 25% of Affordable Housing to be First Homes;
 - iii) 5% of Affordable Housing to be wheelchair accessible;
 - iv) ECC Education Contribution;
 - v) Provision and Management of Public Open Space and Estate Road;
 - vi) Pay the Council's reasonable legal costs; and
 - vii) Pay the monitoring fee.



7.0 BALANCING EXERCISE AND SUMMARY

7.1 This application follows the refusal of a previous outline application for up to 32 units (UTT/22/1578/OP) which was refused by Members of Uttlesford District Council's Planning Committee in August 2023. An appeal under Section 78 of the Town and Country Planning Act 1990 against the refusal of that application is being prepared and will be submitted to PINS shortly.

7.2 Both the 32 unit scheme and this revised proposal for 28 units follow a previous appeal at the site for development of up to 9 dwellings. Whilst the appeal was dismissed, the Inspector concluded that;

"The harm to the social objective of achieving a sufficient number and range of homes would be substantial as would the harm to the environmental objective given the inefficient use of land which would result in greater harm to the countryside overall. In conclusion, the adverse impacts of this proposal would significantly and demonstrably outweigh the benefits of these nine houses when assessed against the policies of the Framework taken as a whole".

7.3 The Inspector did not raise any issue or concern about the suitability of the site for residential development, but only the low density/quantum. The presumption in favour of a grant of planning permission applies to this proposal, where paragraph 11 of the NPPF requires the decision maker to grant planning permission unless, having undertaken a balancing exercise, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

7.4 The harm arising from the proposal relates to the impact on the character and appearance of the countryside. Whilst there will be some harm to the character and appearance of the countryside, this is considered to be limited due to the visual containment of the site and existing site features. This harm must however be weighed against the benefits of the scheme. In this case due to the absence of a 5 YHLS an additional presumption applies i.e. the 'tilted balance', where in this case the benefits of the scheme are as follows:

- i) As the Council cannot demonstrate a 5 YHLS, the proposal helps address the housing shortfall and contributes to the Government's objective of significantly boosting the supply of homes;
- ii) The proposal will deliver up to 28 new homes to include a range of house types incorporating 2, 3 and 4 bed houses, bungalows and apartments, thereby providing a wide range and mix of homes to help meet the housing needs of present and future generations;
- iii) The proposal will deliver 12 affordable housing units which at this stage will include 3 x 1 bed apartments; 2 x 2 bed apartments; 4 x 2 bed houses and 3 x 3 bed houses;
- iv) The proposal sets an appropriate density for the site of 21 dph which makes the most efficient use of the site whilst respecting the rural character of the surrounding area;



- v) The proposal retains existing boundary trees and provides additional environmental and biodiversity enhancements including wildflower areas, swales, tree lined streets, an orchard, a pond and sedum roofs;
- vi) The scheme retains and enhances the existing public right of way and provides a landscaped corridor through the site;
- vii) The proposal incorporates energy efficient design to include alternative heat sources, solar technology and electric vehicle charging points, whilst encouraging pedestrian and cycle use to through improved walking routes and convenient and secure cycle storage;

7.5 On behalf of the Applicant, we consider the proposal strikes an appropriate balance between the site's edge of settlement location and the need to make efficient use of land as highlighted by the Inspector in consideration of the 9 unit appeal. It is considered that the proposal achieves the social objectives of the NPPF and together with benefits in terms of the environmental and economic objectives, tips the overall balance in favour of development. We respectfully request that planning permission is granted accordingly.

Appendix 1





Appeal Decision

Site visit made on 26 July 2021

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 August 2021.

Appeal Ref: APP/C1570/W/21/3267624

Land to the north of Eldridge Close, Clavering, Essex CB11 4FZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Richstone Procurement Ltd against the decision of Uttlesford District Council.
 - The application Ref UTT/20/1628/OP, dated 2 July 2020, was refused by notice dated 15 September 2020.
 - The development proposed is up to 9 dwellings (Class C3) including, public open space, sustainable drainage systems, landscaping and all associated infrastructure and development.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the character and appearance of the area; and whether the proposal would represent sustainable development.

Reasons

3. The application seeks outline permission for up to nine dwellings with all matters reserved except for access. The plans show an indicative layout with access from the head of Eldridge Close. The application was refused for two reasons with one relating to the access. The appellant has submitted an Access Road Strategy Plan which has been considered by the highway authority who have indicated that this satisfies their concerns subject to the imposition of seven conditions. The conditions appear to meet the tests of the National Planning Policy Framework 2021 and on this basis, the second refusal reason does not require further consideration.
 4. The remaining reason for refusal relates to the site being in the countryside and the likely impact on the character and appearance of the area. The land is currently in agricultural use and located adjacent to the settlement edge, being bounded to the south by the relatively high density housing area of Eldridge Close and to the east by the detached houses along Clatterbury Lane which are set in large gardens. The site is not allocated for housing in the Uttlesford Local Plan 2005 (LP) and lies just outside the designated development limits of Clavering (Hill Green). It is therefore considered by LP policy S7 to be in the
-

countryside. Part of the policy requires that, in the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there or is appropriate to a rural area. The development is clearly contrary to this element of the policy.

5. The second element of the policy sets out that development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set. The proposal would result in new development intruding into the countryside and it would also significantly alter the form of the settlement. This is a rural settlement made up of distinct parts but it is characterised by often loose knit linear development along the roads through the village. Eldridge Close is an exception to this character having been more recently developed, on previously developed land, predominantly within the development limits boundary. Although the site is relatively well contained, it is experienced from the adjoining houses and from the public footpath which runs through it, into further countryside beyond. The proposal would detract from the open character of the countryside which forms the setting for the settlement; and it would be at odds with both the traditional development that contributes to the overall character of the village and with the more modern higher density development that would provide access to it. It would detract from the currently open experience of the footpath through this countryside area. It would therefore conflict with the second element of policy S7
6. Policy GEN2 is directed at ensuring that the design of development is compatible with the surrounding area rather than considering the principle of what, in this instance, would be a significant extension to the form of the village. Criteria (a) includes a requirement that development is compatible with the form and layout of the surrounding buildings. Whilst the proposal would be at odds with the form of the village, it would reflect, to some extent, the existing form and layout of the neighbouring properties to the east. I am not satisfied that this design policy seeks to address the impact on the countryside which is covered by the second part of policy S7. As such, the detailed reserved matters would be able to generally satisfy the requirements of policy GEN2.
7. Overall, the proposal conflicts with policy S7 which is the main policy for considering such development. The appellant refers to a recent appeal decision in the district, reference APP/C1570/W/19/3242550. In that case, the inspector found that the council could not demonstrate a five year supply of housing land and advised that the council's witness accepted that development of greenfield sites in the countryside would be necessary for the council to meet its housing targets. The housing supply position was considered to strictly limit the weight that could be afforded to policy S7 and engaged the default position identified in paragraph 11(d) of the Framework. Those conclusions remain relevant to this appeal. As the council are unable to demonstrate a five year supply of available housing sites, the element of policy S7 that refers to restricting housing development in the countryside can be afforded little weight. However, the second element, which relates to the character and appearance of the countryside, is consistent with the Framework and can be afforded considerable weight.

8. The Framework is clear at paragraph 11(d)(ii) that in circumstances such as this, where housing supply cannot be demonstrated, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. It is necessary therefore to assess the proposal against the Framework as a whole and to identify whether adverse impacts would result.
9. The Framework is clear that achieving sustainable development means that the planning system has three overarching objectives, economic, social and environmental. The social objective seeks to ensure that a sufficient number and range of homes can be provided to meet the needs of present and future generations. Paragraph 79 sets out to promote sustainable development in rural areas advising that housing should be located where it will enhance or maintain the vitality of rural communities and provide opportunities for villages to grow and thrive, especially where this will support local services. The proposed site lies adjacent to the settlement boundary and the residents of new houses would be likely to contribute to the social life of the settlement and help support its services and facilities. Residents would contribute financially to local shops and services in the long term and the investment required to build the houses would provide benefits in the short term. This is a location where development in one village is also likely to support services in villages nearby. In this respect, the Framework offers support for the proposal as it would help to support the vitality of local communities, although being for only nine houses, these benefits would be limited.
10. Many, probably most, journeys by future residents, are likely to be by private vehicle. Trips to access higher order settlements, jobs, transport links and a full range of services are likely to require significant journeys on country roads. However, journeys to local facilities and services would be relatively short and provision can be made to encourage the use of more sustainable vehicles, walking and cycling. Within the local area there is a good range of such facilities and services. However, this is not a highly accessible location for new housing. Despite this, given the range of services available locally and the benefits to these services that would accrue, the likelihood of a high reliance on private vehicles is not a matter that would weigh against the proposal in this case.
11. The application is in outline and the houses could be designed to high environmental standards and given the lack of flood risk concerns, these matters would provide weight in favour of the proposal. As the access has now been considered by the highway officer to be acceptable subject to conditions, there would be no conflict with paragraph 111 which seeks to avoid highway safety impacts. As the existing footpath through the field would be retained, this would offer benefits with regard to the permeability of the site and offer improved walking routes for residents in accordance with paragraph 100 of the Framework.
12. The illustrative layout indicates that existing boundary trees would be retained and there is clear potential for sustainable drainage provision and ecological enhancements. These matters gain support from the environmental objectives of the Framework, particularly paragraph 174(b & d) with regard to maintaining trees and woodland; and minimising impacts on and providing net

- gains for biodiversity. The houses proposed could also offer high living standards for future residents. These matters gain support from the social and environmental objectives of the Framework.
13. The Framework requires that a sufficient number and range of homes can be provided to meet the needs of present and future generations to satisfy its social objectives. This proposal, being for only nine houses, would offer only limited benefits in this respect. Paragraph 119 requires that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Whilst this proposal would provide safe and healthy living conditions, it would not be an effective or efficient use of land. It would represent less than seven houses per hectare. It would be at odds with paragraph 124(b)(a) which requires that decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.
 14. There is a lack of identified land suitable for housing in the district. The Design and Access Statement sets out that the site extends to 1.347 hectares. Paragraph 125 of the Framework is clear that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities; and seeks to ensure that developments make optimal use of the potential of each site. Paragraph 125(c) is clear that local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in the Framework.
 15. Whilst it is acknowledged that the retention of boundary trees would be important to the character of the area, this does not impose onerous constraints on development. Although the site is not well located with regard to access to higher level services, this does not justify such a low density or such a profligate use of land. If there was a reason for limiting new development to nine houses, these could be accommodated on much less land, having a much reduced impact on the countryside and the footpath to the north of the site.
 16. The Framework at paragraph 174(b) requires developments to protect and enhance the natural, built and historic environment by recognising the intrinsic character and beauty of the countryside. This proposal would detract from the setting of this settlement and the character of the countryside. This would be the case for any scheme which extended across the full extent of this field. However, when considering the planning balance, this proposal for only nine houses offers limited benefits in comparison to the scale of land that would be lost.
 17. Despite the number of houses proposed, as the site is more than a hectare in size, it falls within the Framework's definition of major development which for housing development is where 10 or more homes will be provided or the site has an area of 0.5 hectares or more. Paragraph 65 is clear that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership. I am unclear why this matter has not

- been raised as a concern by the council as LP policy H9 seeks 40% affordable housing on sites of 0.5 hectares or of 15 dwellings or more.
18. As the proposal is in outline, the housing mix is not being determined at this stage although the application form suggests that five of the houses would have four or more bedrooms. The illustrative layout demonstrates nine large, detached houses in substantial gardens. It is unrealistic to anticipate that the reserved matters submissions would include houses of sizes, types and tenures that would meet the needs of different groups in the community. The provision of smaller houses would more acutely demonstrate the inefficient use of this land. LP policy H10 relating to housing mix advises that all developments on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. The supporting text explains that small 2 and 3 bed homes must represent a significant proportion of the total, for those households who are able to meet their needs in the market and would like to live in a new home. The indicative layout and the application form details clearly conflict with the social objectives of the Framework which seeks sufficient numbers and ranges of homes to meet the needs of present and future generations. It also conflicts with the development plan policy.
 19. Overall, the development of this land for housing, although not well linked to higher level services and employment opportunities, would support the vitality of this and surrounding settlements. The protection of trees around the boundaries and the potential for environmental enhancements would support the environmental objectives of the Framework. This however needs to be weighed against the loss of open countryside and the harm to the character and appearance of the area. The proposal would however bring social and economic benefits commensurate with this small number of houses.
 20. The density of housing proposed represents an entirely inefficient use of this resource which would be more harmful given the council's housing supply position. The Framework is clear that permission should be refused. Even if I disregard my concerns with regard to affordable housing provision and housing mix, this matter on its own is sufficient to outweigh the benefits that would result from the provision of just nine new houses. I find therefore that when taking the policies of the Framework as a whole, the proposal would be at odds with its overall objectives and would not represent sustainable development.
 21. The inefficient use of land would make the achievement of an appropriate supply of housing in the district much harder to achieve. It would compromise the ability of future generations to meet their needs. Furthermore, in order to meet housing need, accepting this density of housing would result in demonstrably greater demand for land which, as reported in the appeal mentioned in paragraph 7 above, would be likely to increase harm to the countryside.
 22. The Framework is clear at paragraph 125(c) that local planning authorities should refuse applications which they consider fail to make efficient use of land. This paragraph is equally relevant to this appeal. I conclude that the proposal would result in harm to the countryside and substantial harm to the objectives of the Framework and would be harmful to the achievement of an

appropriate level of housing supply. When considered as a whole, the policies of the Framework weigh against the proposal.

23. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Despite the weight that can be afforded to part of the countryside protection policy being very limited, the proposal does conflict with the development plan. When considered as a whole, the Framework also weighs significantly against the proposal and I afford it considerable weight. I am not satisfied that the Framework and other material considerations, including the benefits of providing nine additional homes, when taken together, indicate that a decision contrary to the development plan should be reached.
24. The harm to the social objective of achieving a sufficient number and range of homes would be substantial as would the harm to the environmental objectives given the inefficient use of land which would result in greater harm to the countryside overall. In conclusion, the adverse impacts of this proposal would significantly and demonstrably outweigh the benefits of these nine houses when assessed against the policies of the Framework taken as a whole. The Framework is clear that permission should be refused and there are no matters that suggest an alternative decision should be made. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR

Appendix 2





UTTLESFORD DISTRICT COUNCIL

Council Offices, London Road, Saffron Walden, Essex CB11 4ER
Telephone (01799) 510510, Fax (01799) 510550
Textphone Users 18001
Email uconnect@uttlesford.gov.uk Website www.uttlesford.gov.uk

Mr Chris Wragg
Unit 4 Phillows Barns
Little Baddow
CM3 4BG

Date: 10 February 2022

Our Ref: UTT/21/3179/PA

Please ask for: Chris Tyler on
01799 510510

Email: planning@uttlesford.gov.uk

Dear Mr Chris Wragg

LOCATION: Land To The North Of, Eldridge Close, Clavering, Essex,

Thank you for your recent request for planning advice which was received on 18th October 2021

PROPOSAL:

Residential development of circa 35 dwellings including access, affordable homes, parking, landscape and public open space.

Following the submission of this pre application and our subsequent meeting please find the following formal response.

CONSTRAINTS

1.	Aerodrome Direction Description: Consultation of Stansted Airport (BAA) for all buildings, structures, erections and works exceeding 90 metres in height (295.3 feet). Area Colour: 90m
2.	Aerodrome Direction Description: Consultation of Stansted Airport (BAA) for all windfarm development. Area Colour: windfarm
3.	Aerodrome Direction Description: Consultation of Stansted Airport (BAA) for any development with the potential to attract birds to the vicinity of the airport, (this includes gravel extractions, landfill sites, reservoirs, sewage works, nature reserves and major landscaping schemes). Area Colour: ebirds
4.	Aerodrome Direction Description: Consultation of National Air Traffic Services (NATS) for all windfarm development. Address: NATS, Navigation & Spectrum, 4000 Parkway, Whiteley, Fareham, Hampshire. PO15 7FL Area Colour: windfarm
5.	Appeal Polygons Appeal Allowed Nature of Appeal: Details following outline application UTT/2149/11/OP for the erection of 23 No. dwellings, garaging and associated development with approval for access, appearance, landscaping, layout and scale

	Address: Jubilee Works Stickling Green Clavering Saffron Walden Essex CB11 4WA
6.	Outside Development Limits Description: Outside Development Limits
7.	Pollution Control (site within 500m) Description: WITHIN 500M OF POLLUTION CONTROL SITE
8.	Public Right of Way Description: Clavering Type: Footpath Site Name: Uttlesford
9.	Road Classification- Line Road Name: Stickiling Green Road Number: 3004 (Class III) Route Number:
10.	SSSI Impact Risk Zones - Natural England ID Number - See Spreadsheet: 48
11.	TPO Area Polygons Reference Number: 1/76/08 Category: 1 Tree Type: Various see schedule
12.	Water Authority Description: Thames Water (W1)
13.	Within Development Limits Location: CLAVERING (HILL GREEN).
14.	

HISTORY:

Planning Applications History (if any):

Reference No.	Status	Decision Date	Proposal
UTT/20/1628/OP	R	15/09/2020	Outline planning application with all matters reserved except access for up to 9 dwellings (Class C3) including, public open space, sustainable drainage systems, landscaping and all associated infrastructure and development.

Planning Appeals History (if any):

Reference No.	Status	Decision Date	Proposal
21/00009/REF	DISMIS	23/08/2021	Outline planning application with all matters reserved except access for up to 9 dwellings (Class C3) including, public open space, sustainable drainage systems, landscaping and all associated

PLANNING POLICIES:

Policy	Local Plan	Local Plan Phase
NPPF4 - National Planning Policy Framework July 2021		
S7 - The Countryside	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN1 - Access	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN2 - Design	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN3 - Flood Protection	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN4 - Good Neighbours	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN6 - Infrastructure Provision to Support Development	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN7 - Nature Conservation	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN8 - Vehicle Parking Standards	Thaxted Neighbourhood Plan	Uttlesford Local Plan Adopted 2005
ENV1 - Design of development within Conservation Areas	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV2 - Development affecting Listed Buildings	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV3 - Open spaces and trees	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV8 - Other landscape elements of importance for nature	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
H9 - Affordable Housing	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
H10 - Housing Mix	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV13 - Exposure to poor air quality	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005

ENV14 - Contaminated land

Uttlesford Local Plan 2005

Uttlesford Local Plan Adopted
2005

SPD2 - Accessible homes and
playspace

EDG - Garden Size

EDG - Private Amenity Space

EDG - Rear Privacy

EDG - Refuse Collection

EDG - Street Type Description

EDG - Appropriate Use of
Materials

EDG - Streets and Roads

Uttlesford Local Parking
Standards

ECP - ECC Parking Standards
(Design & Good Practice)
September 2009

APPRAISAL:

PLANNING CONSIDERATIONS:

The planning issues to consider in the determination of the application are the proposed developments:

1. Principle of the Development (ULP Policies S7, ENV5 and the NPPF)
2. Layout, Character and Design (GEN2, NPPF)
3. Neighbouring Amenity (GEN2, NPPF)
4. Access and Parking (GEN1, GEN8, NPPF)
5. Flood risk, drainage, SuDs,(GEN3, NPPF)
6. Accessibility (GEN2, NPPF)
7. Biodiversity/ecology (GEN7, NPPF)
8. Tree Preservation and Landscape (ENV3, ENV8, NPPF)
9. Contaminated land (ENV14, NPPF)
10. Air Quality (ENV13, NPPF)
11. Archaeology (ENV4, NPPF)
12. Affordable Housing and Housing Mix (H9, H10, NPPF)
13. Infrastructure Provision to Support Development (GEN6, NPPF)
14. Built Heritage (ENV1, ENV2, NPPF)
15. Interim Climate Control Policy

1. Principle of the Development (ULP Policies S7, ENV5 and the NPPF)

The site is located to the north Eldridge Close in Clavering. To the south east of the site are number of commercial buildings and to the east are the rear gardens of dwelling facing

Clatterbury Lane. The site is of an open undeveloped plot and is characterised with dense mature hedging on the boundaries.

- In terms of the planning history of the site, planning application UTT/20/1628/OP for outline permission for up to nine dwellings with all matters reserved except for access was refused. The subsequent appeal was dismissed, some of the key issues raised in the appeal decision which are relevant to the proposed scheme include:
- This proposal would detract from the setting of this settlement and the character of the countryside. This would be the case for any scheme which extended across the full extent of this field. However, when considering the planning balance, this proposal for only nine houses offers limited benefits in comparison to the scale of land that would be lost.
- The inefficient use of land would make the achievement of an appropriate supply of housing in the district much harder to achieve. It would compromise the ability of future generations to meet their needs
- Overall, the development of this land for housing, although not well linked to higher level services and employment opportunities, would support the vitality of this and surrounding settlements.
- The protection of trees around the boundaries and the potential for environmental enhancements would support the environmental objectives of the Framework

It is acknowledge the inspector found the development would detract from the setting of this settlement and the character of the countryside and this would be the case for any scheme which extended across the full extent of this field. However this was not outweighed by the benefits of the 9 dwellings scheme and resulted in an insufficient use of the site. With regards to the principle of the development the Inspector did not indicate what number of dwellings may outweigh the harm to the character of the countryside.

Therefore the main issued identified and that should be addressed relates to the harm to the character of the countryside and what number of dwellings would outweigh this.

The above issues and their associated impacts are key matters which need to be resolved in order for the Council to support the principle of development. As discussed at our meeting, I would recommend a PPA to assist in resolving this potential 'in principle' objection where possible, however please find my following comments.

Development within the Countryside

The site lies beyond the Development Limits on land classed as countryside where policies are generally restrictive. As such, the development of the site needs to be considered and assessed against the current Local Plan and the NPPF.

The Council's review of the adopted policies of the Local Plan found Policy S7 to be partly consistent with the NPPF but that while the NPPF takes a positive approach, rather than a protective, Policy S7 is still compatible with the aims of the NPPF in protecting the countryside.

Policy S7 looks to protect the countryside for its own sake by limiting development to that which needs to be there or is appropriate to a rural area. This will include infilling. However, any development will be strictly controlled.

Policy S7 states that development will only be permitted if its appearance protects or enhances the character of the countryside.

Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means (paragraph 11 (c) and (d):

“(c) approving development proposals that accord with an up-to-date development plan without delay; OR

(d) 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:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed 7; 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”.

As identified in the most recent housing trajectory document, Housing Trajectory 1 April 2021 (January 2021), the Council's housing land supply is currently 3.11 years of supply. For the present time, the Council is therefore unable to demonstrate a deliverable 5-year supply of housing land

Going back to the countryside status of the site, development will only be permitted if the appearance of the development protects or enhances the particular character of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. In this regard, the development should be assessed against the three strands of sustainable development (social, economic and environmental).

Social:

The Inspector noted that in terms of proximity to facilities that the appeal site overall although not well linked to higher level services and employment opportunities, would support the vitality of this and surrounding settlements. We would expect any formal submission to demonstrate that the site is within reasonable distance of services and amenities.

Economic:

The development will deliver an economic role by the creation of small-scale employment during the construction phase and the occupier(s) of the houses would contribute to the local economy in the long term, as such there would be a positive economic benefit.

Environmental:

The site is outside of the development limits and currently comprises an open field.

The proposed development would result in a built-up form which would have an impact on the character, appearance and open form of the countryside. This would potentially have a negative impact.

Considering that the site is located within the countryside (notwithstanding other identified constraints); a balanced approach would be applied in the assessment of the proposed development and whether the potential harm of the development would 'significantly and demonstrably' outweigh the potential positive outcomes of the development as a whole.

Planning Balance:

A the Council is unable to demonstrate a deliverable 5 year supply of housing land and therefore a tilted balance approach should be applied in the assessment of the application and whether the positives outcomes of the development will outweigh the harms. Therefore a balance approach should be applied in the assessment of the proposed development and whether the potential harm the development might cause 'significantly and demonstrably' outweighs the potential positive outcomes of the development as a whole.

- The development will contribute to a moderate amount economic benefits,

- The creation of a small amount of employment during the construction phase and future use of the site. These economic benefits are provide some limited weight, however do not outweigh the harm cause by the development and harm to the character of this rural countryside location.
- The development will moderate level of support towards social and cultural wellbeing and also provide some affordable housing, this has some moderate weight.
- The development contributes to the local economy in the long term, as such there would be a moderate positive economic benefit.
- The proposal will likely include biodiversity gains.

In environmental terms, there would inevitably be some dis-benefits. In sense that the development of the open countryside is such a dis-benefit, this may not carry significant weigh because of the Councils 5 year housing supply. There would inevitably be landscape harm from the loss of the openness across the site. It is considered 35 dwellings would make an effective use of the site and therefore in accordance with the NPPF that the development makes efficient use of land. This positive may likely be considered to outweigh the harm caused by the development, however in providing 35 dwellings on this site could result in further concerns in terms of density of the site and amenity harm to neighbouring residential properties, I will discuss this later in my report.

Planning Performance Agreement (PPA)

As discussed at our meeting the Council offers a Planning Performance Agreement (PPA) service, I suggest due to the complexity of the providing the appropriate level of housing that is required to outweigh the harm to the countryside setting and the sensitive location of the development site on the edge of the village the use of a PPA would provide the following benefits:

- Senior management support
- The opportunity to discuss changes to applications as they arise
- Access to officers and consultees to enable constructive discussion on planning applications
- Named officer contact
- Certainty of timescales for reaching a decision and having a specific planning committee date to work towards
- A project-managed application process that includes a range of professionals involved in the determination of your application
- Meetings during the application period and the chance to make amendments
- Priority for planning committee

Agricultural Land

Policy ENV5 states that where development of agricultural land is required, developers should seek to use areas of poorer quality unless sustainability considerations suggest otherwise. It is likely that the site comprises agricultural land however it is clear that most of the land in Uttlesford is best and most versatile land and it is accepted that future development will probably be on agricultural land due to the lack of brownfield sites.

2. Layout, Character and Design (S7, GEN2, NPPF)

An indicative layout and dwelling types have been submitted as part of this pre application. This would appear to provide for 35 dwellings houses and has a mixture of detached, semi-detached houses and apartment block.

Policy GEN2 states that development will not be permitted unless its design meets all the following criteria and has regard to adopted Supplementary Design Guidance and Supplementary Planning Documents.

- a) It is compatible with the scale, form, layout, appearance and materials of surrounding buildings;
- b) It safeguards important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate;
- c) It provides an environment, which meets the reasonable needs of all potential users.
- d) It helps to reduce the potential for crime;
- e) It helps to minimise water and energy consumption;
- f) It has regard to guidance on layout and design adopted as supplementary planning guidance to the development plan.
- g) It helps to reduce waste production and encourages recycling and reuse.
- h) It minimises the environmental impact on neighbouring properties by appropriate mitigating measures.
- i) It would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.

To reiterate, policy S7 states that development will only be permitted if its appearance protects or enhances the particular character of the countryside, therefore the design of the scheme is fundamental in assessing the appropriateness of the development.

We would suggest a process of contextual analysis to help inform design decision making and to ensure the design responds to the residential character of the locality. However you wish to consider the details of design set out in the Essex Design Guide in regard to the design of dwellinghouses themselves and materials to be used should be appropriate to the area and in line with the Essex vernacular as outlined in the Essex Design Guide, a non-adopted but nevertheless useful guide

<https://www.essexdesignguide.co.uk/>

You may wish to consider the provision of green walls, green roofs green infrastructure and enhanced landscaping especially for housing facing the countryside. This would assist in mitigating views and would contribute to providing a net increase in biodiversity.

The guidance is based on 'Building for a Healthy Life', a government-endorsed industry standard, and will be used to inform decisions on planning applications.

https://www.uttlesford.gov.uk/media/11200/Building-for-a-healthy-life/pdf/Uttlesford_Building_for_a_Healthy_Life_accessible.pdf?m=637725936383770000

Climate Change As I mentioned at the meeting, it is important that you demonstrate your path to carbon zero and include measures to reduce carbon emissions on the site such as renewables and passivehaus standards. In this regard, our Interim Climate Change Planning Policy should be complied with and referred to.

https://www.uttlesford.gov.uk/media/10714/interim-climate-change-policy/pdf/Interim_Climate_Change_Planning_Policy_01.03.21_PDF_A1.pdf?m=637502093891130000

Quantum

As I mentioned above, the Inspector found the proposed 9 dwellings did not make an effective use of the site, as such a scheme of 35 dwellings has now been put forward. The proposal as set out on the indicative plans provides main highway access throughout the centre of the site with dwellings spaciouly set out taking a linear approach. The numbers of dwellings does assist in the balancing exercise of sustainable development, however I do

have concerns that the development as layout out may have cramped appearance as the majority of the built form is focus around the central access drive.

I would suggest any further submission should clearly demonstrate that the number and layout of dwellings are appropriate in the context of the site. This being said it is appreciated that the layout of the proposal is to remove any potential conflict to the amenity of the neighbouring properties to the east of the site and to ensure the built form is not along the western boundary of the site.

Layout

The indicative layout of the scheme does provide some un-development spaces between the dwellings which does contribute to a more open characterisation of the site. The proposal will not encroach or impact the public right of way to the north of the site and does provide additional landscape features throughout the site.

The proposed landscaping features are mainly concentrate around the central green space and pond area to the north of the site and swale area in the south of the site. Although these are considered positive I would suggest these could be increased, for example the pond area could provide biodiversity enhancement, and the central green area could be increased in size to provide a more usable public open space. The swale to the south of the site could be visually enhanced to benefit the future occupiers of the site. However it is appreciate the plans are only indicative and as discussed at our meeting are likely to be revised.

The apartment block is located in the south east corner of the site, at our meeting you explained that is location here is to reflect the built form and scale of the buildings to the south of the site in Eldridge Close. From my discussions with the Council's Urban Design Officer it may appropriate that this section of the takes on the character of a farmstead layout, this part of the site has a access of the main central access and as such it already would resemble the character of a separate cluster of buildings. It is suggested that you may wish to further enhance this potential design feature.

The proposed garden sizes for the plots should accord with the recommendations in the Essex Design Guide. For three or more bedroom properties a private rear garden should be in excess of 100 sq. metres and for two bedroom houses it should be 50sqm or more.

The proposed development should be in accord with the internal space standards for different sized dwellinghouses as stipulated in 'Technical Housing Standards - nationally described space standard 2015'.

3. Neighbouring Amenity (GEN2, NPPF)

Any proposal, due to its scale, design and siting (in terms of proximity to boundary and/or relationship with neighbouring properties), should ensure that it does not result in an unacceptable loss of light, overbearing impact and loss of privacy.

In regards to the indicative plans due consideration should be made to the location of the dwellings in relation to the neighbouring residential properties ensuring there is no significant impact to residential amenity. I appreciate the proposal at this stage is seeking the principle of the development and therefore this can be addressed at a later stage.

4. Access and Parking (GEN1, GEN8, NPPF)

Any submitted planning application would need to be determined taking into account the comments from the Highways Authority, Essex County Council. As you mentioned, you are in the process of seeking highway advice from the highway authority. It is important that any highway issues are resolved at an early stage in order to overcome the highway reason for refusal, especially with regards to the access, junction capacity and highway safety issues.

This pre application includes indicative layout plan which includes parking but this is only indicative and will be subject to change should a full application be received. Any development would be required to meet the following standards in regards to parking:

For a dwellinghouse with four bedrooms or more three parking spaces would be required to accord with Uttlesford's 'Local Parking Standards 2013'.

For three bedrooms or less two parking spaces would be required per dwellinghouse. Their dimensions would need to meet the minimum standard size of the adopted parking standards stipulated in Essex County Council's 'Parking Standards Design and Good Practice' September 2009. A garage to qualify as a parking space would need to exceed 7m by 3m internal dimension.

The proposal will also require a number of visitor parking spaces provided within the site, this should be in accordance with the aims of Essex County Council Parking Standards (2009). This advises 0.25 spaces per dwelling should be provided, in a development of 25 dwelling this will calculate to a minimum of 6 visitor spaces.

Compliance with these standards would need to be clearly demonstrated on any plans submitted.

5. Flood risk, drainage, SuDs,(GEN3, NPPF)

Major planning applications sites such as this would need to be accompanied by a Flood Risk Assessment. Essex County Council SuDs (LLFA) team will be consulted as part of the application. The application will be assessed against Local; Plan Policy GEN3. We welcome the provision of SUDs being built into the landscape as shown, although this does not count towards public open space provision.

6. Accessibility (GEN2, NPPF)

The 'Lifetime Homes' standards which were developed by the Joseph Rowntree Foundation and Habinteg Housing Association and satisfy the criteria stipulated in the SPD entitled 'Accessible Homes and Playspace', have effectively been superseded by Part M of the Building Regulations for less able occupiers. These requirements could be secured using a condition if a proposal were to be submitted and approved.

7. Biodiversity/ecology (GEN7, NPPF)

Given the nature of the site, an ecological appraisal and completed biodiversity checklist should be submitted as part of the application. The site may provide habitats for protected species. We would consult our ecologist (ecology.placeservices@essex.gov.uk web: www.placeservices.co.uk) on any planning application, but you may wish to commission protected species surveys to prevent any delays. If this assessment indicates that further surveys should be undertaken these must be done prior to the submission of the application. Failure to do so is likely to result in the application being refused.

Any future planning submission would be assessed by the ecologists at Essex county Council (Place Services). You may wish to have preliminary advice from them prior to the submission of any future planning application, please find the following contacts: enquiries@placeservices.co.uk

8. Tree Preservation and Landscape (ENV3, ENV8, NPPF)

The proposed development as is likely to not lead to a loss of trees or any substantial amount of mature hedgerow and perimeter vegetation. The applicant has proposed mitigation in the form of depth of planting, retention of trees on the site and landscape enhancement. Any proposed screening or planting would take a substantial amount of time to establish and mature and would not necessarily be successful in softening the urbanisation of the site. The Trees and Landscapes Officer would be consulted on any application submitted in the future. The applicant should consider submitting a landscape appraisal with any future planning application.

9. Contaminated Land (ENV14, NPPF)

The Council's Environmental Health Officer would be consulted on any application for development of the site. Therefore the applicant could consider conducting and submitting a contaminated land assessment with any future application for planning permission.

10. Air Quality (ENV13, NPPF)

The site is not in a specific air quality management area, that being said it is suggested that any the application for this development should include demonstrate sustainable transport modes and mitigation for air pollution.

11. Archaeology (ENV4, NPPF)

ULP Policy ENV4 considers ancient monuments and sites of archaeological importance, The ECC Archaeological Officer would be consulted on any submitted application for planning permission.

12. Affordable Housing and Housing Mix (H9, H10, NPPF)

ULP Policy H9 advises the Council will seek to 40% affordable housing In Stansted Mountfitchet on site 0.5 hectares or 15 dwellings or more. At this point of the pre application and taking into consideration the indicative plans, the confirmation of affordable housing numbers and whether the affordable scheme will be a shared ownership and/or affordable rent scheme, will have to be considered in any future planning submission and secured in a S106 legal agreement.

ULP Policy H10 Advises all development of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising of small properties. At this point of the pre application and taking into consideration the indicative layout, the size of the dwellings are not secured and therefore may be subject to change.

If a planning application is submitted then the due consideration will be made to the housing mix and to identify needs within the Strategic Housing Market Assessment and meeting local and district wide housing needs.

13. Infrastructure Provision to Support Development (GEN 6, NPPF)

GEN6 makes provision for the contributions for health care and schooling. The detailing of this will be calculated and provided during the application. They will take into consideration the number of units, number of bedrooms and work out what contributions will be required. It not something we can calculate ourselves and if the applicant want further figures to understand whether the development is viable then they will have to seek advice from ECC

14. Built Heritage (ENV1, ENV2, NPPF)

The application site is to the north west of the conservation area and the site is in close proximity to a number of listed buildings. Due to the separation distance between the site it may be anticipated that there would be little impact on the setting of these heritage assets. However the potential impact of any development on these buildings would need to be properly assessed by the Built Heritage Officer should a full application be received.

15. Interim Climate Control Policy

Uttlesford District Council have recently adopted a climate change strategy and interim climate change planning policy and as such any proposed development should due take due consideration, this may include the use of solar panels, heat source pumps, electric vehicle charging point and other such mitigation and enhancement methods. I advise prior to the submission of any planning application due consideration is made to this document which can be viewed online on the Council's website.

CONCLUSION

It is concluded that as a result of the planning appeal APP/C1570/W/21/3267624 that 35 dwellings would provide a number of benefits as set out in report that may likely outweigh the harm to the character of the countryside setting. That being said the introduction of 35 dwelling and constraints of the site may result in a development that is overdeveloped and will not have a sufficient level of green.

It is appreciate the proposal is indicative and subject to change and therefore this pre application response has mainly concentrated on the principle of development

At this stage I'm not entirely convinced that providing 35 dwellings on this site whilst maintaining the character of the area and respecting the amenity of neighbouring properties can be achieved at this stage, however as discussed I this may be resolved through further design revisions. Given the complexity of the site and constraints we would strongly advise you enter into a Planning Performance Agreement so we can work together on the next stage of the pre-application process, through to determination of the proposed development.

Please note that conclusions cannot be drawn with respect to certain considerations due to a lack of either information (e.g. biodiversity surveys) or specialist input (e.g., the Highway Authority).

Pre-application meeting to Members

As part of the PPA process, you would be provided with the opportunity to present your scheme to members of the Planning Committee and key portfolio holders, prior to the submission of any formal application. Again, this form part of the PPA.

Consultation Requirements

You are encouraged to engage with neighbours, stakeholders and Town and Parish Council's before submitting your planning application.

It is also advised that on the 8th February 2022 the government has this week written to Uttlesford District Council advising that it will be taking charge of making decisions on major planning applications in the district.

It means that applications for major development - which includes development of more than 10 houses or over 1 hectare - can be made directly to the Planning Inspectorate, although applicants will have the option of continuing to apply to the council in the usual way should they wish. The council is also required to prepare an improvement plan.

MAKING AN APPLICATION:

Should you wish to submit an application for planning permission, please ensure that you review the advice on completing an application form and the appropriate checklist to ensure that the correct documents are included.

Further guidance on information requirements can be found in the Planning Practice Guidance, and at www.uttlesford.gov.uk/planningapplicationforms.

IMPORTANT:

Please note the following:

The advice given in this letter is based only on the information that has been submitted as part of the pre-application and it may not apply to any subsequent changes.

The application would be assessed against the national and local policies in force at the time the application is submitted.

This letter is for guidance only: You will appreciate that the views expressed above are those of an Officer which will be no way binding upon the Council or any of its Committees when considering any formal application.

The letter relates only to planning and your client will need to seek professional advice for guidance relating to building regulations.

Planning permission does not overrule your client's other statutory responsibilities, such as, but not limited to, complying with any restrictive covenants. The Council does not have access to this information so if your client is unsure about the existence of these issues, then your client should seek independent legal advice before an application is submitted.

Yours faithfully

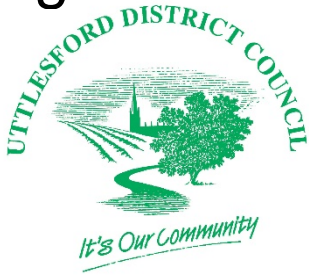
Chris Tyler

Chris Tyler
Senior Planning Officer

Appendix 3



Agenda Item 11



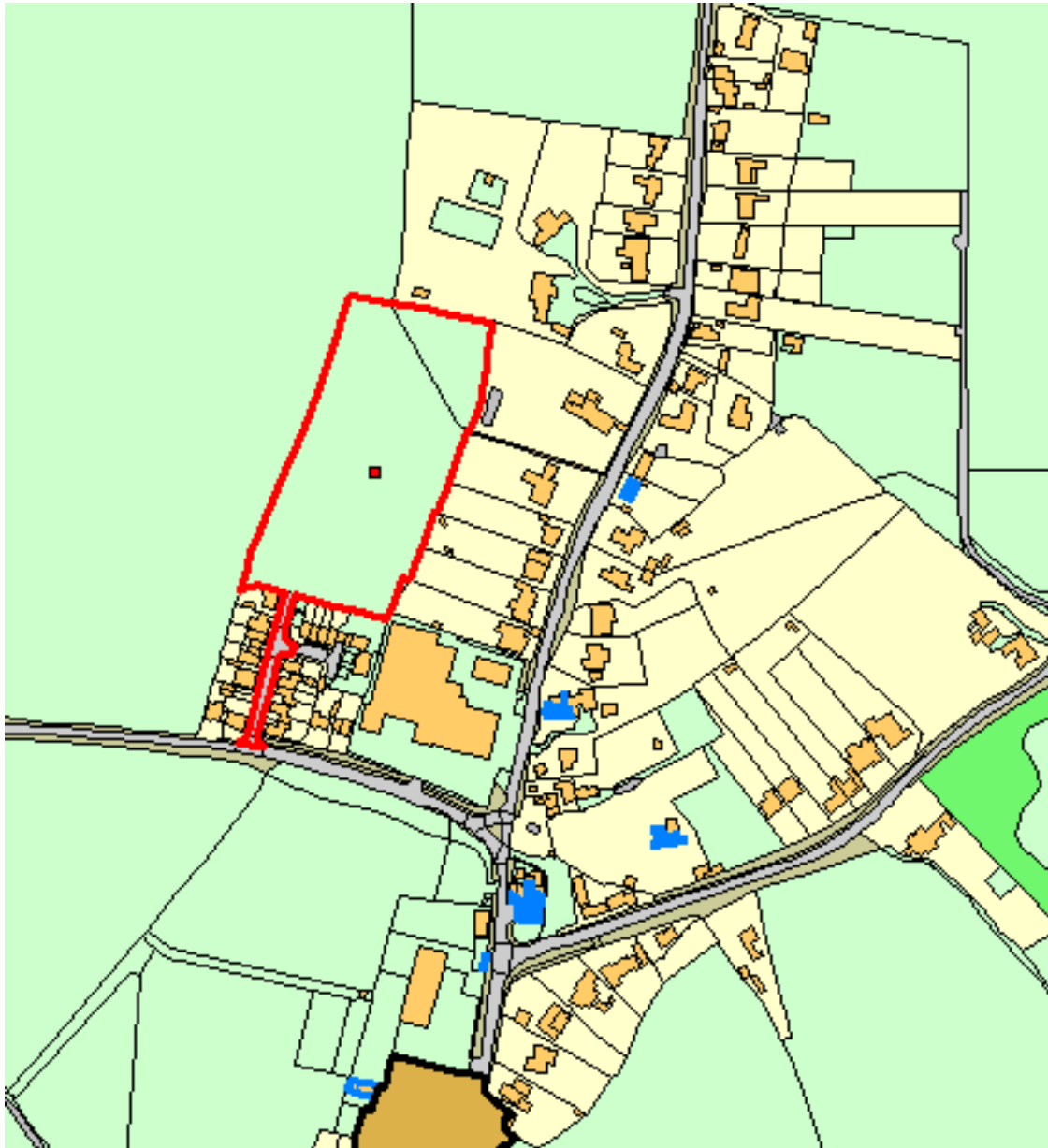
ITEM NUMBER: 11

PLANNING COMMITTEE DATE: 7 June 2023

REFERENCE NUMBER: UTT/22/1578/OP

LOCATION: Land To The North Of Eldridge Close, Clavering

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 19-5-2023

PROPOSAL: Outline planning application with all matters reserved except access for up to 32 dwellings including public open space, sustainable drainable systems, landscaping and associated infrastructure and associated development.

APPLICANT: Mr David Rich-Jones - Richstone Procurement Ltd

AGENT: Mrs Kate Sutton - Andrew Martin Planning

EXPIRY DATE: 15 September 2022

EOT Expiry Date: 9 June 2023

CASE OFFICER: Chris Tyler

NOTATION: Outside development limits,
Public Footpath within the site,
Tree Preservation Order (neighbouring site)

REASON THIS APPLICATION IS ON THE AGENDA: Major Application

1. EXECUTIVE SUMMARY

- 1.1** The application seeks outline planning permission with all matters reserved except access for the erection of up to 32 dwellings which will be accessed from the existing residential development of Eldridge Close. The development will include up to 13 affordable dwellings (40%).
- 1.2** Due to the introduction of the development within the countryside (ULP Policy S7) the scheme is considered not to accord with the development plan due to the conflict with policies on the location of housing and landscape character.
- 1.3** The National Planning Policy Framework (NPPF) is a material planning consideration, and this has a strong presumption in favour of sustainable development. The Council recognises that it cannot demonstrate a 5YHLS and that it should consider favourably applications for sustainable residential development which will make a positive contribution towards meeting housing need.

- 1.4 Taking into consideration the decision of the previous appeal (See-Appendix 3), the Case Officers assessment of the site, consultation response from the Council's Landscape Officer and the details of the submitted Landscape Appraisal it is concluded the proposal will result in limited low-level harm to the character and appearance of this rural site.
- 1.5 In this case when reviewing the harm and benefits of the scheme (tilted balance) it is concluded the effect on landscape character would not significantly and demonstrably outweigh the benefits of the contribution towards housing land supply and the other benefits of the proposal.

2. **RECOMMENDATION**

That the Director of Planning be authorised to **GRANT** permission for the development subject to those items set out in section 17 of this report -

- A) Completion of a s106 Obligation Agreement in accordance with the Heads of Terms as set out
- B) Conditions

And

If the freehold owner shall fail to enter into such an agreement, the Interim Director of Planning shall be authorised to **REFUSE** permission at their discretion at any time thereafter.

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The application site is located to the north of Eldridge Close in the village of Clavering. The site comprises of agricultural land and is bound to the west by mature trees, to the east of the site is the boundary of the residential dwellings along Clatterbury Lane.
- 3.2 Within the northern section of the application site there is a public foot path linking to Clatterbury Lane and the agricultural land to the northwest of the site.

4. **PROPOSAL**

- 4.1 This application seeks outline planning permission with all matters reserved except access for up to 32 dwellings public open space, sustainable drainage systems, landscaping and associated infrastructure and associated development. The site will include highway access through Eldridge Close linking onto the existing highway.
- 4.2 The application includes an illustrative Site Plan and Street Scene set out the framework for matters such as building heights, scale, architectural appearance and materials and demonstrate how the site could be

development for the number of units proposed, whilst meeting relevant parking and amenity standards and having regard to the landscape characteristics of the site.

- 4.3 The proposal will include 32 units on a site area of 1.35ha, generating a density of 23.7 dwellings per hectare. The development will include 40% affordable housing secured through a S106 agreement.

5. **ENVIRONMENTAL IMPACT ASSESSMENT**

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

6. **RELEVANT SITE HISTORY**

6.1

Reference	Proposal	Decision
UTT/20/1628/OP	Outline planning application with all matters reserved except access for up to 9 dwellings (Class C3) including, public open space, sustainable drainage systems, landscaping and all associated infrastructure and development.	Refused, appeal dismissed.
UTT/13/3357/DFO	Details following outline application UTT/2149/11/OP for the erection of 23 No. dwellings,garaging and associated development with approval for access, appearance, landscaping, layout and scale	Refused, allowed at appeal.
UTT/2149/11/OP	Outline application for erection of 24 dwellings and associated and ancillary development with all matters reserved	Refused, allowed at appeal.

7. **PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

- 7.1 Pre application advice was sought prior to the submission of the planning application. It was concluded that as a result of the planning appeal APP/C1570/W/21/3267624 that 35 dwellings would provide a number of benefits that may outweigh the harm to the character of the countryside setting. That being said the introduction of the dwellings and the existing

constraints of the site may result in a development that is overdeveloped and will not have a sufficient level of green space.

7.2 The applicant has confirmed no community consultation has taken place.

8. **SUMMARY OF STATUTORY CONSULTEE RESPONSES**

8.1 **Highways Authority**

8.1.1 No objection- from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, as shown in principle on DWG no. 18/17/11 Rev. A (dated, March 2022), subject to the following conditions:

- Prior to occupation provision of access,
- Prior to occupation provision of crossing point,
- Prior to occupation public right of way within the site will be upgraded,
- Prior to occupation provision of residential travel pack.

8.2 **Local Flood Authority**

8.2.1 No objection subject to conditions. this includes:

- Submission and approval of surface water strategy,
- Submission and approval of offsite flooding scheme.

9. **PARISH COUNCIL COMMENTS**

9.1 Objects to the to the application and includes the following comments:

The proposal is not in accordance with the following local plan policies;
S7 Protection of Countryside
ENV5 Protection of Agricultural Land
GEN1 Access
GEN2 Design
GEN 7 Nature

The development contrary to the following within the NPPF:

Para. 8 c Natural Environment
Para 85 Impact on local roads
Para 104 and 111 Highway Safety
Para 126 Effective Community Engagement
Para 130 a Adding to the quality of the area
Para 130 c Local character and landscape setting
Para 174 b Countryside
Para 185 c Artificial light

- The existing residential development of Eldridge Close was previously a brown field site,
- This application site relates to open Grade 2 agricultural land
- There has been no public consultation with the village,
- Proposed screening would be inadequate,
- Impact to ecology,
- Proposed street lighting is not appropriate at this location,
- No swept path analysis has been submitted with the application.
- The chalk streams in this area are drying up,
- Insufficient infrastructure requirement are not met on this application,
- Insufficient SUDs submission included,
- Inadequate explanation of how sewerage will be Thames Water pipes,
- There are no regular public transport service with the area,
- Transport statement included is inadequate,
- There are no safe cycle route to other locations,
- The application fails the three strains of sustainability of the NPPF.
- There is no long term contribution to the economy as the application does not provide employment,
- The development will not support the viability of public transport,
- The proposal will impact biodiversity,
- The development will have a urban character,
- There is no need for further housing to revitalise the village,
- The location of the school, village shop and church are some distance from this site and deemed not appropriate by a previous planning inspector.
- Car travel will be required for future residents.

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer

10.1.1 No Objections- The affordable housing provision on this site will attract the 40% policy requirement as the site is for up to 32 properties. This amounts to up to 13 affordable housing properties and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers. Based upon the need identified in the SHMA 2017 the following affordable housing is recommended.

	1bed	2 bed	3 bed	total
Affordable Rented	2	4	3	9
First Homes	To be agreed	To be agreed	0	3
Shred Ownership	0	1	0	1

There is a requirement for 3 properties (25% of the affordable provision) to be delivered as First Homes at a discount of 30% below market value

and at or below a price cap of £250,000 after the discount has been applied. It is also the Councils' policy to require 5% of the properties to be delivered as wheelchair accessible (building regulations, Part M, Category 3 homes).

10.2 UDC Environmental Health

10.2.1 No objections subject to conditions including:

- Submission and approval of construction management plan,
- Compliance condition regarding contamination,
- Submission and approval of external lighting scheme,
- Provision of electric vehicle charging points.

10.3 Thames Water

10.3.1 No objections, with regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection.

Thames Water would advise that with regard to foul water sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

10.4 Place Services (Ecology)

10.4.1 No objection, we have reviewed the Biodiversity Checklist (Andrew Martin Planning, June 2022), Preliminary Ecological Appraisal (Greengage Ecology, November 2022) and Design Code (Arcady Architects, October 2022) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures. Recommended condition include:

- Compliance with the mitigation recommendation within the submitted report,
- Submission and approval of ecology construction management plan,
- Submission and approval of a Biodiversity Net Gain Design Stage Report,
- Prior to slab level the submission and approval of biodiversity enhancement plan,
- Submission and approval of lighting scheme.

10.5 Essex Police

10.5.1 No objections, UDC Local Plan Policy GEN2 - Design (d) states "It helps reduce the potential for crime *"Whilst there are no apparent concerns with the layout to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures. We would welcome the opportunity to consult on this*

development to assist the developer demonstrate their compliance with this policy by achieving a Secured by Design Homes award.”

10.6. Stansted Airport Aerodrome Safeguarding

- 10.6.1** No objection subject to conditions, including:
- Submission and approval of SuDs and landscaping,
 - External lighting shall be capped to prevent upward light spill.

10.7 Lead Local Flood Authority

- 10.7.1** No objection, having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following conditions:
- Submission and approval of surface water drainage scheme,
 - Submission and approval of scheme to minimise off site flooding.

10.8 UDC Landscape Officer

Verbal representations advised:

- The site is well contained,
- The proposal will introduce built form, however it is not considered this will harm the wider landscape setting,
- Immediate landscape setting harm will be limited/ low.
- Landscaping scheme should be conditioned,
- A compliance condition should be included in regards to the tree protection measures.

11. REPRESENTATIONS

- 11.1** Site notices were displayed on site and 107 notification letters were sent to nearby properties and the application was advertised in the local press.

11.2 Support

- 11.2.1** N/A

11.3 Object

- 11.3.1**
- Insufficient safe access to the site,
 - Loss of agricultural land,
 - Significant number of car movements,
 - The proposal will result in urban sprawl,
 - The site is an unsustainable location,
 - The site has already been refused for development,
 - This type of development does not meet the character of Clavering,

- Introduction of built form will be harmful,
- Loss of greenfield,
- Landscape impact,
- The site was rejected in UDC call for sited 2015 due to the location,
- Inadequate public transport,
- Overbearing impact on the neighbouring properties,
- The development would cut across a public footpath,
- No adequate swept path analysis has been provided,
- Inadequate cycling provisions,
- Possible sewage and flooding issues,
- Impacts to ecology and wildlife,
- The dwellings will be over-shadowed by the existing trees,
- Outside village envelope,
- Sufficient affordable housing already provided in Clavering,
- The proposed landscaping will not mitigate the loss of open land,
- Contrary to the sustainable strand of development outline in the NPPF,
- The existing houses in Eldridge Close have not sold,
- Increase of parking problems,
- Insufficient amenities within the village,
- The developer has not taking into consideration the outcome of the previous appeal decision.

11.4 A detailed objection including a formal landscape submission has been submitted by Keep Clavering Rural

11.5 Comment

11.5.1 All planning matters will be considered in the following report.

12. MATERIAL CONSIDERATIONS

12.1 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.

12.2 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.

12.3 The Development Plan

- 12.3.1** 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 October 2022)
- Ashdon Neighbourhood Plan (made December 2022)
- Great and Little Chesterford neighbourhood Plan (made February 2023)

13. POLICY

13.1 National Policies

- 13.1.1** National Planning Policy Framework (2021)

13.2 Uttlesford District Plan 2005

- S7 – The countryside
- GEN1- Access
- GEN2 – Design
- GEN3 -Flood Protection
- GEN4 - Good Neighbourliness
- GEN5 - Light pollution
- GEN6 - Infrastructure to support development
- GEN7 - Nature Conservation
- GEN8 - Vehicle Parking Standards
- H9 - Affordable Housing
- H10 - Housing Mix
- ENV1 - Design of development within the conservation area
- ENV2 - Development affecting Listed Buildings.
- ENV3 - Open Space and Trees
- ENV4 - Ancient Monument and sites of Archaeological Importance
- ENV5 - Protection of Agricultural Land
- ENV11 - Noise generators
- ENV13 - Exposure to poor air quality
- ENV14 - Contaminated land

13.3 Neighbourhood Plan

N/A

13.4 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)

14. CONSIDERATIONS AND ASSESSMENT

14.1 The issues to consider in the determination of this application are:

- 14.2**
- A) Location and principle of housing**
 - B) Character and appearance**
 - C) Transport**
 - D) Accessibility**
 - E) Amenity**
 - F) Flooding**
 - G) Infrastructure**
 - H) Protected species and biodiversity**
 - I) Archaeology**
 - J) Affordable housing**
 - K) Housing mix**
 - L) Contamination**
 - M) Exposure to poor air quality**
 - N) Light pollution**
 - O) Climate Change**
 - P) Planning balance**

14.3 A) Location and principle of housing

14.3.1 The Local Plan places the site beyond the defined Development Limits for towns and villages, and therefore in a countryside location whereby development for housing is inconsistent with Policies S7 and H1. The location of the application site is to the northern part of the village where planning application on this site for dwellings (UTT/20/1628/OP) was refused and subsequently dismissed by the Planning Inspector.

14.3.2 The Planning Inspector for the previously dismissed appeal considered the following:

- The site is not allocated for housing in the Uttlesford Local Plan 2005,
- It is therefore considered by to be countryside (ULP Policy S7),
- The proposal will intrude into the countryside and it would also significantly alter the form of the settlement,
- The proposal would detract from the open character of the countryside.

Therefore, the principle of the development and the introduction of the residential development at this location would be in conflict with the aims of ULP Policy S7.

- 14.3.4** A number of objections have been received in regard to the location of the development, proximity to local services and lack of public transport. The NPPF is clear that achieving sustainable development, the social objective seeks to ensure that a sufficient number and range of homes can be provided to meet the needs of present and future generations. Paragraph 79 sets out to promote sustainable development in rural areas advising that housing should be located where it will enhance or maintain the vitality of rural communities and provide opportunities for villages to grow and thrive, especially where this will support local services.
- 14.3.5** The Planning Inspector considered the residents of new houses would be likely to contribute to the social life of the settlement and help support its services and facilities. Residents would contribute financially to local shops and services in the long term. This is a location where development in one village is also likely to support services in villages nearby.
- 14.3.6** In regard to transport the Planning Inspector noted that, probably most, journeys by future residents, are likely to be by private vehicle, however, journeys to more local facilities and services would be relatively short and provision can be made to encourage the use of more sustainable vehicles, walking and cycling. Although there would be a reliance on the use of private vehicle it would not be a matter that would weigh against the proposal in this case.
- 14.3.7** Notwithstanding the above conflict with ULP Policy S7, taking into consideration the decision details of the previous appeal the location of the proposal is in accordance with paragraph 79 of the NPPF which takes a less restrictive approach compared to the Local Plan, supporting the growth of existing settlements while preventing isolated homes. The sites location adjacent the built up area of Clavering ensures it consistency with Paragraphs 79 of the NPPF.
- 14.3.8** ULP Policy ENV5 seeks to prevent significant losses of the best and most versatile (BMV) agricultural land, and paragraph 112 of the NPPF has a similar objective. While the site is classified as Grade 2, which is regarded as BMV land, the development would not represent a significant breach of these policies as it is small in agricultural terms and the high quality of land across the majority of the District means that some loss is inevitable. It is noted the Planning Inspector, that considered the previous appeal on this site, did not raise any concerns in regard to the loss of agricultural land. As such although the loss of the agricultural land is a material consideration the weight applied to this application is considered to be limited.
- 14.3.9** In conclusion to the principle and location of the proposed development, the introduction of the dwellings will be in conflict with ULP Policy S7. However, the location of dwellings would support services in village and other nearby settlements, also the reliance on the use of private vehicle it would not be a matter that would weigh against the proposal in this case.

14.4 B) Character and appearance

14.4.1 The introduction of the housing to an undeveloped field would inherently have a harmful effect on the rural character of the area, in conflict with ULP Policy S7 and paragraph 170 of the NPPF. However, it is necessary to determine the weight that should be given to such adverse effect. It is also noted a number of objections have been received in regards to the harmful impact to the rural character of the site due to the introduction of built form.

14.4.2 The outcome of the previous planning appeal considered the proposed 9 dwellings would detract from the rural setting of the settlement and the character of the countryside and therefore in conflict with ULP Policy S7. The Council's Landscape Officer has been consulted on this application and has advised the application site is a well contained within the existing landscape features and therefore even with the introduction of built form on this site this would amount a limited harmful impact to the wider landscape setting of the site.

14.4.3 Objections have been received in regard to landscape impact and the harm cause to the appearance of the site. The applicant has provided a Landscape and Visual Impact Assessment which concludes:

- The site presents an opportunity to provide additional dwellings which would fit in well with the rural village setting.
- The trees and hedges surrounding the site add a sense of maturity and form a treed skyline. This characteristic would be preserved through the retention of trees and hedges and a green open area to the western side of the site;
- Proposals would have a slight impact on the immediate area, however the site does have some capacity to absorb development without undue detrimental effects to the 'Langley Chalk Upland (H3)' landscape characteristics, i.e. gentle topography, arable farmland, woodlands and well-treed skylines;
- Visual impact would be high in regard to the views from the existing public right of way, however it would result in low impact in regard to visual impact to the village and wider landscape;
- There would be a change in the local landscape setting but this would be limited to the immediate area;
- The development of dwellings of a similar scale or layout to that shown on the plan would not detract from the local setting.

14.4.4 Furthermore, the submitted tree survey/report has been reviewed by the Council's Landscape Officer and it is considered to be acceptable subject to the use of a compliance condition relating to root/ tree protection measures. The root protection measure will protect the trees within the application site and ensure there is no impact to the Protected Trees within the neighbouring site. Due to the nature of the outline planning permission a full landscaping scheme would be submitted and considered as part of a reserved matters application.

- 14.4.5** The proposal will result in the introduction of built form within the site, although due to this application is for outline planning permission with all matters reserved the scale, layout and design of the dwellings is not considered at this stage. That being said the proposal will result in additional built form within the site and due consideration is made to the submitted indicative plans.
- 14.4.6** ULP Policy GEN2 considers the design of development and is directed at ensuring that the design of development is compatible with the surrounding area. Criteria (a) includes a requirement that development is compatible with the form and layout of the surrounding buildings. Whilst the proposal would be at odds with the form of the village, it would reflect, to some extent, the existing form and layout of the neighbouring properties.
- 14.4.7** The proposal is for up to 32 dwellings and which will provide a density of 23 dwellings per hectare. The proposed layout follows a layout that attempts to respond to the pattern of development that characterises the existing village and provides a continuation from the south of and Eldridge Close. The layout provides an active street frontage with a majority of the units facing out to the open space areas.
- 14.4.8** The proposal as submitted would provide a central corridor of green space which provides a sense of opens throughout the development. Permeable views between buildings and retains the tree lined site boundaries are visible. To the northern section of the site will include a farmstead formation with a mixture of dwellings that will have an agrarian appearance. A contemporary scheme has been proposed that transitions from the more traditional design of Eldridge Close to a more modern interpretation of traditional forms.
- 14.4.9** The existing public foot path within the application site is the one visual receptor location that would experience a significant level of visual effect. Although this is the case it is proposed to locate the footpath within a green corridor through the site and therefore although not providing wider landscape views it would provide an enhanced route through the site.
- 14.4.10** Whilst the layout, scale, design and landscaping are reserved matters there is significant detail within the proposed site layout plan and Design and Access Statement to demonstrate how the existing landscaping features could be enhanced. Although the introduction of the built form would alter the appearance of the site, the mitigating factors and enhancement of the existing features will be included.
- 14.4.11** The introduction of the dwellings would not be readily directly visible to the south of the site from Stickling Green Road as it would be screened by intervening existing dwellings within Elmbridge Close. To soften the appearance from the views from the west, east and north of the site enhance landscaping screening to the will be included, also a number of

trees within the site will provide visual amenity for both the future residents of the site and also the neighbouring properties along Clatterbury Lane, however this would form part of the landscaping detail which is a reserved matter.

14.5 C) Transport

14.5.1 Local Plan Policy GEN1 states “*development will only be permitted if it meets all of the following criteria;*

- 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 expects to have access.*
- e) *The development encourages movement by means other than driving a car.”*

14.5.2 Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within National Planning Policy Framework.

14.5.3 The site location on the edge of the village ensures that the residents of the development would have reasonable access to a range of services and facilities, including primary school, two public houses, local shop and post office. It is noted the site does have limited sustainable transport options which makes it likely that the occupiers of the proposed dwellings would use a car to access most services, facilities and employment opportunities. This represents a conflict with Policy GEN1.

14.5.4 However, there is no conflict with the more up-to-date policy at Paragraph 103 of the NPPF which advises that ‘*opportunities to maximise sustainable transport solutions will vary between urban and rural areas*’ with rural areas naturally much more likely to have to make use of a car. Therefore, whilst not a positive for the proposed development the lack of sustainable transport options cannot be seen as a major negative either. Due to the location of the site and close by to available local facilities, this should be considered positive and that the proposed development would help to support these local services. The transport and access issues were not upheld in the previous planning appeal and to be consistent with this it is considered the development therefore, subject to condition, will be in accordance with ULP Policy GEN1 and the NPPF.

14.5.5 The decision of the previous planning appeal on this site considered probably most journeys by future residents are likely to be by private vehicle. However, given the range of services available locally and the benefits to these services that would accrue, the likelihood of a high

reliance on private vehicles is not a matter that would weigh against the proposal.

14.5.6 The Highways Authority have been consulted of the proposal and have advised from a highway and transportation perspective that subject to conditions the proposal is acceptable to them. A number of objections have been received relating to highway safety and due consideration is made to the submitted Transport Report and the advice from the Highways Authority.

14.5.7 The proposal is not considered to have any undesirable effects on pedestrian movements in the area and it will continue to provide connectivity to the surrounding pedestrian network.

14.5.8 Based on low housing density in Stickling Green, it is expected Stickling Green Road to carry low traffic volumes and expected to have sufficient capacity to accommodate the additional vehicle trips. The traffic from future residents of the development will have a low-level impact on the surrounding highway network including Eldridge Close and Stickling Green Road and therefore will not require any highway mitigation measures. All carriageway characteristics such as radii, widths, sight, and driveway visibility shall comply with the Essex Design Guide.

14.5.9 Adequate parking provision is capable of being provided on site in accordance with adopted parking standards, Local Plan Policy GEN8, Local Residential Parking Standards (adopted February 2013) and will be considered as part of reserved matters.

14.6 D) Accessibility

14.6.1 Policy GEN2 and the SPD entitled 'Accessible Homes and Playspace' require compliance with the Lifetime Homes standards. However, these standards have effectively been superseded by the optional requirements at Part M of the Building Regulations, as explained in the PPG. Compliance with these requirements could be secured using a condition.

14.7 E) Amenity

14.7.1 Taking into account The Essex Design Guide, which represents non adopted but useful a guidance, it is considered the proposed scheme will include appropriately sized rear amenity space and that there would be no significant effects on amenity of neighbouring properties with respect to daylight, privacy or overbearing impacts.

14.7.2 The introduction of the dwellings will result in an increase of noise and disturbance, mainly due to the increase of vehicular movement within the site and noise from the residential use of the site. However, the application is for outline planning permission therefore the layout and landscaping that would likely mitigate such impacts of the development. Layout and landscaping would be a reserved matter and due

consideration would need to be made in a subsequent reserved matters application.

14.8 F) Flooding

14.8.1 Policy GEN3 contains the Local plan for flooding, although this has effectively been superseded by the more up to date flood risk policies in the NPPF. The application site is located in Flood Zone 1 where development is considered appropriate. The application includes a flood risk assessment and proposed drainage scheme.

14.8.2 Taking into consideration the details submitted with the application and comments received from the Lead Local Flood Authority and Anglian Water it is considered the development accords with ULP Policy GEN3 and the development will not result in any flood risk subject to the imposition of conditions and mitigation measures.

14.9 G) Infrastructure

14.9.1 Local Plan Policy GEN6 states that *“Development will not be permitted unless it makes provision at the appropriate time for the community facilities, school capacity, public services, transport provision, drainage and other infrastructure that are made necessary by the proposed development. In localities where the cumulative impact of the developments necessitates such provision, developers may be required to contribute to the cost of such provision by the relevant statutory authority.”* If the application was approved mitigation measures will be secured by way of S106 agreement.

14.9.2 Affordable Housing

40% affordable housing (including first homes) would be provided in accordance with Local Plan Policy H9. Also, 5% wheelchair accessible housing provision will be secured should planning permission be granted.

14.9.3 Education

A payment of an education contribution relating to the number of school places generated by the application will likely be required. It is noted ECC will be providing this information prior to the completion of the required S106 legal agreement.

14.9.4 Provision and maintenance of public open space

The details relating to public open space proposed as part of the development is a reserved matter, however it is clear that this would be provided as part of the proposed development. Details of the maintenance by ongoing management company or other body should be provided.

14.10 H) Protected species and biodiversity

14.10.1 Policy GEN7 and paragraph 174 of the NPPF seeks to ensure that development would not have a harmful effect on wildlife and Biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species. Policy ENV8 requires the protection of hedgerows, linear tree belts, and semi-natural grasslands.

14.10.2 The application includes an ecology survey report, due consideration is made to this. Taking into account the comments from the Council's Ecology Consultant, it is considered that subject to conditions it is unlikely that the development would have significant adverse effects on any protected species or valuable habitat. It is therefore concluded that the proposal accords with the above policies.

14.11 I) Archaeology

14.11.1 Taking into consideration the location of the site the development, Essex County Council Archaeology Officer has been consulted and advised no conditions for further surveys or ground works are required for this site. Therefore the development is in accordance with Local Plan Policy ENV4 and the NPPF.

14.12 J) Affordable Housing

14.12.1 Taking into account the comments of the Housing Enabling Officer, it is considered that the proposed affordable housing provision is consistent with Policy H9. A total of 13 affordable home would be built, in accordance with the requirement that 40% of new homes should be affordable. The affordable housing will be secured by a legal agreement and will include the following:

	1 bed	2 bed	3 bed	Total
Affordable rent	2	4	3	9
First homes	To be agreed	To be agreed	0	3
Shared ownership	0	1	0	1

14.12.2 Subject to securing the above the development would be in accordance with Local Plan Policy H9 and H10 in this respect.

14.13 K) Housing Mix

14.13.1 Policy H10 requires that a significant proportion of market housing comprises smaller properties, with two or three bedrooms. As all of the proposed houses would be in this category it is concluded that the proposal accords with Policy H10.

14.14 L) Contamination

- 14.14.1** ULP Policy ENV14 considers the impact of contamination of the site and its impact to the proposed development. The application site may have the potential risk of contamination and therefore the UDC Environmental Health Officer has been consulted. No objections have been made subject the imposition of a planning condition. As such it is considered the development will not result in any harmful impact due to contamination risks and the proposal accords with ULP Policy ENV14.
- 14.15 M) Exposure to poor air quality**
- 14.15.1** ULP Policy ENV13 considers whether the development considers exposure to poor air quality and advises development will not be permitted if the occupants are exposed to extended long term poor air quality. The site is not in an area currently monitored for air quality as a designated management area (AQMA). Additional traffic from the proposed development at the busy times will make up a relatively small proportion of the total emission load when assessed over a 12-month period, which the annual mean-based air quality objectives requires. The impact can be minimised by adopting non car travel, further mitigation can include the introduction of electric vehicle charging points. As such it is considered the development accords with ULP Policy ENV13 and Paragraph 105 of the NPPF.
- 14.16 N) Light pollution**
- 14.16.1** ULP Policy GEN5 advises development will not be permitted if the scheme results in glare and light spillage from the site. It is not considered the residential development will result in any harmful impact from light pollution, however, it is recommended a condition is included for the submission and approval of a lighting scheme prior to the commencement of the development should planning permission be granted. Therefore, the development is capable of being in accordance with Local Plan Policy GEN5 in this respect.
- 14.17 O) Climate Change**
- 14.17.1** Following the adopted UDC Interim Climate Change Policy (2021) due consideration should be made by developer to demonstrate the path that their proposals take towards achieving net – zero carbon by 2030, and ways their proposal is working towards this in response to planning law, and also to the guidance set out in the NPPF and Planning Policy Guidance. The applicant has included a statement demonstrating how the proposal accords with this policy.
- 14.17.2** The location of the site is part of a sustainable extension to Clavering, the minimising of carbon emissions through the development itself are demonstrated in the following paragraphs.

- 14.17.3** The proposal takes into consideration the existing landscape working with the existing topography of the site to avoid regrading of the site and the need to export soil from the site, this limits the impacts on climate change.
- 14.17.4** The drainage solution adopted for the site make suitable provision to ensure no detriment to local water supply. The units are designed achieve average water consumption.
- 14.17.5** The proposed landscaping scheme include further planting of native trees, shrubs and areas of open grassland as well as extensive hedgerow planting. In biodiversity terms there would be a gain in habitat provided in the proposed landscape scheme, however details of this would be a reserved matter.
- 14.17.6** The use of solar panels is proposed which takes advantage of the renewable source of the sun's energy to power photovoltaic electricity cells and solar water heated panels, etc.
- 14.17.7** Air source heat pumps is also proposed which can take heat from the outside air and use this to heat the dwellings.
- 14.17.8** In promoting sustainable travel, the development will provide appropriate storage for cycles, electric vehicle charging points and the provision of a residential travel pack for future occupiers.

14.18 P) Planning balance

- 14.18.1** The NPPF describes the importance of maintaining a five-year supply of deliverable housing sites. The Council's housing land supply currently falls short of this and is only able to demonstrate a supply of 4.89 years (Five Year Housing Land Supply update April 2022).
- 14.18.2** Paragraph 11 of the NPPF considers the presumption of sustainable development, this includes where there are no relevant development plan policies, or where policies which are most important for determining the application are out of- date. This includes where the five-year housing supply cannot be delivered.
- 14.18.3** As the Council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF - paragraph 11 (d) (ii).
- 14.18.4** In this case the tilted balance is engaged, the NPPF states amongst other things:

“Where there are no development plan policies, or the polices which are most important for determining the application are out-of-date, granting permission unless:

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.”

14.18.5 The following breaks down the economic, social and environment benefits of the development:

Economic

- Short term benefits during the construction phase, with benefit to local companies e.g. contractors, sub-contractors, trades and suppliers,
- Occupiers of the houses would contribute to the local economy in the long term, in Clavering and surrounding areas,

Social

- The construction of up to 32 dwellings to contribute to the 5 Year Housing land supply,
- Provision of 13 affordable homes (40%)
- Additional residents will add to the social vitality of the village, for example providing extra patronage of clubs and societies,
- 6 no. bungalow to meet housing needs,

Environmental

- Quality build and design, fabric to dwellings and the provision of air source heat pumps and photo voltaic panels. Each dwelling would also be provided with an electric vehicle charging point;
- Encouraging pedestrian and cycle use to through improved walking routes and provision of convenient and secure cycle storage;
- The proposal will include an appropriate density of which makes efficient use of the site;
- New tree and hedgerow planting which will bring ecological and environmental benefits;
- Opportunities to provide green route for the existing footpath within the site;
- Biodiversity net gain in the form of ecology enhancement within the site including wildflower areas, swales, tree lined streets, a pond and a water garden and sedum roofs;
- Provision of landscaped footpath corridor for use by the public,
- Retention of trees to the boundary of the site
- Delivery of high-quality design with appropriate scale, form, density, architecture and materials.

14.18.6 The Appeal Decision of the previously proposed development of 9 dwellings on this site is material consideration in the balancing exercise

for this current application. The Inspector advised the previous proposal would:

- Result in new development intruding into the countryside and it would also significantly alter the form of the settlement;
- Detract from the open character of the countryside which forms the setting for the settlement;
- Would be at odds with both the traditional development that contributes to the overall character of the village;
- 9 dwelling would be an ineffective use of land;
- Then 9 houses offers limited benefits in comparison to the scale of land that would be lost.

14.18.7 Set out in section A and B of this report and taking into consideration the comments from the Council's Landscape Officer, details of the previous appeal decision and details within the submitted Landscape Appraisal it is concluded the proposal will result in limited low-level harm to the character and appearance of this rural site.

14.18.8 The proposal will provide a larger number of dwellings on this site and therefore is considered to make a more effective use of the site in accordance with paragraph 125 (c) of the NPPF, also addressing one of the concerns that the Inspector had raised.

14.18.9 The harm caused by the proposed development is not considered to significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole (NPPF Paragraph 11d (ii)).

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

15.1.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

15.1.2 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

15.1.3 Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised

15.2 Human Rights

15.2.1 There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application

16. CONCLUSION

16.1 The proposal does not accord with the development plan due to the conflict with policies on the location of housing and landscape character. Notwithstanding the above, it is concluded that the location of the site represents a sustainable location context with the NPPF. The tilted balance at paragraph 11 (d) (ii) of the NPPF is engaged because relevant policies for the supply of housing are out of date.

16.2 In this case, the effect on landscape character would not significantly and demonstrably outweigh the benefits of the contribution towards housing land supply and the other benefits of the proposal.

16.3 Taking into account the more up- to-date nature of the NPPF with respect to the determining issues, it is considered that the lack of accordance with the development plans is overridden in this instance. Regards has been had to all other materials considerations and it is concluded that planning permission should be granted.

16.4 The applicant has been consulted on all pre- commencement conditions in accordance with The Town and Country Planning (Pre Commencement Condition) Regulations 2018

17. S106 / CONDITIONS

17.1 HEADS OF TERMS

- i. 40% Affordable Housing,
- ii. 25% of Affordable housing being First Homes
- iii. ECC Education Contribution,
- iv. Provision and management of Public Open Space,
- v. Pay the Council's reasonable legal costs,
- vi. Pay the monitoring fee,

17.2 Conditions

1 Approval of the details of appearance, layout, landscaping and scale (hereafter called "the Reserved Matters") must be obtained from the Local

Planning Authority in writing before development commences and the development must 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 must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

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 carried out in accordance with the above details.

- 3** The development hereby permitted must be begun no later than the expiration of 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.

- 4** The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies

- 5** No development to take place until further details of the landscaping and SuDS are submitted to the Local Planning Authority for approval in consultation with the aerodrome safeguarding authority for Stansted Airport. No pools or ponds of water should occur/be created without prior permission.

REASON: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using Stansted Airport, in accordance with Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

6

No works except demolition 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 should include but not be limited to:

- Limiting discharge rates to 2.69l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party/ All relevant permissions to discharge from the site into any outfall should be demonstrated.
- 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 in 30 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.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA

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 ULP Policy GEN3 and the NPPF.

- 7 Prior to the commencement of the development hereby approved 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: The National Planning Policy Framework paragraph 163 and paragraph 170 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.

In accordance with ULP Policy GEN3 and the NPPF.

- 8 Prior to the commencement of the development a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority.

The CEMP (Biodiversity) shall include the following;

- a. Risk assessment of potentially damaging construction activities.
- b. Identification of "biodiversity protection zones".
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) to include mobile mammal species and Great Crested Newt.
- d. The location and timing of sensitive works to avoid harm to biodiversity features.
- e. The times during construction when specialist ecologists need to be present on site to oversee works.
- f. Responsible persons and lines of communication.
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To conserve protected and Priority species and allow the LPA 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) and in accordance with ULP Policy GEN7.

- 9** Prior to the commencement of the development hereby approved a Biodiversity Net Gain Design Stage Report, shall be submitted to and approved in writing by the Local Planning Authority, which provides a measurable biodiversity net gain, using the DEFRA Biodiversity Metric 4.0 or any successor.

The content of the Biodiversity Net Gain report should include the following:

- Baseline data collection and assessment of current conditions on site;
- A commitment to measures in line with the mitigation hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity;
- Provision of the full BNG calculations, with plans for pre and post development and detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality;
- Details of the implementation measures and management of proposals;
- Details of any off-site provision to be secured by a planning obligation;
- Details of the monitoring and auditing measures.

The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

REASON: In order to demonstrate measurable biodiversity net gains and allow the LPA to discharge its duties under the NPPF (2021) and ULP Policy GEN7.

- 10** Prior to the commencement of the development hereby approved a Construction Method Statement shall be submitted and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) Construction/Operational Hours
- 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) the control of noise from construction, including the hours of working and hours of deliveries
- f) safe access to site
- g) wheel washing facilities
- h) measures to control the emission of dust and dirt during construction

REASON: The use of such pre commencement condition is required to protect the amenity of surrounding residential premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 11** Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with ULP Policy GEN7.

- 12** Prior to occupation a 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.

In accordance with ULP Policy GEN3 and the NPPF

- 13** Prior to occupation of the development, the provision of an access arrangement to connect into Eldridge Close, to include but not limited to, the continuation of the 5.5 metre carriageway and two x 2 metre footways, as shown in principle on DWG no. 18/17/11 Rev. A (dated March 2022) shall be implemented.

REASON: To ensure that an appropriate access arrangement is provided and in accordance with ULP Policy GEN1.

- 14** Prior to occupation of the development the provision of a pedestrian dropped kerb crossing point across the junction adjacent to 8 and 17 Eldridge Close (with appropriate tactile paving as required) shall be provided.

REASON: In the interest of highway safety and accessibility and in accordance with ULP Policy GEN1.

- 15** Prior to occupation of the development public footpath no. 19 (Clavering), from the application site to Clatterbury Lane, shall be upgraded to an all-weather surface. Details to be submitted to and approved in writing to the Local Planning Authority prior to occupation thereafter shall be implemented in accordance with the approved details.

REASON: For the convenience of the highway user and in the interests of accessibility and in accordance with ULP Policy GEN1.

- 16** Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance and in accordance with ULP Policy GEN1.

- 17** Prior to the occupation of the development hereby approved, a lighting design scheme for biodiversity and amenity shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

Details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. Only the details thereby approved shall be implemented.

REASON: To allow the LPA 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) and ULP Policy GEN7. Also in order to protect the amenities of the occupiers of adjoining properties in accordance with ULP Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005)

- 18** Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.

REASON: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport and in accordance with Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

- 19** The applicant or any successor in title must maintain yearly logs of SUDS 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 and in accordance with ULP Policy GEN3 and the NPPF.

- 20** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Greengage Ecology, November 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON: To conserve and enhance protected and Priority species and allow the LPA 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) and in accordance with ULP Policy GEN7.

- 21** The width of public footpath no. 19 (Clavering) must be retained at a minimum of 1.5 metres, and any proposed planting must be set back a minimum of 2 metre from the width of the public footpath.

REASON: To ensure continued safe passage of the public on the definitive right of way and in accordance with ULP Policy GEN1.

- 22** If during any site investigation, excavation, engineering, or construction works evidence of land contamination is identified, the applicant/ developer shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to ensure that the site is made suitable for its end use.

REASON: To protect human health and the environment and in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

- 23** A minimum of a single electric vehicle charging point shall be installed at each of the dwellings. These shall be provided, fully wired and connected, ready to use before first occupation.

REASON: To encourage/support cleaner vehicle usage in accordance with the NPPF and ULP Policies ENV13 and GEN2 of the Uttlesford Local Plan (adopted 2005) and in accordance with the guidance in Building Regulations Approved Document S 2021.

- 24** Any air source heat pumps to be installed at the development shall be specified and designed, enclosed, or otherwise attenuated to ensure that noise resulting from their operation shall not exceed the existing background noise level as measured at the nearest noise sensitive receptor inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014

REASON: To safeguard the residential amenity of neighbouring properties from the impact of noise and disturbance, in accordance with ULP Policy GEN4 and the NPPF.

- 25** The dwellings hereby approved shall be built in accordance with Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure a high standard of accessibility, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005), the SPD entitled 'Accessible Homes and Playspace' and the Planning Practice Guidance.

26 The trees to the eastern boundary of the site and within the application site and as indicated on the Tree plan (18/7/11) shall not be cut down, uprooted or destroyed without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

REASON: To conserve and enhance protected and Priority species and allow the LPA 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) and in accordance with ULP Policy GEN7.

APPENDIX 1 – HIGHWAYS AUTHORITY

Appendix 4



Subject: FW: David Poole, Senior Planning Manager
Date: Monday, 9 October 2023 at 15:39:18 British Summer Time
From: Kate Sutton

From: David Poole [REDACTED]
Date: Wednesday, 16 August 2023 at 15:37
To: Kate Sutton | AM - Planning [REDACTED]
Subject: Re: David Poole, Senior Planning Manager

Hi Kate

I have just spoken to our engineering team. They think adoption will be another 18 months as some work is having to be corrected.

This is planned but yet to be carried out by the contractor - so within the next 6 months it should be signed off. Then there is a 12 month maintenance period.

Hope that helps. Let us know if you need anything further.

Thanks

David

Kind Regards,

David Poole
Senior Planning Manager
Weston Homes Plc

Office: 01279 873333

Direct: 01279 873349

Email: [REDACTED]

Visit: [REDACTED]



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