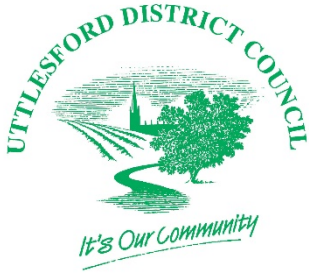


# Agenda Item 7



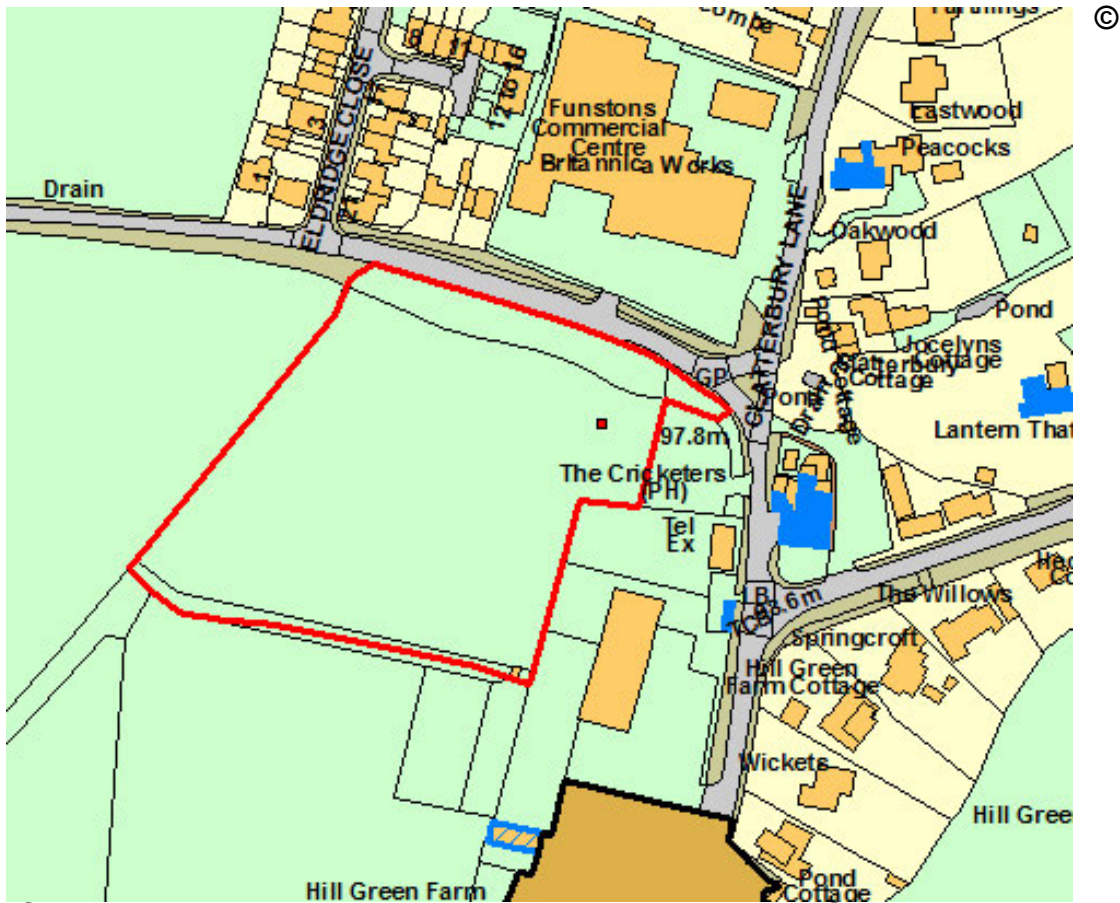
**ITEM NUMBER:** 7

**PLANNING COMMITTEE DATE:** 7 February 2024

**REFERENCE NUMBER:** UTT/23/3113/PINS

**LOCATION:** Land West Of The Cricketers  
Clatterbury Lane, Clavering

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council Date:19.01.2024**

**PROPOSAL:** Consultation on S62A/2023/0030 - 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

**APPLICANT:** Mr M Forbes- Baya Group

**AGENT:** Mr L Tomlinson- Bridge Planning

**EXPIRY DATE:** 7 February 2024

**EOT Expiry Date** N/A

**CASE OFFICER:** Chris Tyler

**NOTATION:** Outside Development Limits

**REASON THIS APPLICATION IS ON THE AGENDA:** This is a report in relation to a major (full) planning application submitted to the Planning Inspectorate (PINS) for determination. Uttlesford District Council (UDC) has been designated by Government for poor performance in relation to the quality of decisions making on major applications.

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

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**1. RECOMMENDATION**

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

Details are to be outlined by the Planning Committee.

**2 SITE LOCATION AND DESCRIPTION:**

**2.1** The application site is located to the West of The Cricketers Public House and south of Eldridge Close and Stickling Green Road in Clavering. The site consist of a parcel of agricultural land which measures approximately 1.26 hectares. The site is bound by mature hedgerows and trees.

### 3. **PROPOSAL**

- 3.1 This application seeks outline planning permission with all matters reserved except access for up to 28 dwellings public open space, sustainable drainage systems, landscaping and associated infrastructure. The site will include highway access from Stickling Green Road.
- 3.2 The application includes an illustrative site plan to demonstrate how the site could be development for the number of units proposed, whilst meeting relevant parking and amenity standards and having regard to the landscape characteristics of the site.
- 3.3 The proposal will include 28 units on a site area of 1.26ha, generating a density of 22 dwellings per hectare. The development will include 40% affordable housing units (11 units) secured through a S106 agreement.

### 4. **ENVIRONMENTAL IMPACT ASSESSMENT**

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

### 5. **RELEVANT SITE HISTORY**

| <b>Reference</b> | <b>Proposal</b>  | <b>Decision</b>   |
|------------------|--|---|
| UTT/0507/12/OP   | Outline permission for erection of 31 dwellings with some matters reserved except access, layout and scale.  | <b><u>Application Site</u></b><br>Refused<br>23.08.2012<br><br>Countryside Harm<br><br>Appeal Dismissed |
| UTT/13/2228/OP   | Outline permission for erection of 9 dwellings with some matters reserved except access, and scale (amended scheme to planning application UTT/0507/12/OP) | <b><u>Application Site</u></b><br>Refused<br><br>Countryside Harm<br><br>Unsustainable Location         |
| UTT/23/2616/PINS | Consultation on S62A/2023/0025 - Outline planning application with all   | <b><u>Neighbouring Site- Eldridge Close</u></b>   |

|                |  |   |
|----------------|--|---|
|                | matters reserved except access for up to 28 dwellings (class C3) including public open space, sustainable drainage systems, landscaping and associated infrastructure and development  | Pending Consideration   |
| UTT/22/1578/OP | Outline planning application with all matters reserved except access for up to 32 dwellings including public open space, sustainable drainable systems, landscaping and associated infrastructure and associated development.    | <b><u>Neighbouring Site- Eldridge Close</u></b><br>Refused<br>Countryside Harm Loss of Ag Land No S106 completed<br>Appeal Lodged |
| 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. | <b><u>Neighbouring Site- Eldridge Close</u></b><br>Refused, appeal dismissed.   |

## **6. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

- 6.1** The LPA is unaware of any consultation exercise carried out by the applicant for this current proposal. The applicant has included a Statement of Community Involvement that advises:
- 6.2** As part of the process leading up to the formal planning submission, there has been informative correspondence, as detailed below, issued to the Parish Council, sitting Members and residents within the locality (0.5 miles), detailing the nature of the proposals, thus enabling a greater timeframe to consider and comment on the proposals as part of the consultation process post submission.
- 6.3** In addition, comprehensive public consultation will be undertaken for further site specific comments which in turn will inform the detailed design elements of the scheme as part of any reserved matters submissions.

## **7.0 STATUTORY CONSULTEE RESPONSES**

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

7.2 Accordingly, it should be noted that a number of considerations/ advice normally obtained from statutory consultees to assist the Local Planning Authority in the consideration of a major planning application have not been provided and are thereby not included within this report.

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

## **8. PARISH COUNCIL**

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

## **9. CONSULTEE RESPONSES**

### **9.1 UDC Housing Enabling Officer**

9.2 The affordable housing provision on this site will attract the 40% policy requirement as the site is for up to 28 properties. This amounts to up to 11 affordable housing properties and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers. The affordable housing tenure mix can be agreed at reserved matters stage subject to outline planning approval being granted.

### **9.3 Essex Police**

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

## **10. REPRESENTATIONS**

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

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

## **11. MATERIAL CONSIDERATIONS**

11.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The

Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

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

(a) The provisions of the development plan, so far as material to the application,;

(a) a post-examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

**11.3** Section 73 of the Town and Country Planning Act 1990 enables an applicant to apply to develop land without compliance with conditions attached to an extant permission. The Local Planning Authority may amend or remove condition but may not amend any other part of the permission and therefore the original permission remains intact. Therefore, this means that a developer may elect which permission to implement.

## **12. The Development Plan**

**12.1** Essex Minerals Local Plan (adopted July 2014)  
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)  
Uttlesford District Local Plan (adopted 2005)  
Felsted Neighbourhood Plan (made Feb 2020)  
Great Dunmow Neighbourhood Plan (made December 2016)  
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)  
Thaxted Neighbourhood Plan (made February 2019)  
Stebbing Neighbourhood Plan (made 19 July 2022)  
Saffron Walden Neighbourhood Plan (made October 2022)  
Ashdon Neighbourhood Plan (made 6 December 2022)  
Great & Little Chesterford Neighbourhood Plan (made 2 February 2023)

## **13. POLICY**

### **13.1 National Policies**

**13.1.1** National Planning Policy Framework (2023)

### **13.2 Uttlesford District Plan 2005**

**13.2.1** S7 – The countryside

GEN1- Access  
 GEN2 – Design  
 GEN3 -Flood Protection  
 GEN4 - Good Neighbourliness  
 GEN5 - Light pollution  
 GEN6 - Infrastructure to support development  
 GEN7 - Nature Conservation  
 GEN8 - Vehicle Parking Standards  
 H9 - Affordable Housing H10 - Housing Mix  
 ENV1 - Design of development within the conservation area  
 ENV2 - Development affecting Listed Buildings.  
 ENV3 - Open Space and Trees  
 ENV8- Other landscape elements of importance for nature conservation  
 ENV4 - Ancient Monument and sites of Archaeological Importance  
 ENV5 - Protection of Agricultural Land  
 ENV11 - Noise generators  
 ENV13 - Exposure to poor air quality  
 ENV14 - Contaminated land

### **13.3 Supplementary Planning Document or Guidance**

**13.3.1** Uttlesford Local Residential Parking Standards (2013)  
 Essex County Council Parking Standards (2009)  
 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, Appearance and heritage**
  - C) Transport**
  - D) Accessibility**
  - E) Amenity**
  - F) Flooding**
  - G) Infrastructure**
  - H) Protected species and biodiversity**
  - I) Archaeology**
  - J) Affordable housing**
  - K) Housing mix**
  - L) Contamination**
  - M) Exposure to poor air quality**
  - N) Light pollution**
  - O) Climate Change**
  - P) Planning balance**
  - Q) Other matters**



### **14.3 A) Location and principle of housing**

**14.3.1** The Local Plan places the site beyond the defined Development Limits for towns and villages, and therefore in a countryside location whereby development for housing is inconsistent with Policies S7 and H1. The location of the application site is to the northern part of the village where a previous planning application on this site for dwellings (UTT/0507/12/OP) was refused and subsequently dismissed by the Planning Inspector.

**14.3.2** The Inspector advised the village has a degree of sustainability, but not enough to qualify the scheme as sustainable development. In essence, the site is not in a sufficiently sustainable location, and this consideration is of greater moment than issues of housing land supply. Although the relevant policies for the supply of housing are considered not to be up-to-date, The adverse impacts of approving the scheme would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole.

**14.3.3** However, appeal decision – UTT/20/1628/OP, which considered the nearby site of land to the north of Eldridge Close took the view that the residents of new houses would be likely to contribute to the social life of the settlement and help support its services and facilities. Residents would contribute financially to local shops and services in the long term. This is a location where development in one village is also likely to support services in villages nearby.

**14.3.4** Although this was the case the Planning Committee recently (December 2023) considered a S62a application (UTT/23/2616/PINS) for the nearby site of land to the North of Eldridge Close. Concerns raised by the Committee included the location of the application site, it was considered that the proposal would not encourage the use of movement by means other than driving of a car to even local facilities. As such the proposal is considered contrary to Policy GEN 1(e) of the Uttlesford Adopted Local Plan 2005.

**14.3.5** The application site is located outside of the development limits and in the countryside. Policy S7 of the Local Plan specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. 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.

**14.3.6** The site is located beyond the Development Limits and the proposal does not represent 'sensitive infilling' in the context of Policy S7. It is therefore concluded that residential development on the site would be in conflict with policy.

- 14.3.7** A review of Policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas and therefore should be given less weight. Nevertheless, it is still a saved local plan policy and carries weight.
- 14.3.8** It is considered that the development would fail to protect the particular character of the part of the countryside within which it is set where no special reasons have been put forward as to why the development in the form proposed needs to be there resulting in significant and demonstrable harm to the countryside and contrary to the countryside protections aims of Policy S7 of the adopted Local Plan.
- 14.3.9** ULP Policy ENV5 seeks to prevent significant losses of the best and most versatile (BMV) agricultural land, and paragraph 174 (b) of the NPPF has a similar objective. While the site is classified as Grade 2, which is regarded as BMV land, the development would not represent a significant breach of these policies as it is small in agricultural terms and the high quality of land across the majority of the District means that some loss is inevitable. It is noted the Planning Inspector, that considered the previous appeal on this site, did not raise any concerns in regard to the loss of agricultural land.
- 14.3.10** In conclusion to the principle and location of the proposed development, the introduction of the dwellings will be in conflict with ULP Policies S7 (countryside development) and ENV5 (protection of agricultural land). In taking a consistent approach with the committees consideration of application- UTT/23/2616/PINS the location of the development would not be sustainable in regards that occupiers of the development would likely require the use of a motor vehicle to get to local facilities which is contrary to Policy GEN 1(e) of the Uttlesford Adopted Local Plan 2005.

#### **14.4 B) Character, Appearance and Heritage**

- 14.4.1** The proposed development of this site would fill this open rural plot and as a result, the size and shape of the site and the number of buildings and hard surfaces upon it, the scheme would thrust itself into the prevailing open countryside, standing out in marked and discordant contrast with the nearby form of development in this part of the village.
- 14.4.2** Due consideration has been made to the submitted Landscape and Visual Appraisal and it's considered the proposed development with the introduction of built form would have a major adverse impact on the existing rural character of the site itself. Although is well screened it would still likely result in the impact on the wider landscape through long distance, short range and glimpsed views of the development/ site..
- 14.4.3** A landscaped area and buffer would be provided to the western boundary of the site and additional planting could be provided along other

boundaries. This would help soften the impact of a scheme of this size on the surrounding countryside, but the site it is nevertheless an attractive part of the rural scene especially on when approaching the village along Stickling Green Road.

**14.4.4** As such, it is considered that the development would fail to protect the particular character of the part of the countryside within which it is set where no special reasons have been put forward as to why the development in the form proposed needs to be there. It will result in significant and demonstrable harm to the countryside contrary to the countryside protections aims of Policy S7 of the adopted Local Plan.

**14.4.5** 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 this is the case it is not considered this alone will sufficiently mitigate the introduction of the built form and change to the appearance of the site.

**14.4.6** In regard to heritage, ULP Policy ENV2 (Development affecting Listed Buildings) seeks to protect the historical significance, preserve and enhance the setting of heritage assets. The guidance contained within Section 16 of the NPPF, 'Conserving and enhancing the historic environment', relates to the historic environment, and developments which may have an effect upon it.

**14.4.7** The location of the application site is in close distance to the nearby Listed Buildings of Hill Green Farm and The Cricketers Public House which form locally distinctive features and an important part of the landscape. There is some separation distance between the site and the heritage assets, and the visual impact of the development at the proposed scale may likely not be significant. The Council's Heritage Officer has been consulted as part of this application, no comments have been received, and any comments received are required to be submitted directly to PINS.

## **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** Paragraphs 79 and 80 of the NPPF provides support for the growth of existing settlements and seeks to avoid new isolated homes in the countryside unless there are special circumstances. It is considered that the intent of this policy is to focus new housing development within and on the edge of existing settlements, thereby preventing sporadic development in the countryside.

**14.5.4** Paragraph 80 of the NPPF seeks to avoid isolated homes in the countryside unless there are special circumstances. While there is no published definition of 'isolated', it is considered that the PPG supports the view that housing sites should be within or adjacent existing settlements. The effect is to prevent sporadic development in the countryside, while supporting the growth of existing settlements of almost any size due to the associated economic and social benefits. It is considered that due to the location of the site adjacent other dwellings it is not considered isolated and accords with paragraph 80 of the NPPF in terms of not being an isolated location.

**14.5.5** The NPPF requires development proposals to take appropriate opportunities to promote sustainable transport, provide safe and suitable access for all users; and ensure any significant impact on existing transport networks can be acceptably mitigated.

**14.5.6** Paragraph 109 of the National Planning Policy Framework (the Framework) recognises that in rural areas there may be fewer options for sustainable transport solutions than in urban areas. However, from the assessment of the location of the application site and distance from the surrounding villages the occupiers would be reliant on private cars to travel for day-to-day needs. For most local services and facilities, future occupiers would need to travel to larger settlements

**14.5.7** I conclude that the proposed location fails to accord with local and national policies promoting the use of sustainable transport, which is consistent with the approach Committee Members took when considering the neighbouring site of Eldridge Close (UTT/23/2616/PINS). The proposed development would not encourage movement by transport modes other than the car, and the resultant additional road traffic could reduce the attractiveness of the local lanes for walking and cycling. As such, the proposal conflicts with Saved Local Plan Policy GEN1e). There is further conflict with the objective of promoting sustainable transport in Section 9 of the Framework.

## **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 should planning permission resolve to be granted.

## **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 could 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. These details would be considered in a reserved matters application.

**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 site is located wholly within Flood Zone 1 and is likely to be considered as a low risk of pluvial/ surface water flooding

**14.8.2** A Flood Risk Assessment has been submitted with this application which include two drainage options - Infiltration Strategy or Attenuation Strategy. The applicant's technicians have concluded that the proposals of both strategies of discharge to ground and discharge to open waterbody do not increase flood risk onsite or elsewhere and the necessary mitigation measures have been detailed in this report. The proposed development is considered to be suitably and sustainably located and is in line with local and national policies.

**14.8.3** The Lead Local Flood Authority have been consulted in regard to the development no comments have been received, any comments received are required to be submitted directly to PINS. Taking into consideration the details submitted with the application it is considered the development would likely not result in any flood risk subject to the imposition of conditions and mitigation measures.

**14.8.4** In terms of the foul drainage, the Flood Risk Assessment advises there is one public foul water sewer that runs in close proximity to the east border of the site along Clatterbury Lane. A foul drainage scheme would be more appropriate at the reserved matters stage. With regards to capacity, the sewage company have a legal obligation to provide suitable drainage in adopted all areas.

**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

**14.9.2.1** 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

**14.9.3.1** 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

**14.9.4.1** 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. Mitigation measures have been provided to avoid any

adverse effects on biodiversity. The landscape scheme has been designed to maximise retention and enhancement of existing habitats where possible. New habitats will include amenity grassland, amenity planting, vegetated garden, an attenuation pond, sustainable drainage feature and individual trees. The provision of these habitats and enhancements will be of benefit to wildlife.

**14.10.3** To achieve a Biodiversity Net Gain for the development, off-site compensation will be required and could be secured as part of the S106 agreement. The Council's Ecology Officer has been consulted in regards to the development no comments have been received, any comments received are required to be submitted directly to PINS.

#### **14.11 I) Archaeology**

**14.11.1** Essex County Council's Archaeological officer has been consulted in regard to the development no comments have been received, any comments received are required to be submitted directly to PINS.

#### **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 11 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.

**14.12.2** There is a requirement for the 25% of the affordable dwellings 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.

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

#### **14.13 K) Housing Mix**

**14.13.1** Policy H10 requires that a significant proportion of market housing comprises smaller properties, with two or three bedrooms. As all of the proposed houses would be in this category it is concluded that the proposal accords with Policy H10. This application is for outline planning permission and the housing mix would be approved at the reserved matters stage.

#### **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 comments have been received; any comments received are required to be submitted directly to PINS.

## **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 111 of the NPPF.

## **14.16 N) Light pollution**

**14.16.1** 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 detail within the Planning Statement how the proposal accords with this policy as set out in the following points;

- The location of the site is part of a sustainable extension to Clavering, the minimising of carbon emissions.
- 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.
- 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.



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

**14.17.2** In summary, the proposal could be designed to ensure sustainability is at the heart of development, utilising both fabricated and natural resources to assist Uttlesford District Council in its sustainable development goals as indicated in the Uttlesford Climate Crisis Strategy 2021 – 2030 and the Energy Efficiency and Renewable Energy (2007) SPD.

**14.18 P) Planning balance**

**14.18.1** The development site is located outside development limits. The Council's October 2023 published land supply figure is 5.14 years, however cannot demonstrate the necessary 20% buffer (paragraph 77 of the NPPF). In line with the presumption in favour of sustainable development set out in the NPPF - paragraph 11 (d) (ii). 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:*

*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,*

*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.”*

**14.18.2 Benefits of the development:**

**14.8.3** The development would result the delivery of up to 28 dwellings. The Council can't demonstrate a 5-year housing land supply with the required 20% buffer. The number of dwellings proposed would make a meaningful contribution to maintaining the supply of housing locally.

- 14.18.4** The development would provide up to 11 affordable housing units based on a 40% requirement Policy H9 and the terms secured through a S106 agreement. While this level of provision is a policy requirement, **significant positive weight** can be afforded to the delivery of affordable housing.
- 14.18.5** The development would secure investment and employment at the construction phase, to benefit local people and businesses. An increase in demand for council services from occupants of the development might offset any benefits from increased council tax receipts, but there would also be more expenditure in local services and facilities from new residents. Therefore, the economic benefits of the development carry **moderate positive weight**.
- 14.18.6** The forecast level of biodiversity net gain could be greater than any current development plan or legal target and would result in ecological enhancements. These benefits can be afforded **moderate positive weight**.
- 14.18.7** Improvements to on-site drainage represent a moderate positive weight although are largely designed in response to the proposed development rather than explicitly addressing an existing issue
- 14.18.8** Provision of landscaped footpath corridor for use by the public- **Afforded Limited Positive weight**.
- 14.18.9** **Limited Positive weight** has been given to the commitments towards achieving the optimum use of energy conservation and efficiency measures beyond the requirements of that stipulated within the Council's corporate Interim Climate Change Planning Policy (2021)
- 14.19** **Adverse impacts of the development:**
- 14.19.1** The development would have a **significant negative effect** on the landscape, character and appearance of the site and surrounding area. It would significantly diminish the local value of the landscape and would neither protect nor enhance the natural and local environment, in the context of the NPPF. It would have a significant negative effect on visual impact on the character and appearance of not only the site but also the wider countryside and surrounding area
- 14.19.2** The proposed development would result in the permanent loss of the agricultural land that is defined as the Best and Most Versatile (BMV) agricultural land Grade 2, this is afforded moderate negative effect. It is noted the Planning Inspector deciding the previous appeal on this site, did not raise any concerns in regard to the loss of agricultural land. The development would have a **moderate negative effect** on the provision of agricultural land and result in conflict with Policy ENV5.

**14.20 Neutral Factors:**

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

**14.21 Q) Other matters**

**14.21.1** From 1 October 2013 the Growth and Infrastructure Act inserted two new provisions into the Town and Country Planning Act (1990) ('the Act'). Section 62A allows major applications for planning permission, consents and orders to be made directly to the Planning Inspectorate (acting on behalf of the Secretary of State) where a local planning authority has been designated for this purpose.

**14.21.2** The Planning Inspectorate will appoint an Inspector to determine the application. The Inspector will be provided with the application documents, representations and any other relevant documents including the development plan policies. Consultation with statutory consultees and the designated LPA will be carried out by the Planning Inspectorate.

**14.21.3** The LPA also must carry out its normal notification duties, which may include erecting a site notice and/or writing to the owners/occupiers of adjoining land

**14.21.4** The LPA is also a statutory consultee and must provide a substantive response to the consultation within 21 days. This should include a recommendation, with reasons, for whether planning permission should be granted or refused, and a list of conditions if planning permission is granted.

**14.21.5** The Planning Inspectorate will issue a formal decision notice incorporating a statement setting out the reasons for the decision. If the application is approved the decision will also list any conditions which are considered necessary. There is no right to appeal.

**15 CONCLUSION**

**15.1** Due to the nature of this application process, it is not possible to provide a detailed assessment of any traffic and transportation, design considerations relating to this proposal. Neither have any neighbour considerations been factored into this assessment.

**15.2** Following the above assessment and tilted balancing exercise, the harm caused by the proposed development is considered to significantly and demonstrably outweigh the overall benefits of the scheme, when assessed against the policies in this Framework taken as a whole (NPPF

Paragraph 11d (ii). In the circumstances, the proposal would represent sustainable development in accordance with the NPPF.

**15.3** The Case Officer's assessment of the application considers the following:

It is acknowledged that the 'tilted balance' identified within the Framework is engaged. In the case of this application, this means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

**15.4** Overall, it is considered that the harm to the openness and character of the countryside, loss of agricultural land and unsustainable location of the site significantly and demonstrably outweighs the benefits of the development when assessed against the Framework taken as a whole;

- The proposal will introduce a sizable residential development to an area of open countryside. This would appear out of character with the open rural site and pattern of development within Clavering, this will be therefore harmful to the rural character of the immediate and surrounding area. The proposal would not be appropriate for this rural location and would be contrary to Uttlesford Local Plan Policies (adopted 2005) S7, GEN2 and the NPPF.
- The proposals by reason of its inappropriate size and scale would amount to the significant loss to best and most versatile ('BMV') agricultural land contrary to Policy ENV5 of the Uttlesford District Council Adopted Local Plan and Paragraph 174(b) of the National Planning Policy Framework.
- As a result of the location of the application site it is considered that the proposal would not encourage the use of movement by means other than driving of a car to even local facilities. As such the proposal is considered contrary to Policy GEN 1(e) of the Uttlesford Adopted Local Plan 2005.

**15.5** The unique application process that is presented by this submission, requires the Local Planning Authority to advise the Planning Inspectorate whether or not it objects to this proposal. Having regard to the limited opportunity to consider the proposals the Planning Committee is invited to provide its comments on this proposal.