

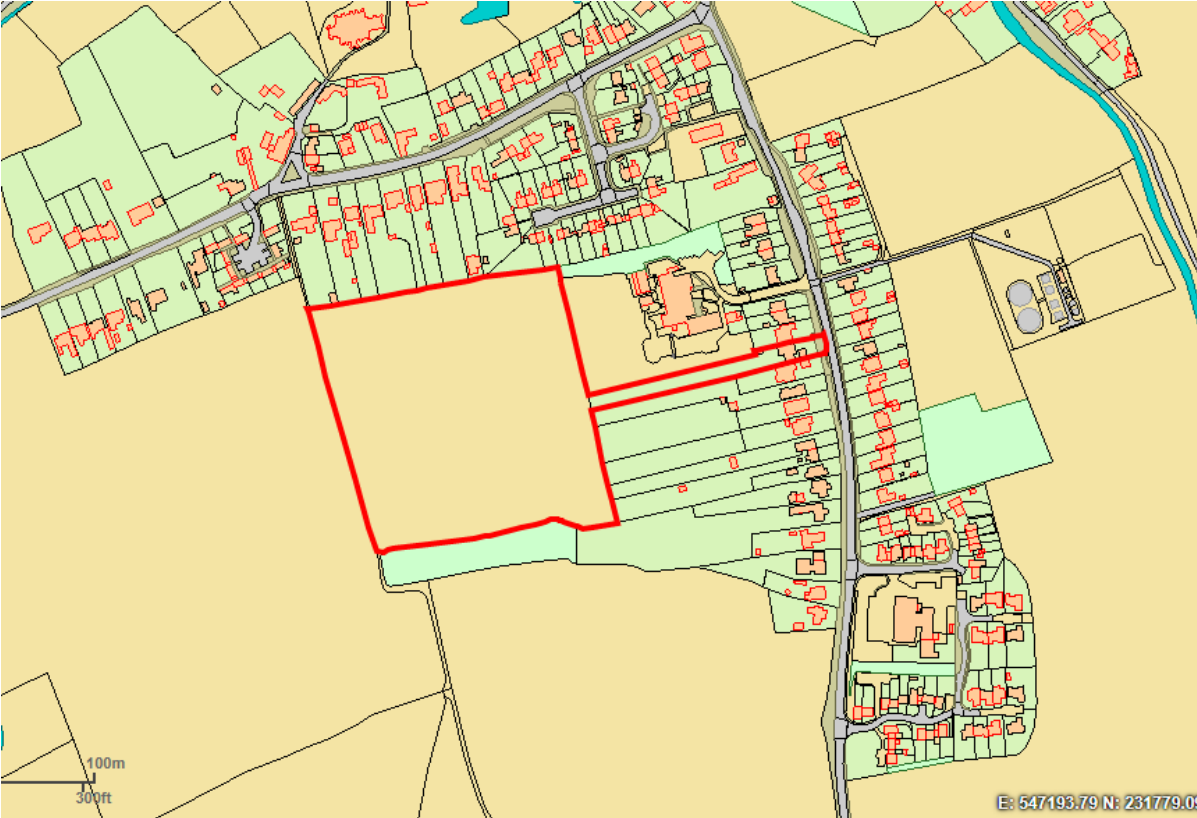
**ITEM NUMBER:** 12

**PLANNING COMMITTEE DATE:** 31 August 2022

**REFERENCE NUMBER:** UTT/22/1103/DFO

**LOCATION:** Land To The West Of Stortford Road Clavering

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council Date: 18<sup>th</sup> July 2022**

**PROPOSAL:** Details following outline application UTT/20/2639/OP for the erection of 31 no. dwellings and 38 no. parking spaces - details of appearance, landscaping, layout and scale

**APPLICANT:** Pelham Structures Ltd

**AGENT:** N/A

**EXPIRY DATE:** 30 June 2022

**EOT Expiry Date** 2 September 2022

**CASE OFFICER:** Chris Tyler

**NOTATION:** Outside Development Limits

**REASON THIS APPLICATION IS ON THE AGENDA:** Major Application

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## 1. **EXECUTIVE SUMMARY**

- 1.1 This scheme is for 31 dwellings and follows an Outline application reference UTT/20/2639/OP. As such the principle of the development has already been established. There are no further relevant changes in planning policy since that date that would alter that decision. The reserved matters to be considered are therefore only appearance, layout, landscaping, which are considered below.
- 1.2 The layout, scale and appearance of the development is considered appropriate in terms of the character of the site and surrounding area. The size of amenity areas and parking provisions are acceptable. The development accords with ULP Policies S7, ENV3, GEN2, GEN8 and the NPPF.
- 1.3 The landscaping details are considered appropriate for the site subject to conditions and therefore accords with ULP Policies S7, GEN2, and ENV3.
- 1.4 From the information submitted and observations during the Case Officers site visit the proposal will not result in any harm to protected sites, habitats or protected and priority species.

## 2. **RECOMMENDATION**

That the Director of Planning be authorised to **GRANT** permission for the development subject to those items set out in section 17 of this report -

A) Conditions

**3. SITE LOCATION AND DESCRIPTION:**

**3.1** The application site consists of detached dwelling which faces onto Stortford Road. Open fields are to the rear of the residential curtilage of the dwelling know as Poppies. To the north east of the main site is the Clavering Primary School and to the north of the site are the residential properties along Pelham Road.

**3.2** To the west of the application site a public right of way joins the north of the site (Pelham Road) to the south of the Clavering.

**4. PROPOSAL**

**4.1** This application is for the reserved matter, seeking approval of the details of appearance, layout, scale and landscaping for the erection of 31 no. dwellings and 38 no. parking spaces following approval of outline planning permission UTT/20/2639/OP.

**4.2** The principle for development, including the access arrangements into the site from Stortford Road has already been approved as part of the Outline application. These aspects do not therefore form part of the considerations with this current Reserved Matters submission.

**4.3** The current Reserved Matters application seeks approval for the detailed elements of the scheme comprising:

- Layout, elevations, materials of construction,
- House size, types and mix of units,
- Public open space, play space,
- Landscaping,

**4.4** The proposal will include the following housing scheme.

**4.5**

PLOT	TENURE OM= Open Market	STOREY HEIGHT	DWELLING TYPE	BEDROOMS	PARKING
1	OM	2	DETACHED HOUSE	5	6
2	OM	2	DETACHED HOUSE	5	4
3	OM	2	DETACHED HOUSE	6	4
4	OM	2	DETACHED HOUSE	6	4
5	OM	2	DETACHED HOUSE	5	6
6	OM	2	DETACHED HOUSE	4	6
7	OM	1	DETACHED BUNGALOW	2	3
8	OM	1	DETACHED BUNGALOW	3	4
9	OM	2	DETACHED HOUSE	3	4
10	Affordable Shared Ownership	2	SEMI DETACHED HOUSE	3	2
11	Affordable Shared Ownership	2	SEMI DETACHED HOUSE	2	2

12	OM	2	DETACHED HOUSE	3	5
13	OM	2	DETACHED HOUSE	4	5
14	OM	2	DETACHED HOUSE	4	5
15	OM	1	DETACHED BUNGALOW	2	5
16	OM	2	DETACHED HOUSE	3	5
17	OM	2	DETACHED HOUSE	5	4
18	OM	2	DETACHED HOUSE	4	4
19	Affordable-Rent	1	DETACHED BUNGALOW	2	2
20	Affordable-Rent	2	TERRACE	3	2
21	Affordable-Rent	2	TERRACE	2	2
22	Affordable-Rent	2	TERRACE	3	2
23	Affordable-Rent	2	SEMI DETACHED HOUSE	1	2
24	Affordable-Rent	2	SEMI DETACHED HOUSE	2	2
25	Affordable-Rent	2	SEMI DETACHED HOUSE	2	2
26	Affordable-Rent	2	SEMI DETACHED HOUSE	1	2
27	OM	2	DETACHED HOUSE	4	4
28	OM	2	DETACHED HOUSE	4	4
29	OM	2	DETACHED HOUSE	3	5
30	Affordable Shared Ownership	2	SEMI DETACHED HOUSE	2	2
31	Affordable Shared Ownership	2	SEMI DETACHED HOUSE	3	2

**5. ENVIRONMENTAL IMPACT ASSESSMENT**

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

**6. RELEVANT SITE HISTORY**

Reference	Proposal	Decision
UTT/18/1256/OP	Outline application for up to 31 no. Dwellings (net gain of 30 units), with all matters except access reserved. Demolition of 'Poppies' and alterations to access onto Stortford Road to create access road.	Refused- 1/4/2019  Appeal Dismissed on grounds of impact to the countryside location.

UTT/20/2639/OP	Outline application with all matters reserved except for access for the demolition of "Poppies" and the erection of up to 31 no. dwellings and 38 no. visitor parking spaces	Approved- 21/12/21
UTT/22/0399/FUL	Proposed demolition of dwelling and construction of access road.	Approved 9/5/21

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

7.1 The LPA is unaware of any consultation exercise carried out by the applicant for this Reserve Matters application.

## **8. SUMMARY OF STATUTORY CONSULTEE RESPONSES**

### **8.1 Highway Authority – No Objection**

8.1.1 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following mitigation and conditions:

1. Dwellings shall not be occupied until such time as their associated vehicle parking area is provided, the vehicle parking areas and associated turning areas shall be retained in this form at all times.
2. Dwellings shall not be occupied until such time as their associated cycle parking indicated on the approved plans, has been provided.
3. Any planting adjacent to the public rights of way to be planted a minimum of 3m from the extent of the public right of way.

See Appendix 1

### **8.2 Local Flood Authority - Objection**

8.2.1 The pond appears to be in the rear garden of plot 1. If this pond is to be used as part of the drainage strategy this would be an unsuitable location with regard to long term maintenance concerns.

See Appendix 2

### **8.3 ECC Education**

8.3.1 No comments received.

## **9. PARISH COUNCIL COMMENTS - Objection**

9.1 The development is contrary to the NPPF which seeks to protect the character and the beauty of the countryside as it causes severe harm to the attractive, open and relatively undeveloped upland landscape that surrounds the village.

Conditions imposed on the outline planning permission and the planning approval to demolish the dwelling of Poppies still need to be addressed.

This application varies from the outline planning permission Clavering Parish Council (CPC) reminds UDC that the Site Plan of the Outline Permission was relied upon by Uttlesford's Planning Committee to give credence to the statement that they had taken on board the comments of the Planning Inspector who had refused. The Planning Inspector dealing with the previous appeal advised the proposal would be an appreciable departure from the existing settlement pattern and would adversely affect the character and appearance of the area.

The details in the outline planning permission stated no ridge line would rise above 110m above sea level of which this current reserved matter exceeds.

The reserved matters application has an increase-built form and some larger houses.

The large houses will result in increased traffic movements,

No details have been provided in regard to the fowl drainage,

Two of the proposed 6 bedroomed houses each have 4 parking spaces, yet the three 5 bedroomed houses each have 6 parking spaces, one four bedroomed house has 6 parking spaces and a 2 bedroomed house has 5 parking spaces.

The application includes fewer trees to be planted,

The application includes a number of inaccuracy's

## 10. **CONSULTEE RESPONSES**

### 10.1 **UDC Housing Enabling Officer – No Objection**

10.1.1 The affordable housing provision on this site will attract the 40% policy requirement as the site is for 31 properties. This amounts to up to 12 affordable housing properties and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

It is also the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). The proposed mix of the affordable properties based upon the need identified in the SHMA 2017 was provided at the outline application stage and was as follows:-

	1 bed flat/house	2 bed house	2 bed bungalow	3 bed house	total
Total affordable properties (number)	2	5	1	4	12
Affordable rent	2	3	1	2	8
Shared ownership	0	2	0	2	4

A schedule of accommodation has not been provided as part of this reserved matters application but from the site plan provided I have assumed that the following plots are the affordable provision:-  
Plots 10,11, 19 to 26, 30 and 31

These 12 plots correlate with the identified mix in the table above and I am pleased to note that each of the proposed properties meet or exceed the NDSS and the private amenity space recommended in the Essex Design Guide.

**10.2 UDC Environmental Health – No Objection**

**10.2.1** This service has been consulted following the submission of information after the outline permission of the above application. Having reviewed this information, none of which relates to Environmental Health, this service has no comments.

**10.3 UDC Landscape Officer/Arborist – No Objection**

**10.3.1** No objection raised subject to condition for further landscape enhancement.

**10.4 Place Services (Conservation and Heritage) – No Objection**

**10.4.1** The proposals have the potential to affect the setting of the Clavering Conservation Area and several listed buildings. Overall, the submitted details for the proposed appearance, landscaping, layout and scale are not considered to result in any additional harm and is therefore considered acceptable. However, the proposed materials for the windows and doors are not clearly specified for each plot.

Were permission to be granted, I request a condition is attached which secures samples of the proposed external materials, including windows and doors.

**10.5 Place Services (Ecology)**

**10.5.1** No comments received.

**10.6 Place Services (Archaeology) – No Objection**

**10.6.1** Subject to conditions:

1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation.
2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI in 1 above.
3. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority)

**10.7 Thames Water**



- 10.7.1** No development shall be occupied until confirmation has been provided that either:-
1. Foul water Capacity exists off site to serve the development;
  2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan,
  3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed. Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](http://thameswater.co.uk/preplanning)

**10.8 BAA Safeguarding**

**10.8.1** No Objections

**10.9 Affinity Water**

**10.9.1** No comments

**10.10 Open Space Society**

**10.10.1** No comments received.

**11. REPRESENTATIONS**

**11.1** Site notice/s were displayed on site and 249 notifications letters were sent to nearby properties. The application was also advertised in the local newspaper. Numerous representations were received from neighbouring resident and the following observations have been made.

**11.2 Support**

**11.2.1** N/A

**11.3 Object**

- 11.3.1**
- Harmful impact to the character of the countryside,
  - Overbearing impacts to the existing properties,
  - The elevated position of the site will result in an intrusive appearance above the current properties,
  - Increase of vehicle movements,
  - Impact to highway safety,

- In sufficient manoeuvrable space within the site,
- No provision for cyclists,
- Loss of trees and vegetation,
- Air quality impact
- Noise Impact,
- Insufficient parking,
- The scale and positioning of the dwelling has changed following the outline planning permission,
- No management for the woodland area

#### **11.4 Comment**

**11.4.1** This application considers the Reserved Matters of appearance, layout, scale and landscaping for the erection of 31 no. dwellings and 38 no. parking spaces following approval of outline planning permission UTT/20/2639/OP. Details of principle are not a consideration for this application. All material planning matter will be considered in the following report.

### **12. MATERIAL CONSIDERATIONS**

**12.1** In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

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

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

#### **12.4 The Development Plan**

**12.4.1** 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 Neighbourhod Plan (made July 2022)

### **3. POLICY**

#### **13.1 National Policies**

**13.1.1** National Planning Policy Framework (2021)

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

S7 – The countryside  
GEN1- Access  
GEN2 – Design  
GEN3 -Flood Protection  
GEN4- Good Neighbourliness  
GEN5- Light pollution  
GEN6- Infrastructure to support development  
GEN7 - Nature Conservation  
GEN8- Vehicle Parking Standards  
H9- Affordable Housing  
H10- Housing Mix  
ENV1- Design of development within the conservation area  
ENV2- Development affecting Listed Buildings.  
ENV3- Open Space and Trees  
ENV4- Ancient Monument and sites of Archaeological Importance  
ENV5- Protection of Agricultural Land  
ENV11- Noise generators  
ENV13- Exposure to poor air quality  
ENV14- Contaminated land

#### **13.4 Supplementary Planning Document or Guidance**

Uttlesford Local Residential Parking Standards (2013)  
Essex County Council Parking Standards (2009)  
Supplementary Planning Document- Accessible homes and play space homes  
Essex Design Guide  
Uttlesford Interim Climate Change Policy (2021)

#### **14. CONSIDERATIONS AND ASSESSMENT**

**14.1** The issues to consider in the determination of this application are:

- 14.2**
- A) Layout of the development including the design, impact to amenity and Parking**
  - B) Scale and appearance of the development, including the design and impact to amenity**
  - C) Landscaping**
  - D) Nature Conservation**
  - E) Affordable Housing**
  - F) Archaeology**
  - G) Climate Change**

**14.3 A) Layout of the development including the design, impact to amenity and Parking**

**14.3.1** The proposed development provides a series of connected green spaces and incorporates a linked circular route through the adjoining woodland. This has formed a natural crescent at the centre of the development that will provide an attractive frontage as one passes through the development. Two footpaths will connect to the proposed woodland area and to the existing public right of way to the west of the site.

- 14.3.2** The layout will provide an appropriate siting of the dwellings, garages and public open space within the site and that is compatible with its surroundings. The access point will relate well to Stortford Road and will include additional landscaping will be provided when entering the site. The new access road was approved as part of the Outline planning permission and will create 15 dedicated parking bays alongside its length, plus a footpath. Traffic calming measures will line the length of the access road to ensure slow speed. In addition, a dedicated car park with a further 23 parking spaces would be created at the end of the access road.
- 14.3.3** The site layout has been heavily influenced by the topography of the site. The road has been set out to follow the contours of the site, to allow development to be focused to the lower parts of the site. This has formed a natural crescent at the centre of the development that will provide an attractive frontage as one passes through the development.
- 14.3.4** The visitor parking for the school has been positioned so that it is close to the Primary school but is screened from view by Plots 30, 31 and the green area which is proposed to be planted.
- 14.3.5** Refuse collection is proposed from within the site, with refuse vehicles travelling in forward gear, with room within the site for refuse vehicles to turn and exit the site in forward gear. Each dwelling is within the maximum collection and drag distances prescribed.
- 14.3.6** The development will include a layout that will provide an appropriate siting of the dwellings, garages and open public space within the site and that is compatible with its surroundings and nearby residential development. The design of the buildings is traditional and considered in keeping with residential development in the vicinity. The layout of the development provides sufficient distance and space between the properties and ensure the site is not overdeveloped or have a cramped appearance.
- 14.3.7** ULP Policy GEN2 also considers the impact to neighbouring properties in regard to loss of light, over shadowing, overlooking and loss of privacy. The layout of the development includes separation distances between the proposed dwellings and the existing neighbouring dwellings that ensures the development will not result in any loss of light, overshadowing that will have a harmful impact to neighbouring occupiers. The site plan submitted shows that the proposed dwellings as sited are unlikely to give rise to a significant loss of residential amenity to adjacent dwellings and would be in accordance with the aims of the Essex Design Guide. Sufficient distance between the dwellings and the existing dwelling outside the application site do not result in any harmful impact to neighbour's private amenity. The boundary treatment of the amenity areas of the proposed dwelling is set out in the landscaping plans and include 1.8m close board fencing.
- 14.3.8** The Council's Housing Enabling Officer has been consulted in regard to the proposal, no objections have been made. In terms of accessibility to the dwellings, each property would be constructed to meet the requirements of Building Regulations, requirement M4(2) and surfaces around the dwellings and their parking spaces would be level for ease of use.
- 14.3.9** The development would include 4no.single storey dwellings that would be constructed to be wheelchair accessible - Part M, Category 3 Homes (wheelchair

accessible). This and the proposed mix would meet the recommendation from the Council Enabling Officer. Therefore, the development is considered to accord with ULP Policy H10 and GEN1.

**14.3.10** 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 residential occupational use that being said this would be consistent to the other residential development to the north and east of the application site. As such I do not consider the disturbance would be of a significant level that will result in a material harmful impact to the residential amenity of the existing neighbouring residential sites. As such the proposal is in accordance with ULP Policy GEN4.

**14.3.11** ULP Policy GEN3 considers the development in regard to flood protection. The site is not in an area at risk of flooding however due to the scale and design of the development the appropriate Local Lead Flood Authority has been consulted due to the proposed drainage and SUDs features. An objection has been raised in regard to the location of the pond feature to the rear of plot 1. This however has been omitted during application process, no further comments have been received from the Lead Local Flood Authority.

**14.3.12** The development will still be subject to the conditions imposed under the outline planning permission, this includes:

- Approval of a surface water drainage scheme,
- Scheme to minimise off site flooding,
- Maintenance plan and year log records.
- All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

Taking into consideration the comments from the statutory consultees the development is not considered to not give rise to any significant adverse effects with respect to flood risk and accords with ULP Policy GEN3 and the NPPF.

**14.3.13** The access to the site was considered and approved in the approved outline planning application UTT/20/2639/OP. The Highways Authority have been consulted as part of the planning application process; no objections have been raised subject to conditions. Taking into account the comments of the Highway Authority and recommended conditions, it is considered that the proposal would not adversely affect road safety or highway capacity provided that appropriate conditions are imposed should planning permission be granted. The development will still be subject to the conditions imposed under the Outline planning permission regarding:

- Construction management plan,
- Construction of the access,
- Traffic Calming Scheme,
- Residential Travel Pack,

As such the proposed layout of the access is considered in accordance with ULP Policy GEN1.

**14.3.14** No further comments have been made by the Council's Environmental Health Officer in regard to air quality as this was considered under Outline planning

approval. Although not indicated on the submitted plans the installation of electric charging points was conditioned on the Outline planning permission. As such the provision of electric vehicle charging points per dwelling is appropriate and in Policy ENV13 the NPPF.

**14.3.15** In terms residential parking the proposed scheme is in accordance with the Uttlesford Residential Parking Standards. 6 visitor parking spaces will be provided within the development, this will complement the parking provisions that already exceeds the Uttlesford Residential Parking Standards. Also the layout of the site is not restrictive and provides sufficient turning spaces.

**14.3.15** Taking into regards the details set out in the above paragraphs it is considered layout of the development is appropriate and in accordance with ULP Policies S7, GEN1, GEN2, GEN4, GEN8, H10, ENV13, Essex Design Guide, Essex Parking Standards, UDC Local Residential Parking Standards and the NPPF.

**14.4 B) Scale and appearance of the development, including the design and impact to amenity**

**14.4.1** Policy GEN2 considers the design of the development to ensure the development is compatible with its surroundings. The design rationale in regard to the appearance of the development is ensuring a scheme that respects the local vernacular and scale of the existing and surrounding areas using high quality building materials from sustainable sources.

**14.4.2** The scale of the dwellings is considered appropriate and will include a mixture of larger detached dwellings, and smaller semi-detached dwellings. The scale of the dwellings are not dominant or intrusive in the setting of the site or its surroundings. Although this particular location for the development is on the fringe of the village and has a rural appearance to the west and south of the site therefore due consideration should be made to this and the existing site ground levels.

**14.4.3** As shown on the submitted plans the proposed dwellings are a mixture two storey properties and bungalows. The external finishing materials will include the use of external materials that will be are considered acceptable in this location, that being said a condition should be imposed for the submission of further details of the materials for approval should permission be granted. The scale and appearance of the dwellings are not considered to be adversely intrusive or dominant in the street scene or surrounding area.

**14.4.4** The site rises gradually from the eastern to western side. There is roughly a 5m difference between the lowest point and the highest point. The highest point on site on the 105m contour, which as shown below runs slightly lower than the Farmyard at Curles Manor that spreads across the 105m and 110m contours.

**14.4.5** Objections have been raised in regard to the proposed development has changed following the Outline planning approval and that there a higher ground levels now include larger dwellings. Although the scheme has changed from the indicative layout included in the Outline planning permission the majority of built form will be located in the area below the 104m contours so that the development sits largely behind the existing vegetation, is read as part of the village and noticeably lower than the barns at Curles Manor.

- 14.4.6** Careful consideration has been given to the relationship between the proposed dwellings that are in close proximity to north and east boundary of the site. This includes ensuring the distance between the application site and neighbouring residential properties is appropriate, also that the orientation of the proposed dwellings ensures any overlooking or loss of privacy will not be of a significant level that will have a harmful impact.
- 14.4.7** The site does not include any significant change in the existing ground levels across the site or as it extends away from the highway. The proposed dwellings have been designed to respond in scale to these existing levels ensuring dwellings do no unduly overbear neighbouring properties.
- 14.4.8** The proposed dwellings as submitted meet the Technical housing standards – nationally described space standard (2014). Although this is not an adopted document it provides good practice for the design of residential development.
- 14.4.9** It is noted the Council's Conservation Officer has made due consideration to the designated Conservation Area and nearby Listed Buildings. A combination of the distance and intervening development ensures that there would be no harmful impact on the setting of the designated heritage assets. In assessing the proposal effect on the heritage assets regards has been had to the Council's statutory duty.
- 14.4.10** As such taking due consideration of the above it is considered the proposed development includes an acceptable scale and appearance including the design and impact to amenity in accordance with ULP Policies S7, GEN2, H10, Essex Design Guide and the NPPF.

## **14.5 C) Landscaping**

- 14.5.1** The landscape proposals create a series of open spaces with distinctive characters throughout the site. It is proposed to create attractive landscaped frontages for the properties taking the form of large front gardens enclosed by native hedges/ post and fencing. The areas in front of Plots 1 and 31 are to be landscaped to create an attractive entrance point to the site, with Plot 31 framed by the landscaping on either side. Tree planting and landscaping throughout the also softens the built form of the development in glimpsed views from local public footpaths to the west of the site.
- 14.5.2** The formation of the access road would require the removal of Poppies together with some garden trees and vegetation. This includes a young Birch tree in the front garden, a few other trees within the rear garden, including the tall Lombardy Poplar trees at the far end adjacent to the main site area. There would be no vegetation losses associated with the development within the main arable field area. This was considered as part of the Outline planning application where the submitted Landscape Appraisal confirmed these features were not found to be in any way determinative of local character and appearance.
- 14.5.3** To the west of the site, it is proposed to create a native woodland area, which will help screen the development and will provide a high-quality amenity space. It is proposed to form two clearings for recreation use. The proposed layout and planting scheme secures a high-quality wooded parkland to be established on the western part of the site, occupying the highest levels and covering around a quarter of the site area.

**14.5.4** Any change from greenfield land to build development has the potential to affect the character of the countryside locally and the character and established pattern of any settlement. Such effects are typical and would be experienced for almost any development on greenfield land. The site is bordered on three sides by well-established field boundaries with tall trees and hedgerows. Nonetheless, the site is visible from a number of locations, as identified through the earlier appeal. The Outline planning application included a Landscape Appraisal which dealt with the concerns raised by the original planning appeal. This allows the development to be concentrated into the lowest portions of the site and closer to the established settlement pattern, reducing views of the site from the east and responding more favourably to the settlement pattern and would have only modest levels of landscape effect and visual effect.

**14.5.5** It is noted the woodland landscaping would need significant time to mature and therefore a planting schedule with the details of the size, age and specimen should be secure by condition if planning permission was to be granted. The Council's Landscape Officer has reviewed the Design and Access Statement, Landscape Masterplan and other associated documents no objections are raised subject to the submission and approval of a detailed landscaping plan and planting schedule. As such taking into consideration the details above it is considered the landscaping details are appropriate in the context of the character of the site and accords with ULP Policies S7, GEN2, ENV3 and the NPPF.

#### **14.6 D) Nature Conservation**

**14.6.1** 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. The Council's Ecology Consultant has been consulted as part of the application process, it is noted no comments or further recommendations have been received relating to the likely impacts development on designated site, protected species, priority species and habitats.

**14.6.2** The Outline planning permission includes a number of conditions in regard to ecology that need still to be complied with. Taking into consideration the requirement of mitigation and enhancement measures, bird mitigation strategy, ecology lighting scheme it is considered the proposed development will not have a harmful impact on protected species or biodiversity and content that this aspect has been fully considered in accordance with Policies GEN7, ENV8 and the National Planning Policy Framework.

#### **14.7 E) Affordable Housing**

**14.7.1** Policy H9 states that the Council will seeks 40% affordable housing. This equates to 12 dwellings which is proposed to be provided as part of this development and secured by the S106 agreement in the Outline planning permission. The Housing Enabling Officer has been consulted and has not raised any objections. In consideration of the number of units, size and location of the affordable housing is acceptable and in accordance with aims of the ULP Policy H9 and the UDC Developer Contributions (2014).

#### **14.8 F) Archaeology**



**14.8.1** In regard to the impact to the location of the site the development has the potential to affect archaeological remains, as recommended by the Council's Archaeological Consultant any planning permission should include conditions to conduct a field evaluation to establish the nature and complexity of the surviving archaeology assets. The work would enable due consideration to be given to the historic environment implication and would lead to the proposals for preservation in situ and/ or the need for further investigation.

**14.8.2** It is noted a condition for an archaeology field investigation and trial trenching is imposed on the Outline planning permission, as such it is considered the proposal accords with ULP Policy ENV4.

## **14.9 G) Climate Change**

**14.9.1** Following the recently 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 all the ways their proposal are working towards this in response to planning law, and also to the guidance set out in the NPPF and planning policy guidance. The applicant has included a statement demonstrating how the proposal accords with this policy.

**14.9.2** The location of the site is part of a planned sustainable extension to Clavering, the site will have undergone extensive assessment to ensure the most suitable and sustainable location for growth. The minimising of carbon emissions through the development itself are demonstrated in the following paragraphs.

**14.9.3** The proposal takes into consideration the existing ground levels. Landscape works with the existing topography of the site to avoid regrading of the site and the need to export land from the site, this limits the impacts on climate change.

**14.9.4** The drainage solution adopted for the site makes suitable provision to ensure no detriment to local water supply. The units are designed achieve average water consumption.

**14.9.5** The proposed landscaping scheme includes extensive planting of native trees, shrubs and areas of open grassland as well as extensive hedgerow planting. In biodiversity terms there is a significant gain in habitat provided in the proposed landscape scheme.

**14.9.6** The development proposes the use of eco technology and renewable energy:

Examples of this includes:

- Solar panels; which take advantage of the renewable source of the sun's energy to power photovoltaic electricity cells and solar water heated panels, etc.
- Timber frame construction; Using pre-fabricated 'renewable' timber frame manufactured within workshop environment which speeds up construction and allows improved levels of insulation.
- Waste recycling; during construction on and future occupation

- Air source heat pumps; which can take heat from the outside air and use this to heat the dwellings.
- Low voltage lamps; using less electricity than more traditional tungsten lamps.
- Insulation; higher levels of insulation with timber frame construction.

**14.9.7** 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. The development is located within a sustainable location in terms of being close to local amenities and transport links. The scheme therefore is considered to accord with Local Plan Policy GEN2 and ENV15 and the UDC Interim Climate Change Policy 2021.

## **15. ADDITIONAL DUTIES**

### **15.1 Public Sector Equalities Duties**

**15.1.1** The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

**15.1.2** The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**15.1.3** Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised

### **15.2 Human Rights**

**15.2.1** There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application

## **16. CONCLUSION**

**16.1** The proposed layout, scale and appearance of the development is acceptable. No significant loss of residential amenity will arise from the proposals. The amenity areas and parking provision are appropriate and complies with Policies GEN2 and GEN8. The housing mix for the development is also considered acceptable in accordance with Policy H10.

**16.2** The drainage proposals are considered acceptable by the Lead Local Flood Authority in accordance with Local Plan Policy GEN3 and the NPPF.

- 16.3** The layout, scale and appearance of the development is considered appropriate in terms of the character of the site and surrounding area. The size of amenity areas and parking provisions are acceptable. The development accords with ULP Policies S7, ENV3, GEN2 GEN8 and the NPPF.
- 16.4** The landscaping details are considered appropriate for the site subject to conditions and therefore accords with ULP Policies S7, GEN2, and ENV3.
- 16.5** The submitted layout plan shows that impacts on residential amenity are not likely to be significant and therefore accords with ULP Policies GEN2 and GEN4.
- 16.6** The proposal would not be harmful to protect/priority species subject to accordance of conditions imposed on the Outline planning application in accordance with Policy GEN7 and the NPPF.
- 16.7** 40% affordable housing has been secured by S106 agreement. This was in accordance with Policy H9 of the Local Plan.
- 16.8** The proposed highway access is not considered to have any harmful impact to highway safety and in accordance with ULP Policy GEN1.
- 16.9** As such taking into consideration the assessment of the proposed development the application is recommended for approval subject to conditions.

**17. CONDITIONS**

- 1** The dwellings hereby approved shall not be occupied until such time as their associated vehicle parking area indicated on the approved plans, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with ULP policy GEN1.

- 2** The dwellings hereby approved shall not be occupied until such time as their associated cycle parking indicated on the approved plans, has been provided.

REASON: To ensure appropriate bicycle parking is provided In accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with ULP policy GEN1.

- 3** Any planting adjacent to the Public Rights of Way shall be planted a minimum of 3m from the extent of the Public Right of Way.

REASON: To maintain a clear passage for pedestrians without encroachment from vegetation.

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

- 4** Prior to commencement of works above slab level, details of the following external finishes (including samples and/or photographs as appropriate) must be submitted to and approved in writing by the local planning authority:

- Walls
- Roof
- Windows
- Doors

The development must be carried out in accordance with the approved details.

REASON: To ensure compatibility with the character of the area, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition is to ensure that the development is only carried out in accordance with the above details.

- 5** Prior to commencement of development hereby approved above slab level a detailed landscaping plan and planting schedule shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved.

The planting schedule shall include specifications of species, sizes, number and percentage mix for new planting areas, including for external boundary treatments and internal means of enclosure. These details should ensure there is not impact or obstruction to the public footpath to the north of the site.

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.

REASON: The planting schedule is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with ULP Policies S7 and GEN2 of the Uttlesford Local Plan (adopted 2005).

- 6** Prior to the slab level of the development hereby approved details of the suitability of roof mounted PV solar panels to be used throughout the development shall be submitted to and approved in writing by the Local Planning Authority. These suitable measures shall be implemented during the construction of the development and completed prior to the occupation of the development, unless otherwise previously agreed in writing by the Local Planning Authority.

REASON: These measures are required to identify suitable areas for renewable and low carbon energy sources, and supporting infrastructure in accordance with ULP Policies ENV15 and GEN2 of the Uttlesford Local Plan (adopted 2005) and Uttlesford District Council's Interim Climate Change Policy document (2021) and the NPPF.

- 7 Prior to first occupation of each dwelling hereby approved the renewable features/ climate control measures associated with that dwelling as specified in the Design and Access Statement shall be installed into the development as built and retained as such thereafter.

REASON: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance to comply with Policies ENV15 and GEN2 of the Uttlesford Local Plan (adopted 2005) and Uttlesford District Council's Interim Climate Change Policy document (2021).

## Appendix 1- Highway Authority Comments

Your Ref: UTT/22/1103/DFO  
Our Ref: HT/TPD /SD/KW/ 30250/4B  
Date:- 08/08/2022



**Essex County Council**

Paul Crick  
Director for Highways and Transportation

CC: Essex Highways DM  
Cllr Gooding

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

County Hall  
Chelmsford  
Essex CM1 1QH

### Recommendation

Application No. UTT/22/1103/DFO

Applicant Pelham Structures Ltd

Site Location Land To The West Of Stortford Road Clavering

Proposal Details following outline application UTT/20/2639/OP for the erection of 31 no. dwellings and 38 no. parking spaces - details of appearance, landscaping, layout and scale

### Note

Comments were provided to the applicant on the layout of the site these have been addressed and this response relates to the latest drawing submitted PS002-OP1-WL-01 Rev H and vehicle swept path analysis drawings DR1-DR3.

**From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following mitigation and conditions:**

1. Dwellings shall not be occupied until such time as their associated vehicle parking area indicated on the approved plans, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority. **Reason:** To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
2. Dwellings shall not be occupied until such time as their associated cycle parking indicated on the approved plans, has been provided. **Reason:** To ensure appropriate bicycle parking is provided In accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. Any planting adjacent to the public rights of way to be planted a minimum of 3m from the extent of the public right of way. **Reason:** to maintain a clear passage for pedestrians without encroachment from vegetation.

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

**Informatives:**

- (i) The highway authority may not adopt all parts of the proposed development including the car parking areas for the school.
- (ii) All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.
- (iii) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.
- (iv) Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- (v) The Applicant should provide for agreement, information regarding their drainage proposals i.e. draining by gravity/soakaways/pump assisted or a combination thereof. If it is intended to drain the new highway into an existing highway drainage system, the Developer will have to prove that the existing system is able to accommodate the additional water.
- (vi) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

## Appendix 2- Lead Local Flood Authority

Essex County Council  
**Development and Flood Risk  
Environment and Climate Action,**  
C426 County Hall  
Chelmsford  
Essex CM1 1QH



Chris Tyler  
Uttlesford District Council  
Planning Services

Date: 24 May 2022  
Our Ref: SUDS-005959  
Your Ref: UTT/22/1103/DFO

Dear Mr Tyler,

### **Consultation Response –UTT/22/1103/DFO - Land To The West Of Stortford Road Clavering Essex**

Thank you for your email received on 25 April 2022 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

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

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

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

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

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a **holding objection** to the granting of planning permission based on the following:

- The pond appears to be in the rear garden of plot 1. If this pond is to be used as part of the drainage strategy this would be an unsuitable location with regard to long term maintenance concerns.

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.

<https://www.essex.gov.uk/protecting-environment>



- Please note that the NPPF now states that the aim of sequential testing is to steer new development areas with the lowest risk of flooding from any source

In the event that more information was supplied by the applicants then the County Council may be in a position to withdraw its objection to the proposal once it has considered the additional clarification/details that are required.

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

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

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

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

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

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

### **INFORMATIVES:**

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

applicant should seek consent where appropriate from other downstream riparian landowners.

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

Yours sincerely,

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

Team: Green Infrastructure and Sustainable Drainage

Service: Climate Action and Mitigation

Essex County Council

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

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

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

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

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

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

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

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

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

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

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

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

- **Sustainability of the development**

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