



ITEM NUMBER: 6

PLANNING COMMITTEE DATE: 13 December 2023

REFERENCE NUMBER: UTT/23/2616/PINS

LOCATION: S62A/2023/0025
Land To The North Of Eldridge Close
Clavering

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 19th October 2023

PROPOSAL: Consultation on S62A/2023/0025 - 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

APPLICANT: Mr D Rich-Jones- Richstone Procurement Ltd

AGENT: Mrs K Sutton- Andrew Martin Planning

EXPIRY DATE: 15 December 2023

EOT Expiry Date N/A

CASE OFFICER: Chris Tyler

NOTATION: Outside Development Limits

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

Uttlesford District Council (UDC) has been designated by Government for poor performance in relation to the quality of decisions making on major applications.

This means that the Uttlesford District Council Planning Authority has the status of a consultee and is not the decision maker. There is limited time to comment. In total 21 days.

1. RECOMMENDATION

That the Strategic Director of Planning be authorised to advise the Planning Inspectorate that Uttlesford District Council make the following observations on this application:

Details are to be outlined by the Planning Committee.

2 SITE LOCATION AND DESCRIPTION:

2.1 The 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.

2.2 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.

3. **PROPOSAL**

3.1 This application seeks outline planning permission with all matters reserved except access for up to 28 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.

3.2 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.

3.3 The proposal will include 28 units on a site area of 1.35ha, generating a density of 21 dwellings per hectare. The development will include 40% affordable housing units (12 units) secured through a S106 agreement.

4. **ENVIRONMENTAL IMPACT ASSESSMENT**

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

5. **RELEVANT SITE HISTORY**

Reference	Proposal	Decision
UTT/22/1578/OP	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.	Refused 3/8/23 Countryside Harm Loss of Ag Land No S106 completed. Appeal Lodged Decision reason provided in Appendix 2.
UTT/20/1628/OP	Outline planning application with all matters reserved except access for up to 9 dwellings (Class C3)	Refused, appeal dismissed.

	including, public open space, sustainable drainage systems, landscaping and all associated infrastructure and development.	Decision provided in appendix 1
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	Existing Eldridge Close Site Refused, allowed at appeal.
UTT/2149/11/OP	Outline application for erection of 24 dwellings and associated and ancillary development with all matters reserved	Existing Eldridge Close Site Refused, allowed at appeal.

6. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

6.1 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.

6.2 The applicant has confirmed no community consultation has taken place. The application came off the back of the refusal for 9 units. During the course of that application the Parish Council, Keep Clavering Rural group and local residents put forward comments which were all read by the applicant. Should outline permission be approved that sets the principle of development the applicant would welcome discussions with the Parish so that a development is presented at Reserved Matters stage that is appropriate to the village setting

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

7. STATUTORY CONSULTEE RESPONSES

7.1 All statutory consultees are required to write directly to the Planning Inspectorate (PINS) (and not the Local Planning Authority).

7.2 Accordingly, it should be noted that a number of considerations/advice normally obtained from statutory consultees to assist the Local Planning

Authority in the consideration of a major planning application have not been provided and are thereby not included within this report.

7.3 It is noted no statutory consultee comments have been received.

8. PARISH COUNCIL

8.1 These should be submitted by the Parish Council directly to PINS within the 21-day consultation period.

9. CONSULTEE RESPONSES

9.1 UDC Environmental Health

9.1.1 No objections raised in regard to:

- Contaminated land,
- Noise- condition recommended,
- External lighting- condition recommended

9.2 UDC Housing Enabling Officer

9.2.1 The proposed affordable housing mix within the application would provide a good range of size and type of property to assist those in housing need. Each of the proposed properties meet NDSS and have sizeable private amenity space.

9.2.2 Although affordable plots 1 and 2 meet NDSS, the preference is for them to be 2 bed 4 person houses rather than 2 bed 3 person houses. It would be useful for the applicant to show which properties are M4(3)2b wheelchair accessible compliant upon the accommodation schedule. I confirm that Uttlesford District Council would have 100% nomination rights to the affordable rented units at first let.

9.2.3 It is good to see energy efficient measures including air source heat pumps, EV charging points and PV panels (where possible) incorporated into the design.

9.3 Place Services Ecology Consultant

9.3.1 No objection subject to securing biodiversity mitigation and enhancement measures.

9.4 Essex Police

9.4.1 No objections, further crime reducing design features should be considered.

9.5 UDC Heritage Officer

9.5.1 As such, the proposed development would fail to preserve the special interest of the listed building, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9.5.2 The outline application does not provide sufficient detail to show that the historical context has been considered. The Applicant should progress a detailed analysis of the history of the site and surrounding areas. The research should be used to illustrate how the development would benefit the area, including enhancements of public space, interfaces, and routes.

10. REPRESENTATIONS

10.1 The application was publicised by sending letters to adjoining and adjacent occupiers and by displaying a site notice. Anyone wishing to make a representation (whether supporting or objecting) are required to submit their comments directly to PINS.

10.2 UDC has no role in co-ordinating or receiving any representations made about this application. It will be for PINS to decide whether to accept any representations that are made later than 21 days.

11. MATERIAL CONSIDERATIONS

11.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

11.2 Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

- a) The provisions of the development plan, so far as material to the application,:
 - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- b) any local finance considerations, so far as material to the application, and
- c) any other material considerations.

11.3 Section 73 of the Town and Country Planning Act 1990 enables an applicant to apply to develop land without compliance with conditions attached to an extant permission. The Local Planning Authority may amend or remove condition but may not amend any other part of the permission and therefore the original permission remains intact.

Therefore, this means that a developer may elect which permission to implement.

12. The Development Plan

- 12.1** 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 19 July 2022)
- Saffron Walden Neighbourhood Plan (made October 2022)
- Ashdon Neighbourhood Plan (made 6 December 2022)
- Great & Little Chesterford Neighbourhood Plan (made 2 February 2023)

13. POLICY

13.1 National Policies

- 13.1.1** National Planning Policy Framework (2023)

13.2 Uttlesford District Plan 2005

- 13.2.1** 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 Supplementary Planning Document or Guidance

- 13.3.1** Uttlesford Local Residential Parking Standards (2013)
- Essex County Council Parking Standards (2009)

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, Appearance and heritage**
 - 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**
 - Q) Other matters**

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.

The Planning Inspector deciding the previously dismissed appeal (UTT/20/1628/OP) 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.

14.3.2 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.

- 14.3.3** Appeal decision – UTT/20/1628/OP, 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.
- 14.3.4** In regard to transport, Appeal decision – UTT/20/1628/OP 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.
- 14.3.5** 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.
- 14.3.6** ULP Policy ENV5 seeks to prevent significant losses of the best and most versatile (BMV) agricultural land, and paragraph 174 (b) 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.
- 14.3.7** 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, Appearance and Heritage

- 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.

- 14.4.2** The Council's Landscape Officer has been consulted on this application and has advised their comments remain as per the previously refused planning application. There is no dispute that the proposed development with the introduction of built form would have a major adverse impact on the existing rural character of the site itself. However, the site is well contained by existing boundary vegetation and the proposed development would have medium/low impact on the wider landscape.
- 14.4.3** 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.
- 14.4.4** 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.
- 14.4.5** 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
- 14.4.6** The proposal is for up to 28 dwellings and which will provide a density of 21 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.
- 14.4.7** 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.
- 14.4.8** 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.

- 14.4.9** 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.
- 14.4.10** The introduction of the dwellings would not be readily directly be visible from the south of the site and along Stickling Green Road as it would be screened by intervening existing dwellings within Elmbridge Close. A number of the trees to the Western Boundary do not fall within the application site and therefore out of the control of the applicant however enhanced planting will be to the west, east and north of the site to provide screening and 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
- 14.4.11** In regards to heritage, ULP Policy ENV2 (Development affecting Listed Buildings) seeks to protect the historical significance, preserve and enhance the setting of heritage assets. The guidance contained within Section 16 of the NPPF, 'Conserving and enhancing the historic environment', relates to the historic environment, and developments which may have an effect upon it.
- 14.4.12** The Council's heritage Officer has noted that there are no designated heritage assets within the site, however a character study and/or historical analysis of the site including the evolution of local settlements would show an understanding of how the built environment has developed in this area, and how the proposed development would enhance the local vernacular.
- 14.4.13** Although the character study of the site would be of a benefit, it is considered the proposed development would preserve the special interest of any nearby heritage assets, in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and ULP Policy ENV2.

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 Due to the particular nature of this application process; wherein comments are to be provided directly to the Planning Inspectorate for decision making, no comments have been received from the Highways Authority. Although this is the case it is not considered the proposal will have any undesirable effects on pedestrian movements in the area and it will continue to provide connectivity to the surrounding pedestrian network.

14.5.7 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.

14.5.8 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.

14.5.9 It is noted the existing road within Eldridge Close measures 5.5m across and has footpaths to each side. Although not a material planning application it is advised by the applicant Weston Homes currently have a Section 38 / 278 application submitted with Essex County Council Highways for the road to be adopted.

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 polices 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 A Flood Risk Assessment and Drainage Strategy has been submitted with this application with this application inclusive of a 'Drainage Strategy' (plan attached for ease of viewing). There is a ditch along the southern boundary of the site that connects to the wider network. The proposed scheme has a feature swale system integrated into the public open spaces. This will control the outfall into the existing ditch at a lower rate than it currently discharges, thus will have no impact upon the existing residents.

14.8.3 Taking into consideration the details submitted with the application 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.

14.8.4 In regard to foul drainage at outline stage a detailed foul drainage has not been fully designed and would be more appropriate at the reserved matters stage. The applicant has advised the initial thoughts are to connect the new drainage pipes to the existing foul sewage system in the normal way. With regards to capacity, the sewage company have a legal obligation to provide suitable drainage in adopted all areas. Therefore, the development would not have a detrimental effect of the residents of Elmbridge Close in regard to foul drainage.

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.

14.9.3 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 and the previous comments from the Essex County Council Archaeology Officer, it is considered no conditions, 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 12 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:

14.12.2 At this stage it is anticipated that this will comprise the following mix of units, including:

- 3 x 1 bed apartments
- 2 x 2 bed apartments
- 4 x 2 bed houses
- 3 x 3 bed houses

14.12.3 Subject to securing the above the development would be in accordance with Local Plan Policy H9.

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 development site is located outside development limits. The Council's October 2023 published land supply figure is 5.14 years and does include the necessary 5% buffer. That being said the Council's Development Plan cannot be viewed as being fully up to date as such NPPF paragraph 11(d) of the National Planning Policy Framework (NPPF) is still engaged.
- 14.18.2** The amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. Being out of date does not mean that a policy carries no weight. A review of Policy S7 concluded that this takes a more restrictive approach to development in the countryside compared to the NPPF which takes a more positive approach, and this could affect the delivery of housing. However, it is broadly consistent with the NPPF in terms of seeking to protect the character and appearance of the countryside and thereby carries limited weight.

14.8.3 The decision of the previously dismissed planning appeal– UTT/20/1628/OP provides a material consideration for this proposal. The key points made include;

- The site is not allocated for housing in the Uttlesford Local Plan 2005,
- It is therefore considered by to be countryside (ULP Policy S7), however it can only be afforded little weight.
- Character and appearance of the countryside is consistent with the NPPF and can be afforded considerable weight.
- 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.
- Nine dwellings only offered limited benefits that would not outweigh the loss of open countryside.
- The nine dwellings would be an inefficient use of the land.

14.18.4 Benefits of the development:

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

14.18.5 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,

14.18.6 Social

- The construction of up to 28 dwellings. The Council can demonstrate a 5-year housing land supply although it is acknowledged that this is marginal and just over the required supply being 5.14 years. The number of dwellings proposed would make a meaningful contribution to maintaining the supply of housing locally. Therefore, the benefit of general housing delivery is given **limited to moderate positive weight**.
- Provision of 12 affordable homes (40%), **significant positive weight** can be afforded to the delivery of affordable housing.
- 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. This is considered to afford **moderate positive weight**.

14.18.7 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- **Afforded Limited Positive weight**

- Encouraging pedestrian and cycle use to through improved walking routes and provision of convenient and secure cycle storage; **Afforded Limited Positive weight**
- The proposal will include an appropriate density of which makes efficient use of the site- **Afforded limited to moderate positive weight.**
- New tree and hedgerow planting which will bring ecological and environmental benefits; **Afforded limited to moderate positive weight.**
- Opportunities to provide green route for the existing footpath within the site- **Afforded Limited Positive weight.**
- 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- **Afforded limited to moderate positive weight.**
- Provision of landscaped footpath corridor for use by the public- **Afforded Limited Positive weight.**
- Retention of trees to the boundary of the site- **Afforded Limited Positive weight.**
- Delivery of high-quality design with appropriate scale, form, density, architecture and materials- **Afforded Limited Positive weight.**

14.19 Adverse impacts of the development:

14.19.1 The development would have a **significant negative effect** on the immediate landscape, character and appearance of the site due to the introduction of built form to the site. Whereas the wider landscape harm will would have a **lower /limited negative harm.**

14.19.2 The proposed development would result in the permanent loss of the agricultural land that is defined as the Best and Most Versatile (BMV) agricultural land Grade 2, this is afforded moderate negative effect. It is noted the Planning Inspector deciding the previous appeal on this site, did not raise any concerns in regard to the loss of agricultural land. The development would have a **limited negative effect** on the provision of agricultural land and result in conflict with Policy ENV5.

14.20 Neutral Factors:

14.20.1 All other factors relating to the proposed development have been carefully considered and are capable of being satisfactorily mitigated, such that they weigh neutrally within the tilted balance. These factors include neighbouring amenity, noise, air quality, highway safety and ground conditions.

14.21 **Q- Other matters**

14.21.1 From 1 October 2013 the Growth and Infrastructure Act inserted two new

provisions into the Town and Country Planning Act (1990) ('the Act'). Section 62A allows major applications for planning permission, consents and orders to be made directly to the Planning Inspectorate (acting on behalf of the Secretary of State) where a local planning authority has been designated for this purpose.

- 14.21.2** The Planning Inspectorate will appoint an Inspector to determine the application. The Inspector will be provided with the application documents, representations and any other relevant documents including the development plan policies. Consultation with statutory consultees and the designated LPA will be carried out by the Planning Inspectorate.
- 14.21.3** The LPA also must carry out its normal notification duties, which may include erecting a site notice and/or writing to the owners/occupiers of adjoining land
- 14.21.4** The LPA is also a statutory consultee and must provide a substantive response to the consultation within 21 days, This should include a recommendation, with reasons, for whether planning permission should be granted or refused, and a list of conditions if planning permission is granted.
- 14.21.5** The Planning Inspectorate will issue a formal decision notice incorporating a statement setting out the reasons for the decision. If the application is approved the decision will also list any conditions which are considered necessary. There is no right to appeal.

15 **CONCLUSION**

- 15.1** Due to the nature of this application process, it is not possible to provide a detailed assessment of any traffic and transportation, design considerations relating to this proposal. Neither have any neighbour considerations been factored into this assessment.
- 15.2** Following the above assessment and balancing exercise the harm caused by the proposed development is not considered to significantly and demonstrably outweigh the overall benefits of the scheme, when assessed against the policies in this Framework taken as a whole (NPPF Paragraph 11d (ii)). In the circumstances, the proposal would represent sustainable development in accordance with the NPPF.
- 15.3** The unique application process that is presented by this submission, requires the Local Planning Authority to advise the Planning Inspectorate whether or not it objects to this proposal. Having regard to the limited opportunity to consider the proposals the Planning Committee is invited to provide its comments on this proposal.

APPENDIX 1- APPEAL DECISION



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
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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.

APPENDIX 2- UTT/22/1578/OP (32 dwellings) REFUSAL REASONS

<p>1</p>	<p>The proposal introduces a sizeable residential development to an area of open countryside. The development would appear out of character with the site and street scene within Clavering, and therefore and be harmful to the rural character of the area.</p> <p>The development would not be appropriate in the rural area and there are no justifiable reasons as to why the development, in the form proposed, needs to take place there. As such the proposals are contrary to Uttlesford Local Plan Policies S7, GEN2 (adopted 2005) and the NPPF.</p>
<p>2</p>	<p>The proposals by reason of its inappropriate size and scale would amount to the significant loss to best and most versatile ('BMV') agricultural land contrary to Policy ENV5 of the Uttlesford District Council Adopted Local Plan and Paragraph 174(b) of the National Planning Policy Framework.</p>
<p>3</p>	<p>The application does not include a mechanism such as a S106 legal agreement to secure:-</p> <ul style="list-style-type: none"> 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, <p>As such the proposal is contrary to Policies H9 and GEN6 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.</p>