



**ITEM NUMBER:** 7

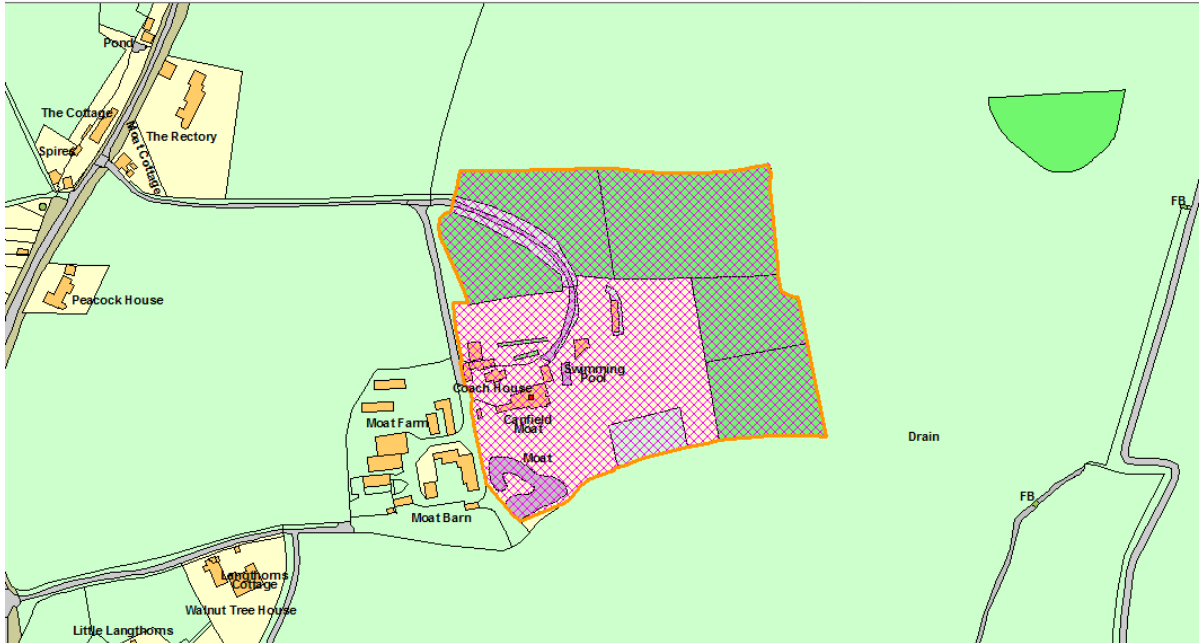
**PLANNING COMMITTEE DATE:** 14 December 2022

**REFERENCE NUMBER:** S62A/22/0005

UTT/22/1897/PINS

**LOCATION:** Canfield Moat, High Cross Lane, Little Canfield,

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: 30 November 2022

**PROPOSAL:** Consultation on S62A/22/0005 - Town and Country Planning Act 1990 (Section 62A Applications).

Erection of 15 Dwellings

**APPLICANT:** Mr A Smith

**AGENT:** Mr J Cann, Planning Direct, The Furnace, The Maltings, Princes Street, Ipswich, IP1 1SB

**DATE CONSULTATION RESPONSE DUE:** 16 December 2022

**CASE OFFICER:** Nathan Makwana

**NOTATION:** Outside Development Limits; Within Flood Zone 1; Within 2KM of SSSI, Within 6KM of Airport

**REASON THIS CONSULTATION IS ON THE AGENDA:** This is a report in relation to a major (full) planning application submitted to the Planning Inspectorate (PINS) for determination.

Uttlesford District Council (UDC) has been designated by Government for poor performance in relation to the quality of decisions making on major applications.

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

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1. **RECOMMENDATION**

That the 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 outside a designated settlement boundary in accordance with the existing Local Plan and is therefore within the

countryside. The nearest settlement is Great Dunmow which is located approximately 2 miles away. The site comprises a dwelling known as 'Canfield Moat' (the host dwelling). The subject property is a restored rectory with approximately 3.8 hectares of curtilage which includes garden land, numerous outbuildings, and a small woodland copse. The property is not statutorily or locally listed and is not located within a Conservation Area.

Directly to the south of the site lies Langthorns Plantery, which is a large garden centre also accessed via High Cross Lane West. Directly to the north-east lies further residential dwellings and farm/commercial buildings accessed via a track which runs alongside the northern boundary of the application site. Additionally, a further pair of residential dwellings lies directly to the north-west of the site on the opposite side of High Cross Lane West, with additional and larger clusters to the north prior to the road adjoining Stortford Road (B1256) which connects to the A120

**2.2** The entirety of the application site is in flood zone 1 where there is a low probability of flooding.

**2.3** The site is not located within the Metropolitan Green Belt, an Area of Outstanding Natural Beauty, or within any other protected areas as identified within the NPPF. Furthermore, the site is not positioned within the Countryside Protection Zone which surrounds Stansted Airport, within which there are strict controls on new development.

### **3. PROPOSAL**

**3.1** This application seeks full planning permission for the erection of 15 dwellings.

### **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**

**5.1** UTT/0020/10/FUL - Erection of pool house – Approved with Conditions on 24.02.2010

**5.2** UTT/0704/09/FUL - Detached Triple Garage and Detached Pool House – Approved with Conditions on 16.11.2009

**5.3** UTT/1452/08/CLP - Certificate of Lawfulness for proposed triple garage & a pool house – Approved on 27.10.2008

**5.4** UTT/2019/07/FUL – Proposed Pool House – Refused on 03.01.2008

5.5 UTT/2020/07/FUL - Erection of detached triple garage – Refused on 03.01.2008

5.6 UTT/0838/07/FUL - Erection of garage with room above and pool house – Refused on 11.07.2007

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

6.1 Pre-application advice was sought under reference: UTT/18/1057/PA for the following proposal: “*Construction of 12 new high end residential units in gated development*”. This pre-app however was not responded too, and the matter was not followed up either by the Local Planning Authority ( LPA) or the then applicant.

6.2 The submission is accompanied by a Statement of Engagement which sets out the following engagement:

As the proposed development would be relatively secluded, outside a settlement boundary, and confined to the curtilage of Canfield Moat, the applicant has engaged appropriately. Engagement has taken place with the local landowner, who owns the majority of the land surrounding the application site and would be most impacted upon by the proposed development.

During the discussions with the landowner, it was agreed that the existing private driveway should be widened as part of the proposals which would enable the free flow of traffic in both directions, providing better quality access for users of the gymnasium and the prospective occupants of the proposed dwellings. Furthermore, the residents of the development would likely frequent the gymnasium thus improving further the viability of the business.

7. **STATUTORY CONSULTEES**

7.1 All statutory consultees are required to write directly to the Planning Inspectorate (PINS) (and not the Local Planning Authority) with the final date for comments being 6 December 2022.

7.2 Accordingly, it should be noted that 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.

8. **PARISH COUNCIL COMMENTS**

8.1 These should be submitted by the Parish Council directly to PINS within the 21-day consultation period being the 6 December 2022.

No comments have been received from Little Canfield Parish Council.

## **9. CONSULTEE RESPONSES**

**9.1** All consultees' comments are required to be submitted directly to PINS (and not the Local Planning Authority) within the 21-day consultation period, which closes 6<sup>th</sup> December 2022. Accordingly, it should be noted that considerations/advice normally obtained from consultees to assist in the determination of a major planning application have not been provided and are thereby not included within this report.

Notwithstanding, the following comments have been received: -

**9.2** UDC Housing: The affordable housing provision on this site will attract the 40% policy requirement as the site is for 15 dwellings. This amounts to 6 affordable homes but it is noted that the applicant is offering a commuted sum in lieu of on-site delivery.

Normally, the preference is for on-site affordable housing provision, but given the location of the proposed development on this occasion there is no objection to a commuted sum being provided in lieu of on-site delivery. As a general observation, the applicant is proposing that plots 3 to 6 are three-bedroom houses at 76sqm whereas NDSS (Nationally Described Space Standards) recommends 93sqm and so they are rather small especially as the NDSS recommends 79sqm for a two-bedroom house.

**9.3** ECC: Place Services; Historic Environment: No objection - Recommendation for an Archaeological programme of Trial Trenching followed by Open Area Excavation and to submit a post-excavation assessment.

**9.4** Essex Police (Designing Out Crime): No objection but would like opportunity to review further details to assist developer achieving Secured by Design Homes award.

**9.5** Cadent Gas: No objection

**9.6** National Grid: No objection

**9.7** UK Power Networks: No objection

**9.8** Gigaclear: No Objection

## **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 within the 21-day consultation period ending 6 December 2022.

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.

Notwithstanding the above, PINS has granted Uttlesford District Council an extension until 16 December 2022 to submit comments due to the Council's scheduled timetable for Planning Committee meetings.

## **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) and 72(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 or, fails to preserve or enhance the character and appearance of the Conservation Area

## **11.4 The Development Plan**

**11.4.1** 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 Neighbourhood Plan (made July 2022)  
Saffron Walden Neighbourhood Plan (made October 2022)

## **12. POLICY**

## **12.1 National Policies**

### **12.1.1 National Planning Policy Framework (NPPF) (2021)**

## **12.2 Uttlesford District Plan 2005**

S7 – The Countryside

GEN1 – Access

GEN2 – Design

GEN3 – Flood Protection

GEN4 – Good Neighbourliness

GEN5 – Light Pollution

GEN6 – Infrastructure Provision

GEN7 – Nature Conservation

GEN8 – Vehicle Parking Standards

E4 – Farm Diversification

ENV3 – Open Spaces and Trees

ENV4 – Ancient Monuments and Sites of Archaeological Interest

ENV7 – Protection of the Natural Environment

ENV8 – Other Landscape Elements of Importance

ENV10 – Noise Sensitive Developments

ENV12 – Groundwater Protection

ENV14 – Contaminated Land

H1 – Housing Development

H9 – Affordable Housing

H10 – Housing Mix

## **12.3 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)

## **13. CONSIDERATIONS AND ASSESSMENT**

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

- 13.2**
- A) Principle Of Development**
  - B) Highways Considerations**
  - C) Design and Landscape**
  - D) Housing Mix and Tenure**
  - E) Flooding**
  - F) Energy And Sustainability**
  - G) Air Quality and Pollution**
  - H) Ecology**
  - I) Planning Obligations**



## **J) Other matters**

### **K) Planning Balance and Conclusion**

#### **13.3 A) Principle Of Development**

**13.3.1** The application site is located outside of the village of Little Canfield wherein the principle of development would not generally supported as outlined in Policy S7 of the Uttlesford Local Plan.

**13.3.2** However, regard must be given the fact that the Uttlesford Local Plan is not up to date and significantly pre – dates the National Planning Policy Framework 2021.

**13.3.3** Additionally, the Council as Local Planning Authority is not currently able to demonstrate a 5-year housing land supply (5YHLS). Both aforementioned factors are cited in paragraph 11 of the NPPF as grounds to grant planning permission unless:

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

**13.3.4** With regard to (i) above Guidance is given in the NPPF re the areas /assets of particular importance that provide a clear reason for refusing the proposed development. These areas are habitat sites and/or designated Sites of Special Scientific Interest, land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park or defined as heritage Coast; irreplaceable habitats; designated heritage assets and areas at risk of flooding or coastal change.

**13.3.5** The application site is not located within an area that is specifically protected as outlined in (i) above.

**13.3.6** Paragraph 11 of the NPPF requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.

**13.3.7** The proposal seeks full planning permission for 15 residential units. This quantum of development would make a modest contribution to the district's housing supply. In principle the proposal may be acceptable subject to an assessment of sustainability.

**13.3.8** There are three mutually dependent strands to sustainability which need to be jointly considered in the assessment of this application.

### **13.3.9 Economic:**

The NPPF identifies this is contributing to building a strong, responsive, and competitive economy that supports growth and innovation and identifies and co-ordinates development requirements including the provision of infrastructure.

In economic terms the proposal would have short – term benefits to the local economy in terms of localised construction activity. It would also have medium/long term benefits in terms of local support of services and infrastructure provision arising from the proposed residential development.

### **13.3.10 Social:**

The NPPF identifies this is supplying homes in a high-quality built environment with accessible local services that reflect community need and wellbeing. In social terms, the proposal would make a modest contribution to local/regional/national housing supply. However, the area itself does not benefit from any immediate access to public transport nor to any sustainable means of accessing services and facilities. The nearest towns that can provide such services including schools, shopping and other facilities include Takeley/Little Canfield and Great Dunmow located some 30 minutes away across an unlit bridlepath or along the B1256 whilst Great Dunmow itself is an hour walk along the B1252.

**13.3.11** Users would be heavily reliant on the private motor vehicle to access all nearby services and facilities. The Design and Access Statement refers to the facilities that would be promoted on site including swimming pool, tennis court, gymnasium, and extensive grounds. However, in the main these are uses/facilities that are incidental to a residential use and cannot provide for the daily/weekly shopping, educational, health, community needs that are normally closely locationally associated with residential development. As mentioned, the site's location outside of a settlement would mean that externally of this, users would not be able to rely on other means of transportation except a car in order to access services and facilities.

### **13.3.12 Environmental:**

The NPPF identifies this as making effective use of land, seeking to protect and enhance the natural and built environment, improving biodiversity, minimising waste and pollution and mitigating and adapting to climate change.

**13.3.13** The site comprises a dwelling known as 'Canfield Moat' (the host dwelling) referred to as Unit 9 on the accompanying site plans), which is a restored rectory and approximately 3.8 hectares of curtilage which includes garden land, numerous outbuildings and a small woodland copse.

**13.3.14** The host dwelling is not identified as a heritage asset nationally or locally in accordance with the Historic England database or the Uttlesford Local

Heritage List (April 2021), and the site is not within a designated Conservation Area.

- 13.3.15** The approach to the site from High Cross Lane West is across a 200-metre private access road bordered to the north and south by wheat fields leading to electric gates into the Estate. Indeed, the main aim of the site is an enhancement of this appearance “by creating a unique rural estate like development within its domestic curtilage.”
- 13.3.16** The site is considered to be well isolated and within its own defined curtilage in comparison to say being on the street scene or in comparison to back land development. Canfield Moat would not cause a significant degree of harm to the openness of the Countryside as is, although it is recognised that this is without any defined built form. The introduction of 15 units would however alter the character of the area and would result in a significant impact of built form into the open countryside, given the quantum of dwellings proposed in such a confined location, which would affect visibility from various views across the countryside.
- 13.3.17** In determining the planning balance, the net gain of 15 dwellings would result in a modest boost to the housing land supply of the district, given the shortfall outlined above. However, there are other material considerations which must be noted including the lack of sustainable access to services and facilities leaving any occupant heavily reliant on a private vehicle to get to nearby such services and facilities in the above-mentioned towns.
- 13.3.18** The proposal is kept to a well-defined and enclosed area of the countryside that remains relatively open as is. Yet it must be stated that the introduction of 15 new dwellings into a gated community into this section of the open countryside would result in an alteration to the wider character and appearance of the countryside, no matter how defined this section of countryside is.
- 13.3.19** Therefore, a balanced approach must be taken, the development provides modest gains, but lacks connectivity and introduces built form into an area that contradicts the location of development and would result in an alteration and harm to the character and appearance of the area.

## **13.4 B) Highways Considerations**

- 13.4.1** Policy GEN1 of the Local Plan sets out that development will only be permitted if the following criteria is met: -
- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
  - b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network
  - c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.

- d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.
- e) The development encourages movement by means other than driving a car.

**13.4.2** There will be a need to comply with the Council's parking standards as outlined in the Uttlesford Local Residents Parking Standards (December 2012) and the Essex County Council's Parking Standards (September 2009). There is a requirement for a minimum of 2 spaces per dwelling (and 3 spaces per dwelling for dwellings with 4+ bedrooms) and 0.25 spaces per dwelling for visitor parking. Cycle provision will also be required if no garage or secure parking is provided within the curtilage of the dwelling. These are matters that will be considered further at detailed stage.

**13.4.3** The applicant has submitted a Transport Statement which concludes that the proposed development has adequate access, and the local road network has sufficient capacity to absorb the additional traffic without need for upgrading.

**13.4.4** The internal driveway which serves both the application site and existing development to include a gymnasium, would be widened in order to create dual access for the benefit of existing users and prospective occupants of the proposed dwellings. There is sufficient provision within the proposed development for vehicles to park in accordance with the minimum requirements as set out within the Essex Parking Standards document.

**13.4.5** Provision has been made to mitigate the number of vehicle movements to and from the site by incorporating provisions in place for cycle storage. The provision of electric charging points for every dwelling will ensure that the infrastructure is designed into the proposed development from the outset to encourage the use of electric cars as a viable alternative to the petrol and diesel motor car.

**13.4.6** The proposed access arrangements for this planning application and the highway impact associated with the proposed development fall to be considered by Essex County Council as the highway authority. However due to the particular nature of this application process; wherein comments are to be provided directly to the Planning Inspectorate for decision making; the Local Planning Authority are unable to make detailed comments on the highway aspect of the proposed development.

## **13.5 C) Design and Landscape**

**13.5.1** The guidance set out in Section 12 of National Planning Policy Framework outlines that proposed development should respond to the local character, reflect the identity of its surroundings, optimise the potential of the site to accommodate development and is visually attractive as a result of good architecture.

**13.5.2** Local Plan Policy GEN2 seeks to promote good design requiring that development should meet with the criteria set out in that policy. Regard should be had to the scale form, layout, and appearance of the development and to safeguarding important environmental features in its setting to reduce the visual impact of the new buildings where appropriate. Furthermore, development should not have a materially adverse effect on the reasonable occupation and enjoyment of residential properties as a result of loss of privacy, loss of daylight, overbearing or overshadowing.

**13.5.3** The proposed development is separated into four sections, which includes 1) The Gatehouse; 2) Worker Cottages (Secret Garden); 3) Dance Studio conversion; and 4) Stable Block/Courtyard with garages provision.

**13.5.4** The proposed development has been designed to ensure that it is compatible with the existing buildings on the site, principally the main house, in relation to the potential materials to be used. The proposed dwellings would be positioned a significant distance away from the main house in order to ensure that the views of Canfield Moat can be maintained within the site and enjoyed by the occupants. Each dwelling would benefit from a self-contained garden area in addition to access to the facilities associated with the main house, which includes a swimming pool, tennis court, gymnasium and extensive grounds.

**13.5.5** The proposed scheme mix is as follows:

Unit	Element	Floors	GIFA (sqm)	Type
Unit 1	Gatehouse	2	141	4-bedroom house
Unit 2	Gatehouse	2	141	4-bedroom house
Unit 3	Worker Cottage (Secret Garden)	2	76	3-bedroom house
Unit 4	Worker Cottage (Secret Garden)	2	76	3-bedroom house
Unit 5	Worker Cottage (Secret Garden)	2	76	3-bedroom house
Unit 6	Worker Cottage (Secret Garden)	2	76	3-bedroom house
Unit 7	Dance Studio conversion	1	123	2-bedroom bungalow
Unit 10	Stable block/Courtyard	2	200	4-bedroom house
Unit 11	Stable block/Courtyard	2	160	4-bedroom house
Unit 12	Stable block/Courtyard	2	215	5-bedroom house
Unit 13	Stable block/Courtyard	2	140	4-bedroom house
Unit 14	Stable block/Courtyard	2	140	4-bedroom house
Unit 15	Stable block/Courtyard	2	215	5-bedroom house
Unit 16	Stable block/Courtyard	2	160	4-bedroom house
Unit 17	Stable block/Courtyard	2	200	4-bedroom house

The proposed development has been sub-divided into four parts for ease of reference:

**13.5.7 Part 1 – Gatehouse**

A pair of gatehouse dwellings (Units 1-2) would be constructed with one either side of the existing entrance into the site, to form a formal gated entrance to Canfield Moat House. The gated entrance is considered to be typical of historical estate developments.

**13.5.8** Adjacent to the existing main entrance gates are to be located 2 Gatehouses, one on each side of the driveway. They will form an aspect around the entrance and will be linked by a short run of brick wall connecting the houses to the gate posts. Property No 2 appears to conflict with the positioning of a number of trees. Paragraph 131 of the NPPF states that trees should be retained wherever possible.

**13.5.9 Part 2 - Worker Cottages (Secret Garden)**

Units 3-6 would comprise a terrace of four two storey cottage style dwellings which would be served via an internal driveway to be created within the site. The design has been crafted in such a way to create the impression that the terrace comprises four cottages for workers on the estate. A dedicated parking area would be created to serve the terrace of dwellings, and the development as a whole would form an enclosed ‘secret garden’ within the site.

**13.5.10** The Worker Cottages will be located within the Secret Garden and thus concealed from the surrounding area by their 2.7m high screen hedges on all sides. .

**13.5.11** The National Described Space Standards (NDSS) states that for a three-bedroom dwelling at two storeys for up to 5 people, the minimum internal floor space should be 93sqm. It further states that for a two-bedroom dwelling at two storeys for up to 5 people, this should be at least 79sqm. The proposal here is for three-bedroom dwellings that have an internal floorspace of 76sqm, far below the NDSS minimum and even below the two-bedroom recommendation. It must be clearly stated that these are small bedrooms and that 76sqm is not an acceptable size for a three-bedroom dwelling at two storeys.

**13.5.12** The NDSS for two- and three-bedroom dwellings are outlined below:

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	

**13.5.13 Part 3 - Dance studio**

It is proposed that the existing dance studio (Unit 7) will be converted to form a single storey residential dwelling in relatively close proximity to the worker cottages and existing Unit 8. This is however remedied via the loss of the remainder of the rest of the storage barn. This will comprise of two double bedrooms. The overall internal space standards for the dance studio far exceeds the NDSS space standard for a single storey two person dwelling with an internal space of 132sqm.

**13.5.14** The original dance studio is proposed to be linked to the adjoining storage barn and the roof, adapted to provide accommodation. Part of the original barn will be demolished, and the area turned over to form the garden for this unit. This also includes an infill extension of 13m<sup>2</sup>.

**13.5.15 Part 4 - Stable block/courtyard**

Units 10-17 would form a stable block around a courtyard, within the central eastern section of the site to the rear of the consistent with historic country house type developments. A stable block is also considered to be typical within a large rural estate. The stable block would be served by eight garages, six of which would be adjoined within a large block and two separate detached garages.

**13.5.16** The Stable Block is to be traditional in form and function with a central approach through a large archway and then leading on to the individual access doors. This part of the site will provide 4- and 5-bedroom apartments in two storey development. The unit sizes in this part of the development provide internal floor areas that are significantly in excess of the minimum outlined in the NDSS. For instance, the NDSS outlines that a 4-bedroom unit is required to have floorspace that ranges from 97sq m to 124sq m. This proposal includes 4-bedroom units that range between 160sqm to 200sqm. Similarly, the NDSS outlines that a 5-bedroom unit is required to have floorspace between 110 and 128sqm. This proposal includes 5-bedroom units that have an internal area of 215 sq. metres. The proposed room sizes therefore far exceed the internal space standards set within the NDSS.

**13.5.17** However, due to the nature of the application process; wherein comments have not been obtained from Essex Place Services (and will be submitted directly to the Planning Inspectorate); it is not possible for the Local Planning Authority to provide further detail on this aspect of the development.

**13.5.18** Bin Storage is intended to be provided in an enclosed timber enclosure, located north-west of Garage Block G2. Building Regulations states that the distance householders are required to carry refuse should not usually exceed 30m, it is noted that the distance to this bin store in an unpaved and unlit area is some 37m away from the nearest point of the accommodation.

**13.6 D) Housing Mix and Tenure**

**13.6.1** The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 ha or 15 or more properties. There is also a

requirement for 5% of all units to be wheelchair accessible M4(3). The applicants have not provided any information regarding the buildings being constructed to either the M4(2) or M4(3) accessible standards.

**13.6.2** The Planning Statement goes on to state that it is considered that the development would not be suitable for onsite affordable housing, however the applicant would be prepared to negotiate a financial contribution or commuted sum which can be used by the LPA to fund homes in a more suitable location for affordable housing in the district.

**13.6.3** The Housing and Enabling Officer as identified above has identified that a commuted sum in this instance would be acceptable.

### **13.7 E) Flooding**

**13.7.1** The NPPF states that inappropriate development in areas of high-risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

**13.7.2** The application is supported by an outline Flood Risk Assessment and Drainage Strategy. This outlines that the entire site is located in Flood Zone 1 the proposed development would be appropriate without the need for a Sequential or Exception Test. It is also that the proposed development would not result in an increase in the discharge of surface water on to a public road, as the site is set back from the highway and access would be served via a long private driveway.

**13.7.3** The proposals will be assessed by Essex County Council who are the lead local flood authority in respect to matters of relation surface water drainage and to flooding. The authority will provide written advice directly to PINs.

### **13.8 F) Energy And Sustainability**

**13.8.1** The Council's supplementary planning document (SPD) 'Uttlesford Interim Climate Change Policy (2021)' requires new development proposals to demonstrate the optimum use of energy conservation and incorporate energy conservation and efficiency measure. The applicant has provided a Sustainability Statement which outlines potential technologies and strategies to achieve and met the targets in the SPD.

**13.8.2** All new development, as part of a future growth agenda for Essex, should provide climate friendly proposals in terms climate change mitigation and adaptation measures.

**13.8.3** The applicants have indicated that they would include the submission of Electric Vehicle Charging Points to mitigate against climate change and harmful impacts to air quality.

### **13.9 G) Air Quality and Pollution**



- 13.9.1** Policy ENV13 of the adopted local plan states that new development that would involve users being exposed on an extended long-term basis to poor air quality outdoor near ground level will be refused.
- 13.9.2** The applicants have indicated that they would include the submission of Electric Vehicle Charging Points to mitigate against climate change and harmful impacts to air quality. The site is not within an existing Air Quality Management Area (AQMA).
- 13.9.3** Policy ENV14 requires appropriate investigation and remediation of sites that could be harmful to future users.
- 13.9.4** The applicant has included a Site Solutions Residence Report to accompany the planning application. The report fails to identify any potential contaminants on or in close proximity to the site that would warrant further investigation. The report recognises that the curtilage of the site has comprised garden amenity land historically and that the risk of land contamination is minimal.
- 13.9.5** An assessment of air quality, noise pollution and land contamination has been undertaken by Environmental Health who have suggested conditions to address this aspect of the proposal.

## **13.10 H) Ecology**

- 13.10.1** The application has been accompanied by a Preliminary Ecological Assessment which indicates that the site, which is bounded by trees and hedges comprises manicured lawns, a small woodland copse; together with a pond in the south – west corner of the site.

An assessment of the site indicates that ecological features and protected species may be affected by the proposed development if appropriate mitigation measures are not implemented. The appraisal identifies the specific species that may be harmed by the proposed development would be Great Crested Newts, nesting birds, bats, badgers, and hedgehogs. The applicant's ecologist has identified various recommendations and further surveys that would be required to mitigate against the potential harm caused. The acceptability of the suggested proposals cannot be considered without considered input from Essex Place Service: Ecology. Any comments from Place Services are required to be submitted directly to PINS.

## **13.11 I) Planning Obligations**

- 13.11.1** Paragraph 56 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations.

- 13.11.2** Policy H9 provides that the LPA will seek to secure an element of affordable housing of 40% of the total provision of housing on windfall sites, having regard to the up-to-date Housing Needs Survey, market and site considerations.
- 13.11.3** The application has stated that it is considered that the development would not be suitable for onsite affordable housing, however the applicant would be prepared to negotiate a financial contribution or commuted sum which can be used by the LPA to fund homes in a more suitable location for affordable housing in the district.
- 13.11.4** The Housing and Enabling Officer has responded and stated that the affordable housing provision on this site will attract the 40% policy requirement as the site is for 15 dwellings. This amounts to 6 affordable homes but it is noted that the applicant is offering a commuted sum in lieu of on-site delivery. Normally, the preference is for on-site affordable housing provision, but given the location of the proposed development on this occasion there is no objection to a commuted sum being provided in lieu of on-site delivery.
- 13.12 J) Other matters**
- 13.12.1** 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.
- 13.12.2** 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.
- 13.12.3** 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.
- 13.12.4** The LPA is also a statutory consultee and must provide a substantive response to the consultation within 21 days, in this case by the 6<sup>th</sup> of December 2022. However, due to the planning committee falling on the 14<sup>th</sup> December 2022, an extension of time was sought and agreed with the planning inspectorate until the 16<sup>th</sup> December 2022. This should ideally include a recommendation, with reasons, for whether planning permission should be granted or refused, and a list of conditions if planning permission is granted. However, as indicated above, the Local Planning Authority are not in possession of all the required information that would be available to it to make an informed assessment of this development proposal.

**13.12.5** 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.

### **13.13 K) Planning Balance and Conclusion**

**13.13.1** The Local Planning Authority is currently unable to demonstrate a 5-year housing land supply (although the position is improving). Additionally, the Uttlesford Local Plan significantly predates National Planning Policy Framework 2021; meaning that some (not all) policies do not fully comply with it.

**13.13.2** As a result of both of these factors paragraph 11d of the NPPF therefore applies which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.

**13.13.3** In respect to highlighting the benefits, adverse impacts and the neutral impacts of the proposed development, the following has been concluded:

#### **13.13.4 Benefits:**

- Provision of up to 15 dwellings would represent a modest boost to the district's housing supply.
- Provision of a commuted sum to be provided in response to lack of affordable housing contribution.
- Retention of woodland and provision of enhanced ecological measures
- Low density development

#### **13.13.5 Adverse impacts:**

- The proposal is not in a sustainable location and users will be required to use a private vehicle in order to access day-to-day amenities.
- Access would be via unlit roads and paths for pedestrian or cycle users.
- Lack of onsite 40% affordable housing provision – development is not mixed and balanced as required by Section 5 of the NPPF.
- Gated development with some parts of the proposed development indicating a likely conflict with the retention of some trees on site
- 4- and 5-bedroom dwellings significantly in excess of the sizes outlined in the NDSS - in efficient use of land. More efficient use of the site could provide more units and on-site affordable housing and trigger S106 contributions. Reasons for not providing affordable housing on site have not been robustly justified.
- Plots 3 to 6 are three-bedroom houses at 76sqm whereas NDSS recommends 93sqm and so they are sub-standard especially as NDSS recommends 79sqm for a two-bedroom house

- Potential cumulative impact arising from other developments in the area – traffic movements.

**13.13.6 Neutral:**

- Provision of electric charging points for every dwelling
- Prospective residents will have access to a swimming pool, tennis court, gymnasium, and extensive grounds on site.
- Proposed biodiversity net gain.

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

**13.13.8** All other factors relating to the proposed development will need to be carefully considered by relevant statutory and non-statutory consultees in respect to the acceptance of the scheme and whether the scheme is capable of being satisfactorily mitigated, such that they weigh neutrally within the planning balance. These factors include biodiversity, highways, drainage and flooding, local infrastructure provisions and ground conditions.

**13.13.9** 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.