

ITEM NUMBER:

12

**PLANNING COMMITTEE
DATE:**

30 August 2023

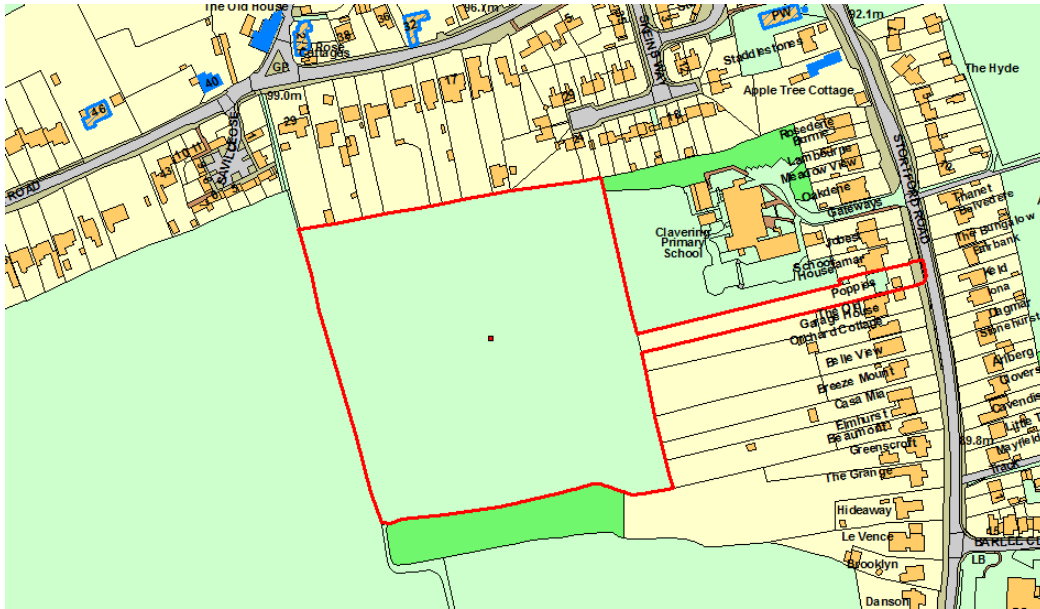
REFERENCE NUMBER:

UTT/23/1432/FUL

LOCATION:

Land To The West of Stortford Road, Clavering

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 28 July 2023

PROPOSAL: S73 application to vary condition 1 (approved plans) of UTT/22/1103/DFO (Details following outline application UTT/20/2639/OP for the erection of 31 no. dwellings and 38 no. parking spaces)

APPLICANT: Pelham Structures Ltd

AGENT: Pelham Structures Ltd (Mrs S Greaves)

EXPIRY DATE: 7 September 2023

EOT Expiry Date n/a

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 plot 16, including change in the size and design of the dwelling, garage and off street parking.

1.2 The variation of condition 1 is considered acceptable. The revision of plot 16 including the increase in size and change of design to the dwelling and garage will not result in any harmful impact to the character and appearance of the original approved scheme. Furthermore, the proposed revisions will not result in any harmful impact to the amenity of the occupants of neighbouring properties and will provide sufficient off street parking.

1.3 The proposed variation of condition 1 is acceptable and in accordance with ULP Policies S7, GEN2, GEN4, GEN8 and the NPPF.

2. RECOMMENDATION

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 of UTT/22/1103/DFO to allow for the revision of plot 16. The revision includes changes of design and floor space to accommodate accessible ground floor accommodation for then future occupier of the dwelling.

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”

4.4 The proposal includes the following changes to the approved plans:

Approved	Plan Number	Revised Plan	Plan Number
Landscaping Plan	473X003 REF G	Landscaping Plan	473 x 003 R
Plot 16 floor plans and elevations	PL16	Plot 16 floor plans and elevations	PL16
n/a	n/a	Plot 16 garage (additional plan)	PL36

4.5

The proposed changes to Plot 16 include:

- Increase in floor space,
- Increase of bedroom numbers,
- Changes to design and the external appearance,
- Increase in size of the garage,
- Minor changes to the plot layout/ landscaping,
- Increase of parking provision.

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

UTT/23/0574/FUL	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 and other revisions to the layout of the development.	Approved
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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 Highway Authority

8.1.1 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following mitigation and conditions:

- Prior to the occupation of the development the parking provisions shall be provided,
- Prior to the occupation of the dwellings approved the cycle parking will be provided,
- Not restricting the public right of ways

8.2 Lead Local Flood Authority

8.2.1 On reviewing the proposed amendment, we consider that it will have negligible impact on the site drainage, and we therefore do not wish to comment in this instance.

8.3 Historic England

8.3.1 Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers.

9. PARISH COUNCIL COMMENTS

9.1 Neither objecting to or supporting the Planning Application:

The councillors would like to point out that this development has a restriction on roof heights and therefore they would have liked to have had a scale on the drawings to show the height of this house. It would also have been useful to be given the superseded plans for plot 16 so a comparison could be made of the amendments to the original plans.

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer

10.1.1 No objections or further recommendations.

10.2 Thames Water

10.2.1 Thank you for consulting Thames Water on this planning application. Having reviewed the details, we have no comments to make at this time. Should the details of the application change, we would welcome the opportunity to be re-consulted

10.3 ECC Archaeology

10.3.1 The proposed development has had archaeological trial trenching and excavation on the site and this has been completed. Therefore, no further archaeological recommendations are being made on this application.

10.4 BAA – Aerodrome Safeguarding

10.4.1 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no objection to this Variation.

10.5 Heritage Officer

10.5.1 Upon review of the submitted documents, the proposals are not considered to result in any additional harm therefore no objections are raised this proposal.

10.6 UDC Environmental Health

10.6.1 The Environmental Protection Team have no objection to the proposed variation.

10.7 ECC Ecology

10.7.1 We have reviewed the above application and do not consider any additional impacts upon ecology are likely as a result of the proposals and so have no further comments to make.

11. REPRESENTATIONS

11.1 Site notice/s were displayed on site and 253 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.

12.3 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)
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
C) Parking Standards

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 proposed revision to plot 16 include increasing the floor space of the dwelling to provide additional habitable accommodation, also the increase in size of the approved garage. The increase in scale size will not result in a dominating or intrusive form of development, it is noted the overall height of the dwelling will not be altered.
- 14.3.4** The proposal includes the introduction of a double gable feature to the rear elevation and the use of external materials that are consistent with the previous planning approval. Overall, the proposed revisions to plot 16 will not overly change the appearance of the dwelling and will introduce new design features that are in character with the existing approved dwellings.
- 14.3.5** The proposal will include some minor changes to the layout and landscaping details of the plot 16, however it is considered these would be in character with the landscaping features of the approved scheme. Also although the proposal includes the increase of bedroom numbers sufficient garden space has been provided for plot 16, in accordance with the Essex Design Guide.
- 14.3.6** As such it is considered the character and appearance of proposed revisions to plot 16 are acceptable and in accordance with ULP Policies S7, GEN2 and the NPPF.

14.4 B) Amenity

- 14.4.1** Paragraph 130 (f) of the NPPF advises planning decision should ensure developments include a high standard of amenity for existing and future users.
- 14.4.2** 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.
- 14.4.3** ULP Policy GEN4 advises that development will not be permitted where noise would cause a material disturbance to occupiers to surrounding properties.
- 14.4.4** The proposed revisions to plot 16 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. Although the dwelling will include additional bedrooms it is not considered these will result in any significant intensification of use, noise or disturbance. The Council's Environmental Health Officer has been consulted in regard to the proposals; no objections or further recommendations have been raised.

14.4.5 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.

14.5 C) Parking Standards

14.5.1 ULP Policy GEN8 requires parking provision to be in accordance with current adopted standards. The proposal includes the increase in parking spaces from 3 to 4, this is considered to be in accordance with the Uttlesford Local Residential Parking Standards (2013) which advises 3 parking spaces are required for a 4+ bedroom house.

14.5.2 The Highway Authority have been consulted, no objections have been raised subject to the imposition of conditions which have been included. As such sufficient off street parking is provided for the revisions to plot 16, in accordance with ULP Policy GEN8

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 revision of plot 16 including the increase in size and change of design to the dwelling and garage will not result in any harmful impact to the character and appearance of the original approved scheme. Furthermore, the proposed revisions will not result in any harmful impact to the amenity of the occupants of neighbouring properties and will provide sufficient off street parking.
- 16.2** The proposed variation of condition 1 is acceptable and in accordance with ULP Policies S7, GEN2, GEN4, GEN8 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 REV- R, 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** Notwithstanding plot 16, the development hereby approved shall constructed in accordance details of the roof mounted PV solar panels (condition 3) submitted and approved under discharge of conditions application UTT/23/0286/DOC. 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 The development hereby approved shall be in accordance with the details of renewable features/ climate control measures (condition 4) submitted and approved under discharge of conditions application UTT/23/0286/DOC. 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.

- 8** Prior to the occupation of plot 16, details of the roof mounted PV solar panels shall be submitted to and approved in writing by the Local Planning Authority. These suitable measures shall be completed prior to the occupation of plot 16 and shall remain 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

- 9** Prior to the occupation of plot 16, details of the renewable features/ climate control measures shall be submitted to and approved in writing by the Local Planning Authority. These suitable measures shall be completed prior to the occupation of plot 16 and shall remain unless otherwise previously agreed in writing by the Local Planning Authority.

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).

Appendix 1- Highway Authority

Your Ref: UTT/22/1103/DFO
Our Ref:HT/TPD /SD/KW/ 30250/4B
Date:- 08/08/2022



Essex County Council

Paul Crick
Director for Highways and Transportation

CC: Essex Highways DM
Cllr Gooding

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

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/22/1103/DFO

Applicant Pelham Structures Ltd

Site Location Land To The West Of Stortford Road Clavering

Proposal 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

Note

Comments were provided to the applicant on the layout of the site these have been addressed and this response relates to the latest drawing submitted PS002-OP1-WL-01 Rev H and vehicle swept path analysis drawings DR1-DR3.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following mitigation and conditions:

1. 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.
2. Dwellings 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.

3. Any planting adjacent to the public rights of way to 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.

Informatives:

- (i) The highway authority may not adopt all parts of the proposed development including the car parking areas for the school.
- (ii) All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.
- (iii) 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 SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.
- (iv) Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- (v) The Applicant should provide for agreement, information regarding their drainage proposals i.e. draining by gravity/soakaways/pump assisted or a combination thereof. If it is intended to drain the new highway into an existing highway drainage system, the Developer will have to prove that the existing system is able to accommodate the additional water.
- (vi) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Appendix 2- Lead Local Flood Authority

Dear Sir/Madam

Thank you for consulting the SuDS team on the above application.

On reviewing the proposed amendment, we consider that it will have negligible impact on the site drainage, and we therefore do not wish to comment in this instance.

Regards

Richard Atkins
Development and Flood Risk Officer
Green Infrastructure and Sustainable Drainage
Climate Adaption and Mitigation, Environment & Climate Action

Appendix 3- Historic England



Mr Chris Tyler
Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex
CB11 4ER

Our ref: **W:** P01561569

14 June 2023

Dear Mr Tyler

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**LAND TO THE WEST OF STORTFORD ROAD, CLAVERING , ESSEX
Application No. UTT/23/1432/FUL**

Thank you for your letter of 8 June 2023 regarding the above application for planning permission.

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

Yours sincerely

Rosa Teira Paz
Inspector of Historic Buildings and Areas