

UTTLESFORD DISTRICT COUNCIL

SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED AT THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE

25 November 2002



N.B.

1. Any representations received after the compilation of this schedule and prior to the meeting will be either indicated on the Supplementary List of Representations or reported at the meeting. Full copies of all representations on every application listed in this schedule are available for inspection from 8.30 am on the Wednesday before the meeting, or at any other time with prior arrangement, at the Council Offices in Great Dunmow (Telephone no: 01799 510467).
2. From the meeting on 1 July 2002, there will be a six-month trial period during which the public will be allowed to speak at these meetings. An explanatory leaflet has been prepared which details this procedure and is available from the Council Offices at Great Dunmow and Saffron Walden.

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Deferred Items:

1	GREAT DUNMOW	UTT/0500/02/FUL
1	BIRCHANGER	UTT/0897/02/FUL
1	ELSENHAM	UTT/1184/02/FUL
2	WIMBISH	UTT/1260/02/FUL
2	GREAT SAMPFORD	UTT/1268/02/FUL

Main Schedule:

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With regard to the suffix shown on planning application numbers, the following indicates the type of application involved.

<u>Suffix</u>	<u>Type of Application</u>
FUL	Fully Detailed
DFO	Details following outline permission
OP	Outline
LB	Listed Building
CA	Conservation Area
AV	Advertisement
DC	District Council
CC	County Council Consultation
SA	Stansted Airport
CL	Certificate of Lawful Use or Development
AD	Alternative Development
GD	Government Department Consultation
OHL	Overhead Power Lines
REN	Renewal of permission

The Development Plan comprises the Essex Replacement Structure Plan (ERSP), the Adopted District Plan (ADP) and the Deposit Local Plan (DLP). Reference to all three is made in the reports by use of these abbreviations

PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 25 November 2002

APPL NO: **UTT/0500/02/FUL**
PARISH: **GREAT DUNMOW**
DEVELOPMENT: Demolition of former filling station and erection of 3 commercial units and nine two bed apartments, cycle store, bin store, car parking for 12 cars and alterations to existing access
APPLICANT: Higgins Homes Ltd
LOCATION: 77-79 High Street
D.C. CTTE: 4 November 2002 (page 11)
REMARKS: Deferred for negotiations to omit flat on ground floor
RECOMMENDATION: To be reported
Case Officer: John Grayson 01799 510455
Expiry Date: 21 May 2002

APPL NO: **UTT/0897/02/FUL**
PARISH: **BIRCHANGER**
DEVELOPMENT: Retention of use for engineering (restricted to Tim Smith/Avon Engineering)
APPLICANT: Mr T Smith
LOCATION: Barn at Duck End
D.C. CTTE: 04 November 2002 (page 84)
REMARKS: Deferred for negotiations to agree conditions and allow agent to speak
RECOMMENDATION: Approval with conditions
Case Officer: Richard Aston 01799 510464
Expiry Date: 12 August 2002

APPL NO: **UTT/1184/02/FUL**
PARISH: **ELSENHAM**
DEVELOPMENT: Erection of building to house water bottling plant and offices, creation of 30 parking spaces
APPLICANT: GR/ Cheergrey Properties Ltd
LOCATION: The Pump House & Offices, Elsenham Industrial Site
D.C. CTTE: 04 November 2002 (page 53)
REMARKS: Deferred for Members' Site Visit and Parish Councils' comments
RECOMMENDATION: Refusal
Case Officer: John Grayson 01799 510455
Expiry Date: 18 October 2002

APPL NO: **UTT/1260/02/FUL**
PARISH: **WIMBISH**
DEVELOPMENT: Change of use from horticulture to mixed use including a garden centre, construction of two storage buildings, sand/ballast bays, hardstandings, including internal road
APPLICANT: Mr M Cilla
LOCATION: Myco, Elder Street
D.C. CTTE: 04 November 2002 (page 64)
REMARKS: Deferred for Members' Site Visit
RECOMMENDATION: **Approval with conditions**
Case Officer: Hilary Lock 01799 510486
Expiry Date: 22 October 2002

APPL NO: **UTT/1268/02/FUL**
PARISH: **GREAT SAMPFORD**
DEVELOPMENT: Conversion of barn to dwelling
APPLICANT: Mr & Mrs Schaeffer
LOCATION: Park Pale Farm
D.C. CTTE: 04 November 2002 (page 69)
REMARKS: Deferred for Members' Site Visit
RECOMMENDATION: **Approval with conditions**
Case Officer: Karen Hollitt 01799 510495
Expiry Date: 23 October 2002

UTT/1244/02/FUL - SAFFRON WALDEN
(Council Interest)

Erection of 72 dwellings (36 houses and 36 flats) with associated garages and parking areas and construction of new estate road and alteration to access onto Thaxted Road Land off Thaxted Road at Harris Yard. GR/TL 545-383. Bovis Homes Limited.

Case Officer: *Jeremy Pine 01799 510460*

Expiry Date: 24/10/2002

NOTATION: ADP: Within Town Development Limits/Part of Residential Development Opportunity Site under Policy SW9 (Design Brief produced 2000). DLP: Part of land identified for residential development under Policy SW2, which is carried through to the Revised Deposit Draft.

DESCRIPTION OF SITE: This 1.05ha (2.6 acres) site is located on the eastern side of Thaxted Road, to the west of the Radwinter Road cemetery. The site consists of the Council's allotment gardens which are located behind a tree screen immediately to the west of the cemetery, and Harris Yard, which fronts Thaxted Road and which is separated from the allotments by a 4m chalk cliff face. Paxton's Yard lies to the south (set at a higher level than Harris Yard); Jossaumes to the northwest (on level ground with the northern part of the application site) and to the west are the long rear gardens to dwellings fronting Thaxted Road.

DESCRIPTION OF PROPOSAL: These are revised proposals to those for which planning permission was refused in February of this year. 72 dwellings would be erected (as proposed before), served by an access built to adoptable standards through Harris Yard. 35 of the dwellings would be of affordable status, consisting of 24 x 1 and 2-bed flats and 11 x 2-bed houses. The rest of the housing would be open market, namely 25 x 2 and 3-bed houses and 12 x 1 and 2-bed flats. The houses would all be of two storeys, and would be either semi-detached or terraced. There would be four blocks of flats, each of three storeys with a maximum height of between 10.5 – 11m. A vehicle turning head would be provided at the northern end of the site where the new road could be extended into Jossaumes to serve future development on the remaining part of the land identified for residential development. Future vehicular access to the cemetery would be safeguarded, as would access from Harris Yard to Paxton's Yard, which is also part of the residential allocation.

The access road into the site would be graded to deal with the change in ground levels between Harris Yard and the allotments, including a 1m reduction in ground level at the top of the cliff. Accordingly, the line of terraced dwellings at the rear of Harris Yard and which follow the road alignment would be stepped. The proposals would supersede the development at Harris Yard allowed on appeal. Car parking would be mostly communal, but with some allocated spaces for the open market housing.

APPLICANT'S CASE: See Design and Supporting Statements, both of which are attached at the end of this report.

RELEVANT HISTORY: Erection of 14 dwellings on SW part of the site (Harris Yard) allowed on appeal in 2000, following non-determination of the application (not implemented). Refusal for 72 dwellings (following a Members' site visit and contrary

to the officers' recommendation) in February 2002 for reasons of poor access visibility and inadequate provision for pedestrians and cyclists.

CONSULTATIONS: Original Plans:

ECC Transportation: No objections subject to conditions and 1) the provision of the access with appropriate warning signs along Thaxted Road, 2) the provision of a footway from Radwinter Road to the north of the site, and 3) a contribution towards highway infrastructure improvements in this part of the town. Concerned at the sketchy nature of the site layout drawing (*note: this is being revised following a meeting with ECC Transportation*).

Any comments on the Town Council's Highway & Traffic Statement will be reported.

ECC Archaeology: Outside any area of known archaeological importance.

Anglian Water: No objections subject to details of foul and surface water drainage being agreed.

Transco: No objections, but will require details to ensure pipeline under Thaxted Road is not affected.

Environmental Services: Condition required to safeguard against any possible land contamination.

TOWN COUNCIL COMMENTS: Original Plans: Object in the strongest possible terms because sight splays cannot be met at the access. Would challenge any attempt to compromise on nationally agreed guidelines in respect of sight lines. A Highway and Traffic Statement has been submitted on behalf of the Town Council by an Independent Highways Consultant, attached at end of this report. (Copies have been sent to the applicant and to ECC Transportation for comment: to be reported).

Revised Plans: To be reported. (due 22 Nov)

REPRESENTATIONS: This application has been advertised and 5 representations have been received regarding the **original plans**. Period expired 24/9/02.

1. CPRE: Layout should allow for future access into the town's road network at other points on the Thaxted and Radwinter Roads. Must be capable of integration into the larger site if and when this is brought forward. The site is potentially sustainable under PPG3 and PPG13 because of its location close to the town centre and employment sites. It should therefore be a priority to create suitable pedestrian and cycle accesses at the nearest points as soon as land becomes available. Secure cycle storage facilities needed. Whilst the roundabout improves visibility at the junction with Thaxted Road, we are concerned that this may create further congestion on Thaxted Road itself and may conflict with the traffic flows as controlled by the lights at the Radwinter Road junction. Is the Council satisfied that appropriate provision has been made for new infrastructure or improvements?

2-5:

Similar to the previously refused application.

Thaxted Road is very busy. Will inevitably increase the traffic flow and place pressure on parking in the road itself. Access poor.

Overlooking from higher land and views dominated.

Overall site plan poorly drawn.

The community cannot cope with another large development in the area. No mention of any recreational areas.
Neighbour's right of way to be protected.

Revised Plans: ***To be reported (due 22/11).***

PLANNING CONSIDERATIONS: The principle of the residential redevelopment of this land has been established for a number of years under ADP Policy SW9 as part of a Residential Development Opportunity Site and has been rolled forward into the Revised Deposit Draft Local Plan as Policy SW2. The refusal of the previous application for 72 dwellings on this site solely on highway/access grounds reinforces the land use principle. The main issues are whether:

- 1) these revised proposals continue to be appropriate under ERSP Policies CS4 (Sustainable New Development), H2 (Housing Development – The Sequential Approach) and H3 (Location of Residential Development),
- 2) the residential density, mix layout and design of these revised proposals continue to be appropriate under ERSP Policies BE1 (Urban Intensification), H4 (Development Form of New Residential Developments), ADP Policies S1 (Development Limits), DC1 (Design of New Development), DC14 (General Amenity), DLP Policies S1 (Settlement Boundaries for the main Urban Areas), GEN2 (Design), GEN4 (Good Neighbourliness), H9 (Housing Mix), the Essex Design Guide , PPG3 (Housing), and
- 3) material highway dangers would continue to result contrary to ERSP Policy T3 (Promoting Accessibility), ADP Policy T1 (New Development and General Highway Considerations) and DLP Policy GEN1 (Access).

1) It is considered that these proposals would be a sustainable and appropriate use of the land, reflecting its allocation for a number of years in the ADP as part of a Residential Development Opportunity Site. In terms of walking distance to the town centre, the site entrance at Harris Yard is approximately 330m nearer than the residential site at Printpack along the Radwinter Road, which the appeal Inspector found in 2001 to be within the threshold distances for walking and cycling in PPG13. If the future connection through to Jossaumes was made (and which is anticipated in the applicant's master plan drawing), walking distances would be even shorter. The Printpack Inspector was also satisfied that the site was readily accessible to an appreciable range of facilities to future residents on foot, by bicycle or by public transport and the same comments are applicable to the current site. Members will recall that residential redevelopment of the SIA site in Radwinter Road was refused and dismissed at appeal. It is not considered that either decision can bear direct comparison with the current site for two reasons, because the Printpack site is much further from the town centre and the SIA proposal involved the loss of employment land and whilst within the Town Development Limit (but more remotely located along Radwinter Road), it was not residentially allocated.

2) The density of these proposals would be 69 dwellings/ha, compared to 61.5 dwellings/ha for Printpack, in line with Government advice in PPG3 encouraging higher densities. However, in allowing the Printpack appeal, the Inspector said in his decision letter that:

“..density alone is not a meaningful indicator of built form or visual impact. In my opinion it is important to look beyond the simple numerical expression of density, and consider any form of development proposed which, in this case, would consist of smaller dwellings, with the majority having just 2 bedrooms”.

In respect of this revised proposal, all but 12 of the dwellings would be of 2 bedrooms or less (previously 8). The proposal has been the subject of extensive negotiations with officers, involving the Council both as the local planning authority and allotments landowner. As a result, there would be 48% provision of affordable housing (24% on Printpack), with all existing allotment leaseholders being offered alternative vacant allotments elsewhere within the town.

The layout of the buildings would be satisfactory, broadly following the principles set out in the Essex Design Guide. No material overlooking would occur, “back to back” distances from the existing dwellings fronting Thaxted Road to the new dwellings at the top of the cliff being in excess of 60m (the Design Guide recommends 35m+ where flats are involved). Adequate amounts of private open space would be provided, both as individual gardens for houses and as communal areas for the flats. The Common is also within a reasonable walking distance.

The main difference from the previously refused scheme is that 4 blocks of flats, each of squarer plan form, would now be provided instead of 3. The extra block would be located midway along the eastern side of the estate road backing onto the cemetery. As before, the block closest to Radwinter Road would be set marginally in to the ground and would also be lower at about 10.8m (12.3 – 11.1m originally). The block at the top of the cliff face immediately behind Harris Yard would, through its design, also be marginally lower than the block it would replace, in spite of now being of 3 storeys rather than 2 storeys with additional rooms in the roof. The block in the southeastern corner of the site would be about 1.5m taller than its predecessor (3 storeys instead of 2), but this would not be unduly prominent. The street scene elevations submitted by the applicant demonstrate that the proposals would have a sense of space in spite of the high density. The design of the buildings would be satisfactory.

A section of the chalk cliff at the rear of Harris Yard would need to be removed to form the rising access through to the allotments, which has always been envisaged. Apart from the top 1m of the remaining section the rest would be retained in situ, but would be covered up by the regrading of the land to the rear to form the rear garden to the terraced units of plots 4-7 by using the excess spoil. In view of the change in levels between Harris Yard and the allotments, there is no obvious alternative to covering the cliff. There is currently no public access close to this section of cliff, which is less prominent and less extensive than that retained at Limefields to the north of the town. On balance, it is considered that no reasonable objections can be raised given the longstanding commitment to comprehensive residential re-development on this site.

3) Following the earlier refusal, and to address Members’ concerns about lack of visibility onto Thaxted Road, the specification of the access onto the Thaxted Road has been changed from a “T” junction to a mini-roundabout with appropriate warning signs, to reduce the speed of traffic approaching along Thaxted Road. ECC

Transportation has not raised any objections to this revised arrangement, which would be subject to safety audit, and to which a safeguarding condition relates.

97 car parking spaces would be provided, which is a rate of 1.34 spaces/dwelling, corresponding to Government guidance that maximum provision should be 1.5 spaces/dwelling for sustainability reasons. The lack of on-site cycle storage facilities has been raised by the applicant and can be covered by condition.

Members were also previously concerned about lack of adequate pedestrian and cycle links to the existing highway network. The site layout would accommodate an internal footpath/cycleway to the specification of ECC Transportation, which the applicant indicates in the Supporting Statement could eventually be onwardly linked to Radwinter Road and/or Thaxted Road through the other residentially allocated land. However, it is reasonable to conclude that this onward link would only be provided if the other areas of allocated land came forward for residential development, although the link up to the boundary of the application site can be safeguarded by condition at this stage so as to not prejudice its eventual construction. At the moment, the other areas of allocated land are in industrial use and would be unsuitable now as a path for pedestrians or cyclists. In respect of the previously refused application, ECC Transportation recommended that a “Grampian” condition be imposed requiring the provision of a footway link from the north of the site running initially east and then north to join Radwinter Road by the cemetery. That recommendation has been repeated, but the applicant appears unwilling to provide the footpath both because it would be running away from the town centre and because of doubts over rights of way issues. The need for this footpath has been discussed further with ECC Transportation, who confirm that it is not an essential requirement but merely something that would be desirable at this time. ECC Transportation has, however, requested that a future link be safeguarded, which can be achieved by condition.

Officers have some sympathy with the views of the applicant over the provision of the footpath, but in spite of the apparent circuitous route, the footpath would still give a shorter, less congested route into town for at least those living in the northern part of the estate, and to Tesco. However, were the footpath not provided residents of the new estate would have to walk a maximum of about 1.1km in order to reach the town centre via the Thaxted Road access, well within the 2km distance recognised in PPG13 as giving the greatest potential for replacing car journeys (about 1.3km to Tesco).

COMMENTS ON REPRESENTATIONS: These are covered in the above report. The neighbour’s concern over the right of way has been passed to the applicant.

CONCLUSIONS: It is considered that these revised proposals would be in accordance with the provisions of the Development Plan and Government advice. The revisions to the access should overcome concerns about visibility. As per their previous recommendation, Officers do not consider that there is a sound case to refuse planning permission on grounds of poor pedestrian and cycle links as, if only the link via the new estate road were to currently be provided, walking distances to

many of the town's facilities would still be within those recommended in PPG3. A condition will ensure that a future link to the north for pedestrians and cyclists will be provided for.

RECOMMENDATION: APPROVAL WITH CONDITIONS AND SECTION 106 AGREEMENT RE INFRASTRUCTURE CONTRIBUTION TO OFF-SITE HIGHWAY WORKS.

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.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.6.4. Excluding extensions without further permission.
6. C.7.1. Slab levels to be submitted and agreed.
7. C.12.4. Boundary screening requirements.
8. C.8.27. Drainage details to be submitted and agreed
9. The development hereby permitted shall not commence until a scheme for the provision and retention in perpetuity of affordable housing in respect of the 35 dwellings indicated on drawing SWTR/01.D has been submitted to and approved in writing by the local planning authority. The scheme as submitted shall include detailed arrangements for implementation and shall be carried out as approved.
REASON: To ensure that local housing need is met in accordance with Circular 6/98.
10. No deliveries of materials shall be made to the site and no work shall be carried out
on site for the duration of the development before 0730 or after 1800 on weekdays, or before 0800 or after 1300 on Saturdays, unless otherwise agreed in writing by the local planning authority. There shall be no deliveries or working on Sundays or Bank or public holidays.
REASON: To protect the amenity of adjoining residents.
11. No development shall commence until the site access and visibility splays indicated
on drawing SWTR/01.D have been completed in accordance with the details shown on that drawing. Thereafter, the visibility splays shall be retained in perpetuity free of any obstruction above carriageway level.
REASON: In the interests of highway safety.
12. The carriageway, turning areas and footways of the estate road shown on drawing SWTR/01.D shall be laid out and constructed up to and including at least base level prior to the commencement of the erection of any dwelling on the site. Until such time as the final surfacing is completed, the base level of the footways and any shared pedestrian/vehicle accesses shall be provided and maintained in good repair in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footways or shared accesses. All final surfacing shall be undertaken within twelve months from the first occupation of the last dwelling to be occupied.
REASON: In the interests of highway safety and to ensure adequate access for construction vehicles.
13. No development shall commence until detailed engineering drawings of the estate

road have been submitted for safety audit, and approved. The drawings as submitted shall include details of the grading of the estate road from the allotment land to the junction with Thaxted Road. The development shall subsequently be implemented in accordance with the approved drawings.

REASON: In the interests of highway safety.

14. Prior to the first residential occupation of any dwelling, the car parking spaces or

garages shown to serve it on drawing SWTR/01.D shall be completed and made available. Thereafter, all the parking spaces and garages shall be retained in perpetuity for the parking of domestic vehicles.

REASON: In the interests of highway safety.

15. Prior to the first residential occupation of the development, a scheme of street lighting

within the site shall be submitted to and agreed in writing by the local planning authority and implemented. Thereafter, the lighting shall be maintained in good repair.

REASON: In the interests of highway safety.

16. No development shall take place until a plan has been submitted to and approved in writing by the local planning authority showing the means of providing and safeguarding without any encumbrance a link for pedestrians and cyclists from the estate road to the site boundary for eventual onward extension to Radwinter Road and /or Thaxted Road in accordance with drawing SWTR/15. The link to the site boundary as agreed shall be provided prior to the first occupation of the last dwelling hereby approved and thereafter retained in perpetuity.

REASON: In the interests of pedestrian and cyclist convenience.

17. No development shall commence until a plan showing the provision of secure cycle storage facilities on the site has been submitted to and approved in writing by the local planning authority. The approved storage facilities shall subsequently be constructed prior to the first occupation of the dwelling or dwellings to which they relate and thereafter retained in perpetuity.

REASON: In the interests of cyclist convenience.

18. Decontamination requirements to be submitted, agreed and implemented.
19. Footpath link to cemetery to be provided.

(Other highways conditions to be reported if not covered by the revised site plan)

Background papers: see application file.

UTT/1382/01/FUL - SAFFRON WALDEN

Erection of 8 blocks for class B1 business "live/work" purposes and creation of new vehicular access.

Southgate House and Kilncourt, Southgates Industrial Park, Thaxted Road. GR/TL 548-373. A Batchelor.

Case Officer: Mr J Pine 01799 510460

Expiry Date: 26/04/2002

NOTATION: Established industrial premises. ADP: Within Town Limits/part of site identified for relocated industrial and warehousing uses (Policy SW7 relates). DLP: Within Settlement Boundaries/Safeguarded employment area (Policies E2 and SW5 apply).

DESCRIPTION OF SITE: This 1.35 ha (3.3 acre) irregular shaped site is located on the northeastern side of the B184 just beyond the southeastern edge of the town opposite the Lord Butler Leisure Centre. It comprises part of a larger area of existing industrial and proposed employment land of just under 5 ha (12.5 acres) identified in the DLP and which is surrounded by farmland. The application site is served by a direct means of access onto the B184 and also has a separate point of access onto a parallel slip road, which serves the rest of the employment and other industrial land to the south.

The front of the site contains a two-storey office building (Southgate House) set behind a formally laid out parking area with an archway to further parking at the rear. Behind Southgate House and to the south of the rear parking area is a large single storey industrial building. To the south of that building is a large garage-type structure with a hardened area in front that stretches back for some distance, which is used for the parking of cars, trailers and the stationing of, *inter alia*, items of wood and scrap metal. Part of the rear of the site is at a higher level and is unused, in front of which (and on land not forming part of the site) are two dwellings (High Bank and Hill View) also on higher land along the slip road frontage to the south. To the north, the farmland rises up towards the edge of the town.

DESCRIPTION OF PROPOSAL: 8 new commercial buildings of a modern design and constructed from brick and profiled steel cladding and roofing would be erected on the site, replacing all the existing buildings and uses. The buildings would be for B1 purposes, but allowing for significant internal flexibility of layout for parts to function as "live/work" units. The indicative internal layout plans show a total of 60 units: 36 single or two-storey work units (with no residential element) and 24 single or two-storey live/work units, 20 of which would contain two bedrooms, and 4 three bedrooms. The total floorspace created would be 5,382 sqm (replacing the current 1,653 sqm), which, following negotiation is a reduction of 868 sqm (14%) on that originally proposed. This reduction in floorspace has brought about 3 main changes to the layout: -

1. The main change is that the originally proposed 3 and 4-storey frontage block of 63m in width (which would have been erected only 14m back from the edge of the B184) would be omitted in favour of two smaller blocks of similar height, but which would be located 21m and 31m back from the B184, each block being half the width

of the previous one. This relocation would allow for a 6m wide planting belt within the site along the frontage, compared to just over 2m originally proposed.

2. The second change is the site of the limekilns would remain undeveloped as requested by ECC Archaeology, through revisions to the car parking layout and the relocation of one of the frontage buildings.

3. Thirdly, the new estate road (which runs close to the northern boundary of the site) would be relocated slightly further away from the boundary to allow for a 6m wide planting belt, similar to that along the frontage.

The heights of the frontage blocks (A and B) would be 9m and 12m for the three and four-storey sections respectively, all the other 6 buildings (C to H) being of two storeys, just over 6m high. Blocks A and B would be handed, so that the taller sections would be adjacent to each other towards the centre of the frontage. Block F would utilise a change in ground level to provide lower ground/basement car parking, enabling a total car parking provision of 154 spaces to meet the Council's standard for B1 development. In addition, there would be space for 38 motorcycles and 162 bicycles at convenient points throughout the layout.

A single new point of vehicular access to the B184 would be provided, subject to agreement with the Highways Authority. The originally proposed unsatisfactory alignment has been altered to eliminate possible conflict with the parallel slip road, which it is intended would become a new cycleway and footpath, eventually extending to the southeast along the entire length of the employment allocated land and to the northwest into the town. It is the applicant's intention that the required off-site highway works would be provided in association with those required for the Granite Business Park to the southeast.

APPLICANT'S CASE: The floorspace can be divided into any number of combinations. Indicative suggested internal layouts have been submitted, but the buildings would be constructed with clear internal spaces, for later subdivision. In the past, the live/work concept has tended to indicate that the work aspect would be primarily industrial, but this does not mix with residential. With the increased use of computers, Email, telephones and fax machines, more people are working from home. Happy to enter into a S106 Agreement covering the highway improvements and "live/work" content, if these matters cannot be covered by condition.

Solicitors acting for the applicant have been considering suitable wording for an agreement. The application as originally applied for was for up to 20 live/work units within the scheme, which the applicant estimates in total, would have created approximately 80 jobs. During negotiations, the applicant has expressed a wish for more flexibility on live/work unit numbers, and has indicated that if all units had a live/work element, the minimum B1 content would be approximately 1780 sqm (33%).

See letter re proposed access, off-site highway improvements and traffic flows from Rutherfords dated 19 October 2002 attached at end of report.

RELEVANT HISTORY: Members resolved at their meeting on 23 September to grant planning permission for B1, B2 and B8 development on the former garden

centre 250m to the southeast (Granite Business Park), subject to a S106/S278 Agreement re highway improvements.

CONSULTATIONS: Original Plans:

ECC Transportation: Object, insufficient information on traffic flows and subsequent traffic impact. Proposed access would lead to a detrimental impact on the free and safe flow of traffic and cause danger and inconvenience to highway users.

ECC Archaeology: A surviving limekiln is located on the southern corner of the site adjacent to High Bank. It is recommended that the kiln be preserved within the development. No damage should be caused.

Environment Agency: Advisory comments only.

Anglian Water: No objections, but observe that there are no public foul or surface water facilities in the vicinity of the proposed development.

UDC Landscaping Advice: The existing visual quality of the site frontage is not of high quality, but is low key. The proposed development would have a high impact on the approach into the town. The substantial elevation would be very dominant. There is insufficient land available along the frontage to allow for landscaping to screen/reduce the scale of the building.

UDC Policy Advice: Employment is acceptable in principle, but the scheme should not be approved until there has been further clarification/amendment re:

- 1) Retention of the land for employment use
- 2) Marketability
- 3) Restriction of the residential use
- 4) Resolution of the possible conflicts between the two uses and provision of proper residential facilities
- 5) Adequate provision of car and other vehicle parking.

UDC Building Surveying: Fire service access unsatisfactory (applicant contacted).

Revised Plans: Any comments will be reported. (due 22 Nov)

TOWN COUNCIL COMMENTS: Original Plans: Strongly object. No proven demand for this type of accommodation. Should the use fail, there is concern that it would be change to residential. The heights of the buildings are excessive – there are no other 4-storey buildings in the town and this would spoil an attractive entrance. Should be retained as industrial – the town has well exceeded the demand for housing identified in the District Plan. Concerned at the possibility of flooding.

Revised Plans: To be reported. (due 22 Nov)

REPRESENTATIONS: This application has been advertised and 1 representation re the original plans has been received from CPREssex (see copy attached). Period expired 3 April 2002.

Any comments on the revised plans will be reported (due 10 November 2002).

PLANNING CONSIDERATIONS: The main issues are whether:

- 1) **the proposed use would safeguard the allocation of the site for employment (ERSP Policy BIW4, ADP Policy SW7 and DLP Policies E2 & SW5),**

- 2) **the built form would be appropriate to this edge of town setting and neighbourly (ADP Policies S1, DC1 & DC14 and DLP Policies S1, GEN2 & GEN4), and**
- 3) **any material highway dangers would result and there would be adequate provision for parking (ERSP Policy T12, ADP Policies T1 & T2 and DLP Policies GEN1 & GEN9).**

1) The site is safeguarded for employment use under DLP Policy SW5. This represents a change in emphasis from the ADP, where the site lay within the Policy SW7 area to meet the relocation needs of industrial and warehousing uses, primarily in Saffron Walden. Those needs have not materialised within the plan period, and the change in emphasis to employment reflects, in part, the growth of high-tec IT-based businesses within the B1 classification. No objections have been received to the Policy SW5 allocation of this site in the DLP, which has now been carried forward into the Revised Deposit Draft. Accordingly, Members are able to attach considerable weight to Policy SW5, even though the DLP has not yet been adopted.

These proposals would be different from those at Bellrope Meadow, Thaxted, where planning permission was granted on appeal for a mixed-use scheme combining employment uses in purposely-designed B1 buildings, and detached houses specifically designed for homeworking. The current proposed development would not be residential in character, rather more like a business park and the overall layout would permit 100% occupation by B1 uses (with car parking provided at the B1 standard) befitting the DLP Policy SW5 allocation. Where the two schemes are not different is in the promotion of sustainability by reducing the need for journey to and from work travel, as encouraged in Government advice in PPGs 1,3,4 and 13. It is not considered by officers that the layout would specifically encourage residential occupation per se (for instance there is no specifically allocated amenity space). The applicant has stated that the accommodation would be intended for those making conscious lifestyle decisions to live/work.

The applicant has not submitted any evidence on marketability or examples of similar schemes elsewhere, in spite of being encouraged to do so. However, this is not a reason to refuse planning permission, as what is being proposed is an employment use on an employment allocated site. It is considered that a condition can be imposed to retain the employment use within each unit, whilst allowing for the internal flexibility required by the applicant to respond to the market. A further safeguarding condition to limit the total overall floorspace that could be used for residential might be possible, but it is not recommended as it would be difficult to monitor.

2) The revised plans that have been submitted follow from extensive negotiation with the applicant. The amendments to the frontage buildings allowed by the 14% reduction in overall floorspace, and the increased depth of frontage planting should assist in reducing the impact of the taller buildings on the street scene. Similarly, the relocation of the estate road and the increased depth of planting along the northern boundary would, coupled with the rising land, help to reduce the impact from the north.

The design of the buildings would be modern commercial and the estate would still be quite intensively developed but this, officers consider, would make the best use of the available allocated land. The positioning of the new buildings would be such that large areas of car parking should not be visible at any one point, with use being made of the change in levels to provide covered parking. No material overlooking or overshadowing of High Bank or Hill View should be caused.

3) The original access proposals have been revised as per the attached letter from Rutherfords, which also indicates how access would be provided to the existing and proposed uses to the south of the application site. The off-site works would be secured by a S106/S278 Agreement, and have been the subject of discussions between the applicant and ECC Transportation. Adequate on-site provision for the parking of cars, motorcycles and bicycles would be available. The revised recommendation of ECC Transportation is awaited and will be reported. Assuming ECC recommends approval with conditions and an Agreement, there would also be an infrastructure contribution towards highway improvements in this eastern part of the town.

COMMENTS ON REPRESENTATIONS: The CPRE's comments on the Inspector's appeal decision on the case at The Piggeries, Widdington have been considered. Whilst it is true that the Inspector expressed concerns about enforceability of conditions, this was because that proposal involved the erection of two detached dwellings that would have been tied to the commercial occupancy of two adjacent light industrial units. These current proposals are not similar – some units would be entirely commercial and the remainder would be integral live/work.

CONCLUSIONS: Whilst it is acknowledged that the proposed use is a different concept from that originally intended when the allocation of land was made in the ADP, it is considered that these proposals would be an appropriate use of the land given the change in emphasis between the ADP and DLP. Concerns about the eventual loss of the employment uses to residential are understandable, but can be countered by the nature of the layout and by appropriate conditions. Subject to the withdrawal of the recommendation of refusal by ECC Transportation, approval is recommended.

RECOMMENDATION: APPROVAL WITH CONDITIONS AND SECTION 106/S278 AGREEMENT REGARDING OFF-SITE WORKS AND INFRASTRUCTURE CONTRIBUTION.

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.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.6.8. Excluding permitted development extensions to industrial buildings.
6. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.
7. No unit formed within the buildings hereby permitted shall be used or occupied otherwise than either:

- i) solely for a purpose falling within Class B1 of the Town and Country Planning (Use Classes) Order 1987, or
- ii) partly for a purpose falling within that same use class and partly as a residence for the person carrying on such use in that unit and any dependents of such persons.

Reason: To retain employment uses on the site.

- 8. C.9.3. No change from B1 to storage B8 without further permission.
- 9. No development shall commence until a scheme for the disposal of surface water and foul sewage has been submitted to and approved in writing by the local planning authority. Subsequently, the scheme shall be implemented as approved prior to first occupation of the site.

Reason: To prevent pollution.

- 10. The carriageway of the proposed estate road and the footpath shown on drawing 211/01/10B shall be laid out and constructed up to and including at least base course level prior to the erection of any of the buildings hereby permitted and shall thereafter be retained in good repair until the final surface is laid. The final surface of the carriageway of the proposed estate road and the footpath shall be laid within one year of the completion of the development hereby permitted.
- 11. The car parking, motor cycle and bicycle storage spaces shown on drawings 211/01/10B and 24 shall be hardened, laid out and made available for use prior to the first occupation of the building to which they relate. Subsequently, all these spaces shall be retained for parking purposes.

Reason for 10 and 11: In the interests of highway safety.

Background papers: see application file.

UTT/1220/02/FUL - GREAT DUNMOW

Erection of two blocks of 4 flats together with turning and car parking facilities
Land at rear of Chequers Inn, Stortford Road & Chequers Lane. GR/TL 626-195. D
Whitney.

Case Officer: Mr Anthony Betros - 01799 510471

Expiry Date: 10/10/2002

NOTATION: Within Development Limits & Conservation Area/Tree Preservation
Order/Adjacent to Grade 2 Listed Building

DESCRIPTION OF SITE: The site is located on the southern side of Stortford Road at the western end of the town centre and The Chequers Inn is sited along the Stortford Road frontage. The site also has rear access from Chequers Lane and slopes up from Stortford Road. The land is the rear of the Inn, where the width of the site is 16m and the length to Chequers Lane is 62.5m. This area is currently used for car parking in association with the hotel and contains two trees covered by a Preservation Order, a Sycamore and an Oak. The hotel also has another car park to the front would not be affected by the proposal and can accommodate approximately 15 cars.

DESCRIPTION OF PROPOSAL: It is proposed to erect a total of 8 x 2 bedroom flats in two separate buildings in the rear parking area and 14 car spaces. The block immediately to the rear of the Inn would be two storeys with 2 units on each level, while the block adjacent Chequers Lane would be 2.5 storeys with an attic level, housing 1 unit at ground level, 2 at first floor level and one within the roof. Vehicular access would be via Chequers Lane with footpath link to Stortford Road. The two blocks would be 31m apart, with the area between containing open space for the units and 14 car spaces. Driveway access to the spaces is proposed along the western side of the site and includes a covered archway below the 1st floor of the block fronting Chequers Lane. The Oak tree at the rear of the site and Sycamore tree 20m from the Lane are to be retained, while an additional Oak tree is proposed in the garden area associated with the northern block.

APPLICANT'S CASE: "The number of car parking spaces shown on the site plan is 14 as against a recommended 16. This is to allow access to the pub garden and provide a barrier between the two uses of the adjacent sites. The site is close to the town centre, and is located next to an existing local authority car park. There is also parking available adjacent to the pub on Stortford Road."

RELEVANT HISTORY: Approval in 2000 of 16 motel units located to the rear of the hotel. The proposal involved 2 storeys of accommodation along the eastern side adjacent to the Council car park. Car parking (14 spaces) was proposed along the western boundary while both trees covered by the TPO were retained.

CONSULTATIONS: Specialist UDC Design Advice: No objections raised regarding effect on setting of Listed Building or Conservation Area, subject to conditions.

Specialist UDC Landscaping Advice: The main stem of the Oak would be only 2m from the front elevation and the crown of the Sycamore only 1.5m from the rear. Both trees have been recently subject to crown reductions and regrowth would therefore

need to be repeatedly cut back to keep the trees in check. Such work may be detrimental to the visual amenity of the trees. In addition, the proximity of the Oak tree to Bock 1 is such that the tree may be damaged during construction.

Archaeology: Site lies within an area of high archaeological importance- condition requiring a programme of archaeological work and recording prior to development or preliminary groundworks of any kind.

Environment Agency + Water Authority: No objection subject to advisory comments.

TOWN COUNCIL COMMENTS: Object. Proposed development is too high in relation to the adjacent cottages. Due consideration must be given to the Conservation Area and the buildings therein. Need for tourist accommodation as already granted.

REPRESENTATIONS: This application has been advertised and 1 representation has been received. Period expired 25 September 2002.

Some of our previous objections to the proposed buildings have been addressed and therefore raise no objection this time. Car parking is shown as immediately adjacent to our rear wall and to our sitting room (shown by the obscured glass block window in our wall). From the point of view of safety, noise and to prevent damage to what is an example of old Essex brickwork, suggest a secondary obstruction apart from a "low concrete barrier" and for this secondary barrier to contain vegetation e.g. junipers (in last application, reference was made to this as a requirement). We spend a great deal of time in our sitting room and cars pulling up directly at right angles to our wall would be very concerning. My neighbours and we would be pleased to see an improvement in the area to the rear of the Chequers, as it has been a major eyesore and discredit to the town.

PLANNING CONSIDERATIONS: The main issues are whether the proposal would be: -

- 1) an appropriate use of land (ADP Policy S1- Development Limits)
- 2) of a high standard of design (ADP Policies DC2 – Design of development within conservation areas, DC5- Development affecting listed buildings & DC14- General Amenity and DLP Policies ENV1 & GEN4),
- 3) acceptable in relation to Preserved Trees (ADP Policy DC8 & DLP Policy ENV3),
- 4) compatible with the need for Tourist Accommodation (ADP Policies REC 1 & 2 and DLP Policy LC6) and
- 5) providing sufficient car parking facilities and amenity space (ADP Policy T2- Provision of Car Parking & DLP Policy GEN9).

1) The subject site is located close to the town centre where the proposal would be acceptable in principle.

2) The proposal is supported by Council's Conservation Officer in relation to the design of the new building and its impact on the listed hotel building. It would not be detrimental to any important environmental or visual characteristic of the locality, rather it is considered to improve the appearance of the site both from the listed

building and Chequers Lane. The proposed materials, roof pitch and fenestration are considered harmonious to existing buildings in the vicinity, while the scale and separation from the listed building should not detract from its setting. However, the siting of the rear building (Block 1) would have an overbearing impact on the outlook and overshadow the western neighbour at 11 Chequers Lane. It is, therefore, suggested that the height of the western part of the building be reduced to improve the relationship between these properties. To achieve this, it is recommended that Bedroom 2 of the flat in the roofspace be deleted so that the height adjacent to the boundary can be lowered. This would result in a stepped roof which is typical of rooflines in the vicinity of the site. This flat can be reconfigured to retain 2 bedrooms.

3) It is considered that the existing Oak tree on the Chequers Lane frontage should be retained and protected during construction. The new Oak tree can still be planted in the garden to block 2. The Sycamore tree would not be affected.

4) The Tourism policies encourage such accommodation which would be lost on this site if the previous permission was not implemented. However, there is no prescriptive requirement to retain or safeguard such provision and it is considered that no valid planning reason for refusal on this basis could be justified.

5) The provision of 14 car parking spaces would be below the 16 required by the ADP (8 units @ 2 per unit). However, Government advice now requires a maximum of 150% (i.e. 12) and it is considered that the justification raised by the applicant is reasonable. The site is also within walking distance to services and employment within the town as well as being in close proximity to a regular bus service to Braintree and Stansted Airport. Bicycle parking (8 spaces) should be provided to compensate for the parking shortfall. The Inn has its main car park to the west, which would not be affected by this proposal. The 2 communal amenity spaces average out at 25 sqm per unit, which meets Council policy.

COMMENTS ON REPRESENTATIONS: A condition similar to that imposed upon the previous approval would be included to ensure no structural damage occurs to the neighbouring wall.

CONCLUSION: The proposed residential development at the rear of the Chequers Inn is considered reasonable from design and amenity viewpoints and would enhance the character of the Conservation Area. The proposal satisfies all relevant Policy criteria and would not affect the integrity or setting of the listed building.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.2. Time limit for commencement of development – listed building
2. The development hereby permitted shall be implemented in all respects strictly in accordance with the submitted plans and amended to indicate a lower height at the western end of Block 1 through the deletion of Bedroom 2. The amended height of the roof at the western end should not exceed 6.6 metres measured vertically from natural ground level. Such plans are to be submitted for approval in writing by the local planning authority.
- 3+4. C.4.1+2. Scheme of landscaping to be submitted, agreed and implemented
5. C.4.6. Retention and protection of trees and shrubs for the duration of development

6. C.5.1. Samples of materials to be submitted and agreed
7. C.8.26. Internal sound insulation to flats
8. C.8.27. Drainage Details to be submitted & agreed
- 9+10. C.10.7&26 Standard Highway Requirements
11. C.16. Archaeological requirements
12. C.19.1. Avoidance of overlooking-western elevation to both blocks
13. C.7.1. Slab Levels to be submitted and agreed
14. The development hereby permitted shall not commence until full details of measures to protect the wall along the western boundary from damage by vehicles when manoeuvring or parking in the car park have been submitted and approved in writing by the local planning authority. The measures shall be installed prior to the first use of the building hereby permitted.
REASON: To protect the walls of the adjacent properties from damage.
15. C12.1. Boundary screening requirements.

Background papers: see application file.

UTT/0933/02/FUL – HENHAM/ELSENHAM

Extension to existing warehouse.

Willis Gambier Ltd, Old Mead Road. GR/TL 533-271. Willis Gambier Ltd.

Case Officer: Michael Ovenden 01799 510476

Expiry Date: 22/08/2002

NOTATION: ADP & DLP: Outside village development limit/settlement boundary. DLP: Partly within Elsenham Local Policy 1 Area (extended in Second Deposit Plan). For information Members may be aware that the applicant submitted a request on the deposit plan to amend the area subject to Elsenham Local Policy 1 to cover the existing building (which has been agreed in the second deposit) and to allow further expansion such as that now proposed (which has not been accepted).

DESCRIPTION OF SITE: The site lies to the north of Elsenham station and the station car park. To the north is a dwelling with open land beyond and to the east. There is an established warehouse of approximately 2400 sqm near to Old Mead Road. Immediately to the rear of that building are two extensions that have been built within the last couple of years of 2600 sqm and 1080 sqm respectively. The land rises fairly consistently from west to east such that there is an increase in slab level of 1.5m.

DESCRIPTION OF PROPOSAL: The proposal seeks permission for an extension to the eastern end of the existing buildings for a further 2300 sqm in a building 26 x 86 x 9 in high.

APPLICANT'S CASE: See agent's letter dated 13 June 2002 attached at end of report.

RELEVANT HISTORY: Permission of use of agricultural land for warehouse granted 1989; permissions for extensions to warehouse granted 1989, 1990, renewed 1994; further permissions for extensions granted 1999 and 2001 with a note advising that no further extensions will be approved as the development, once completed, will be the maximum this site is capable of accommodating satisfactorily.

CONSULTATIONS: Railtrack (re: development near level crossing): No comment.

Environment Agency: no objections, subject to advisory comments.

PARISH COUNCILS' COMMENTS: Elsenham: Object – coalescence with Stansted Airport. Road safety hazard with even more large vehicles in an already busy & congested road in close proximity to a railway crossing.

Henham: To be reported (Due 4.8.02)

REPRESENTATIONS: Three. Notification period expired 26 July 2002.

1 and 2 object: We understood NO more development in Old Mead Road.

Juggernauts arriving now cause absolute mayhem at the station at times. Car parking in Station road all day, I personally witnessed lorries unable to get through. Surface water drainage problems

3. No objection subject to resolution of drainage & flooding problems.

PLANNING CONSIDERATIONS: The main issues are whether:

- 1) **the proposal complies with the normal restraint policies of the Development Plan (ERSP Policy C5 UDP S2 Policy & DDP Policy S8) and**
- 2) **any material considerations indicate that a decision should be made contrary to the Development Plan.**

1) The site lies outside the development limit where in principle there is an objection to such development. This proposal if permitted would create a cumulative total of almost 6000 sqm of extension to the older building which was originally 2400 sqm. The Council has been generous in recent years by allowing previous extensions contrary to policy. However, to permit this proposal would result in a significant further extension into open land to the rear detrimental to the character of this rural area.

2) The applicant has recognised in its supporting statement that the proposal is contrary to policy. In support of his case it is stated that the increase in floorspace now proposed is relatively small and that it would support a local employer which otherwise might move elsewhere. It is considered, however, that it would be inappropriate to simply compare the amount of floorspace currently existing with that now proposed and reach the view that the erection of a 37% increase would be acceptable. This latest in a number of recent applications which represents approaching a 250% increase in the floorspace that existed only 4 years ago. Each proposal has been supported by a statement from the applicant referring to economic success and expansion. Whilst this is to be welcomed, it is considered that this cannot justify a continued scheme for expansion of a development contrary to policy. The applicant has stated that it may have to look elsewhere if permission is not granted, but this is normal in expanding business, particularly in areas of planning restraint and could be used again in the future to attempt to justify a further phase. Furthermore, it is not considered that the possibility of further expansion has been designed out of the proposal as the agent suggest.

CONCLUSION: It is considered that this proposed third significant extension to existing buildings would be contrary to the Development Plan and material considerations fail to indicate that permission should be granted in this instance.

RECOMMENDATION: REFUSAL REASON

The site is located within countryside beyond Development Limits as defined in the adopted District Plan. Policy S2 states that:"Permission will not normally be given for development in the countryside beyond Development Limits unless the proposals relate to agriculture, forestry, appropriate outdoor recreational uses, or appropriate changes of use of suitable existing buildings compatible with a rural area. The proposed fails to comply with the above policy as it would represent the erection of a large extension, tantamount to a new building, outside the development limit. Such a proposal would significantly add to the recent extension to building on the original site in a prominent location to the detriment of the character and appearance of this rural area. It is not considered that the applicant has demonstrated why planning permission should be granted contrary to the Development Plan.

Background papers: see application file.

UTT/1250/02/FUL – HENHAM
(Referred at Members' Request)

Construction of 24m x 16m staff car park
Henham & Ugley Primary School. GR/TL 547-280. Mrs.D. Shepherd (Trustee) on behalf of
Persimmon Homes Ltd
Case Officer: Mr Richard Aston 01799 510464
Expiry Date: 20/09/2002

NOTATION: ADP & DLP: Within Development Limits & Settlement Boundaries.

DESCRIPTION OF SITE: The site is located on the southern edge of the village and forms part of the school grounds close to the access from School Lane. It adjoins residential properties in School Lane and Vernons Close.

DESCRIPTION OF PROPOSAL: It is proposed to provide additional staff car parking facilities.

APPLICANT'S CASE: See letter dated 16 October attached at end of report.

CONSULTATIONS: Environment Agency: no objections.

PARISH COUNCIL COMMENTS: Object. Child safety would be put at risk. Loss of amenity. No details of layout, landscaping or lighting. Lighting would be a nuisance to neighbours. Traffic noise would be a nuisance. The school does not need additional staff parking spaces.

REPRESENTATIONS: Four letters have been received. Notification period expired 2 October.

1. Object. School Lane is narrow and the current traffic associated with the school makes it dangerous. The increased traffic from Persimmon Homes would add to this. School must consider safety of children if car park is to be used by Persimmon. The car park is situated on a ransom strip and would be used as access to greenfield land for housing which is not needed. Would the car park be used to store earth-moving equipment or for Persimmon staff? Car park would be directly outside our bedroom window and increased noise would impact on our quality of life. A number of established trees would need to be felled. Would not comply with Government guidelines. No need for the car park.

2. Henham & Ugley Primary & Nursery School: see letter dated 26 September attached at end of report.

3. Object. Unsafe to have more cars parked in this area within the school grounds. The children access the school via a road that would be very near to the proposed car park. Potentially unsightly concrete construction on the border of our property. Would not welcome any increase in noise disturbance and car exhaust fumes.

4. Object. Serious safety hazard to school children. Concerned about creating a precedent which would open up the site for future development which has been strongly resisted in the past.

PLANNING CONSIDERATIONS: The main issues are whether the proposal would be:

- 1) an acceptable use of land within the Development Limits (ADP Policy S1),
- 2) appropriate in relation to the need to provide car parking (ADP Policy T2a and DLP Policy GEN9) and
- 3) harmful to neighbours' amenity or the safety of school children (ADP Policy DC14 and DLP Policy GEN4).

1) There are no planning objections in principle to the use of land within school curtilages for the parking of staff cars.

2) The school governors state that there is no need to provide extra staff parking as there is no evidence of a shortage of such facilities at this school. However, the apparent lack of need at this time is not a valid planning reason to refuse a proposal which otherwise would be acceptable.

3) The issue of neighbours' amenity could be addressed by provision of suitable screening along the common boundary. The school's existing car park abuts the rear gardens of other dwellings and this is a common occurrence. The issue of the safety of children within school grounds is a matter for the head and governors. There is no planning Policy basis for refusing the proposal for this reason. If the car park were provided, staff would no doubt be aware of the potential safety implications.

COMMENTS ON REPRESENTATIONS: There seems to be concern that the car park would be used by Persimmon Homes, but the application is for school staff parking and any other use could be controlled.

CONCLUSION: The use is appropriate and can be limited to school staff parking only. There would be no material harm to neighbours and the safety of children within school grounds is not a valid reason for refusal. The effects of the car park on any future proposals for residential development would be neutral and the planning authority would retain adequate control to ensure that any inappropriate proposal was refused. The detailed layout of the car park and its screening can be conditioned for later approval and the existing trees can be retained.

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 (except for conditions below)
3. C.4.1. Scheme of landscaping to be submitted and agreed
4. C.4.2. Implementation of landscaping
5. C.12.1. Boundary screening requirements

6. C.17.1. Detailed layout to be submitted and agreed
7. The car park hereby approved shall be used only for the parking of vehicles used by staff employed at, and by legitimate visitors to, this school.
REASON: To reduce conflict with the safe movement of pedestrians within the school grounds.
8. C.25.3. Ban on Airport-related car parking

Background papers: see application file.

UTT/1388/02/FUL – STANSTED
(Referred at Members' Request)

Retrospective application to alter the line of footpath approved under planning permission UTT/1003/00/FUL

The Presbytery, St Theresa's Church, High Lane. GR/TL 514-258. Father J White.

Case Officer: Hilary Lock 01799 510486

Expiry Date: 22/11/2002

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

DESCRIPTION OF SITE: The site is located on the northern side of the village between Cambridge Road and High Lane. To the south are dwellings in Five Acres and fronting High Lane. At its western end the site is now occupied by the new church and presbytery.

DESCRIPTION OF PROPOSAL: The proposal is to retain the footpath from High Lane to the new buildings along a route different from that originally approved. The approved alignment was longer and more bendy, joining the access road further north. The implemented route takes a more direct line to the complex once into the site.

APPLICANT'S CASE: See agent's letter dated 16 September attached at end of report.

RELEVANT HISTORY: The main church complex was approved in 2000 following a Members' site visit. Retention of amended alignment of paths at front of complex refused by Members (contrary to Officers' recommendation) following a site visit in May 2002 (appeal decision awaited).

CONSULTATIONS: ECC Transportation: no objections.

Police Architectural Liaison Advice: No objections subject to fencing and planting as before.

PARISH COUNCIL COMMENTS: Object. Adverse effect on security for neighbouring properties. Conditions attached to original plan, approved as exception to Policy, were hard fought and must be adhered to.

REPRESENTATIONS: Three letters have been received. Notification period expired 28 October. See letter dated 20 October attached at end of report which addresses all the points raised.

PLANNING CONSIDERATIONS: The main issues are whether

- 1) the path in the revised location would be unacceptable by virtue of any increased security risks or impact on the amenities of the adjacent properties,
- 2) lighting of the existing path would be unduly intrusive and harmful to neighbours' amenities and

3) the benefits of the path in its revised location would outweigh the considerations relating to the approved alignment (ADP Policies DC1 & DC14 and DLP Policies GEN 2 & GEN4).

1 & 2) The path is 65m long and for 52m of its length is still between 15 and 20m away from neighbouring properties. Only along its westernmost 13m does it run parallel with properties in Five Acres, where it is the greatest distance away. The occupants of the property fronting High Lane, which has a 45m common boundary with the site, have not objected. It is considered that, subject to the implementation of the previously agreed fencing and planting scheme, the differences are marginal. Any lighting can be controlled by condition.

3) The only issue where the path's alignment is not so satisfactory than before is in its straightness visually. The original location agreed in 2000 was to allow for a second overflow car park to be created to the south of the path if required in the future, in addition to one to the north. Neighbours objected to this southern car park and it was deleted. There is no longer any physical reason, therefore, for the path to curve northwestwards as approved. Whilst its straightness may be less attractive visually, it would not have been objected to originally if only one overflow car park had been proposed.

COMMENTS ON REPRESENTATIONS: Neighbours' concerns are noted, but any slight additional impact on amenity can be mitigated by fencing, planting and the format of the lighting. The current appeal regarding the path alignment to the front of the complex would not be prejudiced by this decision.

CONCLUSION: There are no sound or clear-cut planning reasons to warrant refusal and enforcement action.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.4.1. Scheme of landscaping to be submitted and agreed
2. C.4.2. Implementation of landscaping
3. C.12.1. Scheme of 2m fencing to southern boundary to be submitted, approved and implemented
4. Scheme of lighting to be submitted and agreed.

Background papers: see application file.
