



ITEM NUMBER: 10

PLANNING COMMITTEE DATE: 13 December 2023

REFERENCE NUMBER: UTT/23/2555/FUL

LOCATION: Land Behind The Old Cement Works
Thaxted Road, Saffron Walden,

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 14 Nov 2023.

PROPOSAL: S73 application to vary condition 2 (approved plans) of UTT/20/0864/FUL approved under appeal ref APP/C1570/W/20/3264407 (Erection of 35 Dwellinghouses) in order to substitute drawing 90416.01 for BRD/22/029/012 to make amendments to plots 7 and 8.

APPLICANT: Amherst Homes

AGENT: Mr Ian Grant - BRD Tech Ltd

EXPIRY DATE: 9 January 2024

EOT Expiry Date N/A

CASE OFFICER: Chris Tyler

NOTATION: Within Development Limits

REASON THIS APPLICATION IS ON THE AGENDA: Major Planning Application

1. EXECUTIVE SUMMARY

- 1.1** The proposal includes the variation of condition 2 (plans) attached to UTT/20/0864/FUL (approved at appeal ref APP/C1570/W/20/3264407). The variation of these conditions enables changes to plots 7 and 8 in order to extend the ground floor single storey rear element of the dwellings and further revisions to the fenestration.
- 1.2** The proposed changes in will not result in a harmful impact to appearance or character of the site or surrounding area.
- 1.3** The alterations will not have a harmful impact to the private amenity of neighbouring properties.
- 1.4** As such it is considered the revision to the design of the approved scheme are acceptable and in accordance with ULP Policy GEN2, SWNP-SW3 and the NPPF.

2. RECOMMENDATION

That the Strategic Director of Planning be authorised to **GRANT** permission for the development subject to those items set out in section 17 of this report -

- A) Completion of a s106 Obligation Agreement in accordance with the Heads of Terms as set out
- B) Conditions

And

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

3. SITE LOCATION AND DESCRIPTION:

3.1 The site is located off Thaxted Road, Saffron Walden. It comprises an area of open land, previously used as a cement works, lime kiln and scrapyard, to the rear of existing residential development at The Kilns and Tiptoft Lane.

3.2 The application site has extant planning permission to develop 35 dwellings.

4. PROPOSAL

4.1 This application seeks to vary condition vary conditions 2 (plans) attached to UTT/20/0864/FUL (approved at appeal ref APP/C1570/W/20/3264407) and to make amendments to plots 7 and 8.

4.2 Approved Condition 2:

The development hereby permitted shall be carried out in accordance with the following approved plans:

901416.30 Rev G; 901416.31 Rev A;
901416.32; 901416.33 Rev C; 901416.34 Rev C; 901416.35 Rev C;
901416.01; 901416.02; 901416.03; 901416.04; 901416.05;
901416.06; 901416.07; 901416.08; 901416.09; 901416.10; 901416.11;
901416.12; 901416.13; 901416.14; 901416.15 Rev A; 901416 Rev A;
901416.17 Rev A; 901416.18; 901416 Rev A; 901416.20; 901416.21;
901416.22; 901416.23; 901416.24; 901416.25; 901416.26 Rev A;
901416.30 Rev G; 901416.31 Rev A; 901416.32 Rev A; 901416.33 Rev C;
901416.34 Rev C; 901416.35 Rev C; 901416.40.

4.3 Proposed Condition 2:

The development hereby permitted shall be carried out in accordance

with the following approved plans:

901416.30 Rev G; 901416.31 Rev A;
 901416.32; 901416.33 Rev C; 901416.34 Rev C; 901416.35 Rev C;
BRD/22/029/012; 901416.02; 901416.03; 901416.04; 901416.05;
 901416.06; 901416.07; 901416.08; 901416.09; 901416.10; 901416.11;
 901416.12; 901416.13; 901416.14; 901416.15 Rev A; 901416 Rev A;
 901416.17 Rev A; 901416.18; 901416 Rev A; 901416.20; 901416.21;
 901416.22; 901416.23; 901416.24; 901416.25; 901416.26 Rev A;,
 901416.30 Rev G; 901416.31 Rev A; 901416.32 Rev A; 901416.33 Rev
 C; 901416.34 Rev C; 901416.35 Rev C; 901416.40.

- 4.4** The proposed revision includes extension to the single storey rear section, changes to the approved fenestration.

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

Reference	Proposal	Decision
UTT/23/0114/FUL	Variation of condition 14 attached to UTT/20/0864/FUL allowed on appeal - in order to exclude Plots 22-23, 24-26 and 33-34 from the need to comply with Building Regulation M4(2)	Approved subject to S106
UTT/20/0864/FUL	Erection of 35 Dwellinghouses (Revised scheme to that approved under UTT/16/1444/OP and UTT/17/3038/DFO	Refused, allowed at appeal
UTT/17/3038/DFO	Details following outline approval UTT/16/1444/OP for 35 no. dwellings comprising 21 market homes and 14 affordable homes. Details of appearance, landscaping, layout and scale.	Approved

UTT/16/1444/OP	Outline application, with all matters reserved except for access, for a residential development of up to 49 dwellings. Previously approved under UTT/13/1937/OP	Approved
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7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

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

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

Highway Authority-No objections

8.1 The highway authority have reviewed the proposed amended plan for plots 7 & 8 and are satisfied that there will be no detrimental impact on highway safety, efficiency or accessibility.

9. SAFFRON WALDEN TOWN COUNCIL COMMENTS

9.1 No comments received.

10. CONSULTEE RESPONSES

10.1 NATS - Safeguarding

10.1.1 No safeguarding objection to the proposal.

10.2 Essex Police

10.2.1 We thank you for notification of the variation to application UTT/20/0864/FUL and have nothing further to add.

10.3 UDC Environmental Health

10.3.1 Thank you for consulting me on this application. The proposed changes do not affect the Environmental Protection Team's previous response, we have nothing further to add.

10.4 Stansted Airport Group

10.4.1 No Objections

11. REPRESENTATIONS

11.1 Site notice/s were displayed on site and 76 notifications letters were sent to nearby properties. The notification was also published in the local press.

11.2 Support

11.2.1 N/A

11.3 Object

11.3.1 N/A

11.4 Comment

11.4.1 N/A

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 (2023)

13.2 Uttlesford District Plan 2005

S1 – Development Limits for the Main Urban Areas

GEN1 – Access

GEN2 – Design

GEN3 – Flood Protection

GEN4 – Good Neighbourliness

GEN5 – Light Pollution

GEN6 – Infrastructure Provision to Support Development

GEN7 – Nature Conservation

GEN8 – Vehicle Parking Standards

E2 – Safeguarding Employment Land

ENV8 – Other Landscape Elements of Importance for Nature Conservation

ENV12 – Protection of Water Resources

ENV13 – Exposure to Poor Air Quality

ENV14 – Contaminated Land

H1 – Housing Development

H3 – New Houses within Development Limits

H9 – Affordable Housing

H10 – Housing Mix

SW6 – Safeguarding of Existing Employment Areas

13.3 Saffron Walden Neighbourhood Plan (made 11 October 2022)

SW3 - Design

13.4 Supplementary Planning Document or Guidance

Essex Design Guide

14. CONSIDERATIONS AND ASSESSMENT

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

14.2 **A) Design and Appearance**
B) Amenity

14.3 **A) Design 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** Policy SW3 of the Saffron Walden Neighbourhood Plan states development in Saffron Walden must contribute positively to the Parish's sense of place through a design-led approach underpinned by good design principles.
- 14.3.4** In regard to the design and appearance of Plot 7 and Plot 8, although the proposal includes a material change to the original planning approval the overall appearance of the dwelling will not result in any significant alteration. The proposed revision to the development includes the extension of the single storey rear section of the dwelling and changes to the fenestration. The changes are not considered result in harmful impact to the overall character or appearance of the site, proposed dwelling or surrounding area.
- 14.3.5** As such it is considered the design and appearance of proposed revisions are acceptable and in accordance with ULP Policy GEN2, SWNP-SW3 and the NPPF.

14.4 B) Amenity

- 14.4.1** 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.
- 14.4.2** Paragraph 130 (f) of the NPPF advises planning decision should ensure developments include a high standard of amenity for existing and future users.
- 14.4.3** Policy SW3 of the Saffron Walden Neighbourhood Plan considers the impact to the amenity including overlooking as overlooking both for existing neighbours and future residents.
- 14.4.4** Although the proposed revision includes extending the footprint of the dwellings it will not result in any adverse effect on the private amenity area of neighbouring properties from overlooking or loss of privacy. As such it is considered proposed revisions in regard to amenity are acceptable and in accordance with ULP Policy GEN2, SWNP-SW3 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 2 is considered acceptable. The increase in footprint and external design of the dwelling will not result in a harmful impact to appearance or character of the site or surrounding area.
- 16.2** The alterations to the layout of Plots 7 and 8 will not result in a harmful impact to the private amenity of neighbouring properties.
- 16.3** As such it is considered the revision to the design of the approved scheme are acceptable and in accordance with ULP Policy GEN2, SWNP-SW3 and the NPPF

17. S106/ CONDITIONS

- 17.1** A S106 – deed of variation will be required to transfer the previous S106 planning obligations to this new planning permission, the heads of terms include:
- (i) Affordable Housing,
 - (ii) Education Contribution,

- (iii) Health Services Contribution,
- (iv) Pay the Council's reasonable legal costs
- (v) Pay the monitoring fee

17.2 CONDITIONS

- 1 The development to which this permission relates to shall begin by the 12th July 2024, in compliance with the expiration of 3 years from the decision date of allowed appeal APP/C1570/W/20/3264407.

REASON: To comply with the requirements of Sections 73 and 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

901416.30 Rev G; 901416.31 Rev A;
901416.32; 901416.33 Rev C; 901416.34 Rev C; 901416.35 Rev C;
BRD/22/029/012; 901416.02; 901416.03; 901416.04; 901416.05;
901416.06; 901416.07; 901416.08; 901416.09; 901416.10; 901416.11;
901416.12; 901416.13; 901416.14; 901416.15 Rev A; 901416 Rev A;
901416.17 Rev A; 901416.18; 901416 Rev A; 901416.20; 901416.21;
901416.22; 901416.23; 901416.24; 901416.25; 901416.26 Rev A;
901416.30 Rev G; 901416.31 Rev A; 901416.32 Rev A; 901416.33 Rev C;
901416.34 Rev C; 901416.35 Rev C; 901416.40.

- 3 The development hereby approved shall be carried out in accordance with the landscaping details submitted and approved under discharge of conditions application UTT/22/1454/DOC.

All landscape works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

REASON: To ensure compatibility with the character of the area in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 4 The dwellings in the proposed development shall not be occupied until such time as their associated vehicle parking areas indicated on the approved plans (90416.30 Rev G), has been hard surfaced, sealed and marked out in parking bays. 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: in the interests of highway safety and that appropriate parking is provided and in accordance with ULP Policy GEN1.

- 5 The cycle parking facilities as shown in principle on drawing number 90416.33 Rev C are to be provided prior to the first occupation of the

dwellings which they serve, they shall be secure, convenient, covered and retained thereafter.

REASON: in the interests of highway safety and that appropriate parking is provided and in accordance with ULP Policy GEN1.

- 6** The development hereby approved shall be carried out in accordance with the biodiversity enhancement strategy details submitted and approved under discharge of conditions application UTT/22/1454/DOC.

All works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

REASON: To conserve and enhance protected and priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities Act' 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 7** Each dwelling hereby permitted must not be occupied until such time as its associated vehicle parking area has been developed and provided in accordance with Drawing No. 90416.30 Rev G.

REASON: in the interests of highway safety and that appropriate parking is provided and in accordance with ULP Policy GEN1.

- 8** The eaves and ridge heights of the permitted dwellings relative to each other and to existing buildings must be constructed as shown on the following drawings:

- Drawing No. 90416.40
- Drawing No. BRD/22/029/010-A

REASON: To clarify the height and visual relationship between existing and permitted buildings, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 9** The development hereby approved shall be carried out in accordance with the drainage details submitted and approved under discharge of conditions application UTT/22/2574/DOC.

The drainage scheme shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

REASON: To prevent flooding by ensuring a satisfactory drainage scheme and in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

- 10** A minimum of a single electric vehicle charging point shall be installed at each of the houses. These shall be provided, fully wired and connected, ready to use before first occupation.

REASON: The requirement of the charging points are required to mitigate the harm for poor air quality due to the increase in vehicle movement and being within and in accordance with ULP policy ENV13 and paragraph 105 of the NPPF.

- 11** The development hereby approved shall be carried out in accordance with the contamination assessment submitted and approved under discharge of conditions application UTT/22/1449/DOC, unless otherwise agreed in writing by the local planning authority.

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

- 12** The development hereby approved shall be carried out in accordance with the contamination remediation assessment submitted and approved under discharge of conditions application UTT/22/1449/DOC, unless otherwise agreed in writing by the local planning authority.

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

- 13** Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

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

- 14** Excluding Plots 22-23, 24-26 and 33-34, The dwellings hereby approved shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition”.

REASON: To ensure a high standard of accessibility, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005), the SPD entitled 'Accessible Homes and Playspace' and the Planning Practice Guidance.

- 15** Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.

REASON: in the interests of sustainable transport provisions in accordance with ULP Policy GEN1.

- 16** The development hereby approved shall be carried out in accordance with the construction method statement submitted and approved under discharge of conditions application UTT/22/1832/DOC, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that the construction of the development is in the interests of highway safety and control of environmental impacts in accordance with ULP Policies GEN1 and GEN4.

APPENDIX 1- HIGHWAY AUTHORITY

Date:

17 October 2023 13:42:50

UTT/23/2555/FUL | S73 application to vary condition 2 (approved plans) of UTT/20/0864/FUL approved under appeal ref APP/C1570/W/20/3264407 (Erection of 35 Dwellinghouses) in order to substitute drawing 90416.01 for BRD/22/029/012 to make amendments to plots 7 and 8. | Land Behind The Old Cement Works Thaxted Road Saffron Walden Essex

Good morning,

Thank you for consulting us on the above application. The highway authority have reviewed the proposed amended plan for plots 7 & 8 and are satisfied that there will be no detrimental impact on highway safety, efficiency or accessibility.

Kind regards,

Rachel McKeown

Strategic Development Engineer

