

**UTT/16/3394/FUL (GREAT CHESTERFORD)**

Reason: Applicant is a District Councillor

**PROPOSAL:**       **Erection of 2 no. detached dwellings and garages**

**LOCATION:**       **The Delles, Carmen Street, Great Chesterford CB10 1NR**

**APPLICANT:**     **Mr & Mrs Redfern**

**AGENT:**         **Ian Abrams Architect Ltd**

**EXPIRY DATE:**   **31 January 2017**

**CASE OFFICER:**  **Luke Mills**

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**1.       NOTATION**

1.1       Countryside; Conservation Area.

**2.       DESCRIPTION OF SITE**

2.1       The site is located at the corner of Carmen Street and Jackson's Lane, Great Chesterford. It comprises a portion of the garden serving The Delles.

**3.       PROPOSAL**

3.1       The application is for planning permission to erect two detached houses and associated garages.

**4.       APPLICANT'S CASE**

4.1       The applicant's case is presented in the following submitted documents:

- Planning Supporting Statement incorporating Design and Access Statement and Heritage Statement
- Tree Survey
- Phase 1 Habitat Survey & Protected Species Survey

**5.       RELEVANT SITE HISTORY**

5.1       Planning permission was granted in 2012 for the erection of a detached dwelling on the site (UTT/1615/12/FUL). An alternative scheme was approved in 2014 (UTT/14/1709/FUL).

**6.       POLICIES**

6.1       S70 of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

6.2       S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made

under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

### **Uttlesford Local Plan (2005)**

- 6.3
  - S7 – The Countryside
  - GEN1 – Access
  - GEN2 – Design
  - GEN3 – Flood Protection
  - GEN6 – Infrastructure Provision to Support Development
  - GEN7 – Nature Conservation
  - GEN8 – Vehicle Parking Standards
  - ENV1 – Design of Development within Conservation Areas
  - ENV2 – Development affecting Listed Buildings
  - ENV3 – Open Spaces and Trees
  - ENV4 – Ancient Monuments and Sites of Archaeological Importance
  - H1 – Housing Development
  - H9 – Affordable Housing

### **Supplementary Planning Documents/Guidance**

- 6.4
  - SPD – Accessible Homes and Playspace (2005)
  - Developer Contributions Guidance Document (Feb 2016)
  - The Essex Design Guide (2005)
  - Parking Standards: Design and Good Practice (2009)
  - Uttlesford Local Residential Parking Standards (2013)
  - Great Chesterford Conservation Area Appraisal and Management Proposals (2007)

### **National Policies**

- 6.5
  - National Planning Policy Framework (NPPF) (2012)  
Paragraphs 14, 17, 32, 34, 39, 50, 55, 58, 103, 111, 118 & 131-135
  - Planning Practice Guidance (PPG)
    - Planning obligations
    - Housing – Optional Technical Standards
    - Planning and flood risk: Reducing the causes and impacts of flooding

### **Other Material Considerations**

- 6.6
  - Great Chesterford Historic Settlement Character Assessment (HSCA) (2007)

## **7. PARISH COUNCIL COMMENTS**

- 7.1 Supports the application, subject to suitable materials and landscaping.

## **8. CONSULTATIONS**

### **London Stansted Airport**

- 8.1 No objections.

### **Highway Authority (Essex County Council)**

8.2 Objection. Extract:

“1. As far as can be determined from the submitted plans the proposals would lead to the intensification of use of a substandard access by reason of inadequate visibility. The lack of such visibility would result in an unacceptable degree of hazard to all road users to the detriment of highway safety.

2. The development fails to provide an access wide enough to enable a vehicle to enter the site safely and efficiently whilst another vehicle is waiting to egress the site. This would result in vehicles being unable to clear the carriageway safely efficiently to the detriment of the safety of through traffic.”

**Historic Environment Advisor (Essex County Council)**

8.3 No objections, subject to a condition to secure trial trenching and excavation. Extract:

“The Essex Historic Environment Record shows that the proposed development lies in a potentially sensitive area to the east of the Roman walled town of Great Chesterford (HER 4915). The proposed development lies in the area of the Roman suburbs of Great Chesterford with previous excavations in the immediate area recovering evidence of Roman occupation. Archaeological evaluation and excavation on part of the site (one of the proposed properties) only found residual material of Roman date.

There is also potential of medieval deposits surviving on the site. Any groundwork in this area is likely to destroy important archaeological deposits. This potential has not been identified within the supporting statement.”

**Landscape Officer**

8.4 No objections, subject to conditions regarding landscaping. Extract:

“Trees on the site are protected (excluding elm) under an ‘area’ tree preservation order. The proposed scheme shows 17 elms to be removed, together with 1 Judas Tree, 1 beech, 1 cherry, 7 sycamores, 2 horse chestnuts, 2 yews, 4 laburnums, 1 box, and 1 thuja. Only one yew tree proposed to be removed is considered to be of moderate quality, the other trees proposed to be removed are considered to be of low quality, or have significant defects.

In the circumstances of the development being approved, it is recommended that a fully detailed scheme of both soft and hard landscaping is required to be submitted for approval, together with a scheme of tree protection measures for existing trees to be retained.”

**Conservation Officer**

8.5 Recommends approval, subject to conditions. Extract:

“The Delles is a structure of mostly C19 characteristics but containing some earlier fabric. The building is not a designated heritage asset but has been identified in the current Great Chesterford Conservation Area Appraisal as building positively contributing to the character of the area and is subject to Article 4 Direction.

The proposal subject of this application is the formation of two new dwellings within

the generous garden of Delles. The principle of the further residential development within this garden which is outside the defined developments limits has been established by granting approval for additional substantial house. I assume that the same planning rational would apply now. Consequently my comments would relate to the design only.

I consider that the two new dwelling although architecturally different would positively contribute to the character of the conservation area. The building facing Carmen Street would be of traditional form and detailing reiterating character of the historic street and perpetuate its intrinsic nature. The new dwelling in the depth of the site would in my view represent a contemporary gem making a successful C21 input to this old village which is said to have its origins in Romans times.”

### **Ecological Consultant (Essex County Council)**

8.6 No objections, subject to a condition. Extract:

“It appears that the four trees with bat roost features will be retained. I also note the applicant is using the same access as existing which is welcomed since additional trees won't be affected. There is a minor incursion into root protection areas of trees along the eastern and southern boundaries (particularly T17) although much of the area within RPAs is already used for access. It is therefore likely that tree root morphology has already adapted to somewhat compacted conditions. Nonetheless, protective fencing should be erected to minimise the potential for root severance during construction.”

## **9. REPRESENTATIONS**

9.1 Neighbours were notified of the application by letter and a notice was displayed near the site. The following concerns have been raised in the representations that have been received:

- Harm to the character and appearance of the conservation area, from the proposed buildings and the loss of trees
- Harmful effect on wildlife, including bats and nesting birds
- Adverse effect on road safety
- Potential effect on the historic flint wall along Jackson's Lane

9.2 The flint wall along Jackson's Lane would be retained. The remainder of the above concerns are addressed in the below appraisal.

## **10. APPRAISAL**

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

- A Location of housing (S7, H1 & 55)
- B Character, appearance and heritage assets (S7, GEN2, ENV1, ENV2, ENV3, 17, 58, 131-134 & HSCA)
- C Archaeological remains (ENV4 & 131-135)
- D Sustainable transport (GEN1, 34 & 55)
- E Road safety (GEN1 & 32)
- F Parking (GEN8 & 39)
- G Accessibility (GEN2 & PPG)
- H Amenity (GEN2 & 17)
- I Biodiversity (GEN7 & 118)

- J Flooding (GEN3, 103 & PPG)
- K Infrastructure (GEN6)
- L Affordable housing (H9, 50 & PPG)
- M Previously developed land (111)

**A Location of housing (S7, H1 & 55)**

- 10.1 The application site is classified as 'previously developed land' and is located beyond the Development Limits of Great Chesterford. While Policy H1 permits the re-use of previously developed land for housing on a general level, Policy S7 and the associated Development Limits are clearly intended to restrict development in the countryside to that which requires such a location or is appropriate to a rural area. Housing does not satisfy either of these criteria so the erection of new dwellings on the site would be in conflict with the spatial strategy of the Local Plan.
- 10.2 Paragraph 55 of the NPPF takes a more permissive approach, supporting the growth of existing settlements while seeking to prevent new isolated homes in the countryside unless there are special circumstances. Taking into account the PPG, it is considered that the intent of this policy is to focus new housing development within and adjacent existing settlements, thereby preventing sporadic development in the countryside.
- 10.3 As the edge-of-village location is consistent with the more up-to-date policy in the NPPF, it is considered that there can be no objection to the proposal on the grounds of its location.

**B Character, appearance and heritage assets (S7, GEN2, ENV1, ENV2, ENV3, 17, 58, 131-134 & HSCA)**

- 10.4 The site is located within the Great Chesterford conservation area and there are a number of Grade II listed buildings to the south and west. Taking into account the comments of the Conservation Officer, it is considered that the traditional design of Plot 2 would relate well to the historic character of the area to the south and west, while the contemporary design of Plot 1 would represent a successful 21st Century addition to the historic village. Overall, it is considered that the proposal would make a positive contribution to the character and appearance of the conservation area, in accordance with Policy ENV1 and paragraphs 131-134 of the NPPF.
- 10.5 The site is the subject of an 'area' Tree Preservation Order. Taking into account the comments of the Landscape Officer, it is considered that the proposed tree removals are appropriate and that a suitable landscaping scheme would assimilate the development into its surroundings. Furthermore, it is considered that the proposal would be compatible with the countryside setting of this part of the village, which is mainly derived from the open paddock to the north.
- 10.6 S72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires that, in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Furthermore, S66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. These statutory duties are

reflected in the above assessment.

**C Archaeological remains (ENV4 & 131-135)**

- 10.7 Taking into account the comments of the Historic Environment Advisor, it is considered that the proposal may affect archaeological remains from the Roman and medieval periods. It would therefore be appropriate to secure appropriate trial trenching and excavation using a planning condition.

**D Sustainable transport (GEN1, 34 & 55)**

- 10.8 The site's location provides for relatively good public transport links in the context of Uttlesford District. Various services and facilities are within walking distance, and nearby bus stops provide access to a regular service between Saffron Walden and Cambridge. Furthermore, the nearby train station provides rail access to both London and Cambridge. It is therefore considered that the proposal is consistent with the sustainable transport objectives in Policy GEN1 and paragraphs 34 and 55 of the NPPF.

**E Road safety (GEN1 & 32)**

- 10.9 The highway authority has raised an objection to the proposal on the basis that it would intensify the use of a substandard access off Carmen Street and fail to provide sufficient width to allow two cars to pass on the driveway.
- 10.10 While the highway authority's assessment of the access is not disputed, it is considered that the use would not be intensified as a result of the proposal. The access currently serves The Delles, the annexe known as Hayloft Cottage and the paddocks to the north. As a result of the proposal, the access would serve only the two proposed dwellings, and the other properties would be served by existing alternative accesses that are more suitable. It is therefore concluded that there would be no significant increase in the number of vehicle movements using the access, such that there would be no adverse effect on road safety.

**F Parking (GEN8 & 39)**

- 10.11 The Council's minimum residential parking standards indicate that the proposed dwellings should be provided with at least three parking spaces each. While the parking spaces within the proposed cart lodges would be slightly narrower than the minimum standard, the additional area available on the ample driveways would ensure that at least three vehicles could be parked on each property.

**G Accessibility (GEN2 & PPG)**

- 10.12 Policy GEN2 and the SPD entitled 'Accessible Homes and Playspace' indicate that the proposed dwellings should meet the Lifetime Homes standards on accessibility. However, the PPG explains that enhanced accessibility should be sought only by reference to the optional requirements in the Building Regulations. Taking into account the objectives of the SPD, it is considered that it would be appropriate to use a planning condition to secure compliance with Requirement M4(2) of the Building Regulations.

**H Amenity (GEN2 & 17)**

- 10.13 The gardens serving the existing and proposed dwellings would be larger than 100

sq m, thereby ensuring the provision of a suitable amount of private amenity space in accordance with The Essex Design Guide.

- 10.14 It is considered that the proposed houses would not have a detrimental effect on the living conditions of neighbours from a loss of daylight or an overbearing impact, although this would be confirmed using a planning condition to take account of ground levels.
- 10.15 The proposed houses would be separated by approximately 25 m, thereby ensuring that a sufficient level of privacy would be provided in accordance with The Essex Design Guide. While there is some potential for overlooking between The Delles and Plot 2, there would be no significant loss of privacy because the affected living rooms windows at Plot 2 would be secondary and the affected windows at The Delles would be overlooked by bathroom windows which would be obscure glazed.

#### **I Biodiversity (GEN7 & 118)**

- 10.16 Taking into account the comments of the Ecological Consultant on the application, which is accompanied by ecology and tree surveys, it is considered unlikely that the proposal would have an adverse effect on any protected species or valuable habitats, subject to the use of a planning condition that protects those trees identified for retention.
- 10.17 S40(1) of the Natural Environment and Rural Communities Act 2006 requires local planning authorities to have regard to the purpose of conserving biodiversity when exercising its functions. Also, R9(3) of the Conservation of Habitats and Species Regulations 2010 requires Local Planning Authorities to have regard to the requirements of the Habitats Directive and Birds Directive when exercising its functions. These statutory duties are reflected in the above assessment.

#### **J Flooding (GEN3, 103 & PPG)**

- 10.18 Policy GEN3 has effectively been updated by the flood risk policies in the NPPF. Taking into account the PPG, it is considered that there are no significant surface water flooding issues associated with a development of the proposed scale.

#### **K Infrastructure (GEN6)**

- 10.19 Policy GEN6 requires development to make provision, where appropriate, for improvements to infrastructure. Taking into account the nature and scale of the development, and the above consultation responses, it is considered that no contributions towards infrastructure are required.

#### **L Affordable housing (H9, 50 & PPG)**

- 10.20 The PPG states that contributions for affordable housing and tariff style planning obligations should not be sought from small scale and self-build development. This exemption applies to developments of less than 11 units with a combined gross floorspace of less than 1000 sq m. As the Council has not updated its Developer Contributions Guidance Document in the light of the floorspace requirements, no affordable housing contributions will be sought for developments of less than 11 units. Therefore, no contributions should be sought in connection with the proposed development.

#### **M Previously developed land (111)**

10.21 Paragraph 111 of the NPPF encourages the re-use of previously developed land, a classification which applies to the application site. Therefore, weight should be given to the positive effect of the development in this regard.

## **11. CONCLUSION**

The following is a summary of the main reasons for the recommendation:

- A The proposal conflicts with the spatial strategy of the development plan. This conflict is not outweighed by compliance with other relevant policies, such that the proposal does not accord with the development plan as a whole.
- B The conflict with the development plan is overridden by the proposal's consistency with the more up-to-date policy on the location of rural housing in the NPPF. Taking into account all other material considerations, it is concluded that planning permission should be granted.

## **RECOMMENDATION – APPROVAL WITH CONDITIONS**

### **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. Prior to commencement of the development, details of the following hard and soft landscaping works must be submitted to and approved in writing by the local planning authority:

- Retained features
- New planting
- Hard surfaces
- Boundary treatment

All hard and soft landscape works must be carried out in accordance with the approved details.

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping must 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 must be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works must be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure compatibility with the character of the area, including by ensuring the existing boundary wall is not undermined by new planting, in accordance with Policy S7, Policy GEN2, Policy ENV1 and Policy ENV3 of the



Uttlesford Local Plan (adopted 2005). This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

3. Prior to commencement of the development, details of protection measures for those trees identified for retention on Drawing No. 1.1.01 Revision P1 must be submitted to and approved in writing by the local planning authority. The development must be carried out in accordance with the approved details.

REASON: To ensure compatibility with the character of the area and to preserve wildlife habitats, in accordance with Policy S7, Policy GEN2, Policy ENV1, Policy ENV3 and Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

4. Prior to commencement of the development, site sections illustrating the height of the proposed dwellings relative to neighbouring buildings must be submitted to and approved in writing by the local planning authority. The development must be carried out in accordance with the approved details.

REASON: To ensure compatibility with the character of the area and to prevent overbearing impacts on neighbouring buildings, in accordance with Policy S7, Policy GEN2 and Policy ENV1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

5. Prior to commencement of the development or preliminary groundworks, a written scheme of investigation including a programme of archaeological work must be submitted to and approved in writing by the local planning authority. The archaeological work must be carried out in accordance with the approved details prior to commencement of the development.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

6. Prior to commencement of the development, details of the following external finishes (including samples and/or photographs as appropriate) must be submitted to and approved in writing by the local planning authority:
  - Walls: Bricks (both plots)
  - Roof: Plain clay tiles (Plot 2); Zinc/metal cladding (Plot 1); Garage roof (Plot 1)
  - Windows: Colour coated aluminium (Plot 1)
  - Doors: Colour coated aluminium (Plot 1)

The development must be carried out in accordance with the approved details.

REASON: To ensure compatibility with the character of the area, in accordance with Policy S7, Policy GEN2 and Policy ENV1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

7. Prior to commencement of the development, large scale typical cross sections of the windows and doors for Plot 1 must be submitted to and approved in writing by the local planning authority. The development must be carried out in accordance with the approved details.

REASON: To ensure compatibility with the character of the area, in accordance with Policy S7, Policy GEN2 and Policy ENV1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

8. The render finish to the dwellings hereby permitted must be smooth.

REASON: To ensure compatibility with the character of the area, in accordance with Policy S7, Policy GEN2 and Policy ENV1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

9. All weatherboarding on Plot 2 must be feather-edged timber and painted.

REASON: To ensure compatibility with the character of the area, in accordance with Policy S7, Policy GEN2 and Policy ENV1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

10. All external joinery to Plot 2 must be painted timber with slender ovolo moulded glazing bars.

REASON: To ensure compatibility with the character of the area, in accordance with Policy S7, Policy GEN2 and Policy ENV1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

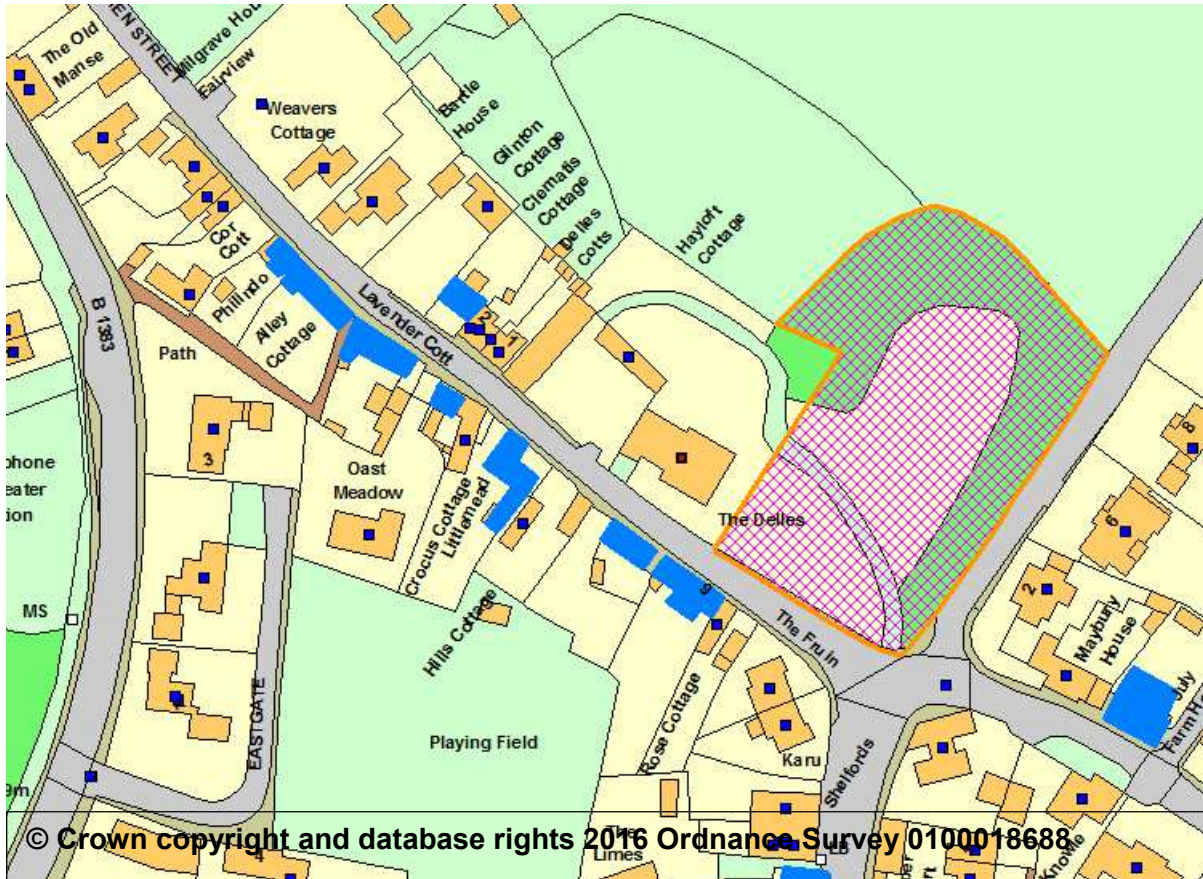
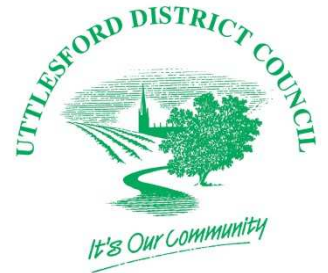
11. The dwellings hereby permitted must be built in accordance with Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure a high standard of accessibility, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005), the SPD entitled 'Accessible Homes and Playspace' and the Planning Practice Guidance.

12. The first floor windows on the north-west elevation of Plot 2 must be glazed with obscure glass prior to occupation of the dwelling and thereafter retained. The window must be non-opening unless the parts which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

REASON: To prevent a harmful lack of privacy for the occupants of the neighbouring property, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

Application number: UTT/16/3394/FUL  
Address: The Delles Carmen Street Great Chesterford



Organisation:	Uttlesford District Council
Department:	Planning
Date:	25 January 2017