



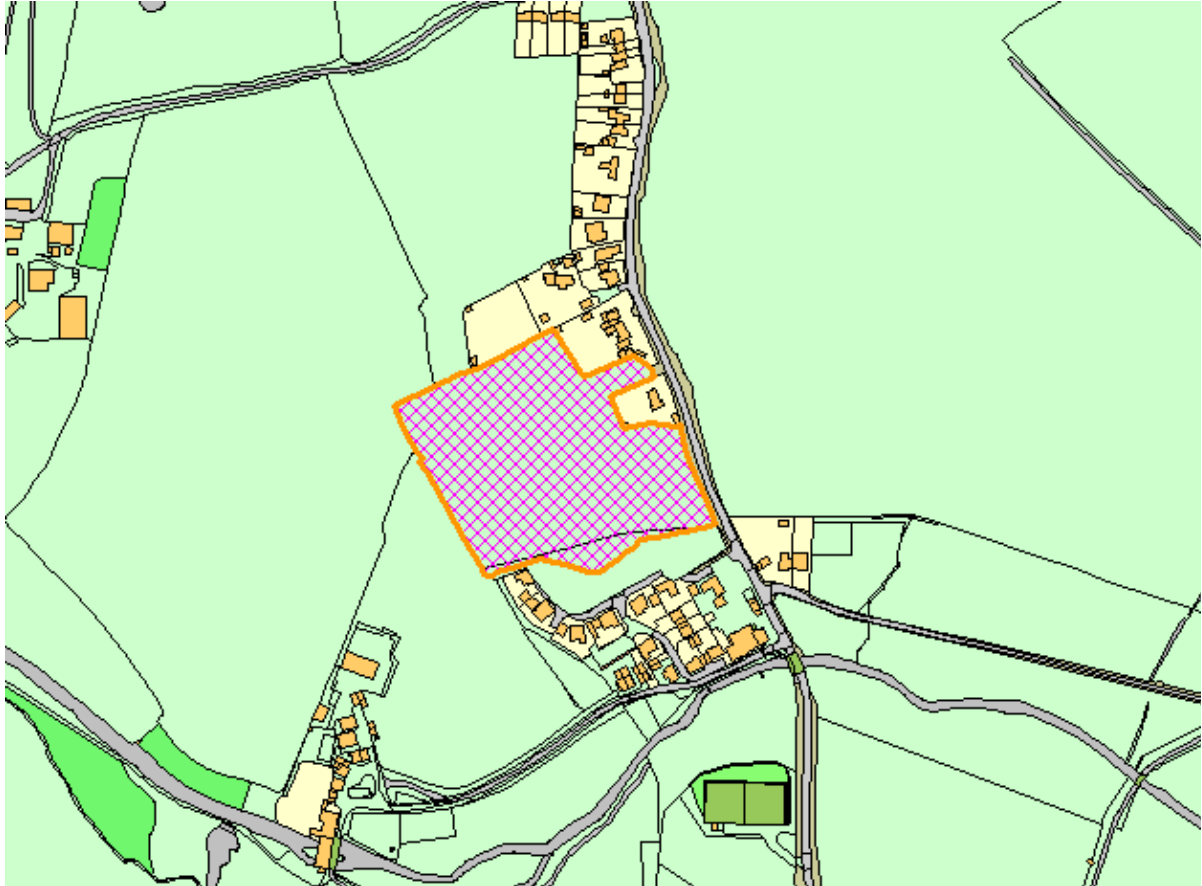
**ITEM NUMBER:** 7

**PLANNING COMMITTEE DATE:** 10 January 2024

**REFERENCE NUMBER:** UTT/23/2810/PINS

**LOCATION:** Land To West Of Chelmsford Road  
Hartford End  
Felsted  
Essex

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: 10<sup>th</sup> November 2023

**PROPOSAL:** Construction of up to 50 dwellings (Use Class C3) and associated access and bus stops, with all matters reserved apart from access

**APPLICANT:** Stockplace Investments Ltd

**AGENT:** Mr M Gibson

**DATE CONSULTATION RESPONSE DUE:** 12 January 2024

**CASE OFFICER:** Chris Tyler

**NOTATION:** Outside Development Limits

**REASON THIS CONSULTATION 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 decisions making on major applications.

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

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**1. RECOMMENDATION**

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

Details are to be outlined by the Planning Committee.

**2. SITE LOCATION AND DESCRIPTION**

**2.1** The site lies at Hartford End and comprises for the purposes of the land edged in red, a larger arable field which slopes down towards the River Chelmer from higher ground to the north. The site has a stated area 2.41ha and part fronts onto the B1417, a classified road.

**2.2** A line of detached dwellings exist to the immediate north east of the site, whilst a new housing development (Ridley Green) lies to the immediate south on the site of a former Riddleys brewery complex.

**3. PROPOSAL**

- 3.1 Consultation on S62A/2023/0028 Outline application for construction of up to 50 dwellings (Use Class C3) and associated access and bus stops with all matters reserved apart from access.

**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

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>
UTT/21/3088/OP	Outline application with all matters reserved except access for the erection of 4 no. dwellings.	REFUSED
UTT/20/3368/OP	Outline application with all matters reserved except access for the erection of 4 no. detached dwellings	REFUSED
UTT/20/3323/OP	Outline application with all matters reserved except access for the erection of 1 no. detached dwelling	REFUSED
UTT/16/2149/FUL	Residential development comprising 22 no. dwellings and associated garages, roads, parking, open space and part demolition of existing buildings (revised scheme to that approved under planning permission UTT/15/0726/FUL)	APPROVED

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

- 6.1 The LPA is unaware of any consultation exercise carried out by the applicant for this current proposal.

**7. STATUTORY CONSULTEES**

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

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. PARISH COUNCIL COMMENTS**

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

## **9. CONSULTEE RESPONSES**

UDC Housing Enabling Officer

- 9.1 The affordable housing provision on this site will attract the 40% policy requirement as the site is for up to 50 properties. This amounts to up to 20 affordable housing properties and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers. The affordable housing tenure mix can be agreed at reserved matters stage subject to outline planning approval being granted. There is a requirement for 25% of the affordable housing provision to be delivered as First Homes at a discount of 30% below market value and at or below a price cap of £250,000 after the discount has been applied.

Essex Police

- 9.2 Whilst there are no apparent concerns with the layout to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures. 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. An SBD award is only achieved by compliance with the requirements of the relevant Design Guide, ensuring that risk commensurate security is built into each property and the development as a whole benefitting both the resident and wider community.

## **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. All representations should be submitted directly to PINS within the 21-day consultation period.  
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) 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.

#### **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 19 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 (2023)

## **12.2 Uttlesford District Plan 2005**

S7	The Countryside
GEN1	Access
GEN2	Design
GEN3	Flood Protection
GEN4	Good Neighbourliness
GEN5	Light Pollution
GEN6	Infrastructure Provision
GEN7	Nature Conservation
GEN8	Vehicle Parking Standards
H9	Affordable Housing
H10	Housing Mix
ENV2	Development affecting Listed Building
ENV3	Open Space and Trees
ENV4	Ancient Monuments and Sites of Archaeological Importance
ENV5	Protection of Agricultural Land
ENV8	Other Landscape Elements of Importance for Nature Conservation
ENV10	Noise Sensitive Development
ENV11	Noise Generators
ENV13	Exposure to Poor Air Quality
ENV14	Contaminated land

## **12.3 Felsted Neighbourhood Plan**

Felsted Neighbourhood Plan (FNP) was made February 2020, of which full weight is applied, policies include:

FEL/CW1- Landscape and Countryside Character  
FEL/CH4- Avoiding Coalescence,  
FEL /HN5- Residential Development outside Development Limits  
FEI/ HN7- Housing mix

## **12.4 Supplementary Planning Document or Guidance**

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

## **13. CONSIDERATIONS AND ASSESSMENT**

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

- 13.2**
- A) Location and principle of housing**
  - B) Character, Appearance and heritage**

- C) **Transport**
- D) **Accessibility**
- E) **Amenity**
- F) **Flooding**
- G) **Infrastructure**
- H) **Protected species and biodiversity**
- I) **Archaeology**
- J) **Affordable housing**
- K) **Housing mix**
- L) **Contamination**
- M) **Exposure to poor air quality**
- N) **Light pollution**
- O) **Climate Change**
- P) **Planning balance**
- Q) **Other matters**

**13.3 A) Location and principle of housing**

Housing Delivery

**13.3.1** The 2023 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. 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

**13.3.2** Paragraph 82 of the NPPF states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this.

**13.3.3** The application site is located outside of the development limits and in the countryside. Policy S7 of the Local Plan 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.



- 13.3.4** The site is located beyond the Development Limits and the proposal does not represent 'sensitive infilling' in the context of Policy S7. It is therefore concluded that residential development on the site would be in conflict with policy S7.
- 13.3.5** 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 less weight. Nevertheless, it is still a saved local plan policy and carries weight.
- 13.5.6** The Felsted Neighbourhood Plan (FNP) which was made on 25 February 2020 forms part of the Development Plan and is therefore a material planning consideration for the purposes of the determination of planning applications along with the district council's adopted ULP. FEL/CW1 of the made FNP has a similar rural protection aim objective, whilst FEL/CH4 seeks to avoid coalescence between the hamlets of the Neighbourhood Area and settlements in adjoining parishes.
- 13.3.7** The current undeveloped sloping nature of the site along the B1417 road frontage on its west side between Hillside set at higher ground and Ridley Green below serves as an attractive open gap between the existing and established linear nature of housing to the north and the residential brewery conversion.
- 13.3.8** It is considered that the development would fail to protect the particular character of the part of the countryside within which it is set where no special reasons have been put forward as to why the development in the form proposed needs to be there resulting in significant and demonstrable harm to the countryside and contrary to the countryside protections aims of Policy S7 of the adopted Local Plan and those of Policies FEL/CW1 and FEL/HN5 of the Felsted Neighbourhood Plan where none of the specific listed circumstances set out within FEL/HN5 apply to the proposal.

#### Loss of Agricultural Land

- 13.3.9** ULP Policy ENV5 seeks to prevent significant losses of the best and most versatile (BMV) agricultural land, and paragraph 180 (b) of the NPPF has a similar objective. While the site is classified as Grade 3, which is regarded as good to moderate quality agricultural land (Best and most versatile agricultural land- NPPF) although the proposal would result in the loss of a sized plot of land (2.41ha) the development would still represent a breach of this policy.

#### Suitability and Location

- 13.3.10** Paragraph 83 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.

- 13.3.11** Paragraph 84 of the NPPF seeks to avoid isolated homes in the countryside unless there are special circumstances. While there is no published definition of 'isolated', it is considered that the PPG supports the view that housing sites should be within or adjacent existing settlements. The effect is to prevent sporadic development in the countryside, while supporting the growth of existing settlements of almost any size due to the associated economic and social benefits. It is considered that due to the location of the site adjacent other dwellings it is not considered isolated and accords with paragraph 84 of the NPPF in terms of not being an isolated location.
- 13.3.12** Paragraph 109 of the National Planning Policy Framework (the Framework) recognises that sustainable transport solutions will vary between urban and rural areas. A bus service does run close to the site, however this is only a very limited service. However probably most journeys by future residents are likely to be by private vehicle, however journeys to more local facilities and services would be relatively short and provision can be made to encourage the use of more sustainable vehicles, walking and cycling.
- 13.3.13** In conclusion to the principle and location of the proposed development, the introduction of the dwellings will be in conflict with ULP Policy S7. Given the location of the proposed dwellings houses, it is considered not to be sustainable because it is not easily accessible to local shops, schools, lack of adequate rural sustainable transport and other local services. As a result, it would induce the use of private cars to reach such destination in conflict with ULP Policy GEN1 (e) and the NPPF.

#### **13.4 B) Character, Appearance and Heritage**

- 13.4.1** The proposed development of this site would fill this this open rural plot which although there is the Ridley Green Development to the south, the immediate application site includes a built form and character of a linear road frontage. The introduction of built form will result in coalescence and consolidation of urbanised built form between the two distinctly identifiable sites (Ridley Green and the application site). The access road and shared access drive adjacent to the B147 shown on the illustrative Green and the application site) would introduce a further urbanising element to the road frontage.
- 13.4.2** Due consideration has been made to the submitted Landscape and Visual Appraisal and it's considered the proposed development with the introduction of built form would have a major adverse impact on the existing rural character of the site itself. The site is not particular well screened or contained and therefore the proposal would likely result

impact the impact on the wider landscape through long distance, short range and glimpsed views of the development/ site.

- 13.4.3** As such, it is considered that the development would fail to protect the particular character of the part of the countryside within which it is set where no special reasons have been put forward as to why the development in the form proposed needs to be there resulting in assessed significant and demonstrable harm to the countryside contrary to the countryside protections aims of Policy S7 of the adopted Local Plan and those of Policies FEL/CW1 and FEL/HN5 of the Felsted Neighbourhood Plan where none of the specific listed circumstances set out within FEL/HN5 apply to the proposal.
- 13.4.4** Whilst the layout, scale, design and landscaping are reserved matters there is significant detail within the proposed site layout plan and Design and Access Statement to demonstrate how the existing landscaping features could be enhanced. Although this is the case it is not considered this alone will sufficiently mitigate the introduction of the built form and change to the appearance of the site.
- 13.4.5** In regards to heritage, ULP Policy ENV2 (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.
- 13.4.6** The location of the application site is in close distance to the nearby Listed building of Mill House and also the non-designated heritage asset (original brewery building) which formed a locally distinctive feature and a important part of the development of the landscape.
- 13.4.7** Policy ENV2 states that development will not be permitted if it would adversely affect the setting of a listed building. At the western end of Mill Lane are the former Mill and Mill House buildings, which are Grade II\* and Grade II listed respectively. The proposed development would likely cause no material harm to the setting of these buildings. There is a substantial separation distance between the site and the heritage assets, and the visual impact of the development at the proposed scale would not be significant. The Council's Heritage officer has been consulted as part of this application, no comments have been received, and any comments received are required to be submitted directly to PINS.

## **13.5 C) Transport**

- 13.5.1** Local Plan Policy GEN1 states "development will only be permitted if it meets all of the following criteria;

a) Access to the main road network must be capable of carrying the traffic generated by the development safely.

b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.

c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.

d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expects to have access.

e) The development encourages movement by means other than driving a car.”

**13.5.2** Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within National Planning Policy Framework.

**13.5.3** The site is located 1.5km to the south of Felsted. Paragraphs 79 and 80 of the NPPF provides support for the growth of existing settlements, and seeks to avoid new isolated homes in the countryside unless there are special circumstances. It is considered that the intent of this policy is to focus new housing development within and on the edge of existing settlements, thereby preventing sporadic development in the countryside.

**13.5.4** Paragraph 80 of the NPPF seeks to avoid isolated homes in the countryside unless there are special circumstances. While there is no published definition of 'isolated', it is considered that the PPG supports the view that housing sites should be within or adjacent existing settlements. The effect is to prevent sporadic development in the countryside, while supporting the growth of existing settlements of almost any size due to the associated economic and social benefits. It is considered that due to the location of the site adjacent other dwellings it is not considered isolated and accords with paragraph 80 of the NPPF in terms of not being an isolated location.

**13.5.5** The NPPF requires development proposals to take appropriate opportunities to promote sustainable transport, provide safe and suitable access for all users; and ensure any significant impact on existing transport networks can be acceptably mitigated.

**13.5.6** Paragraph 109 of the National Planning Policy Framework (the Framework) recognises that in rural areas there may be fewer options for sustainable transport solutions than in urban areas. However, from the assessment of the location of the application site and distance from the surrounding villages the occupiers would be reliant on private cars to travel for day today needs. For most local services and facilities, future occupiers would need to travel to larger villages.

**13.5.7** It is noted the site does have limited sustainable transport options, whilst some opportunities for non-car travel are available in this area, these are

limited. It is too far to walk to most local services, and in any case, the nearby highway and foot path do not have any lighting or pavements, are not particularly welcoming for pedestrians, this represents a conflict with Policy GEN1.

**13.5.8** Cycling is an option, but there is no specific provision for cyclists and for many people, riding on the local roads will not be an attractive proposition. Whilst some buses are provided, this is very limited. Given the above, future occupiers of the appeal site are likely to drive to nearby settlements on a regular basis to access day to day services and facilities.

**13.5.9** I conclude that the proposed location fails to accord with local and national policies promoting the use of sustainable transport. The proposed development would not encourage movement by transport modes other than the car, and the resultant additional road traffic could reduce the attractiveness of the local lanes for walking and cycling. As such, the proposal conflicts with Saved Local Plan Policy GEN1e). There is further conflict with the objective of promoting sustainable transport in Section 9 of the Framework.

## **13.6 D) Accessibility**

**13.6.1** Policy GEN2 and the SPD entitled 'Accessible Homes and Playspace' require compliance with the Lifetime Homes standards. However, these standards have effectively been superseded by the optional requirements at Part M of the Building Regulations, as explained in the PPG. Compliance with these requirements could be secured using a condition.

## **13.7 E) Amenity**

**13.7.1** Taking into account The Essex Design Guide, which represents non adopted but useful a guidance, it is considered the proposed scheme could include appropriately sized rear amenity space and that there would be no significant effects on amenity of neighbouring properties with respect to daylight, privacy or overbearing impacts, however this would be considered as part of a reserved matters application.

**13.7.2** The introduction of the dwellings will result in an increase of noise and disturbance, mainly due to the increase of vehicular movement within the site and noise from the residential use of the site. However, the application is for outline planning permission therefore the layout and landscaping that would likely mitigate such impacts of the development. Layout and landscaping would be a reserved matter and due consideration would need to be made in a subsequent reserved matters application.

## **13.8 F) Flooding**

- 13.8.1** Policy GEN3 contains the Local plan for flooding, although this has effectively been superseded by the more up to date flood risk polices in the NPPF. The site is located wholly within Flood Zone 1 and is likely to be considered as a low risk of pluvial/ surface water flooding.
- 13.8.2** A Flood Risk Assessment has been submitted with this application, although the proposed layout is illustrative, technicians have concluded that with the inclusion of two attenuation basins, surface water discharge to the existing watercourse (ditch) and lined permeable paving system would result in a post-development run off rate also at 4.7 l/s, the same as greenfield.
- 13.8.3** The Lead Local Flood Authority have been consulted in regards to the development no comments have been received, any comments received are required to be submitted directly to PINS. Taking into consideration the details submitted with the application it is considered the development would likely not result in any flood risk subject to the imposition of conditions and mitigation measures.
- 13.8.4** In regards to foul drainage at outline stage a detailed foul drainage has not been fully designed and would be more appropriate at the reserved matters stage. With regards to capacity, the sewage company have a legal obligation to provide suitable drainage in adopted all areas.

## **13.9 G) Infrastructure**

**13.9.1** Local Plan Policy GEN6 states that “Development will not be permitted unless it makes provision at the appropriate time for the community facilities, school capacity, public services, transport provision, drainage and other infrastructure that are made necessary by the proposed development. In localities where the cumulative impact of the developments necessitates such provision, developers may be required to contribute to the cost of such provision by the relevant statutory authority.” If the application was approved mitigation measures will be secured by way of S106 agreement.

### **13.9.2 Affordable Housing**

40% affordable housing (including first homes) would be provided in accordance with Local Plan Policy H9. Also, 5% wheelchair accessible housing provision will be secured should planning permission be granted.

### **13.9.3 Education**

A payment of an education contribution relating to the number of school places generated by the application will likely be required. It is noted ECC will be providing this information prior to the completion of the required S106 legal agreement.

### **13.9.4 ECC- Library contribution**

It is noted ECC will be providing this information prior to the completion of the required S106 legal agreement.

**13.9.5** Provision and maintenance of public open space

The details relating to public open space proposed as part of the development is a reserved matter, however it is clear that this would be provided as part of the proposed development. Details of the maintenance by ongoing management company or other body should be provided.

**13.9.6** Delivery and management of off-site Biodiversity Net Gain Land

If there is a requirement for this- tbc.

**13.9.7** Payment of sustainable transport commuted sum contribution

It is noted the highways Authority will be providing this information prior to the completion of the required S106 legal agreement.

**13.9.8** Delivery of proposed Highway works

It is noted the highways Authority will be providing this information prior to the completion of the required S106 legal agreement.

**13.10 H) Protected species and biodiversity**

**13.10.1** Policy GEN7 and paragraph 174 of the NPPF seeks to ensure that development would not have a harmful effect on wildlife and Biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species. Policy ENV8 requires the protection of hedgerows, linear tree belts, and semi-natural grasslands.

**13.10.2** The application includes an ecology survey report, due consideration is made to this. Mitigation measures have been provided to avoid any adverse effects on nesting birds and commuting bats. The proposed landscape scheme would achieve a biodiversity enhancement by providing new boundary hedges, enhancing existing hedges and creating areas of wildflower grassland within the open space area. An additional area of new grassland is to be created adjacent to the site to ensure that the scheme achieves an overall biodiversity net gain.

**13.10.3** The Council Ecology Consultant has been consulted in regards to the proposed development, no comments have been received, any comments received are required to be submitted directly to PINS.

**13.11 I) Archaeology**

**13.11.1** Taking into consideration the location of the site the development and a nearby archaeological site the Essex County Council Archaeology Officer has been consulted, no comments have been received, any comments received are required to be submitted directly to PINS.

**13.12 J) Affordable Housing**

**13.12.1** Taking into account the comments of the Housing Enabling Officer, it is considered that the proposed affordable housing provision is consistent with Policy H9. A total of 20 affordable homes would be built, in accordance with the requirement that 40% of new homes should be affordable. The affordable housing will be secured by a legal agreement and tenure would be agreed at a reserved matters stage.

**13.12.2** There is a requirement for the 25% of the affordable dwellings to be delivered as First Homes at a discount of 30% below market value and at or below a price cap of £250,000 after the discount has been applied.

**13.12.3** Subject to securing the above the development would be in accordance with Local Plan Policy H9.

### **13.13 K) Housing Mix**

**13.13.1** In respect of housing mix, local policy H10 requires all developments on sites of 0.1 hectares and above or of 3 or more dwellings, to include a significant proportion of market housing comprising small properties. Additionally, policy FEL/HN7 of the Felsted Neighbourhood plan identifies the local need for two- and three-bedroom accommodation, with homes suitable for the elderly that are accessible and adaptable.

**13.13.2** Furthermore, section 5.2 of the Felsted Neighbourhood Plan 'Meeting Housing Needs' identifies the need for small high-quality dwellings for downsizers, which is acknowledged as a local concern impacting on the housing stock available in Felsted.

**13.13.3** The Uttlesford Housing Strategy 2021 – 2026 (Published in October 2021) also identifies the overwhelming need for affordable one- and two-bedroom dwellings, as well as private two- and three- bedroom dwellings, though still with a need identified for smaller dwellings in Uttlesford and provision for those looking to downsize.

**13.13.4** The following set out the proposed housing mix;



<b>TOTAL MIX</b>					
UNITS	1B	2B	3B	4B	5B+
50	3	25	13	6	3
<b>PRIVATE SALE</b>					
UNITS	1B	2B	3B	4B	5B+
30	0	14	7	6	3
<b>AFFORDABLE RENT</b>					
UNITS	1B	2B	3B	4B	5B+
14	3	7	4	0	0
<b>SHARED OWNERSHIP</b>					
UNITS	1B	2B	3B	4B	5B+
1	0	1	0	0	0
<b>FIRST HOME</b>					
UNITS	1B	2B	3B	4B	5B+
5	0	3	2	0	0

**13.13.5** As such, it is considered the proposal can meet the policy requirement for both affordable and accessible housing, providing for an identified local housing need and ensuring an accessible space for future residents and those seeking to downsize. That being said this application is for outline planning permission and the housing mix would be approved at the reserved matters stage.

**13.14 L) Contamination**

**13.14.1** ULP Policy ENV14 considers the impact of contamination of the site and its impact to the proposed development. The application includes the submission of a Phase 1 Contamination report that concludes the site is at low risk of contamination. The UDC Environmental Health Officer however no comments have been received. As such, subject to the use of a planning condition it is considered the development will not result in any harmful impact due to contamination risks and the proposal accords with ULP Policy ENV14.

**13.15 M) Exposure to poor air quality**

**13.15.1** ULP Policy ENV13 considers whether the development considers exposure to poor air quality and advises development will not be permitted if the occupants are exposed to extended long term poor air quality. The site is not in an area currently monitored for air quality as a designated management area (AQMA). Additional traffic from the proposed development at the busy times will make up a relatively small proportion of the total emission load when assessed over a 12-month

period, which the annual mean-based air quality objectives requires. The impact can be minimised by adopting non car travel, further mitigation can include the introduction of electric vehicle charging points. As such it is considered the development accords with ULP Policy ENV13 and Paragraph 111 of the NPPF.

### **13.16 N) Light pollution**

**13.16.1** ULP Policy GEN5 advises development will not be permitted if the scheme results in glare and light spillage from the site. It is not considered the residential development will result in any harmful impact from light pollution, however, it is recommended a condition is included for the submission and approval of a lighting scheme prior to the commencement of the development should planning permission be granted. Therefore, the development is capable of being in accordance with Local Plan Policy GEN5 in this respect.

### **13.17 O) Climate Change**

**13.17.1** Following the adopted UDC Interim Climate Change Policy (2021) due consideration should be made by developer to demonstrate the path that their proposals take towards achieving net – zero carbon by 2030, and ways their proposal is working towards this in response to planning law, and also to the guidance set out in the NPPF and Planning Policy Guidance. The applicant has included details within the Planning Statement demonstrating how the proposal accords with this policy.

**13.17.2** Sustainable principles have been evaluated at each stage of the design process to ensure the proposal has been designed and will be constructed to make the fullest contribution to climate change mitigation and adaptation. Therefore, minimising overheating, reducing flood risk, improving water efficiency, and protecting and enhancing green infrastructure, have been key considerations in the design process of the development.

**13.17.3** The development seeks energy reductions to meet current building regulations. Our first priority is a fabric first approach, with high performance thermal insulation to significantly reduce the heating energy demand with increased air tightness in the building envelope.

**13.17.4** Passive solar design takes advantage of natural light and heat from the sun and uses air movement for ventilation. This reduces or negates the need for artificial lighting, heating, cooling or ventilation. It can be achieved with no additional cost to a development and can result in considerable living cost savings and significant impact on energy efficiency.

**13.17.5** The layout and orientation of dwellings and windows to habitable rooms would be considered at reserved matters, aimed to achieve adequate

levels of natural daylight, maximising the controlled use of passive solar and thermal energy.

- 13.17.6** All dwellings would be designed to be dual aspect, benefiting from highly effective natural ventilation Land at Chelmsford Road, Hartford End - Planning Statement and cooling of the building fabric within summer seasons, while appreciating views over the rear paddocks.
- 13.17.7** Further, whilst parking is provided within the proposed development, the inclusion of deliverable bus stops is envisaged to increase the usage of public transport in an area that is currently highly dependent on private vehicles, for the existing and future community. In addition to this, electric vehicle charging and cycle parking which would be agreed at reserved matters.
- 13.17.8** In regards to biodiversity net gain, this would be provided within the application site, to the hedged boundaries and landscape spaces, and off-site provision directly west of the site.
- 13.17.9** In summary, the proposal would be designed to ensure sustainability is at the heart of development, utilising both fabricated and natural resources to assist Uttlesford District Council in its sustainable development goals as indicated in the Uttlesford Climate Crisis Strategy 2021 – 2030 and the Energy Efficiency and Renewable Energy (2007) SPD.

**13.18 P) Planning balance**

- 13.18.1** The development site is located outside development limits. The Council's October 2023 published land supply figure is 5.14 years, however cannot demonstrate the necessary 20% buffer (paragraph 77 of the NPPF). In line with the presumption in favour of sustainable development set out in the NPPF - paragraph 11 (d) (ii). In this case the tilted balance is engaged, the NPPF states amongst other things:

“Where there are no development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed,

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.

Benefits of the development:

- 13.18.2** The development would result the delivery of up to 50 dwellings. The Council can't demonstrate a 5-year housing land supply with the required 20% buffer. The number of dwellings proposed would make a meaningful contribution to maintaining the supply of housing locally.
- 13.18.3** The development would provide up to 20 affordable housing units based on a 40% requirement Policy H9 and the terms secured through a S106 agreement. While this level of provision is a policy requirement, **significant positive** weight can be afforded to the delivery of affordable housing
- 13.18.4** The development would secure investment and employment at the construction phase, to benefit local people and businesses. An increase in demand for council services from occupants of the development might offset any benefits from increased council tax receipts, but there would also be more expenditure in local services and facilities from new residents. Therefore, the economic benefits of the development carry **moderate positive weight**.
- 13.18.5** The forecast level of biodiversity net gain would be greater than any current development plan or legal target and would result in ecological enhancements. These benefits can be afforded **moderate positive weight**.
- 13.18.6** Improvements to on-site drainage represent a **moderate positive weight** although are largely designed in response to the proposed development rather than explicitly addressing an existing issue
- 13.18.7** The provision of future bus stop along the main highway would enhance and encourage people to use sustainable modes of transport. Therefore, **moderate positive weight** can be afforded to this benefit.
- 13.18.8** **Limited Positive weight** has been given to the commitments towards achieving the optimum use of energy conservation and efficiency measures beyond the requirements of that stipulated within the Council's corporate Interim Climate Change Planning Policy (2021)

Adverse impacts of the development:

- 13.18.9** The development would have a **significant negative effect** on the landscape, character and appearance of the site and surrounding area. It would significantly diminish the local value of the landscape and would neither protect nor enhance the natural and local environment, in the context of the NPPF. It would have a significant negative effect on visual impact on the character and appearance of not only the site but also the wider countryside and surrounding area.
- 13.18.10** The proposed development would result in the permanent loss of 2.41 hectares of land area that is defined as the Best and Most Versatile (BMV) agricultural land Grade 3. The development would have a **moderate**

**negative effect** on the provision of agricultural land and result in some conflict with Policy ENV5.

Neutral Factors:

- 13.18.11** All other factors relating to the proposed development have been carefully considered and are capable of being satisfactorily mitigated, such that they weigh neutrally within the planning balance. These factors include neighbouring amenity, noise, air quality, ground conditions, and arboric

Summary:

- 13.18.12** It is acknowledged that the 'tilted balance' identified within the Framework is engaged. In the case of this application, this means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

- 13.18.13** Overall, it is considered that the harm to the openness and character of the countryside from the proposal significantly and demonstrably outweighs the benefits of the development when assessed against the Framework taken as a whole.

- 13.18.14** It is considered the proposals are contrary to Policy S7 and GEN1 of the adopted Local Plan and those of Policies FEL/CW1, FEL/CH4 and FEL/HN5 of the Felsted Neighbourhood Plan in regards to the location and harmful impact to the rural character of the site. Furthermore the proposal is considered contrary to ULP policy ENV5 in regards to the site consisting of best and most versatile agricultural land.

**13.19 Q) Other matters**

- 13.19.1** 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.

- 13.19.2** 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.

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

- 13.19.4** The LPA is also a statutory consultee and must provide a substantive

response to the consultation within 21 days, This should include a recommendation, with reasons, for whether planning permission should be granted or refused, and a list of conditions if planning permission is granted.

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

## **14**      **CONCLUSION**

- 14.1**      Due to the nature of this application process, it is not possible to provide a detailed assessment of any traffic and transportation, design considerations relating to this proposal. Neither have any neighbour considerations been factored into this assessment.
- 14.2**      Following the above assessment and tilted balancing exercise, the harm caused by the proposed development is considered to significantly and demonstrably outweigh the overall benefits of the scheme, when assessed against the policies in this Framework taken as a whole (NPPF Paragraph 11d (ii)). In the circumstances, the proposal would represent sustainable development in accordance with the NPPF.
- 14.3**      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.