

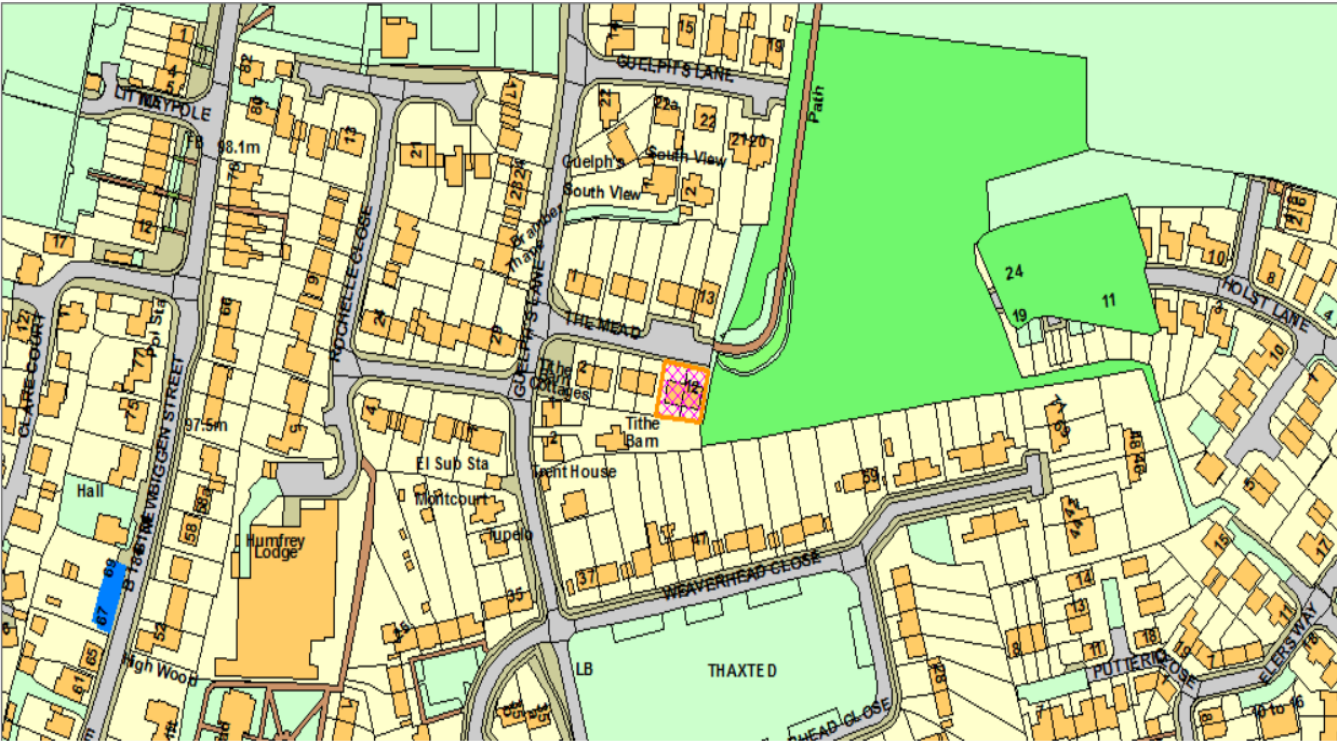
Agenda Item Number:

REFERENCE NUMBER: UTT/21/1850/OP

LOCATION: 10 AND 12 THE MEAD

THAXTED CM6 2PU

SITE LOCATION PLAN:



PROPOSAL: Outline application with all matters reserved for the demolition of a pair of defective bungalows and the erection of 1 no. bungalow together with new vehicular parking and associated external works

LOCATION: 10 And 12 The Mead Thaxted CM6 2PU

APPLICANT: Mr P Lock

AGENT: The Design Partnership (Ely) Ltd

EXPIRY DATE: 17th December 2021 (Extension of Time Agreed)

CASE OFFICER: William Allwood

1. RECOMMENDATION: APPROVE, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) Approval of the details of layout, scale, appearance, and landscaping (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall 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.

- 5) Prior to the first occupation of the development the access arrangements and vehicle parking as indicated on DWG no. UDC-916-P01 (dated, 03-02-2021) shall be provided. The access and parking area shall be retained in perpetuity for their intended purpose.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the adopted Uttlesford Local Plan 2005 and the National Planning Policy Framework 2021.

- 6) Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and always retained.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).⁷⁾ Vehicle parking shall be in accordance with the EPOA Parking Standards and as shown in principle in drawing number 5390/03/A.

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

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 8) Prior to any works on site, a full Ecological Survey and Assessment shall be agreed in writing with the local planning authority. 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. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details

REASON: To conserve and enhance Protected and Priority species and allow the LPA 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 NERC Act 2006 (Priority habitats & species), in accordance with the provisions of Policy GEN7 of the adopted Uttlesford Local Plan 2005, Policies NE1 and NE4 of the Made Thaxted Neighbourhood Plan 2019, and the National Planning Policy Framework 2021.

- 9) Concurrent with the Reserved Matters submission, Biodiversity, with reference to the mitigation outlined within the Ecological Survey and Assessment, shall be submitted to and approved in writing by the local planning authority. This should include the protection of adjacent habitats during construction; implementation of pollution prevention measures; retention of existing boundary features and semi-mature/mature trees; best practice for lighting, trenching, materials and waste management during the construction phase. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

REASON: To conserve Protected and Priority species and allow the LPA 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 NERC Act 2006 (Priority habitats & species), in accordance with the provisions of Policy GEN7 of the adopted Uttlesford Local Plan 2005, Policies NE1 and NE4 of the Made Thaxted Neighbourhood Plan 2019, and the National Planning Policy Framework 2021.

- 10) Concurrent with the Reserved Matters submission, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Survey and Assessment (Essex Mammal Surveys, February 2020), shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

REASON: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species), in accordance with the provisions of Policy GEN7 of the adopted Uttlesford Local Plan 2005, Policies NE1 and NE4 of the Made Thaxted Neighbourhood Plan 2019, and the National Planning Policy Framework 2021.

- 11) Concurrent with the Reserved Matters submission, 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 technical specification) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To allow the LPA 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 NERC Act 2006 (Priority habitats & species), in accordance with the provisions of Policy GEN7 of the adopted Uttlesford Local Plan 2005, Policies NE1 and NE4 of the Made Thaxted Neighbourhood Plan 2019, and the National Planning Policy Framework 2021.

- 12) In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with Land contamination risk management published by the Environment Agency. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures, a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

REASON: In the interests of safety, residential amenity, and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 13) Prior to dwelling occupation, the dwelling shall be provided with electric vehicle charging points. The charging points shall be fully wired and connected, ready for first use and retained for occupant use thereafter.

REASON: To encourage/support cleaner vehicle usage in accordance with the NPPF and Policies ENV13 and GEN2 of the Uttlesford Local Plan (adopted 2005).

2. DESCRIPTION OF SITE

- 2.1 The application site comprises an area of 0.031 hectares and is characterised as vacant residential plot which currently has two semi-detached single storey bungalows on it. The site is within the development limits of Thaxted, with the main town centre facilities approximately 0.5 km away.
- 2.2 The site is within a residential area of similar single storey dwellings and adjoins open space to the east.

3. PROPOSAL

- 3.1 Outline approval is sought with all matters reserved for the demolition of a pair of defective bungalows, and the erection of 1 no. bungalow together with new vehicular parking and associated external works
- 3.2 The proposed dwelling is indicated to be of single storey scale, with a new cross over which will serve the car parking spaces. A rear garden is provided and will have electric charging point, air source heat pump and photovoltaic panels.
- 3.3 No elevation drawings have been submitted.

4. ENVIRONMENTAL IMPACT ASSESSMENT

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

5. APPLICANTS CASE

- 5.1 The following documents have been submitted in support of the outline planning application:
- Biodiversity
 - SUDS
 - Transport Statement

6. RELEVANT SITE HISTORY

- 6.1 The only applications relevant to the site are:
- DUN/0186/56: Erection of housing on 3.880 acres: Approved
 - DUN/0184/57: Site for housing (Details approved 03-06-1959 & 04-07-1963) Approved
- 6.2 The site has been subject to pre-application advice prior to submission.

7. CONSULTATIONS

Thaxted Parish Council

- 7.1 The Town Council objects to this application. They consider that a special scientific interest survey was not done and only one unit is being provided. In addition, this will be for market housing rather than social housing.

Essex County Council as Local Highway Authority

- 7.2 No objections, subject to conditions and mitigation.

Uttlesford DC Environmental Health

- 7.3 No adverse comments, subject to conditions.

8. REPRESENTATIONS

Representation was received from neighbouring residents, and the following observations have been made:

- Loss of social housing
- Commercial gain
- Increase in traffic and therefore highway safety
- Biodiversity survey should be done

9. POLICIES

- 9.1 S70(2) of The Town and Country Planning Act 1990 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.

- 9.2 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 9.3 National Policies

National Planning Policy Framework (NPPF) (2021)
National Planning Policy Guidance (NPPG)

- 9.4 Uttlesford District Local Plan Adopted 2005

- ULP Policy S3 - Other Development Limits
- ULP Policy H3 – New Houses within Development Limits
- ULP Policy H4 – Backland Development

- ULP Policy ENV14 – Contaminated Land
- ULP Policy ENV15 – Renewable Energy
- ULP Policy GEN1 – Access
- ULP Policy GEN2 – Design
- ULP Policy GEN3 – Flood Risk
- ULP Policy GEN4 - Good neighbourliness
- ULP Policy GEN7 – Nature Conservation
- ULP Policy GEN8 – Vehicle Parking Standards Policy
- ENV10 – Noise Sensitive Development

9.5 Supplementary Planning Documents/Guidance

SPD – Accessible Homes and Playspace (2005)
 The Essex Design Guide
 Parking Standards: Design and Good Practice (2009)
 Uttlesford Local Residential Parking Standards (2013)
 Interim Climate Change Policy (2021)

9.6 Thaxted Neighbourhood Plan 2017 - 2033

The application site is within the Thaxted Neighbourhood Plan Area. The Neighbourhood Plan was made in February 2019. The following policies of the Neighbourhood Plan are relevant to the proposed development.

- TX HD1 - Scale and Location of New Development
- TX HD2 - Local Housing Needs
- TX HD10 - Design Principles
- TX LSC3 – Wildlife Habitats and landscape features

10. APPRAISAL

10.1 The issues to consider in the determination of this Outline Application are:

- I. Principle of Development (S1, H3, H4, NPPF);**
 - II. Highways and Access (ULP Policy GEN1);**
 - III. Character and Design (indicative scheme) (ULP Policies GEN2, GEN8 and ENV10);**
 - IV. Contaminated Land (ULP Policy ENV14).**
 - V. Biodiversity (ULP GEN7, NPPF, TX LSC3)**
- Principle of development**

- 10.2 The NPPF encourages sustainable development in Paragraph 11 of the NPPF. This presumption is increased where there is no 5-year land supply for housing. In this regard, the most recent housing trajectory, 'Housing Trajectory and 5-Year Land Supply Statement (January 2021)', identifies that the Council has a 3.11-year land supply. Therefore, contributions towards housing land supply must be regarded as a positive effect.
- 10.3 ULP Policy S3 states that the boundaries of Thaxted is defined on the Proposals Map. Development compatible with the settlement's character and countryside setting will be permitted within these boundaries.
- 10.4 ULP Policy H3 states that infilling with new houses will be permitted on land in each of the following settlements if the development would be compatible with the character of the settlement and, depending on the location of the site, its countryside setting. This will be

in addition to the sites specifically allocated as urban extensions and settlement expansions. Windfall sites will be permitted if they meet all the following relevant criteria:

- a) The site comprises previously developed land.
- b) The site has reasonable accessibility to jobs, shops and services by modes other than the car, or there is potential for improving such accessibility.
- c) Existing infrastructure has the capacity to absorb further development, or there is potential for its capacity to be increased as necessary.
- d) Development would support local services and facilities; and
- e) The site is not a key employment site.
- f) Avoid development which makes inefficient use of land.

- 10.5 As the site is located within the development limits of Thaxted, the principle of development is acceptable, subject to all other material considerations, specifically those relating to design and residential amenity. The proposal therefore complies with ULP Policies S3 and H3 of the Uttlesford Local Plan 2005 and the National Planning Policy Framework 2021.

Highways and Access

- 10.6 The site would be accessed from The Mead. Comments regarding access and highway safety have been received from third parties.
- 10.7 Policy GEN1 of the Uttlesford Local Plan requires that access must be capable of carrying the traffic generated by the development safely and that it can be accommodated on the surrounding road network. It is considered that the amount of traffic generated from the development could be accommodated and that there would be no impact upon the surrounding road network.
- 10.8 Essex County Council as Local Planning Authority have no objections to the scheme, subject to conditions and informatives.
- 10.9 The proposal is therefore deemed to be consistent with Policy GEN1 of the adopted Uttlesford Local Plan 2005, and the National Planning Policy Framework (NPPF) (2021), subject to the above

Character and Design (indicative scheme)

- 10.10 The proposal is to demolish the existing bungalow. The existing bungalows are not considered to be fit for human occupation as there are structural problems. Comments have been received that there is subsidence to these dwellings.
- 10.11 The proposal is to replace the single storey building with a larger single storey building. It is noted that the site does have two one-bedroom bungalows and the proposal is for a three-bedroom bungalow. This will increase the amount of bedroom space. The garden size is consistent with guidance contained in the Essex Design Guide.
- 10.12 No elevational details have been provided but an indicative floor plan and roof plan has been shown. The area is characterised by single storey dwellings and therefore the proposed bungalow would be fit in with the character of the area. It is noted that the bungalow will be larger than the current bungalow on site, but in overall terms, the bungalow will be sited over two existing plots, and in terms of urban grain, would sit well within this character.
- 10.13 There are no details of the heights and considering that the other properties are uniform in this matter the overall height of the bungalow should not be higher than these and a full

detailed street scene and elevations will be required at reserved matters stage. Matters of appearance would be assessed at the detailed design stage.

- 10.14 Comments regarding the loss of a unit have been received. However, the Local Plan is silent on this form of development and would be unreasonable to refuse the application on this ground. In addition, the loss of a social housing has also been raised. The Local Plan does not protect this tenure of housing, but it is noted that there will be an increase in the number of overall bedrooms from 2 to 3 and would be considered beneficial, as the existing bungalows are described as being unfit for human habitation.
- 10.15 The proposal will be single storey in height. The indicative plans show that the building will be set in from the boundary with the adjoining property to the west and have a hipped roof. The proposed bungalow would be aligned with the rear of the neighbouring property and therefore would have no significant impact upon these neighbouring properties above the existing situation.
- 10.16 The new access would be to the side of the plot and near the neighbouring occupier of 23. The proposal is for an indicative 2 bed unit for a single family. Although there would be an increase in vehicular movement at the site in this location, this would be minimal compared to other uses, and therefore the slight increase in movements would not create noise and disturbance to a level that would be harmful to the neighbouring occupier. In addition to this, Uttlesford DC Environmental Health Officers have raised no objection on regards to noise. However, they have requested a condition regarding contaminated land watching brief.
- 10.17 On balance, it is considered that the proposed bungalow, subject to full design and details, would provide the necessary high-quality development and would ensure that a habitable dwelling is provided which would benefit a larger family. This would be in accordance with the policy TX HD1, TX HD2, TX HD10 of the Thaxted Neighbourhood Plan, Policies H3, ENV15, GEN1, GEN2, GEN4 AND GEN8 of the Uttlesford Local Plan and NPPF.

Contaminated Land (ULP Policy ENV14).

- 10.18 The Uttlesford DC Environmental Health have raised no objection to the proposal but have recommended a condition. Subject to condition the proposal is acceptable in terms of Policy ENV14 of the adopted Local Plan.

Biodiversity

- 10.19 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 the 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.
- 10.20 In addition to biodiversity and protected species being a material planning consideration, there are statutory duties imposed on local planning authorities. Section 40(1) of the Natural Environment and Rural Communities Act 2006 states "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." This includes local authorities carrying out their consideration of planning applications. Similar requirements are set out in Regulation 3(4) of the Conservation (Natural Habitats &c) Regulations 1994, Section 74 of the Countryside and Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010
- 10.21 The application is supported by a Biodiversity Checklist. The proposal within a residential

area. However, the site adjoins open fields to the east and there is mature planting close to the site which could accommodate wildlife and therefore a biodiversity appraisal would be needed, however this can be conditioned.

- 10.22 No objection to the proposal subject to conditions securing biodiversity mitigation and enhancement. The proposal is therefore consistent with the implementation of Policy GEN7 of the adopted Uttlesford Local Plan, and the NPPF.

Equality Act 2010

- 10.23 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. 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.