

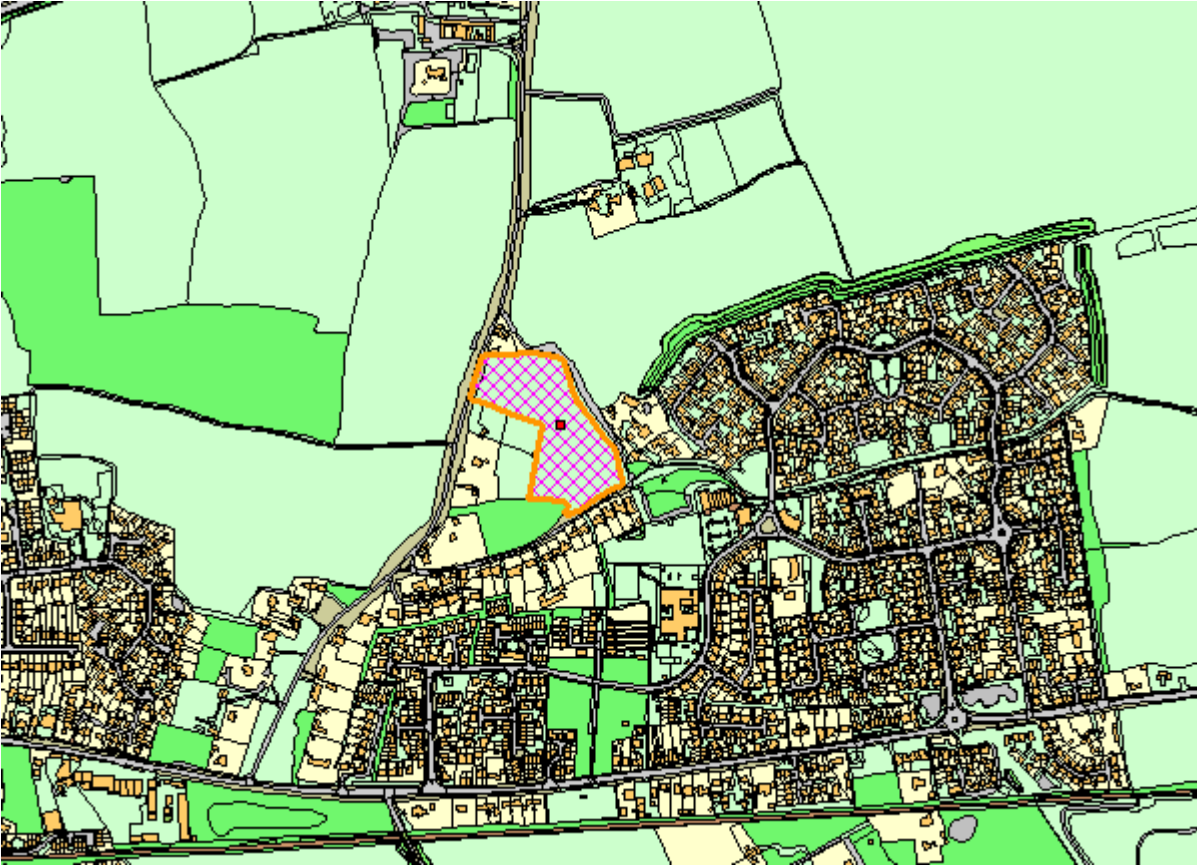
ITEM NUMBER: 8

PLANNING COMMITTEE DATE: 07 June 2023

REFERENCE NUMBER: S62A/2023/0016

LOCATION: **UTT/23/0902/PINS**
Warish Hall Farm, Smiths Green Lane, Takeley,

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: May 2023

PROPOSAL: Erection of 40no. dwellings, including open space landscaping and associated infrastructure

APPLICANT: Mr J Spencer

AGENT: N/A

Date Consultation Response Due: 9 June 2023

CASE OFFICER: Laurence Ackrill

NOTATION: Outside Development Limits. Countryside Protection Zone, Protected Lane (Warish Hall Road), within 250m of Ancient Woodland (Priors Wood) Grade 1, Grade II *, Grade II Listed buildings adjacent to site. Within 6km of Stansted Airport. Within 2KM of SSSI. County and Local Wildlife site (Priors Wood). Scheduled Ancient Monument (Warish Hall)

REASON THIS APPLICATION IS ON THE AGENDA: This is a report in relation to a major 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 decision-making on major applications.

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

1. RECOMMENDATION

1.1

<p>That the Director of Planning be authorised to advise the Planning Inspectorate that Uttlesford District Council make the following observations on this application:</p> <p>Details are to be outlined by the Planning Committee.</p>

2. SITE LOCATION AND DESCRIPTION:

2.1 The application site relates to a 2.1ha pasture field located on the eastern side of Smiths Green Lane and north of Jacks Lane. The site

abuts the northern edge of the settlement of Priors Green, Takeley and is largely flat and level.

2.2 A section of Smiths Green Lane, north of Jacks Lane, is a protected lane. The area of land to the north of Jacks Lane is bounded by mature trees and hedges, with the development along Warish Hall Road/Smiths Green Road is linear in nature and has several listed buildings along it. Three public rights of way are in close proximity to the site. One west of the site running parallel to Priors Wood, and two leading off Jacks Lane, one along the eastern boundary of the site and one to the south leading towards Dunmow Road.

2.3 The site is not located within a conservation area. However, there are heritage assets adjacent to the site that include Grade II listed buildings. To the north of the site is the scheduled monument of Warish Hall moated site and the remains of Takeley Priory, sited within the Scheduled Monument is the Grade I listed Warish Hall and moat.

3. PROPOSAL

3.1 Construction of 40 dwellings (Class C3), including open space, landscaping, and associated infrastructure.

3.2 Access to the site would be from Smiths Green Lane using the existing access point. The design provides a link from the East side of the Jacks site, to connect into an existing PROW, which leads into Little Canfield. There are also Public Rights of Way on the west of Smiths Green Lane which connect with Parsonage Road to the west.

3.3 The application site covers 2.1 hectares, with the proposal having a density of approximately 19 dwellings per hectare. The site would feature an area of open space, including a Local Area of Play. This would total 1,900m².

4. ENVIRONMENTAL IMPACT ASSESSMENT

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

5. RELEVANT SITE HISTORY

5.1 UTT/21/1987/FUL - Mixed use development including: revised access to/from Parsonage Road between Weston Group Business Centre and Innovation Centre buildings leading to: light industrial/flexible employment units (c.3568sqm) including health care medical facility/flexible employment building (Use Class E); 126 dwellings on Bulls Field, south of Prior's Wood: 24 dwellings west of and with access from Smiths Green Lane; 38 dwellings on land north of Jacks Lane, east of Smiths Green Lane including associated landscaping, woodland

extension, public open space, pedestrian and cycle routes - Land At Warish Hall Farm Smiths Green, Takeley – Refused – 20/12/2021. Appeal reference: APP/C1570/W/22/3291524 – Appeal Dismissed – 09/08/2022.

UTT/22/3126/FUL - Erection of 40 no. dwellings, including open space landscaping and associated infrastructure - Land At Warish Hall Farm North Of Jacks Lane Smiths Green Lane Takeley – Not yet determined.

6. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

6.1 The Localism Act requires pre-application consultation on certain types of planning applications made in England. As such the following consultation events have been held by the applicants:

- Leaflet drops to local residents detailing a consultation webpage;
- Online consultation page with information on the proposals and a portal for submitting comments;
- Further leaflet drop following amendments, detailing an updated consultation webpage;
- Updated online consultation page with information on the amendment and a portal for submitting comments; and
- Public Exhibition on the proposals for people to understand the proposals and ask any questions as well as raising any concerns with the design team.

6.2 Full details of the applicant's engagement and consultation exercises conducted is discussed on Page 43 the supporting Planning Statement.

7. STATUTORY CONSULTEE RESPONSES

7.1 All statutory consultees are required to write directly to the Planning Inspectorate (PINS) (and not the Local Planning Authority) with the final date for comments being 1 June 2023.

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.

8. Takeley Parish Council Comments

8.1 These should be submitted by the Parish Council directly to PINS within the 21-day consultation period being the 1 June 2023.

9. CONSULTEE RESPONSES

9.1 All consultees' comments are required to be submitted directly to PINS (and not the Local Planning Authority) within the 21-day consultation

period, which closes 16th March 2023. Accordingly, it should be noted that considerations/advice normally obtained from consultees to assist in the determination of a major planning application have not been provided and are thereby not included within this report. Notwithstanding this, the following comments have been received:

9.2 UDC Housing Enabling Officer – Amendments required.

9.2.1 There is a requirement for First Homes to be included upon the site. There is a policy requirement for 40% of the 40 properties proposed for the site to be affordable housing provision which amounts to 16 affordable homes, and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

To be policy compliant the proposed tenure split of the affordable housing provision needs to be 70% for affordable rent, 25% for First Homes and 5% for shared ownership which equates to 11 for affordable rent, 4 First Homes and 1 shared ownership property.

Each of the affordable homes would comply with the Nationally Described Space Standards (NDSS).

The 16 affordable new homes would assist towards meeting the identified housing need and includes two affordable rented 2-bedroom bungalows to assist applicants seeking to downsize.

9.3 Archaeology Place Services – no objection.

9.3.1 ECC Archaeology advice is that Historic England be consulted on the proposed development and pre-commencement conditions be added to any approval decision.

9.4 Environmental Health – object.

9.4.1 Object to the application because we have insufficient information regarding noise impacts on future residents.

9.4.2 No objection on grounds of contaminated land or air quality, which can be adequately dealt with by way of condition.

10. REPRESENTATIONS

10.1 The application was publicised by sending letters to adjoining and adjacent occupiers and by displaying a site notice. Anyone wishing to make a representation (whether supporting or objecting) are required to submit their comments directly to PINS within the 21-day consultation period ending the 1 of June 2023. All representations should be submitted directly to PINS within the 21-day consultation period.

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

11. MATERIAL CONSIDERATIONS

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

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

- a) The provisions of the development plan, so far as material to the application:
 - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- b) any local finance considerations, so far as material to the application, and
- c) any other material considerations.

11.3 Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation Area.

11.4 The Development Plan

11.4.1 Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Felsted Neighbourhood Plan (made Feb 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made July 2022)
Saffron Walden Neighbourhood Plan (made 11 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

S7 – The Countryside

S8 – The Countryside Protection Zone

GEN1 – Access

GEN2 – Design

GEN3 – Flood Protection

GEN4 – Good Neighbourliness

GEN5 – Light Pollution

GEN6 – Infrastructure Provision

GEN7 – Nature Conservation

GEN8 – Vehicle Parking Standards

ENV2 – Development Affecting Listed Buildings

ENV3 – Open Spaces and Trees

ENV4 – Ancient monuments and Sites of Archaeological Importance

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

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) Background

B) Principle of Development

C) Countryside Impact

D) Design & Neighbouring Amenity

E) Heritage impacts and Archaeology

F) Affordable Housing Mix and Tenure

- G) Access and Parking**
- H) Nature Conservation & Trees**
- I) Climate Change**
- J) Air Quality & Contamination**
- K) Flooding**
- L) Planning Obligations**
- M) Other matters**
- N) Planning Balance and Conclusion**

13.3 A) Background

Appeal Decision: APP/C1570/W/22/3291524

13.3.1 This application follows on from an application under reference UTT/21/1987/FUL that included this part of the site. That proposal involved a mixed use development including: revised access to/from Parsonage Road between Weston Group Business Centre and Innovation Centre buildings leading to: light industrial/flexible employment units (c.3568sqm) including health care medical facility/flexible employment building (Use Class E); 126 dwellings on Bulls Field, south of Prior's Wood: 24 dwellings west of and with access from Smiths Green Lane; 38 dwellings on land north of Jacks Lane, east of Smiths Green Lane including associated landscaping, woodland extension, public open space, pedestrian and cycle routes. The application was refused permission for the following grounds:

1. The proposed form of the development is considered incompatible with the countryside setting, and that of existing built development in the locality of the site. The proposal would result in significant overdevelopment of the site, particularly to the eastern side of the site at Smiths Green Lane/ Warish Hall Lane, and Jacks Lane. The proposal would compromise the setting of the countryside, where rural development should only take place where it needs to be in that location. Further, the proposal would adversely impact upon the Countryside Protection Zone, which places strict control on new development.
2. The proposal would have an adverse impact upon the setting of several designated and non-designated heritage assets, by way of its impacts upon the wider agrarian character adjacent to Takeley. In particular, to the north of the site is the scheduled monument of Warish Hall moated site and the remains of Takeley Priory (list entry number: 1007834). Sited within the Scheduled Monument is the Grade I listed Warish Hall and Moat Bridge (list entry number: 1169063). The application site is considered to positively contribute to the setting, experience, and appreciation of this highly sensitive heritage asset. Further, Smith's Green Lane is identified as 'Warrish Hall Road' and 'Warrish Hall Road 1.' in the Uttlesford Protected Lanes Assessment and due consideration much be given to the protection of this non-

designated heritage asset (Ref: UTTLANE156 and UTTLANE166). The proposals would result in less than substantial harm to a number of designated and non-designated heritage assets, including the significance of the Protected Lane(s), situated in close proximity to the site, which would not be outweighed by any public benefits accruing from the proposed development.

3. The proposed development does not provide sufficient mitigation in terms of its impacts upon the adjacent Ancient Woodland at Priors Wood. In particular, the location and layout of the principal roadway serving the residential and commercial development does not provide a sufficient buffer afforded to Prior's Wood, to address the potential detrimental impacts associated with the siting of a large-scale housing development adjacent to its boundary.
4. The proposed development fails to deliver appropriate infrastructure to mitigate any impacts and support the delivery of the proposed development.

13.3.2 The proposal was subsequently dismissed at appeal, with the Planning Inspector concluding that the proposal would be harmful to the character and appearance of the area in terms of its adverse effect on landscape character and visual impact, that it would reduce the open character of the CPZ and would cause less than substantial harm to 11 no. designated heritage assets that would not be outweighed by the public benefits.

13.3.3 In order to overcome the concerns in respect of this refused / dismissed scheme the site area has been reduced, with this scheme now including only the 'Jacks Lane' part of the site, involving the construction of 40 dwellings on land north of Jacks Lane, east of Smiths Green Lane. As such, the scheme is materially different to that of the previous proposal.

Current live application: UTT/22/3126/FUL

13.3.4 A full application for the same development submitted to the LPA for consideration in November 2022 has been publicly consulted on, with a number of consultees providing responses to the proposal. This has not yet been determined. However, the responses received as part of that application help to inform the assessment of the current application given the similarities between the two proposals.

13.4 B) Principle of development

Policy Position

13.4.1 Regard must be given to the Uttlesford Local Plan being out of date and that the plan significantly pre-dates the introduction of the National

Planning Policy Framework in 2012 and as amended (2021). Local Plan policies should be given due weight according to their degree of consistency with the Framework.

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

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

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

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

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

Housing Delivery

13.4.6 The 2021 National Planning Policy Framework (NPPF) establishes the overarching principles of the planning system, including the requirement of the system to "drive and support development" through the local development plan process. It advocates policy that seeks to significantly boost the supply of housing and requires local planning authorities to ensure their Local Plan meets the full, objectively assessed housing needs for market and affordable housing.

13.4.7 The scheme would facilitate the construction of residential units in a location close to public transport and local facilities, including affordable housing and a significant proportion of smaller, two-bedroom units. The proposal would be in line with the overarching objectives of adopted policy in delivering additional housing in the district, subject to consideration of all other relevant policies of the development plan, as discussed below.

Development Limits

- 13.4.8** The application site is located outside of the settlement boundary of Priors Green, Takeley; therefore, set within the countryside; wherein the principle of development would generally be acceptable if the scheme were to comply with the details as outlined in Policy S7 of the Uttlesford Local Plan (2005) and other Local Plan policies and the NPPF (2021).
- 13.4.9** Policy S7 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.
- 13.4.10** Policy S7, sets out at paragraph 6.13 of the Local Plan that outside development limits, sensitive infilling proposals close to settlements may be appropriate subject to the development being compatible with the character of the surroundings and have a limited impact on the countryside will be considered in the context of Local Policy S7.
- 13.4.11** A review of policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas and therefore should be given limited weight. Nevertheless, it is still a saved local plan policy and carries some weight. It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, consequently the proposal is contrary to that policy.

Countryside Protection Zone

- 13.4.12** The site is also located within the Countryside Protection Zone for which Uttlesford Local Plan Policy S8 applies. Policy S8 states that in the Countryside Protection Zone planning permission will only be granted for development that is required to be there or is appropriate to a rural area. There will be strict control on new development. In particular development will not be permitted if either of the following apply:
- a) New buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside.
 - b) It would adversely affect the open characteristics of the zone.
- 13.4.13** Policy S8 is more restrictive than the balancing of harm against benefits approach of the NPPF, noting that the NPPF at paragraph 170 advises that decisions should recognise the intrinsic character and beauty of the countryside and that the 'protection' afforded to the CPZ in Policy S8 is not the same as the Framework's 'recognition'.

- 13.4.14** The application site is currently agricultural land with planting around the boundaries and they therefore contribute to the character and appearance of the countryside around the airport and the Countryside Protection Zone as a whole. However, it does adjoin development in Takeley and Priors Wood and the A120 creates a barrier between the proposed development and Stansted Airport.
- 13.4.15** As noted above, a material consideration is the appeal decision, as highlighted within planning history section of this report (APP/C1570/W/22/3291524), which relates to development at the site being within the Countryside Protection Zone.
- 13.4.16** The Planning Inspector as part of that appeal noted that *‘Jacks has planting around the boundaries... While the appeal site contributes to the character and appearance of the countryside to the south of the airport, and the CPZ as a whole, it is separated from the airport by the A120 dual-carriageway and sits in close proximity to development in Takeley, Smiths Green and Little Canfield. (Para 30).*
- 13.4.17** Furthermore, at para 32, the Inspector considered that *‘in terms of coalescence with the airport, I acknowledge that the proposal would further increase built development between the airport and Takeley, in a location where the gap between the airport and surrounding development is less than in other areas of the CPZ. However, the open countryside between the airport and the A120, along with Priors Wood would prevent the proposal resulting in coalescence between the airport and existing development.*
- 13.4.18** *‘While the factors set out above would serve to reduce the impact, the proposal would nevertheless result in an adverse effect on the open characteristics of the CPZ in conflict with LP Policy S8.’ (Para 33).*
- 13.4.19** Given the proposal in relation to Jacks Lane has not changed significantly since the previous application, it is considered that the proposal would result in in harm to the character and appearance of the countryside around the airport and the CPZ, however, that harm would be limited. The proposal therefore fails to accord with Uttlesford Local Plan policy S8.

Loss of Agricultural Land

- 13.4.20** Paragraph 174(b) of the Framework states “Planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland’.

- 13.4.21** Annex 2 of The Framework defines “best and most versatile land” as land in grades 1, 2 and 3a of the Agricultural Land Classification”.
- 13.4.22** Local Plan policy ENV5 (Protection of Agricultural Land) states that development of the best and most versatile (BMV) agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. It further states that where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.
- 13.4.23** The policy is broadly consistent with the Framework which notes in paragraph 174(b) that planning decisions should recognise the economic and other benefits of BMV agricultural land, whilst the footnote to paragraph 174 states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. However, the Framework does not require development proposals to have undertaken an assessment of alternative sites, as this policy implies, and in this regard the policy is not fully consistent with the Framework and should therefore be given reduced weight.
- 13.4.24** Most of the agricultural land within Uttlesford District is classified as best and most versatile land. The Council accepts that it is inevitable that future development will probably have to use such land as the supply of brownfield land within the district is very restricted. Virtually all the agricultural land within the district is classified as Grade 2 or 3 with some areas of Grade 1.
- 13.4.25** No assessment of alternative sites of a poorer quality of agricultural category have been undertaken, as such there would be some conflict with Policy ENV5. However, it is noted that this was not included as a reason for refusal as part of the previous application involving the site. Nevertheless, the loss of BMV land as part of the application, at 2.1ha, would be relatively small and such a loss can only be afforded very limited weight in relation to the conflict with this policy. As such the loss of agricultural land in this location is not considered to give rise to significant conflict with policy ENV5 or paragraph 174b of the Framework that would warrant refusal of the application.

Suitability and Location

- 13.4.26** Paragraph 79 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. New homes create additional population, and rural populations support rural services and facilities through spending.

13.4.27 Takeley is identified within the Local Plan settlement hierarchy as being “Key Rural Settlement.” Located on main transport network as well as there being local employment opportunities.

13.4.28 Although outside the ‘development limits’ of Takeley as designated by the Local Plan, the new built form would be constructed towards the northern edge of the settlement and therefore the proposals provide a logical relationship with the existing settlement. The siting of the development would not be unreasonable in respect to its location when taking into account the sites proximity to local services and facilities and therefore considered to be an accessible and sustainable location.

13.4.29 Having regard to the previous appeal decision at the site, the details set out in the submitted Landscape and Visual Appraisal, the location of the application site to nearby services and the lack of a 5YHLS, the proposal is considered likely to be acceptable in principle.

13.5 C) Countryside Impact

13.5.1 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.

13.5.2 Landscape Character is defined as ‘a distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse’. The landscape character is that which makes an area unique.

13.5.3 Although not formally adopted as part of the Local Plan or forms a Supplementary Planning Document, the Council as part of the preparation of the previous local plan prepared a character assessment which provides the detailed ‘profiles’ of Landscape Character Areas within Uttlesford District, known as ‘Landscape Characters of Uttlesford Council’.

13.5.4 The application site lies within the character area known as the Broxted Farmland Plateau, which lies between the upper Chelmer and upper Stort River Valleys and stretches from Henham and Ugley Greens eastwards to Molehill Green and the rural fringe to the west of Great Dunmow.

13.5.5 The area is characterised by gently undulating farmland on glacial till plateau, dissected by River Roding. The assessment describes the key characteristics for the landscape area as being the open nature of the skyline of higher areas of plateau is visually sensitive, with new development potentially visible within expansive views across the plateau. There are also several important wildlife habitats within the area. which are sensitive to changes in land management. Overall, this

character area has moderate to- high sensitivity to change. The assessment also highlights that any new development should responds to historic settlement pattern, especially scale and density, and that use of materials, and especially colour, is appropriate to the local landscape character and that such development should be well integrated with the surrounding landscape.

13.5.6 As noted by the Planning Inspector's comments in relation to the site as part of the previous appeal, *'the site which comprises Jacks... is enclosed by mature boundary planting and existing development. This sense of enclosure means that these areas of the appeal site are largely separate from the wider landscape and the LVIA identified visual receptors. Accordingly, I consider the proposal would have minimal effect in terms of landscape character and visual impact in respect of these areas.'* (Para 22).

13.5.7 Given that the proposed scheme has not changed significantly in relation to the proposed development on the site of Jacks, and that the Planning Inspector of the previous appeal considered the impact on this part of the site to be 'minimal', no further concerns are raised in relation to the proposal regarding the visual impact and effect on the wider landscape character area.

13.6 D) Design & Neighbouring Amenity

Design

13.6.1 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.

Layout

13.6.2 The layout of the proposal features a 'rural lane' with 2 dwellings fronting on to Smiths Green Lane, with a 'garden village' and 'green' set behind. proposed densities of each of the parcels of land has been designed to reflect the existing patterns of development and designed for each separate character area. The design broadly reflects the advice of the Council's Design officer, providing well defined streets and active frontages.

13.6.3 The layout comprises a mix of attached, detached and semi-detached houses and bungalows. All of the proposed houses are provided with generous outdoor amenity space in the form of rear gardens, which have

been designed to ensure they are not overlooked by neighbouring dwellings.

- 13.6.4** The proposed layout adopts many positive design principles. Further, these proposals have been assessed against the Design Council/ CABI Building for Life principles. The proposal is therefore considered to be consistent with the provisions of Policies GEN2 and GEN4 of the adopted Uttlesford Local Plan 2005 and the Essex Design Guide.

Scale

- 13.6.5** The general scale of the buildings would be two storey, other than the provision of bungalow dwellings at of 1 & 1 and ½ storeys in height. The proposed dwellings would range from between approximately 5.5m and 10m from finished floor level to roof ridge level. The smaller, bungalow dwellings would be located to the southern edge of the site, closest to the neighbouring residential dwellings located on the southern side of Jacks Lane.

- 13.6.6** The proposed scale of the dwellings would appropriately reflect the context of the area and the surrounding buildings, whilst providing adequate reference to the local built form which comprises a mix of single and two storey dwellings.

- 13.6.7** Given the above, it is concluded that the proposed scale of the development would be generally consistent with the provisions of Policies GEN2 and GEN4 of the adopted Uttlesford Local Plan 2005 and the Essex Design Guide.

Landscaping

- 13.6.8** The proposal would incorporate a 1,900m² 'Green' that would provide a public open space featuring a LAP Children's Play area that would be located in close proximity to the access to the adjoining PROW along the eastern boundary of the site. The size of the open space and LAP would be in accordance with the Fields in Trust guidance and therefore acceptable in that regard.

- 13.6.9** The primary streets would be tree lined, with front gardens would be fronted by hedgerows. Tree and hedgerow planting would also be located along the periphery of the site.

- 13.6.10** Overall, the proposals provide a high quality multi-functional open space, which will serve a range of requirements, whilst also providing a range of recreational opportunities, and this arrangement is considered acceptable to the Local Planning Authority. The proposals are therefore considered to be consistent with the provisions of Policies ENV3 and LC4 of the adopted Uttlesford Local Plan 2005.

Design Summary

- 13.6.11** The proposed development draws upon the characteristics of the local vernacular to reinforce the sense of place established by the layout of the development. The appearance of the proposed residential units has been informed by the development of the different character areas identified above.
- 13.6.12** The Council's Design Officer provided comments as part of the corresponding full application (UTT/22/3126/FUL) and considered the scheme to be largely compliant with Local Plan Policy GEN2 and the Building for a Healthy Life Design Code, in terms of layout, scale, material palette and landscaping. Minor areas of clarification, including sustainable energy measures and cycle parking could be dealt with adequately by way of condition.
- 13.6.13** In general terms, the proposed choice of materials will give a good variety of treatments across the site, which would enhance the setting of the development. The proposals are therefore considered to be consistent with the provisions of Policy GEN2 of the adopted Uttlesford Local Plan 2005.

Neighbouring Amenity

- 13.6.14** 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.
- 13.6.15** The proposal would be up to two storeys in scale. The proposed site would be located due north / north-east of closest neighbouring residential development, where the proposed dwellings would be separated from the houses to the south by Jacks Lane. There would also be a substantial distance and soft-landscaped buffer between the site and the closest properties to the south-west and north of the site that would adequately off-set any potential adverse impacts in terms of daylight / sunlight or appearing overbearing or resulting in loss of outlook.
- 13.6.16** Given the generous spacings between the proposed units within the development and to that of the closest neighbouring residential developments, the proposal would have an acceptable impact upon the residential amenity of neighbouring occupiers. As such, the proposal would comply with Policies GEN2 and GEN4 of the Local Plan.

Standard of Accommodation

- 13.6.17** In terms of the amenity of future occupiers, the proposed units would be dual aspect and would provide sufficient levels of outlook, daylight and natural ventilation for the future occupiers. All of the proposed houses and bungalows will have direct access to private amenity space in the

form of gardens that comply with the relevant Essex Design Guide standards of 100sqm for 3 bed + houses, and 50sqm for 1 or 2 bed Houses. The apartments would have access to landscaped communal spaces. The proposed dwellings would also meet the minimum internal floor space requirements for each unit.

13.6.18 In terms of noise, it is noted that the Council's Environmental Health Team have commented on the application, highlighting that the submitted noise assessment does not consider noise impacts from Essex and Herts Shooting School, which is which is located approximately 400m to the north-east of the proposed development.

13.6.19 However, it is noted that there were no such concerns raised as part of the previous application at the site and it is likely that the potential levels of noise to the dwellings and the majority of external areas could be adequately mitigated through the installation or reasonable noise protection measures to ensure compliance with policy GEN2 of the Local Plan.

13.7 DE) Heritage impacts and Archaeology

Impact on Designated & Non-Designated Heritage Assets

13.7.1 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.

13.7.2 The site is not located within a conservation area. However, the development has the potential to adversely impact the setting of several designated and non-designated heritage assets including:

- Hollow Elm Cottage, Grade II listed (list entry number: 111220),
- Cheerups Cottage, Grade II listed (list entry number: 1112207) and
- The Protected Lane, 'Warrish Hall Road' (non-designated heritage asset).

13.7.3 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'.

13.7.4 Paragraphs 199, 200 and 202 of the NPPF state: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, the significance, 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.

- 13.7.5** The recent full planning application has been subject to consultation with the ECC Place Services Conservation Team. They note that, As established by the Inspector within the recent appeal (APP/C1570/W/22/3291524) the application site, Jacks, is included within the setting of Hollow Elm Cottage. Historic cartography shows the building, Hollow Elm Cottage, in an isolated agrarian setting which has been subject to a little degree of change over time. The grain of the surrounding landscape and tranquillity makes a positive contribution to its setting. The proposed development of 40 dwellings to the east of Hollow Elm Cottage will have an adverse effect on the setting of Hollow Elm and how its significance is experienced, appreciated and understood. The environment around the asset will be intrusively altered with prominent development bring noise and diurnal changes which will urbanise this location. The level of harm to the significance of the heritage asset will be less than substantial and at the low end of the scale.
- 13.7.6** In terms of Cheerups Cottage or the Protected Lane, 'Warrish Hall Road', the proposal was not considered to result in harm to the significance of these assets.
- 13.7.7** As part of the aforementioned appeal, the planning inspector considered that the proposal would result in less than substantial harm would result from the proposal in relation to Warish Hall moated site and remains of Takeley Priory Scheduled Monument and Moat Cottage, a Grade II* listed building. Furthermore, less than substantial harm would occur to the significance of Hollow Elm Cottage, Goar Lodge, Beech Cottage, The Croft, White House, The Cottage, The Gages, Pump at Pippins and Cheerups Cottage, all Grade II listed buildings.
- 13.7.8** As such, the proposed development as part of this application, whilst it would still result in less than substantial harm to the setting of Hollow Elm Cottage, would result in substantially less harm to the setting of heritage assets when considered against the previous proposal and therefore significantly less weight can be attributed to this harm when considered in the planning balance when considered against the previous proposal involving the site.
- 13.7.9** Overall, the proposal would fail to preserve the special interest of the listed building, Hollow Elm Cottage, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The harm would be less than substantial and at the low end of the spectrum with regards to the NPPF (2021), Paragraph 202 being relevant.

Archaeology

- 13.7.10** In terms of archaeology, policy ENV4 of the adopted local plan, the preservation of locally important archaeological remains will be sought unless the need for development outweighs the importance of the archaeology. It further highlights that in situations where there are grounds for believing that a site would be affected, applicants would be required to provide an archaeological field assessment to be carried out before a planning application can be determined, thus allowing and enabling informed and reasonable planning decisions to be made.
- 13.7.11** The application was formally consulted to Place Services Historic Environment, who note that the proposed development lies within an area of known archaeological potential. As such, it is recommended that an Archaeological Programme of Trial Trenching followed by Open Area Excavation with a written scheme of investigation would be required. This would be secured by way of conditions, as suggested by the Place Services Historic Environment Consultant.
- 13.7.12** As such, subject to the imposition of conditions relating to an Archaeological Programme of Trial Trenching followed by Open Area Excavation with a written scheme of investigation, the proposal would comply with policy ENV4 of the Local Plan.

13.8 F) Affordable Housing Mix and Tenure

Affordable Housing

- 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. 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.
- 13.8.2** The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 ha or 15 or more properties. The affordable housing provision on this site will attract the 40% policy requirement as the site is for 40 properties. This amounts to 16 affordable housing properties.
- 13.8.3** The proposed 40% affordable housing should be split with 25% being First Homes, in accordance the government's guidance minimum target. 5% should be Shared Ownership units with 70% being for Affordable Rent. This would represent a substantial contribution to the Council's affordable housing objectives as described above and would help meet the stated need for low-cost Council rented housing in this part of Uttlesford. The current proposal does not include any First Homes.

However, the applicant has indicated that such a change would not be objectionable and this would be requested by the LPA.

- 13.8.4** The affordable housing units would be located towards the rear of the site. However, given the varied range of dwelling types and the relatively small scale of the development, the proposal would contribute to the creation of a mixed and balanced community in this area and would be acceptable in this regard.

Housing Mix

- 13.8.5** Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2- and 3-bedroom market dwellings. However, since the policy was adopted, the Council in joint partnership with Braintree District Council have issued the 'Housing for New Communities in Uttlesford and Braintree (ARK Consultancy, June 2020)'.
- 13.8.6** The study recommends appropriate housing options and delivery approaches for the district. It identifies that the market housing need for 1 bed units is 11%, 2-bedunits 50%, 3-bed units 35.6% and 4 or more bed units being 3.4%.
- 13.8.7** The accommodation mix proposed is as follows: 1 bed units at 0%, 2 bed units at 35%, with five of these being 2-bedroom bungalows, 3 bed units at 35%, 4 bed units at 20% & 5 bed units at 10%.
- 13.8.8** It is also the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). The Council's Housing Strategy 2021-26 also aims for 5% of all units to be bungalows delivered as 1- and 2-bedroom units. This would amount to 2 bungalows across the whole site delivered.
- 13.8.9** The proposed housing mix would provide a significant proportion of smaller 2 & 3 bedroom market dwellings (40%) and is considered to be appropriate in planning policy and housing strategy terms. As such, it is considered that the proposed provision of affordable housing, and the overall mix and tenure of housing provided within this development, is acceptable and in accordance with policies H9 of the Local Plan.

13.9 G) Access and Parking

Access

- 13.9.1** Paragraph 110 (b) of the NPPF states that development should ensure that 'safe and suitable access to the site can be achieved for all users', whilst Paragraph 112 (c) states that development should 'create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.'

- 13.9.2** 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.
- 13.9.3** The main access to the site would be via Smiths Green Lane, where there is an existing access / opening to the site. There would also be a pedestrian link from the site to the PROW located along the eastern boundary to the site.
- 13.9.4** The acceptance of the proposed vehicle access point and highway impacts, including the Construction Management Plan will ultimately be assessed by the Highway Authority in respect to matters of highway safety, traffic congestion, intensification, and accessibility. The Highway Authority will directly provide written advice of their findings and conclusions directly to PINS. However, it is noted that as part of the previous application at the site that the ECC Highways Team considered the proposed development acceptable in terms of its potential impact upon the surrounding road network.

13.10 H) Nature Conservation & Trees

Nature Conservation

- 13.10.1** 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.
- 13.10.2** The application site itself is not subject of any statutory nature conservation designation being largely used for agriculture. However, Priors Wood, which is a Local Wildlife Site (LoWS) which comprises Priority habitat Lowland Mixed Deciduous Woodland and is also an Ancient Woodland, an irreplaceable habitat, is located approximately 175m west of the site.
- 13.10.3** The site is also within the 10.4km evidenced Zone of Influence for recreational impacts at Hatfield Forest Site of Special Scientific Interest (SSSI)/National Nature Reserve (NNR). Therefore, Natural England's letter to Uttlesford DC relating to Strategic Access Management and Monitoring Strategy (SAMM) – Hatfield Forest Mitigation Strategy (28 June 2021) should be followed to ensure that impacts are minimised to this site from new residential development. However, as this application is less than 50 or more units, Natural England do not, at this time, consider that is necessary for the LPA to secure a developer contribution

towards a package of funded Strategic Access Management Measures (SAMMs) at Hatfield Forest.

- 13.10.4** Place Services ecology team have reviewed the supporting documentation submitted in support of the proposals as part of the corresponding full application (UTT/22/3126/FUL) in detail and have assessed the likely impacts on protected and priority species & habitats. Concerns have been raised in relation to a lack of certainty of the impacts on bats in relation to tree T13. The applicants Ecology consultants have subsequently provided an updated ecological appraisal which notes that T13 does not provide any features with potential to support roosting bats and may be removed without further constraint relating to this species.
- 13.10.5** Given the above it is likely that with appropriate mitigation measures secured, the development can be made acceptable in terms of ecological impacts. In any case, due to the nature of the application process, consultee comments from the Place Services ecology team would be submitted directly to the Planning Inspectorate for their review.

Trees

- 13.10.6** The proposed development would result in the loss of 3 individual trees and small sections of hedging. It is noted that 2 of the trees are category B trees. However, these are required to facilitate the development and these losses would be mitigated by proposed new tree and hedge planting. Extensive planting of street trees is proposed throughout the development and will largely comprise of varieties of different species of indigenous trees.
- 13.10.7** In addition, the use of hedgerows and trees throughout the scheme to garden areas would off-set the loss of the proposed vegetation to be removed. A fully detailed scheme of protective measures for existing vegetation to be retained would be recommended as a condition as part of any approval.
- 13.10.8** Overall, it is considered that the proposal would not have any material detrimental impact in respect of protected species or unacceptable impacts in terms of trees / hedging of special amenity value, subject to condition and s106 obligations accords with ULP policies GEN7 & ENV8.

13.11 I) Climate Change

- 13.11.1** Policy GEN2 of the Local Plan seeks to ensure that the design of new development It helps to minimise water and energy consumption. Uttlesford Interim Climate Change Policy sets out a list of Policies of note a demonstration of how developments demonstrate the path towards carbon zero. The NPPF seeks to ensure that new development should avoid increased vulnerability arising from climate change. More so, developments should help to reduce greenhouse gas emissions.

13.11.2 The applicant has submitted a Sustainability Statement which highlights that the proposal has adopted a 'fabric First' approach to maximise the performance of the components and materials that make up the building fabric itself, before considering the use of mechanical or electrical building services systems. The statement also highlights that development would incorporate air source heat pumps as a main source of renewable energy. Full details of the potential reduction in CO2 emissions have not been detailed and could be secured by way of condition.

13.11.3 Overall, the scheme would be consistent with the Councils Interim Climate Change policy and its Energy & Sustainability strategies are therefore supported, subject to conditions.

13.12 J) Air Quality & Contamination

13.12.1 An air quality assessment has been submitted as part of the application and the Council's Environmental Health Officer has been consulted as part of the application and raises no objection to the proposed development in this regard, subject to the imposition of conditions. These would include appropriate remedial measures and actions to minimise the impact of the surrounding locality on the development and the operation of the development on the local environment including during construction.

13.12.2 Policy ENV14 of the Local Plan states that any proposal on contaminated land needs to take proper account of the contamination. Mitigation measures, appropriate to the nature and scale of the proposed development will need to be agreed.

13.12.3 The Council's Environmental Health Officer has been consulted on the application and has suggested that matters regarding contamination could be adequately dealt with by way of condition, ensuring that further assessment of the nature and extent of contamination should be submitted to and approved in writing by the Local Planning Authority.

13.12.4 Therefore, the application is considered acceptable in terms of its land contamination risks and in accordance with the aforementioned policies.

13.13 K) Flooding

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

13.13.2 The Environmental Agency's website and the Councils policy maps has identified the site is within a fluvial Flood Zone 1 where there is a minimal risk of flooding.

13.13.3 New major development for housing need to include a flood risk assessment as part of their planning application, to ensure that the required form of agreed flood protection takes place. 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.

13.13.4 The submitted Flood Risk Assessment concludes that the site is at a low risk of flooding and the proposals would not increase flood risk onsite or elsewhere. The proposed SuDS strategy, including the use of permeable surfaces, would effectively manage the surface water runoff associated with the roof, roads and other impermeable areas, by using infiltration methods. Essex County Council who are the lead local flooding authority have reviewed the submitted details which accompanied the corresponding full application (UTT/22/3126/FUL) and do not object to the granting of planning permission subject to imposing appropriately worded conditions. Given the similarities between the two proposals, it is considered that issues of flood risk could also be dealt with adequately by way of conditions as part of this application.

13.13.5 The proposals, for this reason is therefore considered to comply with policy GEN3 of the adopted Local Plan and the NPPF.

13.14 L) Planning Obligations

13.14.1 Paragraph 57 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 matter that the Council would seek to secure through a planning obligation, if it were proposing to grant it permission.

13.14.2 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:

- i. Affordable housing provision (40%)
- ii. Payment of education financial contributions; Early Years, Primary and Secondary Schools
- iii. Financial contribution for Libraries
- iv. School Transport
- v. Provision and long-term on-going maintenance of public open space and play area.
- vi. Highways obligations and associated financial contributions towards sustainable transport measures.

vii. Jacks Lane PROW: Surfacing and lighting works

13.15 M) Other Matters

13.15.1 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.

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.

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.

The LPA is also a statutory consultee and must provide a substantive response to the consultation within 21 days, in this case by 16th March 2023. 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.

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.

13.16 N) Planning Balance and Conclusion

13.16.1 The Council are unable to demonstrate a 5-year housing land supply and that the Uttlesford Local Plan significantly predates the National Planning Policy Framework 2021; meaning that some local policies do not fully comply with the Framework. 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.

Benefits:

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

13.16.3 Provision of 40 dwellings, including bungalows, would represent a boost to the district's housing supply. The proposal would also provide additional affordable housing at 40%. This would equate to 16 affordable homes.

13.16.4 The provision of public open space and a play area would also represent a social benefit of the scheme, along with the inclusion of a pedestrian link provision to Public Rights of Way.

13.16.5 The development would also provide economic benefits in terms of the construction of the dwellings and supporting local services and amenities providing investment into the local economy. Further consideration would also been given in respect to net gains for biodiversity.

Adverse impacts:

13.16.6 Turning to the adverse impacts of development, the negative environmental effect of the development would result in that it would reduce the open character of the CPZ. In addition, there would be an adverse impact on the character and appearance of the area, albeit this would be minimal in terms of its effect in terms of landscape character and visual impact.

13.16.7 Less than substantial harm caused to the setting of Grade II listed Hollow Elm Cottage, with the level of harm caused at the low end of the scale.

Neutral:

13.16.8 Cumulative impact of the development proposals on local infrastructure can be mitigated by planning obligations and planning conditions.

13.16.9 Landscaping plans indicate an intention to provide landscape features at the site to compensate for the loss of soft landscaping.

Conclusion:

13.16.10 Due to the nature of this application process, it is not possible to provide a detailed assessment of all of the relevant material considerations to this proposal. Neighbour comments have also not been factored into this assessment.

13.16.11 However, as noted above, given the site history and that some consultee comments have been provided regarding the current full application for

the same development at the site, these elements would help to inform the assessment of the proposal.

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

13.16.13 The unique application process that is presented by this submission, requires the Local Planning Authority to advise the Planning Inspectorate whether or not it objects to this proposal. Having regard to the limited opportunity to consider the proposals the Planning Committee is invited to provide its comments on this proposal.