

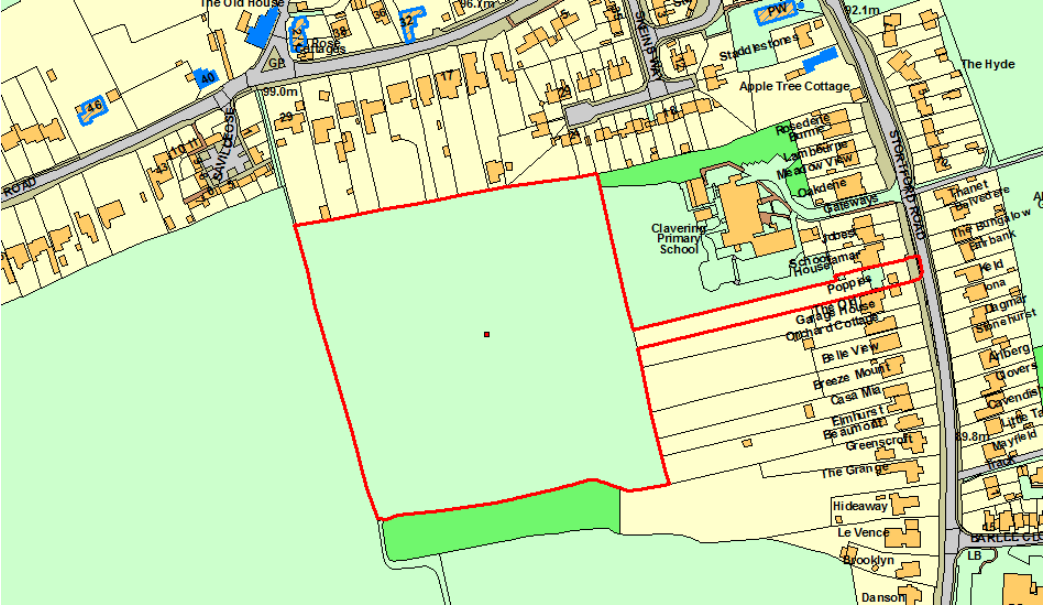
ITEM NUMBER: 10

PLANNING COMMITTEE DATE: 21 June 2023

REFERENCE NUMBER: UTT/23/0574/FUL

LOCATION: Land To The West of Stortford Road, Clavering

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: June 2023

PROPOSAL: Variation of Condition 1 (the development shall be carried out in accordance with the approved plans) of UTT/22/1103/DFO to allow for the revision of the site plan and the revision of the floor plans and elevations for plots 7 and 15.

APPLICANT: Pelham Structures Ltd

AGENT: Pelham Structures Ltd (Mrs S Greaves)

EXPIRY DATE: 5 June 2023

EOT Expiry Date: 23 June 2023

CASE OFFICER: Chris Tyler

NOTATION: Outside Development Limits

REASON THIS APPLICATION IS ON THE AGENDA: Major Planning Application

1. EXECUTIVE SUMMARY

1.1 The proposal includes the variation of conditions 1 attached to UTT/22/1103/DFO. The variation of this condition enables the changes to the approved plans.

1.2 The variation of condition 1 is considered acceptable. The repositioning of plots 1, 3 and 4, relocation of the sheds of Plots 10-11, 19-26 and 30-31 and the design changes to plots 7 and 15 will not result in any harmful impact to the character and appearance of the originally approved scheme. Furthermore the proposed revision will not result in any harmful impact to the amenity of the occupants of neighbouring properties.

1.3 The proposed variation of condition 1 is acceptable and in accordance with ULP Policies GEN2, GEN4 and the NPPF

2. RECOMMENDATION

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 -

A) Conditions

3. SITE LOCATION AND DESCRIPTION:

3.1 The application site consists of residential development currently under construction located to the west of Stortford Road in Clavering. The site is accessed from Stortford Road via a new access constructed on the site of a previous dwelling (Poppies). To the east of the main site is Clavering Primary School and to the north of the site are the residential properties along Pelham Road.

3.2 To the west of the application site a public right of way joins the north of the site (Pelham Road) to the south of the Clavering.

4. PROPOSAL

4.1 This application seeks to vary condition 1 (the development shall be carried out in accordance with the approved plans) of UTT/22/1103/DFO to allow for the revision of the site plan and the revision of the floor plans and elevations for plots 7 and 15.

4.2 Condition 1 states:

“The development hereby permitted shall be carried out in accordance with the approved plans and proposed materials document 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”

4.3 The proposed revision to the approved scheme includes:

- Plot 3 and 4 – garages repositioned 500mm closer to their respective boundaries to allow adequate space for the air source heat pump,
- Plot 1 repositioned 500mm away from the eastern boundary,
- Plots 10-11, 19-26 and 30-31, the shed positions have been amended to bring them closer to the houses,
- Plots 7 and 15. the roof has been amended to the rear to form a hipped roof to reduce the visual mass,
- The rear elevation is now straight to allow for more usable space to the main internal living space,
- Doors replacing windows to the rear,
- Window amendments to the side elevation.

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

6.1

Reference	Proposal	Decision
UTT/20/2639/OP	Outline application with all matters reserved except for access for the demolition of "Poppies" and the erection of up to 31 no. dwellings and 38 no. visitor parking spaces for the adjacent school	Approved
UTT/22/1103/DFO	Details following outline application UTT/20/2639/OP for the erection of 31 no. dwellings and 38 no. parking spaces - details of appearance, landscaping, layout and scale	Approved
UTT/23/0621/NMA	Non material amendment to UTT/22/1103/DFO - revisions to plans and elevations for plots 7 and 15.	Approved
UTT/23/0623/NMA	Non material amendment to UTT/22/1103/DFO - amendments to plans for garages, amendments to plot 2 (sunroom windows), plots 9 and 29 (roof materials), plot 10, 11, 30 and 31 (window and doors arrangements) plots 12 and 18 (cladding).	Approved
UTT/23/0999/NMA	Non material amendment to UTT/22/1103/DFO (following approval UTT/23/0621/NMA) - amendments to plot 7 and plot 15.	Approved

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 The Local Planning Authority is unaware of any consultation exercise carried out by the applicant for this current proposal.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 No comments from statutory consultees.

9. **PARISH COUNCIL COMMENTS**

9.1 No comments received

10. **CONSULTEE RESPONSES**

10.1 **UDC Environmental Health**

10.1.1 No objections or further recommendations.

11. **REPRESENTATIONS**

11.1 Site notice/s were displayed on site and 261 notifications letters were sent to nearby properties. The application was also advertised in the local press.

11.2 No comments 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)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2021)

13.2 Uttlesford District Plan 2005

S7 – The countryside

GEN1- Access

GEN2- Design

GEN3 - Flood Protection

GEN4 - Good Neighbourliness

GEN5 - Light pollution

GEN6 - Infrastructure to support development

GEN7 - Nature Conservation

GEN8 - Vehicle Parking Standards

H9 - Affordable Housing

H10 - Housing Mix

ENV1- Design of development within the conservation area

ENV2- Development affecting Listed Buildings.

ENV3 - Open Space and Trees

ENV4 - Ancient Monument and sites of Archaeological Importance

ENV5 - Protection of Agricultural Land

ENV11- Noise generators

ENV13 - Exposure to poor air quality

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:

14.2 A) Character and Appearance

B) Amenity

14.3 A) Character and Appearance

- 14.3.1** ULP Policy GEN2 considers the design of development and advises development will not be permitted unless is compatible with the scale, form, layout, appearance and materials of surrounding buildings.
- 14.3.2** Paragraph 130 (b) of the NPPF advises planning decision should ensure developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- 14.3.3** The layout will provide an appropriate siting of the dwellings, garages and public open space within the site and that is compatible with its surroundings.
- 14.3.4** The proposed repositioning of plots, 1, 3 and 4 will provide an appropriate siting of the dwellings that will not be poorly related to the layout of the approved scheme.
- 14.4.5** The relocation of the sheds for plots 10-11, 19-26 and 30-31 will not result in dominant or cramped appearance within the site and surrounding area.
- 14.4.6** The design changes to plots 7 and 15 will not overly change the appearance of the dwellings and will introduce new design features that are in character with the existing approved dwellings.
- 14.4.7** As such it is considered the design and appearance of proposed revisions are acceptable and in accordance with ULP Policies S7, GEN2 and the NPPF.

14.5 B) Amenity

- 14.5.1** ULP Policy GEN2 considers the design of development and advises development will not be permitted if it results in an adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy.
- 14.5.2** Paragraph 130 (f) of the NPPF advises planning decision should ensure developments include a high standard of amenity for existing and future users.
- 14.5.3** ULP Policy GEN4 advises that development will not be permitted where noise would cause a material disturbance to occupiers of surrounding properties. The proposed revisions to the scheme are not considered to result in in any intensification of use that will have any harmful impact to neighbouring dwellings from increase of noise and disturbance.
- 14.5.4** The proposed development does not compromise neighbouring amenity in terms of unacceptable loss of light, over shadowing or overbearing

impacts due to the distances between proposed dwellings and distance between the neighbouring sites. The Council's Environmental Health Officer has been consulted in regard to the proposals; no objections or further recommendation have been raised.

- 14.5.5** As such it is considered the revision of the approved scheme will not have any unacceptable impact to neighbouring residential amenity and would accord with ULP Policies GEN2, GEN4 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

16. CONCLUSION

- 16.1** The variation of condition 1 is considered acceptable. The repositioning of plots 1, 3 and 4, relocation of the sheds of Plots 10-11, 19-26 and 30-31 and the design changes to plots 7 and 15 will not result in any harmful impact to the character and appearance of the originally approved scheme. Furthermore, the proposed revisions will not result in any harmful impact to the amenity of the occupants of neighbouring properties.

16.2 The proposed variation of condition 1 is acceptable and in accordance with ULP Policies GEN2, GEN4 and the NPPF.

17. CONDITIONS

1 The development hereby permitted shall be carried out in accordance with the approved plans and proposed materials document 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

2 The proposed landscaping scheme as demonstrated on plan 473x003 REF G 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 or trees 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 ensure compatibility with the character of the area in accordance with ULP Policies S7 and GEN2 of the Uttlesford Local Plan (adopted 2005)

3 Prior to the slab level of the development hereby approved details of the suitability of roof mounted PV solar panels to be used throughout the development shall be submitted to and approved in writing by the Local Planning Authority. These suitable measures shall be implemented during the construction of the development and completed prior to the occupation of the development, unless otherwise previously agreed in writing by the Local Planning Authority.

REASON: These measures are required to identify suitable areas for renewable and low carbon energy sources and supporting infrastructure in accordance with ULP Policies ENV15 and GEN2 of the Uttlesford Local Plan (adopted 2005) and Uttlesford District Council's Interim Climate Change Policy document (2021) and the NPPF.

4 Prior to the occupation a detailed statement of the proposed renewable features/ climate control measures associated with each dwelling shall be submitted to and approved in writing by the Local Planning Authority.

These features shall be installed into the development as built and retained as such thereafter.

REASON: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance to comply with Policies ENV15 and GEN2 of the Uttlesford Local Plan (adopted 2005) and Uttlesford District Council's Interim Climate Change Policy document (2021)

- 5** Dwellings shall not be occupied until such time as their associated vehicle parking area indicated on the approved plans, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas and associated turning areas 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 Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with ULP policy GEN1.

- 6** The dwellings hereby approved shall not be occupied until such time as their associated cycle parking indicated on the approved plans, has been provided.

REASON: To ensure appropriate bicycle parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with ULP policy GEN1.

- 7** Any planting adjacent to the Public Rights of Way shall be planted a minimum of 3m from the extent of the Public Right of Way.

REASON: To maintain a clear passage for pedestrians without encroachment from vegetation. 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.