



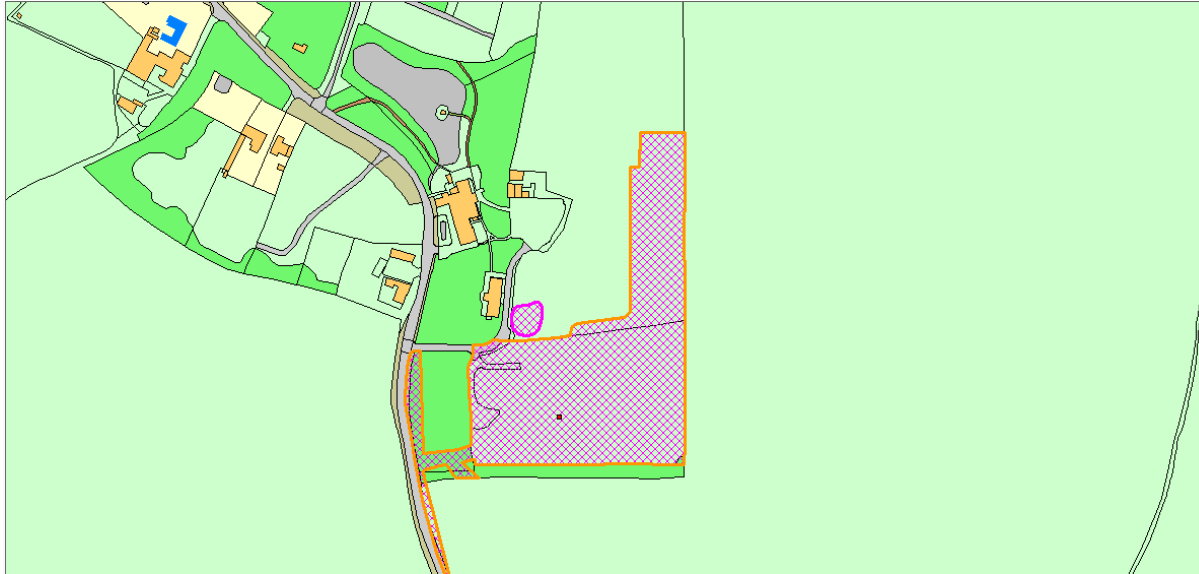
**ITEM NUMBER:** 10

**PLANNING COMMITTEE** 14 September 2022  
**DATE:**

**REFERENCE NUMBER:** UTT/22/1528/FUL

**LOCATION:** Land South East Of Great Hallingbury Manor  
Tilekiln Green Great Hallingbury

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: 25/08/2022

**PROPOSAL:** Application to vary condition (approved plans) of planning application UTT/20/0336/DFO (added under UTT/22/1567/NMA).

**APPLICANT:** Rivertree Residential (C/O LBF Architects)

**AGENT:** Mr B Lawrence, LBF Architects, 11 Burford Road, Stratford, London, E15 2ST

**EXPIRY DATE:** 31 August 2022

**EOT Expiry Date** 19 September 2022

**CASE OFFICER:** Nathan Makwana

**NOTATION:** Outside Development Limits  
Within 2KM of SSSI

**REASON THIS APPLICATION IS ON THE AGENDA:** Major Scheme

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## **1. EXECUTIVE SUMMARY**

- 1.1** This variation of condition application follows two subsequent applications, firstly, an outline application: UTT/20/0336/DFO which comprised Details following outline approval UTT/16/3669/OP for the erection of 35 no. Dwellings - details of appearance, landscaping, layout scale and access.
- 1.2** UTT/16/3669/OP was an Outline application with all matters reserved for 35 dwellings. An NMA application was approved on the 29 June 2016 to add the plans condition to the Reserved Matters application as this was not included when the original decision was granted.
- 1.3** This subsequent application seeks to vary this plans condition to make alterations to the design of Plots 14 to 21. No other changes to the scheme are proposed.

## 2. **RECOMMENDATION**

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

- A) Transfer the S106 Agreement attached to UTT/16/3669/OP with any variations
- B) Conditions

**And**

If the freehold owner shall fail to enter into such an agreement, the Director of Planning shall be authorised to **REFUSE** permission following the expiration of a 6-month period from the date of Planning Committee.

## 3. **SITE LOCATION AND DESCRIPTION:**

**3.1** The site lies on the east side of Bedlars Green Road, a Class 3 classified road, to the immediate south of Great Hallingbury Manor, an established hotel, and comprises a field understood to have been a former quarry, but now returned to its natural state, which slopes up from the road and which is currently unused. Agricultural land lies to the immediate south and east of the site. Lines of mature vegetation enclose the site along its northern and southern boundaries and also along its eastern flank boundary, whilst a substantial tree belt encloses the site along its western frontage boundary onto Bedlars Green Road. The interior of the site is devoid of any meaningful vegetation (unimproved grassland). The site is currently temporarily fenced off from an open field entrance into the site on its northern side from the rear service road which serves Great Hallingbury Manor. The site has an area of 2.19 hectare.

**3.2** A rectangular parcel of land also identified for the application site for the purposes of the submitted application extends to the north of the site at the rear of Great Hallingbury Manor with its rear eastern boundary running flush with the eastern rear boundary of the main development site. This area is similarly devoid of any meaningful vegetation (unimproved grassland).

## 4. **PROPOSAL**

**4.1** Full planning permission is sought to vary condition (approved plans) of planning application UTT/20/0336/DFO (added under UTT/22/1567/NMA).

**4.2** The application seeks to amend Plots 14 to 21 to give less massing to the eastern elevation.

**5. ENVIRONMENTAL IMPACT ASSESSMENT**

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

**6. RELEVANT SITE HISTORY**

**6.1**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>
UTT/22/1567/NMA	Non material amendment to UTT/20/0336/DFO - add condition listing approved plans.	Approved with Conditions on 29.06.2022
UTT/22/1354/FUL	Revised scheme for 8 no. dwellings previously approved under UTT/20/0366/DFO.	Withdrawn on 07.06.2022
UTT/22/0795/NMA	Non Material Amendment to UTT/20/0366/DFO - amendments to house types A, B and C plots numbers 14-21	Refused on 22.04.2022
UTT/21/1574/NMA	Non material amendments to UTT/20/0336/DFO- Amendments to house types for social housing plot numbers 1-10 house type Q,R-S,M and T,L-M	Approved on 20.09.2021
UTT/20/0336/DFO	Details following outline approval UTT/16/3669/OP for the erection of 35 no. Dwellings - details of appearance, landscaping, layout scale and access.	Approved with Conditions on 06.10.2020
UTT/16/3669/OP	Outline application with all matters reserved for 35 Dwellings.	Approved with Conditions on 29.01.2019

**7. PREAPPLICATION ADVICE**

- 7.1** No pre-application advice was sought as part of this application. A previous NMA application for the same proposal (UTT/22/0795/NMA) was refused on 22<sup>nd</sup> April 2022.

**8. SUMMARY OF STATUTORY CONSULTEE RESPONSES**

- 8.1** No responses received from Statutory Consultees.

## **9. PARISH COUNCIL COMMENTS**

- 9.1** Great Hallingbury Parish Council have no objections to this planning application.

## **10. CONSULTEE RESPONSES**

### **10.1 UDC Environmental Health**

- 10.1.1** Thank you for consulting me on this application which is to vary the approved plans. There are no changes that have an Environmental Health impact and therefore there are no comments. However, I would like to take this opportunity to remind the applicant of condition 10 attached to UTT/16/3669/OP relating to the mitigation measures required for aircraft noise.

## **11. REPRESENTATIONS**

- 11.1** Site notices were displayed on site and 47 notification letters were sent to nearby properties. An advertisement in the local press was also included as part of this application.

- 11.2** No representations have been received.

## **12. MATERIAL CONSIDERATIONS**

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

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

(a) The provisions of the development plan, so far as material to the application,

(a) a post-examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

### **12.4 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)

### **13. POLICY**

#### **13.1 National Policies**

##### **13.1.1 National Planning Policy Framework (2021)**

#### **13.2 Uttlesford District Plan 2005**

S7 – The countryside Policy  
GEN1- Access Policy  
GEN2 – Design Policy  
GEN4 – Good Neighbourliness Policy  
GEN7 - Nature Conservation Policy  
GEN8 - Vehicle Parking Standards Policy  
H10 - Housing Mix Policy  
ENV14 - Contaminated Land

#### **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 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:**

- A) The Principle of Development**
- B) Scale, Layout and Appearance**

#### **14.2 A) The Principle of Development**

##### **14.2.1 This application follows both an outline planning permission granted by Uttlesford District Council on 29<sup>th</sup> January 2019 for an Outline application with all matters reserved for 35 dwellings. A subsequent reserved matters application, UTT/20/0336/DFO was approved on the 06<sup>th</sup> October 2020 for Details following outline approval UTT/16/3669/OP for the erection of 35 no. Dwellings - details of access, scale, layout, appearance and landscaping.**

- 14.2.2** The outline application established the principle of development for this application. The application was previously reported to Planning Committee on 5th April 2017 where Members had resolved to approve planning permission.
- 14.2.3** The reserved matters application stated that vehicular access arrangements for the proposed development, including site visibility displays shown along Bedlars Green Road and indicated vehicular access to the proposed allotment area for the development, were considered acceptable. Furthermore, it stated that the scale of the proposed development was considered acceptable.
- 14.2.4** The layout of the proposed development, including indicated parking arrangements, was considered acceptable, as was the appearance of the proposed development, which involved a mix of dwellings styles reflecting the local vernacular, was considered acceptable. The hard and soft landscaping measures specified for the proposed development for both external boundary treatments and internal areas and also for the proposed allotment area are considered acceptable.
- 14.2.5** Given the above assessment, the principle of development has therefore been established via the previous outline and reserved matters consent and this application accords with ULP Policies S7 and GEN2 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

**14.3 B) Scale, Layout and Appearance**

- 14.3.1** The purpose of this seeks consent to alter plots 14 to 21 of the reserved matters scheme. The overall changes proposed are to reduce them to give less massing to the eastern elevation.
- 14.3.2** Various plots along 14 – 21 are titled as Types A and B. Within the reserved matters application, Plots 18 and 21 was designated Type C and this has now been altered as a Type B Plot. The addendum Design and Access statement outlines that the plots have been reduced in size and scale as follows:
- Type A reduces from 196 sq m down to 166.7 sq m -29.3sqm
  - Type B reduces from 189 sq m down to 166.7 sq m -22.3sqm
  - Type C 189 sq m is omitted in lieu of a new type B of 166.7 sq m - 22.3sqm
- 14.3.3** The original Reserved Matters application contained the above property types, A, B and C. Plot A consisted of a large dwellinghouse with a large internal floorspace including a large sitting room on the ground floor and larger bedroom sizes on the first floor. This is evident when viewing the overall floor plans.



- 14.3.4** Plots B and C are similar in size as outlined above. Except that these plots possess a larger integral garage. The reduction in size for these plots is a result of the omission of the garage into separate parking, as well as an overall reduction in plot size.
- 14.3.5** House Type A has been re-oriented with the layout flipped internally. This is the only major change to the dwelling (bar the reduction in overall floorspace). Type A is still a 5-bedroom dwelling retaining above adequately sized bedrooms, storage space and open plan living space within the ground floor area. The proposed use of materials as detailed on the plans remains the same including terracotta roof tiles, composite black cladding on the first floor and mixed colour brickwork for the exterior of the house.
- 14.3.6** House Type B experiences a similar reduction in size and it is more or less the same style of dwelling with similar external materials and the same number of bedroom sizes. The internal layout is slightly different, but there are no further changes proposed to this dwelling type.
- 14.3.7** The reduction in dwelling sizes and the replacements of Plots 18 and 21 as Types C into Types B does not alter the overall layout of the site nor the dwelling types. These are still five-bedroom dwellings within the overall site. It is acknowledged that across the dwelling types, this is an average reduction of 24.6sqm.
- 14.3.8** However, this reduction is considered a non-material change and does not alter the overall scheme. The plot sizes will stay at 166.7sqm. The Technical housing standards – nationally described space standard March 2015 states that a minimum internal floorspace for a 5-bedroom dwelling for up to 8 persons (of which these dwellings are) should be 128sqm. It should be clear to members that these are still large dwellings, and they far exceed the minimum standards, by an excessive amount.
- 14.3.9** Due to the revisions to the Type A Houses, a revised Cartlodge is proposed following alterations to the internal parking arrangements. The internal cartlodge measures at 7m in depth and 3m in width. This will still provide the third parking space for these 5-bedroom dwellings which require the minimum 3 parking spaces as per Uttlesford Local Plan Adopted Parking Standards.
- 14.3.10** Overall, the proposed changes in plot size and the new cartlodge are appropriate and acceptable modifications. In any other application, these would be considered delegated matters. Nonetheless, the changes are minor and do not fundamentally alter the application proposal.
- 14.3.11** The plot sizes for Types A and B are fit for purpose and provide adequate internal space for future occupiers that will not harm residential amenity. The cartlodge meets the minimum space and provides the third parking space. The proposal therefore accords with ULP Policy GEN2 of the Uttlesford Local Plan 2005 and the NPPF 2021.

## **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 considered in the determination of this application

## **16. CONCLUSION**

**16.1** The principle of development has therefore been established via the previous outline and reserved matters consent and this application accords with ULP Policies S7 and GEN2 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

**16.2** The plot sizes for Types A and B are fit for purpose and provide adequate internal space for future occupiers that will not harm residential amenity. The cartlodge meets the minimum space and provides the third parking space. The proposal therefore accords with ULP Policy GEN2 of the Uttlesford Local Plan 2005 and the NPPF 2021.

**16.8** **RECOMMENDATION- APPROVE SUBJECT TO CONDITIONS & Transfer the S106 Agreement attached to UTT/16/3669/OP with any variations.**

**S106 Agreement including provision of affordable Housing, Drainage and associated management company.**

**17. CONDITIONS**

- 1** The development hereby permitted shall be carried out in accordance with the approved plans as set out below:

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

- 2** The development shall be carried out in accordance with the approved schedule of materials approved by Uttlesford District Council under discharge of condition application reference UTT/21/0159/DOC.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the visual amenity value of the development in accordance with ULP Policies GEN2, GEN7 and ENV3 of the Uttlesford Local Plan (adopted 2005).

- 3** Prior to commencement of development, samples of materials to be used in the construction of the external surfaces of the dwellings for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005). Pre-commencement justification: To ensure that the resulting development does not harm the visual amenities of the area at this semi-rural location.

- 4** Prior to first occupation, the access as shown in principle on drawing number 163432- 001 Rev B shall be provided with a 5.5m width, 2m footway, and associated clear to ground visibility splays onto Bedlars Green Road of 2.4m x 120m to the south and 2.4 x 74m to the north. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction thereafter.

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 ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 5** The farm access to the south of the access road as shown in principle on drawing number 163432-001 Rev B shall be provided with clear to ground visibility splay of 2.4m x 25m to the east. Such vehicular visibility splay shall be provided before the access is first used by vehicular traffic and retained free of any obstruction thereafter.

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 ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 6** The dwellings shall not be occupied until such time as the associated vehicle and cycle parking indicated in principle on 19-009-01 Rev M has been provided and parking bays hard surfaced and sealed and retained for that parking use thereafter.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety in accordance with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

- 7** 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4 (3) (2) (a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4 (2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with ULP Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the Council's adopted SPD, "Accessible Homes and Playspace".

- 8** The berry bearing proportion of the trees, native plant mix and ornamental/formal hedge planting indicated for the soft landscaping works/measures for the housing scheme permitted must not exceed 20% for each type of planting. Suitable alternatives include plants such as Beech, Hornbeam and Potentilla. The hedges must be maintained and kept trimmed as a hedge. They must not be allowed to grow into a large shrub.

REASON: Flight safety- Bird-strike Avoidance- in order not to result in a block of attractive feeding habitat for hazardous flocking species in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 9** At least half of any orchard trees shown for the indicated soft landscaping works/measures for the housing scheme hereby permitted shall be replaced with nut trees or other non-berry and fruit bearing trees.

REASON: Flight safety- Bird-strike Avoidance- in order not to result in a block of attractive feeding habitat for hazardous flocking species in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 10** The attenuation basin shall not hold open water except during and immediately after a significant rainfall event and will drain to a dry basin within 48 hours.

REASON: Flight safety- Bird-strike Avoidance- a water body would be attractive to hazardous species of birds which, at this location, is an unacceptable risk to flight safety in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 11** All external lighting shall be capped at the horizon.

REASON: Flight safety- any lighting at this location has the potential to cause confusion or distraction to pilots in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 12** Robust measures shall be taken by the developer to control any dust and smoke during construction.

REASON: Dust and smoke are hazardous to aircraft engines; dust and smoke clouds are a visual hazard to pilots and air traffic control in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 13** Prior to occupation of the dwellings 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 ULP Policies ENV13 and GEN2 of the Uttlesford Local Plan (adopted 2005).