



ITEM NUMBER: 13

**PLANNING COMMITTEE 08 March 2022
DATE:**

REFERENCE NUMBER: UTT/22/2863/DFO

LOCATION: 10 And 12 The Mead Thaxted

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: February 2023

PROPOSAL: Application for Approval of Reserved Matters of Outline Planning Permission UTT/21/1850/OP (access, appearance, landscaping, layout and scale of the development)

APPLICANT: Uttlesford District Council

AGENT: Mr T Welland,

EXPIRY DATE: 19 December 2022

EOT Expiry Date:

CASE OFFICER: Nathan Makwana

NOTATION: Within Development Limits

REASON THIS APPLICATION IS ON THE AGENDA: Uttlesford District Council owned Property.

1. EXECUTIVE SUMMARY

1.1 This is a reserved matters application for the erection of one dwelling following the determination of the previous outline scheme: UTT/21/1850/OP. The outline scheme was for 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.

2. RECOMMENDATION

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| That the Director of Planning be authorised to GRANT permission for the development subject to those items set out in section 17 of this report. |
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3. SITE LOCATION AND DESCRIPTION:

3.1 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.

3.2 The site is within a residential area of similar single storey dwellings and adjoins open space to the east.

4. **PROPOSAL**

4.1 Application for Approval of Reserved Matters of Outline Planning Permission UTT/21/1850/OP (access, appearance, landscaping, layout and scale of the development)

5. **ENVIRONMENTAL IMPACT ASSESSMENT**

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

6. **RELEVANT SITE HISTORY**

| Reference | Proposal | Decision |
|----------------|--|--|
| UTT/21/1850/OP | 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 | Approved with Conditions on 16.12.2021 |

7. **PREAPPLICATION ADVICE**

7.1 Pre-application advice was sought on the 19.04.2021 regarding the 'Development of side gardens to create additional dwellings and replacement of defective existing dwellings. A written response was supplied on the 07.05.2021.

8. **SUMMARY OF STATUTORY CONSULTEE RESPONSES**

8.1 **ECC Highways**

8.2 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to conditions.

9. **PARISH COUNCIL COMMENTS**

9.1 None received.

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health

10.1.2 The Environmental Health Officer has proposed conditions relating to Contaminated Land, Construction Management and two informatives.

11. REPRESENTATIONS

11.1 Site notices were displayed on site and notification letters were sent to 26 nearby properties.

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,

(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.

12.4 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 19 July 2022)
Saffron Walden Neighbourhood Plan (made 11 October 2022)
Ashdon Neighbourhood Plan (made 6 December 2022)

Great & Little Chesterford Neighbourhood Plan (made 2 February 2023)

3. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2021)

13.2 Uttlesford District Plan 2005

GEN1- Access Policy
GEN2 – Design Policy
GEN4 – Good Neighbourliness Policy
GEN8 - Vehicle Parking Standards Policy
ENV14 - Contaminated Land

13.3 Thaxted Neighbourhood Plan 2017-2033

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

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) Appearance, Landscaping, Layout and Scale**
- B) Highways and Access**
- C) Environmental Health**
- D) Neighbour Amenities**

14.2 A) Appearance, Landscaping, Layout and Scale

14.2.1 ULP Policy GEN2 states that development will not be permitted unless its design meets all the following criteria and has regard to adopted Supplementary Design Guidance and Supplementary Planning Documents.

14.2.2 a) It is compatible with the scale, form, layout, appearance and materials of surrounding buildings;

- b) It safeguards important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate;
- c) It provides an environment, which meets the reasonable needs of all potential users.
- d) It helps to reduce the potential for crime;
- e) It helps to minimise water and energy consumption;
- f) It has regard to guidance on layout and design adopted as supplementary planning guidance to the development plan.
- g) It helps to reduce waste production and encourages recycling and reuse.
- h) It minimises the environmental impact on neighbouring properties by appropriate mitigating measures.
- i) i) It would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.

14.2.3 POLICY TX HD1 – Scale and Location of New Development states that development proposals for residential development shall be supported which respect the streetscape and historic and landscape character, conserve or enhance heritage assets and open spaces, and do not adversely impact the key views of Thaxted.

14.2.4 This reserved matters application follows the grant of outline planning permission UTT/21/1850/OP for the demolition of two bungalows and the erection of a single replacement bungalow. The application submits full details of the proposed bungalow. As evidenced on the submitted plans, the proposals outline a single storey bungalow incorporating two bedrooms, a sitting room and a bathroom, all designed for disabled wheelchair access across the whole dwelling.

14.2.5 The exterior of the dwelling has been designed to ensure it blends in well with the street scene as it will be comprised of buff bricks and brown pantiles, subject to a condition specifying the type of material. This will apply for all external materials as these details have not been supplied prior to determination.

14.2.6 The dwelling will also incorporate a number of sustainable features including an Electric Vehicle Charging Point, Solar PVs and an air source heat pump.

14.2.7 The external amenity space will provide a garden commensurate with the size of the dwelling and the plot. Indeed, this meets exceeds the Essex Design Guide Specification of 50sqm for a two-bedroom dwelling. As well as this, accessible bin storage and a storage shed are provided to the front and the rear of the dwelling respectively.

14.2.8 The proposal is for one adapted dwelling capable of accommodating such persons in need of this type of accommodation. It will provide beneficial

housing stock to Uttlesford's own council housing portfolio and has been designed accordingly, providing climate sensitive features as well as accessible internal spaces and external spaces that meet the Essex Design Guide Specification.

- 14.2.9** The proposal is therefore compliant with Policy GEN2 of the Uttlesford Local Plan 2005 (Adopted) and Thaxted Neighbourhood Plan Policies TX HD1 and TX HD2 and the NPPF 2021.

B) Highways and Access

- 14.3** Details relating to access are to be considered in this application. The new dwelling will be accessed from The Mead. A vehicular access to the site will be provided to the side of the proposed dwelling by the partial removal of the front hedge. The Local Highways Authority have provided a consultation recommending two conditions relating to vehicle and cycle parking.

- 14.3.1** Subject to these two conditions, the proposal complies with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

C) Environmental Health

- 14.4** The Environmental Health Officer has been consulted and requests two conditions relating to Land Contamination (if discovered during construction) and a Construction Management Plan (this will be included as an informative condition).

- 14.4.1** Subject to these conditions, the proposal accords with ULP Policies ENV11 and ENV14 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

14.5 D) Neighbour Amenity

- 14.5.1** The dwelling will be single storey in height and will be set in from the boundary with the adjoining property to the west and have a hipped roof. The proposed bungalow would be generally aligned with the rear of the neighbouring property (8 The Mead) and therefore, would therefore have no significant impact upon these its occupants.

- 14.5.2** The driveway will be positioned to the side of the plot adjacent to 8 The Mead with the existing hedge being removed and replaced by a fence. The proposed use of this part of the site for vehicle parking is considered acceptable and whilst there would be an increase in vehicular movement in this location; given the small size of the property, this would be infrequent. Accordingly, it is considered that this aspect of the proposal would not result in undue harm to the occupants of this neighbouring property.

14.5.3 No other property is considered to be impacted by this proposed development. It is considered that the proposal complies with policies GEN2 and GEN4 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 GEN2 of the Uttlesford Local Plan 2005 (Adopted) and TX HD1 and TX HD2 of the Thaxted Neighbourhood Plan and the NPPF 2021.

16.2 Subject to two parking conditions, the proposal is acceptable in Highways and Access terms and complies with ULP Policies GEN1 and GEN2 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

16.3 Subject to conditions relating to Land Contamination and Noise, the proposal accords with ULP Policies ENV11 and ENV14 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

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 Prior to any works above slab level, a schedule of the types and colours of the materials to be used in the external finishes shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be implemented strictly in accordance with the approved materials and shall be maintained as such in perpetuity.

REASON: To preserve the significance of the heritage assets, in accordance with the adopted Uttlesford Local Plan Policy GEN2, Thaxted Neighbourhood Plan Policy TXHD1, the Essex Design Guide and the National Planning Policy Framework (2021)

- 3 Prior to occupation of the development hereby approved, an electric vehicle charging point shall be provided on site for each dwelling. 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)

- 4 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, has been provided. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

- 5 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 in accordance with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

- 6** 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(3) (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 Policy GEN2, and the adopted Supplementary Planning Document 'Accessible Homes and Playspace'.

- 7** If during any site investigation, excavation, engineering, or construction works evidence of land contamination is identified; the applicant shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

REASON: To protect human health and the environment in accordance with ULP Policy ENV14 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.