



## UTTLESFORD DISTRICT COUNCIL

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Mr Barry Kitcherside  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Date: 7 October 2021

Our Ref: UTT/21/2099/PA

Please ask for: [REDACTED]  
[REDACTED]

Email: [REDACTED]

Dear Mr Barry Kitcherside

**LOCATION:** Land West Of The Cricketers, Clavering, Saffron Walden, Essex, CB11 4QU

**PROPOSAL:** Proposed redevelopment for 21 (Class C3) dwellings, including 8 affordable dwellings

Following the submission of the above pre application and our site meeting please find the following formal response.

### CONSTRAINTS

1.	<b>Aerodrome Direction</b> 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.	<b>Aerodrome Direction</b> Description: Consultation of Stansted Airport (BAA) for all windfarm development. Area Colour: windfarm
3.	<b>Aerodrome Direction</b> 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.	<b>Aerodrome Direction</b> 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.	<b>Appeal Polygons</b> Appeal Dismissed Nature of Appeal: Outline permission for erection of 31 dwellings with some matters reserved except access, layout and scale Address: West Of 'The Cricketers' Stickling Green Road Clavering

	CB11 4QU
6.	<b>Outside Development Limits</b> Description: Outside Development Limits
7.	<b>Pollution Control (site within 500m)</b> Description: WITHIN 500M OF POLLUTION CONTROL SITE
8.	<b>Road Classification- Line</b> Road Name: Stickiling Green Road Number: 3004 (Class III) Route Number:
9.	<b>Road Classification- Line</b> Road Name: Stickiling Green Road Number: 3004 (Class III) Route Number:
10.	<b>SSSI Impact Risk Zones - Natural England</b> ID Number - See Spreadsheet: 48
11.	<b>Water Authority</b> Description: Thames Water (W1)
12.	

### HISTORY:

UTT/13/2228/OP

Outline permission for erection of 9 dwellings with some matters reserved except access, and scale (amended scheme to planning application UTT/0507/12/OP)  
REFUSED

UTT/0507/12/OP

Outline permission for erection of 31 dwellings with some matters reserved except access, layout and scale  
REFUSED  
APPEAL DISMISSED

### PLANNING POLICIES:

Policy	Local Plan	Local Plan Phase
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	Uttlesford Local Plan 2005	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
ENV5 - Protection of agricultural land	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
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
H9 - Affordable Housing	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
H10 - Housing Mix	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
SPD2 - Accessible homes and playspace		
EDG - Garden Size		
EDG - Parking Square (Space)		
EDG - Private Amenity Space		
Uttlesford Local Parking Standards		
ECP - ECC Parking Standards (Design & Good Practice) September 2009		
NPPF4 - National Planning Policy Framework July 2021		

## **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. Transport (GEN1 and the NPPF)
3. House Supply & Tilted Balance (NPPF)
4. Access and Parking (ULP GEN1, GEN8, NPPF)
5. Layout, Character and Design (GEN2, NPPF)
6. External and internal space (GEN2, Technical Housing Standards 2015)
7. Neighbouring Amenity (GEN2, NPPF)
8. Accessibility (GEN2, NPPF)
9. Biodiversity (GEN7, NPPF)
10. Tree Preservation and Landscape (ENV3, ENV8, NPPF)
11. Flood risk, drainage, SuDs,(GEN3, NPPF)
12. Contaminated land (ENV14, NPPF)
- 13 Built Heritage (ENV1, ENV2, NPPF)
- 14 Archaeology (ENV4, NPPF)
15. Affordable Housing and Housing Mix (H9, H10, NPPF)
16. Infrastructure Provision to Support Development (GEN 6, NPPF)
17. Built Heritage (ENV1, ENV2, NPPF)
18. Interim Climate Control Policy

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

The site is located to the south of Britannia Works and Eldridge Close and also to the West of the car park area for the Cricketers Public House and existing commercial buildings. To the south and west of the site is agricultural land, the boundaries of the site include a hedgerow and vegetation with gated field access to the northern boundary of the site. The site is considered to be agricultural use, however is currently include a paddock area.

This pre applications seeks advice for the proposed erection of for 21 dwellings, including 8 affordable dwellings. The proposal as submitted includes public open space, landscaping enhancement and sustainable drainage features. It is noted planning permission was refused and dismissed by the Planning Inspectorate for outline permission for erection of 31 dwellings with some matters reserved except access, layout and scale.

The previous refusal reason concluded the development would be harmful to the rural character of the site and location of the site was unsustainable in regards to availability to local services and would not encourage sustainable transport.

In planning policy terms, the site lies outside of any established development limits as defined by the Uttlesford Local Plan. Consequently for the purposes of planning, the site is considered to be within the countryside and subject to all national and local policies. The pre application site is classed as countryside where policies are generally restrictive. ULP 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.

The location of the development is a key element in establishing the principle of the development and significant weight has also previously been given to ULP Policy S7 by the Planning Inspector in dismissed planning appeal APP/C1570/W/18/3209655 (Land south of Wicken Road, Newport, Saffron Walden). It was advised in this appeal that ULP Policy S7 seeks to protect and enhance the natural environment, an important part of the environmental dimension of sustainable development in the Framework. Therefore moderate to significant weight is given to policy S7 when assessing the case for development of the site

Due consideration and weight should also be given to the previously refused and dismissed application UTT/0507/12/OP (APP/C1570/A/12/2184181). It is noted from this appeal that the proposed dwellings, affordable dwelling and mix of smaller units would contribute to the housing needs of the District and a good deal of weight should be given to this.

The proposal does include a reduction in dwellings following the previous refused planning application and dismissed appeal. In terms of the character of the proposal, the site does not include any special landscape designation applies however is considered an attractive part of the rural scene. The proposal includes significant amount of landscaping enhancement and open public open spaces that is intended to soften the built form of the development and mitigate any potential harm caused. Although built form is not included to the western boundary of the site and would mainly include the internal access road, sustainable drainage area and public open space the remainder of the site will include built form. I consider the new dwellings will introduction of built form to this undeveloped that will result in a harm encroachment to the rural location and therefore have a negative effect on the character and appearance of the area. The layout of the development would also conflict with the linear form of development in close proximity to this part of the village and contrary to ULP Policy S7.

The application site forms agricultural land and is considered Grade II and most versatile agricultural land. ULP Policy ENV5 considers the protection of the best and most versatile agricultural land and will only be permitted where opportunity have been assessed for the accommodation of development on previous developed sites within existing development limits. Although used as paddock area some limited weight should be given to the benefits of this type of land use.

## **2. Transport (GEN1 and the NPPF)**

From my assessment of the site and it location in consider sustainable transport opportunities would be limited for the occupants of the proposed dwellings. Clavering does include a number of limited services within the village however these are dispersed, including the local shop and school to the south of the village.

The lack of services, facilities and places of work within the village itself would generate a need to travel, and it is likely that the majority of these journeys would be made using a car. The proposal therefore would not be in accordance with ULP policy GEN1 and in conflict with the aim of the NPPF to promote sustainable transport modes.

The NPPF accepts that sustainable transport options will generally be limited in rural areas, it is considered that this would not extend to the significant increase in car journeys associated with the proposed development of 21 dwellings. It is noted from the previous appeal decision the inspector advised that the location of the site will not fulfil the economic or social role of the sustainable development as set in the NPPF. I conclude that the location of the proposed development at this significant scale will not be appropriate.

## **3. House Supply & Tilted Balance (NPPF)**

In regards to the regards to the assessment of this pre application, the NPPF is a material planning consideration, paragraph 11 of the NPPF considers the presumption of sustainable development, this includes where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes where five year housing supply cannot be delivered). The Council's housing land supply currently falls short of this and is only able to demonstrate a supply of 3.11 years (Five Year Housing Land Supply update April 2020).

The Council is therefore 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 small amount economic benefits, this includes:

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 contribute to a small level of support towards social and cultural wellbeing through the provision of affordable housing, this has some limited weight.

However weighing heavily against the scheme is the detrimental impact the proposal would have on the countryside and the sense of place and local distinctiveness of this part of Clavering. The proposal will encroach upon the open countryside in a detrimental way and cause harm to the natural character of the surrounding area by domesticating the site and introducing urban paraphernalia onto it. The permanent loss of this intrinsic rural site and agricultural land would not contribute to the protection or enhancement or the natural environment.

The policies in the ULP 2005 are still relevant, especially so where they accord with the NPPF, and the shortfall in housing land supply and the development of smaller infill site within Clavering or larger schemes closer to the village amenity's and facilities are not considered persuasive in building a case to support the development of this site.

The development would be reliant on private motor vehicles which will have a negative impact to the environmental and social strand of sustainable development as set out in the NPPF.

The level of accessible services would not reflect the community's needs nor adequately support its health, social and cultural well being

The development would not constitute sustainable development and would have a harmful impact and would not be outweighed by the benefits of the development.

#### **4. Access and Parking (ULP GEN1, GEN8, NPPF)**

Policy GEN1 requires development to meet a number of criteria in relation to access and highway safety, this includes:

- Access to the main road network must be capable of carrying the general traffic generated by the development.
- The traffic generated by the development must be capable of being accommodated on the surrounding transport network.
- 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 with impaired mobility.

From my visit to the site did not notice any obvious highways issues, and not issues were raised in the previous planning application or appeal. The proposed parking provision should be addressed, however due to the scale of the site; I do not envisage any issues with this. Parking should accord with the adopted Uttlesford Residential Parking Standards (2013)

My above comments have been made in relation to the information submitted with this pre application, however you may wish to obtain specific pre application advice from the Highway Authority please contact the strategic Development Officer at Essex County

The pre application includes an indicative layout plan which includes parking, however this could be subject to change should a planning application submitted. 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 standards size of the adopted parking standards stipulated in Essex County Councils '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 Councils 'Parking Standards (2009). This advises 0.25 spaces per dwelling should be provided. In a development of 21 dwellings this would calculate to a minimum of 5 spaces.

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

#### **5. Layout, Character and Design (GEN2, NPPF)**

An indicative layout has been provided by the applicant. This would appear to provide for 21 houses. The Local Planning Authority considers that the introduction of built form to this undeveloped site would result in a suburbanising impact with a different pattern and layout of development, his suburbanisation would in this case would be due to the loss of the open rural and agricultural site to housing. The indicative plan does appear to provide for a scheme with sufficient space which will not be overdeveloped or cramped in appearance. However not withstanding these details and as stated the overall introduction of this development and layout will be out of character with the surrounding area.

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.

#### **6. External and internal space (GEN2, Technical Housing Standards 2015)**

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'.

#### **7) 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.

#### **8. 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.

### **9. 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: [REDACTED]) 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](mailto:enquiries@placeservices.co.uk)

### **10. 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.

### **11. Flood risk, Drainage, SuDs (GEN3, NPPF)**

Policy GEN3 contains the Local Plan policy for flooding, although this has effectively been superseded by the more detailed and up-to-date flood risk policies in the NPPF and the accompanying PPG. The SFRA confirms that the site is in Flood Zone 1.

The proposal is a major development, national policy requires the use of a sustainable drainage system. The lead local flood authority (Essex County Council) would be consulted.

### **12. 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.

### **13. Air Quality (ENV13, NPPF)**

The site is not in a specific air quality management area, although the proposed development will result in additional vehicle movement the impact of this could likely be mitigated with the imposition of planning condition for the installation of electric vehicle charging points.

### **14. 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.

### **15. 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.

#### **16. 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

I suggest a contribution for health care and schooling may be required for the scale of the scheme and this would be secure in a S106 agreement.

#### **17. 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?

#### **18. 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:**

I consider the proposed development set out in this pre application does not accord with the spatial strategy of the development plan, or with relevant policies on character and appearance, agricultural land and sustainable transport. These conflicts with relevant policies are not outweighed by compliance with others, such that the proposal does not accord with the development plan as a whole.

The NPPF includes a 'presumption in favour of sustainable development', which applies to this proposal because relevant development plan policies are out of date - for example, those restricting housing to land within Development Limits designed to deliver sufficient housing up to 2011. As set out in section 3 of this report some weight must be given to the environmental, social and economic benefit arising from the proposed development.

The harm caused to the countryside due to encroachment and detrimental impact on natural character and to the sense of place and local distinctiveness of this part of Clavering would 'significantly and demonstrably' outweigh the positives of the development as a whole.

Furthermore the location of the development would be reliant on private motor vehicles while the level of accessible services would not reflect the community's needs. This will have a negative impact to the environmental and social strand of sustainable development as set out in the NPPF.

Therefore the scheme cannot be said to be in accordance with the Uttlesford Local Plan

2005 or with the NPPF. It is therefore unlikely should planning permission be sought for the scheme that the Authority would support such an application. Should you wish to submit an application despite the above advice you would need to address the issues raised with a robust justification.

### **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](http://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.

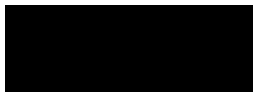
The application would be assessed against the national and local policies in force at the time the application is submitted.

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  
Senior Planning Officer

