

PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 18 MARCH 2002

APPL NO: **UTT/0178/01/CL**
PARISH: **HATFIELD HEATH**
DEVELOPMENT: Certificate of Lawfulness for B2 and B8 use (slaughter house and meat storage)
APPLICANT: Reynolds 1994 Ltd
LOCATION: Unit 13 Heath View
D.C. CTTE: 19 March 2001
REMARKS: Deferred at request of Head of Legal Services
RECOMMENDATION: Refusal
Case Officers: Jacqui Harrison 01799 510420 & Michael Ovenden 01799 510476
Expiry Date: 3 April 2001

APPL NO: **UTT/0326/01/FUL**
PARISH: **HATFIELD BROAD OAK**
DEVELOPMENT: Erection of replacement dwelling involving extension to residential curtilage
APPLICANT: J Schonberg
LOCATION: Anthonys, Anthonys Lane
D.C. CTTE: 26 November 2001
REMARKS: Deferred for negotiations re size of new dwelling
RECOMMENDATION: To be reported
Case Officer: David Jeater (01799) 510464
Expiry Date: 25 May 2001

APPL NO: **UTT/1412/01/FUL**
PARISH: **STANSTED**
DEVELOPMENT: Erection of detached house and double garage
APPLICANT: K Atchinson
LOCATION: West Road
D.C. CTTE: 25 February 2002
REMARKS: Deferred for Members' site visit
RECOMMENDATION: Conditional Approval
Case Officer: Michelle Guppy 01799 510477
Expiry Date: 13 December 2001

APPL NO: **UTT/1463/01/FUL**
PARISH: **QUENDON**
DEVELOPMENT: Retention of rear first-floor extension
APPLICANT: T Proctor
LOCATION: Pantiles Green Road
D.C. CTTE: 25 February 2002
REMARKS: Deferred for Members' site visit
RECOMMENDATION: Refusal and Enforcement Action
Case Officer: Hilary Lock 01799 510486
Expiry Date: 21 December 2001

APPL NO: **UTT/1475/01/OP**
PARISH: **LITTLE CANFIELD**
DEVELOPMENT: Outline application for one agricultural dwelling
APPLICANT: Mr E Cannon
LOCATION: Langthorns Plantery, High Cross Lane
D.C. CTTE: 14 January 2002
REMARKS: Deferred to negotiate revised siting
RECOMMENDATION: **Refusal**
Case Officer: David Jeater 01799 510464
Expiry Date: 26 December 2001

APPL NO: **UTT/1578/01/OP**
PARISH: **NEWPORT**
DEVELOPMENT: Erection of agriculturally tied dwelling
APPLICANT: A A Hudson
LOCATION: Whiteditch Farm
D.C. CTTE: 4 February 2002
REMARKS: Deferred to negotiate revised siting and comments from independent agricultural consultant
RECOMMENDATION: **To be reported**
Case Officer: Charmain Harbour 01799 510458
Expiry Date: 7 February 2002

1) UTT/0443/98/OP – BIRCHANGER AND STANSTED MOUNTFITCHET

2) UTT/1123/00/OP - BIRCHANGER

**NB Revised descriptions: reduction in number of dwellings proposed
(Joint Report)**

1) Outline application for the erection of 315 dwellings, construction of an access to highway and provision of public open space, play area and site for school, health centre and shop on Rochford Nurseries, Forest Hall Road, Birchanger and Stansted
GR/TL509-238. Pelham Homes Ltd
Case Officer: Roger Harborough, Tel (01799) 510457
Expiry Date: 17 September 2001

2) Residential development (285 dwellings), public open space, associated access and infrastructure
Land at Rochford Nurseries, Forest Hall Road, Birchanger
GR TL511240 Croudace Ltd
Case officer: Roger Harborough, (01799) 510457
Expiry Date: 11 October 2001

NOTATION: Within Development Limits in ADP and Within Settlement Boundary in DLP.
Within Policy SM6 Proposals site in ADP and Policy SM4/BIR1 Proposals Site in the DLP.

DESCRIPTION OF SITES: The sites lie on predominantly flat land to the south of Stansted Mountfitchet. The land generally falls slightly towards Forest Hall Road. The eastern boundary of the sites is Church Road, which is lined with hedgerow trees, a paddock to the rear of properties at Church Hill Corner, and 1 Church Hill Corner. Their southern boundary is Forest Hall Road, which is open in parts and hedged elsewhere. The western boundary is the footpath and track running along the edge of The Mount, except for where the boundary excludes a pair of semi-detached dwellings. The northern boundary is with the gardens of properties in Manor Road and Stoney Common. Properties to the north west are at a lower elevation than the site.

DESCRIPTION OF PROPOSALS: The proposals are, in combination, for a comprehensive development for a total of 600 dwellings and associated facilities and access. All details are reserved for subsequent approval with the exception of access.

APPLICANTS' CASES:

1) Pelham Homes: We understand that the interim conclusion of the Council's highway consultants is that the proposed development of the site should not exceed 600 on the basis of the current transportation proposals for the site contained in the planning applications from Pelham and Croudace. We also understand that planning officers require that the number of dwellings should not exceed 600 as this is the dwelling capacity referred to in the emerging local plan. Pelham would wish to comply with PPG3 on density and therefore a condition requiring a minimum average of 30 dph net is appropriate. In the light of these constraints we are revising our earlier dwelling figure of 400 to 315 dwellings. Our PPG3 net developable area is:

Gross area	15.4ha
Public open space	2.15ha
Primary school site	1.14ha
School reserve site	0.90ha
Health centre site	0.20ha
Distributor road	0.66ha
Net housing area	10.35ha

(315 dwellings on 10.35ha represents 30 dph).

In the event that the health centre is provided off site, Pelham's offer would be on the same basis as Croudace's. It will contribute to the construction costs based on the ratio of existing patients served by the Stansted Surgery to the new residents on the Pelham development.

2) Croudace Ltd: Policy SM4/BIR1 allocates the Rochford Nursery site for comprehensive residential development and associated development for 600 dwellings. This increase in density from 400 to 600 dwellings reflects revised PPG3 and, in effect, up dates the terms of the allocation of the site from the ADP. In principle, Policies SM4/BIR1 import the provisions of Policies H4 and SM6 of the 1995 ADP. The reallocation of the site is supported by Croudace, as is the contribution it will make to meeting the District's structure plan housing requirement for the period up to 2011. The Rochford Nurseries site is both an un-used and under-used site; will provide a high quality residential development, in a location which is well related to the existing settlement, to Stansted Airport and to the main bus and rail connections, and which is closer to the higher order centre at Bishop's Stortford. In addition, the development of the site provides the opportunity to bring wider infrastructure benefits to the local community.

Croudace is prepared to further reduce the number of dwellings proposed in their application from 310 to 285. On the basis of a net developable area of 9.5ha this equates to 30 dph. Croudace is prepared to accept that the affordable housing within its site should be provided in no less than three locations.

Croudace's "Environmental Package" includes measures to achieve energy efficiency in excess of the current requirements of Part L of the Building Regulations and its standard thermal package has resulted in it being awarded a SAP80 award for a recent development in Porchester. This will improve energy efficiency and provide a vital contribution to reducing emissions of harmful gases.

A methodology has been produced for monitoring traffic in Tot Lane. Croudace proposes that ECC would appoint independent consultants to carry out traffic surveys as development proceeds, to identify whether there is any significant use of Tot lane and the route through Birchanger village by non-access through traffic. More specifically it would identify what proportion if any is associated with the new development. Registration plate surveys, for example, at appropriate cordon points could be undertaken to provide this information. The monitoring exercise would be arranged and supervised by the Area (Transportation) Manager's office. The cost of the exercise (c£5,000) would be financed by monies provided by the developer under the terms of the S106 agreement, There would also be a contingent sum of £50,000 included in the overall S106 contributions (£750,000) with the Highway Authority could draw on if the monitoring surveys justify/ substantiate a need for local traffic management measures to deter rat running. Any such scheme would be the subject of a public consultation exercise and would be arranged by the Area (Transportation) Manager.

Joint letter: Both Croudace and Pelham will ensure that the site is developed comprehensively. In order to formalise the position it is necessary to have a Developers' Agreement, which is a document under seal regularising all issues affecting the two developers, and also including a complete set of co-operation clauses. The Heads of Terms for that Agreement are settled. Both companies confirm that it is our intention to enter into a Developers' Agreement.

Summary of contributions:

	<i>Croudace Ltd</i>	<i>Pelham Homes Ltd</i>
Primary School	Land or financial contribution via developers' agreement	1.14 ha site
	£519,600 contribution to construction costs	£680,400 contribution to construction costs
Off site transportation package	<p>£350,000 contribution. ECC to prioritise. Consultation with PCs</p> <ul style="list-style-type: none"> • Controlled pedestrian crossing on B1383 near Chapel Hill • Footway, Church Road • Traffic calming, Forest Hall Rd near M'chet Sch • Monitoring surveys Tot La & Birchanger Lane • Subject to above Traffic Orders/ management to deter through traffic • Ped/ cycle route, West Rd/ Water La/ Railway Stn • Enhancements to bus stops in Stansted • Bus priority measures B1383/ A120 junction • Improvements Lower St/ Chapel Hill/ Station Rd junc 	<p>£400,000 contribution. ECC to prioritise. Consultation with PCs</p> <ul style="list-style-type: none"> • Traffic calming, Birchanger La • Footway, Church Rd • Forest Hall Rd measures • Public transport off peak contract • Silver St/ Chapel Hill junc • Tot Lane • West Rd/ Water La/ Station Rd footway/ cycle route • Any other scheme to enhance highway safety, highway capacity, highway amenity and public transport provision/ facilities in Birchanger/ Stansted
Public transport	Joint commercial proposal for site to be served by 510 Stansted Airport – Bishop's Stortford – Harlow service on 30 minute frequency weekdays from 0600 to 2000 with hourly early morning and late night service.	
Pesterford Bridge	Croudace will make inter developer payment to Pelham	Pelham to undertake scheme
Sports/ community facilities off site	£387,500 contribution	£500,000 contribution
Open Space for play/ informal use within development	0.58 ha	2.15 ha
Health care facilities	About 10 % of construction cost reflecting % of patients from Croudace development	0.2 ha site or contribution to off site facility of % of construction cost reflecting % of patients from Pelham development
Local shop		To be provided, if one proves to be economically viable
Affordable housing	25% of total number of units	25% of total number of units

RELEVANT HISTORY: Master Plan for the site approved 14 September 1998. Pelham's application as originally submitted in April 1998 was for 400 dwellings and associated development on a 28.1 hectare (gross) site. The application was amended on 11 December

2000 to 600 dwellings and associated development on 28.1 hectares. This amendment was withdrawn on 10 April 2001. The application was, however, further amended on 23 July 2001 by the exclusion of land owned by Croudace Ltd, now subject of application UTT/1123/01/OP. The Pelham site was consequently reduced to 15.61 hectares gross. Further details of the planning history were set out in the report to the former Development Control Sub Committee on 23 July 2001. Master Plan for whole site approved 17 December 2001, subject to there being no reference to the number of dwellings. Description of current applications amended 5 March 2002. Both Pelham and Croudace have now submitted duplicate applications for schemes with 400 and about 370 dwellings respectively.

CONSULTATIONS:

Civil Aviation Authority: Both applications: Need additional information to be submitted at the reserved matters stage to assess the extent to which the development would affect air safety. Standard information required together with any aspect increasing bird hazard risk or lighting that would dazzle or distract pilots.

ECC Transportation and Operational Services:

1) UTT/0443/98/OP:

No objection in principle subject to the developer entering into a S106 obligation requiring the developer to provide the required structural works to Pesterford Bridge and the new road layout scheme as shown in principle on drawing 97012/101 Rev E. There should be no construction of houses on the development site prior to the completion of Bridge Works at Pesterford Bridge. The developer has to submit a structural survey. This report will be assessed by the Highway Authority, and any remedial measures identified by this report must be agreed by the Authority and the developer will be responsible for implementing and funding the proposals. The developer will also be required to provide the new link road through the development and its connection via a new roundabout on Church Road, and new road layout at Forest Hall Road. These works are to be provided at no cost to the Authority. The internal road layout should be in accordance with the new Essex Design Guide for Residential Development and Mixed Uses. A contribution of £400,000 will be required for off site highway measures that will enhance highway safety, capacity or public transport provisions or facilities, to be implemented by the Highway Authority. None of the works can be carried out before detailed engineering drawings are submitted to the Highway Authority for approval and safety audit. There shall be no beneficial occupation of the development until the agreed highway works have been completed to the reasonable satisfaction of the Highway Authority.

The Highway Authority has also supplied a letter dated 21 September 2001 confirming the position in relation to Pesterford Bridge. This is attached.

2) UTT/1123/01/OP: No objections subject to obligation and conditions. Obligation to cover the following:

i) Provision of roundabout access off Forest Hall Road as shown on indicative plan no 2001.1328.010 rev D

ii) Financial contribution of £350,000 for measures to include Silver St/ Chapel Hill/ B1383 junction improvements, Church Road provision of and widening of the footway, Forest Hall Road various measures, enhancements to pedestrian and cyclist facilities in West Rd/ Water Lane and at the railway station, enhancements to bus stops and facilities within the village and at the railway station, bus priority measures at the B1383 and A120 junction, or any other scheme or schemes that the County Council, in consultation with the District Council, considers necessary as a result of the development and will enhance highway safety, capacity and amenity or public transport provision or facilities within the area of the parishes of Birchanger and Stansted Mountfitchet.

iii) The provision by the developer of a bus service for a period of three years from the occupation of the first dwelling on the site, linking the site to Stansted Airport and Bishop's Stortford on a half hourly basis between the hours of 0600 and 1900 Monday to Friday and every 60 minutes 0700 – 1900 Saturday. This provision may be provided by agreement with

bus operator and BAA to divert an existing service such as route 510 through the site. The developer will be required to use its best endeavours to ensure that buses used on this service are of low floor design with a seating capacity of no less than 35 seats. These buses will complement the public transport waiting facilities sought by condition.

iv) No development takes place until the structural works to Pesterford Bridge are complete.

Conditions to cover the following:

- i) The internal road layout to be in accordance with the Essex Design Guide for Residential and Mixed Use Areas.
- ii) The provision within the site of appropriate public transport waiting facilities
- iii) Provision of detailed plans of pedestrian and cycle access routes and bus and coach dropping off facilities within the site
- iv) An agreed haul route for construction vehicles and wheel washing facilities to be provided on site.

1) and 2) Both applications: By letter dated 25 January 2002 the Highway Authority confirms that the trip rates used in the Transport Assessment are acceptable and robust. 12% modal shift assumption was not applied to the trip rates for the capacity assessments. The 12% reduction is, however, a reasonable expectation of what would occur given the site locality and the package of sustainable transport measures agreed. There is a need to assess matters with target modal shares and not to perpetuate existing patterns
By further letter dated 4 February 2002 it further confirms that it can find no reason to rescind its view that the TA is considered to be robust, either in terms of the approach, scope or use of the specified trip rates.

ECC Learning Services:

1) UTT/0443/98/OP: Would require a site for a new 210 place primary school of 1.14 hectares at no cost and for the developer to provide the full construction cost of facilities to serve the 400 dwellings proposed. This size site would also be adequate to serve a 770 dwelling development. The pupil product of a 770 dwelling development would require a 240 place school. In addition, the Authority seeks the option to acquire a further 0.9 hectares to extend either the 210 or 240 place primary school at market value.

2) UTT/1123/01/OP: If the Croudace development consists of 310 rather than 370 dwellings a new 240 place school will still be needed to serve 710 dwellings. The "mid point" site area for a 240 place primary school is 1.14 ha. Seeking to work out a way with both developers of apportioning their share of the costs for the school.

ECC Specialist Archaeological Advice: Sites in the area around the proposed development have contained significant archaeological deposits. Recommends a field evaluation before the application is determined to enable due consideration to be given to the archaeological implications and proposals for mitigation of disturbance and the need for further investigation.

Environment Agency: 1) UTT/0443/98/OP: No objection subject to conditions relating to approval and implementation of surface water control measures, investigation of the site for contamination, and no soakaways on any contaminated land. No further comments on design brief.

2) UTT/1123/01/OP: No objection subject to same conditions as UTT/0443/98/OP

Essex Police: Recommends that the developers be directed to obtain Secure by Design certification on all housing.

Thames Water: A phasing condition limiting occupations until improvements at the sewage treatment works are implemented is no longer required. The works are nearing completion.

Uttlesford Primary Care Trust: 1) UTT/0443/98/OP: Identify a need for a health facility site of 0.2 hectares to serve 400 dwellings. Area would need to be revisited with 770 dwellings as the additional manpower and accommodation requirements associated with more patients may well demand a larger building.

2) UTT/1123/01/OP: With the proposed increase in the number of dwellings we would hope that further planning gain could be achieved by the District Council to enable not only the provision of a free site but also the actual build of the new health facility. Whilst the new facility would serve both existing and new patients, it is important to stress that the need for a new facility would be based on the population growth resulting from the development. Were it not for this development then the existing practice and community health clinic would be able to continue as they are with their existing patients. Both facilities are currently operating at full capacity, neither will be able to accommodate the level of new patients which the new development will bring. PCT do not agree the basis of the health facility contribution from Croudace. The increase in population forces the Trust to redevelop facilities which would otherwise remain as presently provided and as such the NHS is being forced to incur a cost burden as a direct result of the proposed development. In principal the Trust are happy to accept a health facility in an off site location as long as the site meets its criteria in terms of accessibility. Such a new facility should benefit, however, from the added value that the off site location gives to the developers. The Trust estimates the value to the developers of the site area committed for a health facility, for residential development to be £750,000.

PARISH COUNCIL COMMENTS:

Birchanger:

1) UTT/0443/98/OP: Recommend that the application should either be refused or deferred until adoption of the new Local Plan. The present application would leave room for another 200 homes were the (Deposit Draft) Local Plan proposals to be adopted. Need to preserve the green belt and serious doubt over the capacity of the infrastructure of the area as a whole to accommodate such development.

The virtual doubling of the number of dwellings would place an intolerable burden on the whole area around the site. The advice in PPG3 on net housing density achieving 30 to 50 dwellings per hectare should not always be applied too rigidly and needs to be tested against infrastructure considerations. The traffic generation from 770 dwellings would result in chaos on the overcrowded roads and narrow lanes adjoining the site. Forest Hall Road is becoming something of an accident black spot because of speeding traffic. Better pedestrian links to the village are required, other wise there will be more car trips even for short journeys. Full independent survey required to assess the impact on the local infrastructure. Existing S106 agreements should be renegotiated.

2) UTT/1123/01/OP: In letter dated 5 September 2001, recommends that the application be refused on the grounds that, together with UTT/0443/98/OP, it is contrary to the Council's current policy over the Rochford's site as set out in ADP Policies H2, H3 and H4. To grant permission would pre-empt proper consideration of the proposal in the DLP that the density of development on the Rochford site should be increased to 600 dwellings. PPG3 being treated as if it is retroactive and prescriptive. Implications for the infrastructure of the whole area made all the more serious by the looming threat of the further expansion of passenger throughput at Stansted Airport. The validity of increasing the density of the site should be examined. The site should be treated as single development. Can the infrastructure be safely relied on to withstand an increase in density. The capacity of the junction at Pesterford Bridge causes anxiety. It would be folly to ignore the implications for the B1383 and its roundabout at the A120 of the Stansted Airport proposal and those for the housing presently in the East Herts Deposit Draft Local Plan. The proposed additional access road from Forest Hall Road into the site almost directly opposite Tot Lane would markedly exacerbate the rat run pressure on both Birchanger Lane and Tot Lane from morning and evening traffic from the Rochford site. The need for such an access is highly questionable. If it were to be given serious consideration, it would have to be accompanied by much stronger measures against rat running in Birchanger than are contemplated at the moment.

Both applications: Too high a density not only detracts from the quality of the site but also increases development pressure on land adjacent to it. By letter 10 January 2002 questions trip rate per household in the peak periods. Present circumstances and traffic flows on Tot

Lane are an unacceptable basis for assessing its vulnerability. Must be made one way northwards and armed with rumble strips to deter rat running. Right that there should be facilities for pedestrians and cyclists and public transport to and from the site giving access to Bishop's Stortford and elsewhere, but their provision would not reduce significantly the use and ownership of the motor vehicle. Railway service from Stansted has limitations compared to Bishop's Stortford. Inconvenience of carrying shopping by bus to and from the shops.

Stansted Mountfitchet: In the light of the additional number of dwellings proposed the S106 agreements need to be reviewed and benefit to the community enhanced. Developers should be required to make good and surface Water Lane. Can mains drainage cope? The site currently absorbs a vast amount of water and the knock on effects for other parts of the village must be investigated. Would it be possible for the Croudace development to link up with Brook Road? Seek a condition that all construction traffic will access and egress via Forest Hall Road and that operating hours will be set. Development needs to be phased if it is to be successfully incorporated into the community. Endorses James Keir's comments that loss of previously proposed landscaping along Forest Hall Road is unacceptable and recommends that buffer be widened to a minimum of at least 20 metres. Sufficient structural planting and landscaping on the northern side of the bends at Forest Hall Road is very important. It is now for the (District) Council to decide whether it objects to the application on the basis that the proposals are premature in the context of the evolving local plan or it accepts the realities of the situation that the site is going to be developed with significantly increased numbers of dwellings and raises no objections to the current applications subject to the Master Plan being revised to incorporate earlier observations.

REPRESENTATIONS: The draft Master Plan dated 1998, the applications and the sequence of amendments to UTT/0443/98/OP have been advertised and a large number of representations have been received. Most of the representations were received in response to the draft Master Plan as originally submitted in 1998. These are recorded in the report to the former Development Control Sub Committee on 25 January 1999. A copy is attached.

1) UTT/0443/98/OP:

6 representations have been received since 23 July 2001.

Croudace Ltd: Croudace by letter 7 November 2001 sought that no application on the site should be determined until the Highway Authority has agreed that the proposed bridge improvements are sufficient to serve 710 dwellings, although it anticipated that they are. Its view was that a single master plan for the site should be agreed before any application can be determined to ensure the comprehensive development of the site. It is also necessary that all planning obligations are reasonable and equitably apportioned.

Springate Holdings Ltd: FPD Savills on behalf of Springate Holdings, which owns the Pelham application site, comments that the Pelham Homes proposals produce a scheme that meets the minimum density requirement of PPG3.

Strategic Land and Planning Consultants on behalf of Countryside Properties Ltd make representations that a formal Environmental Statement under the 1999 EIA Regs is required. 3 individual responses expressing concern about traffic generation and the ability of the infrastructure to accommodate the effects of development, and the increased density meaning a proportion of the dwellings would be 4 storeys in height, which would overshadow and dominate properties in Stoney Common Road unless they were well inside the northern boundary of the site. There is a problem with flooding at Church Hill Corner. 600 homes would have a massive impact on the existing village.

2) UTT/1123/01/OP:

5 representations received, of which 3 are from local residents and 2 from planning consultants on behalf of clients. Effects on local services. Fire and Ambulance services already stretched. Hospital services are hardly adequate for present numbers in their

catchment area. Electricity supplies to Stansted are unreliable. Extra traffic created by new village will seriously affect many other roads in the locality at certain times of the day. Someone should build a shop on the development – I don't care about the houses. Fears about general infrastructure in particular the greatly increased traffic on Forest Hall Road. Risk of accidents near Forest Hall cottages and on bend at Tot Lane junction. Speeding on approach to B1383 junction will inevitably cause more accidents. New road from Tot Lane junction to B1383 avoiding Forest Hall Road junction with B1383 and all the difficulties that entails should be considered. Significant impact on surrounding landscape. Impact on natural heritage including The Mount and Stansted Park. An EIA should be submitted in connection with the application. Will cause undue localised traffic congestion. Part of site should be reserved for sports facilities to meet the existing shortfall and for the new residents of the development. Has a phasing proposal been submitted to demonstrate how the two proposals could be implemented together with confirmation that all the community benefits, including highway works, would be implemented even if only one of the proposals is brought forward? The current proposal(s) for 770 dwellings and 370 above the 400 allocated to this site in the ADP is unsustainable and premature especially in the light of the current Local Plan review.

PLANNING CONSIDERATIONS:

The main planning considerations are:

- 1) **The principle of development of a greenfield site, notwithstanding its allocation in the adopted local plan. (PPG 3; ERSP H2 Housing development – the sequential approach and H3 - Location of Residential Development; ADP H2 - Location of contingent airport related housing and SM6 - Rochford Nurseries; DLP SM4/BIR1 Rochford Nurseries),**
- 2) **Whether the number of homes proposed is acceptable (PPG3; ADP SM6 Rochford Nurseries and DLP SM4/BIR1 - Rochford Nurseries),**
- 3) **Whether the development should be phased (PPG3; ADP H3 - Phasing of airport related housing),**
- 4) **Whether the proposal will enable delivery of a comprehensive development (ADP H4 Development form of new residential developments and SM6 - Rochford Nurseries; and DLP SM4/BIR1 Rochford Nurseries),**
- 5) **Whether a sustainable residential environment will be created (ERSP CS4 Sustainable new development; ADP H4 Development form of new residential developments; and DLP GEN2 Design, H8 – Affordable housing and H9 – Housing Mix),**
- 6) **The transport effects (ERSP T3 - Promoting accessibility; ADP T1 - New development and general highway considerations; and DLP GEN1 – Access),**
- 7) **Whether adverse impacts will be satisfactorily mitigated. (ERSP BE5 - Planning obligations; ADP H4 - Development principles for airport related housing; and DLP GEN6 - Mitigation of impacts).**

1) & 2) The site is identified for housing and associated facilities and infrastructure in both the adopted and deposit draft local plan, for 400 and 600 dwellings respectively. Planning Policy Guidance Note 3 dated March 2000 is an important material consideration. This site falls within the definition of a green field site. Therefore, notwithstanding the allocation of the Rochford Nurseries site in the ADP, Government advice is that a LPA should have regard to the contents of PPG3, which may supersede the policies in its plan. The guidance advises that any application relating to the development of a green field site allocated for housing should be assessed and a decision made on the application in the light of the policies set out in the guidance. Comparison with available previously developed sites against a number of criteria (location and accessibility, capacity of existing and potential infrastructure, the ability to build communities and physical and environmental constraints on

the development of land), and in the light of the presumption that previously developed sites should be developed before green field sites, will be particularly relevant.

ERSP Policy H2 says new housing provision should be located as far as possible within existing large urban areas, and then in the form of planned peripheral development on the edge of large urban areas, followed by expanded settlements. ERSP Policy H1 indicates that there is provision for a net dwelling stock increase in Uttlesford of 5,600 between 1996 and 2010.

In approving the DLP, which retains Rochford Nurseries as a proposals site for comprehensive residential and associated development, the Council has already concluded that there is insufficient capacity on previously developed land within the urban areas of Uttlesford to meet the ERSP provision, and that the Rochford Nursery site satisfactorily meets the criteria of PPG 3 and ERSP.

The scale of the proposed development, 315 dwellings on a gross site area of 15.61ha (10.23 net) in the case of the Pelham application and 285 dwellings on a gross site area of 12.07 ha (9.5ha net) in the case of the Croudace application, is consistent with the Government's policy that new development should achieve a net housing density of more than 30 dwellings per hectare and ERSP Policy H4 requirement that proposals should maximise densities having regard to the quality of urban living and design social and environmental criteria. A minimum net housing density can be secured by condition. The applications as now revised are in accordance with the number of dwellings proposed for this site in the DLP. However, the total number of dwellings applied for exceeds that in the ADP. Members will need to determine if the proposed increase in the number of dwellings on the site to accord with national planning policy as set out in PPG3 raises issues which should properly be resolved through the local plan process. In the context of this site and the reduction in the number of dwellings proposed, it is considered that it is difficult to justify such a stance. The Council has proposed the full development of the site in the DLP and in approving the revised master plan in December 2001, and the proposal accords with PPG3 in all respects.

3) **Phasing**

Stansted Airport exceeded 8 mppa in 1999 and is expected to have a throughput of 15 mppa in 2003. There is therefore no need to constrain development to ensure that it relates to the development of the airport from about 8 to 15 mppa. Progress with the necessary improvements to the sewage treatment works means there is no need to phase occupations on that ground.

4) **Comprehensiveness of the development**

Croudace and Pelham Homes are prepared to enter into planning obligations to address satisfactorily the provision of a primary school site which would be big enough to serve both developments, to contribute to the building costs of the school, to provide a health centre site and/or a contribution to construction costs, to contribute to the proposed leisure centre at the nearby Mountfitchet School (Pelham Homes) and to contribute to off site sports/ community facilities (Croudace). The obligations are complementary and the Developers have set up their own bilateral arrangements including a set of co-operation clauses. The latter obligation to contribute to off site sports/ community facilities is instead of the ADP requirement for a community centre, sports pavilion and pitches on site. Both applications relate to the master plan approved on 17 December as amended by submitted Master Plan Option A Revision H.

5) **Sustainable residential environment**

This will be achieved through developments conforming to the approved Master Plan.

Both applicants are prepared to offer 25% of the homes as affordable housing using an appropriate mechanism to ensure that this meets the needs identified in the Council's affordable housing needs survey.

Pelham Homes is prepared to offer 2.15ha of open space in total within its site comprising Newman's Plantation, a linear open space on the northern boundary, a local equipped area for play, and hard landscaped squares. Community use of the school playing fields potentially adds to this total. Croudace proposes 0.58ha within its site. This is considered to be adequate, taking into account the proposed contribution to the adjacent leisure centre project, and having regard to the elements in the National Playing Field Association standard of 0.2 ha to 0.3 ha of equipped play areas per 1,000 population and 0.4 to 0.5 ha of casual or informal space for play within housing areas per 1,000 population.

6) **Transport effects**

The Transport Assessment for up to 770 homes and associated facilities has been accepted by the Highway Authority and the necessary works and other measures have been identified and agreed. These are the junction layout improvement at Pesterford Bridge, strengthening of the deck and parapets of the bridge, the link road across the site and its junctions with Forest Hall Road and Church Road, the cycle and pedestrian links within the site and to Stoney Common, and public transport day time contracts to secure at least a 30 minute peak frequency and 60 minute off peak bus service linking the site, Stansted Airport and Bishop's Stortford. The Bridge Works would have to be completed before any development on site with the exception of a start on the construction of the link road. However, the Bridge Works would have to be completed before any works affecting Church Road could commence. The footpaths and cycle ways would have to be completed before occupation of more than 50 dwellings.

The main issue in the advice commissioned by the Council is that if the assumed trip rate in the morning peak hour 0800 to 0900 (0.51 per dwelling combined arrivals and departures) is an under estimate, performance of the Stansted Road/ Forest Hall Road junction at Pesterford Bridge would be a matter of concern from a safety/capacity view point for a development which includes significantly more than 600 units. The likely trip rate is a matter of judgement and has been thoroughly explored. Trip rates vary depending on a wide range of factors such as location, scope for journeys to be made by modes other than as car driver, economic activity rates, employment patterns, local facilities and so on. Selecting an appropriate rate depends on comparing the proposal site with others for which data has been collected. Although its trip rate of 0.51 per dwelling is accepted by the Highway Authority, officers have negotiated with Pelham Homes that it will reduce the number of dwellings proposed from 400 to 315 and Croudace from 370/310 to 285. This will reduce any risk that the Forest Hall Road/ Stansted Road junction at Pesterford Bridge might have had inadequate capacity to cope with morning peak hour demand safely. Discussions between the applicants, the County Council, and BAA have resulted in new proposals for an improved level of public transport serving the site potentially resulting in a service from early morning through to midnight Mondays to Saturdays (64 departures in total from the site per day on a half hourly frequency during core period 0600 to 2000 and hourly in early morning and evening) together with bus priority measures at the A120/ B1383 roundabout junction and an offer to undertake public transport marketing and publicity arrangements.

The proposed roundabout on Church Road has been subject of a safety audit and is accepted by the Highway Authority. The master plan proposals include a footpath and cycleway within the site towards its eastern edge linking Church Road and the development to Forest Hall Road, where there is potential to complete a safe route to the Mountfitchet High School separated from the road traffic on Church Road.

Planning policy guidance on transport has three objectives: to promote more sustainable transport choices; promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling; and reduce the need to travel especially by car. It says that in considering planning applications, local authorities should in rural areas locate most

development in local service centres which are designated in the development plan as focal points for housing transport and other services. It also says that the Government places great emphasis on people being able to travel safely by their chosen mode. Taking all this material into account officers' view is that the transport issues arising from a combined total of 600 dwellings have been appropriately addressed.

7) **Mitigation of adverse impacts**

The complementary obligations offered by Croudace and Pelham Homes satisfactorily address the impacts of a development of 600 homes. The Highway Authority has agreed the transportation packages and the levels of contribution. The Parish Councils would be consulted by the Highway Authority on the use of these funds. Pelham's contribution to the leisure centre or other community facilities of £500,000 has been previously agreed by Members in 1999. The additional contribution from Croudace of £387,500 to off site sports/ community facilities is based on a similar level of contribution per house. Pelham's offer of a health centre site would contribute to enabling the provision of a new facility with adequate capacity to serve the existing community and the new development. However, alternative ways of addressing this need off site are currently being explored and the obligation should provide for a financial contribution as an alternative. Croudace will contribute to the construction costs a sum reflecting the total build costs and the percentage increase in the number of patients arising from its development. These offers are consistent with government advice on obligations Circular 1/97. Archaeological evaluation of the site can be adequately addressed by condition.

8) **Procedural issues**

Screening procedure was carried out for both applications. This determined that an Environmental Assessment was not required in either case and in relation to the Croudace application took into account its cumulative effect adding to the effect of the Pelham proposals.

Consultation was carried out on the applications as originally submitted for 400 and 370 dwellings respectively rather than the revised proposals for 315 and 285 dwellings. However, the changes are consistent with the views of those local residents who made representations about the scale of development. They have been discussed with other consultees and any further comments from parish councils will be reported.

CONCLUSION: The proposals would be in accordance with the recently Adopted Essex and Southend on Sea Replacement Structure Plan and with the Deposit Draft Uttlesford Local Plan. They are also in accordance with the Adopted Uttlesford District Plan 1995 except for those policy elements which have been superseded by national planning policies in Planning Policy Guidance Note 3 issued in March 2000. They are in accordance with these more up to date policies.

The Green Field Land Direction 2000 requires the Council to consult the Secretary of State if it decides not to refuse planning permission and requires it not to grant permission for 21 days following notification to him.

RECOMMENDATIONS:

1) UTT/0443/98/OP - APPROVAL WITH CONDITIONS, SUBJECT TO S106 OBLIGATION WITH PRIOR NOTIFICATION TO THE SECRETARY OF STATE

Conditions

1. C.1.1. Submission of reserved matters
2. C.1.3. Time limit for submission of reserved matters
3. C.1.4. Time limit for commencement of development
4. Linking to approved Revised Master Plan and design brief as amended: The development hereby permitted shall be carried out in accordance with the Master Plan approved by the local planning authority on 17 December, 2001 as amended by Master Plan Option A drawing Revision H, unless otherwise agreed in writing with the local planning authority.
5. Details of materials to be submitted and agreed: No development/works shall take place until written approval of details of materials to be used in the construction of the external surfaces of the buildings hereby permitted has been obtained from the local planning authority. The development/works shall be implemented in accordance with the approved details. Subsequently, the external surfaces shall not be changed without the prior written consent of the local planning authority.
6. C.4.1. Scheme of landscaping as reserved matters to be submitted.
7. C.4.2. Implementation of landscaping
8. C.4.6. Retention and protection of trees, shrubs and hedges
9. Approval of phasing and development densities. Prior to the first application for approval of reserved matters (and in any event not later than 6 months after the date of this decision notice), a schedule or schedules with detailed plan(s) of the boundaries of each area which is to be developed shall be submitted to the local planning authority for approval in writing showing the following:
 - a) the phasing of the development hereby permitted
 - b) the residential density attributable to each area of housing consistent with the approved Master Plan.

The development shall subsequently be carried out in accordance with the approved schedule(s) unless otherwise agreed in writing with the local planning authority.

A minimum net density of 30 dph to be achieved.
10. Ecological survey: No development/ works shall take place until an ecological survey of the site has been carried out and approved by the local planning authority. The survey shall adequately assess the impact of the development on the resident flora and fauna and enable an appropriate programme of mitigation works to be identified. This programme of works shall subsequently be agreed in writing with the local planning authority and implemented in accordance with the agreed details, including any phasing. Any variation to the agreed programme of works shall be agreed in writing with the local planning authority before that variation is carried out
11. C.16.2 Full archaeological excavation and evaluation
12. Surface and foul drainage system: No development/ works shall take place until a programme of works for the provision of surface and foul water drainage has been submitted to and approved in writing by the local planning authority. Subsequently, the works shall be implemented as approved, including any phasing in relation to the occupation of buildings
13. Circulation/parking areas to be agreed: No development/ works shall take place until details of the car parking layouts, vehicle and pedestrian accesses, cycleways and circulation areas relevant to each phase of the development have been submitted to and approved in writing by the local planning authority. The details shall subsequently be implemented as approved unless otherwise agreed in writing with the local planning authority.
14. Provision of street furniture: No development/ works shall take place until details of street furniture, play areas, play equipment, refuse and storage units, signs, lighting and bus shelters within the site (including the siting, location and design and appearance thereof) have been approved in writing by the local planning authority. The details shall subsequently be implemented in accordance with the approved details unless otherwise agreed in writing with the local planning authority.
15. C.12.1 Boundary screening requirements

16. Maximum construction noise levels: Construction noise associated with the development of the site shall not exceed the following levels at the locations specified, measured as a 15 minute L_{Aeq} , except between 7:30am and 5:30pm on Mondays to Fridays (Bank and Public Holidays excluded) and 7:30am and 12:30pm on Saturdays:-

At any point 10 metres into the site north of its boundary with Forest Hall Road - 50 dBA

At any point 10 metres into the site from any other boundary - 45 dBA.

Between 7:30am and 5:30pm on Mondays to Fridays (Bank and Public Holidays excluded) and 7:30am and 12:30pm on Saturdays the above levels shall not be exceeded by no more than 10 dBA.

17. Deliveries of building materials : Except in emergencies, no deliveries of materials shall be made to the site during the period of construction of development:-

a) before 7:30am and after 5:30pm on Mondays to Fridays

b) before 7:30am and after 12:30pm on Saturdays

c) on any Sunday or Bank or Public Holiday.

18. Haul route for construction vehicles and wheel washing facilities to be provided on site (wording to be advised)

19 The development shall not be commenced until an Affordable Housing Scheme has been submitted to and approved in writing by the local planning authority. For the purposes of this condition, an Affordable Housing Scheme is one which:

(a) ensures the provision of 25% of the permitted housing units as affordable housing intended to be occupied by persons in need as defined in the Affordable Housing Scheme,

(b) secures the involvement of a Registered Social Landlord (as defined in the Housing Act 1996), (c) provides affordable housing units of such types, sizes and mix as are

appropriate to meet local needs and which will be capable of being let at affordable rents, and (d) identifies a specified alternative arrangement (such as shared ownership or low cost

market housing) in the event that funding for the affordable housing has not been secured within two years of the commencement of development.

The Affordable Housing Scheme shall be carried out in accordance with its terms as approved. The affordable housing shall not be used for any purpose other than the provision of housing accommodation which meets the objectives of the Registered Social Landlord, provided that if, within two years of the commencement of development, funding for the affordable housing has not been secured, the affordable housing may be used for the specified alternative set out in the approved Affordable Housing Scheme.

Obligations:

1. £500,000 leisure centre or other leisure, recreational and/or community facilities contribution

2. Provide open space provision and landscaping, timetable and management plans for future maintenance, transfer to the Council and maintenance payment

3. Provide local equipped area for play of 0.47 ha within open space

4. Provide a health centre site or financial contribution to off site facility.

5. Provision of general shop

6. Primary School site and financial contribution to construction costs to ECC requirements.

7. Provide Pesterford Bridge improvements in accordance with drawing 97012/101

Revision E. Improvements to be implemented before any development on Rochford

Nurseries site, with exception of a start on the link road, but Pesterford Bridge improvements must be complete before any works affecting Church Road commence.

8. Provide link road, cycle ways and footpaths within the site, junctions with Forest Hall Road and Church Road

9. Provide cycle and pedestrian link to Stoney Common
10. Provide £400,000 contribution to additional off site highway works and other transportation measures in Birchanger/ Stansted.

2) UTT/1123/01/OP - APPROVAL WITH CONDITIONS, SUBJECT TO S106 OBLIGATIONS, WITH PRIOR NOTIFICATION TO THE SECRETARY OF STATE

Conditions:

1. C.1.1. Submission of reserved matters
2. C.1.3. Time limit for submission of reserved matters
3. C.1.4. Time limit for commencement of development
4. Linking to approved Revised Master Plan and design brief as amended: The development hereby permitted shall be carried out in accordance with the Master Plan approved by the local planning authority on 17 December, 2001 as amended by Master Plan Option A drawing Revision H, unless otherwise agreed in writing with the local planning authority.
5. Details of materials to be submitted and agreed: No development/works shall take place until written approval of details of materials to be used in the construction of the external surfaces of the buildings hereby permitted has been obtained from the local planning authority. The development/works shall be implemented in accordance with the approved details. Subsequently, the external surfaces shall not be changed without the prior written consent of the local planning authority
6. C.4.1. Scheme of landscaping as reserved matters to be submitted.
7. C.4.2. Implementation of landscaping
8. C.4.6. Retention and protection of trees, shrubs and hedges
9. Approval of phasing and development densities. Prior to the first application for approval of reserved matters (and in any event not later than 6 months after the date of this decision notice), a schedule or schedules with detailed plan(s) of the boundaries of each area which is to be developed shall be submitted to the local planning authority for approval in writing showing the following:
 - a) the phasing of the development hereby permitted
 - b) the residential density attributable to each area of housing consistent with the approved Master Plan.The development shall subsequently be carried out in accordance with the approved schedule(s) unless otherwise agreed in writing with the local planning authority.
A minimum net density of 30 dph to be achieved.
10. Ecological survey: No development/ works shall take place until an ecological survey of the site has been carried out and approved by the local planning authority. The survey shall adequately assess the impact of the development on the resident flora and fauna and enable an appropriate programme of mitigation works to be identified. This programme of works shall subsequently be agreed in writing with the local planning authority and implemented in accordance with the agreed details, including any phasing. Any variation to the agreed programme of works shall be agreed in writing with the local planning authority before that variation is carried out
11. C.16.2 Full archaeological excavation and evaluation
12. Surface and foul drainage system: No development/ works shall take place until a programme of works for the provision of surface and foul water drainage has been submitted to and approved in writing by the local planning authority. Subsequently, the works shall be implemented as approved, including any phasing in relation to the occupation of buildings
13. Circulation/parking areas to be agreed: No development/ works shall take place until details of the car parking layouts, vehicle and pedestrian accesses, cycleways and circulation areas relevant to each phase of the development have been submitted to and approved in writing by the local planning authority. The details shall subsequently be implemented as approved unless otherwise agreed in writing with the local planning

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14. Provision of street furniture: No development/ works shall take place until details of street furniture, play areas, play equipment, refuse and storage units, signs, lighting and bus shelters within the site (including the siting, location and design and appearance thereof) have been approved in writing by the local planning authority. The details shall subsequently be implemented in accordance with the approved details unless otherwise agreed in writing with the local planning authority.

15. C.12.1 Boundary screening requirements

16. Maximum construction noise levels: Construction noise associated with the development of the site shall not exceed the following levels at the locations specified, measured as a 15 minute L_{Aeq} , except between 7:30am and 5:30pm on Mondays to Fridays (Bank and Public Holidays excluded) and 7:30am and 12:30pm on Saturdays:-

At any point 10 metres into the site north of its boundary with Forest Hall Road - 50 dBA

At any point 10 metres into the site from any other boundary - 45 dBA.

Between 7:30am and 5:30pm on Mondays to Fridays (Bank and Public Holidays excluded) and 7:30am and 12:30pm on Saturdays the above levels shall not be exceeded by no more than 10 dBA.

17. Deliveries of building materials : Except in emergencies, no deliveries of materials shall be made to the site during the period of construction of development:-

a) before 7:30am and after 5:30pm on Mondays to Fridays

b) before 7:30am and after 12:30pm on Saturdays

c) on any Sunday or Bank or Public Holiday.

18. Haul route for construction vehicles and wheel washing facilities to be provided on site (wording to be advised)

19. The development shall not be commenced until an Affordable Housing Scheme has been submitted to and approved in writing by the local planning authority. For the purposes of this condition, an Affordable Housing Scheme is one which:

(a) ensures the provision of 25% of the permitted housing units as affordable housing intended to be occupied by persons in need as defined in the Affordable Housing Scheme,

(b) secures the involvement of a Registered Social Landlord (as defined in the Housing Act 1996),

(c) provides affordable housing units of such types, sizes and mix as are appropriate to meet local needs and which will be capable of being let at affordable rents, and

(d) identifies a specified alternative arrangement (such as shared ownership or low cost market housing) in the event that funding for the affordable housing has not been secured within two years of the commencement of development.

The Affordable Housing Scheme shall be carried out in accordance with its terms as approved. The affordable housing shall not be used for any purpose other than the provision of housing accommodation which meets the objectives of the Registered Social Landlord, provided that if, within two years of the commencement of development, funding for the affordable housing has not been secured, the affordable housing may be used for the specified alternative set out in the approved Affordable Housing Scheme.

Obligations:

1. £387,500 off site sports and /or community facilities contribution
2. Provide open space provision and landscaping, timetable and management plans for future maintenance, transfer to the Council and maintenance payment
3. Provide local equipped area for play
4. Provide financial contribution to health centre construction costs.

5. Financial contribution to construction costs of Primary School to ECC requirements.
6. Improvements to Pesterford Bridge to be implemented before any development on application site.
7. Provide cycle ways and footpaths within the site, and junction with Forest Hall Road
8. Provide £350,000 contribution to specified transportation measures.
9. Public transport provision to service specification.

UTT/1654/00/FUL – GREAT DUNMOW

(Revised Report/District Council Interest*)

Residential development (56 units), new road access to public car park, extension to public car park, pedestrianisation of existing access from High Street and erection of new public library.

Land at Eastern Sector to rear of 37-61 High Street. GR/TL 628-218. Wilcon Homes Anglia Ltd.

Case Officer: John Grayson (01799) 510455

Expiry Date: 31 January 2001

****(The District Council's interest relates to that part of the application site proposed to be used for residential development and the land for the car park extension, both of which are in the Council's ownership.)***

Members visited this site on 26 November 2001.

NOTATION: ADP: Within Development Limits / Partly Within Conservation Area / Part of Town Centre Development Opportunity Site (Policy GD5) and Town Centre (Policy GD2) / Part of site allocated as Land Reserved for Car Park Extension (Policy GD8) / Part of site allocated as Protected Recreational Facilities (Policy REC7) (Bowls Club) / Protected Tree.

DLP: Within Settlement Boundaries / Partly Within Conservation Area / Part of Area for Mixed Use (Policy GD2) and Shopping Centre (Policy GD1) / Part of site allocated as Land Reserved for Car Park Extension (Policy GD3) / Part of site allocated as Protected Recreational Facilities (Policy LC1) (Bowls Club) / Protected Tree.

DESCRIPTION OF SITE: The site is located to the rear of the High Street behind the properties from The Boar's Head PH to Blowers Plumber's Yard. It comprises about 1 ha (2.5 acres) of land, some 0.15 ha (0.35 acres) of which would be used to extend the public car park. The net area for residential development is about 0.85 ha (2.15 acres). The site is generally vacant and overgrown backland. It lies to the south of the Pioneer supermarket and includes part of the public car park, the Bowling Club land to the north-east and land to the rear of The Boar's Head PH. The site backs onto residential properties in Venmore Drive. The proposed car park extension lies to the north alongside the egress from the car park into Mill Lane.

DESCRIPTION OF PROPOSAL: The scheme has been revised following the Committee meeting on 26 November 2001 (see attached). The proposed land take from the existing car park has been reduced, so that only 18 spaces would now be lost compared to about 50 previously. This would be more than made up by the use of the proposed car park extension land, which would accommodate about 65 spaces, leaving a net gain of 47 spaces. The earlier revised proposal for a deck over the car park extension has now been omitted on cost and amenity grounds. The number of residential units has been reduced by 2 to 56 and the library with affordable flats above has been retained. As previously, vehicular access would be one-way in-only between the HSBC and The Dunmow Inn, with the proposed new road running over land to the rear of the High Street properties into White Street. Exit via the Market Place would still remain. There has been no introduction of commercial premises and the proposed three-storey units have been retained. The layout would still be incompatible with the concurrent application (*see next report*).

In detail, the revised application now proposes 56 dwellings in a mix of 16 houses and 40 flats. There would be 21 two-bedroomed and 9 one-bedroomed flats for sale. Ten Housing Association flats for rent (8 one-bedroomed and 2 two-bedroomed) would be above the new library. Associated works include the provision of a new one-way access road and footpath to the public car park between The Dunmow Inn and the HSBC. The existing junction of White Street and High Street would be closed to vehicular traffic and pedestrianised. There would be traffic lights at the junction of White Street with Market Place and High Street, together with other highway works (see ECC Transportation's comments below).

The proposed layout would provide for a mixture of 5 x 3-storey buildings including the library, closer to the High Street to reflect its mixed character. There would be 6 x 2.5-storey buildings and four rows of 2-storey houses mainly in the north-eastern part of the site near to Venmore Road. The library would be opposite the supermarket and the recently replaced public conveniences, with two floors of affordable flats above.

APPLICANT'S CASE: See letters dated 30 November 2001 and 22 February attached.

RELEVANT HISTORY: Redevelopment to provide a shopping precinct agreed in 1988 & 1990 but withdrawn. Similar alternative scheme agreed in 1992 subject to a Sec. 106 Agreement which was never completed and the notice was not issued.

CONSULTATIONS: See attached report for responses up to 26 November 2001.
ECC Transportation; see letter dated 25 September 2001 attached.
Any further responses will be reported (due 18 March).

TOWN COUNCIL COMMENTS: (since 26 November 2001)

1. Urge UDC to use Compulsory Purchase powers to achieve two-way access to High Street.
 2. Exit into Market Place is completely inadequate to cater for extra development proposed.
 3. Over-development of the site.
 4. Loss of car parking spaces would adversely affect economic viability of town centre.
 5. Need for low-cost housing on this site.
 6. Rooftops plan, model and 3D drawing essential to assess proposal properly.
 7. UDC must be pro-active in preparing a design brief which reflects what local people want.
- Any further comments will be reported (due 18 March)

REPRESENTATIONS: (since 26 November 2001) 16 letters have been received in respect of the previously revised plan showing a decked extension to the car park.

Object to decked car park which would cause pollution from exhaust fumes, reduction in light and visual outlook of trees, disturbance from unsupervised youths, out of keeping with the area and intrusive on adjacent properties. Loss of existing car parking would be detrimental to town's vitality and relocated library would make this worse. A new Youth Centre would be better than a new library. Loss of potential land for more shops, offices and other services. Do not need more housing that local people cannot afford. Development in the town centre should alleviate traffic and high density living, not add to it. Loss of green space and leafy view. Need to retain footpath link to Venmore Drive. Extra traffic would be dangerous to pedestrians and detrimental to character of town centre and Conservation Area. Present road infrastructure would not cope. Added dangers would result at dangerous junction with Market Place. Oppose any proposal to exit via Mill Lane and Venmore Drive onto Braintree Road. Need for more educational facilities to meet growing demand.

Any further representations will be reported (due 18 March).

PLANNING CONSIDERATIONS:

The main issues are set out in the previous report to the meeting on 26 November 2001 (see attached). This revised report deals with the 4 main issues raised at that meeting:

- 1) Car parking**
- 2) Access and egress**
- 3) Design and**
- 4) Commercial units.**

1) Car parking

The only reason Officers recommended refusal to the original proposal last November was the loss of potential additional car parking provision which would be detrimental to the viability and vitality of Dunmow town centre, contrary to ADP Policy GD5 and the provisions of PPG6 (see report attached). Since then, negotiations have taken place and revised plans have been submitted. These show a reduced amount of existing car park to be redeveloped, which would result in a loss of 18 existing spaces, compared with about 48 originally (this was exaggerated at the time by a miscalculation that up to 67 spaces would be lost).

However, as part of their proposal, the applicants have offered to resurface the car park extension on land previously acquired by the Council from the Gas Board. This would provide an extra 65 spaces, whilst keeping the preserved horse-chestnut tree. The net gain would therefore be 47 spaces. The Council's Head of Community and Leisure advises that this would satisfy the foreseen need for parking facilities in the town centre for the next few years. However, some 7 spaces would be lost by the new access road, reducing the gain to 40. There may be further loss when the recycling containers are relocated. In the longer term, it is anticipated that additional land may come forward on an adjacent site which could similarly be acquired should the need arise for further parking in the town centre.

Officers consider that this original objection may now have been overcome, but will give an update at the meeting.

2) Access and egress

Members' second concern at the November meeting related to access and egress. The new access to this site is proposed to be from the High Street opposite the Post Office, between The Dunmow Inn and the HSBC. This would be in-only, because the gap between the two buildings is not wide enough to allow two-way flow without some demolition. In any event, the Highways Authority would object to large vehicles exiting from this access road and entering into the High Street at this point because of the dangers and inconvenience likely to be caused. The highway consultant's report concluded that *"the impact of the turning manoeuvres on the operation of the junction would suggest that maintaining the original proposal for a one-way access road would minimise potential vehicle conflict in the High Street and within the development on the access road."*

Assuming, therefore, that the access road remains in-only as proposed, for the two reasons stated in the previous paragraph, Members were also concerned about the egress into White Street and the Market Place at its junction with the High Street and Stortford Road. The Highways Authority recommends that traffic lights be installed at this junction, together with 11 further detailed requirements. This would improve safety at this difficult 4-way junction. Members may consider that the existing junction arrangements are inadequate in any event, irrespective of the introduction of additional vehicle movements. There could be an adverse

visual effect on the appearance of the Conservation Area, but appropriately designed traffic lights would make this acceptable and on balance it is considered that the improvement in road safety would outweigh any visual disadvantages that may accrue from the installation of traffic lights.

Officers consider that the highway implications would now be acceptable.

3) Design

A suggestion was made at the November meeting that the height of buildings be reduced to a maximum of 2 storeys. Officers consider that the town centre is characterised by a mixture of buildings of varying heights, with 3-storey development being by no means unusual. Clearly it would be appropriate to restrict the height of the new development where it would abut existing 2-storey housing in Venmore Drive, but it is considered that the scheme would benefit from certain buildings being higher to introduce a varied roofscape and reflect the mixed heights of building in the High Street and the overall character of the town. The proposed two floors of flats above the library would provide a prominent building fronting the car park. Some of the taller structures within the development would be visible from the High Street (see artist's impression) and would create an interesting street scene which would enhance the character and appearance of the area without unduly affecting any residential amenity.

Officers consider that the design of the development would now be appropriate for its town centre location close to the Conservation Area.

4) Commercial units

It was suggested at the November meeting that shop units should be encouraged on this site. One of the reasons why the previously agreed scheme for shops and offices was never implemented in 1992 was because of the lack of demand. The applicants have had no expressions of interest from commercial developers, however, and the proposed library would have a similar effect to commercial development in that it would attract people to the town centre and thus encourage "footfall".

Officers consider that the proposal as it stands would be a material improvement to the character and appearance of the town and would have no adverse effect on its economic viability.

COMMENTS ON REPRESENTATIONS: Officers agree that the previously proposed decked car park extension would have been too expensive, detrimental to the appearance of the area and have a harmful effect on the amenity of neighbours. The existing footpath link to Venmore Drive would be retained. There is no proposal for traffic to exit via Tenterfields. The development of this site has been taken into account by the County Education Authority through consultation on the District Plan. All other comments have been addressed above and in the previous report.

CONCLUSIONS: The previous report (see attached) concluded that this was a finely balanced proposal and its only unsatisfactory element was loss of car parking. This has now been addressed to retain more spaces and should overcome the concern (subject to the update). The other positive features of the proposal remain, ie. a new access to the public car park, pedestrianisation of the dangerous junction of White Street and High Street, traffic control at the dangerous junction of White Street with Market Place/High Street/Stortford Road, a new public library convenient to the town centre, social and affordable housing, an interesting layout, design, appearance and density and a satisfactory relationship with adjacent dwellings.

This site has been part of a larger area which has been allocated for redevelopment for over 15 years. Several schemes have been proposed during that period, but none have come to fruition. Officers consider that the current proposal represents the best chance to start the sustainable regeneration of this semi-derelict part of the town centre, in accordance with approved policies.

RECOMMENDATION: APPROVAL WITH CONDITIONS

CONDITIONS:

1. C.2.1. Time limit for commencement of development.
2. C.3.2. To be implemented in accordance with revised plans.
- 3-10. C.4.1-8. Landscaping requirements to be agreed and implemented.
11. C.5.1. Samples of materials to be agreed, including slates or clay tiles on all roofs.
12. C.6.4. Excluding all extensions without further permission.
13. C.7.1. Slab levels to be submitted and agreed.
14. C.11.6. Standard parking facilities to be provided, including cycle store near library.
15. C.12.1. Boundary screening requirements to be submitted, agreed and implemented.
16. C.16.2. Full archaeological excavation and evaluation.
17. No construction vehicles shall enter or leave the site, nor any work carried out on the site except during the following hours: Mondays – Fridays: 0800-1800; Saturdays: 0900-1300; nor on any Sundays, Bank or Public Holidays.
Reason: in order to protect the amenities of neighbouring residential occupants
18. Before any existing car parking spaces are taken away, the access road hereby approved from the High Street shall be constructed and completed to top coat level to link through to White Street, as shown on the approved layout plan, and the extension to the car park hereby approved shall be resurfaced to top coat level and laid out ready for use in accordance with a scheme which will have been submitted to and approved in writing by the local planning authority prior to the commencement of the development.
Reason: in order to retain the existing amount of public car parking provision in the interests of town centre viability and vitality and convenient access to it.
19. Before any works commences on the resurfacing of the car park extension hereby approved, a scheme of decontamination works shall be submitted to and approved in writing by the local planning authority and thereafter implemented in accordance with the approved scheme.
Reason: in the interests of public health.
20. The library and social housing building hereby approved shall be constructed and completed ready for occupation before the first dwelling is occupied on the rest of the site.
Reason: in order that the community facilities are provided as an integral part of the development.
21. Off-site highway works (see attached list).
22. Provision of 10 affordable housing units with a Registered Social Landlord.

NOTES for APPLICANT:

1. Need to liaise with Environment Agency and Water Authority re drainage.
2. Need to liaise with UDC Housing Services re affordable units.
3. Need to liaise with UDC Legal Services re commercial agreement.

Structure Plan Policies relied upon: CS1, CS2, CS3, CS4, BE1, BE2, BE3, BE4, BE5, BE7, H4, H5, TCR3, T1, T3, T6, T11, T12

Adopted District Plan Policies relied upon: GD2, GD5, GD6, REC7, T1, T2, DC1, DC2, DC5, DC14, N3

Deposit Local Plan Policies relied upon: GEN1, GEN2, GEN4, GEN6, GEN9, ENV1, ENV3, H9, LC1, RS1, GD1, GD2, GD3

UTT/0822/01/FUL - GREAT DUNMOW
(Revised Report)

Erection of four dwellings with associated garaging on land to the rear of 73-75 High Street.
GR/TL: 629-218. Mr D Lowe, Mrs McKinley and Mr C Blower
Case Officer: John Grayson (01799) 510455
Expiry Date: 20 August 2001

Members visited this site on 26 November 2001.

NOTATION: ADP: Within Development Limits and Conservation Area/Part of Town Centre Development Opportunity Site (Policies GD5 & 6).

DLP: Within Settlement Boundaries, Conservation Area, Shopping Centre & Eastern Sector (Policies GD1 & 2).

DESCRIPTION OF SITE: This application relates to an area of land approximately 0.5ha (1.25 acres) in extent, located to the rear of 71-75 High Street, but accessed via an existing private drive adjacent to The Dunmow Inn. This land is currently utilised for informal parking purposes and is poorly maintained. It also contains a number of existing outbuildings including a brick and block former slaughterhouse with corrugated sheet roofed and other single-storey outbuildings and sheds. Overall, the site extends to an average width and depth of some 40m, although it narrows considerably to the north and less so to the south.

DESCRIPTION OF PROPOSAL: Permission is sought for four 4-bedroomed houses and associated garaging after demolition of the existing buildings. The proposed dwellings would be located to the west and east of the site, with additional detached garaging to the north. The dwellings themselves would take the form of 2 pairs of semi-detached houses, one to the west, these of three-storey height with dormers within the roof and a further pair to the east, partly two and partly three-storeys in height, again with dormers within the roof. Pitched roofs are shown throughout, with materials comprising a mixture of render and weatherboarding with tiles and slates to the roofs. Access to the site is shown to be via the existing sub-standard private drive to the west of The Dunmow Inn, which is shown to be upgraded although no details are provided. A private driveway would serve the development itself.

APPLICANT'S CASE: The applicants consider that their proposed development employs a high standard of detailing, sympathetic to the Conservation Area, including the use of sliding sash windows, and a mixture of weatherboard and render to the walls, together with plain tiles, pantiles and natural slates to the roofs. The dwellings would be two-and-a-half-storey, which would not be seen behind the High Street premises due to the fall of the land, and would form a gradual stepping up in roof lines to the three-storey housing being proposed on the larger application. The applicants state that their application stands on its own merits and could be implemented independently, since it would not preclude development of the adjoining land. They consider that the application itself illustrates how this particular parcel of land can be successfully developed separately, without having a detrimental effect upon the larger parcel of land to the north and north-west.
See agent's letter dated 21 November 2001 attached.

RELEVANT HISTORY: Redevelopment to provide access and a supermarket, shops, and a shopping precinct with additional car parking on this and adjoining land agreed in principle and withdrawn in 1988 and 1990 respectively. Redevelopment to provide access and a shopping precinct, offices, public conveniences and additional parking on this and adjoining land approved in 1992 subject to a Section 106 Agreement, but this has not been finalised and the decision notice was never issued.

CONSULTATIONS: ECC Transportation: Object: See letter dated 19 November 2001 attached.

Design Advice: The proposed units are designed in a tradition of C19 houses based on a narrow plan form with attic accommodation. Their design and detailing would be in keeping with the period and are acceptable. Good quality materials are essential, and should include hand made clay tiles, soft clay brickwork, smooth render and appropriate window detailing.

TOWN COUNCIL COMMENTS: None (due 30 July 2001).

REPRESENTATIONS: This application has been advertised and 13 representations have been received. Period expired 3 August 2001.

1. Dunmow and District Chamber of Trade and Commerce: No particular objection to this development taking place, even though it is in the Conservation Area, but express concern that it would then set a precedent for further development on land known as the Eastern Sector.

2-13. 12 individual responses objecting on grounds that there is no need for additional housing within Dunmow; that the proposed development would be out of character with the Conservation Area; that access would be dangerous; that three-storey development is unacceptable; and that the proposed development would set an unacceptable and undesirable precedent for similar proposals elsewhere.

In addition 131 pro-forma responses with individual comments objecting to the proposals on the following grounds:

- Three-storey dwellings would be out of character with both Great Dunmow and the Conservation Area.
- The proposed scheme would have inadequate parking for the needs of Great Dunmow and exacerbate the existing problems with parking.
- The additional traffic generated would add to the already overloaded road infrastructure and pose a danger to pedestrians, especially children and the aged.
- Unless a full traffic impact survey is carried out and circulated for consultation this (sic) planning application should be resisted.
- The current plans do not show which trees in the Conservation Area are to remain and which are due to be removed. An application has not been submitted to remove those trees that are within the Conservation Area.
- This is high density over-development that would not benefit the town or its residents.

PLANNING CONSIDERATIONS:

The main issues are whether the proposal would be acceptable in relation to ADP Policies (and their ERSP/DLP equivalents):

- 1) **GD5 Town Centre Development Opportunity Sites,**
- 2) **T1 New Development and General Highway Considerations,**
- 3) **T2 Provision of Car Parking,**
- 4) **DC1 Design of Development,**
- 5) **DC2 Design of Development within Conservation Areas,**
- 6) **DC5 Development Affecting Listed Buildings and**
- 7) **DC14 General Amenity.**

- 1) **GD5 Town Centre Development Opportunity Sites**

Policy GD5 states that within the Town Centre Development Opportunity Sites, suitable commercial and appropriate residential development, including flats, supported by adequate off-street parking, will be permitted. There is a further proviso that new buildings should respect the surrounding scale and character and, where practical, form part of a comprehensive development conforming with any design guides issued by the Council.

The proposed development is considered to be at clear variance from the general principles of Policy GD5 since it fails to promote a comprehensive scheme on the much larger town centre opportunity site identified under this policy. This small parcel of land is situated centrally within the land identified under the provisions of Policy GD5. To this effect, development along the lines proposed could significantly and adversely compromise the overall comprehensive development of a much larger parcel of land. Whilst the proposed development would be, as the applicants contend, self-contained, it would also be piecemeal and in this context both inappropriate and premature.

2) T1 New Development and General Highway Considerations

Policy T1 seeks to resist development proposals if the nature and volume of traffic likely to be generated creates traffic hazards, causes unreasonable delays and inconvenience to other road users, or leads to a significant reduction in the environmental quality of the locality. This Policy is generally reflective of the provisions of PPG13: Transport and the aims of Government to reduce the use of the private motorcar in favour of alternative methods of more sustainable transport.

The proposed development seeks to utilise and upgrade an existing sub-standard access, although no details are given of the proposed upgrading works. However, the simple access arrangements proposed could compromise the opportunity to provide a satisfactory means of access to the much larger site beyond.

3) T2 Provision of Car Parking

T2 requires all development proposals to provide for adequate on-site car parking in accordance with the standards adopted by the Council. In relation to its component parts, this scheme provides for a total of 3 on-site car parking spaces per dwelling, making a total of twelve overall. This is in excess of the standards adopted by the District Council, but in itself is not seen as sufficient reason to resist the proposed development.

4), 5) & 6) DC1 Design of Development, DC2 Design of Development within Conservation Areas and DC5 Development Affecting Listed Buildings:

Policy DC1 requires development proposals to respect the scale, proportions, appearance and materials of buildings in the locality and the environmental characteristics of the setting. The District Plan refers to the special qualities of Dunmow town centre and states that the combination of curving streets, gradients and buildings of good proportions contribute to its character. It is important, in this context, that all development contributes in a positive manner to its intended setting. In architectural terms, development should be designed to be reflective of the general harmony of existing structures and juxtaposition of roofs in order to provide for a future townscape of quality. Policy DC2 requires development within Conservation Areas to be of a good standard of design and materials so as to preserve or enhance the character or appearance of the area. This should include having regard to roof slopes and materials, existing facing materials, harmonious fenestration, and the scale and character of existing buildings and spaces. Finally, Policy DC5 expects development affecting the setting of listed buildings to be of a good standard and to use appropriate materials in keeping with the scale and character of the surroundings. It is noteworthy that

the existing buildings to the High Street frontage are, in the main, listed as being of architectural and historical importance.

The Conservation Officer considers that the proposed development has been designed in the tradition of C19 houses based on a narrow plan form with attic accommodation. In this context, the proposed design and detailing would be in keeping with the period and are therefore considered acceptable. Good quality materials have been proposed and this element of the scheme could be considered acceptable subject to the imposition of conditions requiring the submission of details prior to the commencement of development. In terms of overall height and bulk, whilst the development accords to three floors in parts, the development itself is of generally two-and-a-half storey height and is considered to be appropriate to its context. Reliance, however, upon the design of development on the much larger scheme beyond is inappropriate since it would be precluded from being built were this particular piecemeal development to proceed.

7) DC14 General Amenity

DC14 seeks to resist any development which would adversely affect the reasonable occupation and enjoyment of residential or other noise sensitive property as a result of excessive noise or other pollutants, loss of privacy or loss of daylight resulting in overshadowing. This Policy, together with N3 below, is generally reflective of the provisions of PPG1: General Policy and Principles. The proposed development would have little effect upon nearby and adjacent residential properties in terms of loss of amenity and in the context of DC14 is considered to be acceptable.

COMMENTS ON REPRESENTATIONS: Lack of need for housing in Great Dunmow cannot be a reason for refusal. The design of the scheme would be acceptable in the Conservation Area. It is agreed that there are doubts about the access. There are no Preserved Trees on the site.

CONCLUSION: Although attractive, this proposed development of four dwellings is considered to be piecemeal in its approach. In the context of Policy GD5 this is considered to be unacceptable, since it would be likely to result in a form of development which would make the comprehensive development of the much larger site beyond difficult to achieve. The proposal is premature and could compromise the overall aims of Policy GD5. There are also reservations as to the appropriateness of the utilisation of the existing sub-standard means of access.

RECOMMENDATION: REFUSAL REASON:

This proposal represents piecemeal and premature redevelopment which would be prejudicial to comprehensive redevelopment of Eastern Sector land contrary to Policy GD5:

UTT/1636/00/REN – SAFFRON WALDEN

Renewal of planning permission UTT/0989/95/FUL for conversion, or demolition and replacement of existing building, to non-food retail use

Land at Radwinter Road. GR/TL: 551-384. SIA Abrasives (GB) Ltd.

Case Officer: Hilary Lock 01799 510486

Expiry Date: 11 January 2001

NOTATION: ADP: Within Development Limits. DLP: Within Settlement Boundary/Employment Land to be Safeguarded (Policy SW5).

DESCRIPTION OF SITE: This site is part of the SIA premises on the northern side of Radwinter Road, east of Saffron Walden Hospital and opposite Tesco. The complex comprises office buildings and warehouses. Replacement offices to the west were granted planning permission in June 2001, but have not been built. Access to the site is from Radwinter Road (B1053).

DESCRIPTION OF PROPOSAL: This application is to renew permission granted in 1996, for either the conversion or the replacement of the existing office building for a non-food retail unit. The proposal is for the existing 900sqm. office building to become a 1200sqm retail unit, and the submission of details is subject of conditions. Access would be via the existing point to the west, which also serves warehouses at the rear. Car parking would be to the side and rear of the building. The 1996 permission included a restriction on the type of goods to be sold: DIY, home improvement, garden centre, non-domestic electrical products, furniture, furnishings, carpets, floor coverings, and auto or cycle parts. This aimed to reduce the impact on the vitality and viability of the town centre.

The current application was to be reported to the Development Control Committee meeting in June 2001, but was deferred at the request of the applicant. This was to enable the submission of up-to-date assessments to demonstrate that the proposal would not adversely affect the town centre. In view of the costs involved, these have not been forthcoming, and the applicant asks that the application be treated on its merits as the renewal of an existing permission.

APPLICANT'S CASE: Retail permission has not been implemented but management has now changed. SIA have been approached by company with view to developing site in accordance with permission, but has had insufficient time to prepare detailed plans. See letters from Carter Jonas dated 7 February 2001, and SIA dated 21 May 2001 attached.

RELEVANT HISTORY: Permission granted for this proposal 1996 and expired Feb 2001. Residential redevelopment of SIA site refused and dismissed at appeal 1999 on loss of employment. Extension to Tesco store opposite dismissed on appeal in 2000 for reason of retail impact on town centre. Permission for replacement office building granted June 2001.

CONSULTATIONS: ECC Transportation: Insufficient information with application. Applicant must apply current parking standards. No objections subject to conditions.

TOWN COUNCIL COMMENTS: In light of Tesco decision, traffic considerations and current government policy relating to out-of-town retail units, circumstances have changed considerably since 1995 and application should now be refused.

REPRESENTATIONS: This application has been advertised and 9 representations have been received. Advertisement expired December 2000.

1. Saffron Walden Chamber of Trade & Commerce – in view of decision on Tesco extension, it would now be inappropriate to allow application.
 2. CPREssex – proposal should receive fresh consideration as since permission granted in 1995 there has been change in government policy, in PPG6, with shift from out- and edge-of-town retailing; and dismissal on PPG6 grounds of Tesco appeal, where Inspector found no evidence of retail need in town, and development would have damaging effect on vitality and viability of town centre.
 3. Friends of the Earth – objection. Purpose of permission time limits is to allow reconsideration in light of change. Revised PPG6 and Ministerial statements since 1996, which seek to direct retail development to town centres. Recent situation tested at Tesco appeal for smaller extension, and should be refused for same reasons (harmful effect on vitality and viability of town centre and conflict with ADP Policy R2). Inspector also acknowledged that retail development in this area would be detrimental in terms of increased car use, traffic and highway safety and air quality. Such effects would be worse with larger development and would constitute additional reasons for refusal.
- 4-9. Wholly unjustifiable to regard application as rubber-stamp case. Last 5 years has seen complete change in Government policy on out of town shopping developments. Should be rejected for same reasons as Tesco case. This is for larger development than Tesco, and undesirable for same reasons. Issues of traffic and impact on viability of town centres now more relevant than in 1995. Would have adverse effect on traffic on Radwinter Road, Elizabeth Way junction, Thaxted Road traffic lights, and Ashdon Road.

PLANNING CONSIDERATIONS:

The main issue is whether circumstances have changed materially since the grant of planning permission in February 1996, in terms of the following:

- 1) **the impact on the vitality and viability of Saffron Walden town centre, and whether the sequential test in location has been applied (ERSP Policies TCR2 Retail and Town Centre Redevelopment – The Sequential Approach, TCR3 Town Centres and TCR4 Retail Development; and ADP Policy R2 Out-of-Town Centre Retail Development),**
- 2) **the impact on the local highway network (ERSP Policies T3 Promoting Accessibility and T12 Vehicle Parking; ADP Policies T1 Highway Consideration & T2 Car parking; and DLP Policies GEN1 Access & GEN9 Parking Standards),**
- 3) **the advice contained in Planning Policy Guidance Note No.6 ‘Town Centres and Retail Development’, issued June 1996, and Ministerial Statements in February and June 1999,**
- 4) **the impact on provision of employment land within the District (ERSP Policy BIW4 Safeguarding Employment Land; and DLP Policies E2 & SW5 Safeguarding Employment Land),**
- 5) **the decision to refuse planning permission for the extension of the Tesco store in September 2000, and**
- 6) **whether there are material considerations sufficient to override established policy.**

1) District Plan Policy R2 states that out of centre retail development which adversely affects the vitality and viability of any nearby town centre as a whole will not be permitted. This policy was already adopted in 1996, and the District Plan approach has not therefore altered. However, the Replacement Structure Plan policies are more up-to-date and reflect more closely the advice of PPG6. This requires a Sequential approach to the location of retail development, with the preference being town centre, followed by edge of town centre,

district or local centre and as a last resort if no such land is available, out of centre. Such location will only be acceptable if there is a demonstrable need for the development, and if the site is accessible by a choice of means of transport. In this case, despite requests, the applicant has submitted no up-to-date information to demonstrate compliance with current policy. Given that this is an out of centre site, and no case has been made to show that the sequential tests have been applied and that there is a need for the development, the proposal must fail current policy.

2) The highway authority advises that there is insufficient information accompanying the application, but its main concern is that of on-site parking rather than traffic movements to be generated and its impact on the local highway network. The level of car parking required would be dependent on the type of retail premises operated, but the standards now applied would be as in 1996 (although standards are now a maximum rather than minimum requirement).

3) Since February 1996, there has been a significant change in planning policy and its interpretation. PPG6 was in draft form at the time the decision was taken. Although the principles of the emerging document were taken into consideration, there have since been Ministerial statements which help interpretation. It is now clear that retail need must be 'demonstrated' and not simply expressed as capacity or demand. It must be shown that the sequential test set out in PPG6 has been applied in selecting sites, and the local authority must also consider any adverse impact on existing retail centres.

Before determining the 1996 application, the Council commissioned a retail impact assessment, which took the emerging PPG6 and need for the sequential test into account. The report concluded that although the proposal would not comply strictly with PPG6, it would be acceptable subject to conditions limiting the type of goods to be sold and preventing subdivision of the unit.

In February 1999, a ministerial response to a parliamentary question stated:

"In the context of PPG6 and this additional guidance, the requirement to demonstrate 'need' should not be regarded as being fulfilled simply by showing that there is capacity (in physical terms) or demand (in terms of available expenditure within the proposal's catchment area for the proposed development). Whilst the existence of capacity or demand may form part of need, the significance in any particular case of the factors which may show need will be a matter for the decision-maker".

Further interpretation was given in June 1999:

"What does 'need' mean? In that written answer, I said that, first, would-be developers must demonstrate that need does not mean simply an assertion by the developer that there is a market demand. It means that the local planning authority must consider the wider needs of the community as well as market demand for a plan before it accepts the development plan (sic). If the local authority is satisfied that a need exists, it must also be satisfied that the sequential test has been applied in selecting the site. Even then, the local planning authority must also consider whether there will be an adverse impact on the existing centre before it allows the proposal to go forward".

In this case, no case has been put forward to demonstrate how the current proposal would relate to or affect Saffron Walden town centre. There is not, therefore, any up-to-date information to assess, and the decision must be based on the details provided in 1996.

4) The Replacement Structure Plan was adopted in April 2001. Policy BIW4 of that document states that existing employment sites currently in use for business, industry or

warehousing will be safeguarded from redevelopment or change of use. Weight was given to this policy by the Inspector in dismissing the residential re-use of the SIA site in March 2000. Draft Local Plan SW5 identifies the whole SIA site as a key employment area to be safeguarded. Draft Policy E2 states that such safeguarded areas will be protected from redevelopment or change of use to other land-uses. However, permission has since been given for a replacement office building for SIA, and there would not be any loss of employment were this building to be redeveloped for alternative use. It is not considered that refusal on these grounds could be sustained at appeal.

5) In 2000, an appeal was held into a proposed 1097sqm extension to the Tesco store opposite the site. Tesco had submitted information in line with PPG6, but the Inspector found that *“to allow the proposal would discourage other opportunities to bolster the town centre and would prevent the retention of as much business as possible...an extension of the scale proposed would have a harmful effect on the vitality and viability of Saffron Walden town centre, and would conflict with Policy R2 of the District Plan and with government policy concerning the location of new retail development”*. The SIA application fails to provide a convincing case to demonstrate why an out of centre store is needed, and on this basis it is reasonable to assume that the same conclusions may be reached in this case.

6) The applicant advises that it may be necessary for the main company to relocate if the finance from the sale of this part of the site does not materialise. However, it is considered that the risk of relocation should not override these established policies. (It was also threatened at the time of the previous appeal in 1999)

COMMENTS ON REPRESENTATIONS: The merits of the application have been considered in the light of current policy, in accordance with the views of objectors. With regard to impact on traffic and highway safety, the Inspector for the Tesco appeal considered that the extension would increase traffic by about 10%, and he stated that: *‘Although Radwinter Road is narrow in parts, I agree that it would be capable of coping with this modest projected traffic increase without any undue impact on highway safety’*. The Highways authority is not recommending that the application be refused, and it is not therefore considered that a traffic reason for refusal can be sustained.

CONCLUSION: Advice in PPG6 states that *‘local authorities should consider the implications of new or emerging plan policies designed to sustain and enhance existing centres when considering the appropriateness of renewing unimplemented planning permissions for retail and other key town centre uses in out-of-centre locations’*. Since 1996, national and local policy guidance has increased the emphasis on sustaining town centres and prohibiting development of out of centre sites unless the need can be demonstrated. There has been sufficient change in local and national policy to require the Council to look at this proposal afresh. Minimal information has been submitted with the current application. The impact on Saffron Walden town centre cannot, therefore, be properly established.

RECOMMENDATION: REFUSAL REASON

The renewal of this permission for non-food retail development on this out of town location is considered unacceptable as the proposal fails to meet the requirements of up-to-date retail policy. Minimal information has been submitted with the application, which has failed to demonstrate that the sequential tests in the selection of this site, set out in PPG6 and Structure Plan policy, have been undertaken. There is no evidence that the studies conducted in 1995 to accompany the original application reflect the current situation, and as such it has not been shown that the retail redevelopment of this site would not adversely affect the vitality and viability of the retail centre of Saffron Walden. Based on the information submitted with the application, the proposal is considered to be an unacceptable retail development in an out of centre location which could not fail to harm the retail functions of

the town centre. Planning policy in respect of retail development has changed fundamentally since the previous grant of planning permission for this proposal, and the current need for the development has not been demonstrated.

For the above reasons, the application is considered contrary to advice contained in Planning Policy Guidance note No.6, Essex and Southend on Sea Replacement Structure Plan Policies TCR2, TCR3 and TCR4, and Uttlesford District Plan Policy R2.

UTT/0003/02/FUL - BARNSTON

Erection of replacement detached dwelling, garage and stables, involving demolition of pigsties.

The Courtyard, Onslow Green, GR/TL 650-181. Mr and Mrs Hart.

Case Officer: *David Jeater 01799 510464*

Expiry Date 1 March

NOTATION: ADP: Area of Special Landscape Value/Outside Development Limits.

DLP: Outside Settlement Boundaries.

DESCRIPTION OF SITE: Site of 0.8 ha (2 acres) off a narrow public highway at Onslow Green about 2km south of Barnston village. The site comprises a horse paddock, plus a group of former farm buildings [barns, stables and pig sties] covering about 0.25ha (0.6 acres) on its western side, set back by 60m from the road, and positioned about 50m north east of the listed building at Sholdo Hall. One of the buildings has been converted to a small, part one and part two-storey house.

DESCRIPTION OF PROPOSAL: Erection of two-storey five bed roomed house in a traditional style, with a frontage of 20m and height of 9.2m, plus a detached two car garage, and a stable building for six horses. This development involves the demolition of four utilitarian farm-type outbuildings, mainly used for stabling and low-key storage connected with the house on site and the horses kept there. The existing house on the site would be retained and converted to a tack room and office. A barn building on the west side of the site is to remain.

APPLICANT'S CASE: See letter dated 14 December 2001 attached.

RELEVANT HISTORY: Planning permission given in 1980 for change of use of buildings on this site from agriculture to riding stables, for change of use to commercial stables in 1988, and renewal of consent for that use in 1992. Permission given for change of use of storage building to accommodation for stable hands in 1982, and for the continuation of this use, restricted to a particular individual for a period of two years in 1987. Permission given in 1994 for permanent residential occupation of the same building in 1994 subject to conditions that the occupiers should be associated with the adjoining commercial stables and that such occupation should cease if fewer than five horses were stabled on site.

CONSULTATIONS: Environment Agency: Private sewage treatment plant required.

Environmental Services: No objection: concern about burning, storage and disposal of stable waste.

PARISH COUNCIL COMMENTS: The proposed development would be large and conspicuous on this site, a view apparently held by people living in the locality. If the site were developed as a riding school this would generate additional traffic along the narrow lane. Application should be refused.

REPRESENTATIONS: This application has been advertised and four representations have been received. Period expired 11 February 2002. Main points made:

[a] site is outside any developed area, and would out of place in this rural position;

[b] the house proposed would be very large and prominent;

[c] the existing house on the site arose from the change of use of an existing building and was allowed because of horses kept on the site;

[d] concern that the scale of the proposal suggests that the site will be used for commercial horse keeping or similar;

[e] the proposal would result in additional traffic using this narrow lane, *via* an access on a sharp bend.

PLANNING CONSIDERATIONS:

The main issues are whether the proposal would conform with:

- 1) **the need for rural development to relate to agriculture, forestry or outdoor recreational uses (ERSP Policy C5, ADP Policy S2 and DLP Policy S7) and**
- 2) **the need for replacement dwellings to respect the size and character of the existing (ADP Policies C2 & H8 and DLP Policy H6).**

1) As indicated by the applicant, there are currently some eight stables on the site. The needs of the horses occupying these stables have been met by the occupiers of a small converted barn with a total floorspace of about 75 sq m. The proposal involves reducing the stables from eight to six, and the erection of a very large house with some 400 sq m of floorspace. There is no clear requirement for a five-bedroomed house to provide accommodation for people to look after such a small number of horses. In effect the residential use would no longer be subordinate to the equestrian use. The proposal thus breaches this policy.

2) The replacement dwellings policy seeks to refuse proposals which through their size and appearance impair the rural aspect of the countryside. This application would involve the removal of four farm type outbuildings, up to 6m high, with a total floorspace of over 500 sq m. These buildings stand on a ridge and are readily visible for up to 800m from the north, albeit that they are seen against a backdrop of trees around the application site and Sholdo Hall next door. The proposed loss of these buildings would be a benefit, although the types of buildings are a common sight in the countryside as a whole. However, the application proposes, a sizeable building with a 9.2m high ridge which would be more prominent because of its position partly clear of tree 'cover', and would, therefore, outweigh the benefit of losing the redundant farm buildings. Additionally the building fails a strict interpretation of the replacement dwelling policy as the existing residential building to be replaced would be kept, and returned to use as tack room and small office.

CONCLUSION: While there would be merits in the proposal arising from the removal of the outworn buildings on this site, they are outweighed by the size and scale of the development now proposed. The extent of building bears no clear relationship with rural uses acceptable under countryside protection policy.

RECOMMENDATION: REFUSAL REASONS

- 1. The proposed development would be unacceptable because the size of the dwelling house sought would not be incidental to an agriculture, forestry or outdoor recreational use and would therefore breach Policy S2 in the Adopted District Plan, Policy C5 in the Essex Structure Plan and Policy S7 in the Deposit Local Plan.
- 2. The large size of the proposed new dwelling would be out of character with its countryside setting to the detriment of the appearance and character of the area, contrary to Policies H8 and C2 in the Adopted District Plan and Policy H6 in the Deposit Local Plan.

UTT/0084/02/FUL – FELSTED

Erection of one replacement dwelling and one new dwelling
Courtlands, Station Road. GR/TL: 672-203. Mr and Mrs D Nicolich
Case Officer: Katherine Benjafield 01799 510494
Expiry Date: 18 March

NOTATION: ADP: Partly within Development Limits & Settlement Boundaries.

DESCRIPTION OF SITE: The site is located to the west of the village centre on the southern side of Station Road. There is currently a four-bedroom detached dwelling located to the north of the site with an extensive plot of land to the rear. (2.35ha/5.8 acres). The plot is 52m wide at the point where the dwelling is located.

DESCRIPTION OF PROPOSAL: The proposal is for the erection of two dwellings replacing an existing 1950s dwelling. The dwelling on plot 1 would have a footprint of 150m² and be located to the north-eastern corner of the site, set back approximately 2m south of the existing dwelling. The proposed height would be 9.4m to the ridge. The dwelling on plot 2 would have a footprint of 290m² and be located south-west of the existing, approximately 6m further back. Its height would be approximately 11m to the ridge. The proposal also includes a quadruple garage with a footprint of 85.56m² that would be sited between the two new dwellings, approximately 19m south of the existing dwelling and have a height of 5.5m.

APPLICANT'S CASE: See letter dated 16th January attached

RELEVANT HISTORY: Certificate of Lawfulness approved June 2001 for a covered swimming pool/games room, stable building and tennis court.

CONSULTATIONS: North East Essex Badger Group: Sett on site and owner is aware of legal requirement to protect it.

Environment Agency: Advisory comments only.

ECC Transportation: To be reported (due 14 February).

PARISH COUNCIL COMMENTS: Object – two large houses on this narrow site presents an over-development of enormous proportions being totally out of keeping with surrounding properties. The dwelling on plot 1 would be too close to the adjacent property “Grange Wood”, giving the impression of squeezing a quart into a pint pot.

REPRESENTATIONS: Two objections. Notification period expired 7 March 2002.

Main points are:

1. The dwellings would be located outside the village Development Limits.
2. The house on Plot 1 will be located 1m from the boundary of 19 Station Road, invading the privacy and blocking light.
3. The proposal would mean two dwellings replacing one setting a precedent for other house owners in Station Road.
4. The erection of the two dwellings will impinge on what was formerly graded as land of special scenic value and will result in a loss of open countryside.
5. The site suffers from considerable surface water and underground springs.
6. Oaklands Park, half a mile away from the site must surely meet the housing needs for Felsted.
7. There is concern over whether a second application may be made to retain the existing dwelling once the proposal has been built.

PLANNING CONSIDERATIONS:

The main issues are whether the proposal would:

- 1) be acceptable development in relation to Development Limits (ERSP Policy C5 – Rural Areas not in the Greenbelt, ADP Policy S2 - Countryside Beyond the Greenbelt and the Stansted Airport Protection Zone and DLP Policy S7 – The Countryside),**
- 2) be appropriate in relation to one of the replacement dwellings (ADP Policy H8 and DLP Policy H6) and**
- 3) adversely affect the amenities of neighbours (ADP Policy DC14 – General Amenity and DLP Policy GEN4 – Good Neighbourliness).**

1) The Development Limits for Felsted in the Adopted District Plan run behind the existing dwelling. There is an element of uncertainty relating to where the exact line is, which results from the dots used on the map being too large. However, the Written Statement accompanying the maps states that where appropriate the Development Limits will follow boundaries on the ground, and may relate to existing buildings rather than garden boundaries where the latter would allow for inappropriate development. In this case it is considered that the Development Limits follow a line much closer to the existing dwelling than the plans accompanying the proposal would suggest. The situation is clearer in the Deposit District Plan as the settlement boundaries are set out on larger scale plans using a continuous line, and for this part of the village is shown running directly to the south of the existing building. This would result in the locations for the two dwellings and garage mainly outside the settlement boundary. There have been no representations made to the location of the settlement boundary in the Deposit Plan, therefore, adding more weight in the decision making process. The proposal does not relate to the accepted types of development which would normally be allowed outside development limits and settlement boundaries, therefore making them contrary to Policies S2 & S7, for reasons of extension of suburban development into this backland area abutting open countryside, detrimental to the rural character of the area.

2) Policy H8 states that replacement dwellings will normally be approved provided that the replacement would be located in the proximity of the original structure. It also continues to say that outside Development Limits replacements by larger dwellings which impair the rural characteristics of the countryside will not be permitted. Whilst it is considered that the proposal is contrary to the policy as they would be replacing one dwelling with two and locating them both mainly outside Development Limits, they would be located in proximity to the original dwelling. For this reason the proposal would impair the rural nature of the countryside, would be contrary to the first part of Policy H8.

3) Policy DC14 states that development which would adversely affect the reasonable occupation and enjoyment of a residential property as a result of overshadowing will not normally be permitted. It is considered that the location of the dwelling on plot 1 approximately 2m from the boundary would have an adverse affect on the property to the east through overshadowing and overbearing.

CONCLUSION: The proposal would form an unacceptable increase of development on this site as a result of impairing the rural characteristics of the countryside, replacing the existing dwelling with two dwellings and a quadruple garage and overshadowing the neighbouring property to the east. A revised application for one replacement dwelling on the site of the existing would be considered.

RECOMMENDATION: REFUSAL REASONS

1. The proposed development would be unacceptable because it would extend suburban development into the countryside, detrimental to its rural character, contrary to ADP Policies S2 and H8(a) and DLP Policies S7 & H6.
2. The proposed development would be unacceptable because the dwelling on plot one would adversely affect the enjoyment of a property as a result of excessive overshadowing, contrary to ADP Policy DC14 and DLP Policy GEN4.

UTT/0203/02/FUL – LITTLE HALLINGBURY

Erection of two-storey replacement dwelling
'Parkside', Hatfield Heath Road. GR/TL: 512-160. Mr and Mrs D Silvester.
Case Officer: Michael Ovenden on (01799) 510476
Expiry Date: 5 April

NOTATION: ADP & DLP: Green Belt

DESCRIPTION OF SITE: The site is situated to the north-west of Hatfield Heath along the Stortford Road near to 'The Sutton Arms' PH.

DESCRIPTION OF PROPOSAL This revised proposal seeks the demolition of a post-war house and the erection of a larger one 7m away from its current position. It would be of 3 bedrooms in 2-storeys, with a larger footprint, using clay tiles and hand-made bricks. The proposed dwelling would be partially behind a small wooded area.

RELEVANT HISTORY: Retrospective permission for change of use of agricultural land to garden granted 2000. Two-storey rear extension and replacement 4-bedroomed dwelling refused 2001 as too large to be acceptable in Green Belt.

PARISH COUNCIL COMMENTS: Recommend refusal as proposed replacement dwelling considered to be disproportionate to the size of the original dwelling which the Government advises in PPG2 Green Belts is inappropriate and should not be permitted.

REPRESENTATIONS: Any received will be reported. Notification period expired 12 March.

PLANNING CONSIDERATIONS:

The main issues are whether the proposal would be:

- 1) **an acceptable development in the Green Belt (ERSP Policy C2, ADP Policy S3, DLP Policy H6 and PPG2) and**
- 2) **an appropriate replacement dwelling (ADP Policy H8 and DLP Policy H8).**

1) The site is within the Green Belt where the prime issue in this case is protecting the openness of the area. Policy S3 states that permission will not be given except in very special circumstances for the construction of new buildings. It also concludes by stating that building extensions, which adversely affect the openness of the Green Belt, will not be permitted. The special circumstances of this case are that the development is for a replacement dwelling, circumstances also envisaged in national and countywide policy. Government advice on development in Green Belts is given in PPG2, which states that there is a presumption against inappropriate development. It advises that the replacement of dwellings need not be classed as inappropriate, provided that they are not materially larger than the original.

The original dwelling has already been extended with a single-storey rear extension under Permitted Development and when assessing whether the proposal would be inappropriate development in the terms of PPG2, the existing dimensions have been used. The existing attached garage could be converted to a habitable room without permission. The proposal would have a similar appearance to the existing dwelling, although it would be about 1m higher and 1.2m wider (exc. the chimney). The increase in size would amount to rear extensions adding 4m to the depth of the dwelling. This would not materially affect the openness of the Green Belt.

2) Part (a) of Policy H8 requires replacement dwellings in the countryside to be in proximity to the original structure, in scale with neighbouring properties and to avoid impairing the rural characteristics of the countryside. This proposal would be within 3m of the original dwelling, albeit protruding outside the original curtilage of the dwelling which was extended last year. There are no immediately adjacent dwellings and there is not a particular size of dwelling characteristic of the area. It is considered that the proposal complies with Policy H8(a).

Part (b) of Policy H8 requires that larger replacement dwellings which would impair the rural characteristics of the countryside through their size or appearance will not be permitted. It is considered that the changes made since the two previous refusals are sufficient to justify permission.

CONCLUSION: The proposal is considered to be the maximum which would be permitted as a replacement dwelling in the Green Belt and is considered to be satisfactory.

RECOMMENDATION: APPROVAL WITH CONDITIONS

- | | | |
|------|-----------|---|
| 1. | C.2.1 | Standard time limit |
| 2. | C.3.1. | In accordance with approved drawings |
| 3. | C.6.4 | Withdraw permitted development rights for extension |
| 4. | C.23. | Demolition of existing dwelling |
| 5&6. | C.4.1.&2. | Scheme of landscaping to be submitted, agreed and implemented |
| 7. | C.5.2. | Details of materials to be submitted and agreed |

UTT/0209/02/FUL - SAFFRON WALDEN/SEWARDS END

Erection of two-bedroom dwelling to replace existing chapel building. Change of use of land to garden. Formation of parking/turning area.

Chapel Cottage, 46 Walden Road, Swards End. GR/TL 570-382. Mr & Mrs Landridge.

Case Officer: *Hilary Lock 01799 510486*

Expiry Date: 8 April 2002

NOTATION: ADP: Partly within Development Limits/Area of Special Landscape Value.
DLP: Partly within Settlement Boundary. Both: Adjacent Grade II Listed Building.

DESCRIPTION OF SITE: The site is on the eastern side of Walden Road, south of the new Village Hall. It has a frontage of approximately 17m and depth of 26m, comprising a former printworks/shop, adjacent to a Grade II listed thatched cottage to the north (Chapel Cottage). The existing building is of modern construction with a corrugated sheet roof, and the land in front is used for car parking. The site backs onto open fields and is opposite housing.

DESCRIPTION OF PROPOSAL: This revised application is to replace the disused building with a 2-bedroom house, of painted boarding and hand-made clay tiles. The access would be modified to create turning and two parking spaces for both the existing and proposed dwelling. The house would have a footprint of 61.4 sqm. (previously 77sqm.) and height of 6.45m (previously 7.3m) plus chimney. There would be no overlooking from habitable windows, as there would be no side facing windows and the first floor front dormer would serve a bathroom. Amenity space in excess of Council standards would be provided for both houses.

APPLICANT'S CASE: The footprint would be the same as the existing Old Chapel and garage. The ridge height would be approximately 1m lower than that of the adjacent Chapel Cottage. The design is deliberately simple and unimposing. The proposed materials would be hand-made brick and tiles with boarding painted cream or white.

RELEVANT HISTORY: House refused 1978; Conversion and extension to form dwelling refused 1981; House in garden of 48 Walden Road to north refused and dismissed at appeal 1995; all on policy grounds. Dwelling and garage refused August 2001 following a Members' site visit, on basis of adverse impact on listed building and policy objection to partial siting beyond VDL. Dwelling refused November 2001 due to impact on setting of listed building.

CONSULTATIONS: Design Advice: Impact on adjacent Listed Building would be less than before.

ECC Archaeology: Recommend watching brief condition.

TOWN COUNCIL COMMENTS: To be reported (due 18 March).

REPRESENTATIONS: This application has been advertised as likely to affect the setting of a Listed Building and no representations have been received. Period expires 14 March.

PLANNING CONSIDERATIONS:

The main issues are whether the proposal would:

- 1) be an acceptable form of development in this location [ESRP Policies CS2 and C5, ADP Policies S1 (Development Limits) & S2 (Countryside), and DLP Policy S7 (Countryside)],
- 2) adversely affect the setting of the adjacent listed dwelling (ERSP Policy HC3, ADP Policy DC5 and DLP Policy ENV2) and

3) be acceptable in highway terms (ERSP Policy T3, ADP Policy T1 and DLP Policy GEN1).

1) The rear wall of the disused printworks and the proposed dwelling form the Development Limit boundary (VDL) designated in the District Plan and Deposit Local Plan. There is no objection to the location of the garden outside the VDL, subject to conditions, as per DLP Policy ENV5.

2) The existing structure does not enhance the setting of the listed building, Chapel Cottage, but is relatively modest and its impact is minimal. The footprint of the existing is approximately 50sqm., compared to the proposed 62sqm. of the replacement dwelling. This revised proposal has been reduced in height to below that of Chapel Cottage, its design has been simplified and the extent of the first floor accommodation reduced. Although Design Advice is that this may still have an adverse impact on the setting of the listed building, it is not considered that refusal on this basis can be sustained given that the site is within the VDL and the new dwelling has now been reduced significantly in size. The existing printworks is in a poor state of repair it is considered that its replacement with this modest cottage would be a visual improvement.

3) There is presently no turning space to serve Chapel Cottage, and the proposal would have the highway benefit of providing parking and turning to serve both properties.

CONCLUSION: The proposal would overcome the previous reasons for refusal and, contrary to Design Advice, it is considered that the proposed size, design and form of the dwelling would have no material adverse impact on the adjacent listed building

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.5.1. Samples of materials to be submitted and agreed.
6. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission
7. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.
8. C.11.7. Car parking and turning areas to be provided prior to occupation.
9. C.16.1. Watching archaeological brief.
10. C.6.5. Excluding fences and walls without further permission.
11. C.19.1. Avoidance of overlooking – obscure glazing to front windows, and no further windows in side elevations.
12. No development shall be commenced until full details of a scheme for foul water drainage to serve the development have been submitted to and approved in writing by the local planning authority. Such drainage works shall be carried prior to the occupation of the dwelling hereby permitted and thereafter retained in accordance with the approved details unless the local planning authority consents in writing to their removal or alteration.

Reason: in order to protect the surrounding countryside and water environment.

UTT/0029/02/FUL – FELSTED

Conversion of barns to dwelling house
Sparlings Farm. GR/TL: 695-226. Mr P Moore.
Case Officer: Michael Ovenden 01799 510476
Expiry Date: 7 March

NOTATION: ADP & DLP: Outside Development Limit & Settlement Boundaries/ Adjacent to Grade II Listed Building (farmhouse)

DESCRIPTION OF SITE: The site is located in open countryside east of the village, immediately to the south of the new A120 currently under construction, 2km (1.5 miles) east of the village and north of Gransmore Green. It comprises a collection of buildings forming three sides of a courtyard. To the north is a small area of farmland which would become garden, to the east are some modern agricultural buildings in active use, the farmhouse is to the south and the Gransmore Green/Felsted road forms the western boundary.

DESCRIPTION OF PROPOSAL: The proposal is to convert the three main buildings to form one dwelling, garaging & store and office & gym. Farmland to the north would become garden. Access would be from the existing shared between the farm and farmhouse. It is proposed to remove the corrugated sheeting from the main barn and its extensions and the garage and store and replace it with hand made peg tiles.

APPLICANT'S CASE: See agent's letter dated 21 December 2001 attached.

RELEVANT HISTORY: Transfer of agricultural occupancy condition from adjacent dwelling to farmhouse granted in 2000. Erection of agricultural barn approved as permitted development in 2000.

CONSULTATIONS: Design advice: The buildings are not of sufficient merit to justify retention and conversion.

PARISH COUNCIL COMMENTS: None (due 18 February)

REPRESENTATIONS: This application has been advertised as likely to affect the setting of a listed building and no representations have been received. Period expired 12 February.

PLANNING CONSIDERATIONS:

The main issue is whether the proposed conversion of the buildings would comply with ERSP Policy RE2, ADP Policy C6 and DLP Policy H5.

Both elements of the Development Plan indicate various tests for proposals requiring such schemes to relate to sound, substantial buildings capable of conversion without major or complete reconstruction; to protect the countryside; not to prejudice town vitality and state a preference for business use of buildings. Policy RE2 also states that "*The residential conversion of listed farm buildings and the re-use of other rural buildings on isolated sites within the countryside located well away from existing settlements, will not be permitted*".

It is a question of judgement whether this distance is 'well away from' Felsted or Gransmore Green, but Officers consider that the site is not remote enough to justify a refusal on this ground. The applicant has submitted no information to demonstrate that he has investigated business re-use and therefore the proposal does not comply with the preference in both policy documents for such purposes.

ADP Policy C6 & DLP Policy H5 require buildings to enhance the character and appearance of rural areas through their historic, traditional or vernacular form in order to justify conversion. The buildings are considered to be unremarkable and not to merit retention. The ones at the north and south ends of the group are constructed from block work and the middle one has been significantly altered and extended over the years. Much of the front elevation is missing and would be enclosed in the conversion. The existing open lean-tos at the front of the main barn and the open fronted structure would require rebuilding, being proposed to be filled in and reroofed. The roof is of corrugated sheeting and would be replaced with tiles. The rest of the structure has suffered from damage and appears to have been repaired using utilitarian methods. Consequently the building would have to substantially rebuilt.

It is also proposed to create a garden on part of a field to the north and to plant a screen alongside the new slip road to the A.120. This is considered acceptable.

CONCLUSION: The conversion of the buildings would be contrary to the development plan are not of sufficient architectural, historic or environmental merit to justify a conversion. Any conversion would require significant rebuilding works and would adversely affect the rural character of the area by domestication.

RECOMMENDATION: REFUSAL REASON

The proposal would result in the conversion of buildings of insufficient merit, which require substantial works of rebuilding and would result in the creation of new residential development detrimental to the rural character of the area by virtue of domestication contrary to ADP Policy C6 and DLP Policy H5.

UTT/0110/02/OP - WIMBISH

Proposed residential development of the site by four detached dwellings with associated parking

Taylor Brothers Site, Howlett End. GR/TL: 589-344. Green Taylor Brothers.

Case Officer: Charmain Harbour

Expiry Date: 20 March

NOTATION: ADP: Outside Development Limits/Within an Area of Special Landscape Value.
DLP: Outside Settlement Boundary.

DESCRIPTION OF SITE: The site is located within the village of Howlett End. It is located on the south-western side of the main B184 Thaxted Road. It is currently in business use with a building supply and animal feedstuff supplier trading from a series of structures on the site, many equating to two-storeys in height. It is screened on three sides by conifer hedging with deciduous trees and a privet hedge to the southern boundary. There is a bungalow adjacent to the north-western side of the site. To the north and south is open countryside and to the east is detached house, which marks the edge of the settlement.

DESCRIPTION OF PROPOSAL: This revised application seeks outline permission for the redevelopment of the site for four dwelling units, with details of siting of the units and the means of access to be determined at this stage. It is proposed to erect three two-storey detached dwellings on the front part of the site, set back from the road to enable the hedge to be retained. The existing access point to the north-western corner would be retained and a single drive would serve all four units. The second existing access would be blocked off. The front three units would be positioned to respect the building line of the existing dwellings on either side. The fourth unit would be a bungalow in a backland position to the rear of the site with the access located between plots two and three.

APPLICANT'S CASE: See supporting statement attached

RELEVANT HISTORY: Planning permission was allowed on appeal for the redevelopment of the site for three dwellings in May 2001. Concurrently with this, a second appeal was run for redevelopment of the site for four dwellings including a unit to the rear which was dismissed. This was similar to the current application with the exception that the access drive to the bungalow was positioned between the existing dwelling to the western side and plot 3 of the new units. The Inspector's comments in respect of the proposed bungalow to the rear in the dismissed appeal are material in considering this current application. The Inspector concluded that

"It is to my mind unlikely that the building of the bungalow would result in any material overlooking of the existing or proposed nearby premises. The site is not claimed to be of significant environmental value and there is no suggestion that any traffic hazards or significant congestion would be created. On the other hand I am not convinced that there is significant underuse of this land or that comprehensive development including a bungalow at the rear would improve the appearance of the area....it is likely the use of the drive would cause some noise and disturbance for the occupiers of both dwellings not only in their homes but in the use of their rear gardens. The building of the bungalow would to my mind have a materially detrimental effect on the existing adjoining bungalow and on the proposed dwelling on plot 3."

CONSULTATIONS: Environment Agency: Raise no objections but have made advisory comments. (The applicant is aware of these and is in correspondence with them directly)
ECC Transportation: to be reported (due 10 February).

PARISH COUNCIL COMMENTS: Object. Opposed to backland development.

REPRESENTATIONS: One. Notification period expired 19 February.

CPREssex: Object – backland plot contrary to Policy and Inspector’s decision, adverse effect on appearance of area.

PLANNING CONSIDERATIONS:

The main issues are whether:

- 1) **the principle of a fourth unit in the form of backland development would be acceptable (ERSP Policies CS2 ,C5 and H3, ADP Policies H10 & C2 and DLP Policies H3 and S7) and**
- 2) **the repositioned access drive to Plot 4 would cause noise and disturbance to future occupiers of the adjacent units to the detriment of their residential enjoyment (ERSP Policy WM3, ADP Policy DC14 and DLP Policies H3 and GEN4).**

1) The principle of residential redevelopment of the site has been established on appeal for three units located parallel to the main road. The Inspector dismissed the principle of a backland unit. Although he did not consider a bungalow in a backland position would cause any significant overlooking or traffic hazard and considered that the site itself is not identified as being of environmental value, he did not consider the previous proposal met the test of Policy H10 – that there is a significant under use of land and comprehensive development which would improve the character of the area. The emerging Policy H3 incorporates the test for under-use of the site. It is considered that there have been no material change in circumstances since the appeal to change this view.

The main material consideration is the potential impact on the character and appearance of the locality. The settlement is characterised by units fronting the road with no backland development. The site backs directly onto farmland the proposed unit located at the rear of the plot would have an intrusive and adverse impact on the adjacent open countryside. ERSP Policy C5 seeks to ensure development is well related to existing patterns of development and is sympathetic to the rural landscape character. The ADP designates the area as being of Special Landscape Value. Policy C2 seeks to protect the special characteristic of the area, which is reflected in Policy S7 of the DLP where it is stated there will be strict control on new building outside settlement boundaries. The proposal for a development which includes a fourth unit to the rear of the site is considered to be out of character with the settlement pattern of the area and intrusive to the rural landscape of this location.

2) The access has been relocated between plots two and three to take account of the inspectors comments. A strip 2m wide is proposed either side of the access which would be planted to seek to minimise the impact of vehicles using the driveway. The applicant argues that the movement of vehicles on and off the site will be significantly reduced from that existing and the measures proposed would mitigate the low level of movements to one dwelling. Attention is draw to the use of driveways to rear plots in the Essex Design Guide. The Design Guide primarily gives guidance on urban forms of development with some guidance for village layouts. It is not considered any of the scenarios directly equate to this site, which is in a small hamlet outside of Development Limits where there is a strong linear pattern of development. Notwithstanding any other cases in the District, or the existing operation on the site at present, the proposed layout would introduce a rear drive, which is alien to the form of settlement pattern in this locality.

Whilst the applicant has sought to mitigate the potential impact, the form of development would still result in plots 2 and 3 having a driveway to the front boundaries, to one side boundary and plot 2 would also have a driveway to its rear boundary. The Inspector held that the use of such a driveway would cause potential for noise and disturbance for occupier of the adjacent units including the enjoyment of their rear gardens. It is not considered that the relocation of the driveway and the means of screening overcome the fundamental objection to the intrusion of having a driveway for the full length of the site. The proposal therefore fails to meet the Development Plan policies relating to good neighbourliness.

CONCLUSION: The proposal seeks to overcome the previous reasons for refusal and the subsequent dismissal on appeal. A backland unit would still have a significant impact on the rural character of the location and would be out of character with the settlement pattern for the hamlet. The creation of a driveway the full length of the plot would still have a detrimental impact on the amenities of the adjacent units, notwithstanding the measures proposed to minimise this.

RECOMMENDATION: REFUSAL REASONS

1. The proposed redevelopment of the site for four dwellings including a bungalow in a back land position is considered to be unacceptable by virtue of this form of development being out of character with the existing settlement pattern for the hamlet and the adverse impact a dwelling in this location would have on the rural character of the area. The site is within an Area of Special Landscape Value and the site is surrounded by open countryside. The layout of the proposed redevelopment is not considered to be sympathetic to the rural character of the locality. The proposal is therefore considered to be contrary to the provisions of the following Policies: ERSP (2001) CS2, C5 and H3, ADP (1995) C2 and H10 and DLP S7 and H3.
2. The proposal includes a vehicular access drive to serve the fourth unit, which runs between Plots two and three for the full length of these plots. The repositioning of this access and the planting and surfacing measures proposed are not considered to be sufficient to overcome the detrimental effect a driveway in this location would have on the future occupiers of the two dwelling either side of the access as upheld by the inspector in the previous appeal. It is considered that the residential amenities of these units would be materially affected by the location of the driveway by virtue of noise and disturbance to the houses and associated garden areas. The proposal is therefore contrary to the provisions of the following Policies ERSP WM3, ADP DC14 and DLP H3 & GEN4.

UTT/0111/02/OP – NEWPORT

Erection of detached dwelling and garage, rear of White Lodge
White Lodge, London Road. GR/TL: 520-332. Mr and Mrs Carringtons
Case Officer: Charmain Harbour 01799 510458
Expiry Date: 20 March

NOTATION: ADP: Front part of site Within Development Limits/Application site Outside Development Limits/Within Area of Special Landscape Value.
DLP: Within Settlement Boundary.

DESCRIPTION OF SITE: The site is located on the southern edge of the village on the western side of London Road. The plot is currently occupied by a detached Victorian villa, which is at a raised level to the main road at the front of the site. The application relates to the rear garden area, which forms a sunken area enclosed on the western side by a bank and to the north and south by mature hedging. It is separated from the main house by an existing hedge with a central gap giving views down slope to the existing house. To the north the plot abuts the two-storey dwelling of Willow Croft and to the south (occupying a similar location to White Lodge) is a bungalow, Little Rising, which has driveway adjacent to that of the application site. To the west is the M11 beyond open fields.

DESCRIPTION OF PROPOSAL: Outline permission is sought for the erection of a bungalow to the rear of the existing house within a plot measuring 33m deep by 29m wide. All matters to be reserved. In the submission the steepness of the existing driveway is acknowledged and the illustrative scheme shows that the existing drive can be altered to create a more level driveway to serve both the existing and proposed units. A parking area currently exists to the front of White Lodge, which would be retained and affords on site turning for this unit. An existing garage store and conservatory to White Lodge to the side of the existing dwelling would all be demolished to enable the driveway to be extended to the rear. The illustrative scheme denotes a detached dwelling set forward of the front building line of Willow Chase by 7m but there is room within the site to position the dwelling further back, more in line with the adjacent house. The illustrative position would give a separation distance between White Lodge and the new dwelling of 14m and there is scope to increase this in excess of 20m. The current gap in the hedge between the house and the site would be infilled with new planting. A rear amenity area would be formed to the west of the unit and a double garage with on site turning is illustrated.

APPLICANT'S CASE: See supporting statement attached.

PARISH COUNCIL COMMENTS: Object. Would be a conspicuous backland development which would set an unwelcome precedent.

REPRESENTATIONS: One. Notification period expired 5 March 2002.
Object: set a dangerous precedent, adjacent to open countryside.

PLANNING CONSIDERATIONS:

The main issues are whether the proposal would

- 1) be appropriate within development limits (ERSP Policies CS2 & C5, ADP Policy S2 and DLP Policy S3),
- 2) meet the policy criteria in this backland position (ERSP Policy H3, ADP Policy H10 and DLP Policy H3),
- 3) create an unacceptable precedent and
- 4) require limitations to mitigate against impacts.

1) The Adopted Development Plan denotes the site as being outside of Development Limits; however in the Deposit Local Plan the site has been located within the Settlement Boundary. The emerging Local Plan has redefined the boundary to take account of new development in the locality in back land positions close to this site. Policy S2 only allows development in such a location appropriate to a rural area. Policy S3 allows development, which is compatible with the settlement's character and countryside setting within the defined boundary. This part of the village is characterised by detached units in long plots. Subdivision of the plots to enable the rear sections to be used for further residential plots has been approved and allowed on appeal on three sites in close proximity to the site. In this case it is considered the form of development would not intrude on the amenities of the area. The resulting development would increase the number of dwellings on the site, but not to the detriment of the locality.

2) The Development Plan Policies seek to ensure any backland development does not have an adverse impact on the surrounding properties. In this instance the exact siting is not a material consideration. The closest unit to the site is Willow Chase, which is located north of the plot and has a blank flank wall. It is considered feasible that a bungalow could be positioned on the site without causing overshadowing or overlooking of the adjacent units including the house of White Lodge. The plot is of a sufficient size to enable the unit to be positioned so as to be more in line with Willow Chase and achieve a better privacy distance to the rear elevation of White Lodge.

The site is located on rising land but the existing hedge and tree screen around the perimeter of the site would minimise the potential impact of the proposal. The bank to the rear, which is also well screened with hedging and trees would also screen the unit from the open land to the west. The retention of the trees and hedges bounding the site could be secured by condition and thereby retaining the only features of environmental value on the site. The levelling of the access and widening of the opening to give better sight lines would allow satisfactory access to the site. On-site parking and turning for both the existing unit and the proposal have been proposed. The means of access remains a reserved matter.

3) There are two other sites in close proximity to this site, which have established a pattern for backland development in this area. Two units to the south of the site on land at The Spinney were allowed on appeal in 1999 when the Inspector considered there was an under use of land in this location and no material harm to the approach to Newport would result in allowing the backland development. The principle of this form of development has, therefore, been accepted in this area, but each application has to be considered on its merits and the potential impact on the surrounding units and character of the area taken into account.

4) In considering the submission it must be borne in mind that most of the details are to be reserved. It is, therefore, considered to be necessary to establish principles for any future application through conditions if permission were to be granted. It is considered expedient to restrict the dwelling to a single-storey structure, to ensure the built form can be screened by the boundary vegetation, and to set down a minimum privacy distance of 25m if windows to habitable rooms are to face White Lodge to ensure any overlooking is minimised, as the dwelling would be on rising ground. Given the proximity to the motorway, sound insulation measures are considered to be necessary. It is also proposed to remove Permitted Development rights of extension given the backland nature of the site, to ensure the residential amenities of the surrounding properties are protected from overbearing development in the future.

CONCLUSION: The proposal is considered to comply with the Development Plan requirements for backland development. The emerging local plan includes the site within the development limits. The principle of a dwelling on this site is considered to be acceptable

and would not materially harm the appearance of the area. Consideration of the exact details will be at reserved matters stage, but it is proposed to restrict certain aspects of the form and siting to ensure the development does not harm the amenities of the surrounding area

RECOMMENDATION: APPROVAL WITH CONDITIONS

- 1&2. C.1.1&2. Submission of reserved matters
- 3. C.1.3. Time limit for submission of reserved matters
- 4. C.1.4. Time limit for commencement of development
- 5. C.4.1. Scheme of landscaping to be submitted and agreed
- 6. C.4.2. Implementation of landscaping
- 7. The dwelling hereby granted outline permission shall be single-storey and the footprint of the development shall be positioned to give a minimum privacy distance between the rear wall of White Lodge and the front elevation of the new dwelling of 25m if windows to habitable windows are to be included on this elevation. A reduced distance may be acceptable if a single aspect unit is proposed.
Reason: To protect the residential amenities of the occupiers of White Lodge.
- 8. C.5.1. Samples of materials to be submitted and agreed
- 9. C.6.2. Excluding all rights of permitted development extensions within the curtilage of a dwellinghouse without further permission
- 10. C.8.26. Internal sound insulation to the dwellings

UTT/0112/02/FUL – SAFFRON WALDEN

Change of use from shop/offices to create two dwellings and the construction of a detached dwelling to the rear together with alterations to the boundary wall/vehicular access points

The Chapel, Castle Hill. GR/TL: 539-387. Andrew Burton

Case Officer: Hilary Lock 01799 510486

Expiry Date: 20 March

NOTATION: ADP: Within Development Limits & Conservation Area; Castle Street frontage is Residential Street (Policy SW1). DLP: Within Settlement Boundary & Conservation Area

DESCRIPTION OF SITE: The site is to the north east of the town centre, a corner plot at the Castle Hill/Castle Street crossroads. The Castle ruins are to the south, with The Common beyond, and there are dwellings adjacent the western boundary and opposite to the north. A butchers' shop with offices above, and a parking area, occupy the site. Each road has vehicular access.

DESCRIPTION OF PROPOSAL: This is a revised scheme following the appeal dismissal for a new dwelling and the conversion of the shop into 3 dwellings in December 2001 for reason of lack of private amenity open space. The current proposal seeks to convert the existing shop/offices into two 2-bedroom dwellings, with alterations to doors and windows: replacing the existing shop front with a front door and windows, and inserting the same for the second dwelling; reinstating three ground floor rear windows (serving dining rooms and a kitchen); and inserting two new ground-floor windows in the eastern side elevation (facing Castle Hill). Small walled gardens (approximately 30 sqm. each) would be provided in front of each unit. Each would have a parking space, and access would be onto Castle Hill.

In addition, the Castle Street access would be closed and a small two-bedroom house (70sqm. floor area and 6.5m high) would be built behind the footpath. A gap of 1m would be retained to the boundary with houses to the west, and side windows would serve a dining room and bathroom above. A walled garden of 30sqm. and 1 parking space would be provided. An existing wall onto Castle Hill would be raised to a 2.15m high in brick and flint.

APPLICANT'S CASE: See supporting statement attached

RELEVANT HISTORY: Change of use from builders' office to retail and first-floor residential granted 1992. Conversion of shop/offices to 3 dwellings and erection of detached house dismissed at appeal December 2001 on overdevelopment grounds.

CONSULTATIONS: Design Advice: Improvement to unattractive empty space on corner of historic streets. No objection subject to conditions.

ECC Archaeology: as site backs onto Scheduled Ancient Monument (Castle), recommend full excavation and evaluation condition.

TOWN COUNCIL COMMENTS: Object as the parking does not meet the requirements of the new District Plan.

REPRESENTATIONS: This application has been advertised and two representations have been received. Period expired 21 February.

1. CPREssex: disappointed at lack of information on drawings for this prominent site in the Conservation Area. No illustration of the effect on the streetscape or of boundary walls. No objections, as feel it would make positive contribution to the appearance of the historic centre of Saffron Walden, although this contribution is difficult to assess without full details.

2. Proposal would in general tidy the area and would welcome it, subject to parking being allocated on site. More parking on Castle Street would add to already congested parking. Construction work should avoid weekends and early morning starts to avoid disturbance to local residents.

PLANNING CONSIDERATIONS:

The main issues are whether the proposal would:

- 1) **be an acceptable form of development within the town centre [ADP Policies S1 Development Limits (DLP Policy S1), SW1 Residential Streets in the Conservation Area, SW3 Town Centre & SW4 Principal Shopping Frontages],**
- 2) **be of appropriate design in a Conservation Area (ERSP Policy HC2 Conservation Areas, ADP Policy DC2 & DLP Policy ENV1 Design in Conservation Areas),**
- 3) **have any adverse impact of the amenity of adjacent residents (ADP Policy DC14 general Amenity & DLP Policy GEN4 Good Neighbourliness),**
- 4) **have adequate access and parking facilities (ERSP Policies T3 Promoting Accessibility & T12 Vehicle Parking, ADP Policies T1 Highway Considerations & T2 Car Parking, and DLP Policies GEN1 Access & GEN9 Vehicle Parking Standards) and**
- 5) **overcome the reasons for refusal of the previous scheme.**

1) The site is within Development Limits, where residential schemes would normally be acceptable. The new dwelling would meet the requirements of Policy SW1, which opposes uses other than residential in Castle Street. There is preference for shops and commercial uses in the town centre (Policy SW3), but this policy also encourages residential occupation of vacant premises in the town centre. Although currently in retail use, the premises are not in a defined Principal Shopping frontage (Policy SW4), and there is no policy objection to either the conversion or new dwelling. Policies SW1 and SW4 have been omitted from the Deposit Plan. The development would provide small residential units in a sustainable location.

2) The site is within a Conservation Area, and there is no objection to the sympathetic alterations to the main building. The new dwelling would be of traditional design and materials (render and clay tile roof), and would be in keeping with the character of the area. In determining the previous appeal for the conversion and construction of a fourth house on the site, the Inspector stated:

“...this is an imaginative scheme for the conversion of the former chapel...into 3 dwellings. The fourth dwelling...would make a significant contribution to the traditional street scene, giving definition to the visually weak corner with Castle Hill. Restoration of the original flint wall would also be of benefit to the townscape.”

3) The site is within a tightly knit urban setting, and dwellings to the west in Castle Court have windows on the site boundary. It is not considered that the conversion should have any significant impact on privacy, and general nuisance should be reduced by the loss of delivery and customer vehicles. The proposed windows to the new dwelling (dining and bathroom facing Castle Court, lounge, landing and bedroom facing into the site, and kitchen, dining and bedroom facing Castle Street) would not cause material overlooking sufficient to warrant refusal, given the urban setting.

The previous appeal Inspector stated:

“By having four dwellings on the site... the space standards have been severely stretched. There is a parking space proposed for each dwelling, and turning space but no amenity space for the three units in the chapel.... There is no provision in the scheme for general

storage or utility functions inside the dwellings.....As a consequence, the eventual occupants of these dwellings would experience less than satisfactory living conditions". He also concluded that there would be pressure for open domestic storage which would be damaging to the appearance of the Conservation Area.

The Inspector did, however, advise that there should be flexibility in the application of planning standards. The Essex Design Guide advises that the normal standard for gardens for new dwellings should be 100sqm, but this may be reduced to 50 sqm in higher density situations or for dwellings with one or two bedrooms. The revised proposal makes provision for approximately 30sqm. amenity space per dwelling. Although this falls short of the Council's normal standards, it is considered adequate to meet the basic needs of future occupants, in terms of limited storage and amenity space in this edge of town centre location, and that refusal on this basis could not be successfully defended given the context of surrounding development.

4) The proposal is located on a busy road junction, and the replacement of a commercial use and two accesses by 3 small dwellings with a single access is considered an improvement in terms of highway activity and safety. Sufficient turning space would be provided to enable vehicles to emerge in forward gear. Frontage walls of 2.15m high are proposed, but revised plans have been submitted to reduce the height either side of the access to ensure adequate pedestrian visibility. One parking space per dwelling is proposed, and although this would be below the Council's normal standards, it is considered sufficient given the town centre location, the dwelling sizes, the accessibility to public transport, DETR advice in PPG3, and the visual improvements to the Conservation Area. The appeal Inspector raised no concerns about the provision of one space per unit on the previous scheme.

5) It is considered that the revisions have addressed the Inspector's concern.

COMMENTS ON REPRESENTATIONS: It is considered that adequate detail has been submitted with the application upon which to make a judgement, including a limited street scene which also shows the proposed boundary walls. Conditions may be imposed controlling the materials of the walls. Planning Policy Guidance note 3 advises that an average of 1.5 parking spaces per dwelling should be provided as a maximum, particularly in urban areas. In high density accessible developments, such as town centres, local authorities are encouraged to allow little or no off-street parking, subject to safeguarding the character and appearance of the area. The standards proposed in the Deposit LP are District wide, and are appropriate for the mostly rural settlements. However, it is not considered that it would be appropriate to rigidly apply these standards to this urban setting. The retention of the proposed spaces may be controlled by planning condition. There would inevitably be disruption to residents during the construction period, and it is considered reasonable to control the working practices of the developer, especially in such a high density area.

CONCLUSION: Although the proposal would not meet the Council's normal parking and amenity space standards, it would satisfy the requirements for development in an urban town centre and Conservation Area, and would be a sustainable form of development providing small units. The proposal is considered to overcome the concerns raised by the Inspector in dismissing the recent appeal on this site.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development
2. C.3.3. To be implemented in accordance with original and revised plans
3. C.5.1. Samples of materials to be submitted and agreed
4. C.5.5. Clay plain tiles
5. All brickwork for the development hereby permitted shall be constructed of soft clay Essex Red bricks.
6. C.5.7. Window details
7. C.5.11. Smooth rendered walls
8. The flint work of the boundary walls hereby permitted shall be constructed by hand using individual random flints. The wall shall not be constructed from prefabricated panels.
Reason 3-8: in the interests of the appearance of the development and its impact on the appearance and character of the Conservation Area.
9. C.6.2. Excluding all rights of Permitted Development within the curtilage of a dwellinghouse without further permission.
10. C.10.25 Provision and retention of visibility splays
11. C.11.7 Provision and Retention of Parking spaces
12. C.16.2 Full archaeological excavation and evaluation
13. C.19.1 No further windows in west elevations of new and existing building.
14. No development shall commence on the construction of the new dwelling and/or the conversion of any part of the existing building hereby permitted until such time that all commercial use of the existing premises and land contained within the application site has ceased in its entirety.
Reason: In order to avoid overdevelopment of the site in the interests of the residential amenity, highway safety and the appearance and character of the Conservation Area.
15. No deliveries shall be made, nor work carried out on site during construction/adaptation, except during the following hours:
Mon-Fri: 0830 – 1800
Sat: 0900 – 1300
Suns, Bank and Public Holidays: None
Reason: In order to protect the amenities of neighbours.

UTT/1487/01/FUL – WICKEN BONHUNT

Change of use, alterations, extension and conversion of barns to non-residential meeting and seminar rooms. Creation of parking spaces.

Adjacent to Wicken Bonhunt House. GR/TL: 511-334. Mr A D W Broomhead.

Case Officer: Hilary Lock 01799 510486

Expiry Date: 6 March

NOTATION: ADP: Outside Development Limits/Within ASLV.

DLP: Outside Settlement Boundary/Part of Site within Poor Air Quality Zone (Policy ENV12).

Both: Opposite Scheduled Ancient Monument (St Helen's Chapel)/Within floodplain.

DESCRIPTION OF SITE: The site is located on the southern side of the B1038 Wicken Road, approximately ½ km west of Newport, adjacent the M11. It is occupied by a detached house with a separate weatherboarded/slate roof barn and stables beyond. Bonhunt Water passes to the rear of the garden.

DESCRIPTION OF PROPOSAL: It is proposed to convert the existing 230sqm. barn into a meeting room for seminars for local and regional businesses. The building is in good condition and the alterations would involve the insertion of three ground floor windows on the front elevation (to replace several doors). The most significant changes would be on the rear elevation: the replacement of 2 small dormer windows with one larger, the insertion of two first-floor windows and a ground-floor extension of black weatherboarding and slate roof, 18.76m wide x 1.68m deep, to provide disabled access. Partitions would be inserted to provide 2 ground-floor seminar rooms, office, kitchen, reception, toilets and sitting room. A 3rd seminar room would be at first-floor in an existing room.

Eleven car parking spaces and turning area would be provided adjacent to the building, and traditional hedging would be planted to provide screen. Vehicular access would be via the existing which serves the dwelling. There would be 3 employees, and the use would operate between 9.00 am and 7.00pm on Monday to Friday. The applicant intends to operate a shuttle bus service from the local railway station to reduce parking requirements, but Officers estimate that even with the bus service, there would still be between 1- and 15 car movements each way per day including staff (grouped between 9 -10am and 5 - 6pm), with 2 – 3 van movements per week. Courses would be full or half days (but not 2 in one day), and maximum visitors would be 25 per session.

APPLICANT'S CASE: Barns are structurally sound but deteriorating, and have no useful purpose. Can be converted with limited intervention to external appearance. Would provide jobs for 3 people and generate income for local businesses. Use would have lesser impact on parking and vehicle movements than office or studio space. Small rear extension required to give disabled access to ground floor. Given the level changes on site, the width and structure of barn, ground floor would be unusable without this limited extension. Visibility at the junction with the B1038 is good and meets criteria for access onto road with 60mph limit. Kitchen is to provide drinks and not food preparation. Septic tank or private sewage treatment plant proposed.

CONSULTATIONS: ECC Archaeology: As adjacent to a Schedule Ancient Monument and in area where evidence of Saxon Burials was found in 1993, recommend excavation condition.

ECC Transportation: no objections

Environment Agency: Area is liable to flooding. Site falls beyond main river and lies along edge of the 2001 Indicative Floodplain. The EA has no specific information regarding flooding of site from nearby watercourse. Applicant is advised to make local enquiries and set floor levels accordingly

PARISH COUNCIL COMMENTS: Wicken Bonhunt: to be reported (due 18 February).
Newport: to be reported (due 18 March).

REPRESENTATIONS: One. Notification period expired 22 February.

CPREssex: object – contrary to Policy C5 as does not have adequate accessibility and space for associated activities. Insufficient car parking (contrary to Policy T2). Unlike other D1 uses, day seminar use in location well outside any major settlement and remote from public transport links is likely to generate car parking requirement of 1 space per attendee and employee plus space for service vehicles and manoeuvring. Proposed shuttle bus would not meet shortfall as impossible to condition or enforce use of service by customers. Would, therefore, generate unacceptable on-street parking in rural location. Limited parking proposed would be visually detrimental to surrounding countryside (Policies S2, C2 and DC1). Would lead to day long parking in open countryside Area of Special Landscape Value, and obtrusive when viewed from west. Would undermine isolated setting of Chapel (Policy Dc5a). Increase in number of vehicles using access road and B1038 and cause conflict with road users (Policy T1) and loss of amenity of residences on lane Policy (DC14) Traffic generation would be greater than B1 re-use of rural building. Remote location from transport links and other commercial uses contrary to PPG's 1 and 13.

PLANNING CONSIDERATIONS:

The main issues are whether the proposal would

- 1) be an appropriate re-use of a rural building (ERSP Policy RE2, ADP Policy C5, & DLP Policy E4 Re Use of Rural Buildings),**
- 2) have any adverse impact on the rural setting, residential amenity and the setting of the Scheduled Ancient Monument (ERSP Policy NR1 Landscape Conservation, ADP Policy C2 Areas of Special Landscape Value, & DLP Policy GEN8 Reinforcing Countryside Character; ADP Policy DC14 General Amenity & DLP Policy GEN4 Good Neighbourliness; ERSP Policy HC5 Protection of Archaeological Sites & UDP Policy DC10 Ancient Monuments) and**
- 3) be served by adequate vehicular access and parking facilities (ERSP Policies T3 Promoting Accessibility & T12 Vehicle Parking, ADP Policies T1 Highway Considerations & T2 Parking, and DLP Policies GEN1 Access & GEN9 Parking Standards)**

1) The building is a soundly constructed, of traditional design and materials, and its retention would accord with the criteria of Policy C5. Externally the alterations to the building would not be significant, and the small extension at the rear would be in keeping with the existing form. The size of the barn would limit the number of visitors as anticipated by the applicant, and conditions could be imposed to restrict the use of the building and hours of operation. The site is ½ km from the closest settlement, and has good access to the main highway network and railway stations of Audley End and Newport. It is not considered that this site is remote; and this would be a suitable re-use of a building worthy of retention.

2) The impact of the proposed use on the rural setting should not be significant, as there would be few external changes to the building. The parking area would be contained close to the building, rather than in open countryside, and new planting would be added to minimise its impact. Although it is accepted that there would be peaks of visitors at the beginning and end of the working day, or at lunchtimes for ½ day courses, this use would not generate large numbers of commercial vehicle movements and would be considered to be a relatively sympathetic use for this rural setting. There are few dwellings in the vicinity. The closest would be separated from the barn by the main house, and the only impact should

therefore be from traffic movements. It is not considered that these would be of levels likely to cause significant nuisance or loss of amenity. The Chapel of St. Helen is a Scheduled Ancient Monument opposite the main house, which would be unaffected by the development, given its siting clear of the building, parking areas and access road.

3) Visibility at the junction onto the B1038 from the unclassified cul-de-sac lane is clear in both directions. The lane serves only two dwellings (including the applicant's house), and there would be limited conflict between visitors to the site and the dwelling opposite. Within the site, access to the parking area would be via a single width track serving the house also, but subject to passing places being provided this arrangement would be satisfactory. The proposal should be judged against the parking standard for Class D2 'Other Uses' of 1 space per 22m². This equates to the 11 spaces proposed, although there is room for 6 more. Additionally, the applicant intends to run a shuttle bus to the stations, which would be beyond the scope of conditions. However, the limited parking at the site would be likely to generate the need for such a facility and a Section 106 Agreement relating to a Travel Plan is recommended. On that basis, the proposal would be considered a sustainable form of development which would accord with national and local policy.

COMMENTS ON REPRESENTATIONS: The issues raised by CPREssex are dealt with in the above considerations.

CONCLUSIONS: The proposal to re-use a traditional rural building would comply with the criteria of Council policy and would not be detrimental to the rural setting, residential amenity, highway safety or the Ancient Monument in the vicinity.

RECOMMENDATION: APPROVAL WITH CONDITIONS AND SECTION 106 AGREEMENT

1. C.2.1. Time limit for commencement of development
2. C.3.1. To be implemented in accordance with approved plans
3. C.4.1. Scheme of landscaping to be submitted and agreed
4. C.4.2. Implementation of landscaping
5. C.5.3. Matching materials
6. C.5.4. Natural Slate
7. C.5.9. Stained wood
8. C.5.17. Window & door details and sections to be submitted and agreed
9. C.6.1. Excluding future changes of use without further permission
10. The building subject of this permission shall not be used for the approved purpose until a passing place has been constructed alongside the access road within the site, in accordance with details first submitted to and approved in writing by the local planning authority. This passing place shall not thereafter be used for any purpose other than the passing of vehicles.
Reason: In the interest of highway safety, as the access road is of insufficient width to allow two vehicles to pass simultaneously.
11. C.11.7. Provision and retention of 17 parking spaces
12. At no time shall the visitor and employee parking spaces within the red edged application site, or land edged blue, be extended or altered to provide more than 17 parking spaces.
Reason: in the interest of sustainable development and the character and appearance of the rural setting.
13. C.16.2. Full archaeological excavation and evaluation
14. C.6.4. Excluding extensions without further permission
15. No development shall be commenced until full details of a scheme of foul drainage to serve the development has been submitted to and approved in writing by the local planning authority. Such drainage works shall be carried out prior to the first use of the

building subject of this permission for its permitted purpose, and thereafter be retained in accordance with the approved details unless the local planning authority consents in writing to their removal or alteration.

Reason: to ensure that adequate provision is made for a development of this nature and size, in the interests of amenity and the water environment.

16. Members of the public shall not be on the premises except between 0900 hours and 1900 hours on Mondays to Fridays, and not at any time of Saturdays, Sundays, Bank or Public Holidays.

Reason: in the interests of residential and rural amenity.

17. C.7.1. Details of external ground and internal floor levels to be submitted and agreed

Reason: To avoid flooding.

HEAD OF AGREEMENT

Travel Plan

UTT/0076/02/FUL – CLAVERING

Retrospective change of use of agricultural barn to showroom for sale of garden furniture
Curles Manor, Pelham Road. GR/TL: 467-312. Mr and Mrs A Vrylandt

Case Officer: Charmain Harbour

Expiry Date: 15 March

NOTATION: ADP: Outside Development Limits/Within Area of Special Landscape Value.
DLP: Outside Settlement Boundary.

DESCRIPTION OF SITE: Curles Manor is a farm complex on the south-western side of the village. The application relates to a barn structure located east of the dwelling of Curles which is adjacent to the vehicular entrance to the farm complex. The barn is a modern structure and forms one unit in a range of four similar barns.

DESCRIPTION OF PROPOSAL: This retrospective application has been submitted following an enforcement investigation. The barn was originally constructed to house pigs but when these were no longer kept it last functioned as a machinery store and part of the barn remains in this use. The farm is an arable one and the owners are seeking ways of diversifying to supplement their income. They have set up within the barn a showroom for the sale of teak furniture the majority of which is for outside use. The business is run on a franchise basis. The goods are ordered having viewed the display models. No stock is held for immediate sale. Goods are delivered by transit van to the farm for distribution. The business is primarily a seasonal one and traded last year from April to September on Thursdays, Fridays and Saturdays. Signage to the barn is via a movable sign put out at the farm entrance on trading days. The barn has a forecourt area reserved as a parking area for 4 vehicles in connection with this use. This car park is screened from the farmland by a 2m close-boarded fence. The barn is divided internally by a temporary bamboo screen, which can be easily moved or dismantled to enable the whole area to be used for either farm storage or display purposes.

APPLICANT'S CASE: See letter dated 16 January 2002 attached

CONSULTATIONS: ECC Transportation: No objections.

Environmental Services: No objections

PARISH COUNCIL COMMENTS: No objections.

REPRESENTATIONS: None. Notification period expired 16 February 2002.

PLANNING CONSIDERATIONS:

The main issues are whether the proposal would:

- 1) be in keeping with the rural character of the area and will not be of a scale to adversely affect the village vitality. (ERSP Policy RE2, ADP Policy C4, DLP Policy E3 & E4),
- 2) result in unacceptable pressures on the rural road network (ERSP Policy RE2, ADP Policy C4 DLP Policy E3) and
- 3) have any adverse impact on any interests of acknowledged importance including nearby residential properties (ERSP CS2, ADP DC14, DLP Policy GEN4)

1) Development Plan Policies promote the diversification of farms. The building the subject of the application meets the policy requirements in that it is of a permanent

construction and has been converted to this use without major works taking place. The nature of the business is such that is a low-key use with only the display stock on site and allows flexibility of use of the building so as not to prejudice the use of this area for agricultural purposes. The use is seasonal and ancillary to the agricultural business. It would not prejudice any existing local economic activity, nor adversely affect the rural character of the area and complements the main use of the site. If Members were minded to grant permission, it would be considered unduly restrictive to impose a condition to make the consent a personal one, but it is considered reasonable to restrict the use the display and sale of garden furniture to ensure that no other form of retail outlet can be established.

2) The previous use of the barn in association with pig production generated a high level of heavy traffic. This use generates low traffic flows. The applicant has monitored the number of customers visiting the showroom and the average was four cars per weekend. The courier's transit van visits the site once every three weeks. ECC Transportation has raised no objections on highway safety grounds. The level of traffic movement associated with the business is not considered to adversely affect the rural character of the area.

3) The nature of the business is not considered to have an adverse impact on any of the nearby residential units. The use is not considered to be visually intrusive nor be un-neighbourly in terms of any noise or disturbance resulting from the use of this building. The business has only traded for the summer months so far, but given it is a developing concern it seems unreasonable to restrict it to certain months. It is, therefore, proposed to restrict the days of trade and hours of business which would allow trading through the year 9am to 6.00 pm Mondays to Saturdays, but would exclude Sundays and Bank/Public Holidays.

CONCLUSION: The use of the building is considered to accord with the Development Plan Policies and is not considered to be out of character with the area or cause harm to any adjacent properties.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. The premises shall only be used for the use specified in this decision notice or for use in connection with the agricultural holding and for no other purpose what so ever including any other purpose within Class A1 in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or any equivalent provision in any statutory instrument revoking or re enacting that Order.

Reason: In the interests of the amenities and rural character of the area.

2. Unless the local planning authority agree otherwise in writing the use of the premises hereby granted consent shall only be open for business 9.00 am to 6.00 pm everyday.

Reason: In the interests of protecting the amenities of the occupiers of nearby properties.

3. No deliveries shall be taken to or despatched from the site before 8.00am or after 6.00pm Mondays to Saturdays nor at any time on Sundays or Bank or Public Holidays.

Reason: To protect the amenities of the area and the occupiers of nearby properties.

4. There shall be no outdoor storage or display of any goods, materials, equipment or waste materials in association with the use hereby granted consent on any part of the site without the prior written consent of the local planning authority

Reason: To protect the visual amenities of the area to ensure that the rural character of the locality is not harmed.

5. No sound amplifying equipment which is audible outside the building shall be installed in the premises without the prior written permission of the local planning authority.

Reason: To protect the rural character of the locality.

6. The car parking area detailed on the approved plans shall be kept available at all times for the parking, loading and unloading of vehicles in association with the use hereby approved and shall not be used for any other purpose unless prior permission is gained in writing from the local planning authority,

Reason: To ensure adequate on site parking provision.

UTT/0080/02/FUL – GREAT EASTON

Change of use and conversion of barn to B1 Business Use and alteration of vehicular access

Barn off Thaxted Road, Duton Hill. GR/TL: 612-270. Wolseys (Duton Hill) Ltd.

Case Officers: David Jeater & Keith Davis 01799 510464/456

Expiry Date: 18 March

NOTATION: ADP: Outside Development Limit/Within Area of Special Landscape Value/ Adjacent to Listed Building and opposite Listed Buildings of Blamsters Hall. DLP: Outside Settlement Boundaries/Adjacent to Listed Building and opposite Listed Buildings of Blamsters Hall.

DESCRIPTION OF SITE: The site is located in open countryside and commands a prominent elevation position to the north west of the B184 Dunmow to Thaxted road, about 400m north east of the junction with the Duton Hill road, opposite Blamsters Hall. It is occupied by a weatherboarded barn erected some 50 years ago.

DESCRIPTION OF PROPOSAL: Proposed is the change of use and conversion of this 130sq m floorspace barn to Class B1 (a) Business use. It includes the provision of a vehicular access, hardstandings and car parking for 4 vehicles.

APPLICANT'S CASE: See letter dated 16 January attached.

RELEVANT HISTORY: Conversion of this barn to a dwelling refused 1970, 1973 and 1988 and dismissed on appeal on Rural Area Policy grounds in 1989. Change of use and alterations to barn for B1 business use, workshops and offices and creation of a new access recommended for refusal by Officers in 1993 for reasons of impact of access and hardstandings on rural character, impact of traffic on residential amenities of neighbours and highway dangers; applicant withdrew before a decision was made. This current proposal is for a revised and shorter access to the one previously proposed.

CONSULTATIONS: ECC Transportation: to be reported (due 6 February).

Environment Services: Recommends conditions be imposed if approved.

PARISH COUNCIL COMMENTS: None (due 25 February).

REPRESENTATIONS: One. Notification period expired 14 February.

After years of complaints by locals we were delighted when the transportation yard opposite was moved. The area has again become a delightful residential area with stunning views. We do not want to see a further blight on the landscape with a light industrial area within inches of our property. The proposal is contrary to Policies S2, C5, E4, Deposit Draft policy GEN4 on good neighbourliness and PPG7. It would be likely to give rise to noise and/or disturbance. It would be most inappropriate adjacent to a Grade 2* Listed Building. Object most strongly.

PLANNING CONSIDERATIONS:

The main issues are whether the proposal would:

- 1) be an appropriate conversion of a rural building (ERSP Policy RE2, ADP Policies C4 & C5 and DLP Policy E4),
- 2) be a suitable use in this location outside development limits (ERSP Policy C5, ADP Policies S2 & DC1 and DLP Policies S7 & GEN2),,

- 3) **affect setting of listed buildings in the area (ERSP Policy HC3, ADP Policy DC5 and DLP Policy ENV2),**
- 4) **preserve the amenities of the adjacent residential neighbour (ERSP Policy BE6, ADP Policy DC14 and DLP Policy GEN4) and**
- 5) **compromise road safety (ERSP Policy T3, ADP Policy T1 and DLP Policy GEN1).**

1) The conversion of rural buildings for business use is acceptable in principle provided that proposals would be in character with their surroundings, respect the rural amenities of the area, have satisfactory accessibility and have adequate space for associated activities which must not impair important characteristics of the surrounding countryside. These issues are addressed below.

2) The site is open farmland and whilst the conversion of a barn is proposed, proposed also is the creation of a drive, large areas of hardstanding and car parking areas all between the barn and the highway. It is considered that these hard surfaces, and their use, would have a prejudicial impact on the high quality landscape character of the area. Whilst landscaping is proposed, it is not considered that this would mitigate the deleterious impact of the hard surfaces on the appearance of the area.

3) It is considered that the appearance of the hardstandings and access drive and the activities associated with their use would be detrimental to the rural open quality of the area detrimental to the setting of the adjacent Grade 2 Listed Building.

4) The building is proposed for a B1 use that should not in itself cause noise detrimental to the amenities of the residential neighbour. However, it is considered that the activities in terms of comings and goings and manoeuvring associated with the use of the car park, hardstandings and the drive by employees', delivery, and visitors' vehicles would cause noise and disturbance that would intrude on the quiet residential amenities of the neighbours to an unacceptable degree.

5) The comments of the highway authority are awaited. It is noted that informally the Highway Authority has agreed that a new access 12-15m south of the existing field access, which would be closed, may be acceptable in highway terms. It is also noted that 5 car parking spaces would be required to comply with standards, but this is a matter that could be dealt with by condition if the application was acceptable.

CONCLUSION: Although the proposed change of use of the building would be acceptable in principle, this proposal is considered to be unsatisfactory because the external manifestations of the use and the development required for them would cause harm to the rural appearance of the area, the setting of the adjacent listed buildings and the residential amenities of the neighbour.

RECOMMENDATION: REFUSAL REASONS

1. Although the principle of the proposed change of use of the building to a B1 use may be acceptable, the Development Plan requires proposals to be in character with their surroundings, to comply with other policies in the Adopted District Plan, respect the rural amenities of the area, have adequate space for associated activities, and not impair important characteristics of the surrounding countryside. For the reasons listed below the proposal is contrary to Policies C4 and C5 of the Adopted District Plan and Policy RE2 of the Adopted Structure Plan. The creation of a drive, large areas of hardstanding and car parking areas together with their use, would have a prejudicial impact on the appearance of the high quality landscape of the surrounding area, and the setting of the adjacent Grade 2 Listed Building, contrary to Policies S2,

DC1 & DC5 of the Adopted District Plan, Policies RE2, C5 and HC3 of the Adopted Structure Plan and DLP Policies E4, S7, GEN2 and ENV2.

2. The associated external activities of the use taking place on the access drive, hardstandings and car parking area by way of comings and goings, manoeuvring and traffic movements would give rise to noise and disturbance to the detriment of the quiet residential amenities the adjacent neighbouring occupier might reasonably expect to enjoy contrary to Policy DC14 of the Adopted District Plan, Policy BE6 the Adopted Structure Plan and Policy GEN4 of the Deposit Local Plan.

UTT/0097/02/OP - FELSTED

Outline application for one dwelling (with all matters reserved except means of access).
Moana, Braintree Road. GR/TL 688-210. Mrs D Crow.

Case Officer: Mr M Ovenden 01799 510476

Expiry Date: 29 March 2002

NOTATION: Within Development Limit & Settlement Boundaries.

DESCRIPTION OF SITE: The site is located towards the western edge of Watch House Green, a small cluster of development to the east of the centre of Felsted. The site is part of the large side garden to a dwelling just to the west of the primary school. The site is flat, laid to lawn and has a 1m hedge along the road frontage rising to a few metres at its eastern edge. The site has an average depth of 32m and a width of 32m at the frontage narrowing significantly to 18m at the rear. The existing dwelling which is unaffected by the proposal is a small two-storey house, measuring 3.9m to eaves and 5.6m to ridge.

DESCRIPTION OF PROPOSAL: The revised application is made in outline with all matters except means of access reserved for future consideration. It proposes the erection of a detached dwelling. Access to the site would be achieved from the existing track to Sunnybrook Farm (passing down the north eastern edge of the site), which currently serves the existing dwelling and would continue to do so.

APPLICANT'S CASE: See attached letter dated 20 January 2002.

RELEVANT HISTORY: Outline application for two dwellings withdrawn before determination January 2002.

PARISH COUNCIL COMMENTS: To be reported (due 11 March).

REPRESENTATIONS: None. Notification period expired 26 February 2002.

PLANNING CONSIDERATIONS:

The main issues are whether:

- 1) the erection of a dwelling on the site within the development limit would protect the character of the area (ADP Policy S1 & DLP Policies H2 & S3).
- 2) the proposed means of access for additional dwellings would be acceptable (ERSP Policy T3, ADP Policy T1 & DLP Policy GEN1).

1) The application is made at outline with all matters reserved apart from the means of access. The width of the site is capable of accommodating a modest dwelling whilst retaining space around it. However the applicant wishes to retain a parcel of land 11-14 metres deep to the rear of the site. Consequently in order to provide a dwelling with private garden and garaging at the rear, it would be necessary to locate the dwelling much further forward on the site than the existing one. This would make it very prominent in the street scene, to the detriment of the character of the area. It is not a matter that could be satisfactorily overcome by reasonable planning conditions and is fundamental to the scheme. Furthermore due to its position any dwelling would dominate the existing property and this impact would be increased the greater the height of the new dwelling. Even a bungalow, topped by a 40° pitched roof over a 7m span (both of which are on the modest side for new dwellings) would be approximately as tall as the adjacent cottage. The size and height of the dwelling could be addressed by condition but would not overcome the problem caused by shape and position of the site.

2) The access running the length of the northeastern boundary already serves two dwellings and would be capable of serving the proposed development. It would have the benefit of avoiding the creation of additional accesses which would provide additional points of conflict with motorists passing along the made road, particularly as this section of road is frequently used for parent parking around the beginning and end of the school day, where the creation of additional accesses would create conflict. The provision of the access as shown would also make it more likely that garaging could be sited towards the rear of the site where it would be less prominent. The means of access is therefore considered to be acceptable.

CONCLUSION: The depth of the site is not sufficient to allow the erection of an additional dwelling without adversely affect the street scene.

RECOMMENDATION: REFUSAL REASON

The depth of the site is not sufficient to allow the erection of an additional dwelling without adversely affecting the street scene by virtue of its prominence forward on the plot, contrary to ADP Policy S1 and DLP Policies H2 & S3.

UTT/0049/02/OP - UGLEY

Erection of detached dwelling and garage using existing access to highway.
Land on the East side of Fieldgate Lane, Ugley Green. GR/TL 524-274. Mr E Henderson & Ms Henderson.

Case Officer: Charmain Harbour 01799 510458

Expiry Date: 19 March

NOTATION: ADP: Outside Development Limits/Within an Area of Special Landscape Value.
DLP: Outside Settlement Boundaries.

DESCRIPTION OF SITE: The site is located in open countryside north of the hamlet, on the eastern side of Fieldgate Lane. It has an 80m frontage to the road and enclosed on all sides by hedging with trees to the southeast corner. The site is rectangular in shape with the northeast corner having been removed as it is now a water pumping station. To the east and west are open fields. The character of development along the lane is sporadic and low density within a rural setting consisting of a couple of farms with some infill dwellings. The lane is a single-track cul-de-sac.

DESCRIPTION OF PROPOSAL: This is an outline application for the erection of one dwelling with garaging on the site. The only detailed matter submitted for consideration at this time is the means of access which would be via the existing. There is currently a five-bar gate recessed back from the road located approximately halfway along the road boundary.

APPLICANT'S CASE: See attached supporting letter from Stanley Tee dated 9 January.

RELEVANT HISTORY: Detached house and integral garage refused 1981 and subsequent appeal dismissed 1982 on policy grounds. Two detached houses with garages and new access refused 1987 for same reason.

PARISH COUNCIL COMMENTS: None, (due 25 February)

REPRESENTATIONS: Two. Notification period expired 20 February 2002.

The following concerns are raised:

- a) Loss of amenity as this will adversely affect the rural setting of the area
- b) Extra traffic on this road will be detrimental to highway safety
- c) The site is not considered to be infill given the length of road frontage and would lead to further sporadic development in the locality.

PLANNING CONSIDERATIONS:

The main issues are whether the development:

- 1) would be an acceptable infilling (ERSP Policies CS2 & C5, ADP Policy H6, DLP Policy S7),
- 2) would adversely affect the rural character of the area (ERSP Policy CS2 & C5, ADP Policy S2 and DLP Policy S7) and
- 3) would create a precedent.

1) The existing development along the lane forms a loosely knit scatter of houses and bungalows. In the appeal dismissed in 1982 the Inspector was of the opinion that a new dwelling "would not form infilling in the usual sense of filling a small gap in an otherwise built-up frontage. In my view, it is even more important to safeguard the generally open and rural character of the area having had regard to its inclusion within an area of Special Landscape

Value ". It is not considered that circumstances have changed in respect of the character of the locality or that the development would accord with the provisions of Policy H6, which allows small sites to be developed provided the character and appearance of the surrounding countryside is not affected. This site has a frontage of 80m, well above what would normally be considered "small". The emerging Local Plan no longer has an infill Policy with greater emphasis being given to strict control of all new building in the countryside in line with the ERSP Policy C5.

2) Outside Development Limits as in this case current policy only allows development where proposals relate to agriculture, forestry or outdoor recreation. The proposal does not meet any of these criteria. The emerging Policy S7 any allows development which is appropriate to a rural area. The prevailing character of the location is rural where the construction of a new dwelling, notwithstanding the existence of boundary hedging and trees which could be conditioned to be retained, would have a harmful consolidating and suburbanising impact on the open character.

3) If this proposal were to be approved it is considered that it would be more difficult for the Council to resist other similar proposals for development. Such development would lead to the general erosion of the open character of the rural area which the Policies seek to resist.

COMMENTS ON REPRESENTATIONS: The scale of development is not considered to give rise to significant traffic movements, which would warrant a reason for refusal.

CONCLUSION: The proposal would have an adverse affect on the rural character of the area. The size and location of the plot are not considered to conform to the definition of an infill plot and therefore the proposal contrary to the Development Plan.

RECOMMENDATION: REFUSAL REASON

The site is located within open countryside beyond Development Limits as defined within the Adopted District Plan. The development would be contrary to the Development Plan Policies, which seek to conserve the countryside by restricting developments to those appropriate to a rural area. There are not considered to be any over riding reasons to permit this development. The size and location of the plot is not considered to constitute an infill plot in the usual sense. The development of this site would significantly detract from the generally open character and rural appearance of this locality. This would create an unacceptable precedent making it difficult for the Council to resist similar development proposals in the future. It is considered to be contrary to the provisions of Policies CS2 and C5 of the Essex Replacement Structure Plan 2001, Policies S2 and H6 of the Adopted Development Plan 1995 and Policy S7 of the Deposit Local Plan 2001.

UTT/1671/01/FUL – GREAT DUNMOW
(Revised report)

Proposed extension to provide 21 new bedrooms, dining room and ancillary services Redbond Lodge Elderly Persons Home, Chequers Lane. GR/TL: 625-218. Runwood Homes PLC.

Case Officer: Michael Ovenden 01799 510476

Expiry Date: 5 February

NOTATION: ADP and DLP: Within Development Limits

DESCRIPTION OF SITE: Redbond Lodge is located off Chequers Lane in the western part of the town, immediately east of High Stile School, and comprises an established elderly persons' home with 32 bedrooms in both two-storey and single-storey elements. This eastern part of the site is currently laid to grass with a few trees and gently falls away to the east corner where it abuts residential properties in Standrums.

DESCRIPTION OF PROPOSAL: This proposal is to erect an L-shaped single-storey extension with 21 additional bedrooms, 2 bathrooms & a day room. Various internal alterations to the existing building are also proposed, but these do not amount to development requiring planning permission. The resultant building would have 54 bed spaces.

The original proposal: was for an extension that would be L-shaped, with each leg being 10m wide, except the last 7m, which would be 6m wide. The majority of this length would have been under a shallow hipped pitched roof exceeding 5m in height. The site narrows towards its northern end. There is a strip of footpath approximately 2m running down the eastern side marked on one side by chain link fencing and on the other by close-board fence. The applicant shows this strip to be within the site, although neighbours dispute this. The extension was proposed to be sited 7m from this disputed strip at the south end, down to 2m at its closest point. This scheme was recommended for refusal due to its impact on the amenity of neighbours and inadequate parking. At the Committee meeting on 4 February, Members deferred a decision to negotiate a revised siting, suggesting that the extension be erected to the west elevation.

The revised proposal: the applicant has indicated that it is not possible to relocate the extension to the western side of the building as that would result in the loss and relocation of the car park and an unsatisfactory outlook onto a bank for some residents. However, the proposal has been revised relocating it 2m further from the boundary with the properties in Standrums; the conservatory has been omitted; a 2m high close-boarded fence and Cherry/Laurel hedge is proposed to be provided along the eastern boundary; the roof of the extension lowered to 20°, resulting in a reduction of 500 mm; and four additional spaces are to be provided in the car park

APPLICANT'S CASE: I am writing to clarify that the residents at Redbond Lodge Residential Home for the Elderly do not spend their day solely in their bedrooms. The daily routine of the residents is to be up in the mornings around 7.30am. They are then taken to the bathroom to be washed or bathed before dressing. Breakfast is then served and they will then spend the majority of the day in the day rooms. They will also attend activities taking place during the day, having their hair done by the visiting hairdresser or in the spring/summer being taken out on trips. The residents are usually taken to bed at the end of the day around 8.00 pm.

TOWN COUNCIL COMMENTS: Original Plans: None (due 14 January).
Revised Plans: To be reported (due 18 March).

REPRESENTATIONS: Original Plans: Three. Notification period expired 31 January. Object: Reduction of natural light during the daytime. Light pollution during hours of darkness. Noise. Intrusion of privacy, both for ourselves and the proposed new residents of Redbond Lodge. Extra traffic along Chequers Lane from the additional residents, visitors, staff and service vehicles.

Revised Plans: To be reported (due 18 March).

PLANNING CONSIDERATIONS:

The main issues are whether the revised proposal would:

- 1) have a materially detrimental impact on the amenity of neighbours (ADP Policy DC14 and DLP Policy GEN4) and
- 2) would provide adequate parking spaces (ERSP Policy T12, ADP Policy T2 and DLP Policy GEN9).

1) It is considered that this revised proposal for a slightly lower extension further away from the boundary would not now be overbearing on the residential use of the properties in Standrums. This eastern elevation would only have bedrooms, not day rooms or a conservatory, and would give rise to no material overlooking.

2) The planning history records there is permission for 36 bed spaces in a mixture of single and double rooms, although only 32 are shown on the drawings. The adopted and revised EPOA parking standards require 1 space per 3 units of accommodation and two per unit of staff accommodation. This would require 10 spaces for the current activities with the proposed 54 units requiring 18 spaces, which are now shown on the revised site plan. The proposal would use some of the land that is currently available for residents to use for sitting outside, although there is an enclosed garden in the centre of the block.

CONCLUSION: The revised proposal would not unacceptably affect the reasonable occupation of adjacent residential properties and satisfactory car parking facilities would be available. On balance it is considered that the proposed amendments are satisfactory.

RECOMMENDATION: APPROVAL WITH CONDITIONS

- 1. C.2.1. Standard time limit for commencement.
- 2. C.3.2. Implemented in accordance with revised plans.
- 3. A 2m high close-board fence, backed by a hedge of species to be agreed before the commencement of the development hereby permitted shall be erected/planted between points A-B prior to the extension hereby permitted being first occupied.
Reason: To provide adequate screening of the development in order to protect the amenity of neighbours.
- 4. The parking spaces shown on drawing * shall be hardened and made available for staff, residents and their visitors and retained for this purpose in perpetuity.
Reason: To provide sufficient on site parking for the needs of staff, residents and their visitors.

UTT/0091/02/FUL – GREAT DUNMOW
(Council's Interest)

Alteration and extension of Oakroyd House to provide 18 dwellings and construction of 8 new dwellings with 2 new accesses

Oakroyd House, Oakroyd Avenue. GR/TL: 632-215. Swan Housing Group.

Case Officers: David Jeater and John Grayson 01799 510464/455

Expiry Date: 29 March

NOTATION: Within Town Development Limits & Settlement Boundaries.

DESCRIPTION OF SITE: The site is located on the eastern edge of the town at the end of Oakroyd Avenue, a residential cul-de-sac leading off Braintree Road. Oakroyd House is situated in the middle of the site, with a children's' playground to the south-east. This is a Council-run sheltered housing accommodation for elderly persons with a resident warden. The 28 units are made up of 8 one-bedroomed flats and 20 bed-sitting rooms, with a common room and warden's accommodation.

DESCRIPTION OF PROPOSAL: The new warden-assisted scheme would provide 17 self-contained one-bedroomed flats, five two-bedroomed flats and four wheelchair – access two-bedroomed bungalows. The main block would be retained and refurbished as sheltered accommodation for elderly tenants with 3 two-bedroomed and 11 one-bedroomed flats. The south-eastern part of the building would be demolished and replaced by 4 separate blocks comprising 2 two-storey and 2 single-storey buildings: i) 2 two-bedroomed and 2 one-bedroomed flats, ii) 4 one-bedroomed flats, iii & iv) two blocks with 2 two-bedroomed bungalows for people with disabilities in each. The total number of units would reduce by 2 to 26. The four separate buildings would be erected to the side and rear of the existing structure and one would be linked to it. Two new points of access are shown on the plan to the south-east of the existing. 12 car parking spaces and 4 carports would be provided.

APPLICANT'S CASE: See written statement in support attached.

TOWN COUNCIL COMMENTS: To be reported (due 11 March).

REPRESENTATIONS: Two letters have been received. Notification period expired 4 March.

Concerned for safety of children using adjacent play area and street for playing in.

PLANNING CONSIDERATIONS:

The main issues are whether the proposal complies with the need

- 1) **for its design to respect the scale, proportions, appearance and materials of buildings in the locality and the environmental characteristics of the locality (ADP Policy DC1 and DLP Policy GEN2),**
- 2) **to provide sufficient car parking spaces to meet the needs of staff and visitors (ADP Policy T2 and DLP Policy GEN9) and**
- 3) **to ensure safe access to the site and the adjoining children's play area (ADP Policy T1 and DLP Policy GEN1).**

1) It is considered that the proposed alterations and new build would result in a more attractive development than currently on site. The imaginative design and use of a mixture of materials, including brick, boarding and render, would improve the setting of this area on the edge of open countryside to the east.

2) The 16 spaces to be provided would meet current standards.

3) The two new accesses proposed would mean that the southern-most one would be close to the access to the children's play area, but it would not obstruct it. It is intended to serve blocks D (2 bungalows) and E (4 flats), as well as leading to 5 car parking spaces. The daily movements in and out of this access would be relatively infrequent and should not cause significant danger to pedestrians. Access to the children's play area or neighbouring properties would not be affected and can be safeguarded by condition. There is no convenient alternative to this access, since omitting it would mean that the drive would have to go round the back of the complex and cut into the residents' amenity space.

COMMENTS ON REPRESENTATIONS: Children should not be encouraged to play in the road. It is considered that the intensity of traffic movements generated by this use would not be materially harmful to road safety.

CONCLUSION: The scheme would be in accordance with Development Plan policies.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development
2. C.3.1. To be implemented in accordance with approved plans
- 3 & 4. C.4.1&2. Scheme of landscaping to be submitted, agreed and implemented
4. C.11.7. Provision of car parking facilities
5. C.25. Airport-related parking restriction
6. There shall be no obstruction at any time of the access to the adjacent children's play area or footpaths.

Reason: In the interests of safety

7. C.12.1. Boundary screening requirements
8. C.16.1. Watching archaeological brief
9. The units hereby approved shall be occupied only by suitable eligible persons approved by the Cygnet Housing Association in consultation with Housing Services, Uttlesford District Council.

Reason: the layout, amenity space and car parking facilities are not adequate for mainstream residential occupation.

UTT/1244/01/FUL – HATFIELD BROAD OAK/TAKELEY

Erection of 18m monopole telecommunications tower with 2m antennae attached.
Installation of equipment cabinets and construction of internal access road.
Takeley Sewage Treatment Works. GR/TL: 548-210. Hutchinson 3G Ltd.
Case Officer: David Jeater 01799 510464
Expiry Date: 13 November 2001

NOTATION: Outside Development Limits/Area of Special Landscape Value

DESCRIPTION OF SITE: This proposal involves a small site, currently mown grass, in the south-west corner of the Takeley Sewage works located about 80m south of the Flich Way footpath bridge over Dunmow Road. The site lies on the eastern side of the road to Hatfield Forest, south of the A.120. Close to the road the forest is largely open parkland and is identified as an Area of Special Landscape Value, historic parkland, a Site of Special Scientific Interest, and a National Nature Reserve in the District Plan. At about 170m west of the road, the woodland becomes denser and this area is additionally designated as Ancient Woodland and Ancient Landscape in the plan. Land to the east of the site is mainly in agricultural use.

DESCRIPTION OF PROPOSAL: This application was reported to the Committee on 17 December 2001, when Members agreed to defer consideration, at the applicants' request, to enable them to submit a revised scheme. The original proposal was for a 25m high lattice mast. The revised proposal is for a 18m high monopole mast, to which would be attached two dish-shaped antennae 60cm in diameter, and four rectangular antennae about 2m long and 20cm across. At its widest the mast plus antennae would be between 1m and 1.4m across. The mast would be positioned within a compound 12m by 8m in area, surrounded by a chain link fence 1.8 m high: within the compound there would be, in addition to the mast, two small cabinets 1.3m high. The compound would be accessed by a new internal road, about 25m in length, within the sewage works site.

APPLICANT'S CASE: See statement and certificate attached.

CONSULTATIONS: ECC Transportation: No objections.

English Nature: The proposal is not likely to have any significant effect on the nature conservation features of the Hatfield Forest SSSI/ National Nature Reserve site.

National Air Traffic Services: No safeguarding objections to the proposal.

National Trust: Objects strongly both to the original scheme and to the revised proposal. Hatfield Forest has been designated as a Site of Special Scientific Interest and a National Nature Reserve. It is an oasis in a landscape dominated by agriculture, M11 and the airport. Its ecology is in a notably pristine condition, little affected by recent and destructive land use practices, making it one of the largest areas of land which has not been ploughed in historical times. The landscape value of the forest should not be underestimated. Like the original proposal the lower mast would be very significant when viewed from the Forest, and would be impossible to screen from it: it would dramatically alter the views of the medieval landscape, considered to be unique in a European context.

PARISH COUNCILS' COMMENTS: Takeley: Objects to both original and revised plans on grounds of [a] increasing number of masts in the Takeley area; [b] its close proximity to an area of outstanding natural beauty; [c] the intrusive effect on the local landscape of the high tower.

Hatfield Broad Oak: to be reported (due 15 March).

REPRESENTATIONS: The original [25m] application was advertised and no representations were received. Period expired 8 November 2001.

PLANNING CONSIDERATIONS:

The main issues are whether the proposal would:

- 1) be appropriate in the countryside where essential for technical reasons, and where appropriate measures are taken to mitigate their adverse amenity effects (ADP Policy DC13 – Large Telecommunications Equipment) and
- 2) be acceptable in the context of nature conservation and landscape protection (ERSP Policies NR1 & 5, ADP Policy C3 and DLP Policies GEN8 & ENV 6-8).

1) The applicant's case is that, after considering options, the company has a requirement for a base station in the vicinity of this site. The mast would provide coverage for the applicants' network of Takeley village itself, Takeley Street, and an area up to about 2km south of the mast towards Hatfield Broad Oak. From the information provided, Stansted Airport and the line of the new A120 are already covered, or would be covered by other proposals. The applicants argue that a mast of 20m is required because trees within Hatfield Forest, along the Flitch Way and elsewhere would block the signal at a lower height, after allowance is made for tree growth. The particular type of mast proposed is narrow and the configuration of the antennae simple. It can be coloured off-white. The trees and hedges along the sewage works boundaries and at intermediate distances from the mast mean that the top 5m of the mast would be visible from locations nearby. Officers accept, therefore, that in the revised scheme, the applicant has made considerable efforts to mitigate the effects of the mast.

2) Hatfield Forest was designated as a Site of Special Scientific Interest largely because it *'is unique in being the last small medieval Royal Forest to remain virtually intact in character and composition.'* The SSSI documentation refers mainly to its plant and tree assemblages: these would remain unaffected by the proposal. There is no basis for refusing the application on nature conservation grounds.

The principal concern, therefore, is the extent to which the Forest landscape would be adversely affected by the top part of the mast being visible from the Forest. A careful assessment of the proposal has been undertaken, and it has been established that the mast would be readily visible from some parts of the largely open 'chase' area of the Forest alongside the road towards Bush End for a distance of 600m south from the Flitch Way overbridge and for distances of up to 400m west from the road. Over much of this area there is no other man-made structure which can be seen from within the Forest. The area concerned amounts to about one-seventh of the total area of the Forest.

Additionally, it has been established that it would be seen by walkers using the Flitch Way through the vegetation along that footpath, for a distance of about 200m either side of the bridge over Dunmow Road. On the east side of Dunmow Road, it would be readily visible for a distance of up to 400m from the application site. That area is also identified as an Area of Special Landscape Value in the District Plan, largely because of its similarities to the Hatfield Forest landscape.

CONCLUSION: This case is finely balanced weighing need against impact. The mast will achieve a limited extension of the coverage of the Hutchison network, mainly in the Takeley and Takeley Street area. On the other hand, it would have an adverse effect on the landscape of a sizeable section of Hatfield Forest, whose landscape is covered by a variety of designations in the District and Structure Plans. These are designations to which considerable weight should be attached. In their revised proposal, the applicants have sought to mitigate the effects of the proposal especially in terms of lower height and improved design, but these are insufficient to outweigh the landscape considerations relating

to Hatfield Forest and land nearby. If Members are in any doubt a site visit can be arranged when the applicant's offer to rig up a dummy mast could be demonstrated.

RECOMMENDATION: REFUSAL REASON

The proposed mast would be unacceptable because it would have a materially intrusive effect on the landscape of the eastern part of Hatfield Forest, and on land nearby, including the Flich Way footpath and land to the east of Dunmow Road, contrary to Policy DC13 of Adopted District Plan, Deposit Local Plan Policies GEN8 & ENV6-8 and Policies NR1 and NR5 of the Essex Replacement Structure Plan.

UTT/1661/01/FUL – LITTLE HALLINGBURY

Erection of 20m mast with 4 antennas, 4 transmission dishes, 10 equipment cabinets, fenced compound and access road

Lock Farm, Dell Lane. GR/TL: 491-173. Orange PCS Ltd.

Case Officer: *David Jeater 01799 510464*

Expiry Date: 4 February

NOTATION: ADP & DLP: Within Metropolitan Green Belt

DESCRIPTION OF SITE: The site is located in open countryside west of the village, close to the Stort Navigation west of Little Hallingbury. The field boundaries are marked in the vicinity of the site by hedges up to about 3m in height and trees some reaching 20m.

DESCRIPTION OF PROPOSAL: The mast and its compound would occupy a site of 17m by 17m in the corner of a field, currently horse paddock, about 180m south of Lock Farm. The design would be columnar, 20m high, with a triangular frame at the top supporting six flat antennae each 2m high and three dishes each 60cm across. At ground level there would be a compound surrounded by a fence 2.1m high, enclosing the mast and its concrete apron and a cabinet 5m by 3m, by 2m high. The site would be accessed by a spur road about 60m in length, branching from an existing track in an adjoining field, part of which is a former quarry.

APPLICANT'S CASE: The proposed installation would provide network coverage to the surrounding area particularly along the railway line. The mast would be located close to the centre of an area of sub-standard coverage about 4km across between Bishops Stortford and Sawbridgeworth. There are stretches along classified roads centred on Spellbrook village where the coverage does not meet the technical requirements. Additionally, the installation will meet Orange's future requirements by providing third generation telecommunications coverage to the surrounding area. The applicants have been unable to identify an alternative site with equivalent screening largely because of the open nature of the floor of the Stort valley itself.

CONSULTATIONS: East Hertfordshire District Council: Draws attention to national guidance that telecommunications development may be inappropriate in the Green Belt unless it maintains openness. Your Council will need to be convinced that the applicant has demonstrated that very special circumstances exist in this case.

Essex Wildlife Trust: The proposal is close to, but not adjacent to Little Hallingbury Marsh, a County Wildlife Site, and a wetland which is of some importance because of its rare plants. provided there is no interference with the marsh, such as by dumping of excavated material, then no reason for Trust to offer objection. The site appears to be shielded by trees from the towpath.

PARISH COUNCIL COMMENTS: The proposal would have a detrimental effect on the beauty of the surrounding countryside as it overlooks an Area of Special Landscape Value, and would be visible from the railway and river. The Council is unable to object on planning grounds, but asks that alternative, less obtrusive sites and sharing of facilities with other providers should be considered.

REPRESENTATIONS: None. Notification period expired 31 January

PLANNING CONSIDERATIONS:

The main issues are whether the proposal

- 1) **merits any special considerations which should be applied because of its siting in the Green Belt (ERSP Policy C2, ADP Policy S3 and DLP Policy S6) and**
- 2) **is consistent with guidance relating to telecommunications masts in the countryside (ADP Policy DC13).**

1) Government Policy guidance and the Structure Plan indicate that, in the Green Belt, particular care should be taken to ensure openness. The mast would be generally well screened by trees nearby and providing these are kept, and there would be only limited effect on the open appearance of the area.

2) The applicants have demonstrated need in this location to satisfy technical criteria. The site is well screened from the south-west round to the north-east by trees in the adjoining hedgerows and in the field in which the compound is to be positioned. The compound itself would be visible from only short distances and the mast would have only limited visibility from housing and roads in those directions. To the west and south-west, the mast would have generally low visibility because of the large trees in the Gravel Pit Coppice alongside the navigation and its towpath. The Little Hallingbury Marsh Site of Special Scientific Interest would be about 70m distant at its closest, but the proposal would have no direct impact, other than as a mast partly visible above trees: the marsh is designated for its habitat rather than its landscape significance. From the south-east and east, immediate screening would only be provided by the trees in the immediately adjoining hedgerow, but there are no houses or roads in these directions and there would be no great public impact.

CONCLUSION: Telecommunications masts, particular the taller ones, are potentially visible over considerable distances. This particular proposal, in the middle size range, would be positioned so that its visual impact would be limited and there is no substantial reason for refusal.

RECOMMENDATION: APPROVAL WITH CONDITIONS

- 1. C.2.1 Time Limit for commencement of development
- 2. C.3.1 To be implemented in accordance with approved plans
- 3. C.21.1 Excluding extensions to telecommunications masts without further permission
- 4. No tree within 100m of the mast hereby approved shall be lopped, reduced in height or felled without the prior written permission of the local planning authority
- 5&6. C.4.1.&2. Scheme of landscaping to be submitted agreed and implemented
- 7. The access drive shall be surfaced from Dell lane to the site before the mast is first used.

Reason: To ensure safe access

P/H/5/3 – STANSTED

Application for Express Hazardous Substances Consent for storage and distribution of aviation kerosene

Stansted Fuelling Company, Stansted Airport.

Case Officer: Michael Ovenden 01799 510476

Expiry Date: 11 March

NOTATION: ADP & DLP: Within Airport Development Limit / Area subject to Policy AIR4 (Ancillary development area – for uses including aviation fuels storage)

DESCRIPTION OF SITE: The site lies in the older north-western part of the airport off Bury Lodge Lane adjacent to taxiways. There is an existing fuel storage compound, comprising three 16m tall, 22½ m diameter storage tanks and two small canister type vessels.

DESCRIPTION OF PROPOSAL: The application is required due to changes in the Control of Major Accident Hazards (COMAH) Regulations 1999 which now cover the storage of more than 10,000 tonnes of aviation fuel. This application relates to the storage of 14,600 tonnes of aviation fuel. There is no additional development proposed and therefore no associated application for planning permission.

APPLICANT'S CASE: See letter dated 9 January attached

RELEVANT HISTORY: Permission for fuel storage tanks and compound granted 1989.

CONSULTATIONS: Health & Safety Executive: To be reported (due 28 February)

ECC (Community Safety & Emergency Plans): No comments

Fire & Civil Defence Authority: No objections

Environment Agency: No comments

Transco: To be reported (due 28 February)

TXU Energy: To be reported (due 28 February)

East Herts. DC: No comments

Environmental Services: to be reported (due 15 March)

PARISH COUNCIL COMMENTS: To be reported (due 28 February)

REPRESENTATIONS: The proposal has been advertised in the local press. Occupants of properties at Burton End and Bury Lodge Hotel have been notified. Any comments will be reported. (Notification period expires 14 March).

LEGISLATIVE BACKGROUND: Under the 1990 Planning (Hazardous Substances) Act, the hazardous substances authority (normally the local planning authority) has the opportunity to consider whether the proposed storage or use of the proposed quantity of a hazardous substance is appropriate in a particular area and to the environment. The controls are designed to prohibit the storage or use of substances over a specified amount until the responsible authorities have had the opportunity to assess the risk of an accident and its consequences for people in the surrounding area and for the environment. The regulations complement but do not override the Health & Safety at Work Act (enforced by the HSE). These controls are exercised without there needing to be 'development' occurring in the normal planning sense. The regulations indicate that the main consultees are the HSE – who will advise on the risk to persons in the vicinity – and the Environment agency – who will advise on risks to the environment. The decision however is to be made by the elected authority (hazardous substance authority). If consent is agreed a consultation zone will be established within which future development would also be referred to consultees to consider possible effects on public safety. The decision to be made in such cases is to

refuse consent or grant consent with or without conditions. Conditions relating to how a hazardous substance is kept or used may be imposed only if the HSE advises that such conditions be attached. Enforcement powers rest with the hazardous substances authority.

PLANNING CONSIDERATIONS:

The main issues are

- 1) **Public safety,**
- 2) **Impact on the Environment in terms of drainage and water supply and**
- 3) **Whether the storage and distribution of aviation fuel complies with the Development Plan (ERSP Policies BE6, BE7, BIW9 & BIW12, ADP Policies HS1(a) & AIR4 and DLP Policies GEN4 & AIR4).**

1) At the time of drafting this report, the HSE have yet to respond. In accordance with the regulations, conditions will only be attached to the consent if the HSE request them. In the absence of comments or a request for extra time to comment, the application is considered to be acceptable. The Essex Fire Authority raises no objections.

2) The Environment Agency has declined to comment and, therefore, it is assumed that the proposal raises no issues of concern to them.

3) It is considered that this existing fuel farm is an appropriate location for the storage of aviation fuel for use at the airport. This is confirmed by the fact that permission was granted for the tanks in 1989 and that the potential hazard is a key consideration which has been addressed above.

CONCLUSION: In the absence of evidence to the contrary the continued use of the fuelling tanks for the storage and distribution of aviation fuel is considered to be acceptable.

RECOMMENDATION: APPROVAL WITH CONDITIONS (SUBJECT TO HSE COMMENTS)

The consent will describe the land, the substances (aviation kerosene) and maximum quantity allowed (14,600 tonnes).

UTT/0507/01/CL - STANSTED

Application for Certificate of Lawful Use: B1 & B8 uses comprising processing and packing plant and associated outdoor storage and general storage and distribution

Walpole Farm. GR/TL: 513-259. Mr P Braekman.

Case Officer: Hilary Lock 01799 510486

Expiry Date: 1 June 2001

NOTATION: ADP: Outside Development Limits/Within Area of Special Landscape Value.

DLP: Outside Settlement Boundary/Within Countryside

DESCRIPTION OF SITE: The site comprises a group of former agricultural buildings at the end of a long hardsurfaced track parallel to the B1383 Cambridge Road, north of Stansted. Land around the buildings is used for storage of crates, and parking. To the west, the access road extends to Walpole Farmhouse.

The range comprises 3 central buildings, which are used for the processing and packing of potatoes, a cold store to the south, which links to another large building used for unloading, washing and grading of potatoes prior to processing. A small office and WCs are housed in a building to the north of the group. A covered drainage area is to the west of the group. Outside storage of pallets is located to the north and east of the buildings, and shown hatched on the submitted plan.

DESCRIPTION OF PROPOSAL: This application is for a Certificate of Lawfulness for use of the site and buildings for B1 and B8 purposes, comprising processing and packing, plant and associated outdoor storage, and general storage and distribution, for at least ten years up to the date of this application (29 March 2001).

APPLICANT'S CASE: A first rent cheque received from RJ & M Butson (later trading as Freshlines Produce) on 4.1.90 by bank giro credit is submitted, and it would be easy to trace rent payment as it did not change until 7 April 1999. Rates have been paid on the site since April 1990. See agent's letters dated 30 May & 14 December 2001 attached to Supplementary Representations.

The evidence submitted in support of the application comprises: -

Barclays Bank statements for account of P A Braeckman dated 26 February 1990 – March 1991. These show continuous monthly payment from an account from RJ & M Butson.

Barclays Bank statements for current account of P A Braeckman dated April 1991 – December 2000. These show continuous monthly payments to the same account from Freshlines Produce.

Eastern Electricity bill for site in name of Mr Butson/Freshlines Produce dated 8 May 1995

Three Valleys Water bill for same, dated 16 May 1995

Copy of lease agreement between Mr Braeckman and Mr Butson, dated March 1994.

Clause 4.8.1 states that buildings to be used for '*washing, grading and packaging fruit potatoes and other vegetables*'.

A selection of invoices/delivery notes to Somerfield Foodmarkets Ltd 10/1999 – 9/2000

A selection of invoices to various clients 1/89 – 4/89

MBM potato grading records 9/00 – 3/2001

A selection of insurance policy details

A selection of bank statements of Mr R Butson

Sworn Declarations from Mr P Braeckman & Mr R Butson

Copy of Uttlesford District Council rate bill for 2000-2001 period, dated 13 March 2000, to Freshlines Produce

RELEVANT HISTORY: In June 1987, an outline application was submitted for the erection of an agricultural dwelling at Walpole Farm. The supporting information from the applicant's agent stated that arable farming took place at Hudsons and Walpole Farms. It stated that Mr P Braeckman was "now virtually retired from active management of the farm and instead organises and supervises the washing, packing and selling of potatoes at Walpole Farm – a small but satisfactory business employing six local people". Potatoes were not included in the agricultural cropping breakdown supplied, and it is therefore reasonable to assume that the potatoes were imported for processing and redistribution. The Agent's letter dated 6 July 1987 states that "the washing, grading and packing of potatoes are a normal agricultural operation. It is erroneous to describe it as an industrial activity unless that word is used in the context of agriculture being an industry". This suggests a small-scale operation ancillary and subservient to the main agricultural use on the farm.

Following the refusal of that application, a further outline proposal for an agricultural dwelling was refused in 1988. The Committee report on the application states that Walpole Farm was an arable unit including "three main farm buildings along the southern boundary which house a potato washing, packing and delivery plant" and reiterated that 6 people were employed. In determining the appeal, the Inspector stated that the new dwelling would be west of the "substantial farm buildings of Walpole Farm, which buildings additionally incorporate the potato packing station".

There are no further planning records for this site, until an approach in August 2000 seeking clarification on the use class of the proposal. It was stated that a 7,500 sq.ft unit had been let to 'Freshlines Produce', and that this with other companies had processed, imported and redistributed potatoes since 1979. The response was that such activity had previously only been undertaken as an ancillary agricultural process and that what was being described was a Class B8 activity requiring planning permission.

PARISH COUNCIL COMMENTS: No comment

REPRESENTATIONS: This application has been advertised and no representation has been received. Period expired 16 May.

CONSIDERATIONS OF EVIDENCE:

The issue in this case is whether the applicant has demonstrated, on the balance of probability, that the uses to which this application relates have been carried on upon the site for a period in excess of ten years immediately preceding the date of the application (29 March 2001) and that the uses exist at that date.

1) Bank statements (from 26 February 1990 22 December 2000) of Mr Braeckman showing a receipt from RJ & M Butson, and then Freshlines Produce, and bank statements from Mr Butson showing standing order to Mr Braeckman (March 1991 January 1994), have been submitted. It is stated that these payments were for rental of the premises. This is supported by the lease agreement, and the applicant advises that no formal lease existed prior to 1994. On the balance of probability, it is reasonable to assume that the rental of the premises by RJ & M Butson before that date was for the same use, given the Council's records indicate that this type of activity was previously being undertaken at the site by Mr Braeckman. Whilst no bank statements have been provided for the 3 months preceding the application it is evident on site that this use continues at the present time. It is therefore considered that Messrs Butson/Freshlines Produce has rented the premises for a period in excess of 10 years. The evidence on the use to which the buildings has been put is addressed below.

2) Details clarifying the buildings and processes involved, and level of activity have been submitted in the letter dated 30 May 2001 and the sworn declarations of Mr Braeckman and Mr Butson attached to Supplementary Representations. Supporting documentary evidence has been submitted in the form of invoices/delivery notes for Somerfield Foodmarkets (October 1999 – September 2000) and for a variety of other customers (January – April 1989). MBM Potato Grading records are provided for September 2000 - April 2001. An insurance policy for the premises in the name of Freshlines Produce has been submitted for January 1989. Although the invoices show only a selection, combined with the information in the Declarations they are a firm indication of the level and duration of the operations undertaken. The application also refers to 'general storage and distribution, but this is only referred to in the declarations in terms of the storage of potato boxes.

3) Notwithstanding the previous statements made in planning applications for this site, that the activity in these buildings was ancillary to the agricultural use at the farm, it is considered that sufficient evidence has been submitted to demonstrate the applicant's case that Class B1/B8 use has operated from the site independently of the farm.

CONCLUSIONS: On the balance of probability, the evidence submitted is considered sufficient, and the case for the issue of a Certificate of Lawfulness is proven.

RECOMMENDATION: ISSUE CERTIFICATE OF LAWFULNESS subject to:

1. Restriction on outdoor storage to the storage of pallets and equipment/goods ancillary to the main use of the buildings,
2. B1(c) light industrial use only, not offices or Research and Development

1) UTT/1522/01/FUL & 2) UTT/1523/01/LB – SAFFRON WALDEN
(Referred at request of Chair of DC & L Committee)

1. Retention of alterations to roof of existing single-storey rear extension and installation of air-conditioning units to rear elevation.
2. Retention of new signage to front elevation including projecting sign, alterations to rear extension, changing roof and adding an external door and internal shopfitting works to ground-floor and basement.

15 King Street. GR/TL: 538-384. Duffy Moons.

Case Officer: Charmain Harbour 01799 510458

Expiry Date: 31 January

NOTATION: ADP & DLP: Within Town Centre on Principal Shopping Frontage/Within Conservation Area/Grade II* Listed Building.

DESCRIPTION OF SITE: The site is located on the southern side of King Street and comprises an empty two-storey commercial premises with a basement. To the first-floor was a restaurant and the ground-floor was occupied by a shop. To the rear is a pedestrian alley which links to Cross Street.

DESCRIPTION OF PROPOSAL: 1. The planning application is a part retrospective one for alterations to the roof a rear single-storey lean-to structure. These have revised the roofline from a flat roof section abutting a monopitched roof, to one mono-pitched format sloping down to the west. The proposal is also for the installation of two air conditioning units to the rear wall at first-floor level. The units have been installed, but their current location is considered unsatisfactory and the application details propose a repositioning. Rather than both units being to the eastern side of the first floor window, it is proposed that they would be positioned on either side.

2. The parallel Listed Building application is also retrospective and relates to the new signage to the front elevation. This consists of a powder-coated aluminium fascia signs above the shop window and entrance doors, which have fret cut letters and logos, lit internally in a halo format. A non-illuminated hanging sign has been installed on an existing bracket at first-floor level. The application also relates to the alterations to the rear extension and works associated with the shop fitting. These include the internal ducting for the air conditioning, including a further air conditioning unit within the basement area. Three external vents have been installed to the rear elevation, two in the existing modern shop style window and one in the weather boarding above a new doorway formed in the rear extension.

APPLICANT'S CASE: See letter dated 13 November 2001 attached.

RELEVANT HISTORY: Planning and Listed Building Consent granted 1999 for a new shop front and entrance doors, which has been implemented. Advertisement consent for the new signage granted January 2002.

CONSULTATIONS: English Heritage: No objection to proposals except the air conditioning units to the exterior of the building. Concerned at their size and visual prominence which is considered to detract from the street scene. Advise that an alternative position be sought and the applicants demonstrate that units of this size are necessary.

Design Advice: 1. The rear works to the extension visually improve this structure and the character and appearance of the main building. The air conditioning internal ducting and one internal unit are also considered to be satisfactory. The positioning of the air conditioning units to the rear at a first-floor level has the most impact. The rear of the building is obliquely visible from the main walkway of Cross Street and relocating one of the

units would help to reduce the impact. There is no other alternative location on the exterior of the building and for technical reasons regarding the air intake and ventilation requirements, the Council has been advised all the units cannot all be located in the basement. The size of the units is necessary to serve the floor area required to be cooled. The solution offered appears as the best compromise which meets the technical requirements for the units and uses the side wall of the adjacent property to provide some screening. There are two other extraction units in the locality serving neighbouring premises.

2. The use of powder-coated aluminium signs within the fascia area is considered to be acceptable. The halo illumination provides a more subtle form of lighting than installing a series of cowl necked lamps above fascia level, which would detract from the appearance of the building.

Go East : Given the works relate to a Grade II* Listed Building the applications have been forwarded to the Government Office for their consideration including a copy of a delegated report originally produced for the two applications recommending approval. The referral period expires on 14 March and any comments will be reported verbally to the Committee.

TOWN COUNCIL COMMENTS: No objections

REPRESENTATIONS: These applications have been advertised and 1 representation has been received. Period expired 10 January.

Objection is raised to changing the premises into a sandwich bar in particular because of the amount of external rubbish stored to the rear of the premises.

Response: The use of the premises as a sandwich bar does not represent a material change of use and falls within the class of A1 Retail. It is acknowledged that there is an ancillary seating area and the sale of some hot food but this is ancillary to the main use of the site as a sandwich bar. Case law exists which upholds such a use with these ancillary functions to still be an A1 retail use. The issue of the external refuse storage has been passed to Environmental Services.

PLANNING CONSIDERATIONS:

The main issues are whether:

- 1) **the works adversely affect the character and appearance of the Listed Building and the street scene (ERSP Policy HC3, ADP Policy DC5 and DLP Policy ENV2) and**
- 2) **the format of the internally illuminated sign is appropriate for a historic building in the Conservation Area (ADP Policy DC9).**

1) The works, with the exception of the air condensers, are considered to have been implemented in an acceptable manner. The materials are compatible with the listed building and have enhanced the appearance of the rear extension to the building. The proposal to move one of the condensers to the rear elevation will reduce the impact of the units from Cross Street. The rear elevations of the terrace of units is the service area and two other premises have air-conditioning units to this elevation. The works are not considered to adversely affect the character and appearance of the Listed Building or its setting. The conditions proposed seek to secure the implementation of the revised positioning of the air condensers within a month of any consent being granted.

2) The signage is considered to be visually acceptable. The use of matt-finish powder-coated aluminium harmonises with the colour of the timber shop front. The use of internal illumination with halo lighting of the lettering and symbols is considered to give a subtle form of lighting, which is not intrusive. It is considered that this is far less intrusive than down lighters to the front façade. Policy DC9 of the Adopted Local Plan states that internally illuminated signs will not normally be permitted on listed buildings or in Conservation Areas.

There is no equivalent policy in the emerging Plan. In this instance the use of internal illumination is not considered to adversely affect the character and appearance of the Listed Building and is not considered to be out of keeping with the street scene. The box sign only projects out from the façade by 80mm, which is not considered to be intrusive and it is fitted within the framework of the shop front so that it does not appear as an alien feature. The other units in the terrace have hanging board signs at first-floor level. Advertisement consent has already been granted for these works.

CONCLUSIONS: The works are not considered to adversely affect the character and appearance of the building or the surrounding area.

RECOMMENDATIONS: 1. APPROVAL WITH CONDITIONS AND 2. UNCONDITIONAL LISTED BUILDING CONSENT SUBJECT TO GO EAST

1. UTT/1522/01/FUL

1. C.3.3. To be implemented in accordance with original and revised plans
2. One of the air conditioning units hereby approved shall be relocated to the rear elevation within 1 month of the date of this decision.
Reason: To reduce its visual impact from Cross Street

2. UTT/1523/01/LB

Unconditional
