

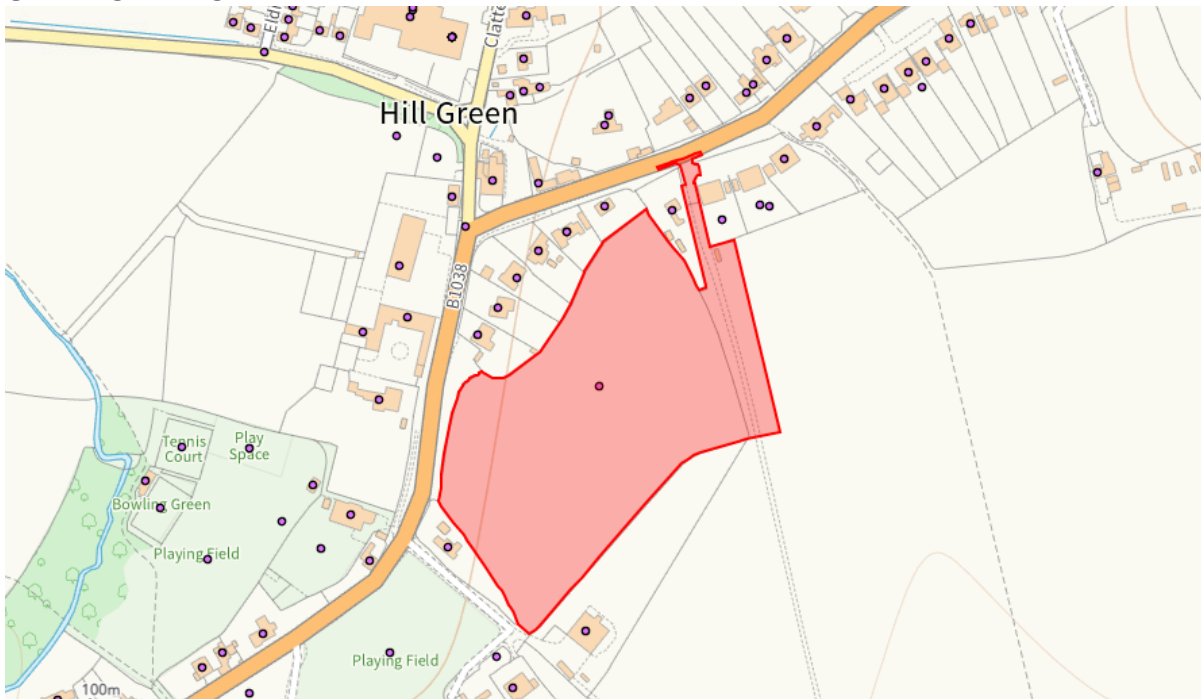
ITEM NUMBER: 8

PLANNING COMMITTEE DATE: 08 April 2026

REFERENCE NUMBER: UTT/25/2404/FUL

LOCATION: Land At Hill Green
Wicken Road
Clavering
Essex

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: March 2026

PROPOSAL: Erection of 28 no. proposed new dwellings, including 11 no. affordable dwellings, 6 no. self and custom build plots, and associated infrastructure.

APPLICANT: Pelham Structures Ltd (S Bampton)

AGENT: Pelham Structures Ltd (M Justin / S Bampton)

EXPIRY DATE: 10 December 2025

EOT EXPIRY DATE: 13 April 2026

CASE OFFICER: Mr Avgerinos Vlachos (Principal Planning Officer)

NOTATION: Within Existing Built Area.
Adjacent to Conservation Area (Clavering – Western Boundary).
Setting of Listed Building (Saddlers – Grade II).
Setting of Listed Building (K6 Kiosk – Grade II).
Setting of Listed Building (The Cricketers – Grade II).
Setting of Listed Building (Lantern Thatch – Grade II).
Setting of Listed Building (Cophall – Grade II).
Setting of Listed Building (Old Forge Cottage – Grade II).
Setting of Locally Listed Building (Hill Green Farm and Farmhouse) – Non-Designated Heritage Asset).
Road Classification (Wicken Road – B1038).
Within 500m of Pollution Control Site.
Public Right of Way (Footpath – East).
Public Right of Way (Footpath – South).

REASON THIS APPLICATION IS ON THE AGENDA: Major application.

1. EXECUTIVE SUMMARY

1.1 This is a full planning application for the erection of 28 no. new dwellings, including 11 no. affordable dwellings, 6 no. self and custom build plots, and associated infrastructure.

1.2 The application was assessed against the recently adopted Local Plan (LP) and was found to be in a moderately accessible Larger Village that offers a suitable location for housing in accordance with the spatial strategy of the plan. The development would create limited-to-moderate

combined harm to the character and appearance of the area. Despite the backland position in a mainly linear pattern of development locally, the site's position within the existing built area of the village would make the scheme a 'natural' extension into the countryside – this infilling nature of the scheme would trap urbanisation effects within the village envelope instead of spreading housing into the more open and exposed landscape or the rolling farmland plateau. The loss of outlook for the residents adjacent to the site would be moderated as the site is not a designated landscape and visual effects would be minor and localised for footpath users due to the lower topography that would still allow views to the wider landscape.

1.3 The inevitable heritage harm to the Clavering Conservation Area, a Grade II and a locally listed buildings would be outweighed by the benefits of the scheme; conditions for landscaping and materials would further mitigate such impacts. Affordable housing would be provided in excess of the policy target (39.3%) with an appropriate housing mix. The Highway Authority confirmed that the development is acceptable in terms of highway safety for all highway users and not detrimental to the capacity of the highway network. The Lead Local Flood Authority confirmed that the scheme would not increase flood risk on site or elsewhere and that an appropriate sustainable drainage system (SUDS) strategy would be employed. Other planning issues are acceptable and policy compliant.

1.4 The application would be subject to a section 106 agreement (planning obligation), including affordable housing, two public open spaces (POS), financial contributions to education and healthcare and others obligations. Consequently, when assessed against the policies in the NPPF taken as a whole, and as there are no other material considerations indicating otherwise, the adverse impacts of the proposals would **not** significantly and demonstrably outweigh the benefits, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination, in accordance with paragraph 11(d)(ii) of the NPPF.

2. RECOMMENDATION

That the Strategic Director of Planning be authorised to **GRANT** permission for the development subject to those items set out in section 17 of this report -

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

And

If the freehold owner shall fail to enter into such an agreement, the Strategic Director of Planning shall be authorised to **REFUSE**

permission following the expiration of a 6-month period from the date of Planning Committee.

3. SITE LOCATION AND DESCRIPTION:

- 3.1** The application site comprises an open agricultural field on the northern part of Clavering (Hill Green) located at the south-east corner between Clatterbury Lane and Wicken Road within the existing built area of the village. The site is enclosed by residential properties on at least three sides: to the south by the Old Grain Barn, Saddlers and the properties behind the Cricket ground; to the west by Clavering Village Hall and the Hill Green Farm complex; to the north-west by the houses between Pond Cottage and The Willows; and to the north-east by the properties of Hillberry, Dove Cottage, The Brambles and The Acorns. The site boundaries are defined by hedgerows, trees and post and rail fencing, whilst there is an existing pond immediately west from the site where the site is adjacent to the Clavering Conservation Area. The pattern of development in the area is predominantly linear. There are several Grade II listed buildings in the vicinity of the land and locally listed buildings (non-designated heritage assets) on the Hill Green Farm complex on the opposite side of the road. Ground levels fall east to west and the land sits below the rest of the rolling farmland plateau on the wider landscape. The site is currently accessed from the north between Hillberry and Dove House. Public footpaths run at a distance to the east and south of the site.

4. PROPOSAL

- 4.1** This is a full planning application for the erection of 28 no. proposed new dwellings, including 11 no. affordable dwellings, 6 no. self and custom build plots, and associated infrastructure.

- 4.2** The application includes the following documents:

- Application form
- Biodiversity checklist
- Arboricultural report – Appendix 1
- Design and access statement
- Ecology report
- Foul sewage and utilities assessment
- Heritage impact assessment
- Landscape and visual appraisal
- Landscape and visual appraisal – Figures
- Landscape and visual appraisal – Photos 1 of 3
- Landscape and visual appraisal – Photos 2 of 3
- Landscape and visual appraisal – Photos 3 of 3
- Planning Statement
- Self-build and custom plots 21-26 – Design code
- Statement of community involvement
- Superseded biodiversity enhancement plan

- Superseded biodiversity net gain assessment
- Superseded greenfield runoff rate estimation tool
- Superseded transport statement
- Superseded flood risk assessment (combining drainage and SUDS statement) x3
- Superseded hydraulic modelling 1 (x2)
- Superseded hydraulic modelling 2 (x2)
- Superseded hydraulic modelling (half drain times) x2
- Biodiversity net gain metric
- Response to Housing officer
- Response to LLFA
- Response to LLFA 2
- Response to LLFA 3
- Response to LLFA 4
- Response to LLFA 5
- Response to Ecology
- Anglian Water developer forum summary notes
- Fairwater connections response to OFWAT charging rules consultation
- Foul sewer note
- Biodiversity gain plan
- District level licencing email
- Revised biodiversity net gain assessment
- Revised greenfield runoff rate
- Superseded revised transport statement
- Great Crested Newt impact assessment and conservation payment certificate
- Revised transport statement
- Revised flood risk assessment (combining drainage and SUDS statement)
- Revised hydraulic modelling (half drain times)
- Revised hydraulic modelling 1
- Revised hydraulic modelling 2.

5. ENVIRONMENTAL IMPACT ASSESSMENT

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

6. RELEVANT SITE HISTORY

6.1

Reference	Proposal	Decision
UTT/25/0784/PE	PINS pre application Advice for - Erection of 28 dwellings, including affordable housing and associated infrastructure	Closed (15.04.2025).

	and public open space, and allotments with access off Wicken Road.	
UTT/23/0406/NMA (Shared Access with this Scheme)	Non-material amendment to UTT/21/2720/FUL - revised garage doors and internal layout.	Approved (16.06.2023).
UTT/21/2720/FUL (Shared Access with this Scheme)	Erection of 3 no. dwellings with carports, highway access and associated works.	Approved with conditions (29.06.2022).

7. **PRE-APPLICATION ADVICE AND COMMUNITY CONSULTATION**

7.1 Paragraph 40 of the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.

7.2 Pre-application discussions have been held directly with the Planning Inspectorate prior to submitting the application (under Section 62A of the Town and Country Planning Act 1990); as part of this pre-application the views of Council officers were obtained and considered by the Inspector. The key views of the Inspector are summarised below:

- The proposal would be contrary to the spatial strategy of the (old) Local Plan (paragraph 7).
- The proposal would be at odds with the existing linear settlement pattern (paragraph 9).
- The site is highly visible from within the village, which is reinforced by the local topography, and contributes positively to the rural character and appearance and setting of the village (paragraph 10).
- *“Given the generally linear nature of development here the surrounding open countryside, including the application site, contributes to the significance of the [Conservation Area] through reinforcing the rural origins of the village, its dependence on the land, and its location in the countryside”* (paragraph 11).
- *“[...] the proposed housing would be visible here as well as through the gaps between the houses on Wicken Road and hence would form an obtrusive incursion into the open countryside to the detriment of the character and appearance of the area as well as the significance of the [Conservation Area] through the loss of open countryside and eroding the relationship of the historic built form with it as well as the verdant appearance of the area”* (paragraph 18).
- The proposal would likely harm the character and appearance of the area and the significance of heritage assets (paragraph 21),

including the Grade II listed Saddlers, the locally listed Hill Green Farm buildings and the Clavering Conservation Area.

- Affordable housing provision was not policy compliant (paragraph 22).
- When asked by the Council officer to confirm the correct position on locational sustainability in Hill Green following conflicting conclusions of appeal decisions in the area, the Inspector found the location “*relatively inaccessible*”. However, she noted that “*the Inspector in the November 2024 appeal placed reliance on Clavering being identified as a larger village within the recent Settlement Services and Facilities Topic Paper and therefore being amongst the most accessible to local facilities and services in this settlement tier. While this has translated into policy in the emerging plan, that is still at an early stage and therefore can be given limited weight only*” (paragraph 26, own emphasis).
- “*emerging policy would only support development within the built-up area of the village which this is not*” (paragraph 27).

7.3 A statement of community involvement was submitted where the applicant notes the “*ongoing engagement with the School, Parish Council, local employers and residents, who’s general feedback about the village and its needs have been considered and incorporated into this application, where possible*”. The site was put forward in the April 2021 Call for Sites and representations made at Regulations 18 and 19 of the recently adopted Local Plan 2021-2041. The applications states that comments from the public and the Parish Council made through this process were incorporated into the development where possible. The developer also approached some neighbours as confirmed by the latter.

7.4 The local planning authority has consulted interested parties in the area and their comments were considered when determining the application.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

8.1.1 No objection subject to conditions (see full response in **Appendix 1**).

8.2 Lead Local Flood Authority

8.2.1 No objection subject to conditions (see full response in **Appendix 2**).

9. PARISH COUNCIL COMMENTS

9.1 Comments from Clavering Parish Council:

- **Object:**
 - The Council has no 5YHLS.
 - Local Plan not engaged.
 - Neighbourhood Plan at early stages
 - Highway safety concerns.

- Insufficient road width and footways.
- Traffic increase.
- At Reg 19, the HELAA determined by UDC considered the site unsuitable given its poor access.
- Proposed pedestrian access near allotments crosses 2 ditches.
- No indication of how farm machinery will enter the access.
- No swept path analysis.
- Larger than usual refuse lorries.
- No safe pedestrian and cycle access to the main services which are located over 800 metres from the site.
- No daily transport / heavy reliance on cars.
- School bus service only.
- DART bus service on demand.
- Inspectors found the location unsustainable (UTT/24/0438/FUL, UTT/22/1578/OP, S62A/2023/0025, S62A/2023/0030).
- Application only relies on UTT/23/3135/FUL.
- Small number of services within a short walking distance.
- Day-to-day services are a significant distance from the site.
- Narrow and unlit footway.
- Poor access to services and facilities.
- Conflicting reviews of locational sustainability by Inspectors.
- Unsuitable location for housing.
- No medical centre in Clavering.
- Backland development in an area of linear development.
- Recent development 'infill' to the linear settlement.
- Landscape Character and Sensitivity Assessment for the Neighbourhood Plan found an area of High Landscape Character Sensitivity and High Visual Sensitivity to give a High Overall Sensitivity.
- Key landscape characteristics:
 - Strong relationship with existing settlement edge
 - Predominantly arable landscape
 - Field sizes vary, smaller fields closer to settlement edge
 - Limited enclosure by hedgerows
 - Good public access with PROW well-maintained
 - Small amount of built form present on eastern edge
 - Good landscape condition, medium tranquility.
- Key visual characteristics:
 - Some vegetation cover with hedgerows and trees
 - Strong visual relationships with the settlement edge
 - Panoramic open views from elevated ground across the Parish and the wider landscape
 - Overhead electricity pylons.
- Loss of views away from the village.
- Loss of views from the footpath to the west.
- Development is inappropriate and would readily be visible against the settlement edge existing up the slopes of arable landscape and damage the areas on LPLCA.
- Potential sewer pump failure / pollution.

- Concerns over foul water infrastructure capacity.
- Flood risk concerns (surface water).
- No management company.
- No need for additional allotments.
- No mechanism for education, health, affordable housing contributions.
- Oversubscribed pre-school.
- Appropriate affordable housing mix.
- Earth bunds to screen the development.
- Self-build plots already defined.
- No community involvement.
- Pre-app with Inspector.
- Inaccurate documents.
- Pedestrian accesses marked as 'common land' are Registered Village Greens (owned by or leased to the Parish Council).
- Pond does not flood / culvert relieves the pond.
- Ecological and biodiversity concerns.
- Generic design.
- Harm to the countryside.
- If approved, section 106 agreement necessary with financial contributions to registered charities.
- Further documentation submitted.
- Developer did not approach Parish for new sewerage pipe.
- Ownership Certificate B required.
- Sewer connection point B requires permission from the Parish Council and a Deed of Easement.
- All legal costs of the Parish to be met by the developer.
- Thames Water confirms the development could not be served by existing sewerage infrastructure and requires upgrading.
- 2 sewage spills in Clavering in 2025.
- Previous objection remains.
- 22 technical documents submitted without consultations.
- Foul water infrastructure upgrades not submitted.
- Previous comments not withdrawn.
- Re-drawn access road and footways.
- No indication of road width.
- Loss of hedgerow (of disputed ownership).
- No footways to reach each dwelling.
- Inaccurate traffic survey.
- Drawings should be final in a full application.
- Bus stop on a map does not indicate it is operational.
- Cycling to Newport impossible.

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health

10.1.1 No objections subject to conditions.

10.2 UDC Housing

10.2.1 No objections subject to affordable housing (including acceptable mix and tenure, adaptable dwellings and bungalows) as planning obligations.

10.3 UDC Urban Design

10.3.1 The scheme proposals are acceptable in design terms and are in broad compliance with the Uttlesford Design Code.

10.4 UDC Conservation

10.4.1 No objections subject to conditions for materials and landscaping – heritage harm to the Conservation Area and a Grade II listed building (Saddlers).

10.5 UDC Landscaping

10.5.1 No objections subject to conditions.

10.6 Place Services (Ecology)

10.6.1 No objections subject to conditions and mandatory biodiversity net gain.

10.7 Place Services (Archaeology)

10.7.1 No objections subject to conditions.

10.8 Thames Water

10.8.1 No objections subject to conditions (that do not meet paragraph 57 of the NPPF).

10.9 Affinity Water

10.9.1 No objections without conditions.

10.10 Essex Police (Designing Out Crime Office)

10.10.1 No objections subject to conditions (that do not meet paragraph 57 of the NPPF).

10.11 Essex Education

10.11.1 No objections subject to financial contributions for early years & childcare, school transport, libraries.

10.12 NHS Hertfordshire West Essex Integrated Care Board (HWE ICB)

10.12.1 No objections subject to financial contributions for primary healthcare services.

10.13 NHS East of England Ambulance Service

10.13.1 No objections subject to financial contributions for ambulance services and defibrillators.

11. REPRESENTATIONS

11.1 A site notice was displayed on site and notification letters were sent to nearby properties. The application has also been the subject of a press notice in a local newspaper.

11.2 Ward members' comments:

11.2.1 No comments were received.

11.3 Comments from members of the public:

11.3.1 Object:

- 1-bed affordable houses inappropriate in rural location.
- Access blockage during construction.
- Adjacent to village green.
- Alternative locations not explored.
- Backland development.
- Brownfield sites can cover demand.
- Bus services not to be improved.
- Bus services only for schools.
- Clavering becoming a town.
- Clavering not a 'Larger Village'.
- Condition for protective barriers near existing houses.
- Condition for traffic calming.
- Condition to deliver footpath as raised kerb.
- Condition to prohibit foul sewerage option A.
- Conflicts with Clavering Neighbourhood Plan.
- Conflicts with local and national policies.
- Consistent decision-making necessary.
- Contribution for new village hall necessary.
- Developer agreed to put up brick wall to neighbour's boundary.
- Developer former member of the Neighbourhood Plan Steering Group.
- Developer is local with connection to the village.
- Drainage from existing pond floods the road.
- Drawings do not show ditches.
- Drawings do not show footway bridges for pedestrian accesses.
- Drawings do not show recent developments.
- Ecological and biodiversity concerns.
- Engagement of the applicant with neighbour.
- Fear of precedent for backlands.

- Flood risk and drainage concerns.
- Green Belt land.
- Greenfield site.
- Harm to character and appearance of the area.
- Harm to the linear pattern of development.
- Harm to the open countryside.
- Heritage harm (Conservation Area, listed buildings, locally listed).
- Highway safety concerns.
- Inaccurate submissions and drawings.
- Inappropriate design, scale, form, layout, density.
- Inappropriate landscaping (earth bunds).
- Inconsistent with previous decisions (UTT/24/0438/FUL, UTT/24/1499/FUL, S62A/2023/0030, UTT/22/1578/OP).
- Lack of services and facilities.
- Legal right of access.
- Loss of arable land.
- Loss of green space.
- Loss of light and overshadowing.
- Loss of privacy and overlooking.
- Loss of residential amenity.
- Loss of views.
- Loss of village identity.
- Management and monitoring concerns.
- Narrow, unlit footways.
- Neighbourhood Plan and local democracy compromised.
- Neighbourhood Plan must bring forward dwellings.
- No 5YHLS.
- No access to farm machinery / landlocked fields behind.
- No acute housing need in Clavering.
- No community engagement.
- No Construction Management Plan submitted.
- No Construction Traffic and Access Management Plan submitted.
- No management company.
- No mechanism for contributions.
- No mention of s106 obligations.
- No need for allotments.
- No public transport.
- No streetlighting.
- No swept path analysis for emergency vehicles, refuse lorries or fire engines.
- Noise, dust, lighting, vibrations and other disturbances.
- Not brownfield.
- Not self-builds.
- Only 'infill' development approved.
- Only one decision approved (UTT/23/3135/FUL).
- Out of proportion to the village.
- Outside development limits.
- Overbearing effects.

- Pedestrian accesses marked as 'common land' are Registered Village Greens (owned by or leased to the Parish Council).
- Pollution potential.
- Pressures from recent developments.
- Pressures to infrastructure and facilities.
- Pressures to quality of life.
- Property values reduced.
- Pumped foul system is a single point of failure for 28 houses.
- Rising topography.
- Side pedestrian gate of neighbour in danger.
- Thames Water identified concerns with option A.
- Traffic increase.
- Unsold properties in the area.
- Unsuitable for development in the Call for Sites 2021.
- Unsuitable location for housing.
- Unsustainable development.
- Unsustainable location.
- Urban creep and urbanisation.
- Visible from all directions.
- Visible from vantage points (pond, gaps between houses, public footpaths)
- Water supply constraint.

11.4 Comment

11.4.1 Land ownership issues, property values and issues around the deliverability of a planning permission are not planning issues. These and other civil matters have not been taken into consideration for the purposes of this report.

12. MATERIAL CONSIDERATIONS

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

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

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

c) any other material considerations.

12.3 Section 66(1) 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 listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty as respects Conservation Areas in the exercise of a local planning authority's planning functions to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

12.4 The Development Plan

12.4.1 Uttlesford Local Plan 2021-2041 (adopted March 2026)
Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Felsted Neighbourhood Plan (made February 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport, Quendon & Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made July 2022)
Saffron Walden Neighbourhood Plan (made October 2022)
Ashdon Neighbourhood Plan (made December 2022)
Great & Little Chesterford Neighbourhood Plan (made February 2023).

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2024).

13.2 Uttlesford Local Plan 2021-2041 (2026)

13.2.1	Core Policy 1	Addressing Climate Change
	Core Policy 2	Meeting Our Housing Needs
	Core Policy 3	Settlement Hierarchy
	Core Policy 5	Providing Supporting Infrastructure and Services
	Core Policy 19	Rural Area Housing Requirement Figures
	Core Policy 22	Net Zero Operational Carbon Development
	Core Policy 23	Overheating
	Core Policy 24	Embodied Carbon
	Core Policy 25	Renewable Energy Infrastructure
	Core Policy 26	Providing for Sustainable Transport and Connectivity
	Core Policy 27	Assessing the Impact of Development on Transport Infrastructure
	Core Policy 28	Active Travel - Walking and Cycling

Core Policy 29	Electric and Low Emission Vehicles
Core Policy 31	Parking Standards
Core Policy 33	Managing Waste
Core Policy 34	Water Supply and Protection of Water Resources
Core Policy 35	Watercourse Protection and Enhancement
Core Policy 36	Flood Risk
Core Policy 37	Sustainable Drainage Systems
Core Policy 38	Sites Designated for Biodiversity or Geology
Core Policy 39	Green and Blue Infrastructure
Core Policy 40	Biodiversity and Nature Recovery
Core Policy 41	Landscape Character
Core Policy 42	Pollution and Contamination
Core Policy 43	Air Quality
Core Policy 44	Noise
Core Policy 52	Good Design Outcomes and Process
Development Policy 9	Public Art
Core Policy 53	Standards for New Residential Development
Core Policy 55	Residential Space Standards
Core Policy 56	Affordable Dwellings
Core Policy 58	Custom and Self-Build Housing
Core Policy 61	The Historic Environment
Core Policy 62	Listed Buildings
Core Policy 63	Conservation Areas
Core Policy 64	Archaeological Assets
Core Policy 65	Non-Designated Heritage Assets of Local Importance
Core Policy 66	Planning for Health and Well-being
Core Policy 67	Open Space, Sport and Recreation
Core Policy 67a	Management of Public Open Space
Core Policy 70	Communications Infrastructure

13.3 Neighbourhood Plan

13.3.1 There is no 'made' Neighbourhood Plan for the area or one under preparation at a level that should be afforded any weight.

13.4 Supplementary Planning Document or Guidance

13.4.1 Supplementary Planning Document – Uttlesford District-Wide Design Code (2024)
 Supplementary Planning Document – Developer's Contributions (2023)
 Essex Design Guide
 Uttlesford Interim Climate Change Planning Policy (2021)
 Essex County Council's Developers' Guide to Infrastructure Contributions (2025)
 Parking Guidance – Part 1: Parking Standards Design and Good Practice (2024)
 Uttlesford Local Residential Parking Standards (2013)
 Essex County Council Parking Standards (2009).

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2**
- A) Principle / Character & appearance (Core Policies 2, 3, 19, 26, 27, 28, 41, 52, 58, 66, SPD Uttlesford District-Wide Design Code, Essex Design Guide, NPPF)**
 - B) Heritage impacts & balances (Core Policies 52, 61, 62, 63, 65, SPD Uttlesford District-Wide Design Code, NPPF)**
 - C) Climate change & resources (Core Policies 1, 22, 23, 24, 25, 29, 34, 52, SPD Uttlesford District-Wide Design Code, Interim Climate Change Planning Policy, NPPF)**
 - D) Residential amenity & standards / Housing mix (Core Policies 43, 44, 52, 53, 55, 66, SPD Uttlesford District-Wide Design Code, Essex Design Guide, NPPF)**
 - E) Access and parking (Core Policies 26, 27, 28, 30, 31, parking standards, NPPF)**
 - F) Ecology (Core Policies 38, 39, 40, NPPF)**
 - G) Contamination (Core Policies 34, 42, NPPF)**
 - H) Archaeology (Core Policy 64, NPPF)**
 - I) Flood risk and drainage (Core Policies 5, 33, 36, 37, NPPF)**
 - J) Planning obligations: Affordable housing, Open space, etc. (Core Policies 5, 27, 28, 52, 66, 67, 67a, Development Policy 9, SPD Developer's Contributions, ECC's Developers' Guide to Infrastructure Contributions, NPPF)**
 - K) Other matters (Core Policy 70)**
 - L) Paragraph 11(d) and planning balance**

14.3 **A) Principle / Character & appearance (Core Policies 2, 3, 19, 26, 27, 28, 41, 52, 58, 66, SPD Uttlesford District-Wide Design Code, Essex Design Guide, NPPF)**

14.3.1 Housing land supply:

The adopted Local Plan identifies a sufficient supply of housing land to meet the district's needs in full over the plan period. Through the Local Plan examination, the Planning Inspector confirmed that the Council currently demonstrates 4.77 years of deliverable housing land supply when applying the 20% buffer required under the Housing Delivery Test (HDT) consequences. The 20% buffer is mandated where delivery falls below the relevant HDT thresholds, and such consequences apply from the day following the publication of HDT results and supersede previously published figures.

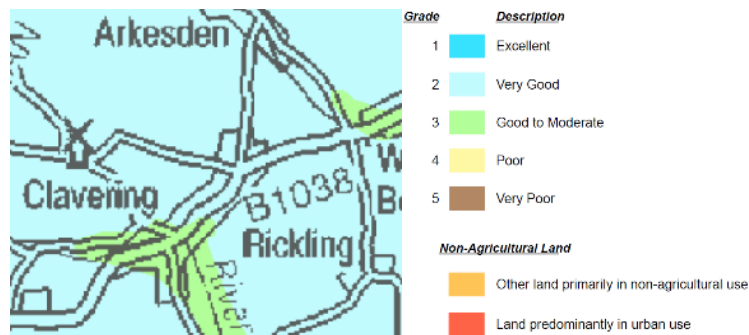
14.3.1.1 The Council is undertaking an updated assessment of its Five-Year Housing Land Supply, using the most recent monitoring information and delivery evidence. Given that the confirmed position of 4.77 years is narrowly below the five-year requirement even with the 20% buffer applied, the updated assessment may demonstrate that the Council is now able to evidence a full five-year supply. The Government has

confirmed that the next Housing Delivery Test results—combining the 2024 and 2025 measurements—will be published during 2026, after which any revised HDT consequences, including a reduction of the buffer from 20% to 5% where performance meets the relevant threshold, will take effect on the following day.

14.3.1.2 In this context, the current lack of a five-year supply attracts weight in the planning balance. This reflects the marginal nature of the shortfall, the identification of sufficient housing land within the adopted Local Plan to meet needs in full, and the reasonable prospect that the updated evidence will demonstrate a defensible five-year supply once recalculated.

14.3.2 Agricultural land:

The site comprises Grade 2 ('Very Good' quality) agricultural land, which is part of the district's best and most versatile agricultural land (BMV). Paragraph 187(b) of the NPPF states that decisions should contribute to and enhance the natural and local environment by (b) recognising the wider benefits from natural capital, including BMV land.



14.3.3 Local economy and social nexus:

The proposal would be a **moderate** contribution to the local economy both ephemerally during construction (via potential employment of local builders, supply chains and materials) and post-construction through the use of services in the village or in nearby villages by the occupants. The occupants would also likely contribute to a **moderate** degree to the social life of Clavering and help support its services, in accordance with paragraph 83 of the NPPF.

14.3.4 Efficient use of land:

The site is **not** previously developed land being an arable field. The use of agricultural land for housing is not by itself more effective use of the land and the land is not necessarily under-utilised. As such, paragraphs 124, 125(c)-(d) of the NPPF do not apply here. The scheme, if approved, would establish the principle of residential use on a significant piece of land for a significant number of dwellings, avoiding however a cramped appearance that a denser layout would achieve if open spaces were reduced within the site; the low density of the scheme (8.8 dwellings per hectare) would minimise impacts on the significance of heritage assets (see Section B) and the rural character and appearance of the area (see 'Character and appearance' below) and would use the resource (i.e. land)

as efficiently as possible. This equilibrium would weigh neutrally on this decision.

14.3.5 Spatial strategy, location and accessibility:

Turning to the accessibility to services and facilities, bus stops nearby involve The Cricketers stop (1' walk – 110 metres); this provides only a school bus service (routes 306, 446) twice a day on schooldays that runs from Bishop's Stortford to Wicken Bonhunt and from Saffron Walden to Berden and vice versa. The nearest supermarket (SPAR – 22' walk) is 1.6 km from the site and the nearest school (Clavering Primary School – 19' walk) is 1.4 km from the site in south Clavering. The nearest train station and doctor's surgery are in Newport, more than 4 km east of the site.

14.3.6 The above accessibility credentials have not been materially changed in the village over the last years. The Parish Council and residents objected to the scheme on the grounds of being in an unsuitable and unsustainable location having regard to its accessibility to services and facilities – the objectors referenced several previous decisions. These decisions are material considerations and are analysed as follows.

14.3.7 **UTT/23/3135/FUL** (appeal allowed) – *Clatterbury Lane, Clavering:*

This scheme was for 5 bungalows, 500 metres north of the application site. The Council had raised concerns on locational sustainability and heavy reliance on private cars. The Inspector found that north Clavering benefits from a range of local services (paragraph 10), but south Clavering contains important services (i.e. primary school, convenience store) (paragraph 11). However, because of the low traffic speeds and levels along Clatterbury Lane and the unlit footway to south Clavering being of sufficient width to allow movements by a range of users (paragraph 11), as well as because of Clavering being a Larger Village in the then Emerging LP¹ (paragraph 12), the Inspector concluded the scheme would be suitably located having regard to the proximity of facilities and services (paragraph 13), in accordance with paragraph 115 of the NPPF that promotes sustainable transport modes.

14.3.8 **UTT/24/0438/FUL** (appeal dismissed) – *Wicken Road, Clavering:*

This scheme was for 4 dwellings at a backland position, 300 metres east of the site. The Council had raised concerns on locational sustainability and heavy reliance on private cars but withdrew them in light of UTT/23/3135/FUL. Despite this, the Inspector concluded that the scheme would not be in a suitable location for housing on the accessibility of services and facilities (paragraph 24). The scheme was found to conflict with the NPPF provisions that promote sustainable transport modes at a time when the 5YHLS was 4.12 years.

14.3.9 The Inspector confirmed day-to-day services in north Clavering are limited and future occupiers would need to travel further afield for shopping, education and healthcare (paragraph 16). To access services in south

¹ Uttlesford District Council – Settlement Services and Facilities Topic Paper (July 2024).

Clavering or Newport via walking or cycling would require “*to negotiate a significant distance along country lanes that are predominately unlit, with speed limits of 30mph, which would be less attractive particularly travelling to school, carrying shopping, in the dark or during inclement weather conditions*” (paragraph 17). As there are no realistic alternatives to cars, “*there would be negative environmental and social effects arising from the location in terms of the use of natural resources and the accessibility of local services*” (paragraph 18). The Inspector noted the scheme in UTT/23/3135/FUL was found to be suitably located for access to services but “*appeal decisions are heavily dependent on the case-specific evidence and circumstances*” (paragraph 23).

14.3.10 **UTT/24/1499/FUL** (appeal dismissed) – *Hill House, Wicken Road, Clavering:*

This scheme was for 1 dwelling at a backland position, 260 metres north-east of the current site. The Inspector did not dispute the common ground between the parties that the appeal site was in a suitable location in terms of accessibility to services (paragraph 21) but found significant harm to the countryside character and appearance (paragraph 13), including its backland location that would be at odds with the linear pattern of development along Wicken Road (paragraph 10).

14.3.11 **UTT/23/3113/PINS / S62A/2023/0030** (refused) – *West of The Cricketers, Clatterbury Lane, Clavering:*

This scheme was for 28 dwellings, 110 metres north-west of the current site. The Inspector concluded the site has poor access to services and facilities (paragraph 24) after finding that future occupiers would need to access a much wider range of services to meet day-to-day needs that cannot be covered in this part of the village (paragraph 22) and that, despite limited choice for public transport (school buses), occupiers would need to travel by car on a regular basis, in conflict with paragraph 115 of the NPPF (paragraphs 23, 54).

14.3.12 **UTT/23/2616/PINS / S62A/2023/0025** (refused) – *Eldridge Close, Clavering:*

This scheme was for 28 dwellings, 250 metres north-west of the current site at a backland plot. The Inspector noted that future occupiers would benefit from “*a small number of services and facilities*” in short distance (paragraph 29) but they would need access to a much wider range of services and facilities to meet their day-to-day needs and it would be unlikely to reach the primary school and village shop in south Clavering from the narrow and unlit footway (paragraph 30). He concluded that “*the site has poor access to services and facilities, with only a small number located within easy walking distance and few if any options to travel to neighbouring settlements by sustainable means*”, contrary to paragraph 110 of the NPPF (paragraphs 31 – 32).

14.3.13 **UTT/22/1578/OP** (appeal withdrawn) – *Eldridge Close, Clavering:*

This scheme was for 32 dwellings, 250 metres north-west of the current site at a backland plot. The appeal was withdrawn following the earlier refusal of S62A/2023/0025 for the same site.

- 14.3.14** Notwithstanding the above decisions, Core Policy 2 of the LP distributes the housing requirement of the district to strategic and non-strategic allocations². Development will be supported at non-strategic allocations at the Larger Villages (and Newport) where development is (a) set out within Made Neighbourhood Plans, and (b) is in accordance with the Development Plan taken as a whole. Non-strategic allocations will be identified in made Neighbourhood Plans in accordance with the identified housing requirement figures for Larger Villages as shown in Core Policy 19 of the LP, where Clavering is allocated the second largest total figure (199 dwellings) but the largest residual figure (117 dwellings) from the rest of the Larger Villages.
- 14.3.15** Clavering is a Larger Village in the settlement hierarchy of Core Policy 3 of the LP. However, although a neighbourhood plan area was designated in September 2024, there is no made Clavering Neighbourhood Plan to-date, and the development is not a non-strategic allocation. Therefore, Core Policy 2 does not apply here.
- 14.3.16** Larger Villages are defined in Core Policy 3 of the LP as settlements with a more limited range of employment, services and facilities – unallocated development will be limited to providing for local needs and to support employment, services and facilities within local communities. By virtue of Core Policy 19 of the LP, the residual housing requirement for Clavering means that, although unallocated, there is *local need* for the proposal.
- 14.3.17** Core Policy 3 further states there is a presumption in favour of sustainable development *within the existing built area* of Larger Villages, and development outside the existing built areas of these settlements will only be permitted where it is allocated by the LP or has been allocated within a made Neighbourhood Plan, or future parts of the LP. On this occasion, the application site is *within the existing built area*³ of Clavering as it is enclosed by residential properties on at least three sides: to the south by the Old Grain Barn, Saddlers and the properties behind the Cricket ground; to the west by Clavering Village Hall and the Hill Green Farm complex; to the north-west by the houses between Pond Cottage and The Willows; and to the north-east by the properties of Hillberry, Dove Cottage, The Brambles and The Acorns. This is a significant difference with the backland schemes in UTT/24/0438/FUL and Eldridge Close. For the same reason, the site is not (physically or spatially) isolated⁴ from the village.

² Strategic allocations are those for 100 dwellings or more, and non-strategic those up to 99 dwellings.

³ The Housing and Economic Land Availability Assessment (HELAA) Appendix 1 - Sites Pro Formas (June 2024) confirmed that a more sizeable version of the current site is "*within the built-up area of Clavering*" (p.52): https://www.uttlesford.gov.uk/media/13252/APPENDIX-1-HELAA-Site-Assessment-Proformas/pdf/APPENDIX_1_HELAA_Site_Assessment_Proformas.pdf?m=1722945799540

⁴ *Braintree DC v SSCLG [2018] EWCA Civ. 610.*

- 14.3.18** Evidence⁵ suggests that Clavering sits at the top of the Larger Villages' list with a score (74) for services and facilities that is not far from that (82) of the Local Rural Centre of Great Chesterford. It also confirms that Larger Villages “*have a lower level of service infrastructure, but essentially, provide for local needs and crucially have a primary school and a reasonable level of public transport or call-up access to mini-bus transport which help significantly to make them the more sustainable of our rural villages*”⁶. The scheme would therefore support services and facilities within the local community even if they are not of the range of Local Rural Centres or Key Settlements. In addition, despite the practical limitations correctly noted by objectors, the occupants of the dwellings would benefit from the demand responsive transport (DaRT) service, which is a flexible, bookable public transport service designed to help people in rural areas access essential services, social opportunities and local destinations⁷.
- 14.3.19** Notwithstanding the similar level of services, facilities and public transport in the locality over the last years and the conflicting views of Inspectors, most of whom did not consider north Clavering as sustainable as its southern part, the recently adopted LP comprises a **material change in circumstances** that would justify and necessitate deviating from previous decisions on the matter of locational sustainability. This is because the evidence base of the new LP was scrutinised at Examination, including the evidence of the sustainability levels of settlements, and succeeded – this means that Clavering as a whole can no longer be considered to offer anything less than **moderate** accessibility to services, facilities and public transport. Therefore, the LP policies shall attract **greater** weight here than the other material considerations analysed above.
- 14.3.20** The fact that the LP seeks to stream residual housing requirements for Larger Villages to Neighbourhood Plans is not a reasonable justification to resist the principle of development until these are made (subject to other policies) given the housing land supply shortfall position.
- 14.3.21** The Parish Council and residents objected that the site was in the Call for Sites 2021 and was rejected by the Council. However, the only reason the site was found to be unsuitable for housing development was that it is “*not connected to the road network and suitable access through the committed development has not been identified*”⁸. Now that a suitable access and drive have been confirmed by the Highway Authority (see Section E), the technical ground for the original rejection of the site has fallen away. The same study confirmed the site to be available and achievable⁹. Therefore, this comment from interested parties shall attract very little weight.

⁵ Uttlesford District Council – Settlement Services and Facilities Topic Paper (July 2024), p.8.

⁶ Ibid., p.14.

⁷ See <https://www.travelessex.co.uk/dart-landing>.

⁸ Housing and Economic Land Availability Assessment (HELAA) Appendix 1 - Sites Pro Formas (June 2024), pp.51 – 52.

⁹ Ibid., p.52.

- 14.3.22** Considering the above, the development would be in a suitable location for housing having regard to services, facilities and public transport, and would comply with the spatial strategy of the LP and its Core Policies 3, 19, 26 (parts ii – v), 27 (parts i – iii, v), 28 (parts i – iv), as well as paragraphs 109(e), 110, 115(a) of the NPPF and guidance M1.14G of the SPD Uttlesford District-Wide Design Code. These policy compliances weigh **significantly** to the scheme’s favour.
- 14.3.23** Character and appearance:
The site falls within Landscape Character Area C3: Langley Chalk Upland whose key characteristics¹⁰ include a valley of rolling plateau landscape with broad ridges, eroded by narrow stream valleys; uses dominated by intensive arable agriculture with a medium-to-large scale regular field pattern; fragmented hedgerows, ditches and grassy tracks provide field boundaries; an open and exposed landscape with few woodlands; small linear settlements set around village greens; a contrast between large-scale, expansive and isolated higher ground and small-scale wooded valleys; and wide views from higher ground contrast with enclosed views along Wicken Water.
- 14.3.24** The key landscape qualities and sensitivities¹¹ of the C3 character area include ditches and grassy tracks on field edges create an open character; the open skyline and spectacular views from high ground across rolling farmland; the historic integrity of the dispersed settlement pattern arranged along linear greens and stream valleys; and a high sense of tranquillity and remoteness. These are the most sensitive elements to change.
- 14.3.25** The application site is an open, undeveloped field (see 1st photo) enclosed by residential properties on three sides with its boundaries formed from hedging, trees and post/rail fencing (see 2nd-4th photos). The site has an undulating topography sloping down from east to west by approximately 7 metres¹². Given the gaps in the built form along the streetscene, especially behind the existing pond along Clatterbury Lane, the site is highly visible from within the public realm of the village (see 5th-6th photos). The site is also visible from public footpaths (21, 42) but to a lesser degree due to their distance (140 metres at the closest point) and the higher ground of the rights of way (PROW) that only allows views of tall trees and roofs at eye level. Consequently, the site makes a **moderate** positive contribution to the rural character and appearance and setting of the village.

¹⁰ Uttlesford Landscape Character Assessment (ULCA, 2023), pp.251 – 253.

¹¹ Ibid., pp.255 – 256.

¹² Design and Access Statement, p.14.



14.3.26 The Landscape and Visual Appraisal (LVA) submitted with the application assesses the landscape and visual effects of the proposed development, which refer to the changes in the fabric and character of the landscape and to the changes in the visual amenity of receptors through the available views (i.e. the value attached to these views by society).

14.3.27 The application asserts that the site has *medium* landscape value as it contains part of the outlying countryside to the village, distinct from the *high* landscape value of the village greens framed by historic houses¹³; and *medium* visual amenity value, for example, for the users of the public

¹³ Landscape and Visual Appraisal (LVA, February 2025), paragraphs 5.15 – 5.17.

footpaths (21, 42) for whom the aspect towards the site is of “*no particular focus, and it is of a more incidental nature than perhaps the more dramatic and longer south-west view over Clavering*”¹⁴. Landscape sensitivity is *moderate* as it ranges from low to low-medium being a secondary aspect of the streetscene due to the filtered views into the site across the pond and trees to the west and the houses to the north¹⁵, whilst the sensitivity of potential visual receptors ranges from *medium to high*¹⁶.

14.3.28 Turning to the landscape effects of the scheme, the LVA supports that these will be *minor/moderate adverse* in the short and long term¹⁷. The proposed layout would mimic the character of the village as a series of village greens framed by houses, and in combination with the already exposed built form, the degree of tree/hedge screening and the small size of the field¹⁸, would reduce landscape effects.

14.3.29 The backland nature of the scheme would deviate from the established linear pattern of development in this part of Clavering, as correctly noted by residents and the Parish. But this landscape harm would be **limited** given the site’s position within the existing built area of the village (see 1st photo), which would make the scheme a ‘natural’ extension into the countryside – this infilling nature of the scheme would trap urbanisation effects within the village envelope, close to residential properties and their curtilages, instead of spreading housing into the more open and exposed landscape or the rolling plateau that are key characteristics of the C3 landscape character area. In addition, the site is on a lower topography (see 2nd photo) in comparison to the farmland plateau that surrounds the village, which would further restrict landscape effects within the site.



¹⁴ Ibid., p.17.

¹⁵ Ibid., p.16.

¹⁶ Ibid., p.19.

¹⁷ Ibid., p.15.

¹⁸ Ibid., pp.20 – 21.

14.3.30 There are however more reasons why landscape effects are limited. The small size and irregular shape of the site would only marginally affect the medium-to-large scale regular field pattern that characterises the C3 area. Finally, the proposal for a new village green behind the pond (west) and the relatively low number of dwellings proposed against the size of the land would preserve part of the settlement pattern arranged along such greens that are key qualities in the C3 landscape character area.

14.3.31 Turning to the visual effects of the scheme, the LVA finds these will be *moderate adverse* in the short and long term for the PROW users (21, 42), *minor adverse* for people within the village passing on sections of Canterbury Lane and Wicken Road and *negligible* for the residents directly adjacent to the application site¹⁹.

14.3.32 The application is correct that in planning “*there is no policy or statutory protection of views from private property, and accordingly little weight is normally given to the loss or changes in the outlook from private visual receptors*” subject to safeguarding privacies²⁰. However, visual effects for the residents adjacent to the site –especially for Pond Cottage, Wickets, Hill Green Farm Cottage and Hedgerow Cottage– cannot be negligible. The permanent loss of rural outlook from the upper floor habitable room windows of these houses (see photo) would inevitably harm the visual amenity of their occupants. This visual harm though would be **moderate** due to the low density of the scheme, the back-to-back relationship with most proposed dwellings, and most importantly because the application site is not a designated ‘valued landscape’ with high landscape and visual amenity value that should be afforded special protection (as per paragraph 187(a) of the NPPF). This is further confirmed by the fact that these neighbouring properties are not in a prominent position that would allow them unobstructed views of the wider landscape.



14.3.33 The lower topography and discreet position of the site in comparison to the surrounding farmland would not obstruct wider views from the higher ground of footpaths 21 and 42 (see photo, CGI & wire drawings), and as such, the open skyline and views from high ground would be preserved, albeit somewhat changed, for footpath users and residents. These images are important in explaining why landscape and visual amenity harms are

¹⁹ Ibid., pp.18 – 19.

²⁰ Ibid., p.31.

not high in this location and why the proposed development would read by footpath users as a minor and localised visual incident in the wider landscape – despite the number of houses proposed and their scale and massing, they would still be unable to obstruct views on the rest of the rolling arable plateau. Visual effects would be **moderate** for the footpath users.



14.3.34 Finally, views into the development from people passing from Clatterbury Lane and Wicken Road (either on foot or by car) would be ephemeral and they would first face the proposed new village green, not the proposed buildings. Views would also be filtered through the existing trees (see photo) that are protected as part of the Clavering Conservation Area. Also, views from the gaps between the houses, especially to the north on Wicken Road, are currently mainly restricted within the site and they do not allow views of the wider rural landscape. All the above would reduce visual effects for receptors from the public realm of the village to no more than **limited**, with the overall visual effects of the development being **moderately** harmful.



14.3.35 The LVA concludes that “*The implications of this proposed development for the character and appearance of the local area are therefore considered to be limited, and reasonable/good for a development of the scale and nature proposed*”²¹. From the analysis above and observations made while visiting the site, this conclusion is confirmed and the combined harm to the character and appearance of the area would be **limited-to-moderate**. A landscaping condition to secure appropriate details for hard and soft landscaping features would further assist reducing landscape and visual effects on the wider area to preserve its rural character and appearance.

14.3.36 Turning to design, scale and form, the units will have traditional shapes and appearances with materials influenced by the local vernacular²² and symmetrical fenestration. The Urban Design officer confirmed the house types proposed are of an acceptable vernacular design with good quality materials, including handmade clay tiles and timber-framed windows. The architectural variety of 12 house designs would create a vivid and varying visual identity for the scheme in keeping with the surrounding buildings, including dormers, bungalows and combinations of roof forms. The solar panels on the roofs of the buildings would be minor visual incidents on the wider landscape. The ridge heights, footprint and overall massing of the dwellings would be compatible with properties in the area and the Urban Design officer confirmed that the Street Elevations drawing (see images) shows the slope of the site would create an attractive varied roofscape. The proposed mounds would not be sizeable and would be further limited in size as per the recommendations of the Landscape officer. A condition to secure the proposed details for material would be necessary.



14.3.37 The proposed layout would be loose, open, safe and permeable with an open space at the heart of the site (including 2 local areas of play – LAPs) and a more sizeable open space on its touch with the Conservation Area (including allotments, ponds, attenuation basins, orchard, mounds and new trees/hedgerows). The larger open space would be connected to Clatterbury Lane via 2 pedestrian access points; one south on the registered village green and the other north-west above the existing pond. A new footway extension to the west of the access would also connect the site to the existing network. Both open spaces would be actively overlooked by occupiers and create focal points, boosting social vibrancy and interaction in the new neighbourhood. Corner plots would have dual frontages, creating a sense of place and increasing natural surveillance to achieve security by design. The Urban Design officer highlighted the

²¹ Ibid., paragraph 12.3.

²² Design and Access Statement, pp.4, 15, 21 – 22; Planning Statement, paragraphs 3.5, 6.41.

access from Wicken Road would provide a discrete, tree-lined approach to the development and the arrival into the main site would be signalled by the open space at the centre of the scheme.

14.3.38 Turning to landscaping, the application states that “*all existing trees will be retained, only a small amount of pruning to one or perhaps two trees would be necessary to complete all the development and landscape proposals*”²³. The Landscape officer raised **no objections** subject to conditions for tree protection measures (e.g. no-dig solution for northern footway, narrowed mounds) to be put in place during the construction phase of the scheme, particularly in relation to the root protection areas (RPAs) of existing trees to the western edge of the site where the new footpath is proposed (adjacent Pond Cottage) and where new landscaped mounds are proposed (adjacent Saddlers). The landscaping condition would secure further details for the mounds that should be reduced in size, plus all other details for the soft and hard landscaping features of the scheme.

14.3.39 Considering the above and subject to conditions, despite the appropriate details of appearance, layout and scale, the development would create **limited** harm to the local landscape character and **moderate** visual harm, leading to a combined **limited-to-moderate** harm to the character and appearance of the locality, contrary to paragraph 187(b) of the NPPF and partly contrary to Core Policy 41 of the LP. However, the proposal would accord with other parts of Core Policy 41, as well as with Core Policies 52, 66 of the LP, paragraphs 139(a), 135(a)-(c), 129(a), 129(d) of the NPPF, and codes C1.1C, B1.1C, ID1.1C, B1.5C, B2.3C, B2.4C, M2.1C, M3.11C, P1.1C, P1.3C, N1.5C of the SPD Uttlesford District-Wide Design Code.

14.3.40 Conclusion:
The planning balance under paragraph 11(d) of the NPPF is presented in the Section L of this report.

14.4 B) Heritage impacts & balances (Core Policies 52, 61, 62, 63, 65, SPD Uttlesford District-Wide Design Code, NPPF)

14.4.1 Heritage significance and impacts:
The Council’s Conservation officer reported that one of the 4 distinct character areas in Clavering is Hill Green that occupies higher ground²⁴, and its character is shaped by a varied mix of early 20th century housing, light industrial buildings and farm structures, interspersed with designated and non-designated heritage assets.

14.4.2 The site is adjacent to the Clavering Conservation Area on its western boundary and near a plethora of Grade II listed buildings, including Saddlers, K6 Kiosk, The Cricketers, Lantern Thatch, Copthall and Old Forge Cottage. To the west of the site, across the road, is also the locally

²³ Arboricultural Report, p.1.

²⁴ See UDC – Clavering Conservation Area Appraisal and Management Proposals (June 2007).

listed buildings of Hill Green Farm and Farmhouse, which are non-designated heritage assets²⁵. The development can potentially affect the significance of these assets through changes to their setting, particularly to visual, spatial, and experiential attributes.

14.4.3 Turning to the significance of the assets, the Clavering Conservation Area demonstrates the evolution of the village from the Medieval times. The presence of the earthworks of the castle, together with the Church and the Bury largely defined the evolution of the layout of the village, which is interspersed with areas of open spaces demonstrating the historic and architectural significance of the asset. Although it is not identified in the Conservation Area Appraisal as one where development would be entirely inappropriate and represent a considerable loss²⁶, the application site positively contributes to the significance of the asset by being part of its open countryside setting, reinforcing the rural origins of the village and its countryside location within a generally linear pattern of development in the area.

14.4.4 The significance of The Cricketers derives from its historic and architectural interest and social importance as a public house in the earlier settlement of Hill Green which remains today. Each of the significances of Saddlers, Old Forge Cottage, Copthall and Lantern Thatch primarily derive from their architectural interest as their surviving features shows the evolution of domestic buildings in the village. K6 Kiosk was designed by Sir Giles Gilbert Scott in 1935, and its significance comes from its historic and social interest, representing the evolution of communications in the village. Finally, the locally listed buildings, including a little altered 19th century farmhouse together with a range of quality Flemish barns, derive their significance from their surviving architectural and historic interests, indicating the importance and dominance of agriculture within Clavering.

14.4.5 As recognised by the Inspector in the pre-app²⁷:

16. The application site contributes to the significance of each [of the above assets] in varying degrees given that it is part of the original agricultural setting of each asset. For some this has been eroded through intervening development and for the telephone kiosk there is no particular link, given that its significance is primarily social and historic and there is limited visibility between the two.

17. The application site contributes particularly to the significance of Hill Green Farm where there is a functional as well as historic link with the agricultural land aiding understanding of the farmhouse and barns.

14.4.6 Turning to impacts, the Conservation officer reported that the frontage on Clatterbury Lane was carefully considered, incorporating a landscaped interface that complements the area's open character. The allotments and

²⁵ See Uttlesford Local Heritage List (October 2018), reference 023, p.18.

²⁶ Ibid., paragraph 2.24, Figure 6.

²⁷ UTT/25/0784/PE (S62A/2025/0095) - PINS pre-application Advice, paragraph 16 – 17.

community orchard are welcome features, offering a softer and more integrated transition into the surrounding landscape, rather than relying on dense screening vegetation to enclose the site. The layout, due to the backland nature of the scheme, would not conform to the predominantly linear pattern of development in the village, but the design was informed by site-specific constraints and incorporates appropriate design principles aimed at reducing its overall impact on the surrounding context. The proposed materials would be traditional, and the scale/massing of the buildings would respond to the surrounding built environment. The LVA provides a degree of assurance that the design was assessed in its setting, helping to moderate the scheme's visual impact, but the potential loss of some views into the Conservation Area from the public footpaths (21, 42) would inevitably lead to some loss of significance for the asset.

14.4.7 Despite the lack of a detailed landscaping strategy, a condition to mitigate impacts and preserve the rural character and appearance of the area and the setting of the above heritage assets would be necessary. A condition for materials would also be necessary for the same reasons and to ensure their quality and traditional nature is followed through to the delivery stage of the scheme.

14.4.8 The Conservation officer, by reason of the loss of openness and changes to the assets' setting, concluded the proposal would fail to preserve the setting of the Conservation Area and Saddlers, causing *low levels* of 'less than substantial harm' to the significances of these assets (paragraphs 212, 213, 215 of the NPPF being relevant). The Conservation officer did **not** find any harm from the development to the setting of the rest of the Grade II listed buildings or the non-designated heritage assets.

14.4.9 However, the above analysis found that the site contributes particularly to the significance of Hill Green Farm and Farmhouse as there is a functional and historic link with the agricultural land, aiding our understanding of the asset²⁸. Therefore, despite mitigation with the generous open space on the western edge, the partial loss of this agricultural land would diminish our ability to understand the original function of the building and would inevitably cause some indirect loss of significance for the non-designated asset (paragraph 216 of the NPPF being relevant).

14.4.10 The application suggests that the development would result "*in minimal harm to the significance or setting of any of the identified heritage assets*"²⁹ and "*no harm to the significance or setting of any of the identified Listed Buildings or the Conservation Area*"³⁰ but concludes a low level of harm to the non-designated heritage asset of Hill Green Farm "*which arguably has the closest physical and historical link to the site*"³¹.

²⁸ The application concurs that "*The Conservation Area Appraisal document identifies Hill Green Farmhouse and Farm Outbuildings as buildings that make an important contribution to the Conservation Area*" (see Heritage Impact Assessment, paragraph 2.10; also p.35).

²⁹ Heritage Impact Assessment, paragraph 7.8.

³⁰ Ibid., paragraph 8.2.

³¹ Ibid., paragraph 8.3.

Notwithstanding the applicant's views however, the development would also harm the significance of the Conservation Area and of Saddlers, for the reasons explained earlier.

- 14.4.11** The heritage balance of paragraph 215 of the NPPF must be performed for the harm to the designated assets, as well as the 'balanced judgement' of paragraph 216 of the NPPF for the harm to the non-designated asset below.
- 14.4.12** Heritage balance:
Paragraph 215 of the NPPF states that where a development proposal will lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm should be *weighed against* the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 14.4.13** On one hand, paragraph 212 of the NPPF states that 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, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Therefore, the harm to the significance of the Conservation Area and the listed building identified above, even though of low levels, would each be afforded **great** weight.
- 14.4.14** On the other hand, the proposal would bring **significant** public benefits, including a boost to the district's housing stock with 28 houses at a time of housing land supply shortfall and the provision of 11 affordable houses at a time of such need. Without considering the rest (e.g. Biodiversity Net Gain, economic benefits, etc.), these public benefits alone would outweigh the heritage harm of the proposal on these two designated assets, in accordance with paragraph 215 of the NPPF. Clear and convincing justification for the harm has been demonstrated, in accordance with paragraph 213 of the NPPF. The conditions for landscaping and materials would also assist in mitigating this harm. The proposal would therefore accord with Core Policies 61, 62, 63 of the LP, and paragraphs 212, 213, 215 of the NPPF.
- 14.4.15** The application of policies in the NPPF (i.e. paragraphs 213, 215) that protect areas or assets of particular importance (i.e. the Conservation Area and listed building) would **not** provide a strong reason for refusing the development proposed, as per paragraph 11(d)(i) of the NPPF.
- 14.4.16** In the absence of harm, the heritage balance of paragraph 215 would not need to be applied for the rest of the listed buildings (K6 Kiosk, The Cricketers, Lantern Thatch, Copthall, Old Forge Cottage).
- 14.4.17** With the assessments above, the Council complied with its legal duties under Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

14.4.18 Balanced judgement:

Paragraph 216 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a *balanced judgement* will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Similarly, Core Policy 65 of the LP states that the LPA will seek to ensure the retention, enhancement, and viable use of heritage assets of local importance, including those present on the Council's Local Heritage List. Permission for a proposal that would result in harm to, or the loss of, a non-designated heritage asset will only be granted provided that a balanced judgement has been made that takes into account the scale of harm to, or loss of significance of the non-designated asset.

14.4.19 On this occasion, the significance of the asset is *medium* given the little altered conditions of the Farmhouse and barns and their surviving architectural and historic features that highlight the historic importance and dominance of agriculture for Clavering. However, the proposed green open space between the new dwellings and the non-designated asset, as well as its position on the other side of the road would reduce the scale of the scheme's indirect harm or loss of that significance. Therefore, on balance, this harm or loss of significance for the non-designated asset would be acceptable, in accordance with paragraph 216 of the NPPF, and Core Policy 65 of the LP.

14.5 **C) Climate change & resources (Core Policies 1, 22, 23, 24, 25, 29, 34, 52, SPD Uttlesford District-Wide Design Code, Interim Climate Change Planning Policy, NPPF)**

14.5.1 The LP sets ambitious goals in tackling climate change, with Core Policy 1 requiring schemes to demonstrate in a Climate Change & Sustainability Statement how they will mitigate, adapt and be resilient to the impacts of climate change and support the overall reduction in greenhouse gas emissions through various measures (depending on the size and type of development), such as (i) locating development to reduce travel and promote public transport, (iii) electric vehicle charging points, (iv) sustainable construction, (v) cooling hierarchy in building design, (vi) renewable and low carbon energy generation, (vii) materials with low embodied carbon, (viii) efficient use of natural resources (e.g. water), (ix) recycling/waste disposal infrastructure, and (x) network of green spaces.

14.5.2 Core Policy 1 is supported by other policies, such as Core Policies 22, 23, 24, 34 of the LP. Core Policy 22 requires an Energy Statement for all new dwellings to be built to be Net Zero Carbon in operation. They must be ultra-low energy buildings, fossil fuel free, and generate renewable energy on-site to at least equal annual energy use. To achieve this, these new buildings are required to comply with requirements 1 to 5 as set out in the LP. Core Policy 23 requires that all developments must demonstrate how

the cooling hierarchy has been integrated into design decisions via the Climate Change & Sustainability Statement. Core Policy 24 requires developments to demonstrate measures to reduce embodied carbon content as far as possible.

- 14.5.3** A Climate Change & Sustainability Statement or an Energy Statement were not submitted as required by the Core Policy 41 of the LP and policies, but these were not validation requirements when the application was submitted. Notwithstanding this, the application proposes solar panels, air source heat pumps, higher levels of insulation, waste recycling and timber frame constructions manufactured locally³². However, to ensure full compliance with Core Policies 1, 22, 23, 24 and 25, conditions would be necessary to ensure the requirements of these policies are met. Therefore, the proposal, subject to conditions, would comply with Core Policies 1, 22, 23, 24 and 25 of the Local Plan, which would be afforded **significant** weight in its favour given that the Local Plan is a climate-led plan with sustainability at its core.
- 14.5.4** Core Policy 34 seeks to preserve water supply, boost water efficiency at a standard of 90 litres per person per day and provide water recycling. A condition would be necessary to achieve this water efficiency level for each proposed dwelling. Affinity Water raised **no objections** without conditions and reported that being within a water stressed area, the development should include water efficient fixtures and fittings. Measures, such as rainwater harvesting and grey water recycling, help the environment (by reducing pressure for abstractions) and minimise potable water use (by reducing potable water used for washing and watering gardens); this reduces carbon emissions associated with treating this water to a suitable drinking standard. A condition for rainwater harvesting and grey water recycling would be necessary for water efficiency purposes, in accordance with Core Policy 34 of the LP.
- 14.5.5** Affinity Water also confirmed the site is not located within an Environment Agency groundwater source protection zone and recommended reducing the groundwater pollution risk to ensure the water quality is not decreased (see second condition by the Lead Local Flood Authority, Section I).
- 14.5.6** A condition would be necessary to secure electric vehicle charging points in accordance with Core Policy 29 of the LP and the minimum standards set out in Essex Parking Guidance Part 1: Parking Standards Design and Good Practice (2024). A condition would also be necessary for bin areas to be provided in accordance with Core Policy 33 of the LP.
- 14.6** **D) Residential amenity & standards / Housing mix (Core Policies 43, 44, 52, 53, 55, 66, SPD Uttlesford District-Wide Design Code, Essex Design Guide, NPPF)**
- 14.6.1** Residential amenity and standards:

³² Design and Access Statement, p.24.

The proposed dwellings would have occupancies and gross internal areas that would meet the minimum standards³³, in accordance with Core Policy 55 of the LP (see Table).

Plots	Floors	Beds / Persons Occupancies	Min. GIA (sqm)	GIA (sqm)
1	2	3B5P	93	95
2	2	2B4P	79	79
3	2	4B8P	124	194.6
4	2	3B5P	93	146.8
5	2	4B8P	124	205
6	2	4B8P	124	180
7	2	4B8P	124	219
8	1	2B4P	70	74
9	1	1B2P	50	59
10	1	1B2P	50	59
11	2	3B6P	102	202
12	2	3B5P	93	95
13	2	2B4P	79	79
14	2	2B4P	79	79
15	2	3B5P	93	95
16	2	3B6P	102	180
17	2	2B4P	79	79
18	2	3B5P	93	95
19	2	3B6P	102	136.2
20	1	2B4P	70	139
21	2	4B8P	124	205
22	2	4B8P	124	194.6
23	2	4B8P	124	216.6
24	2	4B8P	124	200.2
25	2	4B8P	124	180
26	2	3B5P	93	146.8
27	2	3B6P	102	136.2
28	2	2B4P	79	116.6

14.6.2 The proposed dwellings would provide appropriate levels of amenity space for their occupants (see Table) and would not reduce garden space to any neighbouring properties. A landscaping condition is necessary to secure further details for hard and soft landscaping features, as well as appropriate boundary treatments to safeguard residential amenities and the privacy of the gardens.

Plots	Floors	Private Garden Space (sqm)	Min. Garden Space (sqm)
1	2	111.1	66.2
2	2	131.6	51.1
3	2	277.8	126.7
4	2	200.9	94.7
5	2	304.2	126.2

³³ See Technical Housing Standards – Nationally Described Space Standard.

6	2	379.3	102.8
7	2	713.5	173.3
8	1	397.4	95.7
9	1	231.5	74.0
10	1	285.7	74.0
11	2	561.0	131.4
12	2	132.2	66.9
13	2	221.3	51.1
14	2	126.8	51.1
15	2	100.1	66.9
16	2	197.6	102.8
17	2	119.0	51.1
18	2	95.2	66.9
19	2	231.7	81.1
20	1	533.4	155.1
21	2	359.7	126.2
22	2	321.3	126.7
23	2	456.4	123.3
24	2	349.7	126.7
25	2	339.1	102.6
26	2	200.2	94.8
27	2	192.6	81.0
28	2	170.7	66.0

14.6.3 In terms of noise, odours, dust, vibrations, light pollution and other disturbances, notwithstanding the concerns raised by interested parties, Environmental Health reported that the development would potentially cause noise and dust impacts on surrounding properties and external lighting should be properly designed and installed to avoid any material harm to the residential amenity of the nearby residents from obtrusive/spill over light or glare. Environmental Health raised **no objections** subject to conditions to safeguard residential amenities. The conditions refer to reducing noise impacts from the proposed air source heat pumps, a Construction & Environmental Management Plan (to be reworded to comply with paragraph 57 of the NPPF), and external lighting.

14.6.4 Due to the scale, design and position of the dwellings in relation to the neighbouring dwellings and with each other, and after applying the design and remoteness tests (see Essex Design Guide) and the 45-degree tests, no material overshadowing, overlooking (actual or perceived) and overbearing effects would be considered:

- Potential overlooking and loss of privacy:
 - Plots 1 & 2: no upper floor windows on the north elevation.
 - Plot 3: only non-habitable room windows on the south elevation away from plot 2.
 - Plot 4: landing windows on the upper floor facing south but near the front elevation of plot 3.
 - Plot 5: bathroom window at upper floor facing south to the blank elevation of plot 4.

- Plot 6: bathroom window at upper floor facing south to the blank elevation of plot 5.
- Plot 7: at a distance of 25.3 metres to Hedgerow Cottage and 24.6 metres to Hillberry (including 16 metres to the boundary).
- Plot 8: bungalow.
- Plots 9 & 10: bungalows.
- Plot 11: no upper floor side facing windows and back-to-back distance of 25 metres to plot 20 and 40.5 metres from the nearest corner to Wickets.
- Plots 12 & 13: front upper floor windows facing turning area in front of plot 11 and no upper floor windows looking south.
- Plots 14 & 15: upper floor windows of plot 14 facing the garden of plot 16 at a distance of 14.5 metres with an intervening garage on plot 16. No windows facing directly north to plot 13.
- Plot 16: only a bathroom window at upper floor facing west to plot 17 and rear elevation windows being 11.2 metres from the site boundary with plot 19.
- Plots 17 & 18: rear elevation of plot 17 is 15 metres from the boundary with plot 19 and the north elevation of plot 18 faces away from plot 19.
- Plot 19: no upper floor windows facing on the sides.
- Plot 20: bungalow.
- Plots 21 – 26: only indicative details here as self-builds.
- Plot 27: no upper floor windows facing to the sides.
- Plot 28: no upper floor windows facing to the sides.

- Potential overshadowing and loss of light:

Due to the size, scale and position of the buildings in relation to the neighbouring boundaries, no material overshadowing of, and loss of light to, any private gardens or habitable room windows would occur that would harm the residential amenity of neighbouring occupiers.

- Potential overbearing effects:

Given the gaps in relation to the neighbouring boundaries, no overbearing impacts ('tunnelling effect' or 'sense of enclosure') would occur.

14.6.5

Turning to the accessibility and inclusivity of the proposed dwellings, Core Policy 53 of the LP and code H1.5C of the SPD Uttlesford District-Wide Design Code (2024) expect all residential schemes to be 100% M4(2) compliant and all major schemes to demonstrate 10% of market homes are M4(3)(a) compliant and 20% of affordable homes are M4(3)(b) compliant. The application identified plot 9 as the most suitable to be M4(3) compliant (wheelchair accessible) and the Housing officer agreed. However, the above percentages will need to be included as planning obligations to ensure compliance with Core Policy 53.

14.6.6

Housing mix:

Core Policy 53 of the LP expects major developments to provide a mix of homes to meet current and future requirements in the interests of meeting housing need and creating socially mixed, vibrant and inclusive

communities. This should be in accordance with the most up-to-date Local Housing Needs Assessment (LHNA) unless an alternative approach can be demonstrated to be more appropriate or where proven to be necessary due to viability constraints – the housing mix targets are shown in the Table below. This policy reflects the flexibility of paragraphs 61 and 63 of the NPPF for the housing mix to be based on up-to-date local evidence of need.

	Number of bedrooms			
	1	2	3	4+
Market Housing	25%		45%	30%
Affordable Home Ownership	20%	45%	35%	
Affordable Housing (Rented)				
- General Needs	25%	30%	35%	10%
- Older Persons	40%	60%		

14.6.7 The proposed housing mix for market and affordable dwellings (see Table below) would comply with Core Policy 53 of the LP, code U1.5C of the SPD Uttlesford District-Wide Design Code, and paragraphs 61, 66 and 129(a) of the NPPF. The Council's Housing officer raised **no objections** and confirmed that the mix of affordable units would be appropriate.

	Beds	Plot No.					Total	
							No.	%
Affordable	1	9	10	-	-	-	2	18
	2	2	8	13	14	17	5	45
	3	1	12	15	18	-	4	36
	4+	-	-	-	-	-	0	0
	Total	-	-	-	-	-	11	100
Market	1	-	-	-	-	-	0	0
	2	20	28	-	-	-	2	18
	3	4	11	16	19	27	5	45
	4+	3	5	6	7	-	4	36
	Total	-	-	-	-	-	11	100

14.7 E) Access and parking (Core Policies 26, 27, 28, 30, 31, parking standards, NPPF)

14.7.1 From a highway and transportation perspective, following review of the submitted and revised information, the Highway Authority raised **no objections** subject to conditions. The development would accord with the Essex County Council Supplementary Guidance – Development Management Policies (2011), Core Policies 26 (parts ii, iv – viii), 27 (parts ii, iii), 28 (parts i – vi), 30 of the LP, and paragraphs 115(b), 116, 117 of the NPPF.

14.7.2 The conditions refer to improvements to the existing access (including a new footway connection of at least 160 metres, dropped kerb crossings,

relocation of road signage and street furniture), inwards opening gates, the surface treatment of the access (which would conflict with paragraph 57 of the NPPF), parking and turning provision, cycle parking provision, a residential travel information pack for sustainable transport per dwelling, and a construction management plan (CMP).

14.7.3 Several objections from the Parish Council and residents, including those living adjacent to the intensified access, highlighted concerns about road safety and capacity; these comments were carefully and thoroughly considered by officers and the Highway Authority. Despite the concerns, the Highway Authority noted the development would increase vehicle movements along the public highways, but as demonstrated by the evidence submitted with the application, the level of additional traffic generated by the scheme would be modest. The response from the Highway Authority confirms that the development is acceptable in terms of highway safety for all highway users and not detrimental to the capacity of the highway network, including the neighbours living adjacent to the access and driveway into the site. Turning areas for emergency vehicles, refuse lorries and delivery vans would be provided without relying on land outside the application site.

14.7.4 From the condition for residential travel information pack for sustainable transport the phrase *“to include six one day travel vouchers for use with the relevant local public transport operator”* shall be omitted in recognition of the fact that bus service in Clavering is limited to school buses as identified by locals – sustainable transport however is more than just buses, and it would be pertinent to ensure that the development would promote sustainable travel patterns.

14.7.5 Parking standards require 1 parking space for 1 bed units, 2 spaces for 2 bed units and 3 spaces for 4+ bed units. The number of parking spaces, including covered spaces, would meet the parking provision requirements (see Table below). All parking spaces would be of the appropriate bay sizes. The development would also provide a sufficient number and size of visitors’ parking spaces (7 visitors’ spaces = 0.25 x 28 dwellings).

Plots	Beds	2009 & 2013 parking standards		2024 parking standards*		Proposed car parking
		Car	Cycle	Car	Cycle	
1	3	2	1	2	3	2
2	2	2	1	2	2	2
3	4	3	0	2	0	3
4	3	2	0	2	0	2
5	4	3	0	2	0	3
6	4	3	0	2	0	3
7	4	3	0	2	0	3
8	2	2	1	2	2	2
9	1	1	1	1	1	2
10	1	1	1	1	1	2
11	3	2	0	2	0	3

12	3	2	1	2	3	2
13	2	2	1	2	2	2
14	2	2	1	2	2	2
15	3	2	1	2	3	2
16	3	2	0	2	0	2
17	2	2	1	2	2	2
18	3	2	1	2	3	2
19	3	2	0	2	0	3
20	2	2	1	2	2	2
21	4	3	0	2	0	4
22	4	3	0	2	0	3
23	4	3	0	2	0	4
24	4	3	0	2	0	4
25	4	3	0	2	0	3
26	3	2	0	2	0	2
27	3	2	1	2	3	2
28	2	2	1	2	2	2
Total	-	63	14	54	31	70
* For moderate connectivity.						

14.7.6 Considering the above, the development would comply with the Essex County Council Parking Standards (2009), the Parking Guidance – Part 1: Parking Standards Design and Good Practice (September 2024), and Core Policy 31 of the LP.

14.8 F) Ecology (Core Policies 38, 39, 40, NPPF)

14.8.1 Place Services Ecology, following review of the submitted and revised information, raised **no objections** subject to conditions to secure biodiversity mitigation and enhancement measures and biodiversity net gain. The development would comply with paragraphs 44, 187(d) and 193 of the NPPF, Core Policies 38, 39, 40 of the LP, and Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021 and amended by the Levelling Up and Regeneration Act 2023). The conditions refer to action in accordance with the appraisal recommendations, a Natural England mitigation licence for Great Crested Newts, a construction environmental management plan for biodiversity (CEMP), a biodiversity enhancement strategy, a wildlife-sensitive lighting scheme, and a habitat management and monitoring plan (HMMP).

14.8.2 Notwithstanding the concerns raised by the Parish and residents, this assessment provides certainty for the Council of the likely impacts on designated sites, protected, priority and threatened species and habitats, and secures appropriate mitigation and enhancement measures, as per planning law and policy.

14.8.3 Biodiversity Net Gain (BNG):
BNG is a statutory requirement of Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990; paragraph 13 of

Schedule 7A states that every permission granted for the development of land in England shall be deemed to have been granted subject to the condition that the development may not be begun unless (a) a biodiversity gain plan (BGP) has been submitted to the planning authority, and (b) the LPA has approved the plan. An application to discharge the statutory condition would be required – this is a separate type of application under the suffix 'DISBGP'.

14.8.4 The Application form confirmed that BNG applies for this development. Place Services Ecology confirmed that sufficient information for BNG has been provided at application stage. The consultee highlighted that a BGP should be submitted before commencing the development as part of the DISBGP application and listed the information required at the post-decision stage. On post-intervention values, for the applicant's attention, Place Services Ecology suggested a list of habitats that the significant on-site enhancements should include and confirmed the values are realistic and deliverable.

14.8.5 Although a minimum of 10% BNG is required by Article 2(3), Part 1 of Schedule 7A, Core Policy 40 of the LP requires a minimum of 20% BNG; the DISBGP application should deliver the higher BNG target to ensure policy compliance.

14.9 G) Contamination (Core Policies 34, 42, NPPF)

14.9.1 Environmental Health raised **no objections** subject to a condition to protect human health and the environment. The proposal would accord with Core Policies 34, 42 of the LP, and the NPPF. The condition refers to land contamination (Phase 1 Desk Study, Phase 2 Site Investigation, Phase 3 remediation scheme and validation report) given the previous agricultural use of the site, and a watching brief for contamination.

14.10 H) Archaeology (Core Policy 64, NPPF)

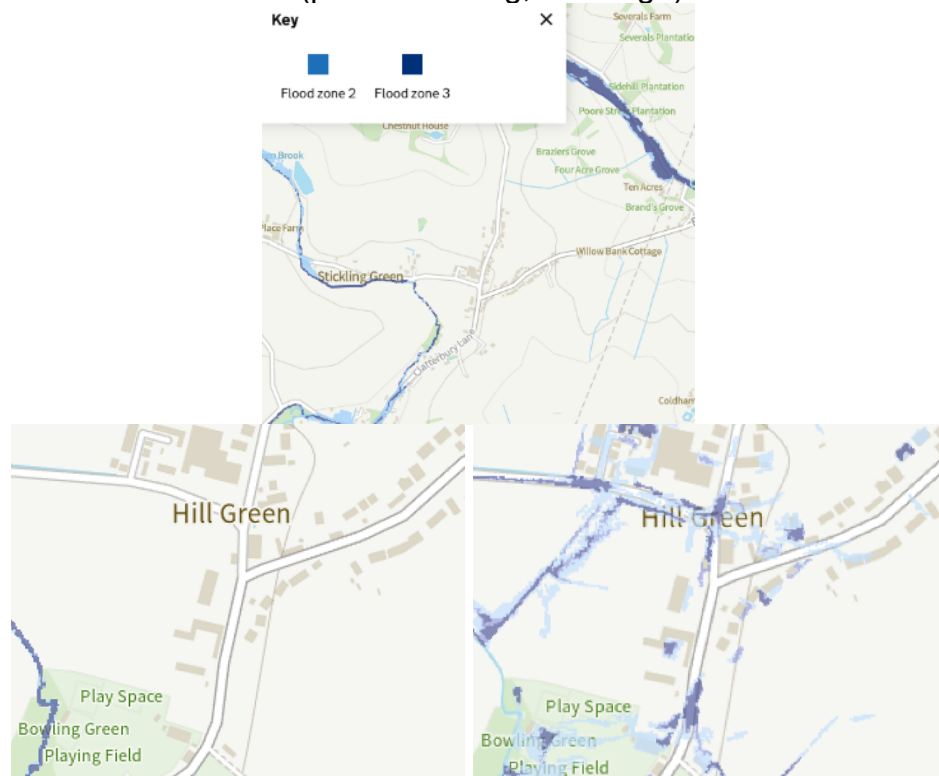
14.10.1 Place Services Archaeology raised **no objections** subject to conditions to preserve potential archaeological remains. The conditions refer to trial trenching and excavations, including a Written Scheme of Investigation, the completion of the programme of archaeological investigation, and a final archaeological report or (if appropriate) a Post Excavation Assessment report and/or an Updated Project Design. The scheme would comply with Core Policy 64 of the LP, and paragraph 218 of the NPPF.

14.10.2 The consultee reported that the historic buildings near the site indicate the settlement along the road is at least 16th century in date and likely to have earlier origins. There is therefore the potential for prehistoric and medieval archaeological remains to be preserved within the application site. To understand the potential for, and significance of, archaeological deposits impacted by the proposal, the above conditions are necessary. A recognised team of professionals should undertake the archaeological

work. Should the trial trenching reveal archaeological deposits, it could be followed by further targeted excavation/mitigation.

14.11 I) Flood risk and drainage (Core Policies 5, 33, 36, 37, NPPF)

14.11.1 The following images show flood zones 2 and 3 (1st image), as well as the extent of yearly chance of flooding from rivers (fluvial flooding, 2nd image) and from surface water (pluvial flooding, 3rd image):



14.11.2 Although the site falls within Flood Zone 1, footnote 63 in paragraph 181 of the NPPF states that a site-specific Flood Risk Assessment (FRA) should accompany all proposals in Flood Zone 1 involving sites of 1 hectare or more; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use. The site exceeds 1 hectare and a FRA was submitted to meet this requirement.

14.11.3 The application found that the “*area has very poor infiltration rates*”³⁴ and within the site “*surface water drainage can be successfully achieved by filtration via ditch, wetland/reed bed, ponds, and temporary storage, discharged via a hydraulic brake into the existing ditch network. The proposed drainage design has included a variety of SUDS features which will aid in the infiltration of surface water run-off, as well as pollution mitigation. Based on the calculations, the drainage design is shown to operate surplus to requirements*”³⁵. The application proposes sustainable drainage systems (SUDS) which include³⁶:

³⁴ Flood Risk Assessment (combining Drainage and SUDS Statement), p.3.

³⁵ Ibid., p.8.

³⁶ Ibid., p.5.

- permeable paving (to be controlled through the landscaping condition);
- ditch – with reed bed to slow down water flows and provide settlement and filtration;
- wetland – the ditch will discharge any excess water which has not been infiltrated into the soil to the wetland plateau. The plateau would be positioned to the lowest area of the site and make use of contouring to enable the excess storage of surface water run-off if required; and
- ponds – to provide stormwater attenuation and treatment.

14.11.4 The Lead Local Flood Authority (LLFA) raised **no objections** subject to conditions. The conditions refer to a detailed surface water drainage scheme for the site, a scheme to minimise the risk of off-site flooding cause by surface water run-off and groundwater during construction works and prevent pollution to the surrounding water environment, a maintenance plan and yearly logs of maintenance.

14.11.5 Considering the above and notwithstanding the concerns highlighted by interested parties, the application demonstrated that the scheme would not increase flood risk on the site or elsewhere and that the operation of SUDS would be effective over the lifetime of the development. The development would comply with Core Policies 36, 37 of the LP, and paragraphs 181, 182 of the NPPF.

14.11.6 Turning to foul water, foul water drainage is proposed to be disposed of through the mains sewer. Thames Water raised **no objections** subject to a condition to reinforce the foul water infrastructure network because it found that the network does not have sufficient capacity to support the proposed development. The condition refers to the necessary upgrades to the foul water network to accommodate additional flows from the development or a phasing plan for development and infrastructure. However, this condition would not be relevant to planning (as governed by non-planning law) nor reasonable nor necessary for the permission to be granted, contrary to paragraph 57 of the NPPF.

14.11.7 In addition, the foul drainage strategy proposes two alternative connection points to the foul sewage network; option A would rely on a pumping station and option B on gravity. Neighbours expressed their concerns over option A and its potential implications for their residential amenity, however, Thames Water reported that option A would require modelling to confirm risk levels and expressed a preference for option B, as did the application. In any case, a condition to restrict the connection point would also fail the tests of paragraph 57 of the NPPF. The scheme would accord with Core Policy 34 of the LP.

14.12 **J) Planning obligations: Affordable housing, Open space, etc. (Core Policies 5, 27, 28, 52, 66, 67, 67a, Development Policy 9, SPD Developer's Contributions, ECC's Developers' Guide to Infrastructure Contributions, NPPF)**

- 14.12.1** Paragraph 58 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.
- 14.12.2** Affordable housing:
Paragraph 65 of the NPPF states that affordable housing provision should not be sought for residential schemes that are not major developments, other than in designated rural areas. Planning law³⁷ defines 'major development' as, inter alia, one carried out on a site of 1 hectare or more. Core Policy 56 of the LP states that major development should provide 35% of the total dwellings as affordable ones that should be delivered on-site apart from exceptional circumstances, where off-site provision or a financial contribution in lieu may be accepted where alternative sites are more appropriate. This flexible approach is supported by paragraph 64 of the NPPF. The application proposes 11 affordable houses (39.3%), exceeding the policy target with some plots for affordable rent (see plots 1, 2, 9, 10, 12 – 15) and others for shared ownership (see plots 8, 17, 18). The Housing officer raised **no objections** – the scheme would comply with Core Policy 56 of the LP subject to a planning obligation.
- 14.12.3** Self-build and custom houses:
The application proposes 6 self-build and custom houses – to secure these dwellings are built and occupied as such in accordance with the definition of the Self-Build and Custom Housebuilding Act 2015 (as amended by the 2016 Housing and Planning Act), a planning obligation will be required.
- 14.12.4** Highways:
The Highway Authority did not ask for any planning obligations as the highway and access improvements will be conditioned.
- 14.12.5** Education:
Essex County Council (ECC) seeks the following developer contributions that would be subject to a planning obligation (including monitoring fees):
- *Early Years and Childcare (EY&C)*
A contribution of £47,853.00 index linked to Q1-2025 to mitigate its impact on local EY&C provision – this equates to £20,450.00 per place.
 - *Primary Education*
As there are sufficient places available in the area, a contribution towards new secondary places will not be required.
 - *Secondary Education*

³⁷ Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

As there are sufficient places available in the area, a contribution towards new primary places will not be required.

- *Post 16 Education*

A contribution towards Post 16 education will not be required. Although the consultee required an Employment and Skills Plan (ESP), the ECC Developers' Guide to Infrastructure Contributions (2026) has a trigger of 50 dwellings for ESPs, and as such it cannot be reasonably required here.

- *School Transport*

The distance from the site to the nearest secondary school is in excess of the statutory walking distance and, therefore, ECC seek a contribution of £30,924.40 indexed linked to 2Q 2023, applying cost per pupil of £6.26 – secondary.

- *Libraries*

The development is expected to create additional usage of local libraries. A contribution of £2,178.40 is therefore necessary to improve, enhance, extend the facilities/services provided and to expand the reach of the mobile library outreach services – this equates to £77.80 per unit, index linked to April 2020.

14.12.6 Open space:

Core Policy 67 of the LP requires all major residential developments to maximise opportunities to incorporate new publicly accessible, high quality and multi-functional open space (minimum standards, see Appendix 17 of the LP) and on-site wherever possible. Core Policy 67a of the LP provides a preferred hierarchy of management bodies and requires a maintenance and management strategy along with a commuted sum equal to 30 years management from the development to the Council. The scheme proposes 2 open spaces (including LAPs, ponds, attenuation basins, orchard, etc.). The larger one will be only partially available to the public to ensure its function as SUDS is not compromised and does not endanger users. The scheme would accord with these policies subject to a planning obligation.

14.12.7 Biodiversity Net Gain:

The maintenance and monitoring of significant on-site BNG for 30 years will be required to ensure compliance with Schedule 7A (Biodiversity Gain in England) of the Town & Country Planning Act 1990. The matter may be conditioned subject to consultation with Place Services Ecology and legal officers.

14.12.8 Healthcare:

The NHS Hertfordshire West Essex Integrated Care Board (HWE ICB) maintain that the development will impact on primary healthcare provision in Clavering, and, if unmitigated, would be unsustainable for the NHS. In reviewing the Primary Care Network (PCN) data and patient list sizes, Newport Surgery will be unable to accommodate the additional patient numbers arising from allocations and other developments in Clavering and its vicinity. The HWE ICB prioritises extension or reconfiguration of Newport Surgery in the short term (1-5 years). The financial contribution

for health infrastructure was calculated with a formula based on the number of units and does not consider existing deficiencies or shortfalls in Clavering and its vicinity, or other developments in the area. The additional primary care services arising from this development will amount to £50,120.00 (indexed linked to the date of the permission).

14.12.9 The NHS East of England Ambulance Service reported the development will likely generate 16 calls per annum for the proposed units and required a contribution of £10,818.00 to create additional ambulance services to support the population arising from the proposed development. The monies will be used for the relocation and expansion of the existing Harlow Ambulance Hub to meet the increased local demand. The consultee also requested defibrillators for the site, including the cost of the device, an outdoor rated heated cabinet and the associated consumables, as well as the ongoing maintenance costs for a period of 10-years (£500 per device).

14.12.10 Public art:
ECC's Developers' Guide to Infrastructure Contributions (2026) states that to secure funding for public art (see NPPF social objective), a LPA should produce a long-term policy which identifies where, when, how and why public art will be delivered as part of specific development sites. Development Policy 9 of the LP expects all major development to contribute to a public art fund to be used to deliver public art projects located on or off site. Any public art proposals must make a significant contribution towards the appearance of the scheme, the character of the area, and provide benefits for the local community. No specific details have been submitted as this was not a validation requirement at the time of submission, however a contribution to the public art fund or on-site delivery will be secured.

14.12.11 Heads of Terms (HoTs):
Considering the above, the following planning obligations would be necessary, in accordance with ECC's Developers' Guide to Infrastructure Contributions (2026), the LP, the Planning Practice Guidance (PPG), and the NPPF – the applicant agreed these obligations in writing:

- 1) Provision of 11 affordable houses (39.3%).
- 2) Provision of accessible and adaptable dwellings – Building Regulations 2010:
 - a. 10% of market homes to be M4(3)(a) compliant
 - b. 20% of affordable homes to be M4(3)(b) compliant.
- 3) Provision and on-going maintenance and management strategy for 30 years of public open space, including (but not limited to) 2 Local Areas of Play (LAP), orchard and allotments.
- 4) Education:
 - a. Early Years & Childcare: Financial contribution of £47,853.00 index linked to Q1-2025
 - b. School Transport: Financial contribution of £30,924.40 index linked to 2Q 2023

- c. Libraries: Financial contribution of £2,178.40 index linked to April 2020.
- 5) Healthcare:
 - a. Financial contribution of £50,120.00 (index linked to the date of the permission) for primary healthcare services
 - b. Financial contribution of £10,818.00 for ambulance services
 - c. Defibrillators, including the cost of the device, an outdoor rated heated cabinet and the associated consumables, as well as the ongoing maintenance costs for a period of 10-years (£500 per device).
- 6) Maintenance and monitoring of significant on-site Biodiversity Net Gain for 30 years.
- 7) Contribution to the public art fund or on-site delivery of public art
- 8) Payment of the Council's legal costs.
- 9) Payment of monitoring fees.

14.12.12 A legal agreement to secure the above Heads of Terms would be required to be signed and executed, to ensure the proposal would accord with the above policies. In the absence of such an agreement, the proposal would conflict with these policies and may be refused.

14.13 K) Other matters (Core Policy 70)

14.13.1 Core Policy 70 of the LP requires proposals to demonstrate how Gigabit broadband infrastructure, and other communications infrastructure, will be provided in time for first occupation of the development. Despite the level of information provided with the application for this matter, this policy would be afforded **limited** weight.

14.13.2 Essex Police (Designing Out Crime Office) reported that the project should be designed incorporating the maximum benefit of 'Crime Prevention Through Environmental Design' for which Secured by Design is the preferred enabler. The consultee raised **no objections** subject to a condition to achieve the relevant accreditation. However, this condition would not be reasonable, precise or enforceable (contrary to paragraph 57 of the NPPF) as the design of the development cannot change post-decision. The consultee noted interest in the boundary treatments of plots 1-5 and 21-28 recommending close boarding fencing for gardens, as well as a lighting scheme to deter criminals. Such details would be secured through the landscaping and external lighting conditions.

14.14 M) Paragraph 11(d) and planning balance

14.14.1 Areas or assets of particular importance:
The application of policies in the NPPF that protect areas or assets of particular importance³⁸ would **not** provide a strong reason for refusing the development proposed as per paragraph 11(d)(i) of the NPPF. Therefore, the planning balance in paragraph 11(d)(ii) of the NPPF is applied below.

³⁸ See footnote 7 of the NPPF.

14.14.2 Planning balance:

The public benefits of the scheme would include:

- Provision of 28 dwellings – **significant** weight.
- Provision of 11 affordable dwellings – **significant** weight.
- Compliance with spatial strategy and suitable location for housing (access to services, facilities and transport) – **significant** weight.
- Climate change mitigation measures for energy & water efficiency – **significant** weight.
- Economic and social benefits – **moderate** weight.
- Provision of public open spaces (including LAPs) – **moderate** weight.
- Financial contribution to education – **moderate** weight.
- Financial contribution to healthcare – **moderate** weight.
- Provision of 6 services plots (self-build and custom housebuilding) – **limited** weight.
- Ecological enhancements and mandatory BNG – **limited** weight.
- Accessible and/or adaptable dwellings (including bungalows) – **limited** weight.
- Highway improvements with footway connection – **limited** weight.

14.14.3 The adverse impacts of the scheme would include:

- Harm to the significance of the Conservation Area – **great** weight.
- Harm to the significance of a Grade II listed building (Saddlers) – **great** weight.
- Harm to the local character and appearance (limited landscape effects, moderate visual effects) – **limited-to-moderate** weight.
- Harm to the setting of a non-designated heritage asset – **limited** weight.

14.14.4 From the summary of benefits and harms above and in the absence of a 5-year housing land supply, the development would be sustainable for which there is a presumption in favour.

14.14.5 Consequently, when assessed against the policies in the NPPF taken as a whole, and as there are no other material considerations indicating otherwise, the adverse impacts of the proposals would **not significantly and demonstrably outweigh** the benefits, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

15. ADDITIONAL DUTIES

15.1 **Public Sector Equalities Duties**

15.1.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex

and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

15.1.2 The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

15.1.3 Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised.

15.2 Human Rights

15.2.1 There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

16. CONCLUSION

16.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of the application must be made in accordance with the Development Plan unless material considerations indicate otherwise. On this occasion, the conflict (or partial conflict) with some policies of the LP would be outweighed by the significant benefits of the scheme, plus compliance with national policy would attract significant weight given that paragraphs 66, 110, 115, 129, 135, 139 of the NPPF are specifically cited as key policies in Footnote 9 of paragraph 11(d) of the NPPF.

16.2 The planning balance would favour the development. Consequently, when assessed against the policies in the NPPF taken as a whole, and as there are no other material considerations indicating otherwise, the adverse impacts of the proposals would **not significantly and demonstrably outweigh** the benefits, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

16.3 It is therefore recommended that the application be approved subject to the conditions below.

17. CONDITIONS

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

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

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

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

- 3 The development may not be begun unless (a) a biodiversity gain plan has been submitted to the planning authority (see informatives below), and (b) the planning authority has approved the plan (see informatives below).

REASON: To accord with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) and amended by The Biodiversity Gain (Town and Country Planning) Modifications and Amendments (England) Regulations 2024, as well as with Core Policy 40 of the adopted Uttlesford Local Plan 2021-2041 (2026).

- 4 (a) Prior to commencement of the development hereby approved, a Written Scheme of Investigation (WSI) to secure a programme of archaeological investigation, shall be submitted to and approved in writing by the local planning authority.

(b) Prior to commencement of the development hereby approved, the programme of archaeological investigation identified in the approved WSI shall be completed.

(c) Following completion of the archaeological investigation and within six (6) months from that completion, a final archaeological report or (if appropriate) a Post Excavation Assessment report and/or an Updated Project Design shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To preserve potential archaeological remains, in accordance with Core Policy 64 of the adopted Uttlesford Local Plan 2021-2041 (2026), and the National Planning Policy Framework (2024).

5 (a) Prior to commencement of the development hereby approved, a Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination shall be submitted to and approved in writing by the Local Planning Authority. This report shall adhere to British Standard 10175:2011.

(b) If shown to be necessary by the Phase 1 Desk Study and prior to occupation of the development hereby approved, a Phase 2 Site Investigation adhering to British Standard 10175:2011 shall be submitted to and approved in writing by the Local Planning Authority.

(c) If shown to be necessary by the Phase 2 Site Investigation and prior to occupation of the development hereby approved, a detailed Phase 3 remediation scheme shall be submitted for approval in writing by the Local Planning Authority. This scheme shall detail measures to mitigate any risks to human health, groundwater, and the wider environment. Thereafter, the detailed measures/works approved as part of the Phase 3 remediation scheme shall be completed in full before any permitted building is occupied.

(d) Prior to occupation of the development hereby approved, a validation report shall be submitted to and approved in writing by the local planning authority to show the effectiveness of any remediation scheme. The validation report shall include photographs, material transport tickets and validation sampling. Any such validation should include effective responses to any unexpected contamination discovered during works.

REASON: To protect human health and the environment, in accordance with Core Policies 34, 42 of the adopted Uttlesford Local Plan 2021-2041 (2026), and the National Planning Policy Framework (2024).

6 Prior to commencement of the development hereby approved, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall specify the provisions to be made for the control of noise and dust emanating from the site in accordance with the best practicable means, as well as confirm the contact information of the person responsible to deal with complaints from the public. Thereafter, the approved CEMP shall be adhered to throughout the construction period.

REASON: To safeguard residential amenities in the area, in accordance with Core Policies 42, 44, 52 of the adopted Uttlesford Local Plan 2021-2041 (2026), and the National Planning Policy Framework (2024).

7 Prior to commencement of the development hereby approved, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- 1) Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- 2) Limiting discharge rates to 2.2l/s for all storm events up to and including the 1 in 100 year plus 45% allowance for climate change storm event. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- 3) Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
- 4) Demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus 45% climate change.
- 5) Provision of 10% urban creep allowance applied to the impermeable areas used to calculate the required storage, in accordance with BS8582.
- 6) Final modelling and calculations for all areas of the drainage system.
- 7) Sewer Network Design should demonstrate that there is No Surcharging for the 1 in 1yr RP.
- 8) Any overflow from SWMH 15 and SWMH 17 should be designed to remain within the swale channel or formally directed and contained within the basin for the design events.
- 9) The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- 10) Detailed engineering drawings of each component of the drainage scheme.
- 11) A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- 12) An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

Thereafter, the detailed surface water drainage scheme shall be implemented as approved and shall remain as such at all times for all plots.

REASON: To prevent flooding on site or elsewhere by ensuring a satisfactory storage/disposal of surface water from the site, to ensure the effective operation of Sustainable Drainage Systems (SUDS) features over the lifetime of the development, and to provide mitigation to the local water environment treatment, in accordance with Core Policies 36, 27, 29 of the adopted Uttlesford Local Plan 2021-2041 (2026), and the National Planning Policy Framework (2024).

- 8** Prior to commencement of the development hereby approved, a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution to the surrounding water environment, shall be submitted to and approved in writing by the local planning authority. Thereafter, the scheme shall be implemented as approved and shall remain as such at all times for all plots.

REASON: To prevent flooding on site or elsewhere, to prevent pollution, and to mitigate increased flood risk to the surrounding area during construction through the satisfactory storage of/disposal of surface water and groundwater, in accordance with Core Policies 36, 27, 29 of the adopted Uttlesford Local Plan 2021-2041 (2026), and the National Planning Policy Framework (2024).

- 9** Prior to commencement of the development hereby approved, one of the following shall be submitted to and approved in writing by the local planning authority:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - b) a Great Crested Newt District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - c) a statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, section 17 of the Crime and Disorder Act 1998, in accordance with Core Policies 38, 39 of the adopted Uttlesford Local Plan 2021-2041 (2026), and the National Planning Policy Framework (2024).

- 10** Prior to commencement of the development hereby approved, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

Thereafter, the approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, section 17 of the Crime and Disorder Act 1998, in accordance with Core Policies 38, 39 of the adopted Uttlesford Local Plan 2021-2041 (2026), and the National Planning Policy Framework (2024).

- 11** Prior to commencement of the development hereby approved, a Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, prepared in accordance with the approved Biodiversity Net Gain plan, shall be submitted to and approved in writing by the local planning authority.

The HMMP should include:

- a) a non-technical summary;
- b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- c) the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site significant enhancements in accordance with the approved Biodiversity Gain Plan;
- d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;
- e) the monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and
- f) details of the content of monitoring reports to be submitted to the LPA including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

Notice in writing shall be given to the local planning authority when the:
- initial enhancements, as set in the HMMP, have been implemented;
and

- habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Monitoring reports shall be submitted in years 1, 2, 5, 10, 15, 20, 25, and 30 to the local planning authority, in accordance with the methodology specified in the approved HMMP.

The Council shall only issue approval of the habitat creation and enhancement works until:

- (1) the habitat creation and enhancement works set out in the approved HMMP have been completed; and
- (2) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

REASON: To allow the development to demonstrate mandatory biodiversity net gain and allow the local planning authority to discharge its duties under Schedule 7A of the Town and Country Planning Act 1990 and in accordance with the National Planning Policy Framework (2024) and to comply with Core Policy 40 of the adopted Uttlesford Local Plan 2021-2041 (2026).

- 12** Prior to commencement of the development hereby approved, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the local planning authority. The approved CMP shall be adhered to throughout the construction period and shall provide for the following all clear of the highway:

- I. Vehicle routing;
- II. The parking of vehicles of site operatives and visitors;
- III. Loading and unloading of plant and materials;
- IV. Storage of plant and materials used in constructing the development;
- V. Wheel and underbody washing facilities.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety, in accordance with Core Policies 26, 27, 28, 52 of the adopted Uttlesford Local Plan 2021-2041 (2026), and the National Planning Policy Framework (2024).

- 13** Prior to any works above slab level, a schedule of the types and colours of the materials (including photographs) to be used in the external finishes of all dwellings hereby approved shall be submitted to and approved in writing by the local planning authority. The materials, their description and photographs shall be shown on scaled elevation

drawings for each plot. Thereafter, the development shall be implemented in full accordance with the approved materials.

REASON: To preserve the character and appearance of the area, to preserve the significance of heritage assets, and to ensure the development is visually attractive, in accordance with Core Policies 52, 61, 62, 63, 65 of the adopted Uttlesford Local Plan 2021-2041 (2026), the Essex Design Guide, the adopted Uttlesford District-Wide Design Code (2024), and the National Planning Policy Framework (2024).

- 14** Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, priority and threatened species shall be submitted to and approved in writing by the local planning authority.

The Biodiversity Enhancement Strategy shall include:

- a) purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations of the enhancement measures by appropriate drawings;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

Thereafter, the ecological works shall be implemented in accordance with the approved details prior to occupation of the development hereby approved.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, section 17 of the Crime and Disorder Act 1998, in accordance with Core Policies 38, 39 of the adopted Uttlesford Local Plan 2021-2041 (2026), and the National Planning Policy Framework (2024).

- 15** Prior to any works above slab level, the water efficiency measures associated with the development shall be submitted to and approved in writing by the local planning authority to ensure that the dwellings hereby approved achieve a water efficiency standard of 90 litres per person per day on each dwelling. Thereafter, the development hereby approved shall not be occupied until all the approved water efficiency measures have been implemented as such.

REASON: To ensure water efficiency and to protect water resources, to comply with Core Policy 34 of the adopted Uttlesford Local Plan 2021-2041 (2026), and the National Planning Policy Framework (2024).

- 16** Prior to any works above slab level, details of all hard and soft landscaping shall be submitted to and approved in writing by the local

planning authority. Thereafter, the development shall be carried out in full accordance with the approved details prior to occupation of the development hereby approved.

The landscaping details to be submitted shall include:

- a) means of enclosure of the land (boundary treatments including photographs);
- b) existing trees, hedges or other soft features to be retained;
- c) proposed trees, hedges or other soft features to be planted, including specifications of species, sizes, planting centres, number and percentage mix;
- d) existing and proposed hard surfacing and other hard landscaping features and materials (including photographs);
- e) details of siting and timing of all construction activities to avoid harm to all nature conservation features;
- f) management and maintenance details
- g) scaled drawings for the mounds (including sections and streetscene drawings from within and outside the site).

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To preserve the character and appearance of the area, to preserve the significance of heritage assets and to safeguard residential amenities, in accordance with Core Policies 39, 41, 52, 61, 62, 63, 65, 66, 67 of the adopted Uttlesford Local Plan 2021-2041 (2026), the Essex Design Guide, the adopted Uttlesford District-Wide Design Code (2024), and the National Planning Policy Framework (2024).

- 17** Prior to occupation of the development hereby approved, a Maintenance Plan detailing the maintenance arrangements, including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies on each plot, shall be submitted to and approved in writing by the Local Planning Authority.

If any part of the site will be maintainable by a maintenance company, details of long-term funding arrangements should be provided to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby approved.

REASON: To prevent flooding on site or elsewhere, in accordance with Core Policies 36, 27, 29 of the adopted Uttlesford Local Plan 2021-2041 (2026), and the National Planning Policy Framework (2024).

- 18** Prior to occupation of the development hereby approved, a lighting design scheme for biodiversity in accordance with General Note: 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority.

The scheme shall:

- (a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- (b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

Thereafter, all external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and shall be maintained in accordance with the scheme at all times. Under no circumstances should any other external lighting be installed without prior consent in writing from the local planning authority.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, section 17 of the Crime and Disorder Act 1998, in accordance with Core Policies 38, 39 of the adopted Uttlesford Local Plan 2021-2041 (2026), and the National Planning Policy Framework (2024).

- 19** Prior to occupation of the development hereby approved, the existing Wicken Road access and adjoining private estate road, shall be amended and improved as shown on Drawing Number DR7 Rev A, and shall include:

1) The provision of a 2 metre wide footway from the site access, to include full depth construction and surfacing, extending a minimum length of 160 metres to the west along the southern edge of Wicken Road and linking up to the existing footway to the south at the boundary of Hill Green Farm Cottage and Wickets.

2) The provision of suitable dropped kerbed crossings at the existing vehicular accesses along the proposed footway, including those serving the neighbouring properties specifically Hillberry, Hedgerow Cottage, The Willows, Springcroft and Hill Green Farm Cottage.

3) The relocation of road signage and street furniture outside of the proposed footway.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety, and for improved pedestrian connectivity in the interests of promoting sustainable transport, in accordance with Core Policies 5, 26, 27, 28 of the adopted Uttlesford Local Plan 2021-2041 (2026), the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2024).

- 20** Prior to occupation of the development hereby approved, the vehicle parking and turning areas indicated on the approved plans shall be provided. Thereafter, the vehicle parking and turning areas shall be retained as such at all times and shall not be used other than for the benefit of the occupants of the dwellings hereby approved.

REASON: To ensure that appropriate parking and turning is provided and that on-street parking does not occur in the interests of highway safety, in accordance with Core Policy 31 of the adopted Uttlesford Local Plan 2021-2041 (2026), the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2024).

- 21** Prior to occupation of the development hereby approved, cycle parking shall be provided in accordance with the Essex Planning Officers' Association (EPOA) parking standards. Thereafter, the cycle parking facilities shall be secure, convenient, covered and shall be retained as such at all times.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity, in accordance with Core Policy 31 of the adopted Uttlesford Local Plan 2021-2041 (2026), the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2024).

- 22** Prior to occupation of the development hereby approved, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack (per dwelling) for sustainable transport, approved by the Essex County Council.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport, in accordance with Core Policies 1, 26, 27, 28 of the adopted Uttlesford Local Plan 2021-2041 (2026), and the National Planning Policy Framework (2024).

- 23** Prior to occupation of the development hereby approved, a scheme of water collection and recycling measures (such as rainwater butts) shall be submitted to and approved in writing by the local planning authority.

Thereafter, the scheme shall be implemented prior to the occupation of the dwellings hereby approved and shall remain as such at all times.

REASON: To ensure water efficiency and to protect water resources, to comply with Core Policy 34 of the adopted Uttlesford Local Plan 2021-2041 (2026), and the National Planning Policy Framework (2024).

- 24** Prior to occupation of the development hereby approved, scaled drawings to show the bin/waste areas for each plot or groups of plots shall be submitted to and approved in writing by the local planning authority. The bin/waste areas shall include recycling collection equipment. Thereafter, the bin/waste areas approved shall be implemented prior to the occupation of the dwellings and shall remain as such at all times.

REASON: To help meet waste reduction and recycling targets, to comply with Core Policy 33 of the adopted Uttlesford Local Plan 2021-2041 (2026), and the National Planning Policy Framework (2024).

- 25** Prior to occupation of the development hereby approved, a fully wired and connected electric vehicle charging point shall be provided on site for each dwelling, plus one more electric vehicle charging point for visitors. Thereafter, the charging points shall be maintained as such at all times.

REASON: To encourage the use of electric vehicles for better air quality and to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations, in accordance with Core Policies 1, 26, 27, 29, 31 of the adopted Uttlesford Local Plan 2021-2041 (2026), the Parking Guidance – Part 1: Parking Standards Design and Good Practice (2024), and paragraphs 117(e), 187(e), 199 of the National Planning Policy Framework (2024).

- 26** Prior to first use, details of any external lighting to be installed on the site, including the design of the lighting units, any supporting structure and the extent of the area to be illuminated (lighting contours), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, only the details thereby approved shall be implemented.

REASON: To safeguard residential amenities in the area, in accordance with Core Policies 42, 44, 52 of the adopted Uttlesford Local Plan 2021-2041 (2026), and the National Planning Policy Framework (2024).

- 27** Prior to their first use, the air source heat pumps hereby approved shall be installed, specified and designed, enclosed or otherwise attenuated to ensure that noise resulting from their operation shall not exceed the existing background noise level inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of British Standard 4142:2014.

Thereafter, the air source heat pumps shall continue to operate and be maintained as such at all times.

REASON: To safeguard residential amenities, in accordance with Core Policies 42, 44, 52 of the adopted Uttlesford Local Plan 2021-2041 (2026), and the National Planning Policy Framework (2024).

- 28** If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant/developer shall notify immediately and in writing the Local Planning Authority. Any land contamination identified shall be remediated to the satisfaction of the local planning authority (including a remediation strategy and validation report) prior to occupation of the development hereby approved to ensure that the site is made suitable for its end use.

REASON: To ensure the development will not harm human health, the water environment and other receptors, in accordance with Core Policies 34, 42 of the adopted Uttlesford Local Plan 2021-2041 (2026), and the National Planning Policy Framework (2024).

- 29** Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 15 metres from the centre of the existing residential cul-de-sac access junction. Thereafter, the gates shall be retained as such at all times.

REASON: To give vehicles using the access free and unhindered access to and from the highway in the interest of highway safety, in accordance with Core Policies 26, 27, 28 of the adopted Uttlesford Local Plan 2021-2041 (2026), the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2024).

- 30** The development hereby permitted shall be provided in accordance with the guidance in Approved Document S 2021 and shall be built in accordance with Optional Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition (apart from the plots specified in the section 106 planning obligation to be M4(3)(a) or M4(3)(b) compliant).

REASON: To provide accessible and adaptable dwellings for all potential occupants, in compliance with Core Policy 52, 53 of the adopted Uttlesford Local Plan 2021-2041 (2026), and the National Planning Policy Framework (2024).

- 31** Protective measures for existing trees, as shown in the approved Arboricultural Report, shall be implemented on the site in accordance with British Standard 5837:2012 before any equipment, machinery or

materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site or until the substantial completion of the development (whichever is later). Nothing shall be stored or placed in any area fenced and the ground levels within those areas shall not be altered nor shall any excavation be made. A no dig solution shall be implemented on the creation of the pedestrian footways and any other landscaping proposals.

REASON: To preserve the character and appearance of the area and to protect existing trees, in accordance with Core Policies 39, 41, 52 of the adopted Uttlesford Local Plan 2021-2041 (2026), and the National Planning Policy Framework (2024).

32

All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecology Report (A. R. Arbon, July 2025). Thereafter, the enhancement measures and/or works shall be carried out in full accordance with the approved details and shall be maintained as such at all times.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, section 17 of the Crime and Disorder Act 1998, in accordance with Core Policies 38, 39 of the adopted Uttlesford Local Plan 2021-2041 (2026), and the National Planning Policy Framework (2024).

APPENDIX 1 – ESSEX HIGHWAYS (HIGHWAY AUTHORITY)

Your Ref: UTT/25/2404/FUL
Our Ref: 62147
Date: 11th February 2026



Director for Highways
and Transportation

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

County Hall
Chelmsford
Essex CM1 1QH

This Recommendation supersedes the previous response dated 31st October 2025

Application No.	UTT/25/2404/FUL
Applicant	Bampton
Site Location	Land At Hill Green Wicken Road Clavering Essex
Proposal	Erection of 28 no. proposed new dwellings including 11 no. affordable dwellings, 6 self and custom build plots, and associated infrastructure

The Highway Authority has reviewed all the information provided as part of this planning application, including the revised information submitted in December 2025. In the assessment of the application the following was considered: access and safety with regards to the requirements set out within the Essex Design Guide and the Highway Authority's Development Management Policies; capacity; the opportunities for sustainable transport; and mitigation measures.

The proposed development will lead to an increase in vehicle movements along the public highway, including the B1038. However, as demonstrated by the evidence provided within the planning application, the level of additional traffic generated by the proposed development would be modest. As a result, with reference to the National Planning Policy Framework 2024 and paragraphs 115 – 117 in particular, the impact of the proposed is not considered severe.

Therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to the following conditions/obligations:

1. Prior to occupation of any of the proposed dwellings, the existing Wicken Road access and adjoining private estate road, shall be amended as shown in principle on Drawing Number DR7 Rev. A, and shall include:
 - The provision of a 2 metre wide footway from the site access, to include full depth construction and surfacing, extending a minimum length of 160 metres to the west along the southern edge of Wicken Road and linking up to the existing footway to the south at the boundary of Hill Green Farm Cottage and Wickets.

- The provision of suitable dropped kerbed crossings at the existing vehicular accesses along the proposed footway, including those serving the neighbouring properties specifically Hillberry, Hedgerow Cottage, The Willows, Springcroft and Hill Green Farm Cottage.
- The relocation of road signage and street furniture outside of the proposed footway.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety, and for improved pedestrian connectivity in the interests of promoting sustainable transport.

2. Any gates provided on the internal access road shall be inward opening only and shall be set back a minimum of 15 metres from the centre of the existing residential cul-de-sac access junction.

Reason: To give vehicles using the access free and unhindered access to and from the highway in the interest of highway safety.

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

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

4. The proposed development shall not be occupied until such time as the vehicle parking areas indicated on the approved plans, have been provided. The vehicle parking areas and associated turning areas shall be retained in this form at all times.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety.

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

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

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

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

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

- i. vehicle routing,

- ii. the parking of vehicles of site operatives and visitors,
- iii. loading and unloading of plant and materials,
- iv. storage of plant and materials used in constructing the development,
- v. wheel and underbody washing facilities.

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

The above conditions are required to ensure that the development accords with the National Planning Policy Framework (NPPF) 2024, the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance and Uttlesford Local Plan Policy GEN1.

Notes:

- i. The internal estate roads do not accord with the Essex Design Guide and therefore the Highway Authority would not consider adoption of the proposed internal estate roads. However, the applicant has confirmed that the proposed development site will remain private. The application has therefore been assessed on that basis.
- ii. The remote location of the site and the poor level of public transport provision is such that access to key facilities, employment and leisure opportunities is limited and for the vast majority of journeys the only practical option would be the car. This should be taken into consideration by the Planning Authority when assessing the overall sustainability and acceptability of the site.

Informatives:

- i. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org.
- iii. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
- iv. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.
- v. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes technical checks, safety audits, site inspection, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required as security in case of default.

- vi. There shall be no discharge of surface water onto the Highway.
- vii. Prior to any works taking place in public highway or areas to become public highways, the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- viii. Any signal equipment, structure and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance.

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pp. Director for Highways and Transportation
Enquiries to Lorna Parsons

APPENDIX 2 – LEAD LOCAL FLOOD AUTHORITY (ESSEX COUNTY COUNCIL)

Essex County Council
Development and Flood Risk
Environment and Climate Action,
C426 County Hall
Chelmsford
Essex CM1 1QH



Avgerinos Vlachos
Uttlesford District Council
Planning Services

Date: 11th March 2026
Our Ref: SUDS-008506
Your Ref: UTT/25/2404/FUL

Dear Mr Vlachos,

Consultation Response – UTT/25/2404/FUL - Land At Hill Green, Wicken Road, Clavering, Essex

Thank you for your re-consultation email received on 16/02/2026 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the revised Flood Risk Assessment and the associated documents which accompanied the planning application, we **do not object** to the granting of planning permission based on the following:

Condition 1

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

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in

accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.

- Limiting discharge rates to 2.2l/s for all storm events up to and including the 1 in 100 year plus 45% allowance for climate change storm event. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
- Demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus 45% climate change.
- Provision of 10% urban creep allowance applied to the impermeable areas used to calculate the required storage, in accordance with BS8582.
- Final modelling and calculations for all areas of the drainage system.
- Sewer Network Design should demonstrate that there is No Surcharging for the 1 in 1yr RP.
- Any overflow from SWMH 15 and SWMH 17 should be designed to remain within the swale channel or formally directed and contained within the basin for the design events.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason

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

Condition 2

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

Reason

The National Planning Policy Framework paragraph 167 and paragraph 174 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

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

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

Condition 3

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

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

Reason

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

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

Condition 4

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

Reason

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

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.
<https://www.essex.gov.uk/protecting-environment>
- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022.
[Flood risk assessments: climate change allowances](https://www.gov.uk/government/news/flood-risk-assessments-climate-change-allowances) - GOV.UK (www.gov.uk)
- Any works to a ditch may require a S23 Ordinary Watercourse Consent. Please see the below link for more information and how to apply.
<https://flood.essex.gov.uk/maintaining-or-changing-a-watercourse/>

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Yours sincerely,

Gemma Parson
Development and Flood Risk Officer
Team: Green Infrastructure and Sustainable Drainage
Service: Climate Action and Mitigation
Essex County Council

Internet: www.essex.gov.uk
Email: suds@essex.gov.uk

Appendix 1 - Flood Risk responsibilities for your Council

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

- Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements)

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.

- Flood recovery measures (including flood proofing and other building level resistance and resilience measures)

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Further information can be found in the Department for Communities and Local Government publications '[Preparing for Floods](#)' and '[Improving the flood performance of new buildings](#)'.

- Sustainability of the development

The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.