



**The Town and Country Planning  
(Section 62A Applications)  
(Hearings) Rules 2013  
ISSUES REPORT**

**Application Reference No:** S62A/2023/0030

**Applicant:** Baya Group (Mr M Forbes)

**Description of proposal:** 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.

**Site address:** Land to the west of Clatterbury Lane, Clavering, Essex

**Report prepared by:** D J Board BSc (Hons) MA MRTPI

**Hearing to be held on:** Friday 10 May 2024

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**Proposal and background**

1. The application seeks the erection of up to 28 dwellings. It is made in outline with all matters other than access reserved for future consideration by a planning authority.
2. In 2012 a scheme for erection of 31 dwellings was refused by the Council and subsequently dismissed at appeal.
3. Decisions on planning applications are made in accordance with the development plan unless material planning considerations indicate otherwise. The Development Plan comprises the Uttlesford Local Plan 2005 (LP). The most relevant policies in this case are S7, GEN1, GEN2, GEN3, ENV2, ENV5, H9. The revised National Planning Policy Framework published on 19 December 2023 (the Framework) contains relevant national planning policies and is a material consideration.
4. Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision-maker to pay special regard to the desirability of preserving Listed Buildings, their settings, and any architectural features they may possess.

**Procedural matters**

5. This application was made under Section 62A of the Town and Country Planning Act 1990, which allows for applications directly to the Planning Inspectorate where an LPA has been designated by the Secretary of State.

6. As the appointed person I have determined that a Hearing is appropriate in this case. This is to be held on Friday 10 May 2024, opening at 10am, at Council Chamber, Uttlesford District Council, London Road, Saffron Walden, CB11 4ER.
7. It will be conducted in accordance with The Town and Country Planning (Section 62A Applications) (Hearings) Rules 2013. This Issues Report is issued in accordance with Rule 5 of these Rules.
8. The application has been screened under The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017, (as amended). This development is not Environmental Impact Assessment (EIA) development.
9. The application was received on 5 December 2023 and validated on 10 January 2024. The notifications were made, and the consultation period then began on 16 January 2024. This allowed for responses by 13 February 2024. All comments have been provided and published on the gov.uk website relating to this case<sup>1</sup>.
10. Following response from the ECC Lead Local Flood Authority and Local Highway Authority the applicant requested that the Hearing was postponed giving an opportunity for a response to be sent to these comments. This was received on 20 February 2024 and is also published on the gov.uk website relating to the case under the heading 'Planning Inspectorate Correspondence'.
11. Responses were received from a number of local residents and:
  - Affinity Water Ltd
  - Cadent Gas Ltd
  - ECC Minerals and Waste
  - ESP Utilities
  - Essex Police Designing out Crime
  - HSE
  - MAG Highways
  - National Grid
  - SSE Utility Solutions
  - UDC Housing Strategy Enabling Development Officer
  - UDC Urban Design
  - UK Power Networks
  - Environment Agency
  - MAG Safeguarding
  - NATS Safeguarding
  - Place Services – Historic Environment
  - UDC Heritage Conservation
  - Clavering Parish Council
  - ECC Lead Local Flood Authority
  - Hertfordshire and Essex Integrated Care Board
  - Natural England
  - Thames Water
  - ECC Highways and Transportation
  - ECC Infrastructure Planning Officer
  - National Highways

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<sup>1</sup> [Section 62A Planning Application: S62A/2023/0030 Land to the west of Clatterbury Lane, Clavering, Essex - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118444/S62A/2023/0030_Land_to_the_west_of_Clatterbury_Lane,_Clavering,_Essex_-_GOV.UK.pdf)

12. Uttlesford District Council submitted a comprehensive Officer's Committee Report and confirmed that the Local Planning Authority objects to the proposal.

### **Main issues**

13. Since the initial submission, the Local Highway Authority has confirmed that it no longer objects subject to the imposition of conditions. Accordingly, the following are the main issues to be considered in respect of the application:
  - The effect of the development on the character and appearance of the site and surrounding area.
  - The effect of the scheme on nearby heritage assets.
  - Whether the scheme would be at risk from flooding, having particular regard to sustainable drainage.
  - Whether the scheme would make appropriate provision for infrastructure, including the provision of affordable housing.
  - The benefits of the proposal, compliance with the development plan, and the overall planning balance.

### **Other issues**

14. A number of other issues have been raised by interested parties. This includes, but not limited to nearby development on brownfield land, lack of community consultation, highway issues, pedestrian safety, removal of vegetation, effects on local wildlife and provision of healthcare.

### **Conditions**

15. The Council and some consultees have recommended or suggested conditions if the application is to be permitted. Without prejudice, these will be discussed at the Hearing as appropriate. Any discussion of their merits does not indicate that a decision has been made on the application, but only that the conditions suggested are to be assessed as to whether they are necessary, relevant, enforceable, precise and reasonable.
16. It would aid proceedings if, without prejudice to anyone's position, the Council and Applicant provide a final draft of suggested conditions to the appointed person via the case officer before the Hearing opens. These will be published on the gov.uk website.

### **Planning obligation**

17. The Council's report and response to the scheme sets out, without prejudice to the decision, a number of matters that should be secured through any legal agreement.
18. The Council should supply a brief but concise 'CIL Compliance' type document which demonstrates how any monies sought for infrastructure align with policies of the adopted development plan. This should also include a short section on the justification for the affordable housing contained within submitted legal agreement under s106 of the TCPA.

## **Site Visit**

19.I undertook an unaccompanied site inspection on Wednesday 6 March 2024 to the application site and its surroundings. At the Hearing I will consider whether a further visit to the site visit will be necessary and whether that visit will be accompanied or unaccompanied.

*D J Board*

INSPECTOR (Appointed person under s76D TCPA)