

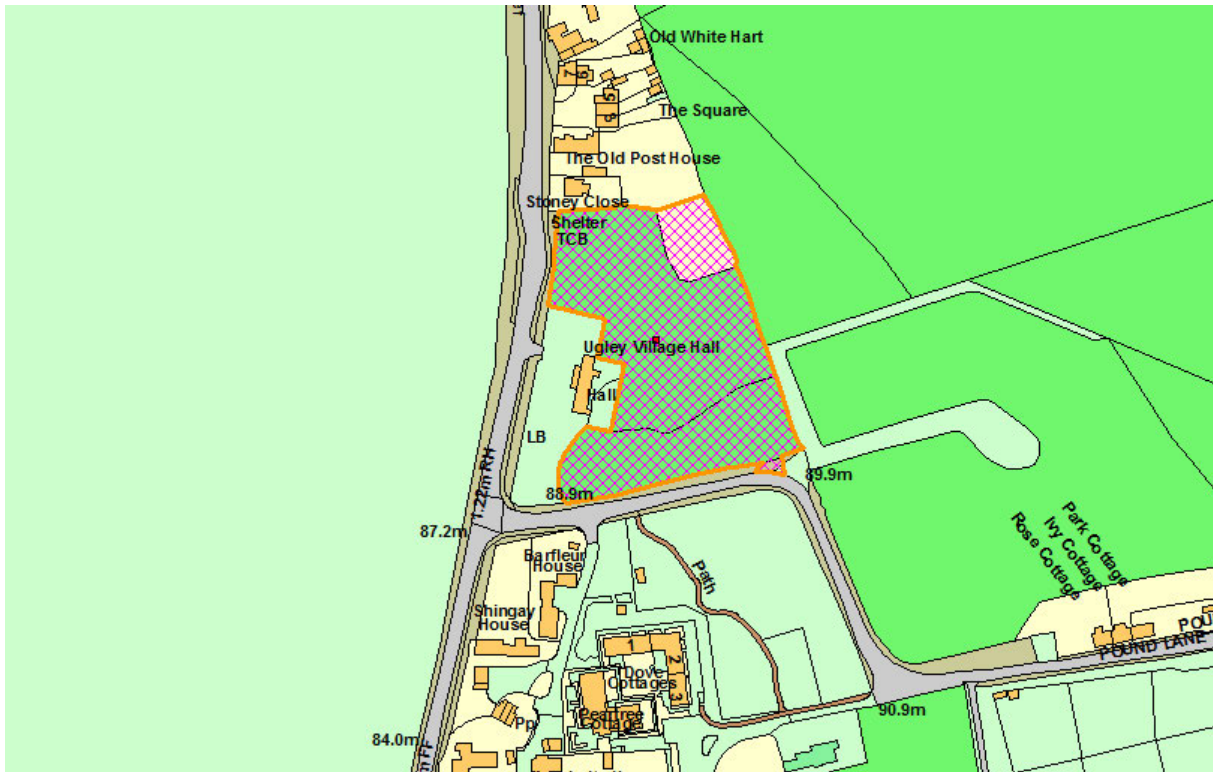
ITEM NUMBER: 6

PLANNING COMMITTEE DATE: 16 October 2024

REFERENCE NUMBER: UTT/24/1958/PINS

LOCATION: Land Adj. To Village Hall, East Of Cambridge Road, Ugley

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 24 September 2024

PROPOSAL: Consultation on S62A/2024/0058 - Construction of 16 dwellings including 40% affordable housing and associated infrastructure

APPLICANT: Pelham Structures Ltd

AGENT: Mrs S Greaves (Pelham Structures Ltd)

EXPIRY DATE: 3 October 2024

EOT Expiry Date 18 October 2024

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.

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 east of Ugley Village Hall, wrapping around the hall and car park, to the east of Cambridge Road. The site is approximately 1ha and to the south of the site is the Grade II Listed Building of Shingay House.

2.2 In terms of local designations, the site is defined as being outside of the settlement boundaries and thereby located in the countryside. The Environmental Agency Flood Risk Maps identifies a site to be located within 'Flood Zone 1'. The site does not fall within or abuts a conservation

area, although there are nearby listed buildings. There are no local landscape designations within or abutting the site.

3. PROPOSAL

3.1 This S62a seeks planning permission for the construction of 16 dwellings including 40% affordable housing and associated infrastructure.

3.2 The proposal includes a vehicle access from Pound Lane and a new pedestrian access into the site from Cambridge Road. The properties have been arranged with the site topography and orientation in mind, as well as the existing trees and hedging. The existing vegetation and trees will be retained wherever possible.

3.3 Each property benefits from a south facing area of garden albeit some will be shaded by the existing trees. The house designs have been influenced by the local vernacular styles found in Ugley and the surrounding villages. The buildings in this area tend to follow a traditional form and have a varied material pallet reflective of the periods of construction.

3.4 The proposal will include the following housing scheme:

Private Sale 60% (10 Units).
Affordable 40% (6 Units)

3.5 The proposed housing mix includes the following:

Plot	Tenure	Storey Height	Beds
1	OM	2	2
2	OM	2	2
3	Affordable	2	3
4	Affordable	2	2
5	Affordable	2	3
6	Affordable	2	2
7	Affordable	2	3
8	OM	2	3
9	OM	2	3
10	OM	2	4
11	OM	2	4
12	OM	2	4
13	OM	2	4
14	Affordable	1	1
15	OM	2	3/4
16	OM	2	3

3.6 The application includes a Design and Access Statement in support of the planning application to illustrate the process that has led to the development proposal and to explain and justify the proposal in a structured way.

3.7 Also included with the application:

- Drainage Statement
- Flood Risk assessment
- Ecology Report
- Heritage Impact Statement,
- Biodiversity Metric
- Transport Statement,
- Foul Sewage Statement,
- Landscape and Visual Appraisal,
- Landscape Study,
- Contamination Assessment

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

Reference	Proposal	Decision
UTT/1742/05/FUL	Extension to car park	approved
UTT/2184/04/FUL	Extension to village hall car park	Refused

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.

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 **Essex County Council – Archaeology**

9.1.1 The proposed development lies at a distance from the historic settlement of Ugley Green and although there are known archaeological deposits identified from cropmark evidence to the north west, north and south of the proposed development site this application is unlikely to directly impact these deposits (EHER9845, 46546, 47988). Therefore, no archaeological recommendations are being made on this application.

9.2 **UDC Urban Design Officer**

9.2.1 The proposal is, in general terms, compatible with the surrounding buildings in terms of scale, massing, and form. Ugley is a relatively dispersed settlement and so this development would create a node of increased density relative to existing dwellings along Pound Lane. However, given the sites proximity to the B1383 and the sites use as a former gravel pit, this is considered to be a sustainable location for development. The layout in design terms is acceptable and the scheme broadly complies with the Uttlesford Design Code, subject to comments below.

9.3 **UDC Environmental Health Officer**

9.3.1 No objections subject to the following conditions:

- Contamination- it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site therefore a condition should be included.
- Noise- the development should be constructed to provide sound attenuation and secured by conditions.
- Construction Management Plan to be submitted and approved.
- Details of external lighting to be submitted and approved.

9.4 **ECC Place Services (Ecology)**

9.4.1 Holding Objection

9.4.1.1 We have reviewed the documents supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation.

9.4.1.2 We are not satisfied that there is sufficient ecological information available for determination of this application in relation to bats.

9.5 UDC Housing Officer

9.5.1 UDC Housing have no objections to this application for 16 units including 6 affordable units which meets the 40% affordable housing requirement.

9.5.2 The proposed affordable mix would provide 1-to-3-bedroom properties to assist towards meeting the identified housing need. Each property should meet the NDSS and 5% of the properties need to meet M4(3) requirements.

9.5.3 Each property would be constructed to incorporate a good range of eco-technology/renewable energy systems as outlined within the Design and Access Statement.

9.6 Essex Police

9.6.1 We strongly recommend that the developer seeks to achieve the relevant Secured by Design accreditation detailed within the current Secured by Design Homes guide for the development, (<https://www.securedbydesign.com/guidance/design-guides>)

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,:

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

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

(c) any other material considerations.

11.3 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to 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.

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 Policy S7 – The countryside
Policy GEN1- Access
Policy GEN2 – Design
Policy GEN3 -Flood Protection
Policy GEN4- Good Neighbourliness
Policy GEN5 –Light Pollution

Policy GEN6- Infrastructure Provision
 Policy GEN7 - Nature Conservation
 Policy GEN8- Vehicle Parking Standards
 Policy H9- Affordable Housing,
 Policy H10- Housing Mix
 Policy ENV2- Development affecting Listed Buildings
 Policy ENV3- Open Space and Trees,
 Policy ENV4- Ancient monuments and Sites of Archaeological Importance
 Policy ENV5- protection of Agricultural Land
 Policy ENV10-Noise Sensitive Development,
 Policy ENV13- Exposure to Poor Air Quality

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)
 Uttlesford Design Code (2024)

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**

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.

14.3.2 The location of the development 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. 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** Due to the location of the site and limited sustainable transport options, 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
- 14.3.4** 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.
- 14.3.5** 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.
- 14.3.6** 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.
- 14.3.7** 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.
- 14.3.8** The applicant has advised the site was once a quarry and therefore is previously developed land. The NPPF encourages the use of previously developed land for new development. Policy H1 of the Uttlesford Local Plan also encourages the use of previously developed land but this policy is stated as being relevant to a specific period of time, namely 2000-2011.
- 14.3.9** In conclusion to the principle and location of the proposed development, the introduction of the dwellings will be in conflict with ULP Policy S7. 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 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.
- 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 on the immediate setting and appearance of the site as it would result in the introduction of significant built form. Although through landscaping the proposal could be well screened, it would still likely result impact the impact on the wider landscape through long distance, short range and glimpsed views of the development/ site, albeit as per the landscape appraisal this is considered to have a lower level of harm.
- 14.4.3** A landscaped area and buffer would be provided to the western boundary and eastern 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 travelling along Pound Lane and Cambridge 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** In regards to design, scale and layout of the dwellings, this will include a mixture of larger detached dwellings, and smaller semi-detached dwellings. The Council's Urban Design Officer has revived the proposal and in general terms it is compatible with the surrounding buildings in terms of scale, massing, and form.
- 14.4.6** The applicant has provided a rebuttal statement in regards to the comments raised by the urban Design officer this includes:
- 14.4.6.1** Proposed road and pedestrian access
The proposed road will consist of a shared surface material such as block paving. There will also be a new pedestrian access from the pavement adjacent to the B1383 running alongside the village hall car park area. This will give direct access to the public footway as well as the existing bus stop as indicated.

14.4.6.2 Cycle / refuse storage

Cycle and refuse storage is provided within the garages and sheds / secure storage in the rear gardens. It was noted that plot 4 (mid-terrace) did not have suitable provision, this has now been relocated adjacent to the parking area for easier access.

14.4.6.3 Parking

The driveway to plot 11 has been widened to remove the 'triple tandem' parking arrangement. Parking is also allowed for within garages. As such, there are no longer any properties now with 'triple tandem' parking.

14.4.6.4 Communal amenity

It is proposed to erect a post and rail fence around the communal open space to the south east corner of the site to separate from the site entrance with a gate for access and maintenance to the north side. Please refer to the amended site plan. This area is approximately 460sqm.

14.4.7 Whilst the design of the scheme is considered acceptable and the proposal could include an enhanced landscaping strategy it is not considered this alone will sufficiently mitigate the introduction of the built form and change to the appearance of the site.

14.4.8 In regards 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.

14.4.9 The location of the application site is in close distance to the nearby Listed buildings of Shingay House, Orford Hall and the Old Post House which form locally distinctive features and an important part of the development 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. 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.

14.5.3 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 today needs. For most local services and facilities, future occupiers would need to travel to larger settlements

14.5.4 It is noted the site does have limited sustainable transport options, whilst some opportunities for non-car travel are available in this area, these are limited. It is too far to walk to most local services, and in any case, the nearby highway and foot path do not have any lighting or pavements, are not particularly welcoming for pedestrians, this represents a conflict with Policy GEN1.

14.5.5 The Highway Authority have been consulted as part of this application and they are required to submit their comments directly to PINS.

14.5.6 In regard to parking the submitted site layout plan demonstrates sufficient off street parking for each dwelling that is in accordance with the aims of the adopted Uttlesford Parking Standards and ULP Policy GEN8. It is noted 4 visitor parking spaces have been provided which is in accordance with Essex Parking Standards advises.

14.6 D) Accessibility

14.6.1 Policy GEN2 and the SPD entitled 'Accessible Homes and Playspace' require compliance with the Lifetime Homes standards. However, these standards have effectively been superseded by the optional requirements at Part M of the Building Regulations, as explained in the PPG. Compliance with these requirements could be secured using a condition.

14.7 E) Amenity

- 14.7.1** Taking into account The Essex Design Guide, which represents non adopted but useful a guidance, it is considered the proposed scheme includes appropriately sized rear amenity space and that there would be no significant effects on amenity of neighbouring properties with respect to daylight, privacy or overbearing impacts.
- 14.7.2** The introduction of the dwellings will result in an increase of noise and disturbance, mainly due to the increase of vehicular movement within the site and noise from the residential use of the site. However, the layout and landscaping that would likely mitigate such impacts of the development.

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 and drainage has been submitted with this application which includes a drainage design has with a variety of SUDS features which will aid in the infiltration of surface water run-off, as well as pollution mitigation. The applicant's technicians have concluded that the drainage strategy is shown to operate surplus to requirements
- 14.8.3** The Lead Local Flood Authority have been consulted in regards to the development no comments have been received, any comments received are required to be submitted directly to PINS.
- 14.8.4** In regards to foul drainage, the site has no mains foul sewage within the vicinity of the application site. An appropriate engineered designed sewage system comprising of either septic tanks or sewage package treatment plants (whichever is deemed most suitable) will be the means to dispose of foul waste. A foul drainage scheme should be secured by condition.

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, this will include:

- Affordable Housing
- Provision and Management of Public Open Space

14.10 H) Protected species and biodiversity

14.10.1 Policy GEN7 and paragraph 185 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. This includes the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation

14.10.3 ECC Place Services (ecology) have been consulted as part of this application and have raised a holding objection in regard to insufficient information to assess the impact to protected species (bats).

14.10.4 Although further information is required to assess the impact to protected species, the ecology consult has advised the development include sufficient Biodiversity Net Gain, it is noted that off-site habitat creation will be required to make up the deficit of Habitat Units at the site. The applicant will need to register their site on the biodiversity gain site register in order for it to provide offsite Biodiversity Net Gains.

14.11 I) Archaeology

14.11.1 Essex County Council's Archaeological Officer has been consulted in regards to the development and has advised The proposed development lies at a distance from the historic settlement of Ugley Green and although there are known archaeological deposits identified from cropmark evidence to the north west, north and south of the proposed development site this application is unlikely to directly impact these deposits. No objections or further recommendations have been raised.

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 6 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 and a condition has been recommended to safeguard the use of the site from contamination.

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 ULP Policy GEN5 advises development will not be permitted if the scheme results in glare and light spillage from the site. It is not considered the residential development will result in any harmful impact from light pollution, however, it is recommended a condition is included for the submission and approval of a lighting scheme prior to the commencement of the development should planning permission be granted. Therefore, the development is capable of being in accordance with Local Plan Policy GEN5 in this respect.

14.17 O) Climate Change

14.17.1 Following the adopted UDC Interim Climate Change Policy (2021) due consideration should be made by developer to demonstrate the path that

their proposals take towards achieving net – zero carbon by 2030, and ways their proposal is working towards this in response to planning law, and also to the guidance set out in the NPPF and Planning Policy Guidance. The applicant has included detail within the planning statement how the proposal accords with this policy as set out in the following points.

- 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 could be 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.

14.17.2 In promoting sustainable travel, the development could provide appropriate storage for cycles, electric vehicle charging points and the provision of a residential travel pack for future occupiers.

14.17.3 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.

14.17.4 If planning permission is granted a condition should be included that requires the submission of details for the provision of domestic heating from a renewable source of energy, which may include but not be limited to the installation of PV solar panels shall be submitted to and approved prior to the occupation of the development.

14.17.5 The development is in accordance with the Interim Climate Change Policy 2021, Local Plan Policy GEN2 and the NPPF

15. PLANNING BALANCE AND CONCLUSION

15.1 Paragraph 226 of the NPPF allows for Council's that have reached Regulation 18 or 19 stage of the plan-making process, including the publication of both a policies map and proposed allocations towards meeting housing need, to only be required to identify deliverable sites equating to a minimum of 4 years' worth of the local housing need. Paragraph 226 was engaged on 8th August 2024, following UDC publication of its Regulation 19 Local Plan. As of 20th August 2024 the Council can demonstrate a 4.12 years housing land supply (which includes a 20% buffer).

15.2 On the 30 July 2024, the Government published its proposed changes to the NPPF for consultation (closing on 24th September 2024). These changes include removing paragraph 226 in its entirety and if this change is made this will remove the 4 year housing land supply position. This will mean that the housing land supply position will revert back to the requirement to demonstrate a 5 year housing land supply regardless of the position with the emerging Local Plan. UDC thus assume that this is the direction of travel and that while the Council can currently demonstrate a 4 year housing land supply this will revert to 5 years in the short-term. Given these unusual circumstances the Council has decided to continue engaging the presumption in favour of sustainable development under paragraph 11(d) of the NPPF.

15.3 **Benefits of the Development**

In respect to addressing the benefits of the proposed development, the following sets out the benefits and weight applied:

- 10% affordable housing units (6 units)- significant weight
- Contribution to the supply of housing – significant weight
- Contribute to the local economy, during construction and future occupation of the houses- moderate weight
- Improvement to the village hall car park- moderate weight
- Securing Bio diversity net gain- moderate weight
- Quality build and design, fabric to dwellings and the provision of air source heat pumps and photo voltaic panels. Each dwelling would also be provided with an electric vehicle charging point- Afforded Limited Positive weight
- Encouraging pedestrian and cycle use to through improved walking routes and provision of convenient and secure cycle storage; Afforded Limited Positive weight
- New tree and hedgerow planting which will bring ecological and environmental benefits; Afforded limited to moderate positive weight.

- Retention of trees to the boundary of the site- Afforded Limited Positive weight
- Delivery of high-quality design with appropriate scale, form, density, architecture and materials- Afforded Limited Positive weight.

15.4 Adverse impacts of the development

15.4.1 The development would have a significant negative effect on the immediate landscape, character and appearance of the site due to the introduction of built form to the site. Whereas the wider landscape harm will would have a lower /limited negative harm. It would 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.

15.4.2 Key Points Include:

- The site is not allocated for housing in the Uttlesford Local Plan 2005,
- Character and appearance of the countryside is consistent with the NPPF and can be afforded considerable weight.
- The proposal will significantly harmfully alter the character of the site.
- The proposal would detract from the open character of the countryside.
- 16 dwellings only offered limited benefits that would not outweigh the loss of open countryside.

15.5 Neutral Factors:

15.5.1 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.

15.6 Q- Other matters

15.6.1 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.

- 15.6.2** 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.
- 15.6.3** 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
- 15.6.4** 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.
- 15.6.5** 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.

16 **CONCLUSION**

- 16.1** Due to the nature of this application process, it is not possible to provide a detailed assessment of any traffic and transportation, neither have any neighbour considerations been factored into this assessment.
- 16.2** 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 not represent sustainable development in accordance with the NPPF.
- 16.3** The Case Officer's assessment of the application considers the following:
- 16.3.1** 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.
- 16.3.2** Overall, it is considered that the harm to the openness and character of the countryside 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 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.

- 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.
- The application has not provided sufficient information or evidence to demonstrate that the proposals would not adversely affect protected species. Therefore it is not possible to fully assess the potential impacts of the development and enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 and prevent wildlife crime under s17 Crime and Disorder Act 1998. As such is contrary to the ULP Policy GEN7, the NPPF and the statutory duties imposed on local planning authorities

16.4 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.