



**ITEM NUMBER:** 6

**PLANNING COMMITTEE DATE:** 7 June 2023

**REFERENCE NUMBER:** UTT/23/0966/PINS

**LOCATION:** Land East Of Pines Hill, Stansted

**SITE LOCATION PLAN:**



© Crown copyright and database rights 2021 Ordnance Survey  
0100018688 Organisation: Uttlesford District Council Date:02/05/2023

**PROPOSAL:** Consultation on S62A/2023/0018 - Up to 31 no residential dwellings with all matters reserved for subsequent approval, except for vehicular access from Pines Hill.

**APPLICANT:** Luxus Homes Stoney Common Ltd

**AGENT:** PJB Planning Ltd (Mr P Biggs)

**EXPIRY DATE:** 18 May 2023

**EOT Expiry Date** 9 June 2023

**CASE OFFICER:** Chris Tyler

**NOTATION:** Outside Development Limits

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

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

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

---

**1. RECOMMENDATION**

**That the Director of Planning be authorised to advise the Planning Inspectorate that Uttlesford District Council make the following observations on this application:**

**Details are to be outlined by the Planning Committee.**

**2. SITE LOCATION AND DESCRIPTION:**

- 2.1** The site consists of an irregular shape site measuring 0.99ha, south of Stoney Common Road and to the east of Pines Hill Road. The site is undeveloped and comprises open land which is heavily treed in some areas. The site was previously a Christmas Tree plantation. Currently vehicular access is obtained from an off roadside lane

- 2.2** Part of the site is in between the site a pair of semi-detached properties (1 and 2 Pines Hill) and a detached property (Ostra Brama), which are to be retained
- 2.3** To the south-east of the site is an existing commercial premises which lies outside of the site
- 2.4** The site lies within the Metropolitan Green Belt and Outside Development Limits within the Countryside. To the south and west of the site are important woodlands as identified in the Local Plan.

### **3. PROPOSAL**

- 3.1** The application seeks outline application for up to 31 dwellings, with all matters reserved except access onto Pines Hill. The existing access to the neighbouring properties (Ostra Bram and 1 & 2 Pines Hill) will be retained.

The following details are proposed:

- A density of 31 dwelling per hectare
- 2 - 2.5 storeys high
- A housing mix of 1, 2-, 3-, 4- and 5-bedroom dwellings
- 52% affordable units (16)
- 4 Self build homes

- 3.2** The proposed mix of affordable housing includes:

Affordable Rented (8 dwellings)

- 4 no. 1 bed flats @ 50 sq m
- 2 no. 2 bed flats @70 sq m
- 1 no. 2 bed houses @ 79 sq m
- 1 no. 3 bed houses @ 93 sq m

Shared Ownership (4 dwellings)

- 1 no. 2 bed houses @ 79 sq m
- 3 no. 3 bed houses @ 93 sq m

First Homes (4 dwellings)

- 4 no. 2 bed houses @ 79 sq m

- 3.3** The following provides an indicative schedule of the proposed accommodation:

| Unit | Accomodation            | Area (m2) | Garden sizes (m2) | Tenure                  |
|------|-------------------------|-----------|-------------------|-------------------------|
| 1    | 3 bedroom               | 100.1     | 105 m2            | Shared Ownership        |
| 2    | 2 bedroom               | 79        | 80.3 m2           | First Homes             |
| 3    | 4 bedroom (2 ½ storeys) | 186.2     | 108.1 m2          | Private                 |
| 4    | 2 bedroom               | 79        | 65.8 m2           | First Homes             |
| 5    | 2 bedroom               | 79        | 60.5 m2           | First Homes             |
| 6    | 4 bedroom (2 ½ storeys) | 186.2     | 126 m2            | Private                 |
| 7    | 3 bedroom (2 ½ storeys) | 130.1     | 101.7 m2          | Private                 |
| 8    | 3 bedroom (2 ½ storeys) | 130.1     | 105.1 m2          | Private                 |
| 9    | 3 bedroom               | 119.2     | 159.7 m2          | Private                 |
| 10   | 4 bedroom (2 ½ storeys) | 227       | 159.2 m2          | Private                 |
| 11   | 4 bedroom (2 ½ storeys) | 227       | 183 m2            | Private                 |
| 12   | 3 bedroom               | 119.2     | 101.7 m2          | Self-build/Custom Build |
| 13   | 3 bedroom               | 119.2     | 104.2 m2          | Self-build/Custom Build |
| 14   | 4 bedroom (2 ½ storeys) | 186.2     | 138.1 m2          | Self-build/Custom Build |
| 15   | 3 bedroom               | 119.2     | 110.7 m2          | Self-build/Custom Build |
| 16   | 4 bedroom (2 ½ storeys) | 227       | 188.4 m2          | Private                 |
| 17   | 3 bedroom (2 ½ storeys) | 130.1     | 136.9 m2          | Private                 |
| 18   | 3 bedroom (2 ½ storeys) | 130.1     | 230.3 m2          | Private                 |
| 19   | 3 bedroom               | 119.2     | 201.7 m2          | Private                 |
| 20   | 2 bedroom               | 79        | 86.1 m2           | First Homes             |
| 21   | 2 bedroom               | 79        | 86.1 m2           | Shared Ownership        |
| 22   | 3 bedroom               | 93        | 107.4 m2          | Shared Ownership        |
| 23   | 3 bedroom               | 93        | 104.8 m2          | Shared Ownership        |
| 24   | 2 bedroom               | 79        | 71.2 m2           | Affordable Rent         |
| 25   | 3 bedroom               | 93        | 100.1 m2          | Affordable Rent         |
| 26   | 1 bedroom (apartment)   | 50        | 25 m2*            | Affordable Rent         |
| 27   | 1 bedroom (apartment)   | 50        | 25 m2*            | Affordable Rent         |
| 28   | 1 bedroom (apartment)   | 50        | 25 m2*            | Affordable Rent         |
| 29   | 1 bedroom (apartment)   | 50        | 25 m2*            | Affordable Rent         |
| 30   | 2 bedroom (apartment)   | 70        | 25 m2*            | Affordable Rent         |
| 31   | 2 bedroom (apartment)   | 70        | 25 m2*            | Affordable Rent         |

#### 4. **ENVIRONMENTAL IMPACT ASSESSMENT**

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

#### 5. **RELEVANT SITE HISTORY**

| Reference      | Proposal   | Decision  |
|----------------|--|---|
| UTT/21/2730/OP | Outline planning permission with all matters reserved except access, for up to 31 no. dwellings. | Refused 2/12/21<br><br><u>Refusal Reasons:</u><br>Inappropriate development |

|                 |   |   |
|-----------------|---|---|
|                 |   | <p>within the Greenbelt,</p> <p>Insufficient ecology information provided,</p> <p>Insufficient drainage information provided,</p> <p>Fails to deliver appropriate infrastructure</p>  |
| UTT/14/0151/OP  | Outline application, with all matters reserved except for access, for the demolition of existing buildings and redevelopment of the site for approximately 68 residential dwellings with access from Pines Hill together with landscaping, infrastructure and ancillary works | <p>Refused 17/04/14</p> <p><u>Refusal Reasons:</u><br/>Inappropriate development within the Greenbelt,</p> <p>Insufficient ecology information provided,</p> <p>Fails to deliver appropriate infrastructure (local education &amp; health care)</p> |
| UTT/13/3168/SCO | Request for Screening Opinion for proposed development  | Environmental Impact Assessment not required.   |

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

**6.1** The Local Planning authority (LPA) is unaware of any consultation exercise carried out by the applicant for this current proposal.

**7. STATUTORY CONSULTEE**

**7.1** All statutory consultees are required to write directly to the Planning Inspectorate (PINS) (and not the Local Planning Authority).

7.2 Accordingly, it should be noted that a number of considerations/advice normally obtained from statutory consultees to assist the Local Planning Authority in the consideration of a major planning application have not been provided and are thereby not included within this report.

7.3. It is noted no statutory consultee comments have been received

## 8 **PARISH COUNCIL**

These should be submitted by the Parish Council directly to PINS within the 21-day consultation period.

## 9 **CONSULTEE RESPONSES**

### **Place Services- Heritage**

9.1 The application site is an area of land to the south of Stoney Common Road, with access from Pines Hill. To the northwest of the site is the Grade II listed building, Fairfield, an eighteenth-century house (list entry number: 1322466) and to the rear of Fairfield is the Grade II listed Poplar Hall (list entry number: 1112478). Upon review of the submitted documents, I do not consider the proposals to result in harm to the setting or significance of the nearby listed buildings. The application site is not considered to make a positive contribution to the setting of the heritage assets and the associated impacts from the proposed development could effectively be mitigated.

### **Place Services- Archaeology**

9.2 The Historic Environment Advisor of Essex County Council has identified the above application on the weekly list as having potential archaeological implications. No objection raised subject to conditions.

### **Essex Police**

9.3 UDC Local Plan Policy GEN2 - Design (d) states" It helps reduce the potential for crime "We thank you for notification of this Planning Inspector consultation, the only comment that we would make at this time is that we would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with this policy by achieving a Secured by Design Homes award.

### **UDC Housing Enabling Officer**

9.4 The proposed affordable housing provision on this site exceeds the 40% policy requirement and if approved would provide 16 new affordable homes plus 4 self/custom build properties and 11 market properties. It is expected that the affordable properties will be delivered by one of the Council's preferred Registered Providers. The proposed affordable house provision would assist towards meeting the identified local housing need.

All the proposed affordable housing meets the Nationally Described Space Standards (NDSS).

### **UDC Landscape Officer**

**9.5** Verbal representations have been provided; the follow comments have been raised:

- The site is well contained,
- The proposal will unlikely result in significant level of harm to the wider landscape setting,
- The proposal will impact the immediate rural landscape/\*/\* setting, as defined within the metropolitan green belt,
- The indicative landscaping details throughout the site are acceptable, however a detailed landscaping scheme would be considered as part of the reserved matters details.

## **10. REPRESENTATIONS**

**10.1** The application was publicised by sending letters to adjoining and adjacent occupiers and by displaying a site notice. Anyone wishing to make a representation (whether supporting or objecting) are required to submit their comments directly to PINS.

**10.2** UDC has no role in co-ordinating or receiving any representations made about this application. It will be for PINS to decide whether to accept any representations that are made later than 21 days.

**10.3** Notwithstanding the above, PINS has granted Uttlesford District Council an extension until 9<sup>th</sup> June 2023 to submit comments due to the Council's scheduled timetable for Planning Committee meetings.

## **11. MATERIAL CONSIDERATIONS**

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

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

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



- b) any local finance considerations, so far as material to the application, and
- c) any other material considerations.

### **11.3 The Development Plan**

- 11.3.1** Essex Minerals Local Plan (adopted July 2014)
- Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
- Uttlesford District Local Plan (adopted 2005)
- Felsted Neighbourhood Plan (made Feb 2020)
- Great Dunmow Neighbourhood Plan (made December 2016)
- Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
- Thaxted Neighbourhood Plan (made February 2019)
- Stebbing Neighbourhood Plan (made 19 July 2022)
- Saffron Walden Neighbourhood Plan (made October 2022)
- Ashdon Neighbourhood Plan (made 6 December 2022)
- Great & Little Chesterford Neighbourhood Plan (made 2 February 2023)

## **12. POLICY**

### **12.1 National Policies**

- 12.1.1** National Planning Policy Framework (2021)

### **12.2 Uttlesford District Plan 2005**

- 12.2.1** S6 – Metropolitan Green Belt
- S7- Countryside
- GEN1 – Access
- GEN2 – Design
- GEN3 – Flood Protection
- GEN4 – Good Neighbourliness
- GEN5 – Light Pollution
- GEN6 – Infrastructure Provision
- GEN7 – Nature Conservation
- GEN8 – Vehicle Parking Standards
- ENV1 – Design of Development within Conservation Areas
- ENV2 – Development Affecting Listed Buildings
- ENV3 – Open Spaces and Trees
- ENV4 – Ancient Monuments and Sites of Archaeological Interest
- ENV5 – Protection of Agricultural Land
- ENV7 – Protection of the Natural Environment
- ENV8 – Other Landscape Elements of Importance
- ENV10 – Noise Sensitive Developments
- ENV12 – Groundwater Protection
- ENV14 – Contaminated Land
- H1 – Housing Development
- H9 – Affordable Housing
- H10 – Housing Mix

## **12.3 Supplementary Planning Document or Guidance**

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

## **13. CONSIDERATIONS AND ASSESSMENT**

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

- 13.2**
- A) Principle Of Development**
  - B) Highways Considerations**
  - C) Design, Landscape and Heritage**
  - D) Housing Mix and Tenure**
  - E) Flooding**
  - F) Energy And Sustainability**
  - G) Environmental Health**
  - H) Ecology**
  - I) Planning Obligations**
  - J) Other matters**
  - K) Conclusion**

### **13.3 A) Principle of development**

**13.3.1** The application site is located within the Metropolitan Greenbelt and as cited within ULP Policy S6 a belt of countryside needs to be retained between Harlow, Bishop's Stortford, Stansted Mountfitchet and Stansted Airport as part of the regional concept of containing the urban sprawl of London. Within the Green Belt development will only be permitted if it accords with national planning policy on green belts. Development permitted should preserve the openness of the Green Belt and its scale, design and siting should be such that the character of the countryside is not harmed.

**13.3.2** The NPPF provides clear guidance and attaches great importance to Green Belts. Paragraph 138 of the NPPF set out the 5 purposes that green belt serves, this includes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

**13.3.3** Paragraph 145 of the NPPF states that once green belts have been defined, LPAs should "plan positively to enhance their beneficial use, such

as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land”.

**13.3.4** Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances noted in paragraph 148 of the NPPF, in considering any application, local planning authorities should give substantial weight to any harm that will be caused to the Green Belt. Paragraph 148 of the NPPF states that LPA’s should ensure that “substantial weight is given to any harm to the Green Belt”.

**13.3.5** The NPPF is clear in paragraph 149 that the construction of new buildings are inappropriate with the exception of the following:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building,
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land.

**13.3.6** It is clear that the proposed development does not fall under any of the prescribed exceptions (above) and as such is clearly considered as inappropriate development.

**13.3.7** Furthermore, paragraph 150 of the NPPF sets out certain forms of development which are not classed as inappropriate on the basis that they retain the openness and do not conflict with the purposes of the land including:

- a) Mineral extraction
- b) Engineering operations
- c) Local transport infrastructure
- d) Reuse of buildings
- e) Material changes in the use such as outdoor sport, recreation or for cemeteries
- f) Development brought forwards under a Community Right to Build Order or Neighbourhood Development Order

The proposed development does not fall under any exceptions listed in paragraph 150.

**13.3.8 Openness**

Openness is an essential characteristic of the Green Belt and loss of openness, however minor, adds to the harm to the Green Belt. Openness, which is not a direct function of visibility, is an attribute that is eroded by the introduction of built form.

**13.5.7** The site is within the Metropolitan Green Belt. The 'openness' of the site can be appreciated in particular from Stoney Common Road and the frontage from Pines Hill. Unless there is a demonstrable overriding local need for the proposed development it would be contrary to planning policy

**13.5.8 Very Special Circumstances (VSC)**

Concerning VSC, paragraph 148 states "when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations".

**13.5.9** The applicant has argued that there are very special circumstances which justify the proposed development and cumulatively outweigh the harm to the openness of the Green Belt. VSC include:

1. Housing Shortfall and provision of market housing
2. Provision of 52% Affordable Housing
3. Provision of affordable housing with Stansted Mountfitchet
4. Outdoor and indoor sports contribution
5. Delivery of Biodiversity Net Gain
5. Economic benefits

**13.5.10** It is considered that what is being proposed here does not fall within the definition of "appropriate development" within the Green Belt. Given the substantial weight that must be afforded to any harm to the greenbelt, it is considered that the VSC which have been cited would not outweigh the harm that would be caused to the Green Belt.

**13.5.11** The application includes a Landscape assessment which concludes the area is judged as having medium sensitivity to change, due to its positive landscape condition and Green Belt status. The introduction of notable elements into the landscape will not change balance of the wider landscape character, the magnitude of change will be low. The result is therefore considered to be a slight/moderate effect on the landscape character in the long-term.

**13.5.12** The National Planning Policy Framework (NPPF 2021) applies a presumption in favour of sustainable development. Development will only be permitted if the appearance of the development protects or enhances the particular character of the countryside within which it is set or there are special reasons why the development in the form proposed needs to

be there. In any case, paragraph 80 of the NPPF seeks to avoid isolated homes in the countryside unless there are special circumstances. In this regard, housing site should be within or adjacent to existing settlements to prevent sporadic development in the countryside.

**13.5.13** The NPPF describes the importance of maintaining a five-year supply of deliverable housing sites. The Council's housing land supply currently falls short of this and is only able to demonstrate a supply of 4.89 years (Five Year Housing Land Supply update April 2022).

**13.5.14** Paragraph 11 of the NPPF considers the presumption of sustainable development, this includes where there are no relevant development plan policies, or where policies which are most important for determining the application are out of- date. This includes where the five-year housing supply cannot be delivered.

**13.5.15** This means for decision making:

Approving development proposals that accord with an up-to-date development plan without delay where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. The granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Protected areas as defined in the NPPF includes the Greenbelt.

**13.5.16** Due to the application site being located within the Greenbelt paragraph 11 (d) (i) of the NPPF applies and the tilted balance is disengaged. As such the application of policies within the Framework concerning Green Belt provide a clear reason for refusal, which are discussed above in detail

**13.5.17** In terms of very special circumstances, it is considered that no very special circumstances have been demonstrated to sufficiently outweigh the harm, by way of inappropriateness, loss of openness and the piecemeal urbanisation of the area. It is noted the application includes a number of benefits; however these do not constitute very special circumstances and due to the disengagement of the tilted balance no weight can be applied to these.

**13.5.18** Taking into consideration the above details the principle of the development at this location is not considered appropriate and fails to accord with the ULP Policy S6 and the NPPF.

## **13.6. B) Highways Considerations**

**13.6.1** Policy GEN1 seeks to ensure that development is only permitted if the access is appropriate, traffic generation does not have a detrimental impact on the surrounding road network, it is designed to meet the needs

of people with disabilities and it encourages sustainable modes of transport

**13.6.2** Vehicular access is proposed from Pine Hill to the west. The layout will also allow for access to existing neighbouring properties 1&2 to the west, as well as Ostra Brama in the south

**13.6.3** The applicant has stated that the site is surrounded by various local amenities and transport links, these include the M11 which provides routes to London from the south and Cambridge from the north. The site is also a 10 minute walk to Stansted Mountfitchet station allowing links to London Liverpool Street and Cambridge North Stations. Pines Hill (B1383) situated to the west of the site also provides local links to Newport in the north and Bishops Stortford to the south.

**13.6.4** The adopted Council parking standards recommend for at least 2 vehicle spaces for dwellings consisting of two/three-bedroom dwellings and three spaces for a four or more bedroom dwelling house. It is considered that the site is capable of providing space for at least 2-4 parking spaces per dwelling on site. However, it is noted the application seeks outline planning permission and therefore these details will be considered in a subsequent reserved matters application.

**13.6.5** The proposed access arrangements for this outline planning application and the highway impact associated with the proposed development fall to be considered by Essex County Council as the highway authority. However due to the particular nature of this application process; wherein comments are to be provided directly to the Planning Inspectorate for decision making; the Local Planning Authority are unable to make detailed comments on the highway aspect of the proposed development. Details regarding the parking provision for this scheme will be considered at reserved matters stage when detailed layouts have been provided

### **13.7 C) Design, Landscaping and Heritage**

**13.7.1** This application seeks consent for the principle of the development and the access only at this stage; with scale, layout, external appearance and landscape considerations being reserved for future consideration.

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

**13.7.3** Local Plan Policy GEN2 seeks to promote good design requiring that development should meet with the criteria set out in that policy. Regard should be had to the scale form, layout and appearance of the development and to safeguarding important environmental features in its setting to reduce the visual impact of the new buildings where appropriate.

Furthermore, development should not have a materially adverse effect on the reasonable occupation and enjoyment of residential properties as a result of loss of privacy, loss of daylight, overbearing or overshadowing.

**13.7.4** Whilst the layout of the development is a matter reserved for consideration at a later date, the illustrative layout demonstrates a density of 31 dwellings per hectare and buildings circa 2-2.5 storeys high. This may be deemed appropriate in isolation, however not within the green belt. Development further north of the site has a relatively tight urban grain which is appropriate within development limits, where such development can be located. The site provides a transition in the area. The development south of the site comprises detached houses within spacious surroundings, with extensive separation distances.

**13.7.5** The proposed development does not take the opportunity to improve the existing urban grain to the north or provide a development which would be a more suitable transition between the north and south of the site. The proposals represent a form of inappropriate development which would result in the urbanisation of the site which would be harmful to the character of the area.

**13.7.6** In regards to heritage impact, the council's heritage officer has been consulted and advises that they consider the proposals to result in harm to the setting or significance of the nearby listed buildings. The application site is not considered to make a positive contribution to the setting of the heritage assets and the associated impacts from the proposed development could effectively be mitigated.

**13.7.7** Policy GEN2 of the Local Plan states seeks to ensure that design of new development would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing. Policies GEN4 and GEN5 are also relevant. It is considered that there is sufficient space on site to accommodate sufficient separation distance, albeit the development would be relatively dense. It is considered that sufficient separation distances and screening could be provided to prevent any undue loss of amenity.

## **13.8 D) Housing Mix and Tenure**

**13.8.1** 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. Paragraph 62 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

**13.8.2** Policy H9 states that the Council will seek to negotiate on a site-to-site basis an element of affordable housing of 40%. The applicant proposes a mix of 1, 2, 3 and 4 bedroom properties, along with 52 % (16 units) of affordable housing. The Housing and Enabling Officer has confirmed that 52% affordable housing is acceptable, and welcomed early discussions regarding the potential housing mix. Should the scheme be recommended for approval, this would form part of a legal agreement.

**13.8.3** Layout is not being considered at this stage and as such there will be further opportunity to ensure that an appropriate housing mix is secured. Notwithstanding it is the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). A condition requiring this will be suggested if the Inspector is mindful of granting consent.

### **13.9. E) Flooding**

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

**13.9.1** The application is supported by an outline foul water and drainage strategy. This outlines that the proposed development will follow best practice regarding site drainage to ensure that surface water runoff from the development is managed. It is proposed that runoff from each property will drain to a suitably sized individual soakaway while runoff from the roads will be dealt with via permeable surfacing with sub base storage. The proposed surface water drainage and SuDS design principles set out in the report will ensure that the development does not increase the risk of flooding to the surrounding area.

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

### **13.10 F) Energy And Sustainability**

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

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



**13.10.3** However, given the outline nature of the application under consideration which is seeking consent for access only at this stage; it is not possible to provide a detailed analysis of this aspect of the scheme at this stage.

**13.11. G) Environmental Health**

**13.11.1** Policy ENV13 of the Local Plan states that new development that would involve users being exposed on an extended long-term basis to poor air quality outdoor near ground level will be refused.

**13.11.2** Local Plan policy ENV14 requires appropriate investigation and remediation of sites that could be harmful to future users.

**13.11.3** Local Plan policy ENV10 relates to Noise Sensitive Development. Housing and other noise sensitive development will not be permitted if the occupants would experience significant noise disturbance.

**13.11.4** An assessment of air quality, land contamination and noise impacts cannot be undertaken without considered input from Environmental Health specialists. Any comments from Environmental Health are required to be submitted directly to PINS. However, it is considered that any harmful impacts posed by these matters may be addressed by way of planning conditions.

**13.12 H) Ecology**

**13.12.1** The application has been accompanied by an Ecological Assessment which concludes that it is not considered that there will be any significant adverse effects on any statutory or non-statutory sites of nature conservation interest as a result of the development proposals.

**13.12.2** Habitat losses will be extensive within the main site, with large areas of the scrub and grassland present throughout the site requiring clearance to facilitate development. On site mitigation will be implemented where possible, and to support this off-site offsetting land has been secured which - in combination with the development proposals - will secure a significant betterment to biodiversity as a whole.

**13.12.3** The Biodiversity Net Gain calculations tool identifies that the development proposals, including the offsetting land, will deliver a net gain of 58.43% in habitat units and 29.76% in linear units.

**13.13 I) Planning Obligations**

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

**13.13.2** The applicant stated that they were willing to enter into an agreement in relation to planning obligations. Relevant statutory and non-statutory consultees will directly provide PIN's their formal consultation response in respect to the proposals which may or may not result in the need for obligations to be secured by a Section 106 Legal Agreement. Such matters that may arise include:

- Provision of affordable housing,
- Provision of first homes,
- Outdoor sporting contributions,
- Indoor sporting contributions,
- Biodiversity net gain,
- Payment of education financial contributions; Early Years, Primary and Secondary Schools,
- Financial contribution for Libraries,
- Financial contribution for Health contributions,
- Provision and long-term on-going maintenance of public open space,
- Highways obligations and associated financial contributions,
- Employment strategy,
- Councils S106 Monitoring Fee

#### **13.14. J) Other matters**

**13.14.1** From 1 October 2013 the Growth and Infrastructure Act inserted two new provisions into the Town and Country Planning Act (1990) ('the Act'). Section 62A allows major applications for planning permission, consents and orders to be made directly to the Planning Inspectorate (acting on behalf of the Secretary of State) where a local planning authority has been designated for this purpose

**13.14.2** The Planning Inspectorate will appoint an Inspector to determine the application. The Inspector will be provided with the application documents, representations and any other relevant documents including the development plan policies. Consultation with statutory consultees and the designated LPA will be carried out by the Planning Inspectorate.

**13.13.2** The LPA also must carry out its normal notification duties, which may include erecting a site notice and/or writing to the owners/occupiers of adjoining land.

**13.13.3** The LPA is also a statutory consultee and must provide a substantive response to the consultation within 21 days. This should ideally include a recommendation, with reasons, for whether planning permission should be granted or refused, and a list of conditions if planning permission is granted. However, as indicated above, the Local Planning Authority are not in possession of all the required information that would be available to it to make an informed assessment of this development proposal.

**13.13.4** The Planning Inspectorate will issue a formal decision notice incorporating a statement setting out the reasons for the decision. If the application is approved the decision will also list any conditions which are considered necessary. There is no right to appeal.

**13.14 K) Conclusion**

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

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

**13.14.3** That being said, due to the application site being located within the Metropolitan Greenbelt, paragraph 11 (d) (i) of the NPPF applies and the tilted balance is dis-engaged. As such the application of policies within the Framework concerning Green Belt provide a clear reason for refusal, which are discussed above in detail.