



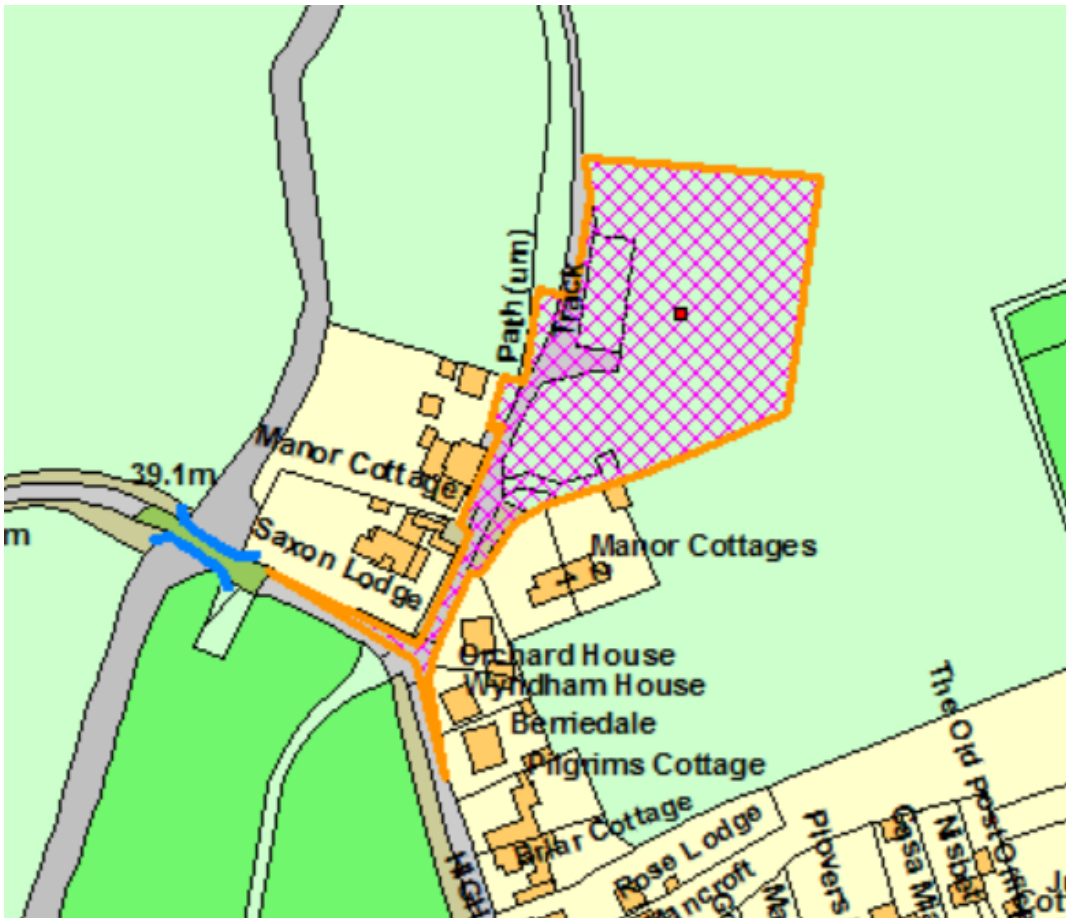
ITEM NUMBER: 11

PLANNING COMMITTEE DATE: 21 August 2024

REFERENCE NUMBER: UTT/24/0834/FUL

LOCATION: Land At The Stackyard, High Street, Little Chesterford, Essex

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 5 August 2024

PROPOSAL: Construction of five dwellings, cartlodges/garages and outbuildings, open green space, access works, associated works and infrastructure.

APPLICANT: Mr P Gilbey, Logan Homes Limited

AGENT: Mr Edward Clarke, Cheffins

EXPIRY DATE: 30.05.2024

EOT EXPIRY DATE: 30.08.2024

CASE OFFICER: Genna Henry

NOTATION:

- Outside development limits
- Adjacent to Archaeological Site
- Adjacent to Public Right of Way
- Tree Preservation Order

REASON THIS APPLICATION IS ON THE AGENDA: Cllr Call-in.

1. EXECUTIVE SUMMARY

- 1.1** Full planning permission is sought by the applicant Logan Homes Ltd for the construction of 5no. dwellings, along with cart lodges, outbuildings and associated access works.
- 1.2** The application site has recent planning history as the site was granted outline permission for the erection of 3no. residential units (ref UTT/21/3751/OP), although matters such as appearance, scale and layout were reserved for later determination.
- 1.3** In light of this, the principle of development the site for residential development has thereby already been established and when one applies the 'planning balance' as required by para. 11 of the (2023), it is concluded that the proposed benefits of the scheme would outweigh the minor identified harm.
- 1.4** It is acknowledged that this revised scheme results in a net increase of 2no. compared with the extant outline consent, however, Officers are of

the view that the proposal has been designed in such a way that is akin to the approved scheme.

- 1.5 Overall, the proposals accord with the relevant local and national planning policies and the scheme results in a positive and sustainable form of development that is of planning merit.

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) Conditions

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The application site is located off a track leading from the High Street on the north-western edge of the village of Little Chesterford. The site is approximately 0.53 of a hectare in site is relatively level and free of any established built form.
- 3.2 The site forms part of a large agricultural holding where once agricultural buildings stood. All that remains is evidence of the old agricultural buildings which have since been removed and a large hard standing area. The site also includes an area of open grassland with some mature trees located along its boundaries.
- 3.3 The site is surrounded by residential properties to the west and south whilst large agricultural fields are located to the north. The existing access track from the High Street also provides access to three existing residential properties known as Manor Cottage and a pair of semis called Manor Cottages.
- 3.4 A public footpath abuts the site's western boundary linking the village of little Chesterford to Great Chesterford with is approximately 1km to the north of the site.
- 3.5 The site is crossed by a power line, running east-west.

4. **PROPOSAL**

- 4.1 The proposed development is submitted as a fully detailed application. The applicant is seeking permission to develop the site with 5 new dwelling houses.
- 4.2 The proposal is similar to the outline application granted under ref. UTT/21/3751/OP, in terms of layout, but differs in that an additional 2no. dwellings are proposed.

4.3 A variety of house types are proposed with either attached cartlodges/garages or detached versions.

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**

Reference	Proposal	Decision
UTT/21/3751/OP	Outline application with all matters reserved except access for 3 no. dwellings and open green space, a defined and surfaced drive-and-turning area providing vehicular access to the garage to Manor Cottages and a suitably surfaced pedestrian route leading to the front garden gates of these properties	Approved
UTT/23/2445/DOC	Application to discharge conditions 4 (contamination), 6 (written scheme of investigation) ,7 (archaeological evaluation and 8 (post-evacuation assessment) attached to UTT/21/3751/OP	Part discharged

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

7.1 No pre-application has been sought.

8. **SUMMARY OF STATUTORY CONSULTEE RESPONSES**

8.1 Highway Authority

8.1.1 No comment received.

9. **PARISH COUNCIL COMMENTS**

9.1 No comment received.

10. CONSULTEE RESPONSES

10.1 UDC Urban Design

Initial comments sought changes to the overall layout and some of the house types.

10.1.1 Updated comments – no objection raised.

10.2 UDC Environmental Health

Contamination: An intrusive investigation has been carried out and the results of the soil investigation indicate plausible risks to future site users and construction users from exposure to contaminated shallow soils.

10.2.1 A detailed Phase 3 remediation scheme and subsequent validation report shall be submitted for approval by the LPA. These could be managed by a suitably worded planning condition.

10.2.2 Noise: The Environmental Health Officer were satisfied with the Noise Assessment submitted. The suggested condition required compliance with the submitted noise assessment.

10.2.3 Informatives were suggested with regard to construction advice and contaminated land.

10.3 UDC Landscape Officer/Arborist

10.3.1 No comment received.

10.4 Place Services (Conservation and Heritage)

10.4.1 No designated or non-designated heritage assets located within the site or within close proximity. No comment or objection raised.

10.5 Place Services (Ecology)

10.5.1 No objection subject to mitigation and biodiversity conditions.

10.6 Place Services (Archaeology)

10.6.1 No comment received.

11. REPRESENTATIONS

11.1 A site notice was displayed on site and 14 notification letters were sent to nearby properties. The application was also advertised by way of press notice.

11.2 Support

11.2.1 No comments of support.

11.3 Object

- 11.3.1**
- 5no. dwellings are excessive at the site, intrusive and ignores the marginal nature of the site given the narrow access way which is shared with a heavily used footpath;
 - Two extra houses will increase regular traffic to the site which require additional parking spaces. Concerns with highway/pedestrian safety;
 - Access to the site is limited to one vehicle at a time;
 - Original plans provided a deliberately low profile with sight gaps between units, revised plans increase overcrowd and higher profile. Additional impact to existing neighbouring properties;
 - Limited views across the fields and open land;
 - The largest unit to be finished in red brick whilst a rendered finish would be more in keeping with the village and area;
 - Concerns with surface water drainage resulting from hard surfaces at site and proposed roadway;
 - No consideration has been given to prevent the parking of many people who use hardstanding to park cars at site, walk dogs in this area, or provide access to activities in the village;
 - Concerns with the Oak Tree;
 - Nesting of long standing family of little owls and efforts should be made to relocate the nest site.

11.4 Comment

- 11.4.1** The assessment of the application responds to these comments.

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 The Development Plan

- 12.3.1** 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 February 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 (2023)

13.2 Uttlesford District Local Plan 2005

13.2.1	S7	The Countryside
	GEN1	Access
	GEN2	Design
	GEN3	Flood Protection
	GEN4	Good Neighbourliness
	GEN5	Light Pollution
	GEN6	Infrastructure Provision
	GEN7	Nature Conservation
	GEN8	Vehicle Parking Standards
	H10	Housing Mix
	ENV4	Ancient Monuments and Sites of Archaeological Importance
	ENV5	Protection of Agricultural Land
	ENV8	Other landscape elements of importance for nature conservation.
	ENV10	Noise Sensitive Development
	ENV13	Exposure to Poor Air Quality
	ENV14	Contaminated land

13.3 Great Chesterford and Little Chesterford Neighbourhood Plan (2023)

- 13.3.1** Policy GLCNP/1 – Overall Spatial Strategy
- Policy GLCNP/2 – Settlement Pattern and Separation
- Policy GLCNP/3 – Getting Around
- Policy GLCNP/4a – Landscape Character
- Policy GLCNP/4b Locally Important Views
- Policy GLCNP/9 – Housing

13.4 Supplementary Planning Document or Guidance

Uttlesford Local Residential Parking Standards (2013)
Essex County Council Parking Standards (2009)
Supplementary Planning Document – Accessible homes and playspace
Supplementary Planning Document – Developer’s contributions
Essex Design Guide
Uttlesford Interim Climate Change Policy (2021)
Uttlesford District Council: District-Wide Design Code (June 2024)

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2**
- A) Principle of development**
 - B) Suitability and Location**
 - C) Countryside Impact**
 - D) Design, Character and Layout**
 - E) Landscaping, Arboriculture and Nature Conservation**
 - F) Residential and Neighbouring Amenity**
 - G) Vehicle Access, Parking and Highway Safety**
 - H) Environmental Health and Contamination**
 - I) Flooding and Surface Water Drainage**
 - J) Other Matters**

14.3 A) Principle of development

14.3.1 The application site is located outside the development limits of any defined villages or towns within the district and thereby is designated as being in the open countryside whereby policy S7 applies.

14.3.2 It is acknowledged that ULP (2005) Policy S7 is not fully consistent with the NPPF (2023), in that protecting the countryside for its own sake is more restrictive than the Framework. Although, the LPA considers that aspects of Policy S7 are still appropriate in the determination of applications outside the development limits within the countryside.

14.3.3 Thus, where Policy S7 stipulates that ‘development will be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there is special reason why the development in the form proposed needs to be there’ the LPA deems this criteria still relevant for assessing applications outside development limits. Furthermore, the Planning Inspector states in recent appeal examples (e.g. ref. APP/C1570/W/20/3251991) that with regard to Policy S7 significant weight should be afforded to this policy when considering proposals in the countryside.

14.3.4 As it was previously established that the principle of residential development was acceptable, in the extant permission granted under ref. UTT/21/3751/OP, the principle in favour of residential development has

effectively therefore been established. No policies have significantly changed since the previous outline consent was granted to warrant a refusal for the current application.

14.3.5 In the previous application it was concluded that the Neighbourhood Plan and the policies contained within should be given full material weight in the titled balance and decision making. This approach will be adopted within the context of this current application.

14.3.6 Notwithstanding the 'titled balance' considerations, the 'planning balance' will be undertaken further below, but before doing so a wider assessment of the proposal against all relevant considerations to determine if there are impacts. It will then be necessary to establish if these impacts are adverse and whether these would 'significantly and demonstrably' outweigh the benefits of the proposal in the planning balance.

14.4 B) Suitability and Location

14.4.1 Little Chesterford is identified within the Adopted Local Plan settlement hierarchy as being "Other Village" that is located on the main transport link between the towns of Saffron Walden and Great Chesterford and is identified as having limited amenities and services.

14.4.2 It is recognised that the proposed development would be located within a small enclave of residential dwellings and as such the site and the proposals would not be physically isolated. However, this does not mean that it will be sustainable in terms of access to shops, services, community facilities and transport choices other than the private car, or that it should be approved.

14.4.3 It is acknowledged that there is very little in the way of services within the village, however, the village of Great Chesterford does include some basic amenities and facilities in which future occupants can rely upon. These include a primary school, public houses, some local shops, train station, religious and community buildings and recreation areas. This village is only located 1km north of the application site.

14.4.4 A public footpath links the site to the centre of the village of Great Chesterford. Furthermore, bus stops are located approximately 300m west of the site along the B1383 that provides a bus service to Great Chesterford, including the train station and the town of Saffron Walden where much larger amenities and services can be found. As such it is considered that there are other means of access to facilities such as walking, cycling and public transport links without the over reliance on private motor vehicles.

14.4.5 In summary, although not completely ideal due to the lack of facilities within the village of Little Chesterford, the proposed development would on balance be a suitable location for housing having regard to the accessibility of services and facilities. Therefore, it would accord with

Policy GEN1 of the Local Plan amongst other things, requires development to encourage movement by other means other than a private car.

14.5 C) Countryside Impact

14.5.1 Although Little Chesterford is regarded as being a village within the settlement hierarchy as confirmed by the Uttlesford District Local Plan as adopted (2005) it does not however have a defined settlement boundary and thus the whole of the village is technically located within the countryside.

14.5.2 The NPPF states that planning decisions should contribute to and enhance the natural environment by recognising the intrinsic character and beauty of the countryside (para. 180(b)).

14.5.3 Landscape Character is defined as 'A distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse.'¹ The landscape character is that which makes an area unique.

14.5.4 As noted above, a residential scheme of 3no. units has been approved last year under ref UTT/21/3751/OP. The current scheme seeks permission for two additional residential unit as part of the revised scheme. A number of comments have mentioned that the proposal would amount to overdevelopment of the site and is excessive given the net increase of two units from the extant permission. The comments are noted, but as previously assessed the site will optimise the use of underutilised parcel of land whilst at the same time taking careful consideration to its locality.

14.5.5 Since the submission of the initial set of plans, officers have worked with the agent/applicant to improve the overall design and layout of the scheme to ultimately consider the impacts to countryside. The specifics of the design of the dwellings will be discussed further below, however, it is acknowledged that there are also key differences in the scale of the dwellings compared to the residential development approved in the outline permission. The three dwellings granted under UTT/21/3751/OP were shown on the proposed site plan to be 1.5 storeys and, therefore, adopting a low level and low density development. Whereas the current proposal are all two storey dwellings.

14.5.6 In addition, there is also potential for the development to have a greater impact to the countryside setting due to the increased number of units i.e. increase in housing density from 5.7dph to 9.4dph. While the housing density of the proposal has evidently increased, the broad layout of the current application is not too dissimilar to the extant permission.

¹ The Countryside Commission and Scottish Natural Heritage (2002) Landscape Character Assessment: Guidance for England and Scotland (CAX 84), the Countryside Commission and Scottish Natural Heritage, April 2002.

Furthermore, the location of the site is tucked behind the High Street and, thus, it is considered that the overall design concept still accounts for the wider natural, historic and built environment.

- 14.5.7** It is acknowledged that there are open views over the existing countryside from the north, along the Public Right of Way (PROW), and further beyond. In outlying views from the countryside towards the site, are many cases interrupted by buildings and vegetation that are located on the boundaries and adjacent to the site. The visual envelope i.e. the area from which the site can be seen is relatively modest due to the position of the built form to the rear of the site and setback off the High Street.
- 14.5.8** As a result, the proposal therefore still retains a loose knit character and spacious layout through the sensitive spacious layout designed with significant areas of soft landscaping interspersed on the perimeter of the site. Although, by reason of the increased housing density at the site, the revised scheme is not as loose a development as it was originally indicated on the indicative masterplan on the extant outline permission².
- 14.5.9** However, given the nature of the site and its location, and due to the layout of the development being broadly similar to the extant permission, it is considered that overall the development would have a similar impact to the approved development. Furthermore, it is not considered that proposal would negatively harm the Important Views or the Locally Important Views, as set out in Policies GLCNP/4a and GLCNP/4b of the Great Chesterford and Little Chesterford Neighbourhood Plan (2023).
- 14.5.10** The vast areas of landscaping proposed will help maintain a green collar that presents visual relief to the development and alters views into the application site from public vantage points. The site will remain relatively low density and allows for visual separation and a buffer zone between the existing developments to the south of the site and will not appear prominent in the local area and the effect of the local landscape.
- 14.5.11** It is considered that the proposed layout will preserve and enhance the existing boundaries through the retention of the existing trees and hedgerows along all boundaries and the site plans and the landscaping plans indicate extensive soft landscaping around the perimeter of the site.
- 14.5.12** However, it is noted from the hard landscaping plan that the fencing proposed is a mixture timber posts & 3 rail fence with meshing and close board timber fencing posts at 1.8 metres. The hard landscaping proposed around the perimeter of the site would be a low level timber posts and 3 rail fence within meshing between top and bottom rails to ensure the gardens are fully enclosed at the rear. Although a 1.8m timber fencing would be proposed between the properties but this would be reduced down to 2m to link with the post and rail boundary fencing. This approach to hard landscaping is welcomed as this would reduce the visual impact

² UTT/21/3751/OP

from the countryside setting from the north. Thus, it is held that the applications site's boundaries will, therefore, provide substantive containment and concealment of the application site and help reduce the prominence of any built form its immediate boundaries.

14.5.13 In outlying views from the countryside towards the site, the proposed development would form part of the backdrop of the existing buildings and the settlement of Little Chesterford resulting in only low to medium level of visual effect. The landscape and visual implications of this proposed development are still regarded to have a low level and modest nature for a development of such as this.

14.5.14 The development would have limited visual influence on the surroundings and that the appearance of the settlement in the semi-rural landscape context would not be notably altered or harmed. The new built form would be partly screened and contained within the established structure and fabric of the settlement when seen from outlying countryside locations. The development would not be prominent or discordant element and would appear as an unobtrusive addition to the settlement set behind the established boundary treatments and adjacent to existing properties.

14.5.15 In light of the above, it is considered the proposal complies with ULP Policies S7, paragraph 135 of the NPPF (2023) and Policies GLCNP/4a and GLCNP/4b of the Great Chesterford and Little Chesterford Neighbourhood Plan (2023).

14.6 D) Design, Character and Layout

14.6.1 In terms of design policy, good design is central to the objectives of both National and Local Planning Policies. The NPPF (2023) requires policies to plan positively for the achievement of high quality and inclusive design for the wider area and development schemes. Section 12 of the NPPF highlights that the Government attaches great importance to the design of the built development, adding at para. 131 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve'. These criteria are reflected in Policy GEN2 of the adopted Local Plan. In addition at para. 135 it also states that planning decisions should ensure developments 'function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development'.

14.6.2 Design

14.6.3 As noted above, the current plans have been revised and officers have liaised with the applicant/agent to bring about a better design and layout of the scheme. Of particular concern, was plot 3 which was previously of an urban character which stood proud within the northern parcel as a large detached property. Since discussions, the applicant has revised the plans and made revisions to the plot 3 so that it reflects a more traditional rural

vernacular. The dwelling would be finished in natural slate roof tiles, rendered walls with lower brickwork at the base.

14.6.4 Plots 1 and 2 have also been revised to reduce the bulk and massing at first floor level and so these dwellings are now 1.5 storeys. The dwellings are effectively 2 storey, but has been sensitively designed to account for the massing and the prominent position of these plots along the western boundary of the site. Between the two plots are the attached cartlodge spaces which are now sensitively designed into the design of the dwellings. These dwellings would be finished red clay pan roof tiles, matt black stained boarding on the walls.

14.6.5 Plots 4 & 5 which would be situated along the eastern boundary, remain unchanged from original plans submitted. These properties would be two storey properties and are in character with the rural setting. The dwellings would be rendered with painted black brickwork on the lower levels. The roof would be finished in natural slate finish.

14.6.6 Layout

14.6.7 In terms of layout, the cartlodges for plots 1 & 2 have been designed into plots. Plots 3, and 4 & 5 have separate cartlodges which are of a sensitive design and would appear subservient within the development.

14.6.8 The applicants Design & Access Statement mentions at para. 5.8 states that 'The Farmstead' design is one of enclosure and inward facing development centred around its traditional 'yard' zone for connection, access and parking. Low level walls, picket fencing and comprehensive and considered hard and soft landscaping shall create a most interesting and attractive composition within the site, whilst outwardly its massing discreet and partially screened by hedging and trees to its boundaries'.

14.6.9 To further demonstrate this point, the section plans have been submitted to demonstrate the visual impact of the site. Also, as stated above, the layout still retains a loose and spacious character and the layout has been designed with significant areas of soft landscaping interspersed on the perimeter of the site and limited hard landscaping would be around the site boundary.

14.6.10 While the development does represent an increase in the quantum of development, compared to the extant permission, Officers are of the view that the layout of the development is broadly in keeping with the indicative layout of the approved outline consent. Therefore, the visual impact to the countryside and the nearby residents along the southern boundary is not considered to amount to significant visual harm. Rather, the landscaping proposed would compliment the development and provide a degree of screening around the site boundary and a landscape buffer to the south.

14.6.11 For these reasons, it is considered the proposed layout will preserve and enhance the existing boundaries but also makes a positive contribution to

the immediate locality and the rural countryside setting. Furthermore, the variety in the house types proposed along with the varied materials add an element of visual interest to the site.

14.6.12 Therefore, the proposal is considered to comply with Uttlesford Local Plan Policies GEN2 and the NPPF (2023).

14.7 E) Landscaping, Arboriculture and Nature Conservation

14.7.1 Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for development outweighs the importance of the feature of nature conservation. Where the site includes protected species measures to mitigate and/or compensate for the potential impacts of development must be secured.

14.7.2 ECC Ecology have been consulted on the application and have made no objections to the proposals, but requested a number of conditions relating to biodiversity mitigation and enhancement measures.

14.7.3 The UDC Landscaping Officer has not commented on the landscaping plans provided and, therefore, there are no objections to the application hard and soft landscaping schemes.

14.7.4 It is clear that site also includes a TPO tree towards the southern boundary and, therefore, works will need to ensure that the TPO is protected. The landscaping plans indicate the TPO tree will be retained and, thus, a condition will be added to ensure compliance with the landscaping plans.

14.7.5 In light of the above, it is not considered that the proposal would have material detrimental impact in respect of protected species/habitats or landscaping provided relevant conditions are complied with. Thus, the proposal accords with ULP Policy GEN7 and the NPPF (2023).

14.8 F) Residential and Neighbouring Amenity

14.8.1 At para. 135(f) of the NPPF (2023) requires a good standard of amenity for existing and future occupiers of land and buildings. ULP Policies GEN2 and GEN4 of the Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

14.8.2 The site is well distanced from neighbouring properties adjoining the site and it is not anticipated that the proposed development would give rise to any unacceptable impact on the amenities enjoyed of these neighbouring properties in relation to privacy, loss of light or visual blight. A 1.8m timber fence along the vegetation is proposed to subdivide the new dwellings which will help to provide privacy between the proposed plots.

14.8.3 In terms of private amenity space of the proposed dwellings and the internal floor areas of the dwellings, it is considered the future occupants would have sufficient internal space and external space and in accordance with the Nationally Described Space Standards (2015) and the Essex Design Guide.

14.9 G) Vehicle Access, Parking and Highway Safety

14.9.1 ECC Highways has been consulted but not commented on the application. However, for the number of bedrooms, driveway provisions and cartlodes, there are sufficient parking provisions on site. Therefore, the development meets the Uttlesford Residential Parking Standards (2013) and the Essex County Council Parking Standards (2009).

14.9.2 Comments have been received regarding highway and pedestrian safety, although, no objections have been raised by the Highway Authority.

14.9.3 In the event, the application would be recommended for approval, the highways/access conditions that were applied to the approved outline consent could be re-added where appropriate.

14.10 H) Environmental Health and Contamination

14.10.1 The Environmental Health Officer has commented on the application and with regards to land contamination, a remediation scheme and validation report was requested which could be secured by way of an appropriately worded planning condition.

14.10.2 Similarly with regards to noise implications, the Environmental Health Officer was satisfied with the Acoustic report submitted and that the mitigation measures proposed would ensure the internal noise environmental is acceptable and not adversely affected by the external noise sources. Thus, it was also suggested that the proposed noise mitigation measures were secured by planning condition, which Officers view this to be appropriate.

14.11 I) Flooding and Surface Water Drainage

14.11.1 The NPPF (2023) states that inappropriate development in areas of high risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

14.11.2 A check of the Environment Agency's website and the Council's policy maps has identified the site as being located in Flood Risk Zone 1. The Framework indicates that all development are appropriate in this zone and hence there is no requirement for sequential or exception testing. It is not expected that the proposals would lead to significant harm to increase flood risk of both the application site and the surrounding area and thereby complies with Policy GEN3 of the adopted Local Plan.

14.11.3 Notwithstanding the above, a comment has been raised due to the increase in hardstanding and potential for the development to increase flooding resulting from poor surface water run-off. In the event the application is recommended for approval, details of surface water drainage could be secured by planning condition.

14.12 J) Other Issues

14.12.1 The Council's supplementary planning document 'Uttlesford Interim Climate Change Policy (2021)' seeks new development proposals to demonstrate the optimum use of energy conservation and incorporate energy conservation and efficiency measures.

14.12.2 The approved outline application added conditions to ensure that the development adopted renewable energy/water efficiency measures were implemented where appropriate. It would be prudent to add such conditions, if the application were recommended for approval.

14.12.3 ECC Archaeology have not commented on this application, however, archaeology conditions were added to the previous outline application and, again, it would be prudent to add such conditions given the archaeological sensitivities to the north of the site.

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 Planning Balance

16.1.1 Uttlesford District Council cannot demonstrate a 5-Year Housing Land Supply (5YHLS) and, as a result, it is necessary to include a 20% buffer. Thus, the presumption in favour of sustainable development is engaged. Also, the Local Planning Authority's Development Plan cannot be viewed as being up to date; an additional reason why para. 11(d) of the NPPF is engaged.

16.1.2 The NPPF (2023) updates requires Planning Authorities to consider the new Housing Delivery Test (HDT), which accounts for housing completions and correlates to the 5YHLS. With the new HDT applied the Council's housing figures are approximately 4.1 years and it could be argued that the Council's current position demonstrates there is not a significant shortfall housing provision. Notwithstanding the above, the provision of 5no. residential units is a modest contribution to the Council's Housing Land Supply, although admittedly, there is still an undersupply of housing at present.

16.1.3 The amount of weight to be given to the development plan policies is a matter of planning judgement for the decision maker. With regards to the Planning Balance of paragraph 11(d)(ii) of the NPPF (2023) tilts in favour of development, as the benefits include, some of which are provided by the applicant to support the case:

16.1.4 *Benefits*

- Contribution to the Council's 5 Year Housing Land Supply with 5no. residential units would provide a modest boost to the to the districts housing supply i.e. market housing;
- The development would also provide social, economic benefits in terms of the construction of the dwellings and investment in the local economy;
- Utilise sustainably located land, well related to Little Chesterford and form a natural extension to the village
- The development will enhance the existing accesses both into and within the site;
- Provide attractive open green spaces as required by the Neighbourhood Plan.

16.1.5 *Adverse impacts of the development*

- The proposal would result in a low impact on the character and appearance of the area and the openness of the countryside.
- Increase in residential units and associated activities, which has been sensitively designed within the plot.

16.1.6 Officers' might not necessarily consider all the applicants points to further tilt the balance in favour of sustainable development, as some of the points raised in the planning statement are a matter of compliance with planning policy. Nonetheless, Officers are of the view that due to the limited adverse impacts of the proposal, these do not 'significantly or demonstrably' outweigh the benefits of the proposed development. For these reasons, and in accordance with para. 11(d) and 14(a) of the NPPF (2023), the application is hereby recommended for approval.

17. CONDITIONS

17.1 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 external finishing materials of the development hereby approved shall be constructed in accordance with the details indicated on Drawing No's. 24/10/07, 24/10/09 rev A, 24/10/10 rev A, 24/10/12 rev A, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interest of preserving the character and appearance of the surrounding area in accordance with Policy GEN2 of the Uttlesford District Local Plan 2005 (as Adopted) and the National Planning Policy Frameworks.

4 The hard and soft landscaping details of the development hereby approved shall be implemented in accordance with the details indicated on Drawing No. 24/10/04 rev C, 24/10/04, CHEF 599/7-003 rev P02,

CHEF 599/7-004 rev P02, CHEF 599/7-002 rev P02 unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the character and openness of the countryside location, to protect trees and hedges to be retained (including TPO trees) and avoid unnecessary damage to their rooting systems, as well as to ensure no loss of amenity for the neighbouring occupiers and the occupants of the dwelling hereby approved, in accordance with the adopted Uttlesford Local Plan Policies S7, GEN2, GEN4, the Essex Design Guide, and the National Planning Policy Framework (2023).

- 5** Prior to commencement of development hereby approved, a detailed surface water drainage strategy 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 limited to:

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm event up to and including the 1 in 100 year plus 40% climate change event.
- A 10% allowance should be provided in storage calculation for urban creep
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculation for all area of the drainage system
- 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 route, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting and minor changes to the 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 environment harm which may be caused to the local water environment in accordance with Policy GEN3 of the Adopted Local Plan and the National Planning Policy Framework (2023).

- 6** 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 has been

submitted to, and approved by the Local Planning authority. The scheme shall subsequently be implemented as approved.

REASON: The National Planning Policy Framework (2023) state that Local Planning Authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

- 7 Prior to the 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 has been submitted to and agreed in writing by the Local Planning Authority.

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 in accordance with Policy GEN3 of the Adopted Local Plan and the National Planning Policy Framework (2023).

- 8 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 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 in accordance with Policy GEN3 of the Adopted Local Plan and the National Planning Policy Framework (2023).

- 9 During construction works and until completion of the development hereby approved, nuisances shall be avoided as per the following compliance measures:

- a. No waste materials should be burnt on the site, instead they should be removed by licensed waste contractors.
- b. No dust emissions should leave the boundary of the site.
- c. Noisy activities shall be located away from the periphery of the site.
- d. Hours of works: works should only be undertaken between 0800 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays
- e. The developer shall comply with the Uttlesford Environmental Code of Development Practice at all times which sets out expectations of developers please see

[https://www.uttlesford.gov.uk/media/1228/Environmental-Code-of-Development-Practice/pdf/Environmental Code of Development Practice May2011](https://www.uttlesford.gov.uk/media/1228/Environmental-Code-of-Development-Practice/pdf/Environmental%20Code%20of%20Development%20Practice%20May2011)

REASON: To safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies GEN2, GEN4, and the National Planning Policy Framework (2023).

- 10 No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the developer and approved in writing by the Local Planning Authority. The approved works shall thereafter be carried out in accordance with the approved scheme.

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 (2023).

- 11 No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the Written Scheme of Investigation defined in condition 6 and confirmed by the Local Planning Authority.

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 2023).

- 12 A post-excavation assessment shall be submitted in writing to the Local Planning Authority (to be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance with the Local Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

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 (2023).

- 13 Prior to commencement of the development hereby approved, details of 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 approved measures shall be implemented prior to the occupation of the development and thereafter retained unless otherwise agreed in writing by the local planning authority.

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 ENV13 and GEN2, as well as Uttlesford District Council's Interim Climate Change Policy document (2021) and the Uttlesford Climate Change Strategy 2021-2030.

- 14** A detailed Phase 3 remediation scheme shall be submitted for approval in writing by the Local Planning Authority. This scheme shall detail measures to be taken to mitigate any risks to human health, groundwater, and the wider environment. Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied.

The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority.

Any such validation should include responses to any unexpected contamination discovered during works.

REASON: To ensure that the proposed development does not cause harm to human health, the water environment and other receptors in accordance with the adopted Uttlesford Local Plan (2005) Policies GEN2, ENV12, ENV14, and the National Planning Policy Framework (2023).

- 15** If during any site investigation, excavation, engineering, or construction works evidence of land contamination is identified, works shall cease and it must be reported in writing immediately to the Local Planning Authority. The contamination shall be investigated by a competent person in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and The Environment Agency Land Contamination Risk Management (LCRM) and other current guidance deemed authoritative for the purposes, to the satisfaction of the Local Planning Authority, to ensure that the site is made suitable for its end use.

Where remediation is necessary, a remediation scheme must be prepared and submitted for the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and approved in writing by the Local Planning Authority.

No part of the development should be occupied until all remedial and verification works are approved in writing.

REASON: To ensure that the proposed development does not cause harm to human health, the water environment and other receptors in accordance with the adopted Uttlesford Local Plan (2005) Policies GEN2, ENV12, ENV14, and the National Planning Policy Framework (2023).

- 16** Prior to commencement of development hereby approved, details of a scheme of noise mitigation measures in full compliance with all recommendations of the submitted acoustic report (by H&H Acoustic Technologies, dated: 4th March 2024 ref. HHAT/Q20399/R01/IRF) shall

be submitted to and approved in writing by the Local Planning Authority.

Thereafter, all approved noise mitigation measures shall be implemented prior to the occupation of the development and thereafter retained unless otherwise agreed in writing by the local planning authority.

REASON: To protect human health and ensure the future occupiers enjoy a good acoustic environment, in accordance with the adopted Uttlesford Local Plan Policy ENV10, and the National Planning Policy Framework (2023).

- 17** All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Survey and Assessment (Samsara Ecology, project no. 362, version 1, March 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. Thereafter, the appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

The enhancement measures and/or works shall be carried out strictly in accordance with the approved details and shall be maintained as such thereafter.

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 & Countryside Act 1981 (as amended) and s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (as amended) and in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2023).

- 18** The Arboricultural details of the development hereby approved shall be implemented in accordance with the details indicated on plan no. 10868-D-AIA and the 'Tree Survey and Arboricultural Impact Assessment (prepared by Hayden's Arboricultural Consultants, dated 28/03/2024) unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the character and openness of the countryside location, to protect trees and hedges to be retained (including TPO trees) and avoid unnecessary damage to their rooting systems, as well as to ensure no loss of amenity for the neighbouring occupiers and the occupants of the dwelling hereby approved, in accordance with the adopted Uttlesford Local Plan Policies S7, GEN2, GEN4, the Essex Design Guide, and the National Planning Policy Framework (2023).

19 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Class A, B, C, D, E or F of the Order shall take place on the site without the prior written permission of the Local Planning Authority.

REASON: To prevent harm to the Countryside in accordance with Policy S7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework 2023) in the interest of visual amenity.