

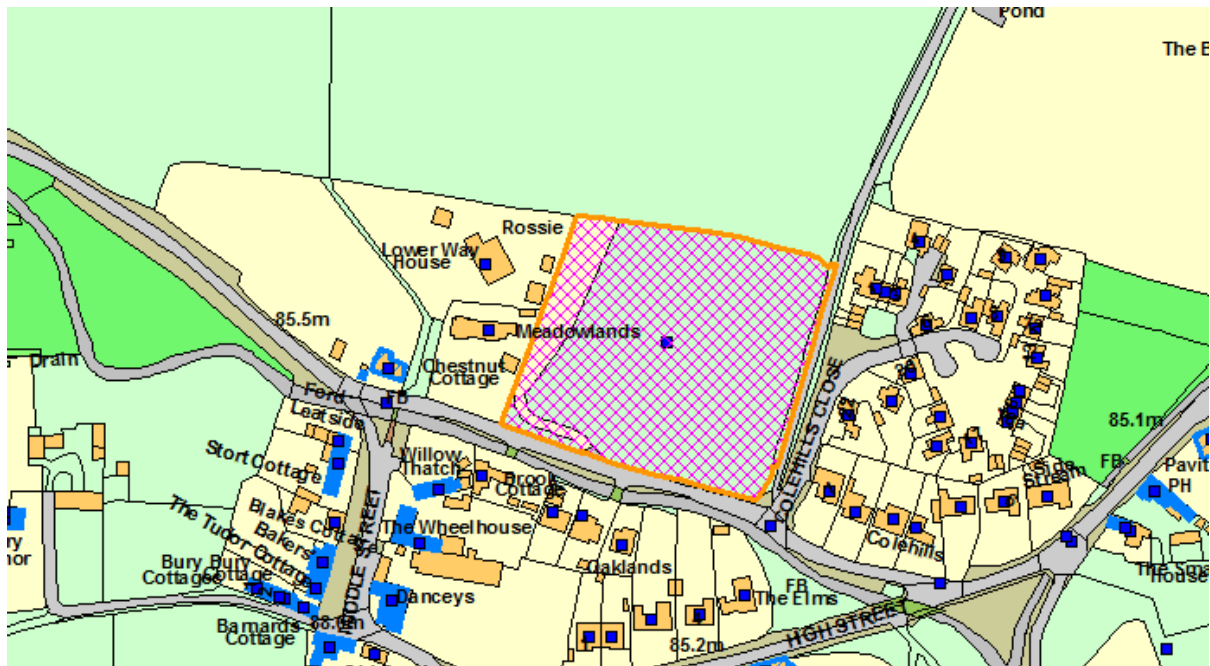
ITEM NUMBER: 6

PLANNING COMMITTEE 22 February 2023
DATE:

REFERENCE NUMBER: UTT/22/1718/FUL

LOCATION: Land West of Colehills Close, Middle Street,
Clavering.

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 08 February 2023

PROPOSAL: Full planning application for the erection of 10 no. dwellings, with associated landscaping, access, and parking.

APPLICANT: Artisan (UK) Developments Limited And Turnwood Heritage Limited

AGENT: Armstrong Rigg Planning

EXPIRY DATE: 16 September 2022

EOT Expiry Date 17 February 2023

CASE OFFICER: Mr Lindsay Trevillian

NOTATION: Outside Development Limits, Flood Zones 1, 2 & 3, Adjacent Heritage Assets including listed buildings & Conservation Area, Close to Ancient Monument, Adjacent Public Right of Way (PRoW 10_75), Adjacent Protected Lane.

REASON THIS APPLICATION IS ON THE AGENDA: Major Application

1. EXECUTIVE SUMMARY

- 1.1** Full planning permission is sought by the applicant (Artisan (UK) Developments Limited and Turnwood Heritage Limited) for the erection of 10 dwellings alongside associated works including access, parking, and landscaping.
- 1.2** The application site lies majority in Flood Zone 2 with a small section along the frontage lying in Flood Zone 3. As demonstrated in this report, the applicant has undertaken and constructed the necessary mitigation measures to protect the proposed homes from flooding and ensure to mitigate the effects of any new development from increasing the flood risks to others. To mitigate the current risk of flooding, proposed ground lowering works will be carried out to provide additional capacity and storage including an on-site flood compensation area, and further ground raising will mean that post development all dwellings are situated in Flood Zone 1.

- 1.3** The application site lies outside the defined settlement boundary limits and is thereby located within the countryside. Thereby the proposals are contrary to Policies S7 of the Adopted Local Plan. However, as the proposals cannot be tested against a fully up-to-date Development Plan, and the Council are currently unable to demonstrate a 5-year housing land supply and thereby paragraph 11 of the NPPF is engaged. As such, a detailed “Planning Balance” has been undertaken of the proposals against all relevant considerations.
- 1.4** The development would provide social and economic benefits in terms of the construction of the dwellings and the investment into the local economy. The proposals would result in significantly boosting the Councils housing supply including affordable units. Furthermore, weight has been given in respect to the biodiversity net gain, on-site energy generation from low-carbon sources and the provision of public open spaces. Thus, taken together, significant weight to the benefits of the development have been considered.
- 1.5** Turning to the adverse impacts of development, the negative environmental effect of the development would be limited and localised landscape character and visual effects on the character and appearance of the countryside arising from the extension of built form. This would have limited to modest negative environmental effects. Furthermore, the proposals would inevitably result in less than substantial harm to the setting of the Clavering Conservation area which has been identified as low to moderate harm on the spectrum.
- 1.6** Therefore, and taken together, weight to the adverse impacts have been considered in respect of development and the conflict with development plan policies. The benefits of granting planning permission would significantly and demonstrably outweigh the identified adverse impacts of development.

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) Completion of a s106 Obligation Agreement in accordance with the Heads of Terms as set out
- B) Conditions

And

If the freehold owner shall fail to enter into such an agreement, the Director Planning shall be authorised to **REFUSE** permission following the expiration of a 6 month period from the date of Planning Committee.

3. SITE LOCATION AND DESCRIPTION:

- 3.1** The area of land subject to this full planning application relates to the land known as 'Land West of Colehills Close, Middle Street, Clavering, Essex.' The extent of the application site is as shown by the land edged in red on the site location plan submitted in support of this application.
- 3.2** The application site is located on the northern side of Lower Way and the western side of Colehills Close within the village of Clavering. The site itself is irregular in shape with the front boundary following the curve of the highway. The site has an area of approximately 0.96 hectares.
- 3.3** The site has previous history used for both agriculture and for gravel extraction which is apparent in its topography which has a cut away section stretching east-west across the middle of the site. The site rises approximately 4.6m from the front boundary abutting Lower Way to the rear.
- 3.4** The site is currently free of any established built form and is predominantly arable land. Existing mature vegetation in the form of medium to large trees and hedgerows are located along the boundaries of the site. No vegetation is covered by tree preservation orders. A public byway runs along the eastern boundary of the site.
- 3.5** Access to the site is gained off Lower Way to the south of the site. The access sweeps west along the southern boundary before turning north along part of the western boundary.
- 3.6** The application site is located outside the settlement boundary limits as defined by the Adopted Local Plan on the northern edge of the settlement. Located to the east, south and west are residential dwellings that mostly comprises of detached double storey dwellings that vary in size and scale. Large fields used for agriculture lie to the north of the site.
- 3.7** Clavering itself includes limited local services and amenities containing a public house, church, primary school and village hall and supermarket. playing fields.
- 3.8** The site is not within but abuts the Clavering Conservation Area and several listed buildings are located to the southwest of the site. The site lies predominantly with Flood Zone 2 with a small proportion of the site's frontage lying in Flood Zone 3 as identified by the Environmental Agency Flood Risk Maps. The River Stort runs parallel to the southern boundary of the site on the opposite side of Lower Way.

4. PROPOSAL

- 4.1** This application seeks full planning permission for the construction of 10 residential dwellings alongside associated access, parking, and landscaping.

4.2 Vehicle and pedestrian access are from Lower Way utilising the existing vehicle crossover onto the site. Additional pedestrian access is proposed from the byway to the east of the site that would link the on-site public open space to the wider footpaths in the locality.

4.3 The proposal incorporates a range of housing types including two-, three, four- and five-bedroom houses. 40% of the proposed housing will be affordable units (4no. dwellings). The proposed residential mix is set out below.

Unit Type	Affordable	Market	Total
2 - bed dwelling	2	0	2 (20%)
3 - bed dwelling	2	0	2 (20%)
4 - bed dwelling	0	1	1 (10%)
5 - bed dwelling	0	5	5 (50)
Total	40 (40%)	60 (60%)	100 (100%)

4.4 The dwellings would be two stories in height. Building styles within the development would range from semi-detached to detached buildings that contain different sizes and scale and have an assorted use of externally finishing materials and detailing. Each of the dwellings within the development has been provided with off street parking spaces and its own private amenity space.

4.5 A public open space area of 0.2ha (2000sqm) is proposed fronting Lower Way within the south eastern corner of the site. This area is to include wildflower meadow and tree planting, and a Local Area of Play (LAP) consisting of 100sqm.

5. ENVIRONMENTAL IMPACT ASSESSMENT

5.1 The proposal falls within 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regs). However, the proposal is for a relatively modest residential-led development. There would be localised effects on the site and surrounding area, but these would not likely result in significant effects on the environment, either alone or cumulatively with other development. Therefore, an Environmental Impact Assessment was not required as part of this application.

6. RELEVANT SITE HISTORY

6.1 A search of Councils records indicates the following relevant recorded planning history for the application site.

Application Ref:	Proposal	Decision
SWR/0291/69	Development of land for five dwellings and garages	Refused November 1969
UTT/1141/80	Outline application for three detached bungalows	Refused November 1980
UTT/0140/85	Outline application for residential development and construction of new access	Refused April 1985
UTT/0242/90	Outline application for residential development and construction of new access	Refused April 1990
UTT/1082/95/FUL	Widening of existing pedestrian access	Approved November 1996
UTT/0096/FUL	Retention of hardstanding and erection of gate	Approved April 1996
UTT/21/0977/OP	Outline application for the erection of 10 no. dwellings with all matters reserved apart from access.	Refused December 2021

6.3

The most recent application ref: UTT/21/0977/OP was refused planning permission under delegated powers on the 17th December 2021 for three reasons of refusal. The application was refused on grounds of insufficient information having been provided on heritage and highway matters and the lack of a S106 agreement to secure affordable housing. Figure 1 show the indicative site layout of the proposals that were refused as part of the above application.



Figure 1: Proposed layout of application ref: UTT/21/0977/OP which was previously refused permission.

- 6.4** This application has been submitted in full rather than outline to address the concerns raised and the reasons of refusal imposed on the previous application by way of making amendments to the proposed layout and through the provision of additional information/documentation.

7. PRE-APPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

- 7.1** Paragraph 39 of the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties and that good quality pre-application discussions enable better coordination between public and private resources, and improved results for the community.

- 7.2** This has included pre-application engagement including a programme of meetings between the Applicant and officers of Uttlesford District Council. In summary, the applicant has discussed their emerging proposals with officers to clarify previous reasons of refusal and to seek advice on planning policy and revisions to the design of the proposed development.

- 7.3** A consultation letter and a copy of the proposed layout was sent to Clavering Parish Council, Hands off Clavering, and local residents living close to the site on the 1st April 2022 inviting comments on the proposals which closed on the 15th April 2022. In total 9 comments were received.

- 7.4** Full details of the consultation exercise conducted is discussed within the supporting Consultation Report. The applicant submits that they listened to all views expressed by consultees, the public, and Parish Council,

throughout the duration of the consultation and has made appropriate changes to the proposed development to address and mitigate concerns raised where possible.

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 suggested conditions. These conditions are provided in full within Section 17 of this report.

8.2 Local Flood Authority – No Objection

- 8.2.1** Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to imposing conditions if permission is granted. These conditions are suggested in full in Section 17 of this report.

8.3 Environment Agency – No Objection

- 8.3.1** Thank you for your consultation dated 17th June 2022. We have reviewed the application as submitted and have no objection.

9. PARISH COUNCIL COMMENTS

- 9.1** Clavering Parish Council Objects to the application for the following reasons:

- The application sites lies within a flood zone and is known to flood from the River Stort. It is the responsibility of the District Council to manage the flood risk for this development which includes determining the safety and acceptability of the proposals.
- The proposed safe refuse of the housing detailed in this proposed application does not illustrate how at flood times, the dwellings may be accessed by emergency services.
- The Council should be reminded that previous planning applications were refused on grounds of flood risk.
- The Council have rejected the site in its call for sites process in 2015 and 2018 for reasons including flood risk.
- The applicant has shown inadequate modelling relating to flood risk.
- There has been no effective community engagement.
- The development would result in a significant change to the site and the countryside.
- The proposals would impact upon the Protected Lane.
- No swept path analyses have been shown in this application.
- No street scene plans have been included in comparison to the bungalow that adjoins the site.

- The site plans do not appear to show the topography of the site.
- There is no daily public transport to nearby rail stations.
- The proposals fail to comply with the three strands of sustainable development.

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer

10.1.1 The housing officer confirms that there is a need for 4 on-site affordable units to comply with local policy and stipulates that the mix and tenure should comprise of 3 affordable rent properties and 1 first homes property.

10.1.2 The submitted application includes a parking court for plots 1 to 3 whereas the preference is for on plot parking. The 2-bedroom houses do not meet the NDSS. The bin location for plot 3 is also not ideal as it results in the bins being too far away for collection.

10.1.3 In respect to the above comments, the applicant has made some slight revisions to the proposals to accommodate on plot parking and improve bin collection points. For confirmation, all dwellings meet the National Described Space Standards, and this was a miss calculation by the housing officer.

10.2 UDC Environmental Health – No Objection

10.2.1 Council's Environmental Health Officer confirmed that they have no objections to the proposals subject to imposing conditions on the decision if permission is approved relating to construction management plans, contamination, external lighting and air quality. These conditions are suggested in full in Section 17 of this report.

10.3 UDC Landscape Officer/Arborist

10.3.1 No comments received.

10.4 UDC Emergency Planning Officer

10.4.1 UDC Emergency Planning would always react to ensure that public safety and welfare is protected, and we work closely with emergency services and other agencies. We do have Rest Centre Plan and can open them to provide refuge to residents who need to leave their home but this would be on the basis of either a Severe Flood Warning being issued (which is a step higher than a Flood Warning and indicates danger to life), on the recommendation of an evacuation advised by Essex Police, or if a home becomes uninhabitable due to an emergency. Flooding of an access road is not a trigger to activate these plans.

10.5 *ECC Place Services (Conservation and Heritage)*

10.5.1 The conservation officer notes the revisions made to the scheme from the original previous advice given 19th July 2022 and that in part the revisions are an improvement. However, concerns remain particular in relation to the design of the dwellings and their scale and massing.

10.5.2 The conservation officer raises no objection regarding the principle of the development of the site, however, the proposals would result in a level of less than substantial harm to the Clavering Conservation Area. The harm has been identified as a low to medium level on the spectrum of less than substantial harm.

10.6 *ECC Place Services (Ecology) – No Objection.*

10.6.1 Place Services confirmed that they have reviewed all the supporting documentation relating to the likely impacts of development on designated sites, protected species and priority species & habitats and identification of appropriate mitigation measures.

10.6.2 They concluded that the mitigation measures identified the Ecological Appraisal was appropriate and should be secured by a condition of any consent and implemented in full.

10.6.3 It was also concluded that they support the proposed biodiversity enhancements including new native planting, the creation of wildflower grassland, wetland features and log piles, the installation of bat boxes, hedgerow nest domes, bird boxes and bee bricks which have been recommended to secure net gains for biodiversity and should also be secured by way of imposing planning conditions.

10.6.4 Place Services conclude that impacts arising from the development will be minimal such that the proposals are acceptable subject conditions. These conditions are suggested in Section 17 of this report.

10.7 *Thames Water – No Objection*

10.7.1 Surface Water Drainage

10.7.2 Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from the development should follow the guidance under section 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Service will be required.

10.7.3 Waste Water Network and Sewage Treatment Works

10.7.4 We would not have an objection to the above planning application based on the information provided. With regard to water supply, this comes within the area covered by the Affinity Water Company.

10.8 **London Stansted Airport (MAG) - No Objection**

10.8.1 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no objections to this development.

11. **REPRESENTATIONS**

11.1 The application was notified to the public by displaying a site notice on site, sending letters to nearby residents, and advertising the application in the local paper. A number of representations were received who objected to the proposals for the following reasons:

11.2 **Object**

- 11.2.1**
- Highways/Access - The proposals as a result of increase traffic generation would result in harm to highway safety and traffic congestion along the surrounding highway network.
 - It would result in the widening of a protected lane.
 - Unustainable - The village is not a sustainable location with poor access to shops, local services, and employment for residents of the houses other than by car.
 - Flooding/Drainage – The surrounding area is prone to flooding. The proposals would result in further potential for flooding.
 - Countryside Impact - The development of this site would result in additional buildings in the countryside which would be detrimental to the open and rural character of the surrounding countryside.
 - Air Pollution – Increase traffic would result in increased impacts upon air pollution.
 - Play Area – There is already a public park in the village and thereby the new play area will not provide any additional benefits.
 - Scale – The size of the proposals is out of proportion with the size of the village.
 - Biodiversity – The proposals would impact upon local wildlife and their habitats.
 - Precedence - The site has not been listed as appropriate for potential development by Uttlesford DC and approval would set a dangerous precedent and encourage other non-compliant proposals

11.3 **Comment**

11.3.1 The above concerns raised within the representations have been fully considered and are addressed in the main assessment of this 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.

12.3 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.

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)
Great Dunmow Neighbourhood Plan (made December 2016)
Thaxted Neighbourhood Plan (made February 2019)
Felsted Neighbourhood Plan (made Feb 2020)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Stebbing Neighbourhood Plan (made 19 July 2022)
Saffron Walden Neighbourhood Plan (made November 2022)
Ashdon Neighbourhood Plan (Made December 2022)
Great & Little Chesterford Neighbourhood Plan (Made February 2023)

13. POLICY

13.1 National Policies

13.1.1 The National Planning Policy Framework (hereafter “the NPPF”) was first published in 2012 and was revised in July 2021. It sets out the Government’s national planning policies for England. It identifies the Government’s vision, objectives and goals for the planning system and provides a series of aids in the determination of planning applications.

13.2 Uttlesford District Plan 2005

- Policy S7 – The Countryside
- Policy GEN1- Access
- Policy GEN2 – Design
- Policy GEN3 - Flood Protection
- Policy GEN4 - Good Neighbourliness
- Policy GEN5 – Light Pollution
- Policy GEN6 - Infrastructure Provision
- Policy GEN7 - Nature Conservation
- Policy GEN8 - Vehicle Parking Standards
- Policy H9 - Affordable Housing
- Policy H10 - Housing Mix
- Policy ENV1 - Design of Development within Conservation Areas
- Policy ENV2 - Development affecting Listed Buildings
- Policy ENV3 - Open Space and Trees
- Policy ENV4 - Ancient monuments and Sites of Archaeological Importance
- Policy ENV5 - Protection of Agricultural Land
- Policy ENV10 - Noise Sensitive Development
- Policy ENV13 - Exposure to Poor Air Quality
- Policy ENV14 - Contaminated Land

13.3 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)

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2**
- A. Principle of Development**
 - B. Suitability and Location (GEN1 and the NPPF)**
 - C. Countryside Impact (S7, and the NPPF)**
 - D. Character and Design (GEN2 and the NPPF)**

- E. Heritage (ENV2 and the NPPF)
- F. Housing Mix and Tenure (H9, H10 and the NPPF)
- G. Neighbouring Amenity (GEN2, GEN4, ENV11 and the NPPF)
- H. Parking and Access (GEN1, GEN8, and the NPPF)
- I. Landscaping, Arboriculture, Open Space (GEN2, ENV3, ENV8 and the NPPF)
- J. Nature Conservation (GEN7 and the NPPF)
- K. Contamination (ENV14 and the NPPF)
- L. Flooding & Drainage (GEN3, and the NPPF)
- M. Planning Obligations (the NPPF)
- N. Other Issues

14.3 A) Principle of development

- 14.3.1** The application site is located outside the development limits of Clavering within open countryside and is therefore located within the Countryside where policy S7 applies.
- 14.3.2** This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. A review of policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas. It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, as a consequence the proposal is contrary to that policy.
- 14.3.3** The proposal cannot be tested against a fully up-to-date Development Plan, and the Council are currently unable to demonstrate a 5-year housing land supply. In either scenario or both, in this case, paragraph 11 is fully engaged along with the "tilted balance" in favour of the proposals.
- 14.3.4** Paragraph 11 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.
- 14.3.5** The "Planning Balance" is undertaken further below, but before doing so we have undertaken a wider assessment of the proposal against all relevant considerations to determine if there are impacts, before moving to consider if these impacts are adverse and would 'significantly and demonstrably' outweigh the benefits of the proposal in the planning balance.

14.4 B) Suitability and Location (GEN1 and the NPPF)

- 14.4.1** The site lies outside the settlement development boundary limits of Clavering. It is identified within the Local Plan settlement hierarchy as being “Other Village” where it is recognised that there is some limited potential for future development within the settlement boundary or on previously developed land.
- 14.4.2** Although outside the settlement boundaries of the village of Clavering, the new built form would be constructed adjacent to the northern western edge of the village and adjacent to existing housing, therefore to a limited extent, the proposals provide a logical relationship with the existing village.
- 14.4.3** The village of Clavering has a limited number of local services and amenities that are within walking/cycling distance from the application site including but not limited to:
- Fox and Hound Public House (300m)
 - Primary and Pre-School (600m)
 - Local Supermarket (700m)
 - Two Churches (500M & 800m)
 - Village Hall (1km)
 - Recreation Ground (1.1km)
- 14.4.4** Although there are limited amenities within the settlement of Clavering, the town of Newport is located 6km to the northeast of the application site and the large town of Saffron Walden is located 11km to the west whereby other local facilities such as health facilities and employment opportunities can be located.
- 14.4.5** It is recognised that the public transport links are limited to local bus services providing accessibility to children to schools in nearby larger towns.
- 14.4.6** The application site is situated within an accessible and sustainable location, close to local amenities and facilities including; schools; retail outlets; health and cultural facilities; sports and recreational fields; and employment opportunities to meet the needs of existing and future occupiers.
- 14.4.7** As such it is regarded that the application site would not be significantly divorced or isolated and that it would be capable of accommodating the development proposed in that it could be planned in a comprehensive and inclusive manner in relation to the wider area of Clavering.
- 14.4.8** This is a case to which paragraph 78 of the NPPF applies. The purpose of paragraph 78 is to support new development in rural areas, in recognition of the benefits it can bring to rural communities. New homes create additional population, and rural populations support rural services

through spending (helping to sustain economic activity) and through participation (in clubs and societies for example). There is no reason to suppose that the additional occupants of the properties on the application site would not use local facilities and participate in village life in the same way that other residents do.

14.4.9 Therefore, the development will contribute to sustainable development by providing exactly the sort of social and economic benefits to the local community that paragraph 78 envisages. The scale of that benefit will obviously be commensurate to the limited scale of the development itself (10 properties), but that does not diminish the benefit or render paragraph 78 inapplicable. Through the additional population and activity generated, the application scheme contributes to the social and economic objectives of sustainable development.

14.4.10 In addition to the local beneficial impact, because the application scheme would provide additional residential homes in a context where the Council is in short housing supply, and because it is widely accepted that construction activity contributes to the economy, the application scheme also contributes, in its own way, to wider social and economic sustainability objectives. These are additional material considerations that weigh in favour of the application scheme.

14.4.11 This is also a case to which paragraphs 103 and 108 of the NPPF apply. When one properly takes account of the rural context, the application site is actually in a relatively sustainable location because it offers options for accessing local facilities by non-car modes (particularly walking & cycling). Where car trips are required (which is common for rural areas), local facilities mean this can be short trips. In the context of development in the rural areas, the application scheme will also contribute to the environmental 'limb' of sustainability.

14.4.12 For all of the above reasons, it is submitted that the application scheme accords with national policy relating to support for rural communities as set out in the NPPF and contributes to sustainable development.

14.5 C) Countryside Impact (S7, and the NPPF)

14.5.1 A core principle of the NPPF is to recognise the intrinsic and beauty of the countryside. Paragraph 174 of the Framework further states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

14.5.2 It is acknowledged that there are some open views over the existing countryside from the north. In outlying views from the countryside towards the site, are in many cases interrupted by buildings and vegetation. The visual envelope, i.e., the area from which the site can be seen, is relatively small due to the position of the site.

- 14.5.3** The proposed scheme is for 10 residential units which will optimise the use of an underutilised parcel of land whilst at the same time taking careful consideration to its locality. A lower density scheme such as this scheme in this location would not be out of place with the surrounding character due to its design concept taking into account the wider natural and built environment.
- 14.5.4** The proposed layout presents a loose knit and spacious layout with significant areas of soft landscaping interspersed between the buildings and towards the front of the site. The setback of the frontage properties will maintain a green collar that presents visual relief to the development and filters views through newly planted vegetation into the application site along the surrounding highways. The relatively low density of the site similar the adjoining residential development within the locality, and the allowance for visual separation between built forms is such that the proposed development would not be a significant prominent addition in the local area and the effect on the local landscape.
- 14.5.5** It would nestle into a largely contained and framed site next to existing housing associated on Lower Way and Colehills Close and the established and proposed vegetation on the boundaries would have limited influence beyond the site itself and its immediate setting.
- 14.5.6** Except for the front boundary, the proposed layout will preserve and the existing boundaries through the retention of the existing trees and hedgerows along all other boundaries. The proposed widening of the existing highway to improve accessibility and safety would result in the removal of the vegetation along the front boundary, however, this would be replaced and enhanced with new mature vegetation as detailed on the submitted drawings. The application sites boundaries will, therefore, provide substantive containment and concealment of the application site and help reduce the prominence of any built form outside its immediate boundaries.
- 14.5.7** In outlying views from the countryside from the north and along the public footpath towards the site, the development would form part of the backdrop of the existing buildings and the settlement of Clavering resulting in only a low level of visual effect. The landscape and visual implications of this proposed development are of a low level and modest nature for a development such as this.
- 14.5.8** The development proposal would have a limited visual influence on the surroundings and that the appearance of the settlement in its semi-rural landscape context would not be notably altered or harmed. The new built form would be partly screened and contained within the established structure and fabric of the settlement when seen from outlying countryside locations. The development would not be a prominent or discordant element and would appear as an unobtrusive addition to the settlement set behind the established boundary treatments and adjacent to existing properties.

14.5.9 Taking the foregoing factors together, it is submitted that the proposed development would not be harmful to the character and appearance of the landscape or local countryside.

14.6 D) Character and Design (GEN2 and the NPPF)

14.6.1 In terms of design policy, good design is central to the objectives of both National and Local planning policies. The NPPF requires policies to plan positively for the achievement of high quality and inclusive design for the wider area and development schemes. Section 12 of the NPPF highlights that the Government attaches great importance to the design of the built development, adding at Paragraph 124 'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve'. These criteria are reflected in policy GEN2 of the adopted Local Plan.

14.6.2 The design and access statement provides details of the rationale behind the proposed development. This follows an assessment of the constraints and opportunities of the site, the design and appearance of the residential units, landscape objectives, noise assessment mitigation measures and surface water drainage strategies.

14.6.3 Layout:

14.6.4 The site is characterised by a single spine road extending from the existing vehicle access off Lower Way and meandering around the western portion of the site leading up to the rear. The access and spine road will form the main ingress point for vehicles and pedestrians. The layout which effectively creates a new cul-de-sac development is not at odds to the general character and layout of the area. Colehills Close to the east of the site is a cul-de-sac and thereby sets a precedence in this regard.

14.6.5 Due to the risk of flooding at the lower levels of the site, the layout of the housing has been generally located on the back high plateau at the back of the site and to the west where there are higher land levels.

14.6.6 The frontage of the buildings largely follows other development in the vicinity with the new buildings along the internal highways being sited at the back edge of the public footways allowing for car parking to be sited where possible between houses or within garages reducing the visual impact of on-site parked cars and allows as much private rear gardens as possible to the rear of the dwellings. In addition, the siting of the dwellings within the development have been arranged to follow the curve of the highways within the site which allows more harmonious street scene appearance.

14.6.7 The layout positively responds to the site constraints and the arrangement of buildings has considered the site's specific context, specifically with

respect to providing an appropriate interface between the proposed residential development, drainage and flooding, and the surrounding historic and natural environment.

14.6.8 Scale:

14.6.9 The Applicant has applied careful consideration in the design rationale behind the scale of the development considering the constraints of the site, the surrounding buildings, and the natural environment. In terms of height, all the new dwellings will be two storeys with single storey garages to the market houses. The market housing to the rear of the site will all consist of detached forms whilst the 2 pairs of semi-detached buildings forming the affordable units will be constructed in steps to reflect the rising levels as it goes up the site.

14.6.10 The scale of the dwellings is appropriate in relation to the character and appearance of the surrounding area. The dwellings have been sensitively integrated within the tradition-built context using proportions, roof forms and details similar to surrounding buildings ensuring subservient and well-proportioned buildings.

14.6.11 Appearance:

14.6.12 It is worth noting that unpretentious new designs which are sensitively integrated with their landscape setting often have steeper symmetrically pitched roofs and strong simple roof shapes together with a simple long narrow plan form with minimally articulated facades are typical of most rural locations.

14.6.13 The dwellings are of a traditional design with roof pitches generally steep ranging from 40-50 degrees and extending over the narrow plan in keeping with surrounding properties and the Essex Design Guide.

14.6.14 The external finishing materials of the new dwellings consist of a mix palette of materials which include slate, pantile and plain tile roofing, horizontal weatherboarding cladding or render to the walls with red brick plinths. The external materials are like those found in the general locality on surrounding properties.

14.6.15 The architectural treatment has been designed to provide a cohesive development, whilst creating individuality to the dwellings and interest in the local area and is considered to comply with existing policy.

14.6.16 The scheme proposes to interpret the Essex vernacular in a modern way, using traditional building forms and materials, but applying them to buildings that meet 21st Century Building Regulations and performance standards.

14.6.17 The proposals seek to respond to the location of the site on the edge of the town and provide a good quality development.

14.6.18 Quality of Accommodation:

14.6.19 All the proposed dwellings have been designed to provide a layout that has been designed to ensure attractive residential environments for new residents.

14.6.20 In light of this, the new homes comply with the Nationally Described Space Standard (NDSS). Each of the new homes will meet internal space standards and have acceptable levels of daylight and privacy as shown by the floor and elevation plans. They would ensure that the new homes will function, be adaptable and cater to changing lifestyles that meet the needs of families, children, and older people.

14.6.21 For a two-bedroom dwelling unit, the provision of 50sqm of amenity area and 100sqm for a three bedroom or more dwelling unit has been found to be acceptable and a workable minimum size that accommodates most household activities in accordance with the Essex Design Guide. In addition to the minimum size guidance, the amenity space should also be totally private, not be overlooked, provide an outdoor sitting area and should be located to the rear rather than the side.

14.7 **E. Heritage (ENV2 and the NPPF)**

14.7.1 Policy ENV 2 (Development affecting Listed Buildings) seeks to protect the historical significance, preserve and enhance the setting of heritage assets. The guidance contained within Section 16 of the NPPF, 'Conserving and enhancing the historic environment', relates to the historic environment, and developments which may have an effect upon it.

14.7.2 The Clavering Conservation Area boundary is located across the highway from the south of the site.

14.7.3 The application site also lies within the setting of several listed buildings and non-designated heritage assets including:

- Willow Thatch, Grade II listed (list entry number: 1322462),
- The Wheelhouse, Grade II listed (list entry number: 1170534),
- Leatside Stort Cottage, Grade II listed (list entry number: 1112431),
- Annexe to west of Chesnut Cottage, Grade II listed (list entry number: 1306016),
- Chesnut Cottage, Middle Street, (non-designated heritage asset, Local List Ref: 020),
- Brooklands, High Street (non-designated heritage asset, Local List Ref: 022) and
- Brook Cottage, Mill Hill (non-designated heritage asset).

14.7.4 The key change to the proposals in terms of heritage assets is the revised scheme has pulled the development away from the road to help preserve

the character of the lane and the setting of the conservation area. Furthermore, by submitting a full application rather than an outline as previously, the detailed design of the scheme is now available and has been informed by the local vernacular design.

14.7.5 The application is supported by a Heritage Statement which confirms that the proposed development would not have a direct physical impact on any designated heritage assets. The only harm that has been identified is a very low level of less than substantial harm to the conservation area due to the site's proximity lying opposite the site. Furthermore, the report concludes that other than this harm, the proposed development site does not provide a countryside setting to the conservation area.

14.7.6 The application was formally consulted to Place Services conservation officer who stipulated in their initial response in September:

14.7.7 *"The application site is considered to make a positive contribution to the setting, rural character and significance of the Clavering Conservation Area and has remained historically undeveloped as evident upon historical mapping. The proposed development of ten dwellings, in a cul-de-sac environment would result in a more urban character contrary to the prevailing rural character of Clavering and its setting. Thus, the proposed development is considered to result in 'less than substantial harm' to the setting of the Conservation Area, Paragraph 202 of the NPPD being relevant".*

14.7.8 The conservation officer further adds *"With regards to the proposed layout, I acknowledged that the large open space to the south-east would potentially mitigate some of the impacts from the proposed development however there remains concerns upon the quantum of development, and the scale and massing of the dwellings."* The officer further explains that *"Additionally, it should be encouraged that the use of high-quality materials as per paragraph 206, the proposed use of concrete tiles, cement fibre cladding and PVC bargeboards and windows would be inconsistent with this and would fail to preserve the setting of the Conservation Area"*

14.7.9 Following the response from the conservation officer, the applicant submitted revised plans to address some of the points raised as per above. These revisions included:

- The previously proposed terrace of 4 dwellings (Plots 1 to 4) to the west of the site has now been split into 2no. semi-detached buildings.
- The parking area to the south of plots 1 to 4 has been removed in favour of parking adjacent to the plots.
- The external materials have been updated to include natural roof tiles and painted timber cladding.

14.7.10 However, following further consultation with the Place Services following the submission of the revisions, the conservation officer confirmed in a

revised response that they still had concerns. Although the officer acknowledged that removal of the parking to the southeast of the site and the use of external finishing materials was a positive, the proposed design of the dwellings and their scale and massing remained a concern.

- 14.7.11** The conservation officer concluded that the proposals would not result in a positive contribution to the local character or distinctiveness or preserve the Setting of the Clavering Conservation Area. It was deemed that the proposals would result less than substantial harm and that the identified harm was within the low- to medium level of the spectrum.
- 14.7.12** It should be recognised that the conservation area did not raise any concerns with respect to unacceptable harm upon the listed buildings as identified in paragraph 14.7.3 above.
- 14.7.13** Where any development may have a direct or indirect effect on designated heritage assets, there is a legislative framework to ensure the proposals are considered with due regard for their impact on the historic environment.
- 14.7.14** The NPPF defines significance as ‘the value of a heritage asset to this and future generations because of its heritage interest’. Such interest may be archaeological, architectural, artistic or historic’.
- 14.7.15** The ‘Setting of a heritage asset’ is defined as ‘The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.’
- 14.7.16** Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 14.7.17** Paragraphs 201 and 202 address the balancing of harm against public benefits. If a balancing exercise is necessary (i.e. if there is any harm to the asset), considerable weight should be applied to the statutory duty where it arises. Proposals that would result in substantial harm or total loss of significance should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (as per Paragraph 201). Whereas Paragraph 202 emphasises that where less than substantial harm will arise as a result of a proposed development, this harm should be weighed against the public benefits of a proposal, including securing its optimum viable use.
- 14.7.18** In view of the conservation officer’s concerns and particular regarding the quantum of development, the proposals would represent a site density of 10 dwellings per hectare which is very low in respect to density.

Furthermore, the scheme will take of an arcadian layout creating a semi-rural feel rather than a dense urban appearance. In addition, the cul-de-sac layout of the development is not at odds to other cul-de-sac development within the vicinity including that of Colehills Close. Buildings within the site will also be visually separated allowing for large areas of soft landscaping which will be visually pleasing to the eye. In respect to scale and form, the proposals would not be at odds to the scale and size of dwellings in the locality which are predominately two stories.

- 14.7.19** In considering harm to designated heritage assets and being mindful of the statutory duties under Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, this is a matter that must be given considerable importance and weight and one must weigh up the public benefits and balance these against any identified harm. This balancing exercise is carried out in the planning balance section of this report below.

14.8 F. Housing Mix and Tenure (H9, H10 and the NPPF)

- 14.8.1** In accordance with Policy H9 of the Local Plan, the Council has adopted a housing strategy which sets out Council's approach to housing provisions. The Council commissioned a Strategic Housing Market Assessment (SHMA) which identified the need for affordable housing market type and tenure across the District. Section 5 of the Framework requires that developments deliver a wide choice of high quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

- 14.8.2** The application was consulted to Council's housing officer who confirmed that the Council's policy requires 40% on all schemes over 0.5 ha or 15 or more units and that the affordable housing provision on this site will attract the 40% policy requirement as the site is 0.96 ha and therefore exceeds 0.5 ha. This amounts to 4 affordable housing units.

- 14.8.3** The proposals include the provision of 4 on-site affordable housing units. These are identified as plots 1 to 4. The housing officer confirmed that there is now a national requirement for 25% of the affordable provision to be First Homes and that the tenure split of affordable housing should be 3 affordable rent and 1 First Home.

- 14.8.4** The Applicant has confirmed that Plot 1 would be a First Time home, Plots 2 & 3 provided as affordable rent and Plot 4 to be provided as shared ownership. For a modest scheme such as this, the tenure split of the affordable units is appropriate.

- 14.8.5** ULP Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2 and 3 bedroom dwellings. However, since the policy was adopted, the Strategic Housing Market Assessment (SHMA) has identified that the market housing need is generally for dwellings with three or more bedrooms. The Council's

general stance is that this should equate to approximately 50% of the dwellings.

14.8.6 This is a material consideration because the SHMA constitutes supporting evidence for the Local Plan, which itself requires the housing mix requirements in the SHMA to be met in order to achieve compliance with Policy. 6 of the 6 market dwellings proposed comprise of 4 bedrooms or more which equates to 100%. Although the percentage of dwellings consisting of three bedrooms or more is considerably high and it would be a better mix to provide more 2- bedroom market dwelling units, on balance it is considered that the mix of dwellings across the development is appropriate.

14.8.7 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). Plot 8 has been designed to comply with these requirements.

14.9 G. Neighbouring Amenity (GEN2, GEN4, ENV11, and the NPPF)

14.9.1 The NPPF requires a good standard of amenity for existing and future occupiers of land and buildings. Policies GEN2 and GEN4 of the Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

14.9.2 Due consideration has been given in relation to the potential harm cause to the amenities enjoyed by adjoining residential property occupiers.

14.9.3 The site plan shows a degree of separation between the proposed area of housing and the adjoining dwellings on the opposite side of Lower Way and to the east that would ensure that the amenities of these properties will be largely protected. The distance would conform to the relevant setbacks within the Essex Design Guide and as such the proposal would not result in a significant degree of overlooking, overshadowing and would neither be visually intrusive or overbearing when viewed from adjoining properties.

14.9.4 In relation potential impacts at the construction stage, particular in relation to air quality, noise and vibration, a condition attached to the outline consent requiring a Construction Management Plan would ensure to address these points when the details are submitted.

14.9.5 It is concluded that the development would not result in excessive harm to the amenities enjoyed by adjoining residential property occupiers and that the proposal would comply with local policies GEN2, GEN4 and ENV11.

14.10 H. Parking and Access (GEN1, GEN8, and the NPPF)

14.10.1 Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must compromise road safety and take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than a vehicle.

14.10.2 Access

14.10.3 Vehicle access will be from Lower Way utilising the existing vehicle crossover into the site. The application is supported by a Transport Statement prepared by SLR. This stipulates that safe and suitable access can be provided into the site for both vehicles and pedestrians. The proposed access point will take the form of a 6m wide driveway for at least the first 8m into the site and will have a turning provision for all vehicles that will access the site.

14.10.4 As part of the proposals, Lower Way itself is proposed to be widened and improved along the street frontage and up to the junction of Colehills Close to create a carriageway width of 5m. On the road widening the dimension varies between 500mm and 2000mm depending on the position of the widening in relation to the site boundary, a total of about 70m along the boundary of the site. This is proposed to ensure that two vehicles can pass on the lane. With respect to the impact of the proposed widening, this has been accounted for in the detailed landscaping scheme which proposes a replacement mixed native hedge with mature plants chosen for their wildlife value.

14.10.5 The application was consulted to Essex County Council who are the lead local highway authority who confirmed that they have reviewed all supporting documentation including the Transport Statement. The highway authority confirm that they have no objections to the application in respect to highway safety of accessibility.

14.10.6 It is acknowledged that some representations made concerns regarding the widening of the highway and that this would be detrimental to this protected lane. To confirm, this part of Lower Way in which some widening is proposed is not designated as a protected lane as defined by the Adopted Local Plan. The highway is not designated as a protected lane for a further 70m west of the site.

14.10.7 Parking

14.10.8 Policy GEN8 of the Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning guidance 'Vehicle Parking Standards'.

- 14.10.9** The Adopted Council parking standards recommended for at least 1 vehicle space for each 1-bedroom unit and at least 2 vehicle spaces for dwellings consisting of two or three bedroom dwellings and three spaces for a four or more bedroom dwelling house along with additional visitor parking. In addition, each dwelling should be provided with at least 1 secure cycle covered space.
- 14.10.10** Based on the accommodation mix provided, a minimum of 24 off street parking spaces would be required across the development. A total of 32 off street parking spaces are provided throughout the site which is excessive of the requirements stipulated within the Adopted Council Parking Standards. These would be accommodated within a range of options including integral and detached garages, and off-street parking. In addition, secure cycling would be provided for each residential unit within the site.
- 14.10.11** All appropriate size vehicles including emergency and refuse vehicles would be able to access the site. Rear access, bin storage and refuse collection points provide the means for efficient servicing. These will ensure appropriate, safe, and convenient collection of refuse as confirmed by vehicle tracking analysis and in compliance with local policy. All refuse storage points would be located within 25m carry distance.
- 14.11 I. Landscaping, Arboriculture, Open Space (GEN2, ENV3, ENV8 and the NPPF)**
- 14.11.1** Landscaping:
- 14.11.2** All larger development should be designed around a landscape structure. The landscape structure should encompass the public open space system but should also provide visual contrast to the built environment and constitute a legible network based, where appropriate, on existing trees and hedgerows.
- 14.11.3** The proposals include a landscaping scheme, incorporating both private and public open space areas. This will help to retain the rural nature of the site and provide a visual buffer between the development and the houses opposite maintaining the arcadian nature of the development.
- 14.11.4** The general landscape layout particularly that of the plot landscaping has been designed to help enhance the overall character and appearance of the development and creates a pleasant environment to live in. Extensive grassed areas and garden beds along with street trees will provide an open and attractive aspect to the front of dwellings. In addition, the soft landscaping would be easily maintained and allow for future growth. The landscaping is appropriate in that it will help soften the built form of the development and reflect its wider setting.

14.11.5 Arboriculture:

14.11.6 The application is supported by an Arboricultural Impact Assessment. This confirms that the development will result in the removal of:

Category A: 0 trees

Category B: 4 trees and 1 group of trees

Category C: 6 trees, 1 group of trees and 3 hedgerows

Category U: 4 trees and 2 groups of trees

14.11.7 The majority of the proposed removals are trees situated along the southern (front) boundary adjacent Lower Way, which is to facilitate road widening adjacent this boundary. The majority of the removals are trees of low quality or diseased or dying. By way of mitigation, it is proposed as part of the landscaping proposals, 45 new trees and numerous hedges, shrubs and herbaceous plants are to be planted for compensation of the vegetation proposed to be removed.

14.11.8 All other trees to be retained will be protected during construction works by way of tree protecting fencing and ground protection.

14.11.9 Open Space:

14.11.10 Open space areas should be suitably located and have appropriate proportions to their use and setting. Narrow or peripheral areas, which are difficult to access or maintain will not be considered appropriate. Open space provisions should form an integral part of the design and layout and meet the need generated by the development.

14.11.11 In total, 0.2 hectares of informal and formal public open space is proposed towards the front of the site fronting onto Lower Way. The open space area will include a Local Area of Play (LAP) which will include trees and amenity grassland planting, and timber equipment for play and benches. Specifically, the size and amount of the open space and play equipment is acceptable, and it will be within convenient locations to the housing and help encourage healthy living.

14.11.12 The proposed landscaping of open spaces including street frontages is appropriate.

14.12 **J. Nature Conservation (GEN7 and the NPPF)**

14.12.1 Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.

14.12.2 Existing ecology and natural habitats found on the site must be safeguarded and enhanced and new opportunities for increasing the biodiversity should be explored.

14.12.3 The applicant has submitted an Ecological Appraisal including a protected species assessment for bats and reptiles and detailed, and an Ecological Mitigation supporting document. The supporting documentation stipulates that the proposed development would not have a harmful effect on wildlife, designated sites, or other landscape elements of importance to nature conservation and includes measures to secure biodiversity enhancements.

14.12.4 The application site itself is not subject of any statutory nature conservation designation being largely used for agriculture. Place Services ecologist have reviewed the supporting Preliminary Ecological Appraisal and further supporting documentation submitted in support of the proposals in detail and has assessed the likely impacts on protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

14.12.5 The planting scheme has been designed to increase the ecological benefits of the site.

14.12.6 Place Services ecologist confirms that the mitigation measures identified in the Preliminary Ecological Appraisal including a Protected Species Assessment should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species particularly bats, Badger, birds, mobile mammal species and amphibians. They also stipulated that they support the proposed reasonable biodiversity enhancements including a mixture of bird and bat boxes, hedgehog nesting boxes, habitat piles as well as native planting which has been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. Net gain and mitigation measures would be secured by way of imposing conditions on the decision if permission were to be approved.

14.13 K. Contamination (ENV14 and the NPPF)

14.13.1 Although the Council has no reason to believe the proposed site is contaminated and is not aware of any potentially contaminative past use on the site in question. It is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site in accordance with policy ENV14 of the adopted Local Plan. The application was consulted to Council's environmental health officer who suggested that they had no objections to the scheme in respect to contamination.

14.13.2 L. Flooding & Drainage (GEN3, and the NPPF)

14.13.3 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.

14.13.4 Flooding:

14.13.5 The site is shown on the Environmental Agency Flood Map for Planning as per Figure 1 below as lying almost entirely in Flood Zone 2, with the higher northern part of the site shown in Flood Zone 1, and Flood Zone 3 extent limited to the land to the southern boundary and adjacent the highway.



Figure 1: Extract from Environmental Agency showing Flood Zones.

14.13.6 Due to the site falling within Flood Zones 2 and 3 the need for a Sequential Test is required to demonstrate that there are not any reasonable alternative sites that are available in areas with a lower probability of flooding to accommodate the type of development and land use proposed.

14.13.7 The applicant has undertaken a Sequential Test identifying sites in and around the village of Clavering as shown in Figure 2 below that have either been promoted and still available, and that they may be suitable for development of a similar size to that of which is being proposed.



Figure 2: Sites forming part of the Applicant's Sequential Testing.

- 14.13.8** The above sites were found not suitable due to either access constraints, inappropriate scale, and layout, or lying in Flood Zones 2 or 3 and thereby they were considered as not being sequentially preferred sites in Clavering for the proposed development. However, it is acknowledged that the Sequential Test undertaken by the applicant is rather limited and only covers the area of Clavering. It could be contended that a wider search area should have formed part of the Sequential Test.
- 14.13.9** If the application is concluded to pass the Sequential Test, one must thereafter consider the Exception Test in which paragraph 164 of The Framework requires that to pass the Exception Test it should be demonstrated that (a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; (b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere.
- 14.13.10** As set out in Section 16 of this report (Planning Balance and Conclusion) it is considered that the proposals would deliver material planning benefits that would outweigh the potential of flood risk on the site or elsewhere and thereby complying with point (a) above.
- 14.13.11** Referring to point (b) above, and as further demonstrated below, all the proposed dwellings will be located within Flood Zone 1 once altered site levels and flood defensive measures are considered ensuring the development will be a safe place to live for its lifetime. It is thereby considered that the Exception Test is passed.

- 14.13.12** It is possible to build safely in fluvial flood zones as long as the applicant undertake and construct the necessary measures to protect homes from flooding and ensure to mitigate the effects of any new development from increasing the flood risks to others.
- 14.13.13** Planning permission is only granted on the condition that the floor of the new homes is raised significantly above the flood level, and that suitable mitigation is applied; such as compensatory storage for floodwater to prevent flooding from reaching new homes.
- 14.13.14** The applicant has provided a Flood Risk Assessment and Drainage Strategy in support of the application. The Assessment stipulates that the above Flood Risk Maps that identifies the Flood Zones is misleading as to the actual current risk of flooding of the site due to the flood map not considering the presence of flood defences in the area including the Lower Way Ford Wall along the site frontage. It is put forward in the Assessment that the Ford Wall helps retain flows in the watercourse and improves channel capacity prior to overspill occurring.
- 14.13.15** The Assessment continues that modelled flood data for the River Stort has been undertaken in the vicinity of the site taking into account flood defences. The modelling as per Appendix 5 within the Assessment indicates that upstream of the site the 1 in 100 year water level is 84.94m Above Ordnance Datum (AOD) falling to 84.69 AOD at the downstream end of the site. The modelled 1 in 1000 year flood levels at the upstream and downstream ends of the site are 85.21m and 85.04m AOD retrospectively. This event has yet to be modelled by the Environment Agency.
- 14.13.16** If one takes the flood defensive measures and the modelling into consideration and compare the 1 in 100 and 1 in 1000 year flood levels against the topographical survey as per Figure 3 below, this demonstrates what would be the current Flood Zones. Based upon the model outlines, water remains in bank or in close proximity to the channel along the upstream stretch (west) of the site, although towards the downstream end of the site (east), water may come onto the lower lying area of the central part of the site.

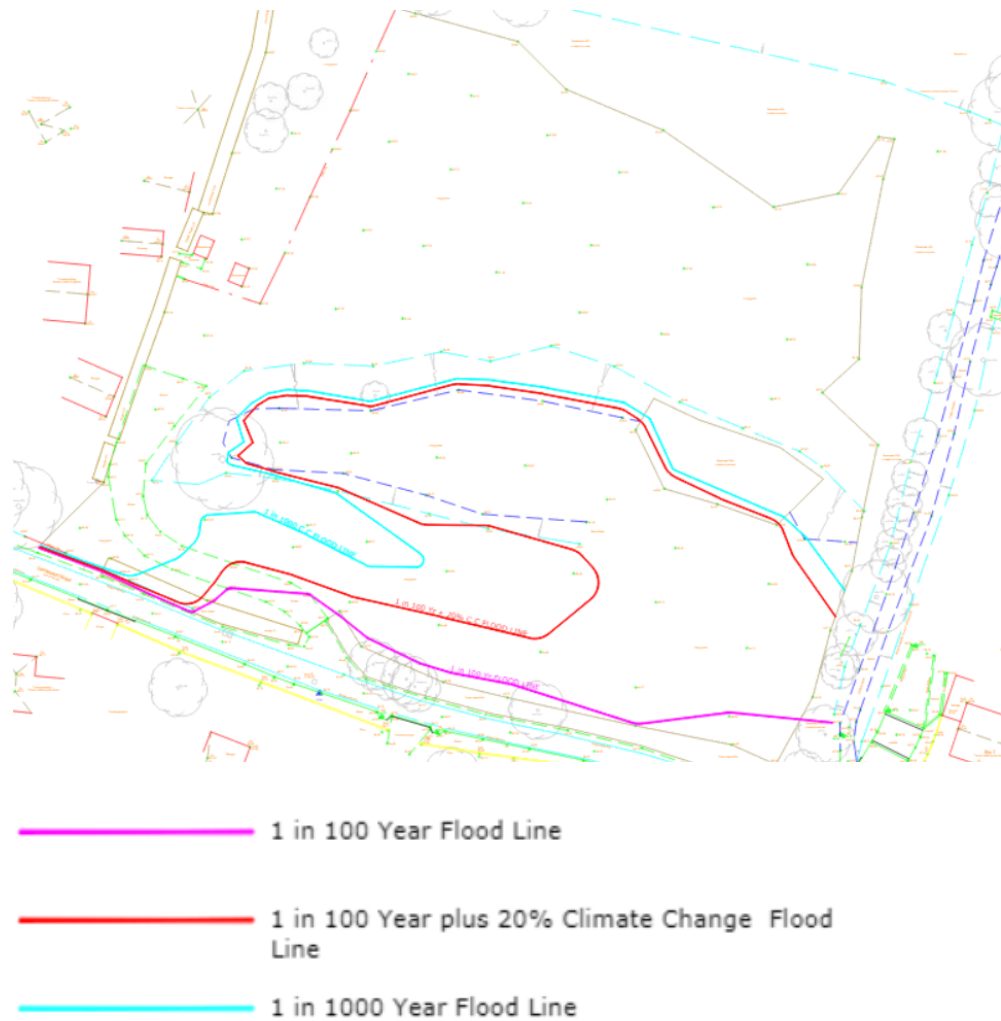


Figure 3: Site Survey and Modelled Flood Lines.

- 14.13.17** Taking into account the above 'Site Survey and Modelled Flood Lines' and overlaying the proposed site layout over the top, Figure 4 below identifies that based on current Flood Risk Maps if one takes into account the existing Flood Defensive Measures, then the majority of the plots with the exception of plots 1 and 2 would be located within Flood Zone 1.



Figure 4: Site Survey and Modelled Flood Lines overlaid onto Proposed Site Plan.

- 14.13.18** However, to mitigate the current risk of Plots 1 and 2, the levels in the land as shown hashed in blue, orange and green above are proposed to be raised by approximately 25cm to increase the height of the finish floor levels of these properties. The proposed ground raising will however mean that post development all dwellings are situated in Flood Zone 1, and above the 1 in 1000 year water level as shown in Figure 5 below.



Figure 5: Site Plan showing all dwellings post development would be in areas with a less than 1 in 1,000 annual probability of flooding (which equates as Flood Zone 1).

- 14.13.19** To compensate for potential flooding in the central area of the site (300sq.m of public open space) ground lowering works will be carried out

to provide additional capacity and storage by way of mitigation. This area will include an on-site flood compensation area that would provide an increase of more than 68 cubic metres in flood storage capacity for the site and will help ensure that the downstream of flooding is reduced which is a benefit of the proposed development.

- 14.13.20** The Flood Risk Assessment considers that the majority of the site is at low risk of fluvial flooding from any source, with a limited risk along the southern boundary and low area in the south only.
- 14.13.21** It is acknowledged that the vehicle access will remain in Flood Zones 2 and 3. On balance it is considered that in the event of a significant event, occupants would be provided with safe place of refuge within the dwellings themselves. Any significant flooding would be short term. Furthermore, the vehicle access points of those dwellings on the opposite side of Lower Way also lie in Flood Zones 2 and 3.
- 14.13.22** The applicant has provided a Flood Warning and Excavation Plan attached at Appendix 11 of the FRA which can be implemented in order for the occupants can leave the site in advance of any potential event in which any access may be become impassable.
- 14.13.23** As indicated in Section 8 of this report, an important material consideration in the merits of this application is that no objections or concerns have been raised by the Environmental Agency in relation to the potential of flooding either within the site or elsewhere because of the proposals.
- 14.13.24** Drainage:
- 14.13.25** Additionally, all major developments are required to include sustainable drainage to ensure that the risk of flooding is not increased to those outside of the development and that the new development is future proofed to allow for increased instances of flooding expected to result from climate change.
- 14.13.26** A Sustainable Urban Drainage System (SuDS) is proposed that would drain surface water into the ground via on-plot soakaways, permeable paving and an infiltration basin in the area of public open space that would sustainably accommodate surface water run off from the site plus a further 40% storage capacity to account for climate change.
- 14.13.27** Essex County Council who are the lead local flooding authority who stipulate that having reviewed the Flood Risk Assessment and Drainage Strategy which accompanied the planning application, that they do not object to the granting of planning permission subject to imposing appropriately worded conditions on the decision.
- 14.13.28** The proposals, for this reason is thereby comply with to policy GEN3 of the adopted Local Plan and the NPPF.

14.14 M. Planning Obligations (the NPPF)

14.14.1 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. The following identifies those matters that the Council would seek to secure through a planning obligation, if it were proposing to grant it permission.

- 14.14.2**
- Affordable Housing: 40% affordable housing (split across the affordable rent and intermediate tenures).
 - Open Space: the provision of an appropriate amount of open space, which provides a significant area of open space for recreation for all age ranges. The open space will be subject to an appropriate management regime. Play facilities: the provision of play equipment which will be subject to an appropriate management regime.
 - Payment of the council's reasonable legal costs.
 - Payment of monitoring fee.

14.15 N. Other Issues

14.15.1 Air Quality and Pollution

14.15.2 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.

14.15.3 A review of the potential impact of the proposed scheme on air quality confirmed that the site is not within an existing Air Quality Management Area (AQMA).

14.15.4 The proposed development will not materially impact on queuing traffic or congestion. It is therefore concluded that the residual effects of the proposed development in relation to air quality are negligible and the proposed development complies with national and local policy for air quality subject to imposing conditions if permission is granted for the development to provide appropriate mitigation measures such as providing all dwellings with electric vehicle charging points.

14.15.5 Energy and Sustainability

14.15.6 Council's supplementary planning document 'Uttlesford Interim Climate Change Policy (2021)' seeks new development proposals to demonstrate the optimum use of energy conservation and incorporate energy conservation and efficiency measures.

14.15.7 The applicant outlines technologies and strategies to achieve and met the targets in the SPD. The applicant has also confirmed that they are committed to securing the installation of on-plot electric vehicle charging infrastructure as part of the strategy to reduce carbon emissions and promote sustainable travel. The applicant also confirms that the properties will be built with sustainability in mind with air source heat pumps, high levels of insulation and water efficient fittings which can be secured by way of conditions if permission is approved.

14.15.8 The potential methods and techniques incorporated into the final design and layout of the proposals will help deliver a development that would reduce fuel use and greenhouse gas emissions, minimise energy use and input of raw materials and incorporates principles of energy conservation in relation to the design, siting, and orientation of the buildings. Conditions are suggested in Section 17 to secure appropriate technologies and strategies to achieve and met the targets in the SPD.

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.

16.1 **CONCLUSION**

- 16.1.1** With Uttlesford District Council unable to demonstrate a 5-year housing land supply as a consequence 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.
- 16.1.2** The amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. Being out of date does not mean that a policy carries no weight. A review of Policy S7 concluded that this takes a more restrictive approach to development in the countryside compared to the NPPF which takes a more positive approach, and this could affect the delivery of housing. However, it is broadly consistent with the NPPF in terms of seeking to protect the character and appearance of the countryside and thereby they still carry reasonable weight.
- 16.1.3** In respect to addressing the benefits of the proposed development, the provision of 10 dwellings including 4 of these being affordable housing would represent a modest boost to the district's housing supply, mindful of the housing land supply situation and the need for housing in the district.
- 16.1.4** Significant new public open space and play equipment in excess of the open space standards is to be delivered. A quantifiable on-site biodiversity net gain of at least 10% is to be achieved.
- 16.1.5** The central area of the site (public open space) will include an on-site flood compensation area that would provide an increase of more than 68 cubic metres in flood storage capacity for the site and will help ensure that the downstream of flooding is reduced which is a benefit of the proposed development.
- 16.1.6** The development would provide economic and social benefits in terms of the construction of the dwellings and supporting local services and amenities providing investment into the local economy.
- 16.1.7** The proposed dwellings would be built with sustainability in mind with air source heat pumps, high levels of insulation, electric vehicle charging points, and water efficient fittings.
- 16.1.8** Thus, taken these together, significant weight to the benefits of the development have been considered.
- 16.1.9** Turning to the adverse impacts of development, the negative environmental effect of the development would be limited and localised landscape character and visual effects on the character and appearance

of the countryside. This would have limited to modest negative environmental effects.

- 16.1.10** The proposals would inevitably result in an adverse impact to the setting and experience of the designated heritage asset of the adjacent Clavering Conservation Area. Thereby it would result in 'less than substantial harm' to the setting of this heritage asset which has been deemed to be of a 'low to modest' harm on the spectrum.
- 16.1.11** All other factors relating to the proposed development have been carefully considered and are capable of being satisfactorily mitigated, such that they weigh neutrally within the planning balance. These factors include biodiversity, highways, noise, air quality, ground conditions and arboriculture.
- 16.1.12** Therefore, and taken together, weight to the adverse impacts have been considered in respect of development and the conflict with development plan policies. The benefits of granting planning permission would significantly and demonstrably outweigh the identified adverse impacts of development. In the circumstances, the proposal would represent sustainable development in accordance with the NPPF.
- 16.1.13** Overall, the proposals are in conformity with relevant local and national planning policies and the scheme results in a positive and sustainable form of development that is of planning merit.
- 16.1.14** It is therefore recommended that the application be approved subject to the suggested conditions and section 106 agreement as per below.

17. S106 / CONDITIONS

17.1 S106 HEADS OF TERMS

- 17.2**
- Provision of 40% affordable housing
 - Provision and long-term on-going maintenance of public open space (including LAP)
 - Monitoring cost

17.3 The applicant be informed that the Committee be minded to refuse planning permission for the reasons set out below unless by 15th August 2023 the freehold owner enters into a binding agreement to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991 in a form to be prepared by the Head of Legal Services, in which case he shall be authorised to conclude an agreement to secure the following:

- 17.4**
- Provision of 40% affordable housing
 - Provision and long-term on-going maintenance of public open space (including LAP)

- Monitoring cost

17.5 In the event of such an agreement being made, the Director Public Services shall be authorised to grant permission subject to the conditions set out below.

17.6 If the freehold owner shall fail to enter into such an agreement, the Director of Public Services shall be authorised to refuse permission at his discretion at any time thereafter for the lack of delivery of the following mitigation:

- 17.7**
- Provision of 40% affordable housing
 - Provision and long-term on-going maintenance of public open space (including LAP)
 - Monitoring cost

CONDITIONS

- 1** The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2** The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

- 3** The external finishing materials of the development hereby approved shall be constructed in accordance with the details indicated on Drawing No. 1169-04A unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interest of preserving the character and appearance of the surrounding area in accordance with Policy GEN2 of the Adopted Local Plan and the National Planning Policy Frameworks.

- 4** Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

- a) The construction programme and phasing

- b) Hours of operation, delivery and storage of plant and materials used in constructing the development
- c) Details of any highway works necessary to enable construction to take place
- d) the parking of vehicles of site operatives and visitors,
- e) Details of hoarding
- f) Management of traffic to reduce congestion
- g) Control of dust and dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light, and odour.
- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.
- l) wheel and underbody washing facilities.
- M) routing strategy for construction vehicles

All works shall be carried out in accordance with the approved CEMP thereafter.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of highway safety and the control of environmental impacts on existing residential properties in accordance with Policies GEN1, ENV10 of the Adopted Local Plan and the NPPF.

- 5** No construction works shall be carried out on, nor machinery operated on, nor materials be delivered to the site at any time on Sundays or Public Holidays, or before 8:00am or after 6:00pm on Monday to Friday or before 9:00am or after 1:00pm on Saturdays.

REASON: to Protect the amenities of adjoining residents in accordance with Policies GEN2 and GEN4 of the Adopted Local Plan and the National Planning Policy Framework.

- 6** Prior to the occupation of the development hereby approved, details of any external lighting to be installed on the site, including the design of the lighting unit, and supporting structures, and the extent of the area to be illuminated, shall be submitted and approved in writing by the Local Planning Authority. Only the details thereby approved shall be implemented.

REASON: To protect the amenities of the occupiers of adjoining properties and the character of the surrounding area in accordance with ULP Policies ENV11, GEN2 and S7 of the Uttlesford Local Plan as Adopted and the National Planning Policy Framework.

- 7 In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures, a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out.

REASON: to ensure the health of future occupiers in accordance with Policy ENV14 of the Adopted Local Plan and the NPPF.

- 8 No works shall take place until a detailed surface water drainage strategy scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme should include but not limited to:

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm event up to and including the 1 in 100 year plus 40% climate change event.
- A 10% allowance should be provided in storage calculation for urban creep.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculation for all area of the drainage system
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance route, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting and minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development, to provide mitigation of any environment harm which may be caused to the local water environment in accordance with Policy GEN3 of the Adopted Local Plan and the National Planning Policy Framework.

- 9 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during

construction works and prevent pollution has been submitted to, and approved by the Local Planning authority. The scheme shall subsequently be implemented as approved.

REASON: The National Planning Policy Framework paragraph 163 and 170 state that Local Planning Authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below ground level, this will cause additional water to be discharged. Furthermore, the removal of topsoil during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before the commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed in accordance with Policy GEN3 of the Adopted Local Plan and the National Planning Policy Framework.

- 10** Prior to the occupation of the development hereby approved, a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies has been submitted to and agreed in writing by the Local Planning Authority.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with Policy GEN3 of the Adopted Local Plan and the National Planning Policy Framework.

- 11** The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with Policy GEN3 of the Adopted Local Plan and the National Planning Policy Framework.

- 12** Prior to occupation of any dwelling, the provision of an access formed at right angles to Lower Way, to include but not limited to: minimum 6 metre carriageway width with appropriate radii to accommodate the swept path of all vehicles regularly accessing the site, and clear to ground visibility splays with dimensions of 2.4 metres by 43 metres, in both directions, as

measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway the interest of highway safety and in accordance with Policy GEN1 of the Adopted Local Plan and the NPPF.

- 13** Any boundary planting fronting Lower Way and the byway shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

REASON: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy GEN1 of the Adopted Local Plan and the NPPF.

- 14** Prior to occupation of the development, the proposed local widening of the carriageway, as shown in principle on DWG no. 001 Rev. 4 (Titled - Proposed Site Access), shall be provided. Details to be agreed by the Local Planning Authority, in consultation with the Highway Authority, and shall be implemented prior to occupation.

REASON: In the interests of highway safety and in accordance with Policy GEN1 of the Adopted Local Plan and the NPPF.

- 15** Prior to occupation of the development, the provision of a 2 metre footway (where achievable) from the pedestrian site access (at the south-eastern site boundary) extending to the east along Lower Way and B1038 High Street to the proposed pedestrian crossing point of B1038 High Street, to include two pedestrian dropped kerbs crossing points across Colehills Close and B1038 High Street (with appropriate tactile paving as necessary), and provided with clear to ground visibility splays, as shown in principle on DWG no. 001 Rev. 4. Details to be agreed by the Local Planning Authority, in consultation with the Highway Authority, and shall be implemented prior to occupation.

REASON: In the interest of highway safety and accessibility and in accordance with Policy GEN1 of the Adopted Local Plan and the NPPF.

- 16** Prior to occupation, the internal footway along the southern edge of the site (parallel to Lower Way), from internal access road to byway no. 75 (Clavering), shall be constructed with an all-weather bound surface, and be maintained in good repair thereafter.

REASON: To ensure the safe passage of pedestrians, in the interests of accessibility and pedestrian safety and in accordance with Policy GEN1 of the Adopted Local Plan and the NPPF.

- 17** The proposed steps from byway no. 75 (Clavering) into the development site, as shown in principle on DWG no. 1169-02 Rev. C, must be set clear of the highway boundary and definitive width of the public byway.

REASON: In the interests of highway safety and in accordance with Policy GEN1 of the Adopted Local Plan and the NPPF.

- 18** No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period and shall provide for the following all clear of the highway:

- i. Safe access into the site;
- ii. Vehicle routing;
- iii. The parking of vehicles of site operatives and visitors;
- iv. Loading and unloading of plant and materials;
- v. Storage of plant and materials used in constructing the development;
- vi. Wheel and underbody washing facilities.
- vii. Before and after condition survey to identify defects to highway in the vicinity of the site access and where necessary ensure repairs are undertaken at the developer's expense where caused by the developer.
- viii. shall specify the provisions to be made for control of noise and dust emanating from the site and shall be consistent with the best practicable means as set out in the Uttlesford Code of Development Practice.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and in the interests of the amenity of surrounding residential premises in accordance with Policies GEN1, GEN2 and GEN4 of the Adopted Local Plan and the NPPF.

- 19** No dwelling shall be occupied until the associated parking and/or turning head indicated on the approved plans has been provided. The vehicle parking and turning heads shall be retained in this form at all times.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interest of highway safety and that appropriate parking is provided and in accordance with Policy GEN1 and GEN8 of the Adopted Local Plan and the NPPF.

- 20** Dwellings shall not be occupied until such time as their associated cycle parking in accordance with Adopted Parking Standards 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 Local Policy GEN8 of the Uttlesford District Council Local Plan as Adopted (2005).

- 21** Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport and in accordance with Policy GEN1 of the Adopted Local Plan and the NPPF.

- 22** No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety and in accordance with Policy GEN1 and GEN8 of the Adopted Local Plan and the NPPF.

- 23** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Update Preliminary Ecological Appraisal Including a Protected Species Assessment (Skilled Ecology Consultancy Ltd., April 2022) and Landscape & Planting Design, drawing (Prepared by Samuel Moore, November 2022), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 24** A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and

that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

- 25** A minimum of a single electric vehicle charging point shall be installed for each new dwelling. These shall be provided, fully wired and connected, ready to use before first occupation.

REASON: The requirement of the charging points are required to mitigate the harm for poor air quality due to the increase in vehicle in accordance with Policy ENV13 of the Adopted Local Plan and the NPPF.

- 26** Prior to the erection of the development hereby approved (not including footings and foundations) full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved.

If within a period of 5 years from the date of the planting or establishment of any tree, shrub or plant, that tree, shrub or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree, shrub or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives written consent to any variation.

REASON: The landscaping of this site 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 Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

- 27** Prior to commencement of the development hereby approved, the renewable energy/climate control and water efficiency measures associated with the development shall be submitted to and approved in writing by the local planning authority. Thereafter, all approved measures shall be implemented prior to the occupation of the development and thereafter retained unless otherwise agreed in writing by the local planning authority.

REASON: To ensure the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance to comply with the adopted Uttlesford Local Plan Policies ENV15 and GEN2, as well as Uttlesford District Council's Interim Climate Change Policy document (2021) and the Uttlesford Climate Change Strategy 2021-2030.

Appendix 1 – Statutory Consultee Responses

Highway Authority

Your Ref: UTT/22/1718/FUL
Our Ref: 31333
Date: 20th December 2022



CC: (by email) *DM, SMO2, Chelmsford
PROW, Chelmsford
Cllr Ray Gooding*

Paul Crick
Director for Highways
and Transportation

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

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/22/1718/FUL
Applicant Artisan (UK) Developments Limited And Turnwood Heritage Limited
Site Location Land West Of Colehills Close Middle Street Clavering
Proposal Full planning application for the erection of 10 no. dwellings, with associated landscaping, access and parking

SUPERSEDES PREVIOUS RECOMMENDATION DATED 29TH SEPTEMBER 2022

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.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to the following measures:

1. Prior to occupation of any dwelling, the provision of an access formed at right angles to Lower Road, to include but not limited to: minimum 6 metre carriageway width with appropriate radii to accommodate the swept path of all vehicles regularly accessing the site, and clear to ground visibility splays with dimensions of 2.4 metres by 43 metres, in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.
Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway the interest of highway safety.
2. Any boundary planting fronting Lower Road and the byway shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety

3. Prior to occupation of the development, the proposed local widening of the carriageway, as shown in principle on DWG no. 001 Rev. 4 (Titled - Proposed Site Access), shall be provided. Details to be agreed by the Local Planning Authority, in consultation with the Highway Authority, and shall be implemented prior to occupation.

Reason: In the interests of highway safety.

4. Prior to occupation of the development, the provision of a 2 metre footway (where achievable) from the pedestrian site access (at the south-eastern site boundary) extending to the east along Lower Road and B1038 High Street to the proposed pedestrian crossing point of B1038 High Street, to include two pedestrian dropped kerbs crossing points across Colehills Close and B1038 High Street (with appropriate tactile paving as necessary), and provided with clear to ground visibility splays, as shown in principle on DWG no. 001 Rev. 4. Details to be agreed by the Local Planning Authority, in consultation with the Highway Authority, and shall be implemented prior to occupation.

Reason: In the interest of highway safety and accessibility.

5. Prior to occupation, the internal footway along the southern edge of the site (parallel to Lower Road), from internal access road to byway no. 75 (Clavering), shall be constructed with an all-weather bound surface, and be maintained in good repair thereafter.

Reason: To ensure the safe passage of pedestrians, in the interests of accessibility and pedestrian safety.

6. Prior to occupation of the development, the pedestrian access onto byway no. 75 (Clavering) shall be provided at its centre line shall be provided with a clear to ground visibility splay as shown in principle on DWG no. 001 Rev. 4. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between pedestrians and those in the existing public highway in the interest of highway safety.

7. The proposed steps from byway no. 75 (Clavering) into the development site, as shown in principle on DWG no. 1169-02 Rev. C, must be set clear of the highway boundary and definitive width of the public byway.

Reason: In the interests of highway safety.

8. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period and shall provide for the following all clear of the highway:

- i. Safe access into the site;
- ii. Vehicle routing;
- iii. The parking of vehicles of site operatives and visitors;
- iv. Loading and unloading of plant and materials;
- v. Storage of plant and materials used in constructing the development;
- vi. Wheel and underbody washing facilities.

- vii. Before and after condition survey to identify defects to highway in the vicinity of the site access and where necessary ensure repairs are undertaken at the developer's expense where caused by the developer.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

9. No dwelling shall be occupied until the associated parking and/or turning head indicated on the approved plans has been provided. The vehicle parking and turning heads shall be retained in this form at all times.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interest of highway safety and that appropriate parking is provided.

10. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

11. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

12. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

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.

Informative:

- i. 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 or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
- ii. The proposed development does not accord with the Essex Design Guide and as such would preclude / not be considered suitable for adoption by the Highway Authority.
- iii. There shall be no discharge of surface water onto the Highway.
- iv. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no

mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.

- v. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes technical check, safety audits, site inspection, commuted sums for maintenance and any potential claims under the 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 as security in case of default.
- vi. 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.
- vii. Any signal equipment, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance.
- viii. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public byway no. 75 (Clavering) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

Note:

Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the [Essex Climate Action Commission](#) proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the [Essex Developers' Group Climate Charter \[2022\]](#) and to view the advice contained in the [Essex Design Guide](#). Climate Action [Advice guides](#) for residents, businesses and schools are also available.



pp. Director for Highways and Transportation
Enquiries to Sophie Currey
Telephone: 03330 133058
Email: sophie.currey@essex.gov.uk

Lead Local Flooding Authority

Essex County Council
**Development and Flood Risk
Waste & Environment**
C426 County Hall
Chelmsford
Essex CM1 1QH



Lindsay Trevillian
Uttlesford District Council
Planning Services

Date: 29 June 2022
Our Ref: SUDS-006072
Your Ref: UTT/22/1718/FUL

Dear Ms Trevillian

Consultation Response – UTT/22/1718/FUL - Land West Of Colehills Close Middle Street Clavering Essex

Thank you for your email received on 20 June 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 15th 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 **do not object** to the granting of planning permission based on the following:

Condition 1

No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.

- A 10% allowance should be provided in storage calculations for urban creep.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

Condition 2

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 3

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 4

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

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 Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. planning application with outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures
[Flood risk assessments: climate change allowances - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/flood-risk-assessments-climate-change-allowances)



Uttlesford District Council
Development Control
Council Offices London Road
Saffron Walden
Essex
CB11 4ER

Our ref: AE/2022/127201/01-L01
Your ref: UTT/22/1718/FUL
Date: 18 July 2022

Dear Sir/Madam

**FULL PLANNING APPLICATION FOR THE ERECTION OF 10 NO. DWELLINGS,
WITH ASSOCIATED LANDSCAPING, ACCESS AND PARKING**

LAND WEST OF COLEHILLS CLOSE MIDDLE STREET CLAVERING ESSEX

Thank you for your consultation dated 17 June 2022. We have reviewed the application as submitted and have no objection. The applicant may require an Environmental Permit, in order to undertake their development, as detailed below.

Environmental Permitting Regulations

Flood Defence Consents now fall under the new Environmental Permitting (England and Wales) Regulations 2010 system (EPR). The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8m of the river and of any flood defence structure or culvert of the River Stort, designated a 'main river'.

The EPR are a risk-based framework that enables us to focus regulatory effort towards activities with highest flood or environmental risk. Lower risk activities will be excluded or exempt and only higher risk activities will require a permit. Your proposed works may fall under either one or more of the below:

- 'Exemption,
- 'Exclusion',

- 'Standard Risks Permit'
- 'Bespoke permit.'

New forms and further information can be found at:

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. Anyone carrying out these activities without a permit where one is required, is breaking the law.

Please contact our National Customer Contact Centre to assess which category your proposed works fall under. They will then be able to tell you the classification of your application, the fee associated with your application, and how to proceed forward. They can be contacted by email at: floodriskactivity@environment-agency.gov.uk

We trust this information is useful.

Yours faithfully



Mr Pat Abbott
Planning Advisor

Direct dial 0208 4748011

Direct e-mail planning.ipswich@environment-agency.gov.uk