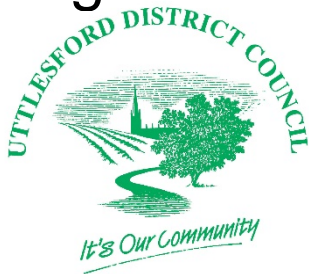


# Agenda Item 6



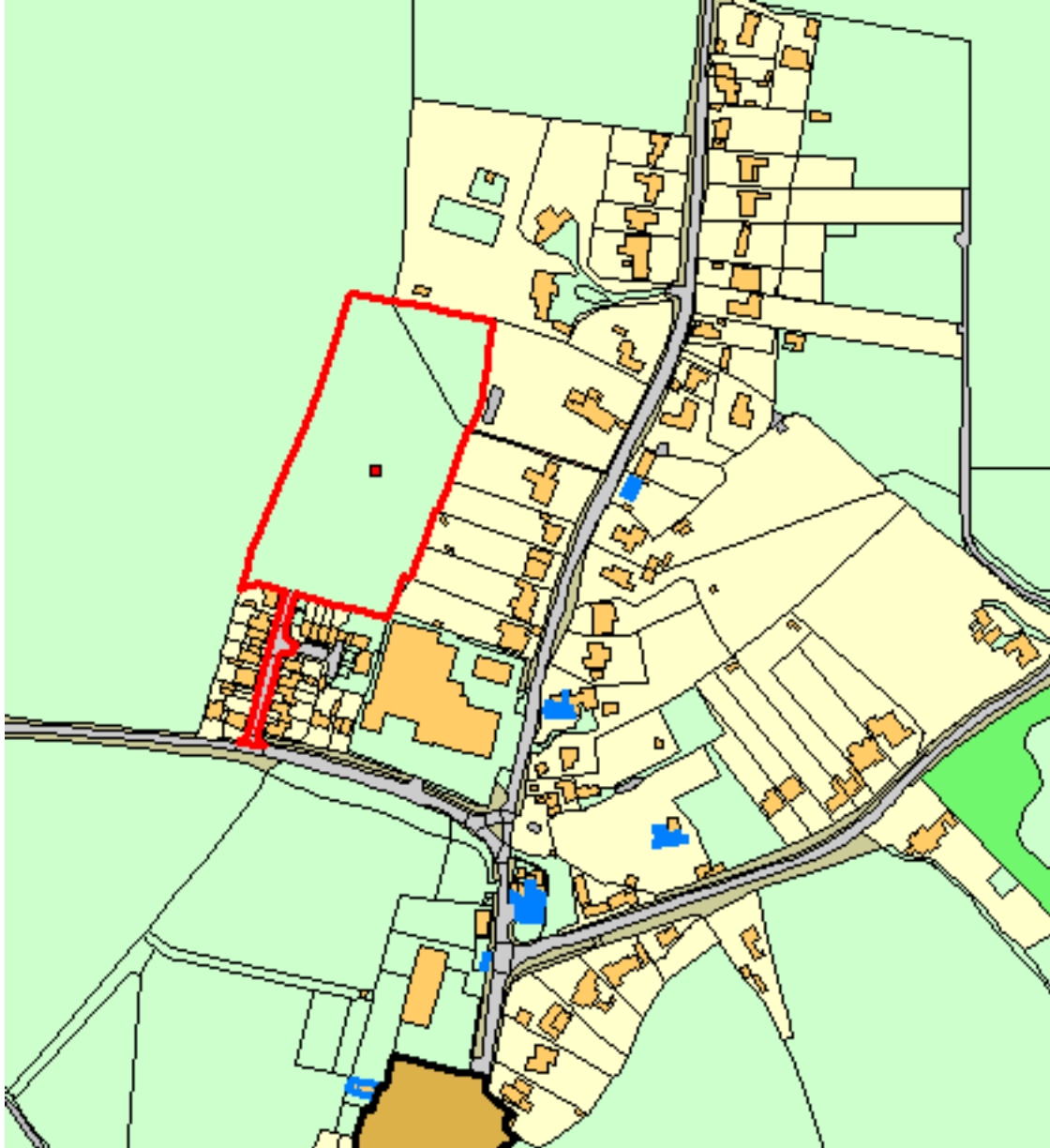
**ITEM NUMBER:** 6

**PLANNING COMMITTEE DATE:** 2 August 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:** 4 August 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

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## **1. EXECUTIVE SUMMARY**

- 1.1** This application was deferred by the planning committee on the 7th June 2023 in order to gather further information relating to access, landscaping, and sustainability, assurance re water and ecology reports.
- 1.2** 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%).
- 1.3** 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.
- 1.34** 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 Officer's assessment of the site, consultation response from the Council's Landscape Officer it is concluded the proposal will result in medium to low level harm to the 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 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

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>
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. 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.

## **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 requirements 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 services with the area,
- Transport statement included is inadequate,
- There are no safe cycle routes to other locations,
- The application fails the three strands 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 an 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 Landscape Officer**

**10.1.1** UDC's Landscape Officer (Landscape Architect) has inspected the application site and surrounds and has considered the findings of the two submitted LVIA's. Landscape and Visual Impact Assessments can be key to planning decisions by identifying the effects of new developments on views and on the landscape itself and are used as the industry standard. There is no dispute that the proposed development with the introduction of built forms 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.

**10.2 UDC Housing Enabling Officer**

**10.2.1** 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).

**10.3 UDC Environmental Health**

**10.3.1** 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.

**10.4 Thames Water**

**10.4.1** 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.

**10.5 Place Services (Ecology)**



**10.5.1** 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.

**10.6 Essex Police**

**10.6.1** 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.*"

**10.7 Stansted Airport Aerodrome Safeguarding**

**10.7.1** No objection subject to conditions, including:

- Submission and approval of SuDs and landscaping,
- External lighting shall be capped to prevent upward light spill.

**11. REPRESENTATIONS**

**11.1** Site notices were displayed on site and 107 notifications 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. Furthermore, planning permission has been granted under refs: UTT/21/2720/FUL and UTT/22/0355/FUL which are both located in the same part of the village as the application site. Both of these applications related to land outside the development limits, and both concluded that the location of the sites could benefit from the range of services available locally, and did not conflict with paragraph 105 of the NPPF.
- 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 regard 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. Landscape appraisal have been submitted from both the applicant and the Keep Clavering Rural Group. Both appraisals have conflicting conclusions:

##### Applicant- Landscape Appraisal

The assessment concludes that “Although the building of houses in this location would result in a small change to the local landscape character, but this would be limited to the immediate area”.

##### Keep Clavering Rural Group

The landscape value of the site and the immediately surrounding landscape is assessed as medium/high but is not a valued landscape for the purposes of the NPPF. The site exhibits a number of positive features that are identified in the Uttlesford Landscape Character Assessment as contributing to local distinctiveness and sense of place and are therefore features that should be conserved”.

- 14.4.3** The Council’s Landscape Officer has been consulted on this application and has taken into consideration both the landscape appraisals submitted by the applicant and also Keep Clavering Rural Group. There is no dispute that the proposed development with the introduction of built forms 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.

- 14.4.4** 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. 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.

## **14.5 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.
- 14.5.10** 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 that it currently discharges, thus will have no impact upon the existing residents.

**14.8.3** 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

**14.8.4** 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.

**14.9.4** 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 policies 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 medium- low 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 takes 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**

Your Ref: UTT/22/1578/OP  
Our ref: 47504  
Date: 7<sup>th</sup> September 2022



CC: (by email) *DM, SMO2, Chelmsford  
PROW, Chelmsford  
Cllr Ray Gooding*

Paul Crick  
Director for Highways  
and Transportation

To: Uttlesford District Council  
Assistant Director Planning & Building Control  
Council Offices  
London Road  
SAFFRON WALDEN CB11 4ER

County Hall  
Chelmsford  
Essex CM1 1QH

### Recommendation

Application No. UTT/22/1578/OP  
Applicant Mr David Rich-Jones Richstone Procurement Ltd  
Site Location Land To The North Of Eldridge Close Clavering  
Proposal Outline planning application with all matters reserved except access for up to 32 dwellings (Class C3) including public open space, sustainable drainable systems, landscaping and associated infrastructure and development

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

**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:**

1. 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). **Reason:** To ensure that an appropriate access arrangement is provided.
2. 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.
3. 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 Highway Authority, prior to

occupation. **Reason:** For the convenience of the highway user and in the interests of accessibility.

4. 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.
5. 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.
6. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period and shall provide for the following all clear of the highway:
  - i. Safe access into the site;
  - ii. The parking of vehicles of site operatives and visitors;
  - iii. Loading and unloading of plant and materials;
  - iv. Storage of plant and materials used in constructing the development;
  - v. Wheel and underbody washing facilities.
  - vi. Before and after survey of the local highway network from Stickling Green Road to the application site, and to include public footpath, and reinstatement/repair to the satisfaction of the highway.**Reason:** To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

**The above conditions are required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.**

Informative:

- i. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
- ii. The appellant should be aware that, due to the length of the carriageway, the provision of traffic calming measures to facilitate a 20mph zone will be required, should Eldridge Close and the proposed appeal site extension be offered for adoption to the Highway Authority
- iii. There shall be no discharge of surface water onto the Highway. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public

footpath no.19 (Clavering) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

- iv. Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.
- v. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.

Note:

- i. Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the [Essex Climate Action Commission](#) proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the [Essex Developers' Group Climate Charter \[2022\]](#) and to view the advice contained in the [Essex Design Guide](#). Climate Action [Advice guides](#) for residents, businesses and schools are also available.

## Appendix 2- Lead Local Flood Authority

Essex County Council  
**Development and Flood Risk**  
**Waste & Environment**  
C426 County Hall  
Chelmsford  
Essex CM1 1QH



Chris Tyler  
Uttlesford District Council  
Planning Services

Date: 29 June 2022  
Our Ref: SUDS-006071  
Your Ref: UTT/22/1578/OP

Dear Mr Tyler,

### **Consultation Response – UTT/22/1578/OP - Land To The North Of Eldridge Close Clavering Essex**

Thank you for your email received on 16 June 2022 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15<sup>th</sup> April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

#### **Lead Local Flood Authority position**

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:

#### **Condition 1**

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.

#### **Condition 2**

No works shall take place until 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.

#### **Condition 3**

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.



allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures [Flood risk assessments: climate change allowances - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/flood-risk-assessments-climate-change-allowances)

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

### **Summary of Flood Risk Responsibilities for your Council**

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

### **INFORMATIVES:**

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.



- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15<sup>th</sup> of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Yours sincerely,

**Alison Vaughan, Development and Flood Risk Officer**

Team: Development and Flood Risk

Service: Climate, Environment & Customer Services

Essex County Council

Internet: [www.essex.gov.uk](http://www.essex.gov.uk)

Email: [suds@essex.gov.uk](mailto:suds@essex.gov.uk)

### **Appendix 1 - Flood Risk responsibilities for your Council**

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

- **Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements)**

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.

- **Flood recovery measures (including flood proofing and other building level resistance and resilience measures)**

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Further information can be found in the Department for Communities and Local Government publications '[Preparing for Floods](#)' and '[Improving the flood performance of new buildings](#)'.

#### Sustainability of the development

The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.

## **APPENDIX 3- APPEAL DECISION**



The Planning Inspectorate

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### **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.

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**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.
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#### **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

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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

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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

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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.