

# **PLANNING STATEMENT**

**OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT  
ACCESS FOR UP TO 28 DWELLINGS (CLASS C3) INCLUDING  
PUBLIC OPEN SPACE, SUSTAINABLE DRAINAGE SYSTEMS,  
LANDSCAPING AND ASSOCIATED INFRASTRUCTURE AND  
DEVELOPMENT.**

**LAND TO THE WEST OF CLATTERBURY LANE, CLAVERING, ESSEX.**

**PREPARED BY  
BRIDGE PLANNING  
ON BEHALF OF  
BAYA GROUP**

**JANUARY 2024**



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## 1. INTRODUCTION

- 1.1 This Planning Statement has been prepared by Lewis Tomlinson (Director, Bridge Planning) in support of a planning application by BAYA Group on behalf of E&A Securities for the proposed development, comprising an 'Outline application with all matters reserved except access for up to 28 dwellings (Class C3) including public open space, sustainable drainage systems, landscaping and associated infrastructure and development.' on the land to the west of Clatterbury Lane, Clavering, Essex.
- 1.2 This statement should be read in conjunction with the following supporting drawings and documents which have been submitted as part of this application:

DOCUMENT	CONSULTANT	DRAWING/ DOCUMENT REFERENCE
Application form (includes ownership certificates/details)	Bridge Planning & BAYA Projects	-
Covering letter	Bridge Planning	-
Planning statement	Bridge Planning	BP-Ref: LWCL Rev A
Site Location Plan	BAYA Projects	BH_002_SLP.01-P1
Illustrative Masterplan	BAYA Projects	BH002_IMP01 - (P1)
Design and Access Statement	BAYA Projects	BH002_DAS – (P1)
Statement of Community Involvement	BAYA Projects	SCI- Rev1
Transport Assessment	Iceni Projects	2023.11.29_TS
Access Arrangements and Visibility Assessment	Iceni Projects	Access Arrangements- 02 Rev D
Flood Risk Assessment (Including Sustainable Drainage Strategy)	EAS	20231130-FRA-SuDS
Archaeological Desk Based Assessment	Lanpro	4693-DBAv.1-1
Ecological Assessment	Ecology Solutions	11745.EcoAs.vf1
Biodiversity Net Gain Assessment and Metric	Ecology Solutions	17745.BNG.vf1
Landscape Visual Impact Assessment (LVIA)	Dutch Landscape Architects	1055-DLA-ZZ-RP-L-0001 rev P02
Landscape Strategy	Dutch Landscape Architects	1055-DLA-ZZ-RP-L-0002 rev P02
Landscape Masterplan	Dutch Landscape Architects	1055-DLA-ZZ-DR-L-0001 rev P02
Noise Impact Assessment	Climate Acoustics	CLI0521-R1-Rev.D -
Desktop Study Report	HESI	18595 - DESK TOP STUDY Parts 1-3
Heritage Statement	Smith Jenkins Planning & Heritage	2023_11_30 - 4050
Tree Survey/Arboricultural Impact Assessment	Haydens Arboricultural Consultants	10515-D-AIA
Topographical Survey	SJ Geomatics	SJG4359
Foul & Sewerage & Utilities Statement	BAYA Projects	
Biodiversity Checklist		

1.3 The planning statement seeks to provide the following:

A description of the site, surrounding area and planning constraints, a summary of the work that has taken place to date, a description of the proposed development, set out the relevant national and local planning policies applicable to this site, assess the principle of development and other material planning considerations, conduct a balancing exercise to determine whether the benefits of the scheme outweigh the harm.

## 2. SITE CONTEXT

- 2.1 The site constitutes a parcel of agricultural land which measures approximately 1.26 hectares (3 acres) to the south of Stickling Green Road, close to the junction with Clatterbury Lane as identified on the submitted site location plan.



- 2.2 The application site lies to the immediately to the south of the Jubilee Works scheme which was granted planning permission for the erection of up to 24 dwellings and ancillary and associated development in 2012. The site is now complete and all units are occupied. Immediately to the east of the site is the Cricketers pub car park and the pub itself is also to the east but on the other side of the road. Mature hedges and trees form all four of the sites boundaries with the existing site access located in the north west corner of the site.
- 2.3 The site as existing is vacant grassland. The site has not been used for agricultural purposes for several years.
- 2.4 The site is located approximately 10km to the south east of Saffron Walden and 10km to the north of Bishops Stortford. The Cricketers Public House and Clavering Village Hall both lie within easy walking distance of the site. Clavering Primary School together with a NISA supermarket and Post Office, lie within Clavering village centre which is approximately 1.1km distance from the site.
- 2.5 The site is in a highly sustainable location due to its proximity to the bus route; which is less than 100 meters away on Clatterbury lane and to the B1038 that connects Hill Green to the M11 and Newport is to the west of the site.
- 2.6 The no. 306 and 446 bus service connect the site to Saffron Walden, Bishops Stortford and Newport with bus stops accessible along Clatterbury Lane and outside The Cricketers Public House immediately to the east of the application site.

- 2.7 In terms of site constraints, a Grade II Listed Building, The Cricketers (a Public House), is located on Wicken Road to the east of the site but is separated by a car park serving the pub. The site is not only screened by mature vegetation on the eastern boundary but also mature vegetation on the car park Wicken Road boundary. Clavering Church Conservation Area boundary is located over 50m to the south but again is separated by mature vegetation.
- 2.8 The site is within Flood Zone 1 (low risk) and there are no trees subject to preservation orders within the site.
- 2.9 A Public Right of Way (PROW no.14) is located to the west, south-west and south of the site from Stickling Green to Clatterbury Lane through Clavering Recreation Ground.

### 3. RELEVANT PLANNING HISTORY

Planning Applications History			
Reference No.	Status	Decision Date	Proposal
UTT/13/2228/OPR	R	06/12/2013	Outline permission for erection of 9 dwellings with some matters reserved except access, and scale (amended scheme to planning application UTT/0507/12/OP).
SWR/0039/70	R	02/04/1970	Use of land for residential development.
UTT/0507/12/OPR		23/08/2012, Appeal dismissed 24/05/2013	Outline permission for erection of 31 dwellings with some matters reserved except access, layout and scale.

- 3.1 BAYA Group carried early communication with Dean Hermitage, Femi Nwanze and Peter Heath, a detailed conversation with respect to the site's suitability was not progressed as the applicant was advised that: 'The team are very busy at the moment and unfortunately we do not have capacity to meet with all the site promoters'. As such, the applicant understood that the opportunity for future and ongoing engagement with the Local Authority to be limited which has sadly restricted the level of dialogue in this regard.

## 4. PROPOSAL

4.1 The development is described as:

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

4.2 This is an outline planning application and therefore detailed matters of appearance, landscaping, layout and scale will all be determined through subsequent “reserved matters” submissions. The submitted Illustrative Site Plan and Design and Access Statement sets out the framework for matters such as building heights, scale, architectural appearance and materials and demonstrate how the site could be developed for the number of units proposed, whilst meeting relevant parking and amenity standards and having regard to the landscape characteristics of the site.

### Housing mix

4.3 The indicative layout shows 28 units on a site area of 1.26ha, generating a density of 22.2 dwellings per hectare.

### Layout

4.4 Whilst the layout will be subject to detailed approval at reserved matters stage, the Illustrative Site Plan has evolved through a significant number of design team meetings. The layout provides one singular central vehicular access point with multiple pedestrian access points. The retention of the majority landscaped boundaries helps protect the village edge character of the site and prevents any harmful visual impacts on the openness of the countryside. The public opens space, new tree planting and attractive SuDS features have been strategically located along the western boundary of the site to provide a landscaped buffer which helps to create a sensitive approach and transition into the countryside beyond to the west whilst also terminating views from the access into the development site.

### Scale

4.5 Scale will be subject to reserved matters approval. However, the submitted Design and Access Statement outlines a mix of 2 storey dwelling house types with a variety of garages and carports.

4.6 It is considered that the illustrated height of buildings reflects the height and scale of nearby properties and respects the character and appearance of the local area.

### Appearance

4.7 Appearance will be subject to reserved matters approval. However, the submitted Design and Access Statement acknowledges the local vernacular and design cues, to propose a design that responds to it's context and local character.

### Access



4.8 This outline application seeks to secure means of vehicular and pedestrian access into the site. The accompanying Illustrative Site Plan shows that the proposal will provide a new vehicular entrance to the site which will be from a single point of access from Stickling Green. The proposed access will be located within the central point of the northern boundary of the site, this includes pedestrian paths either side of the roadway. A pedestrian access is proposed on the north-western corner as well as on the north-eastern corner running in an eastern direction, connecting back to Clatterbury Lane just south of its junction with Stickling Green. The proposal includes footway improvements on the western side of Clatterbury Lane as well as additional crossing points in the necessary locations (dropped kerbs and tactile paving).

Amenity

- 4.9 All dwellings will benefit from good quality private amenity space, with all plots capable of meeting or exceeding the requirements of the Essex Design Guide standards.
- 4.10 In addition, a green corridor runs along the west of the site. Areas of public open space on site have been allocated as part of the proposed development and sustainable drainage solutions and will be available to meet informal recreational needs of future residents. This is matter that is reserved for approval at a later stage.

Landscaping

4.11 Open space, biodiversity enhancements and tree planting are proposed within the site. The indicative site layout plan identifies locations for additional landscaping and demonstrates there is sufficient space within the site for a high-quality landscape scheme to be achieved.

Affordable Housing

- 4.12 Policy H9 of the Adopted Local Plan requires developments of more than 10 dwellings to provide a minimum of 40% of the total number of dwellings as affordable housing. On this basis, the application proposes 40% affordable units which equates to up to 11 dwellings.
- 4.13 Based upon the need identified in the Strategic Housing Market Assessment (SHMA 2017) the following affordable housing is proposed. However, the exact mix and tenure split of the affordable dwellings will be subject to further discussions with Uttlesford District Council Housing Officers at the reserved matters stage.

	1 Bed	2 Bed	3 Bed	Total
Indicative Affordable Housing mix	4	5	2	11

- 4.14 The proposed affordable housing will be tenure blind and will be consistent with the quality and design of market dwellings. Details may be secured through reserved matters in the usual manner.
- 4.15 There is a requirement for 2 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. At least 5% of the affordable properties will also be delivered as wheelchair accessible units (building regulations, part M category 3 homes).

- 4.16 It is considered that significant weight should be applied to the benefits of application proposals, such as this one, which will deliver a significant number of new affordable homes for the district.

Custom / self build unit

- 4.17 The proposal also includes 1 x custom/ self build residential unit. Whilst this is not a requirement of the current adopted local plan it is a forthcoming requirement of the emerging draft local plan (which is out for consultation).

## 5. PLANNING POLICY CONSIDERATIONS

5.1 This section considers the proposals against adopted planning policy and other material considerations:

- The National Planning Policy Framework (NPPF) (2023)
- The National Planning Practice Guidance (NPPG)
- The National Design Guide
- Uttlesford Local Plan (2005)
- And other local 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)

5.2 The relevant national policy is made up of National Planning Policy Framework (NPPF) published 5 September 2023 and the Planning Practice Guidance (PPG) which was first published in 2014 and is updated from time-to-time to reflect changes within the NPPF.

### National Planning Policy Framework (NPPF) 2023

5.3 The key chapters in the NPPF considered to be of most relevance to this application have been identified below as:

- Chapter 2: Achieving sustainable development;
- Chapter 4: Decision-making;
- Chapter 5: Delivering a sufficient supply of homes;
- Chapter 8: Promoting healthy and safe communities;
- Chapter 9: Promoting sustainable transport;
- Chapter 11: Making effective use of land;
- Chapter 12: Achieving well-designed places;
- Chapter 14: Meeting the challenge of climate change, flooding and coastal change;
- Chapter 15: Conserving and enhancing the natural environment;
- Chapter 16: Conserving and enhancing the historic environment.

5.4 Paragraph 1 sets out that The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied<sup>1</sup>. It provides a framework within which locally-prepared plans can provide for sufficient housing and other development in a sustainable manner. Preparing and maintaining up-to-date plans should be seen as a priority in meeting this objective.

5.5 Paragraph 7 sets out that: The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development, and supporting infrastructure in a sustainable manner.

5.6 Paragraph 8 sets out that:

*Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

***an economic objective*** – *to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

***a social objective*** – *to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

***an environmental objective*** – *to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

5.7 Paragraph 11 sets out Plans and decisions should apply a presumption in favour of sustainable development. In order for planning decisions to achieve the three sustainability objectives stated above, as set out at paragraph 11 of the NPPF decision making must prioritise;

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

Footnote 8 confirms that relevant policies are rendered out-of-date where the local authority cannot demonstrate a five-year supply (plus appropriate buffer) of deliverable housing sites or where housing delivery has fallen below 75% of the housing requirement over the last three years.

5.8 Paragraph 38 relates to decision making and states that local planning authorities should approach decisions in a positive and creative way and that "*Decision-makers at every level should seek to approve applications for sustainable development where possible*".

5.9 Paragraph 47 reflects planning law in that it requires that applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

5.10 Paragraph 55 seeks that local planning authorities consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.

- 5.11 Paragraph 56 states “*planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.*”
- 5.12 Paragraph 57 advises that planning obligations must only be sought where they meet all of the following tests:
- (a) “necessary to make the development acceptable in planning terms.
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.
- 5.13 Paragraph 60 of the NPPF establishes that the Government has an objective of significantly boosting the supply of homes.
- 5.14 Paragraph 63 identifies that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. This includes affordable housing.
- 5.15 Paragraph 64 goes on to state that: *Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required ...*
- 5.16 Paragraph 66 identifies that at least 10% of the total of new homes on major planning applications for housing should be available for affordable home ownership.
- 5.17 Paragraph 70 confirms that small and medium sized sites can make an important contribution to meeting the housing requirement of any area and that they are often built out relatively quickly.
- 5.18 Paragraph 72 states that local planning authorities should support the development of exception sites for community-led development on sites that would not otherwise be suitable as rural exception sites. Part b) of the paragraph confirms that such locations should, amongst other things, be adjacent to existing settlements and be proportionate in size to them.
- 5.19 Paragraph 82 under the heading of rural housing identifies that planning policies and decisions should be responsive to local circumstances and support housing developments to bring forward rural exception sites that will provide affordable housing to meet identified needs.
- 5.20 Paragraph 83 states that: to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
- 5.21 Paragraph 84 states that planning decisions should avoid the development of isolated homes in the countryside.
- 5.22 Paragraph 85 includes that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

- 5.23 Paragraph 109 of the NPPF sets out that development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- 5.24 Paragraph 115 states “*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*”
- 5.25 Paragraph 116 advises that development proposals should:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
  - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; and*
  - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.*
- 5.26 Paragraph 123 states “*Planning policies and 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. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land.*”
- 5.27 Paragraph 135 of the NPPF advises that planning decisions should ensure that developments:
- (a) “will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
  - (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
  - (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
  - (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
  - (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
  - (f) create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*
- 5.28 Paragraph 180 states Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 5.29 Paragraph 185 requires local planning authorities to promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

- 5.30 Paragraph 186 states When determining planning applications, local planning authorities should apply the following principles: c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 5.31 Paragraph 193 states that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.
- 5.32 Paragraph 205 of the NPPF set out that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.
- 5.33 Paragraph 206 of the NPPF states that 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification...'

#### National Design Guide

- 5.34 The National Design Guide identifies the ten characteristics which will be used to create physical character, sustain a sense of community and work to address climate change. A summary of these characteristics is provided below:
- 1) Context: This highlights the importance of understanding place. Landscape Character Assessment (LCA) provides a valuable tool for understanding place and identifying local distinctiveness. LCA provides a framework in which to respond to the context, allowing existing distinctiveness to be integrated into development to be as inclusive and accessible to all.
  - 2) Identity: A positive and coherent identity should work towards improving people's health and well-being, as well as respond to climate change. This section distils the idea of place being more than the sum of physical characteristics and imbues the idea of culture in peoples' memory. LCA is again an important tool here to understand the cultural associations of place, as well as identifying the positive characteristics which should be retained and enhanced through development.
  - 3) Built form: Well-designed built form should comprise walkable neighbourhoods, sustainable transport, recognisable streets and memorable features. It is important to address evolving lifestyles and how this can be addressed strategically. Built form should recognise the structure of place that already exists – highlighting the need for understanding the site, integrating and using existing place as a framework for development.
  - 4) Movement: A genuine choice of sustainable transport modes needs to be provided, promoting activity and social inclusion, whilst creating green infrastructure opportunities. The

importance of movement networks and their incorporation into green infrastructure strategies should be a key consideration.

- 5) Nature: Existing and new natural features need to be combined to form a multifunctional network that supports quality of place, biodiversity, water management, climate mitigation and resilience. There is a drive towards achieving biodiversity net gain. This is about creating a holistic design to tackle the challenges our built environment faces, with an emphasis on well-considered management regimes, including projected costs for occupants and users' needs to be anticipated.
- 6) Public spaces: A hierarchy of spaces should promote well-being and inclusion, whilst being safe and attractive. Views out can act as a high-quality backdrop to these spaces, with landscape design influencing microclimate and tranquillity. It is important to identify the surrounding context to give new development an anchor to the place in which it sits. Active frontages further the ability for natural surveillance and accommodate a variety of users and needs.
- 7) Uses: A mixture of live, work and play is essential for the creation of successful places, accompanied by a mixture of tenures, types and sizes. The ability of buildings and spaces to adapt to future scenarios is essential, as technology changes people's work, shopping and leisure patterns.
- 8) Homes and buildings: Homes and buildings should relate positively to the private, shared and public spaces around them, contributing to social interaction. Operations and servicing should be unobtrusive and well-integrated into neighbourhoods. Whole-life approaches are now required, alongside the exploration of different development models, including community-led and cohousing.
- 9) Resources: A well-designed place should have a layout, form and mix of uses which reduces land, energy and water resources. Fundamentally, developments should be mitigating and adapting to extreme weather as a result of climate change, and exploring how future technologies will influence places.
- 10) Lifespan: Places should be planned, designed and managed for long-term stewardship, which is robust, adaptable and easy. Management and stewardship are likely to evolve alongside technology, as well as working practices and home ownership patterns. Management in particular also needs to take into account possible changing construction technologies.

#### Uttlesford Local Plan 2005

- 5.35 Section 38(6) of the 2004 Planning and Compulsory Purchase Act requires that planning applications are 'determined in accordance with the development plan unless material considerations indicate otherwise'.
- 5.36 The current Uttlesford Local Plan was adopted in January 2005:
- 5.37 Policy S7 (The countryside) states: The countryside to which this policy applies is defined as all those parts of the Plan area beyond the Green Belt that are not within the settlement or other site boundaries. 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. This will include infilling in accordance with paragraph 6.13 of the Housing Chapter of the Plan. There will be strict control on new building. 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 or there are special reasons why the development in the form proposed needs to be there.



- 5.38 Policy GEN1 (Access) 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 expect to have access.
  - e) The development encourages movement by means other than driving a car.
- 5.39 Policy GEN2 (Design) states: Development will not be permitted unless its design meets all the following criteria and has regard to adopted Supplementary Design Guidance and Supplementary Planning Documents.
- a) It is compatible with the scale, form, layout, appearance and materials of surrounding buildings;
  - b) It safeguards important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate;
  - c) It provides an environment, which meets the reasonable needs of all potential users.
  - d) It helps to reduce the potential for crime;
  - e) It helps to minimise water and energy consumption;
  - f) It has regard to guidance on layout and design adopted as supplementary planning guidance to the development plan.
  - g) It helps to reduce waste production and encourages recycling and reuse.
  - h) It minimises the environmental impact on neighbouring properties by appropriate mitigating measures.
  - i) It would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.
- 5.40 Policy GEN3 (Flood Protection): Within the functional floodplain, buildings will not be permitted unless there is an exceptional need. Developments that exceptionally need to be located there will be permitted, subject to the outcome of flood risk assessment. Where existing sites are to be redeveloped, all opportunities to restore the natural flood flow areas should be sought. Within areas of flood risk, within the development limit, development will normally be permitted where the conclusions of a flood risk assessment demonstrate an adequate standard of flood protection and there is no increased risk of flooding elsewhere. Within areas of the floodplain beyond the settlement boundary, commercial industrial and new residential development will generally not be permitted. Other developments that exceptionally need to be located there will be permitted subject the outcome of a flood risk assessment. Outside flood risk areas development must not increase the risk of flooding through surface water run-off. A flood risk assessment will be required to demonstrate this. Sustainable Drainage Systems should also be considered as an appropriate flood mitigation measure in the first instance. For all areas where development will be exposed to or may lead to an increase in the risk of flooding applications will be accompanied by a full Flood Risk Assessment (FRA) which sets out the level of risk associated with the proposed development. The FRA will show that the proposed development can be provided with the appropriate minimum standard of protection throughout its lifetime and will demonstrate the effectiveness of flood mitigation measures proposed.

- 5.41 Policy GEN4 (Good Neighbourliness) states: Development and uses, whether they involve the installation of plant or machinery or not, will not be permitted where: Uttlesford Local Plan – Adopted January 2005 15 a) noise or vibrations generated, or b) smell, dust, light, fumes, electromagnetic radiation, exposure to other pollutants; would cause material disturbance or nuisance to occupiers of surrounding properties.
- 5.42 Policy GEN5 (Light pollution) states: Development that includes a lighting scheme will not be permitted unless: a) The level of lighting and its period of use is the minimum necessary to achieve its purpose, and b) Glare and light spillage from the site is minimised.
- 5.43 Policy GEN6 (Infrastructure to support development) states: Development will not be permitted unless it makes provision at the appropriate time for 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 developments necessitates such provision, developers may be required to contribute to the costs of such provision by the relevant statutory authority.
- 5.44 Policy GEN7 (Nature Conservation) states: Development that would have a harmful effect on wildlife or geological features will not be permitted unless the need for the development outweighs the importance of the feature to nature conservation. Where the site includes protected species or habitats suitable for protected species, a nature conservation survey will be required. Measures to mitigate and/or compensate for the potential impacts of development, secured by planning obligation or condition, will be required. The enhancement of biodiversity through the creation of appropriate new habitats will be sought.
- 5.45 Policy GEN8 (Vehicle Parking Standards) states: Development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location, as set out in Supplementary Planning Guidance “Vehicle Parking Standards”.
- 5.46 Policy H1 (Housing Development) states: The local plan proposes the development of 5052 dwellings for the period 2000 to 2011 by the following means:
- a) The re-use of existing buildings and previously developed land, and the use of unused land, within the development limits of the main urban areas:
- Great Dunmow (228 dwellings)
  - Saffron Walden (399 dwellings); and
  - Stansted Mountfitchet (121 dwellings)
- b) Urban extensions to two of the main urban areas, and settlement expansions:
- Oakwood Park, Little Dunmow (810 dwellings);
  - Rochford Nurseries, Birchanger and Stansted Mountfitchet (720 dwellings);
  - Takeley and Priors Green (939 dwellings); and
  - Woodlands Park, Great Dunmow (1253 dwellings).
  - Ashdon Road Saffron Walden (75 dwellings)
- c) Re-use of existing buildings and previously developed land outside urban areas (450 dwellings).
- d) Other contributions to supply, including development with outstanding planning permission not included in the above categories.
- Bellrope Meadow Thaxted (30 dwellings)
  - Brocks Mead Great Easton (20 dwellings)
  - Hassobury (7 dwellings)

- 5.47 Policy H3 (New Houses within Development limits) states: Infilling with new houses will be permitted on land in each of the following settlements if the development would be compatible with the character of the settlement and, depending on the location of the site, its countryside setting. This will be in addition to the sites specifically allocated as urban extensions and settlement expansions. Windfall sites will be permitted if they meet all the following relevant criteria:
- a) The site comprises previously developed land;
  - b) The site has reasonable accessibility to jobs, shops and services by modes other than the car, or there is potential for improving such accessibility;
  - c) Existing infrastructure has the capacity to absorb further development, or there is potential for its capacity to be increased as necessary;
  - d) Development would support local services and facilities; and
  - e) The site is not a key employment site.
  - f) Avoid development which makes inefficient use of land.
- The list of settlements includes Clavering (Incl. Hill Green)
- 5.48 Policy H9 (Affordable Housing) states: The Council will seek to negotiate on a site-to-site basis an element of affordable housing of 40% of the total provision of housing on appropriate allocated and windfall sites, having regard to the up to date Housing Needs Survey, market and site considerations
- 5.49 Policy H10 (Housing Mix) states: 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.
- 5.50 Policy ENV1 (Design of development within the conservation area) states: Development will be permitted where it preserves or enhances the character and appearance of the essential features of a Conservation Area, including plan form, relationship between buildings, the arrangement of open areas and their enclosure, grain or significant natural or heritage features. Outline applications will not be considered. Development involving the demolition of a structure which positively contributes to the character and appearance of the area will not be permitted.
- 5.51 Policy ENV2 (Development affecting Listed Buildings) states: Development affecting a listed building should be in keeping with its scale, character and surroundings. Demolition of a listed building, or development proposals that adversely affect the setting, and alterations that impair the special characteristics of a listed building will not be permitted. In cases where planning permission might not normally be granted for the conversion of listed buildings to alternative uses, favourable consideration may be accorded to schemes which incorporate works that represent the most practical way of preserving the building and its architectural and historic characteristics and its setting.
- 5.52 Policy ENV3 (Open Space and Trees) states: The loss of traditional open spaces, other visually important spaces, groups of trees and fine individual tree specimens through development proposals will not be permitted unless the need for the development outweighs their amenity value.
- 5.53 Policy ENV4 (Ancient Monument and sites of Archaeological Importance) states: Where nationally important archaeological remains, whether scheduled or not, and their settings, are affected by proposed development there will be a presumption in favour of their physical preservation in situ. The preservation in situ of locally important archaeological remains will be sought unless the need for the development outweighs the importance of the archaeology. In situations where there are grounds for believing that sites, monuments or their settings would be affected developers will be

required to arrange for an archaeological field assessment to be carried out before the planning application can be determined thus enabling an informed and reasonable planning decision to be made. In circumstances where preservation is not possible or feasible, then development will not be permitted until satisfactory provision has been made for a programme of archaeological investigation and recording prior to commencement of the development.

- 5.54 Policy ENV5 (Protection of Agricultural Land) states: Development of the best and most versatile agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. Where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.
- 5.55 Policy ENV11 (Noise generators) states: Noise generating development will not be permitted if it would be liable to affect adversely the reasonable occupation of existing or proposed noise sensitive development nearby, unless the need for the development outweighs the degree of noise generated.
- 5.56 Policy ENV13 (Exposure to poor air quality) states: Development that would involve users being exposed on an extended long-term basis to poor air quality outdoors near ground level will not be permitted. A zone 100 metres on either side of the central reservation of the M11 and a zone 35 metres either side of the centre of the new A120 have been identified on the proposals map as particular areas to which this policy applies.
- 5.57 Policy ENV14 (Contaminated land) states: Before development, where a site is known or strongly suspected to be contaminated, and this is causing or may cause significant harm, or pollution of controlled waters (including groundwater) a site investigation, risk assessment, proposals and timetable for remediation will be required.

#### Emerging Uttlesford Local Plan

- 5.58 A new Local Plan 2019 was prepared by the Council, however following the Inspectors letter dated 10th January 2020, the Councillor's decided to withdraw the draft Uttlesford Local Plan from examination and start on a new plan. The reasoning behind the decision was that the Inspectors found the plan to be unsound as a result of the inclusion of a large proportion of the proposed housing numbers centred around Garden Communities, which was deemed insufficiently justified nor deliverable. It was concluded that in order to meet the shorter- and medium-term housing delivery targets, focus should be around the allocation of more small and medium sized opportunities within the district.
- 5.59 The Draft Local Plan (Regulation 18) has been prepared and submitted for consultation.
- 5.60 As part of this process, this site the site was submitted in the recent call for sites, under reference; Clavering 015RES . As part of this draft Local Plan, Uttlesford District Council has identified a number of large scale, strategic developments for allocation within Key Settlements / Local Rural Centres but did not specifically identify any smaller sites within the villages.
- 5.61 Within the 'Uttlesford Settlement Services and Facilities' Topic Paper – Updated October 2023 Clavering, is recorded with a population of 1,343 and is ranked highest of the 'Large Villages', scoring 66 in the 'Service Score', which is only just below the threshold of a Rural Centre.

- 5.62 Large Villages being defined as:  
*'Having have a primary school and form the larger and more sustainable of our rural villages. They also have some level of connectivity to the transport network in Uttlesford.'*
- 5.63 Whilst there were no site specific allocations within villages, the Draft Local Plan does set out a proposed housing requirement of 111no. units for Clavering (non strategic allocations), being the largest targeted village outside of the strategic allocations and consistent with Clavering's position as the most sustainable 'Large Village'.

#### Uttlesford Design Code May 2023

- 5.64 Alongside the development of the Local Plan, the Uttlesford Design Code has been developed and published in May 2023. This comprehensive document sets out the district wide objectives for the delivery of high quality, place led schemes. A summary of the applicable parts are summarised below:

#### Type 1 Settlement Extension: 10 to 100 homes:

- All homes encouraged to meet Building Regulations Requirement M4(2): Category 2 (accessible and Adaptable Dwellings)
- 10% of market housing and 15% of affordable housing encouraged to meet optional Building Regulations Requirement M4(3) Category 3 (Wheelchair Users Dwellings)
- Should provide Local Area for Play (LAP) and Locally Equipped Area for Play (LEAP) open spaces in accordance with Fields in Trust Standards.
- Developments over 20 homes are encouraged to provide a Multi-Use Games Area in accordance with Fields in Trust Standards.
- Must maximise use of the lowest order streets such as homezones, mews, farmstead clusters as relevant to the context of the site. In contrast, schemes must minimise the use of higher order street types. No higher than a EDG Type E route should be used.
- Must demonstrate a hierarchy of street types
- Must incorporate a minimum of 2 distinct character areas.
- Must demonstrate delivery of a mixed community. For developments over 20 homes this means inclusion of at least 3 of the typologies set out within Section 4.8 Homes and Buildings.

## 6. PLANNING ASSESSMENT

### PRINCIPLE OF DEVELOPMENT

- 6.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions of significant weight.
- 6.2 Uttlesford Local Plan was adopted in January 2005 and is therefore clearly out-of-date.
- 6.3 The site is located outside of the Development Limits for Clavering as defined by the Local Plan. The site is however located adjacent to the Development Limits for Clavering and the built-up area of Clavering. The site is therefore within a countryside location whereby residential development is inconsistent with Local Plan Policies S7 and H1. The principle of the development and the introduction of the residential development on the site within a countryside location would conflict with the aims of Local Plan Policies S7 and H1.
- 6.4 In terms of updated 5 Year Housing Land Supply (5YHLS), Uttlesford District Council published an updated 5YHLS statement on the 9<sup>th</sup> October 2023 which outlines that Uttlesford District Council can demonstrate a housing supply of 5.14 years, which is above the minimum threshold of 5 years as set out in the NPPF. This was approved by members at an Extraordinary Cabinet Meeting on the 16<sup>th</sup> October 2023.
- 6.5 Paragraph 11 of the Report prepared by Officers to Cabinet states that:
- NPPF (paragraph 11) makes clear that the ‘Presumption in favour of sustainable development’ should apply ‘where there are no relevant plan policies, or the policies which are most important for determining the application are out-of-date’, including ‘where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites’.*
- 6.6 Paragraph 13 of the Report prepared by Officers to Cabinet states that:
- “Even though this is the first time Uttlesford has been able to record a positive (greater than five) land supply, for some years, because the 2005 Plan policies are out-of-date, simply by virtue of their age, a ‘tilted balance’ approach would likely still apply (unless protective policies in the NPPF apply).”*
- 6.7 Paragraph 16 of the Report prepared by Officers to Cabinet states that:
- “However, it is the case that with a positive (greater than 5) land supply position, a lesser degree of weight will be given to the delivery of new dwellings in the planning balance than if the authority were unable to demonstrate a 5YHLS. This may influence the decisions taken with regard to planning applications for development within the district, however, it will not result in a moratorium on new residential development, which is key to ensure this positive 5YHLS position rolls forward in the future.”*
- 6.8 It is noted that the 5YHLS statement also allows for an allowance for windfall sites of 110 dwellings per year (only for the years 2026/27 and 2027/28 respectively).

- 6.9 It should also be noted that within the draft Local Plan Table 8.2 within Core Policy 19 (Rural Area Housing Requirement Figures) has identified 111 dwellings to be provided for Clavering. This development would contribute 28 dwellings towards that figure, which should be given weight.
- 6.10 Whilst Uttlesford District Council can now demonstrate a housing supply of 5.14 years, this is only marginally above the minimum 5-year requirement.

#### Presumption in Favour of Sustainable Development

- 6.11 Paragraph 11 of the NPPF states: *Plans and decisions should apply a presumption in favour of sustainable development.*

*For decision-taking this means:*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

- 6.12 Paragraph 11 of the NPPF considers the presumption of sustainable development, this includes where the policies which are most important for determining the application are out-of-date. As the Council's Local Plan is out-of-date, 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).
- 6.13 The site is not located within an area of particular importance as outlined in NPPF Paragraph 11d (i), so in this case the tilted balance is engaged.
- 6.14 Paragraph 8 of the NPPF outlines that achieving sustainable development means that the planning system has three overarching objectives: the economic objective, the social objective and the environmental objective.

#### Economic

- 6.15 The NPPF sets out the economic objective: to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- 6.16 The proposal will result in short term benefits during the construction phase of the development, with benefit to local companies e.g., contractors, sub-contractors, trades and suppliers.
- 6.17 The proposal will result in long term benefits as the future occupiers of the housing would contribute to the local economy, in Clavering and the surround areas through increased local spending, as well as supporting businesses and the viability of public transport services.
- 6.18 The proposed development will provide housing in the right place at the right time to support growth as there is local need for housing.

### Social

- 6.19 The NPPF sets out the social objective: to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.
- 6.20 Paragraph 83 of the NPPF 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.
- 6.21 The application site is approximately 1km to the north of Clavering. Clavering and the surrounding villages contain local amenities and facilities such as schools, shops, public houses, community centres, commercial premises and other cultural and social services required to meet the day to day needs of future occupiers. Within walking distance of the application site lie Clavering Village Hall and The Cricketers Public House, whilst the NISA supermarket, Post Office and Primary School lie within Clavering village centre. Other services including doctor's surgery, library, pharmacy, Church and High School, can all be found within a less than 5km distance of the site.
- 6.22 The proposal will result in long term benefits as the future occupiers of the housing would contribute to the social life of the settlement and help support its services and facilities.
- 6.23 Paragraph 109 of the NPPF sets out that development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- 6.24 The proposed development ensures access to sustainable modes of transport including walking, cycling and public transport in order to reduce reliance on the private car.
- 6.25 There are bus services that connect the application site to Saffron Walden, Bishops Stortford and Newport with bus stops accessible along Clatterbury Lane and outside The Cricketers Public House, within 300m from the site.
- 6.26 The construction of 28 dwellings will contribute to the Council's 5 Year House Land Supply.
- 6.27 The proposed development will include 40% affordable homes, contributing 11 affordable homes to the district.

### Environmental

- 6.28 The NPPF sets out the environmental objective: to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 6.29 Whilst the site is within the countryside, the application site does not lie within a designated area as referred to in paragraph 11 of the NPPF. Views of the site are limited due to existing mature vegetation on all boundaries of the site.



- 6.30 A Public House, The Cricketers, which is a Grade II Listed Building is located on Wicken Road to the east of the site but is separated by a car park serving the pub. The site is not only screened by mature vegetation on the eastern boundary but also mature vegetation on the car park Wicken Road boundary. Clavering Church Conservation Area is located over 50m to the south but again is separated by mature vegetation.
- 6.31 Given the current ecological baseline of the site, the proposal provides opportunities to enhance biodiversity through new planting and sustainable drainage features. The proposal will also seek to enhance existing green boundaries and enhance the site through a high-quality landscaping scheme. It is noted that landscaping is reserved for approval at a later date.
- 6.32 Paragraph 70 of the NPPF recognises the contribution that small and medium sites can make an important contribution to meeting the housing requirements of an area and can often be built out quickly.
- 6.33 Paragraph 83 of the NPPF states that: to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
- 6.34 Paragraph 84 of the NPPF states that planning decisions should avoid the development of isolated homes in the countryside.
- 6.35 The proposal would not represent an isolated site in compliance with paragraph 84 of the NPPFF and would bring benefits to the rural community in compliance with paragraph 73 of the NPPF. A public house and village hall are within easy walking distance, as are bus stops providing opportunities to access a wider range of services and facilities within nearby larger settlements. Clavering village centre is a little over 1km to the south, within which a supermarket, post office and primary school can be found.

#### Effective use of land

- 6.36 The indicative layout shows 28 units on a site area of 1.26ha, generating a density of 22.2 dwellings per hectare. This level of density has taken into account the retention of as many trees and mature hedgerows as possible as well ensuring due consideration has been given to the design to respect the sites constraints while delivering high quality amenity for future occupiers. It is considered that the proposed density would be appropriate for this site and would therefore make effective use of the land in accordance with paragraph 119 of the NPPF.

#### Presumption in Favour of Sustainable Development Conclusion

- 6.37 Whilst the introduction of housing in a countryside location would be not comply with the aims of Local Plan Policy S7, this policy is considered to be out of date. Under Paragraph 11 of the NPPF, the titled balance is engaged. As outlined above, the proposed development would comply with all three objectives of sustainable development.
- 6.38 There have also been a number of recent planning decisions which have concluded that the area is considered to be a sustainable location:

- Planning permission has been granted under references UTT/21/2720/FUL (3 dwellings) and UTT/22/0355/FUL (5 dwellings) 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 109 of the NPPF.
- Planning permission was refused under reference UTT/22/1578/OP (32 dwellings) but not on sustainability grounds. Members overturned the officer recommendation of approval. The officer committee report paragraph 14.3.9 stated 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 would not be a matter that would weigh against the proposal in this case. (Please refer to appendix 1)

6.39 The remaining relevant planning considerations are discussed below.

#### Agricultural land

6.40 ULP Policy ENV5 seeks to prevent significant losses of the best and most versatile (BMV) agricultural land, and paragraph 181 of the NPPF has a similar objective.

6.41 Whilst 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 (bounded by vegetation boundaries and therefore not part of a larger agricultural field) and the high quality of land across most of the district means that some loss is inevitable. Furthermore, the site as existing is vacant grassland. The site has not been used for agricultural purposes for several years.

6.42 Therefore, limited weight should be applied to the proposed loss of land classified as Grade 2.

#### **CHARACTER IMPACT, DESIGN AND LAYOUT**

6.43 ULP Policy GEN2 considers the design of development and seeks to ensure 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.

6.44 The Site lies within the Landscape Character Area (LCA) H3 Langley Chalk Upland as defined by Chris Blandford Associates in the Landscape Character of Uttlesford District (2006). The LCA H3 extends from Duddenhoe End in the North to Starling's Green in the South, and stretches from Wicken Bonhunt in the East to Lower Green in the West.

6.45 The proposed addition of 28 residential units to an undeveloped field would inevitably alter the current character of the site.

6.46 A Landscape and Visual Impact Assessment (LVIA) has been submitted in support of the application. The LVIA has assessed the site and the proposed development from 4 private viewpoints, 7 public viewpoints and 3 transport routes. The LVIA sets how the site would form the natural boundary to the existing settlement on the Western aspect, with the existing development forming the boundary to the North. The LVIA therefore concludes that no adverse landscape or visual effects would result from the development. The application is also supported a Landscape Strategy which follows the mitigation strategy set out in the LVIA.

- 6.47 As set out within the results of the submitted LVIA, although the addition of houses in this location would result in a small change to the local landscape character, it must be acknowledged that this impact would be limited to the immediate area and would be viewed against existing development.
- 6.48 The proposal will result in the introduction of built form within the site. Whilst the proposals are illustrative, we have provided a comprehensive review and analysis of the village with respect to its urban grain and historic settlement pattern to provide a proposal that is in keeping with the form of development and to representative of a sensitive extension to the existing settlement boundary.
- 6.49 The proposal is for up to 28 dwellings which will provide a density of 22.22 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 layout which responds positively to the relatively recent development located immediately to the north of the site.
- 6.50 The proposal as submitted retains the tree belt and vegetation to minimise the visual impact of the development and would provide an area of open space to terminate views into the site. 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.
- 6.51 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.

### **HERITAGE AND ARCHAEOLOGY**

- 6.52 A Public House, The Cricketers, which is a Grade II Listed Building is located on Wicken Road to the east of the site but is separated by a car park serving the pub. The site is not only screened by mature vegetation on the eastern boundary but also mature vegetation on the car park Wicken Road boundary. Clavering Church Conservation Area is located over 50m to the south but again is separated by mature vegetation. A non-designated heritage Asset Hill Green Farm is also located to the south.
- 6.53 Section 66 of the Planning (LBCA) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.54 Paragraph 205 of the NPPF set out that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.
- 6.55 Paragraph 206 of the NPPF states that 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification...'
- 6.56 Local Plan Policy ENV2 (Development affecting Listed buildings) states that 'Development affecting a listed building should be in keeping with its scale, character and surroundings'.

- 6.57 A Heritage Statement has been submitted in support of the application. The Heritage Statement concludes that the proposed development will cause no harm to the setting of the nearby Listed Buildings, and in terms of the Conservation Area, the Site is not visible when transitioning north or south through the area, the proposed development will not impact on the ability to appreciate its character and appearance nor impact upon its significance. With regard to the non-designated heritage assets at Hill Green Farm. Although the Site has an historic functional relationship with the farm, this is no longer appreciable. A modern warehouse to the north of the farm as well as further modern development in Clavering has separated the farm from what would have been a wider rural landscape. As such the proposed development will cause no harm to the significance of these non-designated heritage assets. The proposal is therefore in accordance with Local Plan Policy ENV2.
- 6.58 Local Plan Policy ENV4 (Ancient Monuments and Sites of Archaeological Importance) states 'Where nationally important archaeological remains, whether scheduled or not, and their settings, are affected by proposed development there will be a presumption in favour of their physical preservation in situ. The preservation in situ of locally important archaeological remains will be sought unless the need for the development outweighs the importance of the archaeology. In situations where there are grounds for believing that sites, monuments or their settings would be affected developers will be required to arrange for an archaeological field assessment to be carried out before the planning application can be determined thus enabling an informed and reasonable planning decision to be made. In circumstances where preservation is not possible or feasible, then development will not be permitted until satisfactory provision has been made for a programme of archaeological investigation and recording prior to commencement of the development'.
- 6.59 An Archaeological Desk-based Assessment has been submitted in support of the application. For a previous outline planning application submitted for the site (Ref: UTT/13/2228/OP), Essex County Council's Senior Historic Environment Officer stated, 'The Historic Environment Record shows that there are no known archaeological deposits within the area of the proposed development. Therefore, no archaeological recommendations are being made on this application'. The Archaeological Desk-based Assessment has not identified any more recent evidence that would contradict the previous recommendations for the study site. It is therefore considered that proposed development will have no impact upon the setting and significance of any designated archaeological assets within the surroundings in accordance with Local Plan Policy ENV4.

### **TREES**

- 6.60 Paragraph 186 of the NPPF states When determining planning applications, local planning authorities should apply the following principles: c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 6.61 Local Plan Policy ENV3 (Open Spaces and Trees) states that 'The loss of traditional open spaces, other visually important spaces, groups of trees and fine individual tree specimens through development proposals will not be permitted unless the need for the development outweighs their amenity value'.
- 6.62 Local Plan Policy ENV8 (Other Landscape Elements of Importance for Nature Conservation) seeks to protect a number of landscape elements unless the need for the development outweighs the need to retain the elements for their importance to wild fauna and flora, or mitigation measures are

provided that would compensate for the harm and reinstate the nature conservation value of the locality.

- 6.63 A Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree Protection Plan has been submitted in support of the application. There are no trees within the developable area of the site but there are trees on the site boundaries. A Category C1 Ash tree will need to be felled alongside the removal of a small portion of the existing mature hedgerow to accommodate the proposed vehicular and pedestrian accesses. The proposed development seeks to retain as many of the trees as possible and to keep intact as much of the hedgerow features as possible. The Illustrative Site Plan demonstrates that it is possible for built form to be outside of the canopy spread and RPA's of the trees to be retained. This clearly shows the proposal would not have any effect on amenity value of the trees retained. The detailed site layout will be designed at reserved matters stage.
- 6.64 The proposals are in accordance with Local Plan Policies ENV3 and ENV8, as well as NPPF paragraph 186c.
- 6.65 Further information can be seen in the accompanying Arboricultural Impact Assessment.

### **BIODIVERSITY**

- 6.66 Paragraph 180 of the NPPF states Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 6.67 Local Plan Policy GEN7 states Development that would have a harmful effect on wildlife or geological features will not be permitted unless the need for the development outweighs the importance of the feature to nature conservation. Where the site includes protected species or habitats suitable for protected species, a nature conservation survey will be required. Measures to mitigate and/or compensate for the potential impacts of development, secured by planning obligation or condition, will be required. The enhancement of biodiversity through the creation of appropriate new habitats will be sought.
- 6.68 An Ecological Assessment has been submitted in support of the application. This concludes that no protected species are present on the site. A series of mitigation and enhancement measures has been proposed to account for the potential presence of wildlife.
- 6.69 A Biodiversity Net Gain Assessment has been submitted in support of the application. The Biodiversity Metric 4.0 was used to calculate the pre-development baseline units. A total of 10.72 baseline habitat units and 2.89 hedgerow units are present pre-development. The proposed development will result in a net loss of 53.94% in habitat units and a net gain of 23.00% in hedgerow units.
- 6.70 The retention and enhancement of habitats and hedgerows on-site has been maximised where possible to reduce losses and increase gains, a core concept of the proposals. The landscape strategy includes the enhancement of the majority of existing woodland, with minor losses to facilitate access to the site. Additionally, an area of neutral grassland along the western and southern site boundary is to be enhanced, as are both hedgerows. The treelines will be retained entirely. The landscape strategy will provide new habitats including amenity grassland, amenity

planting, vegetated and unvegetated gardens, an attenuation pond, sustainable drainage feature and individual trees.

- 6.71 Given the partial loss of certain types of habitats including the lowland mixed woodland and the neutral grassland these cannot be replaced like for like on site. Whilst the applicant has strived to maximise on site provision of enhancements it has not been possible to replicate the same type and value as the existing features. Therefore, to achieve a Biodiversity Net Gain for the development, off-site compensation will be required which can be secured through a Section 106 obligation.
- 6.72 Subject to the details being secured via a Section 106 agreement proposals are considered to be in accordance with Local Plan Policy GEN7 as well as NPPF paragraph 180d.
- 6.73 Further information can be seen in the accompanying Ecological Assessment and Biodiversity Net Gain Assessment.

### **SURFACE WATER DRAINAGE AND FOUL WATER DRAINAGE**

- 6.74 Local Plan Policy GEN3 contains the Local plan for flooding, although this has effectively been superseded by the more up to date flood risk policies in the NPPF.
- 6.75 National guidance seeks to steer new developments to areas at lowest risk of flooding and advises this should be done through application of the Sequential Test, and if appropriate the Exceptions Test (as set out in paragraphs 165-175 of the NPPF (2023)).
- 6.76 A Flood Risk Assessment and SuDS Drainage Report has been submitted in support of the application. The application site is located in Flood Zone 1 where development is considered appropriate. The site is partially located within an area of risk from surface water flooding. However, the report concludes that surface water runoff from the site can be suitably managed through an infiltration/attenuation strategy which can be subject to a planning condition. The submitted information demonstrates that the development accords with Local Plan Policy GEN3 and NPPF as the development will not result in any significant flood risk.
- 6.77 A detailed foul drainage scheme will be designed at the reserved matters stage. Notwithstanding that, the intention is to connect the new drainage pipes to the existing foul sewage system as set out in the strategy.

### **TRANSPORT AND HIGHWAY SAFETY**

- 6.78 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.”

- 6.79 Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within National Planning Policy Framework.
- 6.80 A Transport Statement has been submitted in support of the application. Vehicular access to the site will be provided via a new priority junction with Stickling Green, which has been designed in accordance with standards and assessed to ensure it is acceptable from a technical perspective. A trip generation assessment has been undertaken which demonstrates that any traffic associated with the proposed development will not have a negative impact on the surrounding highway network. The Transport Statement outlines how the site benefits from good pedestrian and cycle facilities in the locality, including proposed improvements increasing the level of footway provision / connections in the local area. Please refer to the submitted transport statement for further details of the improvement works which have been discussed with the Local Highway Authority (Essex County Council). There are also existing bus and rail services available which can be accessed from the Site. All servicing, including refuse and fire services, can be accommodated. Swept path analysis has been undertaken. The submitted Transport Statement demonstrates that the proposals will not have a significant or detrimental impact upon the local transport network and it also aligns well with local, regional and national policy in regard to transport.
- 6.81 The site location on the edge of the village ensures that the residents of the development would have good 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 may use a car to access most services, facilities and employment opportunities. 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.
- 6.82 Due to the location of the site and proximity to local facilities, this should be considered positive and that the proposed development would help to support these local services. Adequate car and cycle parking provision is capable of being provided on site in accordance with Essex Design Guide (2.5m x 5.5m), adopted parking standards, Local Plan Policy GEN8, Local Residential Parking Standards (adopted February 2013) and will be considered as part of reserved matters.

### **SUSTAINABILITY**

- 6.83 Uttlesford District Council adopted the Interim Climate Change Policy in 2021 and consideration has been given to this document in the preparation of this application.
- 6.84 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.
- 6.85 The proposal takes into consideration the existing trees and 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.
- 6.86 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.
- 6.87 The proposed retention of existing landscape and 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.

- 6.88 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.
- 6.89 Air source heat pumps are also proposed which can take heat from the outside air and use this to heat the dwellings.
- 6.90 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.

### **CONTAMINATION**

- 6.91 Local Plan Policy ENV14 (Contaminated Land) states 'Before development, where a site is known or strongly suspected to be contaminated, and this is causing or may cause significant harm, or pollution of controlled waters (including groundwater) a site investigation, risk assessment, proposals and timetable for remediation will be required'.
- 6.92 A contaminated land preliminary risk assessment has been submitted in support of the application. This has been undertaken to assess the potential for contamination on the site. It has concluded that no specific sources of contamination are in place which are likely to impact on the development site. The outcome of the assessment has indicated that the geo-environmental risks are low to very low subject to various mitigation measures being implemented. The applicant will fulfil their responsibility of ensuring any contamination risks that arise are dealt with appropriately, as required by Uttlesford Local Plan policy ENV14 of the Local Plan. These may be secured by condition in the usual manner.

### **NOISE IMPACTS**

- 6.93 Policy ENV11 states 'Noise generating development will not be permitted if it would be liable to affect adversely the reasonable occupation of existing or proposed noise sensitive development nearby, unless the need for the development outweighs the degree of noise generated.
- 6.94 A Noise Impact Assessment Report has been submitted in support of the application. The report has measured and assessed the existing noise climate and has provided appropriate sound insulation and mitigation measures to reduce noise emissions inside all habitable rooms and external areas. The primary noise affecting the proposed development is dominated by road traffic noise to the north of the site, Clatterbury Lane to the east, and B1038 to the southeast of the site. There was also intermittent roof exhaust plant noise from the adjacent Robson's Feed Supplies commercial unit audible to the southeast of the site. It is concluded that the British Standard BS 8233:2014 requirements for internal noise levels should be achieved for the proposed development. Therefore, subject to appropriate mitigation methods the proposed development would comply with Policy ENV 11 of the Local Plan.

### **LIGHT IMPACTS**

- 6.95 Policy GEN5 (light pollution) states 'Development that includes a lighting scheme will not be permitted unless: a) The level of lighting and its period of use is the minimum necessary to achieve its purpose, and b) Glare and light spillage from the site is minimised'.
- 6.96 It is not considered the residential development will result in any harmful impact from light pollution. A condition for the submission and approval of a lighting scheme prior to the commencement of the



development would be appropriate to ensure the proposal would be in accordance with Local Plan Policy GEN5.

## **7. SECTION 106 DRAFT HEADS OF TERMS**

- 7.1 The applicants are committed to delivering all the necessary enhancements to services and facilities to meet the needs of new residents and mitigate any impacts of the development. These will be delivered by way of financial contributions and obligations agreed through the Section 106 legal agreement that will accompany the planning consent. Below is a Draft Heads of Terms detailing what is likely to be secured through the S106.
- 7.2 Draft Heads of Terms to include:
- 40% Affordable Housing
  - 25% of Affordable housing being First Homes
  - 5% of Affordable Housing being M4(3)
  - 1 x custom/ self build unit.
  - ECC Education Contribution
  - Provision and management of Public Open Space
  - Biodiversity Net Gain off-site compensation
  - Pay the Council's reasonable legal costs
  - Pay the monitoring fee
- 7.3 The final list of financial contributions and obligations will need to be confirmed by statutory consultees. Any requests will need to be appropriately evidenced to demonstrate that they accord with the tests set out in paragraph 56 of the Framework.
- 7.4 Alongside the Section 106 legal agreement there will also be a set of planning conditions that will require the submission and approval of further details of matters such as ecological enhancement, electric charging points, cycle storage etc. These conditions will be discharged either through the submission of details as part of the reserved matters applications or as stand-alone discharge of condition applications.
- 7.5 The combination of Section 106 obligations and planning conditions will deliver the necessary measures to successfully mitigate any adverse impacts of the proposed development so that they would not outweigh the identified significant benefits of the scheme.

## **8. STATEMENT OF COMMUNITY INVOLVEMENT**

- 8.1 Prior to submission of this outline planning application, letters have been sent to the Local Members and Parish Council making them aware of the pending planning application and that they will be able to provide comment during the Council's public consultation as part of the assessment of the proposal. Please refer to separate Statement of community involvement document submitted with the application.
- 8.2 A full public consultation will be undertaken to inform the detailed design prior to reserved matters application submission.

## **9. PLANNING BALANCE**

- 9.1 Uttlesford Local Plan was adopted in January 2005 and is therefore clearly out-of-date.
- 9.2 In terms of updated 5 Year Housing Land Supply (5YHLS), Uttlesford District Council published an updated 5YHLS statement on the 9th October 2023 which outlines that Uttlesford District Council can demonstrate a housing supply of 5.14 years, which is above the minimum threshold of 5 years as set out in the NPPF.
- 9.3 Paragraph 11 of the NPPF considers the presumption of sustainable development, this includes where the policies which are most important for determining the application are out-of-date. As the Council's Local Plan is out-of-date, 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).
- 9.4 Planning permission should only be withheld if any potential harm caused by the proposed development is considered to be significantly and demonstrably outweigh the benefits, when assessed against the policies in NPPF when taken as a whole in accordance with NPPF Paragraph 11d (ii).
- 9.5 The titled balance is therefore engaged.
- 9.6 This statement has outlined the following benefits of the proposal which can be summarised as:
- The proposal will provide a contribution of 28 additional dwellings towards the Council's housing figures;
  - The proposal will provide 11 affordable dwellings for the district;
  - The proposed development complies with the three dimensions of sustainable development as set out within Paragraph 8 of the NPPF;
  - The proposed development will retain existing landscape features and provide new opportunities to increase biodiversity and wildlife;
  - The development results in no loss of amenity to the occupiers of nearby residential dwellings;
  - The proposed development is compatible with the existing village form, where access can be gained via sustainable means of transport to local services and facilities;
  - The proposed development also offers an enhanced pedestrian link from the site to the existing footpath which leads to the centre of the village. This connection further enhances the sustainability of the site for residential development.
  - The development will offer a custom/ self build unit which in accordance with the emerging draft local plan (which is currently out for consultation).
  - The proposed dwellings will generate additional spending within the local area and provide support to existing facilities, thus helping to maintain the vitality and viability of exiting rural communities.
- 9.7 It should be noted that within the draft Local Plan Table 8.2 within Core Policy 19 (Rural Area Housing Requirement Figures) has identified 111 dwellings to be provided for Clavering. This development would contribute 28 dwellings towards that figure, which should be given weight.
- 9.8 The identified harm as a result of the development consists of the landscape visual impact. However, as identified within the LVIA this level of harm is minimal. It is very clear therefore that the very substantial benefits outweigh the limited harms of the development and in accordance with

paragraph 11 of the NPPF the adverse impacts of the development do not outweigh the substantial benefits of the development as summarised above.

- 9.9 This potential harm as outlined above would be limited and mitigated, 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)).
- 9.10 The indicative layout shows 28 units on a site area of 1.26ha, generating a density of 22.2 dwellings per hectare. It is considered that the proposed density would be appropriate for this site and would therefore make effective use of the land which is in a sustainable location in accordance with paragraph 119 of the NPPF.
- 9.11 To conclude it is considered that the proposals provide a number of substantial benefits and in accordance with paragraph 11 of the NPPF the benefits of the proposals clearly outweigh the harm. In accordance with the tilted balance, which sets out that the development should be considered in accordance with the presumption of sustainable development.
- 9.12 As the proposed development therefore represents sustainable development, planning permission should be granted accordingly.

**10. APPENDIX 1 - OFFICERS COMMITTEE REPORT FOR A 32 UNIT SCHEME  
UTT/22/1578/OP (LOCATED TO THE NORTH OF THE APPLICATION SITE).**