

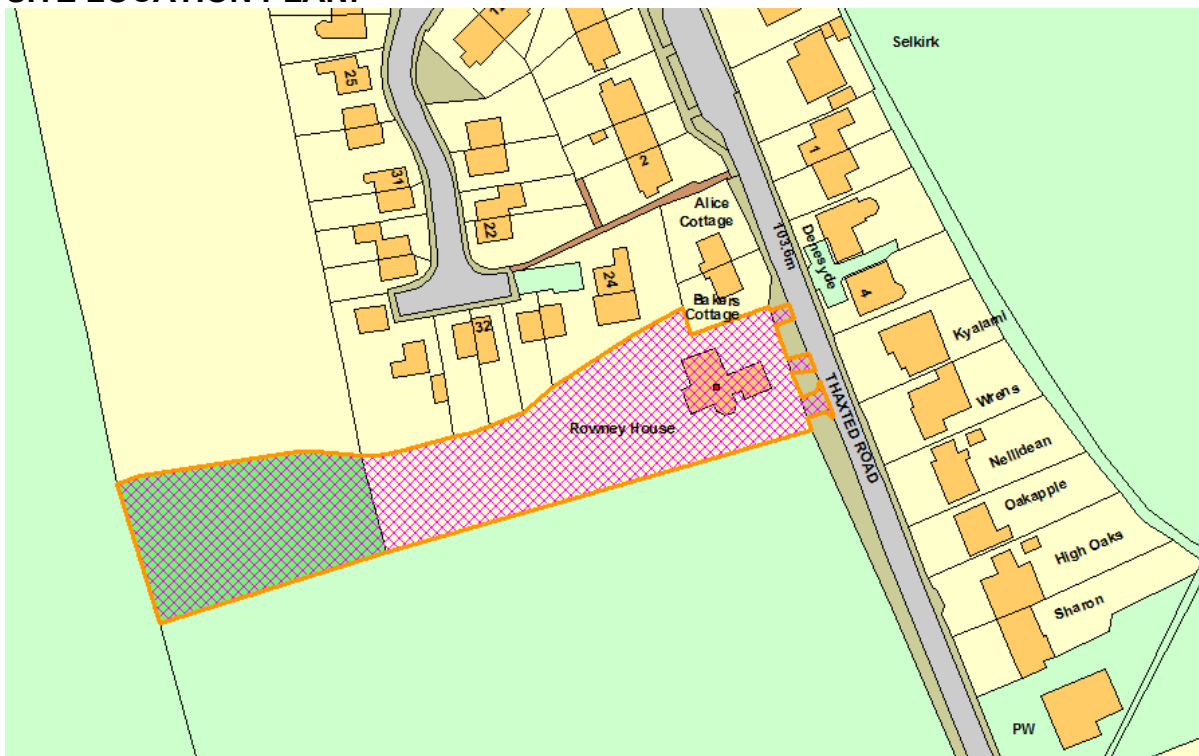
ITEM NUMBER: 13

PLANNING COMMITTEE DATE: 28 September 2022

REFERENCE NUMBER: UTT/22/1639/FUL

LOCATION: Rowney House
Thaxted Road
Debden

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 07 September 2022

PROPOSAL: Proposed 2 no. dwellings (revised scheme to those approved under UTT/18/1206/FUL and UTT/19/1442/FUL).

APPLICANT: Mr & Mrs M and C Griffen

AGENT: Mr G Ford (George Ford Associates)

EXPIRY DATE: 25 August 2022

EOT Expiry Date: 30 September 2022

CASE OFFICER: Mr Avgerinos Vlachos

NOTATION: Outside Development Limits (Western Part of Site).
Within Development Limits (Host Site).
Tree Preservation Order (Horse Chestnut – Front of Site).
Within Debden Radar.
Road Classification (Thaxted Road – Class III).
Within 2km of SSSI.

REASON THIS APPLICATION IS ON THE AGENDA: Call In by Cllr Luck.

1. EXECUTIVE SUMMARY

- 1.1** This is an application for revisions to UTT/18/1206/FUL and UTT/19/1442/FUL that granted planning permission for the erection of 2 no. detached, 2-storey dwellings on a backland plot associated with the residential curtilage of Rowney House (host dwelling). The main revision is the proposed addition of a 2-storey side extension to each dwelling to accommodate a 3rd bedroom and a study at first floor and ground floor levels respectively (for more details, see paragraphs 4 and 14.4 below). Through the amendments, the buildings have reasonable dimensions and footprint over and above the approved ones, preserving the character and appearance of the area and being subservient and subordinate to the locality and host. The remaining amenity spaces ensure the proposed revisions do not amount to over-development of the site or the buildings.
- 1.2** The application was considered against local and national policies and complies with the relevant policy context. Representations from neighbouring occupiers and the Parish Council were taken into account

in the determination of the application. The extant consent is also a material planning consideration in this matter. The case officer recommends that the application is approved, and planning permission is granted subject to the conditions set out in section 17 of this report.

2. RECOMMENDATION

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

3. SITE LOCATION AND DESCRIPTION:

3.1 The application site comprises a backland plot associated with the residential curtilage of Rowney House (host dwelling), located partly within and partly outside the development limits to the south-west of Debden. The part of the plot where the 2 no. dwellings are proposed falls outside, but adjacent, the development envelope. There is a residential annexe to the west (rear) of Rowney House that sits parallel to the road. The site currently benefits from 2 no. vehicular accesses onto the public road. The western part of the site is a copse that remains unaltered. To the south of the site there are open agricultural fields, however, there is an outline planning application (UTT/20/0264/OP) pending for the erection of 25 no. dwellings. The overall area contains dwellings of varying architectural styles, sizes, ages and materials.

4. PROPOSAL

4.1 The development proposes 2 no. detached, 2-storey dwellings that have already been consented under UTT/18/1206/FUL and UTT/19/1442/FUL, seeking revisions on the approved drawings. The host site benefits from 2 no. vehicular accesses, however, it is proposed to permanently close off one of them and create a new one that will be shared between the occupants of the proposed dwellings. The key differences to UTT/19/1442/FUL include:

- 2-storey side extension (additional 3rd bedroom and study).
- Lower ridge by 0.3m.
- Design and fenestration changes:
 - 2 no. additional windows on the front elevation.
 - 2 no. additional windows and a door on the rear elevation.
 - Omission of the former dining room window (flank elevation).
- Internal alterations:
 - More open plan – omission of WC to the front of the entrance.

4.2 The key differences to UTT/18/1206/FUL include:

- 2-storey side extension (additional 3rd bedroom and study).
- Single storey rear extension (additional garden room).
- Higher ridge by 0.45m.

- Slightly smaller driveway in width.
- Layout changes:
 - Relocation of the parking area and entrance of plot 1 dwelling to the west of plot 1.
- Design and fenestration changes:
 - Removal of dormers.
 - 2 no. additional windows on the front elevation.
 - 2 no. additional windows and a door on the rear elevation.

4.3 The application includes the following documents:

- Accessible homes requirements
- Application form
- Biodiversity checklist
- Covering letter
- Ecology report
- Sustainability appraisal
- Proposal
- Transport statement
- Updated ecology report.

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

Reference	Proposal	Decision
UTT/19/1442/FUL	Construction of 2no. detached dwellings on land to rear of Rowney House (amendments to previously approved application UTT/18/1206/FUL).	Approved with conditions (09.08.2019).
UTT/18/1206/FUL	Construction of 2no. detached dwellings on land to rear of Rowney House, and creation of new access road. Extension to existing residential annexe to Rowney House.	Approved with conditions (18.07.2018).
UTT/19/1061/NMA	Non-Material Amendment to UTT/18/1206/FUL - addition of single storey garden room to plots 1 and 2; repositioning of plots 1 and 2; plots 1 and 2 amended to full two storey with lowered	Refused (29.05.2019).

	pitch roof; additional windows to flank elevations of plots 1 and 2; existing trees are positioned within the boundary of Rowney House and reinforced with native species.	
UTT/0038/78	Outline application for detached house and garage for domestic habitation.	Approved with conditions (08.09.1978).
UTT/0038/78/A	Erection of one two storey detached house and double garage.	Approved with conditions (02.10.1978).

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

- 7.1 No pre-application advice was sought prior to the submission of the application.
- 7.2 No consultation exercise was carried out by the applicant and no Statement of Community Involvement was submitted with the application.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

- 8.1.1 No objections subject to conditions.

8.2 Local Flood Authority

- 8.2.1 No comment due to low flood risk on this site and little scope for SUDS.

9. PARISH COUNCIL COMMENTS

9.1 Objections:

- Land ownership issues (incorrect application site).
- Applicant has no control over the visibility splays.
- Over-development.
- No footpath fronting the development.
- Issues regarding access and parking.
- Traffic increase – loss of amenity from headlights.

10. CONSULTEE RESPONSES

10.1 UDC Landscape Officer/Arborist

- 10.1.1 No objections subject to a landscaping condition.

10.2 Place Services (Ecology)

10.2.1 No objections subject to conditions.

10.3 Stansted Airport Aerodrome Safeguarding Authority

10.3.1 No objections subject to conditions.

10.4 NATS Safeguarding Authority

10.4.1 No objections unconditionally.

11. REPRESENTATIONS

11.1 A site notice was displayed on site and expired on 08 July 2022 and notification letters were sent to nearby properties. The application was advertised in the press.

11.2 Support

11.2.1 No letters of support received.

11.3 Object

- 11.3.1
- Loss of privacy and overlooking.
 - Loss of light and overshadowing.
 - Issues regarding trees.
 - Boundary dispute – land ownership issues.
 - Ground stability and drainage issues.
 - Noise and air pollution concerns.
 - Two rows of leylandii trees and hedgerow on the north boundary.
 - Traffic increase – loss of amenity from headlights.
 - No footpath fronting the development.
 - Issues regarding access and parking.
 - Issues regarding the visibility splays – trees and obstructions not shown on plans.
 - Over-development of the site.
 - Extension to annexe will result in a separate dwelling.
 - Debden does not require additional 3-bed properties in light of UTT/20/0264/OP.
 - Loss of outlook.
 - Properties in Highfields elevated in relation to the application site.
 - Inappropriate driveway.

11.4 Comment

11.4.1 All material planning considerations raised by third parties were taken into account when considering this application.

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 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 19 July 2022)

13. POLICY

13.1 National Policies

- 13.1.1** National Planning Policy Framework (2021)

13.2 Uttlesford District Plan 2005

- 13.2.1** Policy S7 – The countryside Policy
Policy S3 – Other Development Limits
Policy GEN1 – Access
Policy GEN2 – Design
Policy GEN3 – Flood Protection
Policy GEN4 – Good Neighbourliness
Policy GEN5 – Light Pollution
Policy GEN7 – Nature Conservation
Policy GEN8 – Vehicle Parking Standards
Policy H4 – Backland Development
Policy H9 – Affordable Housing

Policy H10 – Housing Mix
Policy ENV3 – Open Space and Trees
Policy ENV4 – Ancient Monuments & Sites of Archaeological Importance
Policy ENV8 – Other Landscape Elements of Importance for Nature Conservation
Policy ENV10 – Noise Sensitive Development
Policy ENV12 – Protection of Water Resources
Policy ENV13 – Exposure to Poor Air Quality
Policy ENV14 – Contaminated Land

13.3 Neighbourhood Plan

13.3.1 There is no 'made' Neighbourhood Plan for the area.

13.4 Supplementary Planning Document or Guidance

13.4.1 Uttlesford Local Residential Parking Standards (2013)
Essex County Council Parking Standards (2009)
Supplementary Planning Document – Accessible homes and playspace
Essex Design Guide
Supplementary Planning Document – Home Extensions
Uttlesford Interim Climate Change Policy (2021)

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2**
- A) Principle of development**
 - B) Design, scale, form, layout, landscaping**
 - C) Amenity**
 - D) Access and parking**
 - E) Ecology**
 - F) Contamination**
 - G) Archaeology**
 - H) Flood risk and drainage**
 - I) Housing mix and affordable housing**

14.3 A) Principle of development

14.3.1 The Case Officer visited the site on 08 July 2022. Also, a site notice was erected and expired on 29 July 2021, the neighbours were consulted and the application was advertised in the press.

14.3.2 The proposal includes:

- Proposed 2 no. dwellings (revised scheme to those approved under UTT/18/1206/FUL and UTT/19/1442/FUL).
- Materials (see Application Form, submitted information and drawings).

14.3.3 The principle of the development was accepted in UTT/19/1442/FUL and UTT/18/1206/FUL. Since the determination of the previous planning applications there is still no 5YHLS and the Uttlesford Climate Change Policy (2021) has been introduced which will be discussed below. There is no material change in circumstances that would alter the view relating to principle. The permission under UTT/19/1442/FUL is extant until 09 August 2022 and the current application was validated on 30 June 2022.

14.3.4 Overall, the principle of the development remains acceptable, and accords with ULP Policies S7, S3, H4, GEN1, and the NPPF.

14.4 B) Design, scale, form, layout, landscaping

14.4.1 The key differences to UTT/19/1442/FUL and UTT/18/1206/FUL have been discussed in Section 4.0 above.

14.4.2 In terms of heritage impacts, there are no heritage assets in the vicinity.

14.4.3 Paragraph 130(b) of the NPPF states that decisions should ensure that developments are visually attractive as a result of good architecture, layout and landscaping, and paragraph 130(c) promotes developments that are sympathetic to local character and history, including the surrounding built environment and landscape setting.

14.4.4 In terms of design and form, the proposed dwellings have a simple vernacular appearance with gabled and clear roofs and this is not changed through the proposed amendments. The open-plan covered porches make the development compliant with the 'Placing of Openings' Essex Design Guide (EDG) section, which states that symmetry in the front elevation and focus on the front door are important. The dwellings also have a traditional rectangular form (see 'Building Form' EDG section). The proposed fenestration is appropriate and generally symmetrical, with elements of 'composed randomness' as defined in the 'Placing of Openings' EDG section. It also accords with the EDG section of 'Balance', as horizontally proportioned elevations contain vertically proportioned window openings. The development is in keeping with the character and appearance of the area. Therefore, the development complies with paragraphs 130(b)-(c) of the NPPF and Policy GEN2.

14.4.5 In terms of size, scale and layout, through the amendments, the buildings have reasonable dimensions and footprint over and above the approved ones, preserving the character and appearance of the area and being subservient and subordinate to the locality and host (Rowney House). Notwithstanding the objections from neighbouring occupiers in relation to over-development of the site, the remaining amenity spaces (see Section C) ensure the proposed revisions do not amount to over-development of the site or the buildings, plus the dwellings are proportionate within their plots with similar ratios of plot-to-built form to the neighbouring properties. As such, there is no over-development of the site or buildings as a result of the amendments and the scheme is in keeping with the existing pattern

of development locally. The dwellings are 0.3m lower at the ridge than the ones permitted under UTT/19/1442/FUL and 0.45m higher than the ones permitted under UTT/18/1206/FUL. Their overall height at the ridge is 7.8m, which is appropriate for 2-storey properties. Therefore, the development complies with paragraphs 130(b)-(c) of the NPPF and Policy GEN2.

- 14.4.6** In terms of landscaping, trees and boundaries, concerns have been raised in relation to the ownership of land (and trees/hedgerows) shown within the application site (red outline). However, such matters constitute civil legal issues, and are not material planning considerations, and therefore, the LPA does not comment on such matters. The applicant states that “[...] *existing screen planting along the northern boundary would be retained*” (Transport Statement, p.1), plus the drawings submitted with the application propose “*the existing trees within the boundaries to be re-enforced with native species as necessary*”. The Landscape Officer raised no objections subject to a condition. The condition refers to a landscaping condition (pre-commencement) to preserve the character and appearance of the area, to safeguard residential amenities and to secure details of the new planting proposed by the applicant.
- 14.4.7** The proposed materials are acceptable as they preserve the character and appearance of the area within a semi-urban setting.
- 14.4.8** The following conditions are necessary as per paragraph 56 of the NPPF:
- Landscaping (pre-commencement), to preserve the character and appearance of the area, to safeguard residential amenities and to secure details of the new planting proposed by the applicant.
 - Permitted development rights withdrawn, to prevent the site becoming over-developed, to ensure no loss of private gardens below the Essex Design Guide threshold and to preserve the character and appearance of the area.
 - Construction with Optional Requirement M4(2) of the Building Regs 2010 Approved Doc M, Vol 1 (2015 edition) for all potential users.
- 14.4.9** The applicant agreed in writing to all pre-commencement conditions on 09 Sep 2022.
- 14.4.10** Finally, the Council adopted a Climate Crisis Strategy 2021-30, which prioritises to “Reduce energy use in existing buildings by retrofitting energy efficiency measures”, “Low energy construction practices” and a “Nature based approach to design to incorporate green infrastructure requirements” (p.6); all priorities aim to improve energy performance and reduce carbon. Paragraph 158(a) of the NPPF states that for low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. The additional windows proposed for the properties save energy and reduce CO₂ emissions, plus a

condition is necessary for electric chargers to improve air quality as per paragraph 107 of the NPPF. Therefore, the development complies with the above policy context.

14.4.11 Overall, the proposal is acceptable, and complies with ULP Policies S7, S3, GEN2, ENV3, and the NPPF.

14.5 C) Amenity

14.5.1 In terms of the residential amenity of the occupants, the dwellings are both 2-storey and of 3 no. bedrooms/5 no. persons (3B5P) occupancies with gross internal areas of more than the minimum standards (93m² threshold, see Nationally Described Space Standard). In terms of private amenity (garden) spaces, the gardens are sufficient as they exceed the threshold (100m² threshold, see Essex Design Guide). The host dwelling also retains an adequate garden. Permitted Development rights are recommended to be withdrawn for the proposed dwellings to ensure no loss of private garden that would result below the above threshold, to avoid over-development of the site and to preserve the character and appearance of the area.

14.5.2 In terms of noise, odours, dust and other disturbances, there is no increase on site that could harm the amenity of neighbouring occupiers. The development complies with Policy H4(b)-(d).

14.5.3 NATS raised no objections unconditionally and the Stansted Airport Aerodrome Safeguarding Authority raised no objections subject to conditions to secure flight safety. The conditions refer to measures against dust and smoke clouds, the prevention of birds being attracted to the site, light spill, non-reflective materials and solar panels.

14.5.4 In terms of the amenity of neighbouring occupiers, due to the scale, design and position of the dwellings in relation to the neighbouring dwellings, and after applying the design and remoteness tests (see Essex Design Guide) and the 45-degree tests (see SPD Home Extensions), no material overshadowing, overlooking (actual or perceived) and overbearing effects are considered.

14.5.5 Local objectors raised concerns in relation to the potential loss of privacy and overlooking, as well as the potential loss of light and overshadowing. Notwithstanding such comments, it is shown below that the development does not amount to any material harm to the residential amenity of any neighbouring occupiers.

14.5.6 Loss of privacy and overlooking:

Following revisions to correct the top-right flank elevation drawing on the Proposed Plots 1 and 2 plan (ref. 255.03 A), the 4 no. windows shown on that elevation were omitted as originally shown on the ground floor and first floor plans on the same drawing. As such, plot 1 has no north-facing windows. The separation distances of Plot 1 with nos. 30 and 32

Highfields are 16.4m and 14m respectively. The separation distance of plot 2 with no. 36 is 20m. The 25m rule of the Essex Design Guide (EDG) applies only to back-to-back situations or angled orientation situations.

- 14.5.7** The 'Rear Privacy' EDG section acknowledges that the rears of houses may be positioned closely together than stipulated above if one of the houses is designed so as not to overlook the other by way of an intervening fence and upper-storey windows facing in other directions. This guidance is adhered to through the design of Plot 2, as its 4 no. first floor, north-facing windows belong to non-habitable rooms (i.e. 2 no. en-suites, a bathroom and the landing) and face away from the private part of the garden and the habitable room windows of no. 36 Highfields. In addition, there is mature green screening along the northern site boundary including leylandii tree rows and a dense hedgerow (see left photograph) that prevent overlooking even as a perception.



- 14.5.8** The privacy of the occupants of Plot 1 is also safeguarded because the existing annexe has only 2 no. above-eye-level rooflights (see right photograph above) on its west elevation without a first-floor level.
- 14.5.9** Finally, to the south of the site there is an outline planning application (UTT/20/0264/OP) pending for the erection of 25 no. dwellings on land that is currently open agricultural fields. However, as all matters are reserved, no assessment can be made now due to indicative nature of the layout and design of the proposed properties on the neighbouring site.
- 14.5.10** Therefore, notwithstanding any comments indicating otherwise, there is no material overlooking of, and loss of privacy to, any habitable room windows or the private gardens of neighbouring dwellings, and as such, the development does not harm the residential amenity of neighbouring occupiers.
- 14.5.11** Loss of light and overshadowing:
Neighbouring occupiers also raised concerns regarding the potential loss of light. However, given the separation distances to nos. 28-34 Highfields¹, there is no material overshadowing of, and loss of light to, any habitable room windows or the private garden of any neighbouring

¹ The plot 1 dwelling sits 4.3m from the northern site boundary and the plot 2 dwelling 3.8m.

properties, and as such, the development does not harm the residential amenity of neighbouring occupiers.

14.5.12 Overbearing effects:

By reason of the size the property and their position away from the northern site boundary, no material overbearing effects ('tunnelling effect' or 'sense of enclosure') occurs as a result of the development. The adopted Supplementary Planning Document Home Extensions advises that the 'tunnelling effect' can result when new built form is erected eight up to the boundaries on both sides of mid-terrace or closely grouped semi-detached properties, which is not the case here.

14.5.13 Overall, the development does not materially harm residential amenities, and complies with ULP Policies GEN2, H4, GEN4, ENV10 and GEN5, and the NPPF.

14.6 **D) Access and parking**

14.6.1 From a highway and transportation perspective, the ECC Highway Authority raised no objections subject to conditions in the interests of highway safety, as the development complies with the ECC Supplementary Guidance – DM Policies (Feb 2011) and Policy GEN1. The conditions refer to the provision of visibility splays (excluding the existing TPO Horse Chestnut tree), the dimensions of the access, the permanent closure of one of the existing accesses, the surface treatment of the access, the provision of inward opening gates and cycle parking. The same conditions were also imposed on the previous permission under UTT/19/1442/FUL.

14.6.2 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Also, paragraph 110(b) of the NPPF states that in assessing specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. The development accords with the above policies as per the comments of the statutory consultee above.

14.6.3 Parking arrangements include 2 no. parking spaces of appropriate dimensions for each dwelling and an appropriate turning area of more than 6m that may accommodate private and emergency vehicles. In addition, 1 no. visitor's parking space is proposed at the western end of the site in compliance with the Essex Parking Standards (2009), requiring 0.25 spaces per dwelling (rounded up to the nearest whole number). Although the dwellings have 3 no. bedrooms, a Study is also proposed, and as such parking provision should accord with the Uttlesford Residential Parking Standards (2013) and the Essex Parking Standards (2009) for 4-bedroom properties (see condition 11 in Section 17 of this report).

14.6.4 Overall, the proposal is acceptable in terms of access and parking, and complies with ULP Policies GEN1, GEN8, the Uttlesford Residential Parking Standards (2013) and the Essex Parking Standards (2009), and the NPPF.

14.7 E) Ecology

14.7.1 The Ecology Officer raised no objections subject to conditions to secure biodiversity mitigation and enhancement measures, as per paragraphs 174(d) and 180(d) of the NPPF. The conditions refer to action in accordance with the ecological appraisal recommendations and a Biodiversity Enhancement Strategy.

14.7.2 Paragraph 43 of the NPPF states that the right information is crucial to good decision-making, particularly where formal assessments are required. Paragraph 174(d) of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Paragraph 180 requires local planning authorities to apply principles when determining applications, such as (a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused, and (d) development whose primary objective is to conserve or enhance biodiversity should be supported. The development complies with the above policies.

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

14.8 F) Contamination

14.8.1 In terms of contamination, the Environmental Health Officer was not consulted given the nature of the site as part of the residential curtilage of Rowney House. Therefore, no conditions are necessary to protect human health and the environment but a standard condition for potential land contamination is recommended.

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

14.9 G) Archaeology

14.9.1 The site is not within an archaeological site and given its scale no harm is considered to potential archaeological remains.

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

14.10 H) Flood Risk

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



- 14.10.2** ECC Sustainable Urban Drainage Systems (SUDS) refrained from commenting on this application “*As this is a minor application and there isn’t a significant flood risk associated with this site and there is little scope for SUDS*”. Therefore, notwithstanding objections in relation to drainage issues, it would be unreasonable and unnecessary to impose to the applicant the obligation of implementing a sustainable urban drainage system.
- 14.10.3** Overall, the proposal is acceptable in terms of flood protection, and accords with ULP Policy GEN3, and the NPPF.

14.11 I) Housing mix and affordable housing

- 14.11.1** Policy H10 is applicable on sites of 0.1ha and above or of 3 no. or more dwellings; the site is more than 0.1ha (3,781m² or 0.38ha) and for 2 no. dwellings, thus H10 is relevant. Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. As such, notwithstanding policy H10 requiring smaller properties, more recent evidence in the UDC Strategic Housing Market Assessment points towards the need for a significant proportion of 3 and 4-bedroom market housing instead of 2 and 3-bedroom properties. Therefore, the development complies with the above policies.
- 14.11.2** The 40% affordable housing contribution is not triggered, as the site does not exceed 0.5ha and the scheme does not comprise ‘major development’ for the purposes of the NPPF² as it proposes less than 10 no. units. Paragraph 64 of the NPPF states that the provision of affordable housing should not be sought for residential developments that are not major

² ‘Major development’ is defined in the NPPF Glossary (p.68): For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m² or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). In addition, paragraph 6.20 of the Local Plan states that “*Appropriate sites should still be large enough to ensure a viable scheme and not lead to the provision of only 1 or 2 affordable units on a site which would lead to a fragmented approach to affordable housing in the rural areas*”.

14.11.3 Therefore, the development accords with Policies H9 and H10, and the NPPF.

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 and no further actions are considered necessary.

16. CONCLUSION

16.1 In conclusion, the development is acceptable and complies with all relevant ULP Policies, and the NPPF.

17. CONDITIONS

17.1 The following conditions are recommended:

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 Prior to commencement of the development hereby approved, details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details prior to occupation of the dwellings hereby approved and shall be maintained as such in perpetuity unless otherwise agreed in writing by the local planning authority.

The landscaping details to be submitted shall include:

- a) proposed finished levels (including earthworks to be carried out);
- b) means of enclosure of the land (boundary treatments);
- c) hard surfacing and other hard landscape features and materials;
- d) protection of existing Tree Preservation Order(s) trees, hedges or other soft features to be retained;
- e) planting plans for the woodland planting, including specifications of species, sizes, planting centres, number and percentage mix;
- f) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife;
- g) details of siting and timing of all construction activities to avoid harm to all nature conservation features;
- h) management and maintenance details.

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the

completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To preserve the character and appearance of the area, to safeguard residential amenities and to secure details of the new planting proposed by the applicant, in accordance with the adopted Uttlesford Local Plan Policies S7, S3, H4, GEN2, GEN4 and GEN7 the Essex Design Guide, and the National Planning Policy Framework (2021).

- 4** All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecology Report (A R Arbon, July 2022), 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 in perpetuity.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, s17 of the Crime and Disorder Act 1998, in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2021).

- 5** Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority.

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

- a) purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;

e) details of initial aftercare and long-term maintenance (where relevant).

Thereafter, the enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner in perpetuity.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, s17 of the Crime and Disorder Act 1998, in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2021).

- 6** Prior to occupation of the development hereby approved, the proposed access at its centre line shall be provided with clear to ground visibility splays (excluding the existing TPO Horse Chestnut Tree) with dimensions of 2.4 metres by 43 metres, as measured from and along the nearside edge of the carriageway. Thereafter, such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times. The access shall be retained as such in perpetuity. Any amendments shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2021).

- 7** Prior to the occupation of any of the dwellings hereby approved, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate dropped kerb crossing of the footway/verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway in the interests of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2021).

- 8** Immediately after the new access hereby approved is brought into first beneficial use, the existing southern access shown on the Proposed Site Plan (drawing reference number 255.02a) shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge / footway kerbing.

REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interest of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2021).

- 9** No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interest of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2021).

- 10** Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interests of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2021).

- 11** Prior to occupation of the development, notwithstanding the details shown in drawings 255.01 Revision A and 255.02 Revision A, cycle and car parking shall be provided in accordance with the EPOA Parking Standards for 4-bedroom dwellings. The approved facility shall be secure, convenient, covered and retained at all times.

REASON: To ensure appropriate cycle and car parking is provided in the interests of highway safety and amenity, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2021).

- 12** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A to F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the Local Planning Authority.

REASON: To prevent the site becoming over-developed, to ensure no loss of private gardens below the Essex Design Guide threshold and to preserve the character and appearance of the area, in accordance with the adopted Uttlesford Local Plan Policy H4, GEN2, and the National Planning Policy Framework (2021).

- 13** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.

REASON: In the interests of flight safety, in accordance with the adopted Uttlesford Local Plan Policy GEN5, the Aviation Policy Framework, and the National Planning Policy Framework (2021).

- 14** No dust/smoke clouds and pools/ponds of water shall occur or be created on or above the site at any time. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), no reflective materials (such as solar panels) shall be added to the buildings on the site without the express consent in writing by the Local Planning Authority.

REASON: In the interests of flight safety, in accordance with the adopted Uttlesford Local Plan Policy GEN5, the Aviation Policy Framework, and the National Planning Policy Framework (2021).

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

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

- 16** The development hereby permitted shall be provided in accordance with the guidance in Approved Document S 2021 and shall be built in accordance with Optional Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition. Thereafter, the dwelling(s) shall be maintained as such in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure compliance with the adopted Uttlesford Local Plan Policies GEN1 and GEN2, and the adopted Supplementary Planning Document 'Accessible Homes and Playspace'.

APPENDIX 1 – STATUTORY CONSULTEES (ECC HIGHWAYS)

Your Ref: UTT/22/1639/FUL
Our Ref: 31805
Date: 28th July 2022



CC: (by email) *DM, SMO2, Chelmsford*
Cllr Martin Foley

Paul Crick
Director for Highways
and Transportation

To: Uttlesford District Council
Assistant Director Planning & Building Control
Council Offices
London Road
SAFFRON WALDEN CB11 4ER

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/22/1639/FUL
Applicant Mr & Mrs Michael and Christine Griffen
Site Location Rowney House Thaxted Road Debden Essex CB11 3LW
Proposal Proposed 2 no. dwellings (revised scheme to those approved under UTT/18/1206/FUL and UTT/19/1442/FUL)

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, as shown in principle on DWG no. 255.02a (dated 29/03/2022), subject to the following measures:

1. Prior to occupation of the development, the proposed access at its centre line shall be provided with clear to ground visibility splays (excluding the existing TPO Horse Chestnut Tree) with dimensions of 2.4 metres by 43 metres, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times. **Reason:** To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.
2. Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate dropped kerb crossing of the footway/verge. **Reason:** To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.
3. The existing southern access shown on the Proposed Site Plan (DWG 255.02a) shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge / footway kerbing, to the satisfaction of the Highway Authority, immediately the proposed new access is brought into first beneficial use. **Reason:** To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.

4. No unbound material shall be used in the surface treatment of any vehicular access within 6 metres of the highway boundary. Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.
5. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway. Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety.
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 retained at all times. Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

The above conditions are required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

Informative:

- i. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
- ii. There shall be no discharge of surface water onto the Highway.
- iii. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
- iv. Under Building Regulations B5, access for fire tenders is required to a point not further than 45 metres from the entrance to the dwelling. Any road or private drive forming part of such a fire access must be no less than 3.7 metres wide between kerbs (this may be reduced to 3.1 metres for a gateway or similar short narrowing) and should have a minimum centre line bend radius of 6.55 metres. The access way should be capable of carrying a 12.5 tonne vehicle. A cul-de-sac which is more than 20 metres long must have a turning head of a least Size 3.
- v. The applicant should be made aware of the potential relocation of the utility apparatus in the highway; any relocation shall be fully at the applicant's expense.

S. Masnie

pp. Director for Highways and Transportation
Enquiries to Sophie Currey
Telephone: 03330 133056
Email: sophie.currey@essex.gov.uk

APPENDIX 2 – STATUTORY CONSULTEES (LOCAL FLOOD AUTHORITY – ECC SUDS)

From: Suds
Sent: 08 September 2022 09:10
To: Avgerinos Vlachos
Subject: [External] RE: Clarification - UTT/22/1639/FUL

Good Morning Avgerinos,

As this is a minor application and there isn't a significant flood risk associated with this site and there is little scope for SuDS, we do not wish to comment.

Regards

Alison

[Alison Vaughan](#)

[Development & Flood Risk Officer](#)

[Environment, Climate Adaptation, Mitigation and Customer Services](#)

[Essex County Council](#)



Essex County Council | C422- C428 County Hall | Chelmsford | CM1 1QH