

ITEM NUMBER: 4

PLANNING COMMITTEE DATE: 19 April 2023

REFERENCE NUMBER: UTT/22/3321/OP

LOCATION: Land Rear of Woodene
High Street
Little Chesterford

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 20 February 2023

PROPOSAL: Outline application with all matters reserved for a proposed new detached dwelling.

APPLICANT: Mrs M Miller

AGENT: Mr A Martin (Andrew Martin – Planning Ltd)

EXPIRY DATE: 03 February 2023

EOT Expiry Date: 06 April 2023

CASE OFFICER: Mr Avgerinos Vlachos

NOTATION: Outside Development Limits (Local Plan).
Within Settlement Boundary (Neighbourhood Plan).
Within 100m of Local Wildlife Site (Great Chesterford/Little Chesterford – B184).
Within 100m of Special Verge (Great Chesterford/Little Chesterford – B184).

REASON THIS APPLICATION IS ON THE AGENDA: Call In (Cllr Gregory).

1. EXECUTIVE SUMMARY

- 1.1** This is an outline application with all matters reserved for 1 no. detached dwelling. The application is recommended for approval subject to conditions.
- 1.2** The principle of the development is acceptable as an infill opportunity in within the settlement boundary of Little Chesterford. The indicative scheme complies with the relevant policies contained within the Great & Little Chesterford Neighbourhood Plan 2023.
- 1.3** Access, appearance, layout, scale and landscaping are reserved matters; subject to appropriate details being submitted at the reserved matters stage, the proposed development can preserve the character and appearance of the area, the residential amenities of any neighbouring or prospective occupiers, as well as the significance of the heritage assets in the vicinity, including a Grade II listed building (Riders Croft) and a non-designated heritage asset (Woodene).

- 1.4 Subject to the reserved matters, all other planning considerations are also acceptable, including environmental health, highway safety, ecology, and flood risk.

2. **RECOMMENDATION**

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

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The application site comprises an infill plot that used to be part of the residential curtilage of Woodene (property to the east, now merged with April Cottage), located outside development limits in terms of Local Plan Policy S7, but within the settlement boundary of Little Chesterford as set out in the Neighbourhood Plan. The host dwelling is a 1.5-storey detached building considered a non-designated heritage asset. To the south-east of the application site there is a 2-storey detached Grade II listed building (Riders Croft). High Street is a 'sunken lane' with some raised banks characterising the local topography and character. The application site is surrounded by residential uses on all sides. The overall area contains a semi-urban feel and countryside setting with a traditional local vernacular and dwellings of varying architectural styles, sizes, ages and materials.

4. **PROPOSAL**

- 4.1 The application seeks outline planning permission with all matters reserved for 1 no. detached dwelling.
- 4.2 The application includes the following documents:
- Application form
 - Design and access statement
 - Ecological survey and assessment
 - Planning and transport statement
 - Heritage statement
 - Historic letter from the Parish Council
 - Photograph
 - Response to comments
 - Biodiversity checklist.

5. **ENVIRONMENTAL IMPACT ASSESSMENT**

- 5.1 The proposed 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/22/1923/PA	Infill detached dwelling.	Closed (07.09.2022).
UTT/15/0946/PA	Proposed new dwelling.	Closed (07.09.2022).
UTT/1158/96/FUL	Erection of detached dwelling and construction of access to highway.	Refused (19.02.1997). Appeal dismissed (26.08.1997).

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

7.1

Pre-application advice was sought twice prior to the submission of the application. The latest pre-app scheme (UTT/22/1923/PA) received positive feedback from the then Case Officer who discussed the principle of the development and concluded that:

The proposed dwelling results in [a] pattern of development that would infill an existing gap on the edge of the settlement limits. The proposal would be appropriate in the context of the rural location and therefore is not considered to be in conflict with the environmental strand of sustainable development set out in the NPPF or ULP Policy S7. The proposal is considered to comply with policy S7 and the NPPF and is acceptable in principle.

7.2

On her final conclusions, after discussing the details of the scheme (which are now only indicative), the then Case Officer noted that:

It is considered that the proposed development of the site may be acceptable in principle subject to an appropriate scheme being submitted. I have concerns with the proposed design and the limited nature of the plot size. The scheme would appear cramped and out of character with the more spacious qualities of adjoining housing and would be materially detrimental to the character and appearance of this part of the village. The proposed scheme would unlikely be recommended favourably at planning application stage, however this would be scrutinised by an Officer site visit and consultation phase.

7.3

No consultation exercise was carried out by the applicant and no Statement of Community Involvement was submitted with the application. However, there is no such requirement for consultation for a scheme of this size.

8. **SUMMARY OF STATUTORY CONSULTEE RESPONSES**

8.1 **Highway Authority**

8.1.1

No objections in principle. Further review at the reserved matters stage (as access is a reserved matter).

9. **PARISH COUNCIL COMMENTS**

9.1 The Parish Council commented as follows:

• **Objections:**

- Heritage harm.
- Loss of earth bund/sunken bank.
- Out of character.
- Loss of light and overshadowing.
- Loss of privacy and overlooking.
- Overbearing impacts.
- 'Tilted balance' does not apply.
- UTT/1158/96/FUL – previously refused, appeal dismissed.
- Errors in application (plot size).
- Optic fibre cables in the bank / highway verge.
- Site clearance prior to application.
- Ecological concerns.
- Disturbances from construction.
- 2-storey dwelling.
- Visually prominent within the streetscene and eastern entrance of the village.
- Cramped appearance / small size of plot.
- Loss of view.
- No services and facilities – sustainability concerns.
- Highway safety concerns.

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health

10.1.1 No objections subject to conditions.

10.2 UDC Landscape Officer/Arborist

10.2.1 No objections subject to condition.

10.3 Place Services (Conservation and Heritage)

10.3.1 No objections subject to condition. Further review at the reserved matters stage.

10.4 Place Services (Ecology)

10.4.1 No objections subject to conditions.

10.5 Place Services (Archaeology)

10.5.1 No objections subject to conditions.

11. **REPRESENTATIONS**

11.1 Site notice/s were displayed on site and notifications letters were sent to nearby properties. The application has also been the subject of a press notice and representations have been received.

11.2 **Support**

11.2.1 No comments.

11.3 **Object**

11.3.1 • **Objections:**

- UTT/1158/96/FUL – previously refused, appeal dismissed.
- Appeal decision applies to the application / Material consideration.
- Visually prominent within the streetscene.
- Inaccurate plans
- Cramped appearance / small size of plot.
- Harm to the character and appearance of the area.
- Countryside harm.
- Contemporary, modern design.
- Pre-app response negative.
- Topography and position of development harm Locally Important View (High Street – eastern entrance).
- Loss of earth bund/sunken bank.
- Conflict with Local and Neighbourhood Plans.
- Limited economic benefits.
- No services and facilities – sustainability concerns.
- Inappropriate design and materials.
- Loss of light and overshadowing.
- Loss of privacy and overlooking.
- Overbearing impacts.
- Heritage harm.
- Highway safety concerns.
- Potential damage to neighbouring retaining walls.
- Errors in application (plot size).
- Historic well in Rider's Croft's garden.
- Loss of view.
- Neighbouring dwellings at least 1m from their boundaries.
- Large developments in progress in Great Chesterford.
- Site clearance prior to application.
- Disturbances from construction.
- Policy changes over the years not sufficient to depart from previous decision.
- Heritage Statement necessary.
- No significant landscaping and tree planting offers.
- Proposed dwelling modest in size.
- Village has traditional character.
- Optic fibre cables in the bank / highway verge.

- The presumption at paragraph 11(d) must be read in conjunction with paragraph 14.
- The application proposal conflicts with the Neighbourhood Plan.
- The 'tilted balance' does not apply.
- Misguided application of the 'tilted balance'.
- What if high-quality development doesn't come forward?
- What does high-quality development mean?
- Heritage Statement – major deficiencies in the methodology and conclusions, contrary to paragraph 194 of the NPPF.
- Heritage Statement – no significance assessment and no impact assessment from the proposal.
- Undeveloped open space makes important contribution to the setting of Riders Croft.
- Place Services fails to justify why the site makes a neutral contribution to the setting of the listed building.
- Fundamental errors could result in legal challenge.
- Condition C.90A of UTT/0468/96/FUL prohibited the loss of green screening on the northern boundary (front) of the site, but it was removed on 04 March 2022.
- Effective use of the land – limited benefit.
- Contribution to the housing supply – limited benefit.

11.4 Comment

11.4.1 All material planning considerations raised by third parties have been taken into account when considering this application. Land ownership issues and issues around the deliverability of a planning permission are not planning issues, but legal.

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

12.3 S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that “In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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”.

12.4 The Development Plan

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

13.2 Uttlesford District Plan 2005

13.2.1 Policy S7 – The countryside
Policy GEN1 – Access
Policy GEN2 – Design
Policy GEN3 – Flood Protection
Policy GEN4 – Good Neighbourliness
Policy GEN5 – Light Pollution
Policy GEN7 – Nature Conservation
Policy GEN8 – Vehicle Parking Standards
Policy ENV2 – Development affecting Listed Buildings
Policy ENV3 – Open Space and Trees
Policy ENV4 – Ancient monuments and Sites of Archaeological Importance
Policy ENV8 – Other Landscape Elements of Importance for Nature Conservation
Policy ENV10 – Noise Sensitive Development
Policy ENV12 – Protection of Water Resources
Policy ENV13 – Exposure to Poor Air Quality
Policy ENV14 – Contaminated Land
Policy H10 – Housing Mix

13.3 Great and Little Chesterford Neighbourhood Plan (made Feb 2023)

- 13.3.1** Policy GLCNP/1 – Overall spatial strategy
- Policy GLCNP/2 – Settlement pattern and separation
- Policy GLCNP/3 – Getting around
- Policy GLCNP/4b – Views
- Policy GLCNP/5 – Historic environment
- Policy GLCNP/7 – Local green spaces
- Policy GLCNP/9 – Housing

13.4 Supplementary Planning Document or Guidance

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

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2**
 - A) Principle**
 - B) Design, scale, layout, landscape / Heritage impacts**
 - C) Residential amenity**
 - D) Access and parking**
 - E) Ecology**
 - F) Contamination**
 - G) Archaeology**
 - H) Flood risk and drainage**
 - I) Housing mix**
 - J) Other matters**

14.3 **A) Principle**

14.3.1 With the Council unable to demonstrate a 5YHLS¹, paragraph 11(d) of the NPPF applies, which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless (i) the application of Framework policies that protect areas or assets of particular importance provides a clear reason for refusal or (ii) any adverse impacts would 'significantly and demonstrably' outweigh the benefits. Due to the 5YHLS shortfall, some residential development must be directed outside development limits where appropriate and the Council's approach to 'windfall development' is effective given the gradual increase.

¹ Currently at **4.89 years** in Apr 2022 (from 3.52 years, Apr 2021, and 3.11 years in Jan 2021 and 2.68 years before that).

14.3.2 Applying policies S7 and GEN1(e) of the Local Plan and Neighbourhood Plan policies in conjunction with paragraph 8 of the NPPF

In **economic** terms, the proposal provides a small contribution towards the wider local economy during construction via employment for local builders and suppliers of materials, and post-construction via reasonable use of local services in the village or in nearby villages, complying with paragraph 79 of the NPPF.

14.3.3 In social and environmental terms:

14.3.4 Location – Isolation:

Recent case law² defined ‘isolation’ as the spatial/physical separation from a housing settlement or hamlet, meaning that a site within or adjacent to a housing group is not isolated. The site is not isolated as it is part of Little Chesterford. Paragraph 80 of the NPPF discourages new isolated homes in the countryside unless there are special circumstances to justify that location. Therefore, paragraph 80 is not applicable.

14.3.5 Location – Services and facilities:

Little Chesterford has very limited services and facilities, with some services and facilities provided in Great Chesterford and a full range in Saffron Walden.

14.3.6 The nearest bus stop (Park Road Turn stop – 2’ walk) is 140m to the south-east of the application site (see image). The nearest school (Great Chesterford Church of England Primary School – 25’ walk) is 2.1km from the site and the nearest supermarket (Aldi – 1h walk) is 4.8km from the site in Saffron Walden. There are, however, pedestrian footpaths, lit and maintained, that link the application site to the bus stop.



14.3.7 The occupants of the proposed dwelling would be able to safely access sustainable public transport within walking distances. As there is a realistic alternative, some movements to and from the site would not be undertaken by the private car. Opportunities to promote sustainable transport modes have been taken up and alternative transport options are promoted by the development as per the NPPF requirements. Therefore, the sustainability credentials of the site are satisfactory in NPPF terms, and the development accords with paragraphs 104(c), 110(a) of the

² Braintree DC v SSCLG [2018] EWCA Civ. 610.

NPPF, policy GLCNP/3(1)-(3) of the Neighbourhood Plan, and policy GEN1(e) of the Local Plan.

14.3.8 Previously developed land:

The site is not previously developed land (in the context of the NPPF glossary and a Court of Appeal decision³), as there are no planning records and other material considerations (e.g. domestic paraphernalia) to suggest otherwise. Although the plot comprises former garden land that was part of the curtilage of Woodene and the (then separate) April Cottage⁴, this is no longer the case, as the plot is physically disconnected by the neighbouring residential curtilages.

14.3.9 Effective use of land – Infill:

Development on a greenfield site outside development limits would not necessarily be more effective use of the land, however, on this occasion, the site can be characterised as under-used land, as it immediately neighbours residential curtilages on three sides with additional residential properties across the road to the north. Therefore, paragraphs 119 and 120(d) of the NPPF are supportive of the development.

14.3.10 Paragraph 6.13 of the Local Plan states that “*Infilling with new houses will be permitted within settlements subject to safeguards*” and paragraph 6.14 of the Local Plan allows “*sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements*” if the development is in character with the surroundings and have limited impacts on the countryside. By reason of the development’s position in relation to Woodene and Arpinum to the east and west respectively, the site comprises an infill opportunity. Therefore, the development accords with paragraphs 6.13-14 of the Local Plan, and policy GLCNP/9 of the Neighbourhood Plan that supports residential development proposals on infill sites.

14.3.11 Character and appearance – Countryside:

The local character contains a semi-urban feel and countryside setting with limited views to the wider landscape and a restricted sense of openness (see photographs). The development is not tucked away from the public realm, but the screening on its boundaries and its infill nature between residential curtilages make the site self-contained. The development introduces built form in the countryside; however, the level of urbanising effects⁵ would be negligible. Therefore, the development is accords with policy S7 and paragraph 174(b) of the NPPF. The element of policy S7 that seeks to protect or enhance the countryside character within which the development is set is fully consistent with paragraph 174(b) that recognises the intrinsic character and beauty of the countryside. In addition, policy GLCNP/1(2) of the Neighbourhood Plan

³ Dartford Borough Council v Secretary of State for Communities and Local Government & Anor [2017] EWCA Civ 141.

⁴ Planning and Transport Statement, paragraphs 1.4, 2.5.

⁵ Domestic appearance of built form and domestic paraphernalia with which housing is associated.



does not place any additional constraints on countryside locations if they are within Little Chesterford's settlement boundary (see first map), whilst policy GLCNP/2(1) is not applicable as the site falls outside the separation zones (see second map).



14.3.12 Notwithstanding its verdant appearance, by reason of its small size and infill nature, the site does not play an important role⁶ in the semi-urban character and appearance of the area, and as such, it would not be a visual barrier to this character. The loss of this open land that makes a neutral contribution to the visual amenity of the area, causes no harm to the character and appearance of the area. Therefore, when quantified, countryside harm is zero without any urbanising effects to the character and appearance of the area. This holds significant weight.

14.3.13 Character and appearance – Pattern of development:
The scheme does not consolidate sporadic development to the detriment of the character and appearance of the countryside, as the infill nature of the plot does not compromise the visual amenity of the area and streetscene. There is no clear building line to the south or north of High Street, and as such, the indicative position of the development slightly ahead of the immediate neighbouring properties is not a concern. Therefore, the proposal is in keeping with the pattern of development in the area.

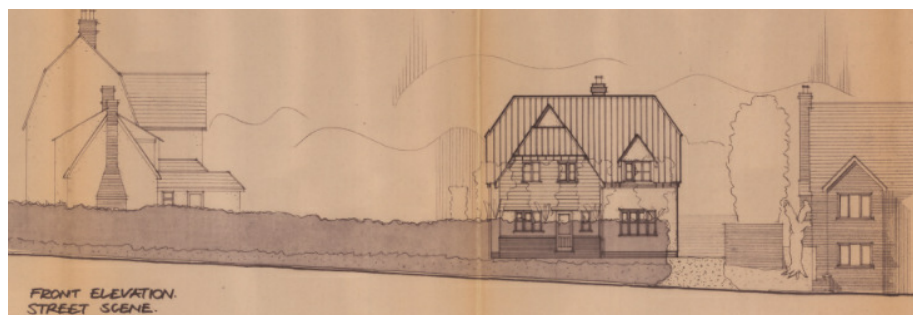
14.3.14 Other material considerations:
It is well-established law that previous decisions can be material considerations because like cases should be decided in a like manner, to ensure consistency in decision-making. However, previous Secretary of State or LPA decisions do not set a precedent for the assessment of similar developments; the benefits and harm, and the levels of each, will depend on the specific characteristics of a site and scheme. On this occasion, the following decision is relevant:

⁶ The site is not part of the Local Green Spaces identified in Table 5.3 and Figure 5.22 of the Neighbourhood Plan, and as such, policy GLCNP/7 does not apply.

- **UTT/1158/96/FUL**⁷ (same site) – The appeal was dismissed on the grounds of harm to the character and appearance of the area:

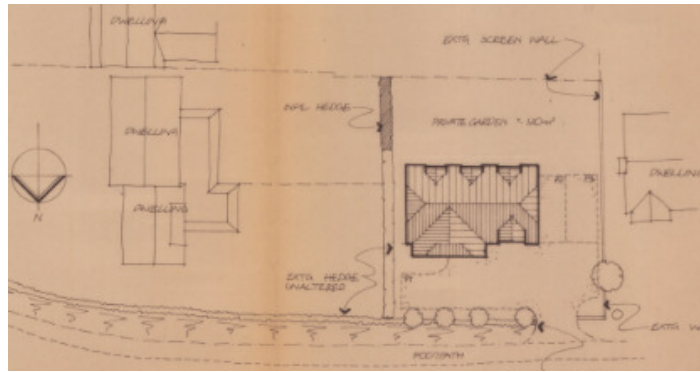
14.3.15 The Inspector was concerned that the proposed house “*would be seen prominently in the street scene and from the public footpath*” to the south (paragraph 9). He noted that the appeal site makes an important contribution to the setting of the neighbouring properties (Woodene, Arpinum) and the appeal scheme is a “*significant incursion into this gap*” as “*the restricted depth of the plot of the proposed dwelling would contrast adversely with the space and setting of existing houses*” (paragraph 10). The Inspector concluded that the appeal scheme “*would appear cramped and out of character with the more spacious qualities of adjoining housing, particularly that to the south and west*” (paragraph 12).

14.3.16 Notwithstanding the above and the comments received from nearby residents indicating otherwise, the indicative details submitted with the application are markedly different to the 2-storey dwelling of sizeable scale and massing⁸ proposed in the 1997 appeal scheme (see drawings). Although such details would be further assessed at the reserved matters stage, the indicative design makes the proposed dwelling less prominent within the streetscene in comparison to the appeal scheme, showing that it is possible for the reserved matters application to bring forward an acceptable scheme. The neighbouring dwellings benefit from somewhat larger gardens than the application site. However, there is no policy protection on the setting of neighbouring properties (apart from the setting of listed buildings, see Section 2), plus the Inspector acknowledged “*considerable variety of housing fronting the minor road through the village ranging from small cottages in narrow plots to larger detached houses in more generous settings*” (paragraph 6). The width of the plot is also similar to the width of neighbouring plots. Therefore, notwithstanding the significant policy shifts from the 1990s, the development passes the test set out by the Inspector.



⁷ T/APP/C1570/A/97/281490/P7 – Erection of detached dwelling and construction of access to highway: Appeal dismissed on 26 Aug 1997.

⁸ The appeal scheme was higher at the ridge than the neighbouring property of Aprinum, whereas the current application includes a dwelling with a lower ridge height than that of Aprinum.



14.3.17 Conclusion:

The planning balance under paragraph 11(d) of the NPPF tilts in favour of the principle of the development (see Conclusions).

14.3.18 Overall, the principle of the development is acceptable, and accords with policies S7, GEN1(e) and paragraphs 6.13-6.14 of the Local Plan, policies GLCNP/3(1)-(3), CLCNP/9, GLCNP/1(2) of the Neighbourhood Plan, and the NPPF.

14.4 B) Design, scale, layout, landscape / Heritage impacts

14.4.1 Appearance, scale, layout and landscaping are reserved matters. However, some preliminary comments can be made using the indicative details submitted with the outline application.

14.4.2 In terms of heritage impacts, the Conservation Officer reported that Woodene is a non-designated heritage asset due to its historic and architectural interest. Conservation also reported that with this outline type of application, advice is limited to the principle of the development only and a Heritage Statement is necessary, as per paragraph 194 of the NPPF. Following the submission of a Heritage Statement, the Conservation Officer reported no harm to the significance of the heritage assets through the erection of a detached dwelling. The site makes a neutral contribution to the setting of the assets and as evidenced from historic maps, it was the part of the residential curtilage of Woodene and physically separate from the curtilage of the listed building. Therefore, the Conservation Officer raised **no objections**, as the development preserves the setting and significance of the listed building and the non-designated heritage asset, without causing 'less than substantial harm'⁹, in compliance with paragraphs 194, 202 and 203 of the NPPF, and policy GLCNP/5 of the Neighbourhood Plan. For future reference, Conservation suggested that the reserved matters application should include a high-quality development, which is sympathetic to the local character and the setting of the heritage assets.

⁹ Lowest end of the spectrum 'less than substantial harm' for the impact on the Conservation Area.

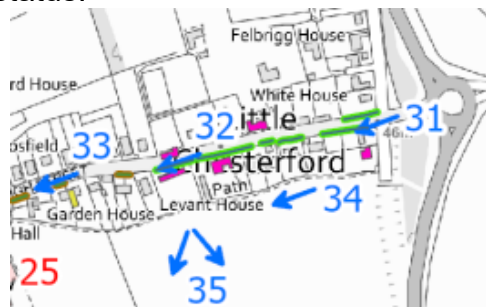
- 14.4.3** On this occasion, no harm is identified that would trigger the balancing exercise of paragraph 202 of the NPPF.
- 14.4.4** In terms of design and form, based on the indicative information submitted, some preliminary comments can be made here that should be utilised for the reserved matters application (if outline permission is granted). The indicative design works with the topography of the site, resulting in a 2-storey dwelling on its front elevation, but only a single storey at the rear elevation that resembles a modest bungalow¹⁰. The revised elevations are in keeping with the traditional local vernacular, complying with policy GLCNP/2(2) of the Neighbourhood Plan, which states that any development should be sensitively designed, respecting the historic nature and historic architecture, conforming to the existing development patterns: nucleated in Great Chesterford and linear in Little Chesterford. The Conservation Officer concurs with this view and considers the revised indicative elevations “*overcome initial concerns upon the potential impact to local character and distinctiveness*”, complying with paragraph 197(c) of the NPPF. However, this assessment shall be repeated in the reserved matters stage.
- 14.4.5** In terms of size, scale and layout, the indicative position of built form within the land in combination with the width and depth (total footprint) of the proposed dwelling would create a cramped appearance for the site that should be revised for any reserved matters application to preserve the character and appearance of the area.
- 14.4.6** In terms of landscape, trees and boundaries, landscaping is a reserved and no further details were provided at the outline stage. The Landscape Officer raised **no objections** subject to a landscaping condition (pre-commencement), particularly to enhance the frontage of the site with native hedging and to retain the difference in ground levels (apart from any access). No harm to the special verge is considered. This matter will also be further examined in the reserved matters stage.
- 14.4.7** Policy GLCNP/4b(a) of the Neighbourhood Plan states that development will be supported if it maintains or enhances and does not significantly adversely impact upon the Important Views or Locally Important Views (see map). This matter will be further picked up at the reserved matters application, as the introductory paragraph 5.4.9 to policy GLCNP/4b(a) of the Neighbourhood Plan ties Locally Important Views specifically to the scale, height, materials and lighting of the proposal, which are reserved matters. Notwithstanding any comments indicating otherwise, the indicative height of the proposed dwelling is an additional safeguard that the proposal does not significantly adversely impact upon the Locally Important View No. 31, as it will be experienced from the entrance to the village (see photograph). The presence of green screening provides appropriate mitigation against the impact of the proposed development on the local character and views, and this mitigation may be further enhanced

¹⁰ Design and Access Statement, paragraphs 4.2, 4.4.

through a landscaping condition (pre-commencement) following the reserved matters.



14.4.8 In addition, policy GLCNP/5(6) of the Neighbourhood Plan states that the Local Historic Features (flint walls and sunken banks) in Little Chesterford should be conserved or enhanced by any development proposals (see map). Notwithstanding any comments indicating otherwise, the illustrative scheme will have a minor impact on the ‘sunken bank’ as it will require only a small loss of the bank to accommodate the access. Although the access itself is a reserved matter, if the loss of the bank is limited to the dimensions of the access required by the highway safety standards, the ‘sunken bank’ is materially conserved. The purpose of the above policy is elaborated in paragraph 5.5.5 of its introductory text where it states that *“Sunken Banks running alongside the road are a historical and unique feature of the villages and they provide a buffer between roads and properties. They add to the character of the village and contribute to the historical charm and feel”*. The applicant notes that *“Part of the bank on either side of the proposed dwelling will be retained”*¹¹. Therefore, subject to the reserved matters, the alteration of the bank may be limited to necessity, retaining most of the elevated frontage. Finally, the Landscape Officer noted that even though it is a sunken lane, it does not benefit from a Protected Lane status.



14.4.9 The following conditions are necessary as per paragraph 56 of the NPPF:

- Materials (pre-commencement), to preserve the character and appearance of the area, to preserve the significance of the heritage assets, and to ensure the building is visually attractive.
- Renewable energy/climate control measures, to ensure the development is sustainable and makes efficient use of energy, water and materials, in accordance with UDC’s Interim Climate Change Policy (2021) and the Uttlesford Climate Change Strategy 2021-2030.
- Construction with Optional Requirement M4(2) of the Building Regs 2010 Doc M, Vol 1 (2015 edition) for all potential users.

¹¹ Response to Comments, p.5.

14.4.10 The applicant agreed in writing to all pre-commencement conditions on 20 Feb 2023.

14.4.11 Overall, the reserved matters application would be necessary to ensure compliance with ULP Policies, and the NPPF.

14.5 C) Residential amenity

14.5.1 Appearance, scale and layout are reserved matters, and as such, the following comments are only preliminary at this stage.

14.5.2 In terms of the residential amenity of the occupants, indicatively, the dwelling is 2-storey (as viewed from the north) with a 3B5P bedroom/persons occupancy (see indicative internal layouts) with a gross internal area exceeding minimum standards (see Table¹²).

Table 1 - Minimum gross internal floor areas and storage (m²)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

14.5.3 In terms of private amenity (garden) space, the dwelling has an adequate garden (100m² threshold, see Essex Design Guide). A dwelling of smaller footprint would free up more garden space.

14.5.4 In terms of noise, odours, vibrations, light pollution, dust and other disturbances, the Environmental Health Officer raised **no objections** subject to conditions in the interests of residential amenities (see Section 6 for conditions to protect human health and the environment). The condition refers to a Construction/Demolition Management Plan, however, this would fail the enforceability test of paragraph 56 of the NPPF, and as such, it will be included in the decision notice as an informative.

14.5.5 In terms of the amenity of neighbouring occupiers, the scale, design and position of the dwelling in relation to the neighbouring dwellings (including the host) would be tested in the reserved matters stage when the final details would be available. This includes the application of the design and

¹² Nationally Described Space Standard.

remoteness tests (see Essex Design Guide) and the 45-degree tests (see SPD Home Extensions), to assess whether any material overshadowing, overlooking (actual or perceived) and overbearing effects are considered. Based on the indicative information, the integration of the proposed dwelling into the changing ground levels with its bungalow appearance to the rear limit any impacts on the residential amenity of the neighbouring occupiers. However, the applicant must demonstrate in the reserved matters that the proposed dwelling will have a private garden, not invaded by upper-floor side-facing habitable room windows of the neighbouring dwellings to the east and west.

14.5.6 Overall, the reserved matters application would be necessary to ensure compliance with ULP Policies, and the NPPF.

14.6 D) Access and parking

14.6.1 Access is a reserved matter (see Application Form).

14.6.2 From a highway and transportation perspective, the Highway Authority raised **no objections** in principle in the interests of highway safety, as the development accords with the ECC Supplementary Guidance – DM Policies (Feb 2011) and policy GEN1. However, further assessment and details will be needed for the determination of a suitable and safe access for this proposal at the reserved matters stage.

14.6.3 Parking standards require 3 no. parking spaces for dwellings of 4+ bedrooms and 2 no. parking spaces for dwellings of 2-3 bedrooms. The indicative drawings show 2 no. parking spaces of appropriate dimensions. However, a less cramped layout would allow space for an appropriate turning area to avoid reversing into the public highway; layout is one of the reserved matters. Bedroom numbers include, indicatively, 3 no. bedrooms (including the study). The development, at the reserved matters, must meet the Uttlesford Residential Parking Standards (2013) and the Essex County Council Parking Standards (2009).

14.6.4 Overall, the reserved matters application would be necessary to ensure compliance with ULP Policies, and the NPPF.

14.7 E) Ecology

14.7.1 The Ecology Officer raised **no objections** subject to conditions to secure biodiversity mitigation and enhancement measures. The local planning authority has a statutory duty to take decisions with certainty on impacts on protected and priority species and habitats under s40 of the NERC Act 2006 and to prevent wildlife crime under s17 of the Crime and Disorder Act 1998. The conditions refer to action in accordance with the appraisal recommendations, a Biodiversity Compensation and Enhancement Strategy and lighting scheme. Therefore, notwithstanding the concerns of nearby residents, the development complies with paragraphs 43, 174(d), 180(a) of the NPPF.

14.7.2 Overall, the proposal is acceptable in nature conservation, ecological and biodiversity terms, and accords with ULP Policies GEN7, ENV8, and the NPPF.

14.8 F) Contamination

14.8.1 In terms of contamination, the Environmental Health Officer raised **no objections** subject to conditions to protect human health and the environment. The condition refers to potential land contamination.

14.8.2 Overall, the proposal is acceptable in contamination terms, and accords with ULP Policies ENV14, ENV12, ENV13, and the NPPF.

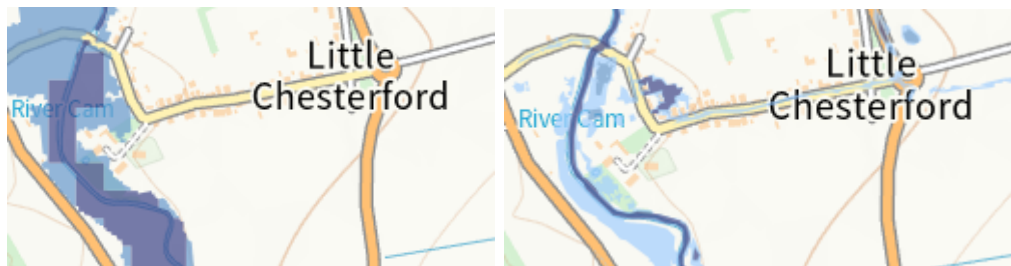
14.9 G) Archaeology

14.9.1 The Archaeology Officer raised **no objections** subject to conditions for an archaeological programme of trial trenching followed by open area excavation, to preserve in situ potential archaeological remains. The conditions refer to a written scheme of investigation, completion of the archaeological fieldwork, as well as a post excavation assessment, including analysis, a full site archive and a publication report.

14.9.2 Overall, the proposal is acceptable in archaeological terms, and complies with ULP Policy ENV4, and the NPPF.

14.10 H) Flood risk and drainage

14.10.1 The site falls within Flood Risk Zone 1, and as such, a Flood Risk Assessment (FRA) is not required and no material increase in flood risk is considered¹³. The following images show the extent of flooding from rivers and from surface water.



14.10.2 Overall, the proposal is acceptable in terms of flood protection, and accords with ULP Policy GEN3, and the NPPF.

14.11 I) Housing mix

14.11.1 Policy H10 is applicable on sites of 0.1ha and above or of 3 no. or more dwellings; the site is less than 0.1ha and for 1 no. dwelling, thus H10 is

¹³ Standing advice from, and contact information of, the Environment Agency can be found here: <https://www.gov.uk/guidance/flood-risk-assessment-local-planning-authorities>.

not relevant. Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. As such, notwithstanding policy H10 requiring smaller properties, more recent evidence in the UDC Strategic Housing Market Assessment points towards the need for a significant proportion of 3 and 4-bedroom market housing instead of 2 and 3-bedroom properties.

14.12 J) Other matters

14.12.1 Notwithstanding the issues that nearby residents raised about a potential miscalculation of the plot's area, this measurement does not play a direct role in decision-making, as the site and its surroundings were experienced first-hand by the case officer in his site visit, as well as by Members. In addition, the applicant provided evidence to the local planning authority for the ownership of the land¹⁴ and served the appropriate notices.

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

¹⁴ Response to Comments, p.2.

issues have been taken into account in the determination of this application.

16. CONCLUSION

16.1 In conclusion, the development is acceptable and complies with all relevant Local and Neighbourhood Plan policies, and the NPPF. In summary:

- The principle of the development is acceptable as an infill site.
- The appearance, scale, layout and landscaping details of the scheme are only indicative at this outline stage (reserved matters to be agreed in a subsequent application).
- The heritage impacts of the development are in-principle acceptable.
- The impact on the residential amenity for any neighbouring or prospective occupiers will be examined at the reserved matters application.
- The access is only indicative at this outline stage; highway safety implications will be examined at the reserved matters application.
- The development is acceptable in ecological terms.
- No contamination issues are raised by Environmental Health.
- The development does not increase flood risk on site or elsewhere.
- The potential archaeological implications of the development require planning conditions to secure an archaeological investigation programme.

17. CONDITIONS

17.1 The following conditions are necessary as per paragraph 56 of the NPPF:

1 Approval of the details of access, scale, layout, landscaping and appearance (hereafter called "the Reserved Matters") must be obtained from the Local Planning Authority in writing before development commences and the development must be carried out as approved.

REASON: In accordance with Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 Application for approval of the Reserved Matters must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3** The development hereby permitted must be begun no later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4** Prior to commencement of the development hereby approved, a schedule of the types and colours of the materials (including photographs) to be used in the external finishes shall be submitted to and approved in writing by the local planning authority. 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 the heritage assets, and to ensure the building is visually attractive, in accordance with the adopted Uttlesford Local Plan Policies S7, GEN2, ENV2, the Neighbourhood Plan, the Essex Design Guide, and the National Planning Policy Framework (2021).

- 5** 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.

REASON: To preserve in situ potential archaeological remains, in accordance with the adopted Uttlesford Local Plan Policy ENV4, and the National Planning Policy Framework (2021).

- 6** Prior to commencement of the development hereby approved, the programme of archaeological investigation identified in the Written Scheme of Investigation (WSI) shall be completed.

REASON: To preserve in situ potential archaeological remains, in accordance with the adopted Uttlesford Local Plan Policy ENV4, and the National Planning Policy Framework (2021).

- 7** Following completion of the archaeological investigation and within six (6) months from that completion, a post excavation assessment shall be submitted to the Local Planning Authority. The post excavation analysis shall be completed when a full site archive and report is deposited at the local museum and a publication report is submitted to the Local Planning Authority.

REASON: To preserve in situ potential archaeological remains, in accordance with the adopted Uttlesford Local Plan Policy ENV4, and the National Planning Policy Framework (2021).

- 8** Prior to any works above slab level, the renewable energy/climate control and water efficiency measures associated with the development shall be submitted to and approved in writing by the local planning authority. Thereafter, all measures shall be implemented as approved.

REASON: To ensure the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance to comply with the adopted Uttlesford Local Plan Policies ENV15 and GEN2, as well as Uttlesford District Council's Interim Climate Change Policy (2021) and the Uttlesford Climate Change Strategy 2021-2030.

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

The content of the Biodiversity Enhancement Strategy shall include the following:

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

Thereafter, the works shall be implemented 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), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species), s17 of the Crime and Disorder Act 1998, in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2021).

- 10** Prior to occupation of the development hereby approved, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the 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 bats using their territory.

Thereafter, all external lighting shall be installed in accordance with the specifications and locations set out in the scheme and shall be maintained in accordance with the scheme in perpetuity. 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), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, s17 of the Crime and Disorder Act 1998, in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2021).

- 11** Prior to occupation of the development hereby approved, an electric vehicle charging point shall be provided on site for the dwelling. Thereafter, the charging point shall be fully wired and connected, ready to use and shall be maintained as such in perpetuity.

REASON: To encourage the use of electric vehicles for better air quality, in accordance with paragraph 107 of the National Planning Policy Framework (2021).

- 12** 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 and work must be halted on the part of the site affected by the unexpected contamination. Any land contamination identified, shall be remediated to the satisfaction of the local planning authority 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 the adopted Uttlesford Local Plan Policies GEN2, ENV14, and the National Planning Policy Framework (2021).

- 13** All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Survey and Assessment (Essex Mammal Surveys, March 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. The enhancement measures and/or works shall be carried out strictly in accordance with the approved details and shall be maintained as such in perpetuity.

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), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, s17 of the Crime and Disorder Act 1998, in accordance with the adopted

Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2021).

- 14** 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.

REASON: To ensure compliance with the adopted Uttlesford Local Plan Policy GEN2, and the adopted Supplementary Planning Document 'Accessible Homes and Playspace'.