

PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 7 APRIL 2003

APPL NO: **UTT/0912/02/FUL**
PARISH: **THAXTED**
DEVELOPMENT: Erection of 5 terraced and 3 detached houses. Creation of vehicular access and covered parking areas
APPLICANT: Mr A Wright
LOCATION: Hanchetts, Weaverhead Lane
D.C. CTTE: 17 March 2003 (page 24)
REMARKS: Deferred for Members' Site Visit
RECOMMENDATION: Approval with conditions
Case Officer: Hilary Lock 01799 510486
Expiry Date: 02 September 2002

APPL NO: **UTT/1653/02/FUL**
PARISH: **STANSTED**
DEVELOPMENT: Two-storey dwelling with double garage
APPLICANT: J A Young
LOCATION: Rear of 22 Park Road
D.C. CTTE: 17 March 2003 (page 52)
REMARKS: Deferred for Members' Site Visit
RECOMMENDATION: Refusal
Case Officer: Geoff Lyon 01799 510458
Expiry Date: 13 January 2003

APPL NO: **UTT/1826/02/FUL**
PARISH: **HATFIELD HEATH**
DEVELOPMENT: Erection of 25m monopole telecommunication mast with six antennae and four microwave dishes, equipment cabinet, 1.8m high security fencing with barbed wire above
APPLICANT: Orange Personal Communications
LOCATION: Greenways Farm Eggs, Camp Farm, Mill Road
D.C. CTTE: 24 February 2003 (page 52)
REMARKS: Deferred for negotiation regarding tree mast (rejected by applicant)
RECOMMENDATION: Approval with conditions
Case Officer: John Grayson 01799 510455
Expiry Date: 4 March 2003

APPL NO: **UTT/1857/02/FUL**
PARISH: **STANSTED**
DEVELOPMENT: Two-storey side extension and single-storey rear extension
APPLICANT: Lisa Marie Lally
LOCATION: 37 St John's Crescent
D.C. CTTE: 17 March 2003 (page 59)
REMARKS: Deferred for Members' Site Visit. See additional representations from Cllr A Dean attached
RECOMMENDATION: To be reported
Case Officer: Geoff Lyon 01799 510458
Expiry Date: 04 March 2003

APPL NO: **UTT/0034/03/FUL**
PARISH: **CLAVERING**
DEVELOPMENT: Two-storey side/rear extension. Raise original roof of dwelling. Insertion of side dormer windows.
APPLICANT: Mr & Mrs K Jones
LOCATION: High Elms, Stickling Green
D.C. CTTE: 17 March 2003 (page 49)
REMARKS: Deferred for Members' Site Visit – See additional applicants' case attached
RECOMMENDATION: Approval with conditions
Case Officer: Michelle Guppy 01799 510477
Expiry Date: 11 March 2003

APPL NO: **UTT/1809/02/FUL**
PARISH: **GREAT DUNMOW**
DEVELOPMENT: Erection of 130 dwellings with garages and associated highway work
APPLICANT: Wickford Development Co Ltd
LOCATION: Plots 417-546 inclusive, Woodlands Park
D.C. CTTE: 17 March 2003 (page 7)
REMARKS: Deferred for further information regarding relocation of school site and link to Godfrey Way
RECOMMENDATION: Approval with conditions
Case Officer: Michael Ovenden 01799 510476
Expiry Date: 17 February 2003

APPL NO: **UTT/0146/03/CC**
PARISH: **GREAT DUNMOW**
DEVELOPMENT: Consultation re outline planning application for new 450 pupil primary school
APPLICANT: Essex County Council
LOCATION: Stortford Road
D.C. CTTE: 17 March 2003 (page13)
REMARKS: Deferred for further information regarding access
RECOMMENDATION: Defer
Case Officer: John Grayson 01799 510455
Expiry Date: 5 March 2003

UTT/0023/03/OP - LITTLE DUNMOW/FELSTED

Outline application for reclamation of despoiled land and redevelopment for up to 216 dwellings (being a net addition of up to 160 dwellings following appeal decision), public house, associated highway, engineering works and landscaping
Former Sugar Beet Works. GR/TL 664-206. Enodis Property Developments.

Case Officer: Richard Aston 01799 510464

Expiry Date: 11/03/2003

NOTATION: ADP & DLP: Outside Development Limits/Part of Oakwood Park Residential site.

DESCRIPTION OF SITE: Oakwood Park is approximately 2.2km to the south of the A120. The application site is irregular in shape, with a total area of 7.49 hectares. To the north of the application site are Phases 1,2 and 4 together with the land intended for the village centre. To the south lies Phase 3 and the land comprises a mix of reclaimed land, unreclaimed land with stockpiles of fill material relating to the earlier reclamation phases.

DESCRIPTION OF PROPOSAL: This revised proposal seeks outline planning permission for the reclamation of despoiled land and redevelopment up to 216 dwellings, (being a net addition of up to 160 dwellings following appeal decision APP/C1570/A/01/1072542 and subsequent dismissal by Secretary of State on 24th October 2002), public house, and associated highway, engineering and landscaping works. It addresses the reason for the recent appeal dismissal by increasing the number of affordable units to 25% (ie. 40).

APPLICANT'S CASE: The purpose of this application is to enable the as yet uncommitted phases of the development to be brought unto minimum PPG3 densities. This will have the effect of optimising the use of the remaining Brownfield land resource at Oakwood Park in accordance with Government Policy. Land reclamation works are ongoing, this will continue under the original permission and the current application intends to replicate these works and they will not extend the area or scope of works already approved. For full supporting statement please see accompanying Planning Statement (available for inspection at Council Offices).

RELEVANT HISTORY: Outline application for reclamation of despoiled land and demolition of redundant structures approved 1996. Temporary storage of soil reclaimed from settlement lagoons, allowed on appeal 1999. Amendment to condition to allow 250 dwellings to be constructed prior to completion of A120 approved 2000. Erection of 80 dwellings and associated garaging approved 2000. Erection of 85 dwellings and associated roads approved 2000. Reserved matters for 69 dwellings approved 2000. Variation of Condition 12 of UTT/0302/96/OP to allow occupation of not more than 305 dwellings prior to opening of A120 approved 2002. Redevelopment up to 655 dwellings, being a net addition of 170 dismissed on appeal in October 2002 for reason of inadequate affordable housing. Revised Masterplan approved January 2002.

CONSULTATIONS: ECC Transportation: - The highway infrastructure should be laid out in accordance with the previously agreed UTT/0302/96/OP. In principle no objections subject to a Section 106 Agreement to cover the following:

- The developer to undertake a monitoring exercise and further traffic assessment 6 months after the A120 bypass is opened to assess actual traffic flows.
- The developer to provide traffic signals or a roundabout at the junction of A120/Station Road as determined by the highway authority following completion of the study. The works to be completed prior to the occupation of the 651st dwelling. If not required then the developer to provide local traffic management and safety improvements to the equivalent value.
- A contribution towards improvement of the junction of A130 with B1417 to deter drivers from using the route from the A130 through North End and Mill Road to Felsted Village.

- Funding for the Felsted to Chelmsford bus service for a further two years and funding for the enhancement of the Braintree to Stansted Airport Service to provide an hourly service also for a further two years. Both bus services to be provided continuously and run concurrently from the termination of the existing obligation under the 26th February 1998 Section 106 Agreement.
- Contributions for a weight restriction through Felsted village centre and gateway enhancement features on Station Road approach. No development to be carried out until contributions have been received.

Essex Police Architectural Liaison: No objections in principle. Issues have been identified regarding the public house. No details of the public house are available and it should be noted that it can attract anti-social behaviour. Requests that planning permission be subject to 'Secured by Design' commercial certification in order that issues regarding CCTV and physical security of the premises are addressed.

Anglian Water: See attached letter dated 20 March 2003 attached of end of report

PARISH COUNCIL COMMENTS: Little Dunmow – It is difficult to comment on the application when there is so little information. What proportion will be affordable? Will the houses be at an increased density? Will the reclamation of despoiled land increase the non-structural sub-soil that has to be replaced and hence an extension to the 2-year time allotted to the movement of soil off site? *(All issues covered in their Planning Statement)*

Felsted – to be reported (due 3 March).

Hatfield Broad Oak – We were given the undertaking that no Stansted-related expansion would occur prior to the A120 being opened. Therefore the grant of permission for any homes to be occupied before the A120 is opened is a mistake. To grant permission would only compound the problem, as there is no necessity for these homes to be built before the infrastructure is in place.

REPRESENTATIONS: This application has been advertised and no representations have been received. Period expired 6th March 2003.

PLANNING CONSIDERATIONS: The main issues are, following the dismissal by Secretary of State, on 24th October 2002, whether

- 1) **sufficient provision of Affordable Housing has now been included to justify the grant of planning permission (ADP Policies S1, H2, H3, DC1, DC14, T1, W1 & FEL1 and DLP Policies S2, H1, GEN2, GEN4, GEN6, H9 & Oakwood Parl LP1) and**
- 2) **there are any other material considerations.**

- 1 In considering the report of the Planning Inspector, who recommended allowing the appeal for the reclamation of despoiled land and redevelopment for up to 655 dwellings (being a net addition of 170 dwellings to those previously approved, making a total of 820) in October 2002, the Secretary of State identified three main issues:
 - Whether it would be unsuitable to grant permission for an additional 170 dwellings bearing in mind the provisions of the Development Plan, the progress towards adoption of the emerging Local Plan and the supply of housing in the district;
 - Whether the proposed development would make an appropriate contribution towards meeting the identified need for affordable housing in the area; and
 - Whether there would be reasonable prospect of the Sewage Works *cordon sanitaire* being reduced sufficiently to allow the development to proceed within the lifetime of the permission.

The Secretary of State agreed with the Inspector that no sustainability arguments existed to justify refusal of the proposal, concurred that there was no reason why permission should not be granted in advance of completion of the Local Plan review process and agreed that allowing the additional dwellings at a higher density would avoid the wasteful use of an existing Brownfield site. The Secretary of State also

concluded that there was reasonable prospect of the *cordon sanitaire* being removed within the lifetime of the permission.

In summing up, the Secretary of State made it quite clear that the sole reason for dismissing the appeal related to the proportion of affordable housing proposed by the developer. The permitted scheme would have made a contribution of 17.2%, however the Development Plan states that airport-related housing schemes should provide for up to 25% Affordable Housing. The Secretary of State took the view that the proportion of affordable housing being offered across the whole of the site was less than he would have expected for a development of this size, particularly in respect of the apparent failure of Low Cost Market Housing to meet affordable housing need in the District. In summing up, the Secretary of State considered that the proposed contribution would therefore be inadequate, with no clear reason given as to why a higher level could not be provided, and that the Council's insistence on 25% was not unreasonable. When considered together with the significant need for affordable housing in the area and the recommended contribution of 25% in the ADP, the Secretary of State considered this reason alone, enough to warrant a refusal and dismissed the appeal.

As a result of this decision, this current application details the provision of an additional 160 dwellings, with 25% provided by Registered Social Landlord (RSL), comprising a mixture of rented and shared equity accommodation. The nature of the units provided and the split between the types provided would be secured by legal agreement. They would be developed in addition to those previously approved over a total area of 7.49 ha (18.5 acres) running east to west south of Phase 2 and north of the primary school site, ie. 70 Affordable through on RSL and 42 low-cost market (total 152 of 820 = 18.5%). The application is considered acceptable in principle following the ruling by the Secretary of State in October 2002 and outlined above. The sole issue why the previous application was refused was on the grounds, ie. that in sufficient provision of affordable housing or clarification as to why this was the case was provided by the developer, has now been addressed, it is considered that no objections should be raised.

In addition, the application also details a slight change in the provision of public and community facilities, in so far as the extra 160 dwellings would necessitate the need for a slightly larger school site and a slightly increased provision of formal public open space. As part of this application, the provision of a doctor's surgery and public house represent additions to the approved 650 dwelling scheme and planning permission is being specifically sought for the public house as part of this application whilst the village centre would be the subject of a separate planning application which would include the surgery, shops, office floorspace, live/work units and affordable housing, negotiations are currently underway to this effect. The extra dwellings, would also necessitate the need for a slightly larger primary school site, than that originally require by the 650 dwelling scheme, a site has been identified and the existing Section 106 agreement between Essex County Council and Enodis already makes provision for this. In principle additional housing would support the provision of these facilities and they would be located in close proximity to existing facilities, accordingly no objections are raised.

- 2) The current density of the development (based on the approved 650 dwelling scheme) is approximately 24 per hectare, which is below recommended Government levels of 30. The current application taking into account the already constructed phases and future development would if approved, bring the overall density of the site to 30 per hectare. This would allow a greater scope for achieving distinct character areas throughout the site as the densities would be lower along the rural edge and increase towards the centre, whilst still respecting its environmental setting.

contained within submitted Planning Statement. A condition preventing occupation before opening of new A120 has been added to decision in light of comments made by Hatfield Broad Oak Parish Council.

CONCLUSION: The previous reason for dismissing the appeal has now been overcome, subject to an amended Section 106 Agreement to secure 25% of Affordable housing of the additional 160 dwellings and to secure the improvement of highway infrastructure and other Highways Authority requirements. Subject to appropriate restrictive conditions, no other material considerations exist to prevent the approval of this scheme.

RECOMMENDATION: APPROVAL WITH CONDITIONS AND AMENDED SECTION 106 AGREEMENT

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. No development until revision of Masterplan.
5. Details of reclamation works.
6. C.4.1. Hard and soft landscaping
7. C.4.2. Implementation of landscaping
8. C.4.4. Retention/Replacement of trees
9. C.4.6. Retention and protection of trees and shrubs
10. Programme of nature conservation and management.
11. No works on land to south of Stebbing Brook until Felsted Fen site is protected.
12. No development until completion of new A120.
13. No delivery of materials between 7:30am and 18:00pm on weekdays 08:00am to 13:00pm on Saturdays and none on Sunday, Bank or Public holidays.
14. No works until dust suppression scheme submitted and approved.
15. Submission of surface water and foul water drainage system.
16. Not more than 650 dwellings before construction of surgery, public house and shopping facilities.
17. No building in *Cordon Sanitare* without written agreement.
18. Scheme of Affordable Housing and implementation.
19. C.8.13. Hours of Construction
20. Layout of junctions.
21. Layout and design to be in accordance with Secured by Design.

Background papers: see application file.

UTT/1042/02/OP – TAKELEY

Outline application for residential development of about 35 dwellings with ancillary roads, footpaths, cycle ways, landscaping and infrastructure works
Land adj Takeley Nurseries, Dunmow Road. GR/TL 572-212. Countryside Properties plc.
Case Officer: John Mitchell 01799 510450
Expiry Date: 03/09/2002

NOTATION: Within Takeley Local Policy 1 Area in Adopted District Plan (ADP) and within Takeley / Little Canfield Local Policy 3 – Prior's Green Site in the Deposit Draft Local Plan (DLP). Within approved Master Plan for Prior's Green. The site is also within the area subject to Supplementary Planning Guidance for existing small areas within Prior's Green, Takeley/Little Canfield approved by the Environment and Transport Committee on 11th March 2003.

DESCRIPTION OF SITE: The site has an area of 1.09 ha (2.6 acres), is irregularly shaped and has a frontage of 70m onto the A120 to the south of Takeley Nurseries between New House and Southview Villas. It is mainly grassed with increasing scrub and vegetation to the east and has a maximum dept of approximately 42m. The site is one of several "island sites" within the Prior's Green site which lie outside the outline planning application site for 650 dwellings but within the Takeley/Little Canfield policy area.

DESCRIPTION OF PROPOSAL: Outline planning permission is sought for approximately 35 dwellings in accordance with the requirements of the master plan, i.e. with ancillary roads, footpaths, cycle ways and infrastructure works. All detailed matters are reserved.

APPLICANT'S CASE: See attached letter dated 3rd July 2002 attached at end of report.

RELEVANT HISTORY: None directly relevant to the site. Members will recall that outline planning permission was granted, subject to a legal agreement, for the development of 650 houses for most of the Prior's Green site at their meeting of 29th April 2002.

CONSULTATIONS: Essex County Council Transport and Operational Services: No objection subject to s106 agreement and conditions to link with same on UTT/0816/00/OP.
Essex County Council Learning Services: Request contribution of £151,398 to meet primary and secondary school needs. Subsequently waived in the light of Supplementary Planning Guidance.
Essex County Council Specialist Archaeological Advice: Field Evaluation by trial trenching.
Thames Water: No objection
Environment Agency: No objection subject to conditions
Essex Police: No objection in principle but wish to comment at detailed stage

PARISH COUNCIL COMMENTS: Takeley: No objection.
Little Canfield PC: No objection.

REPRESENTATIONS: This application has been advertised and no representations have been received. Period expired 22 August 2002.

PLANNING CONSIDERATIONS: The main issues are whether

- 1) the development would be compatible with the Master Plan and the Council's Supplementary Planning Guidance (PPG3, ADP Takeley Local Policy 1 and DLP Local Policy 3) and
- 2) social, amenity and infrastructure contributions are required (DLP Policy GEN6).

1) The Development Plan policies do not permit development of this site in isolation. Development of this site is however acceptable in principle provided it is contiguous with the development of the Prior's Green site over a

Supplementary Planning Guidance (SPG) emphasises that the principle of development of this and the other “island sites” is acceptable; that new development should gain access from the approved internal road network; that financial contributions should be made towards education, transport, sports, community and landscaping facilities; that affordable housing should be provided; and that no permissions should be granted on the island sites until UTT/0816/00/OP has outline planning permission.

The Takeley/Little Canfield policy area has an allocation of 725 dwellings in the deposit draft local plan, and the Committee has resolved to grant planning permission for 650 dwellings under planning permission UTT/0816/00/OP. Development of this site at 30 dwellings per hectare would enable the construction of 35 dwellings, bringing the total to 685. Taken together with the planning application at The Laurels, considered next on this agenda, for 44 dwellings, this would bring the total number of dwellings at Prior’s Green to 729. This increase of 4 over the Local Plan allocation is not considered material. A condition limiting the number of dwellings to 35 is considered necessary. Other island sites will be treated on their merits as and when applications are made.

2) SPG makes specific reference to this site and planning application in discussing financial contributions. This application and the larger application (UTT/0816/00/OP) are both submitted by Countryside Properties plc, and the SPG considers that Countryside Properties should not make additional contributions except for landscaping and maintenance. This is because the financial contributions for UTT/0816/00/OP were based on 700 dwellings whereas the planning permission would be limited to 650 dwellings by a condition imposed by Members. There is therefore a “float” of 50 dwellings for which financial contributions have already been taken into account.

In any event, affordable housing at 25% would be secured by condition.

CONCLUSION: The development of this site is acceptable in principle provided it is developed contiguously with planning permission UTT/0816/00/OP and not in isolation. Financial contributions are not required other than for landscaping and maintenance. A section 106 agreement will be necessary to ensure this and to link this site with the larger development, preventing its development in isolation. Affordable housing at 25% is proposed to be secured by condition. It is considered that identical conditions to those applying to UTT/0816/00/OP should be applied wherever possible, including preventing development until the opening of the new A120.

RECOMMENDATION: APPROVAL WITH CONDITIONS SUBJECT TO A SECTION 106 OBLIGATION COVERING THE ISSUES DETAILED ABOVE

1. C.1.1 Standard of reserved matter: 1
2. C.1.2 Submission of reserved matter: 2
3. C.1.3 Time limit for submission of reserved matters
4. C.1.4 Time limit for submission of reserved matters
5. Within the area defined by the planning permission no more than 35 dwellings shall be erected
REASON: to ensure the development complies with the Development Plan and is appropriate to this location
6. Within the area defined by the planning application an overall net density of 30 dwellings per hectare shall be achieved
REASON: to comply with Government policy in achieving a minimum density of 30 dph overall
7. The land the subject of this planning permission shall not be developed other than contiguous with planning permission UTT/0816/00/OP. The site shall be included within the approval of phasing and development densities set out in condition 7 of planning permission UTT/0816/00/OP.
REASON: to secure appropriate phasing and densities in a comprehensive manner

- 8 The development hereby permitted shall be carried out in accordance with the Master Plan, drawing no. 1071/MP/6 Rev A dated 10.08.00 unless otherwise agreed in writing by the local planning authority
REASON: to ensure development proceeds in broad accordance with the principles set out in the approved Master Plan
9. C.5.2. Details of materials
10. C.4.1. Scheme of landscaping
11. C.4.2. Implementation of landscaping
12. C.4.6. Retention of trees and shrubs
13. No development works shall take place until a landscape and ecological strategy for the site has been approved by the Council. The strategy will set out an agreed programme of mitigation works for the resident flora and fauna and a plan for the future maintenance and protection thereof. The programme of works and management plan shall be agreed with the local planning authority in writing and implemented in accordance with the agreed details, including any phasing. Any variation to the agreed programme of works and management plan shall be agreed in writing with the local planning authority before that variation is carried out.
REASON: to minimise the effect of the development on existing landscape and wildlife
14. C.16.2 Full archaeological excavation and evaluation
15. No development/works shall take place until a programme of works for the provision of foul and surface water drainage has been submitted to and approved in writing by the local planning authority, following consultation with Thames water. Subsequently the works shall be implemented as approved, including any phasing in relation to the occupation of buildings
REASON: to ensure there adequate surface and foul drainage systems are provided for the development and there are no adverse effects on the wider community
16. No development/works shall take place until details of the car parking layouts, vehicle and pedestrian accesses, cycleway 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.
REASON: to ensure there are sufficient spaces for vehicles accessing the site and there are safe areas for pedestrians and cyclists
17. The position, layout and construction of bus stops shall be agreed at the engineering stage
Reason: to provide a safe facility for bus users and buses accessing the development.
18. 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, 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.
REASON: to provide an adequate and high quality environment and to ensure minimum adverse effects of light spillage.
19. C.12.1. Boundary screening requirements
20. Noise construction levels
21. The construction vehicle access shall be a left in/left out priority junction. Right turning movements in and out of the junction will not be permitted.
REASON: in the interests of highway safety
22. Except in emergencies, no deliveries of materials shall be permitted to the site during the period of construction of development:
Prior to the opening of the A120 bypass
a) before 10.00 and after 16.00 on Mondays to Fridays
b) before 08.00 and after 13.00 on Saturdays
c) on any Sunday or Bank or Public holiday
After the opening of the A120 bypass

- a) before 07.30 and after 18.00 on Mondays to Fridays
 - b) before 08.00 and after 13.00 on Saturdays
 - c) on any Sunday or Bank or Public holiday
- REASON: to protect the amenities of residents and to minimise the impact of traffic on the Dunmow Road prior to the new A120 opening
23. Haul route for construction vehicles and wheel washing facilities to be provided on site
- To protect the amenities of residents and to prevent the deposit of mud on the roads
24. No development shall take place until cross sections of the site and adjoining land have been submitted to and approved in writing by the local planning authority
- REASON: to minimise overlooking and loss of privacy on nearby residential properties
25. No development shall take place until the new A120 has been completed and open to traffic between the M11 and Great Dunmow
- REASON: in the interests of highway safety
26. No development shall take place until details of dust suppression methods relating to construction work have been submitted to and approved in writing by the local planning authority. The scheme shall be submitted in accordance with the approved details.
- REASON: to protect the amenity of nearby residential properties
27. 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, and 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, including housing for rent and shared equity but excluding low cost market housing and
 - b) secures the involvement of a Registered Social Landlord (as defined in the Housing Act 1986) and
 - c) provides affordable housing units of such types, sizes and mix as are appropriate to meet local needs to a Registered Social Landlord on such financial and other terms as will ensure that such units will be capable of being let at affordable rents and
 - d) identifies a specified alternative arrangement in the event that the involvement of a Registered Social Landlord has not been secured within 5 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 5 years of the approval of the affordable housing scheme, the involvement of a Registered Social Landlord has not been secured in the terms of the affordable housing scheme, the affordable housing may be used for the specified alternative set out in the approved Affordable Housing Scheme
- REASON: to ensure the development provides sufficient genuinely affordable houses consistent with the Council's Housing Needs Survey

Background papers: see application file.

UTT/0518/02/OP – TAKELEY

Outline application for residential development
Land at The Laurels Yard, Dunmow Road. GR/TL 569-212. R & D McGowan.
Case Officer: John Mitchell 01799 510450
Expiry Date: 23/05/2002

NOTATION: Within Takeley Local Policy 1 Area in Adopted District Plan (ADP) and within Takeley / Little Canfield Local Policy 3 – Prior's Green Site in the Deposit Draft Local Plan (DLP). Outside the approved master plan for Prior's Green. The site is within the area subject to Supplementary Planning Guidance for existing small areas within Prior's Green, Takeley/Little Canfield approved by the Environment and Transport Committee on 11th March 2003.

DESCRIPTION OF SITE: The site has an area of 1.46 ha (3.6 acres), is irregularly shaped and has a frontage of 47m to the north side of the current A120 between Wayside Cottage and Broadfield Villas. It extends to a depth of approximately 158m with a maximum width of approximately 115m. The site is currently in use for the sorting, storage and sale of a range of scrap items made from different materials. Uses surrounding the site include residential and agriculture/uncultivated land.

DESCRIPTION OF PROPOSAL: Outline planning permission is sought for residential development with all detailed matters reserved.

APPLICANT'S CASE: See attached letter and supporting statement dated 25th March 2002.

At that time the applicant sought an independent residential planning permission, but following negotiation and the adoption of Supplementary Planning Guidance has accepted that any permission will need to be linked to the outline planning permission reference UTT/0816/00/OP.

RELEVANT HISTORY: Established Use Certificate granted for the scrap dismantling, sorting, storing and resale to trade and public in whole or part 1991. Erection of replacement building approved 1993.

CONSULTATIONS: Essex County Council Transport and Operational Services: To be finalised but if access arrangements can be achieved they will require a contribution towards post by-pass traffic management measures, a marketing/publicity campaign for the new bus service to be provided through the Prior's Green site, and to provide pedestrian/cycle links through the site to link with the network of routes through the Prior's Green development and to link to the proposed bus stops and pedestrian/cycle crossing points on the A120.

Essex County Council Learning Services: Contribution towards primary and secondary education based on multiplier as set out in SPG, but with an allowance for any residual contributions already taken into account in the approval of UTT/0816/00/OP.

Essex County Council Specialist Archaeological Advice: Field Evaluation by trial trenching.

Thames Water: No objection

Environment Agency: No objection subject to conditions

Essex Police: A condition requiring the development to be "secured by design".

English Nature: No objection.

PARISH COUNCIL COMMENTS: The overall site including land adjacent to South View (which has yet to come forward for development) must be considered as a whole. Housing numbers should be compliant with PPG3 but in the lower range.

REPRESENTATIONS: This application has been advertised and no representations have been received. Period expired 19 May 2002.

PLANNING CONSIDERATIONS: The main issues are

- 1) **whether the development could be compatible with the Master Plan and the Council's Supplementary Planning Guidance, PPG3, ADP Takeley Local Policy and DLP Local Policy 3,**
- 2) **the extent to which social, amenity and infrastructure contributions are required (DLP Policy GEN6) and.**
- 3) **whether the development should proceed independently or contiguous with the Prior's Green development.**

1) The site lies outside the Master Plan area for Prior's Green, but is surrounded by it on three sides. It lies within the policy area for residential development at Takeley/Little Canfield. The Development Plan policies do not permit residential development of this site in isolation, but would permit an appropriate commercial redevelopment of the site given its brownfield status. Residential development of this site would be acceptable in principle provided it is contiguous with the development of the Prior's Green site overall and the principles of the Master Plan.

Supplementary Planning Guidance emphasises that the principle of development of this and the other "island sites" is acceptable in principle; that new development should gain access from the approved internal road network; that financial contributions should be made towards education, transport, sports, community and landscaping facilities; that affordable housing should be provided; and that no permissions should be granted on the island sites until UTT/0816/00/OP has outline planning permission. The applicant accepts that development should take place within the overall umbrella of SPG.

The Takeley/Little Canfield policy area has an allocation of 725 dwellings in the deposit draft local plan, and the Committee has resolved to grant planning permission for 650 dwellings under planning permission UTT/0816/00/OP. Development of this site at 30 dwellings per hectare would enable the construction of 44 dwellings, bringing the total to 694. Taken together with the planning application at Takeley Nurseries, considered as the previous case on this agenda, for 35 dwellings, this would bring the total number of dwellings at Prior's Green to 729. This increase of 4 over the Local Plan allocation is not considered material. A condition limiting the number of dwellings to 44 is considered necessary. Other island sites will be treated on their merits as and when applications are made.

2) SPG requires that all the island sites other than the land adjacent to Takeley Nurseries should make appropriate and proportionate contributions to social, amenity and infrastructure requirements. These are based on an assessment of the costs of primary and secondary education, a contribution to transport enhancement and a contribution to the enhancement of local sports and/or community facilities, a contribution to fitting out, equipping and furnishing the on-site community centre and a financial contribution to structural landscaping and a 15-year landscape sum for its proper maintenance. The total basic financial contribution for wider and longer term benefits excluding affordable housing and any associated additional educational payments and landscape contributions totals £5,969 per dwelling at current prices. Because this site is outside the Master Plan area these contributions will need to be made in full, although the education requirement can be reduced proportionately to take account of any residual contributions already taken into account in the approval of UTT/0816/00/OP. This is exceptionally because Countryside Properties, the developer of the Prior's Green site, have options to purchase the application site on the grant of planning permission. Should Countryside Properties choose not to exercise their options then the full contribution will need to be sought.

In any event, affordable housing at 25% would be secured by condition.

3) Independent residential development of this site without reference to the overall development of Prior's Green would not be acceptable. This is primarily because the Council's policies would presume against it, notwithstanding its brownfield status, access would need to be taken directly from the current A120 and without the overall infrastructure requirements and context of the larger development it would not be a sustainable form of

development. An independent commercial redevelopment may be acceptable in principle, but this is not an issue before the Council.

COMMENTS ON REPRESENTATIONS: Takeley Parish Council's comments are acknowledged and have been taken into account in the formulation of, and adherence to, SPG.

CONCLUSION: The development of this site is acceptable in principle provided it is developed contiguously with planning permission UTT/0816/00/OP and not in isolation. A section 106 agreement will be necessary to ensure contributions to social, amenity and infrastructure requirements as set out above and to link this site with the larger development, preventing its development in isolation. Affordable housing at 25% is proposed to be secured by condition. It is considered that identical conditions to those applying to UTT/0816/00/OP should be applied wherever possible, including preventing development until the opening of the new A120.

RECOMMENDATION: APPROVAL WITH CONDITIONS SUBJECT TO A SECTION 106 OBLIGATION REQUIRING CONTRIBUTIONS IN ACCORDANCE WITH THE TAKELEY/LITTLE CANFIELD SPG AND ALSO COVERING THE ISSUES DETAILED ABOVE

1. C.1.1. Submission of reserved matters: 1
2. C.1.2. Submission of reserved matters: 2
3. C.1.3. Time limit for submission of reserved matters
4. C.1.4. Time limit for commencement of development
5. Within the area defined by the planning permission no more than 44 dwellings shall be erected
REASON: to ensure the development complies with the Development Plan and is appropriate to this location
6. Within the area defined by the planning application an overall net density of 30 dwellings per hectare shall be achieved
REASON: to comply with Government policy in achieving a minimum density of 30 dph overall
7. The land the subject of this planning permission shall not be developed other than contiguous with planning permission UTT/0816/00/OP. The site shall be included within the approval of phasing and development densities set out in condition 7 of planning permission UTT/0816/00/OP.
REASON: to secure appropriate phasing and densities in a comprehensive manner
8. The development hereby permitted shall be carried out in accordance with the Master Plan, drawing no. 1071/MP/6 Rev A dated 10.08.00 unless otherwise agreed in writing by the local planning authority
REASON: to ensure development proceeds in broad accordance with the principles set out in the approved Master Plan
9. C.5.2. Details of materials
10. C.4.1. Scheme of landscaping
11. C.4.2. Implementation of landscaping
12. C.4.6. Retention of trees and shrubs
REASON: to provide a high quality environment and minimise the visual impact of the development
13. No development works shall take place until a landscape and ecological strategy for the site has been approved by the Council. The strategy will set out an agreed programme of mitigation works for the resident flora and fauna and a plan for the future maintenance and protection thereof. The programme of works and management plan shall be agreed with the local planning authority in writing and implemented in accordance with the agreed details, including any phasing. Any variation to the agreed programme of works and management plan shall be agreed in writing with the local planning authority before that variation is carried out.
REASON: to minimise the effect of the development on existing landscape and wildlife

14. C.16.2. Full archaeological excavation and evaluation
15. No development/works shall take place until a programme of works for the provision of foul and surface water drainage has been submitted to and approved in writing by the local planning authority, following consultation with Thames water. Subsequently the works shall be implemented as approved, including any phasing in relation to the occupation of buildings
REASON: to ensure there adequate surface and foul drainage systems are provided for the development and there are no adverse effects on the wider community
16. No development/works shall take place until details of the car parking layouts, vehicle and pedestrian accesses, cycleway 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.
REASON: to ensure there are sufficient spaces for vehicles accessing the site and there are safe areas for pedestrians and cyclists
17. The position, layout and construction of bus stops shall be agreed at the engineering stage
REASON: to provide a safe facility for bus users and buses accessing the development.
18. 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, 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.
REASON: to provide an adequate and high quality environment and to ensure minimum adverse effects of light spillage.
19. C.12.1. Boundary screening requirements
20. Noise construction levels
21. The construction vehicle access shall be a left in/left out priority junction. Right turning movements in and out of the junction will not be permitted.
REASON: in the interests of highway safety
22. Except in emergencies, no deliveries of materials shall be permitted to the site during the period of construction of development:
Prior to the opening of the A120 bypass
a) before 10.00 and after 16.00 on Mondays to Fridays
b) before 08.00 and after 13.00 on Saturdays
c) on any Sunday or Bank or Public holiday
After the opening of the A120 bypass
a) before 07.30 and after 18.00 on Mondays to Fridays
b) before 08.00 and after 13.00 on Saturdays
c) on any Sunday or Bank or Public holiday
REASON: to protect the amenities of residents and to minimise the impact of traffic on the Dunmow Road prior to the new A120 opening
23. Haul route for construction vehicles and wheel washing facilities to be provided on site
REASON: To protect the amenities of residents and to prevent the deposit of mud on the roads
24. No development shall take place until cross sections of the site and adjoining land have been submitted to and approved in writing by the local planning authority
REASON: to minimise overlooking and loss of privacy on nearby residential properties
25. No development shall take place until the new A120 has been completed and open to traffic between the M11 and Great Dunmow
REASON: in the interests of highway safety
26. No development shall take place until details of dust suppression methods relating to construction work have been submitted to and approved in writing by the local

planning authority. The scheme shall be submitted in accordance with the approved details.

REASON: to protect the amenity of nearby residential properties

27. 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, and 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, including housing for rent and shared equity but excluding low cost market housing and
 - b) secures the involvement of a Registered Social Landlord (as defined in the Housing Act 1986) and
 - c) provides affordable housing units of such types, sizes and mix as are appropriate to meet local needs to a Registered Social Landlord on such financial and other terms as will ensure that such units will be capable of being let at affordable rents and
 - d) identifies a specified alternative arrangement in the event that the involvement of a Registered Social Landlord has not been secured within 5 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 5 years of the approval of the affordable housing scheme, the involvement of a Registered Social Landlord has not been secured in the terms of the affordable housing scheme, the affordable housing may be used for the specified alternative set out in the approved Affordable Housing Scheme
- REASON: to ensure the development provides sufficient genuinely affordable houses consistent with the Council's Housing Needs Survey

Background papers: see application file.

UTT/0152/03/FUL – SAFFRON WALDEN

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. (This is a duplicate application of UTT/1244/02/FUL.)

Land off Thaxted Road at Harris Yard. GR/TL 545-383. Bovis Homes Limited.

Case Officer: John Grayson 01799 510455

Expiry Date: 07/04/2002

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: This is a duplicate proposal identical to that for which planning permission was approved in December 2002. 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: This application is a contractual obligation.

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 Officers' recommendation) in February 2002 for reasons of poor access visibility and inadequate provision for pedestrians and cyclists. Approval for 72 dwellings granted in December 2002. Revision to phasing of footpath link to NE agreed in March 2003.

CONSULTATIONS: 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.

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.

Environment Agency: The site overlies a major aquifer (highly permeable) with soils of high leaching potential, it is therefore highly vulnerable to pollution. The site is also situated within Source Protection Zone II of the Environment Agency's groundwater protection policy. We suggest that the application site is subject to a detailed scheme for the investigation and recording of contamination and a report submitted together with detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless any contamination that may be found. The sewerage undertaken should be consulted regarding the availability of capacity in the foul water sewer. If there is not capacity in the sewer then the Environment Agency must be reconsulted with alternative methods of disposal. Subject to the approval of the Local Authority, a percolation test should be undertaken to ensure that soakaways will work adequately in adverse conditions. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals should be submitted.

ECC Learning Services: now requests contribution of £122,400 to help meet extra need for school place (previous forecast was that no additional need would be generated).

TOWN COUNCIL COMMENTS: The Committee strongly object to this application, even though permission has been granted for a duplicate application, because the original permission should not have been granted as the District Council did so with the clear knowledge that the Highway Authority had admitted that the access failed to meet their own requirements for adequate junction visibility.

REPRESENTATIONS: This application has been advertised and 2 representations have been received. Period expired 13/03/03.

1. Concerns for our right of way over the front corner of the property which we use and maintain and is needed to gain safe access to the path and very busy road. Trees are self set and have become a considerable nuisance and a worrying problem. It is not the intention of the planners to leave these as landscaping. It is still a very dense housing site putting pressure on doctors, schools, amenities and recreational areas.
2. The development will cause chaos at peak times there is no pavement opposite the entrance.

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 site, 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. The request from ECC Learning Services cannot now be included in the Section 106 Agreement since the previous approval did not include it and can still be implemented.

CONCLUSION: 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 during the development.

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 as agreed.

Background papers: see application file.

UTT/1147/02/FUL – ELSENHAM

Conversion of stables to form 33 bedroom motel with erection of restaurant, bar and kitchen building. Creation of 40 car parking spaces.

The Stables, Gaunts End. GR/TL 550-255. I Hussain.

Case Officer: Anthony Betros 01799 510471

Expiry Date: 25/09/2002

NOTATION: Outside Development Limits/Within Countryside Protection Zone.

DESCRIPTION OF SITE: The site lies in open countryside north of Stansted Airport and east of the Quality Foods factory. It is located on the northern side the road between Takeley and Elsenham, approximately 500m east of the newly developed Golf Course entrance. The site has a narrow and largely unestablished driveway within the western boundary which provides access to the main road which carries a consistent volume of traffic in a 60 miles per hour zone. A thick wooded screen exists along the western side of the driveway while various farm and listed buildings including Home Farm Cottages are located to the east of the site. The access driveway also provides access to the buildings to the east of the stable quadrangle.

The overall site area which contains the stable buildings, front setback and limited land to the sides and rear is 1.375 ha (3.4 acres). The site itself contains a quadrangle of stable buildings set approximately 70m back from the roadway. The application form states that the current status of the stable buildings is for the 'keeping of horses'.

DESCRIPTION OF PROPOSAL: The original proposal was to convert the stables to a motel containing 33 units within the existing stable buildings as well as new conference rooms, restaurant, gymnasium, indoor swimming pool, meeting rooms and ancillary facilities within the centre of the quadrangle. Parking areas for a total of 60 spaces are proposed around the perimeter of the stable buildings. Revised plans have now been submitted which have deleted the new-build pool and conference centre in favour of 10 extra bedrooms, increased the driveway width, revised the car parking and landscaping layout and included extra land to improve the sight-lines.

APPLICANT'S CASE: See supporting statement dated 12 September 2002 attached at end of report. The application form contains the following information:

- Soakaways to dispose of surface water
- 'Klargester' Bio-Tech Sewage Treatment Plant for sewage
- Additional 250 sqm of floor space to the existing 605 sqm for a total of 855 sqm
- Total of 13 staff associated with the proposal
- Car parking- 4 spaces for employees, 56 for motel guests etc
- Anticipated traffic flow- 50 cars between 7am –7pm, 10 cars between 7pm-7am
- 2 service vehicles between 7am-7pm, 0 trips 7pm-7am
- Proposal relates to an existing hotel at Harlow

RELEVANT HISTORY: Change of use of agricultural buildings on adjoining site to joinery workshop, storage of vintage vehicles and bulk timber store refused in 1989 on grounds of effects on listed building, amenity of adjacent residents and detrimental visual impact: allowed on appeal in 1990. Waste transfer station adjacent to Home Farmhouse refused in 1994 and dismissed on appeal in 1995 on grounds of detrimental effects on open area. Change of use of barn to north of Home Cottage to use for B2 industrial use and B8 storage approved in 1997 subject to personal condition. On cessation of this use, change of use of the same barn to use for B1 light industrial, B2 general industrial, B2 general industrial and B8 storage and distribution refused in 1999 on grounds of detriment to amenity of nearby residents and effect on highway safety and free flow of traffic on the adjoining highway: allowed on appeal in 2000. Approval of conversion of stables to 11 light industrial B1 units with parking inside the quadrangle for 32 vehicles, in August 2001, including conditions relating to highway safety, landscaping and restriction on parking to the uses on the site

with a prohibition of parking associated with Stansted Airport. Hours of operation were restricted to 8am to 6pm weekdays and 9am to 1pm Saturdays with no operation on Sundays, Bank or Public Holidays. The condition relating to highway access included the following:

“Details indicating the existing point of access, together with details of the measures intended to maintain adequate visibility splays at this point of access shall be submitted to and approved by the local planning authority prior to the commencement of any works on the site.”

CONSULTATIONS: Thames Water: No objections.

ECC Transportation: No objections raised to revised scheme subject to provision of adequate vision splays and driveway width.

Three Valleys Water: In view of the water demand required by the development, it will be necessary that cold-water storage be installed. The developer will be required to make an application for a water supply and provide plumbing drawings.

Environmental Agency: No objection subject to advisory details.

English Nature: The application does not affect a Site of Special Scientific Interest, however Council should ensure that bats or barn owls may be present in the stables as there is adjacent woodland. If species are suspected or identified by Council, an ecological survey should be submitted by an appropriately qualified consultant on behalf of the applicant.

DC Building Surveying: See memo dated 13 February attached at end of report

DC Specialist Design Advice: No objections to the proposal as there is no material change to the buildings and no likely impact on the nearest listed buildings to the east.

PARISH COUNCIL COMMENTS: Strongly object- close to the airport, in cohesion with the airport, over intensification. This is an area of natural beauty, is extremely rural, outside the development area and already overdeveloped. Traffic coming out of Hall Road would create a traffic hazard. The sightlines are very poor. A busy junction in this area would be very dangerous and would cause road traffic accidents. This application would generate an additional 60 cars an hour along Hall Road.

Officers' Comment: The application has been amended since these comments through the removal of the conference centre and pool which reduces the car parking requirements and associated traffic flows. A condition would be imposed to achieve splays which satisfy required distances as shown on the revised plans.

REPRESENTATIONS: This application has been advertised and 2 representations have been received. Period expired 12 September 2002.

- (i) Traffic and Parking- the entrance is wholly unsuitable for the traffic that would be associated with the development. Traffic and parking movements may be higher if the recreation facilities are available to the public in the future. The vehicle movements are likely to be greater than indicated due to trips associated with the Airport after 7pm and prior to 7am. The vehicle movements associated with 60 cars would cause exhaust pollution.
- (ii) Nearby use- the application states that the proposal relates to a nearby use, however no such use exists.
- (iii) Hours of operation- the 24 hour use would completely change the surrounding environment, both from the aspect of noise and security.
- (iv) Service vehicles- the number of service vehicle movements (2 per day) is understated as it does not appear to have taken into account, maintenance, hotel supplies, waste removal etc
- (v) Sewage and surface water- discharge into ditch is inappropriate while additional demands of 60 patrons would have an adverse affect on the drainage capacity of the area

PLANNING CONSIDERATIONS: The main issues are whether the proposal is consistent with:

- 1) **Policy S4 (ADP)- Countryside Protection Zone around Stansted Airport,**
- 2) **C5 (ADP)- Conversion of Rural Buildings,**
- 3) **REC 3 (ADP)- Tourist Accommodation and Facilities in the Countryside,**
- 4) **T1 (ADP)- New Development and General Highway Considerations and**
- 5) **DC14 (ADP)- General Amenity.**

1) Policy S4 seeks to prevent development within the Countryside Protection Zone which would promote coalescence or adversely affect the open characteristics of the zone. There would be no coalescence in this case since no new buildings are proposed outside the enclosing quadrangle. The car parking would be sited behind the buildings and is proposed to be screened by landscaping. Therefore, it is considered that the proposed conversion and associated parking is satisfactory in this respect. A conditions would be imposed prohibiting airport parking associated with Stansted Airport.

2) The conversion of the buildings involves a change in use from stables to motel accommodation, while the previous approval involved a change to light industrial B1 units. The development works to the stables are limited to new doors and windows as well as internal refurbishment for the new use. Policy C5 of the UDP states that the appropriate re-use of soundly constructed rural buildings for non-residential purposes will normally be permitted. Building Surveying have confirmed that the stables are soundly constructed and their retention would be assisted by the proposal.

3) Policy REC3 states that changes of use and extensions, which do not adversely affect the rural interests of the countryside, to provide tourist accommodation will normally be permitted. The proposal is considered to satisfy this and other relevant policies subject to achieving acceptable highway safety standards. The design of the new building within the quadrangle is considered acceptable as its limited height results in it being screened from the highway and surrounding properties.

4) Policy T1- New development and general highway restrictions, states that development proposals will normally be refused if the nature and volume of traffic 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. ECC TOPS have recommended that visibility splays of 4.5m x 215m which require the removal of the hedge to the east and west of the existing driveway. A driveway width of 5.5m would also be required with a 10.5m radius at the access junction. Given that the initial plans do not reflect these distances, ECC TOPS originally recommended refusal. Excessive traffic flows and concern over pedestrian safety associated with bus services were also raised. However, revised plans have now been submitted showing the inclusion of additional land from adjoining neighbours along the frontage to achieve the required splay distances, driveway width and radius recommended by ECC TOPS. The removal of the conference centre, gymnasium and pool as now proposed would result in decreased traffic flows to and from the site. The restaurant would only be permitted to serve patrons of the hotel which would also further reduce traffic and parking movements.

Comparisons with the flows from the previously approved B1 uses (11 light industrial units) are also favourable as it is anticipated that a lower volume of commercial and service vehicles will be associated with the motel use. Also, typical vacancy rates associated with motels are likely to result in lesser traffic flows than the light industrial units, which are more likely to have a higher occupancy rate. The amount of parking will be conditioned to be reduced given the removal of the conference centre, gymnasium and pool and the restriction on the restaurant to patrons.

Based upon the parking requirement of 1 space per guest bedroom, 33 spaces would therefore be required while an additional 7 spaces is recommended to be required for staff and servicing, which would result in a total parking provision of 40 spaces (from 60 spaces). The approved B1 use proposed 32 car parking within the quadrangle courtyard. Although, the car spaces associated with the motel are proposed external to the group of buildings,

their impact on the countryside would be limited as the spaces would be obscured from public view due to screen landscaping and the former stable buildings.

5) The use of the stables for motel use with restaurant is unlikely to result in any amenity impacts to surrounding properties due to the nature of the use and the distance from its closest neighbours (25 m).

COMMENTS ON REPRESENTATIONS: The planning assessment has addressed the issues raised in the objections in relation to traffic and parking while other concerns included the hours of operation and environmental impacts. The motel would operate on a 24 hour basis, however, it is considered that the nature of the use would not create any material amenity impacts, while the isolated access point and separation of rooms from neighbours should also ensure a satisfactory relationship. Conditions will be imposed to ensure that the surrounding waterways and soakways will not be detrimentally affected by the proposal.

CONCLUSION: Subject to the applicant achieving adequate traffic access and environmental management through compliance with conditions, the proposal is considered acceptable under Council's relevant policies on design and amenity grounds. There is no plan Policy preventing commercial businesses setting up a service which may be related to the use of the Airport on land off-Airport, so long as all other Policies are complied with.

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.4.1. Scheme of landscaping to be submitted and agreed
4. C.6.13 Excluding extensions and erection of freestanding buildings and siting of chattels
5. C.9.1. No outdoor storage
6. C.10.2 Standard Highway Requirements
7. C.10.7 Standard Highway Requirements
8. C.11.1 Standard Vehicle Parking Facilities
9. C.20.1. Protection of bat roosts
10. C.24. Advertisements Standard Conditions
11. C.25.3. Ban on Airport-related car parking

Background papers: see application file.

UTT/0123/03/FUL – STANSTED
(District Council Interest)

Change of use of land to skateboard facility and erection of associated equipment.
Former railway sidings, Lower Street. GR/TL 517-249. Stansted Parish Council.
Case Officer: Geoff Lyon 01799 510458
Expiry Date: 01/04/2003

NOTATION: Outside Village Development Limits/Within ADP Policy SM3 Lower Street Development Opportunity Area.

DESCRIPTION OF SITE: This site owned by the District Council and is located to the east of the village centre. It is accessed at the junction of Chapel Hill, Lower Street, Station Road and Church Road. This access is shared with the existing car and coach park, which leads to the site. The mainline railway service to Stansted Airport, Cambridge and London runs immediately to the south of the site with high-speed trains frequently passing by. To the north is Stansted Castle Ring, Bailey and 'Moat House', a residential dwelling, on rising land up and there is a row of existing trees. The site itself is currently secured with a 2m high concrete post and wire fence with barbed wire above.

DESCRIPTION OF PROPOSAL: This revised application is a resubmitted proposal following withdrawal of the previous one in February 2002. The scheme consists of a change of use of the land to provide a skateboard facility and erection of associated equipment. The equipment proposed consists of a 'Half Pipe', 'Grinding edge', 'Major Cheese', 'Wide Grinder', 'Round Grinder', 'Double Shelter', 'Quarter Pipe' and 'Flat Top Grinder' plus other associated equipment. The equipment would be constructed using timber frames with a timber or steel finish. The facility would be unsupervised. The site would be enclosed with metal security fencing, but no height measurements are supplied with the application. The applicant has also indicated the use of lighting for the site, details of which are to be agreed at a later date following a decision.

APPLICANT'S CASE: The Parish Council has been looking for a suitable location for a skateboard park, in response to the requests of children and young people in the village. There is demand for such a facility in the area and the site in question is the only suitable site available to the Parish Council at the moment. The site will have clear rules and regulations for using the equipment and details whom to contact in the case of an accident. The question over suitability of the access from Lower Street through the car park was discussed on site with Sarah McLagan and Phil Hunt when it was acknowledged that the current situation was not ideal for users of the car park. A barrier to separate pedestrians from vehicles was considered and our understanding was that this would be supplied by UDC. See letter dated 20 September 2001 and ROSPA safety inspection report attached at end of report.

CONSULTATIONS: Essex County Council Transportation & Operational Services: No objections. Note that concerns regarding pedestrian safety through the car/coach park would be addressed by way of the provision of a barrier to separate vehicles from pedestrians.

Environment Agency: No objection, in principle, subject to condition being imposed requiring contamination measures be carried out.

Essex County Council Specialist Archaeological Advice – No recommendation.

Essex Police – Architectural Liaison officer – No comments received (due 27 February).

Railtrack – No comments received (due 27 February).

UDC Leisure & Amenities – From a leisure perspective the proposal would provide a much needed facility in Stansted. From a car parking perspective there are concerns about the safety of young people passing through the car park to the facility. Based on previous knowledge, young people will skate on the car park and this could result in conflicts between different users of the site with safety implications. The site is very close to the mainline railway and there are concerns relating to trespassing or vandalism to this section of track and passing trains. The site does not have regular surveillance from nearby residents nor is

it lit at night. (The Environment and Transport Committee would need to grant permission for the use of this land for a skateboard facility.)

UDC Drainage Engineer – The area is already concreted and ‘drains itself’ onto adjoining soft ground. No additional drainage provision is needed.

UDC Environmental Services – No comments received (due 27 February).

REPRESENTATIONS: This application has been advertised with both press and site notices. Four neighbours surrounding the site were notified and the notification period expired on 06 March. 3 letters have been received.

Councillor Ray Clifford – *I must object most strongly to this application as the location is unsafe, unacceptable and incompatible with the existing car parking use of the site. The site borders an electrified railway line and could be extremely dangerous to have conflicting uses within such close proximity. There is a great need for parking in the area, especially with the expansion of the village, and the site may be required for this purpose in the future. There are more appropriate locations for this application such as the new leisure centre.*

Councillor Alan Dean – *I wish to support in the strongest possible terms the application by Stansted Mountfitchet Parish Council to establish a skateboard facility on the former railway sidings off Lower Street, Stansted.*

- 1. This applications was deferred previously owing to opposition on grounds of safety. That objection has been completely overcome by an inspection and report by ROSPA that said the site was a safe location.*
- 2. The demand for skateboarding appears to be on the increase in Stansted Mountfitchet. Without a dedicated facility there will be the continuation of what I have observed in recent weeks – young people skateboarding on the Lower Street car park parking area, at the Crafton Green car park, on Clarence Road (newly resurfaced) in the road itself, and down the pavement in Chapel Hill.*
- 3. All these activities will continue if the district council continues to obstruct the will and wishes of the local community to create a dedicated facility in this appropriate central location. They will continue at far greater risk to those taking part and to motorists and pedestrians. But local people will also feel let down by their elders.*
- 4. The former landowner of the district council’s land at Lower Street, Network Rail (formerly Railtrack) has agreed to part fund the scheme and has agreed to co-operate in the erection of higher fencing to safeguard the adjacent railway line. Therefore, there is no objection from that direction, despite, their consultant in the past giving a mistaken objection to the council in ignorance of his client’s agreement to co-operate.*
- 5. Spare land is available for several years hence at the former railway sidings and it would be wrong to refuse this application simply because several years hence more space may be needed for car parking.*
- 6. I hope that officers will take a visionary approach to this application and recommend acceptance and that members will support acceptable for the sake of the leisure requirements of children of Stansted Mountfitchet and surrounding villages.*

Alan Goldsmith, Mountfitchet Castle and Norman Village – *The area is in desperate need of parking spaces especially with the proposed expansion of the village and this use would prevent the further expansion of the site. Having a skateboard park next to a mainline railway would encourage children into a very dangerous situation. There are also issues relating to the conflict between skateboard users and the existing car park users and the hazards that may result.*

PLANNING CONSIDERATIONS: The main issues are whether: -

- 1) this would be an appropriate site for such a proposal (ADP Policies SM3, REC6+DC1 and DLP Policies S1, LC2, GEN2, GEN4+GEN5) and**
- 2) if not, there are material circumstances that outweigh these concerns.**

1) The application has been widely publicized and general concern has been expressed about the siting of the proposed skateboard park next to a mainline railway and within a public car park. The provision of facilities for local people within Stansted should be encouraged, where possible, but this should not be to the detriment of individual safety both

for users of the site and those on adjacent land. The applicant has provided little in the way of supporting material evidence that would outweigh the concerns expressed by consultees. Planning Policy Guidance Note 17 Paragraph 20 states that in identifying where to locate new areas of open space, sports and recreational facilities, local authorities should:

- i. promote accessibility by walking, cycling and public transport, and ensure that facilities are accessible for people with disabilities;
- ii. locate more intensive recreational uses in sites where they can contribute to town centre vitality and viability;
- iii. avoid any significant loss of amenity to residents, neighbouring uses or biodiversity;
- iv. improve the quality of the public realm through good design;
- v. look to provide areas of open space in commercial and industrial areas;
- vi. add to and enhance the range and quality of existing facilities;
- vii. carefully consider security and personal safety, especially for children;
- viii. meet the regeneration needs of areas, using brownfield in preference to greenfield sites;
- ix. consider the scope for using any surplus land for open space, sport or recreational use, weighing this against alternative uses;
- x. assess the impact of new facilities on social inclusion; and
- xi. consider the recreational needs of visitors and tourists.

Although the proposal does meet many of the criteria set-out by the government, the issue of security and personal safety still arises. Officers are not convinced that all alternative locations have been investigated and consider that the High School Leisure Centre site would be preferable, especially since it would be close to the new development on Rockfords Nurseries.

Regard, therefore, must be made to the proximity of the site in relation to the railway and the potential dangers that could occur. The facility and the railway line would have to be securely fenced off to prevent trespass or acts of vandalism such as the throwing of stones or other material at passing trains. Additionally fencing would be required to prevent accidental access onto the railway whilst skating or using the jumps etc. (This could be minimised by the positioning of any jumps within the site). The applicant has indicated that there will be no direct supervision of the site with responsibility falling on a member of the Parish Council in the event of an emergency. The site is not clearly supervised or overlooked by residential dwellings, with only members of the public using the car park able to view the site easily. Consultees have indicated that there could be a conflict between the users of the car park and the users of the skate park, as skaters would need to pass through the parking area to reach their destination. The applicant has indicated a separate defined access to the site, but there is no guarantee that skaters will use this route only. Maintenance of the site may also be a problem with leaf fall in the autumn months. The applicant has included a copy of a recent report produced by the Royal Society for the Prevention of Accidents (ROSPA) (attached) which raises some concern about the isolation of the site and the lack of informal supervision. The issue of alternative sites was raised in the ROSPA report and the Leisure Centre was mentioned as an option. The report indicated that the Leisure Centre site offered some advantages over the railway sidings and should be given serious consideration. However, ROSPA concluded that the railway sidings site would still be a suitable site for a wheeled sports area.

On balance, it is considered that the use of this site would be premature and dangerous.

2) The provision of facilities for local people within Stansted should be encouraged, where possible, but this should not be to the detriment of individual safety both for users of the site and those on adjacent land. The applicant has provided little in the way of supporting material evidence that would outweigh the concerns expressed by consultees. Planning Policy Guidance Note 17 Paragraph 20 states that in identifying where to locate new areas of open space, sports and recreational facilities, local authorities should:

- xii. promote accessibility by walking, cycling and public transport, and ensure that facilities are accessible for people with disabilities;
- xiii. locate more intensive recreational uses in sites where they can contribute to town centre vitality and viability;
- xiv. avoid any significant loss of amenity to residents, neighbouring uses or biodiversity;
- xv. improve the quality of the public realm through good design;
- xvi. look to provide areas of open space in commercial and industrial areas;
- xvii. add to and enhance the range and quality of existing facilities;
- xviii. carefully consider security and personal safety, especially for children;
- xix. meet the regeneration needs of areas, using brownfield in preference to greenfield sites;
- xx. consider the scope for using any surplus land for open space, sport or recreational use, weighing this against alternative uses;
- xxi. assess the impact of new facilities on social inclusion; and
- xxii. consider the recreational needs of visitors and tourists.

Although the proposal does meet many of the criteria set-out by the government, the issue of security and personal safety still arises.

CONCLUSION: New Community facilities would normally be welcomed within the district but the future use of this site under Policy SM3 of the adopted local plan has not been fully explored or studied. This application is therefore premature pending the full outcome of any study of the site.

The applicant should explore the possibility of locating the skate park at the Leisure Centre which would have more in the way of indirect supervision of the site, would allow access to first aid or medical assistance in the event of an accident and would be closer to intended users of the site, therefore requiring less travelling time.

RECOMMENDATION: REFUSAL REASON

It is the Policy of the Adopted Uttlesford District Plan (Policies REC6 and DC1) and the Revised Deposit Draft (Policies S1, LC2 and GEN2, GEN4, GEN5) to ensure that proposed recreational facilities within the district are appropriately located so as to be easily accessible by a wide range of transport modes with minimal conflict between modal types. Such facilities should be well designed in themselves, help to reduce the potential for crime and, under the guidance of PPG17, 'carefully consider security and personal safety, especially for children.' In this instance, the proposed location of the skateboard park next to a mainline railway would create unnecessary safety and security fears and promote the potential for crime and vandalism to take place. There would also be conflict between users of the car park and the skateboard park, which would be contrary to the above stated policies.

Background papers: see application file.

UTT/1562/02/FUL – NEWPORT

Erection of two detached dwellings with garages
Pineacre, Cambridge Road. GR/TL 521-347. Mr P Hawkins.
Case Officer: John Mitchell 01799 510450
Expiry Date: 26/12/2002

NOTATION: Frontage within Development Limits and rear outside. Within Cam Valley Area of Special Landscape Value and Flood Plain. Adjacent Conservation Area and Shortgrove Park. Class B Road

DESCRIPTION OF SITE: The site lies on the east side of Cambridge Road in Newport within a ribbon of frontage development, and is currently occupied by a detached bungalow. It is L-shaped and has an area of 0.425 hectares – part of the garden runs to the rear of three properties fronting Cambridge Road. Access is taken from Cambridge Road. The surroundings are entirely residential and comprise a mixture of detached properties: that immediately to the north, “Die-Opstall” is a bungalow while to the south, “Redriff”, is a two storey house. The land falls from Cambridge Road towards the Cam.

DESCRIPTION OF PROPOSAL: Planning permission is sought to demolish the existing bungalow and to erect two dwellings, one fronting Cambridge Road and the other set to the rear. Both would be L-shaped and would form a courtyard. The proposed dwelling fronting Cambridge Road would be of a two/three storey Georgian design with dormer windows in the roof rising to a height of 9.5m to the ridge, with a width of 13.5m and a depth of 21.5m. It would be set between 5 and 8m off the boundary with the bungalow to the north and 3.8m off the boundary with the house Redriff to the south, and its frontage would align with the frontage of Redriff. Materials would comprise brick, reconstituted stone window heads with render to the rear, and a clay tiled roof with lead faced dormers

To the rear is proposed a less formal two storey house with a barn-like appearance set 2.5m from the boundary with Redriff and 14m from the boundary with Die-Opst All. This would have a height of 7.2m, a depth of 16.5m and width of 14.3m. Materials would comprise black stained timber boarding with oak frame elements and slate roof. There would be windows at first floor facing the garden of Redriff but with the exception of a bedroom window these are all non-habitable rooms. The change of levels means that the proposed dwelling would be located approximately 2m below the height of Redriff.

Access would be shared and taken from the existing vehicular access point. Each house would have integral garage parking for two vehicles with further parking provision in front of the garages if required, and vehicles would be able to turn on site so as to enter and exit in forward gear.

The dwellings would be located within development limits, the proposed gardens being, as now, outside.

APPLICANT'S CASE: See attached design statement dated October 2002 of end report. Since this letter was received the plans have been revised to move the forward dwelling south away from Die-opst all. The broad concept however remains relevant.

RELEVANT HISTORY: 6 dwellings refused and dismissed at appeal in 1989. 5 dwellings refused in 2000, 3 dwellings refused in 2001, 2 dwellings refused in 2002.

CONSULTATIONS: Environment Agency: land liable to flooding, advice to applicant

TOWN/PARISH COUNCIL COMMENTS: strong objection – absurdly overdeveloped site and reiterate all previous objections

REPRESENTATIONS: Initial proposal: 4 representations received raising the following points: overdevelopment, out of keeping with village, traffic safety and parking, undesirable

precedent for further backland development where this is not a feature, possible future development of garden to the rear of houses in Cambridge Road, overshadowing and overlooking of gardens of adjoining properties, damage to existing trees and lack of sufficient depth for adequate screen planting on site, noise and disturbance from cars manoeuvring at the rear of properties, interlocking, site description as “garden” is misleading as this is a semi-wild orchard, amendments do not overcome previous reasons for refusal, design statement is misleading, overbearing in relation to Die-opst all, height of street lighting may cause disturbance to occupiers, does not comply with the Council’s planning policies for new residential development, housing mix or affordable housing needs.

Revised proposals: 4 letters received from neighbours and one from CPR Essex reiterating and emphasising the points already made.

PLANNING CONSIDERATIONS: The main issues are whether

- 1) the proposed development would have an acceptable relationship with existing properties**
- 2) the proposed development would be compatible with the character and appearance of the street scene and**
- 3) the previous reasons for refusal have been addressed**

The relevant policies for all these issues are:

Structure Plan: BE1, HC3, NR12, NR2, T3, BE1

Adopted District Plan: S1, DC1, H10, DC5, W3, C2, T1

Deposit Local Plan: GEN2, H3, ENV2, GEN3, GEN8, GEN1

PPGs 1 and 3 are also relevant

1) Dealing first with the proposed dwelling on the frontage of the site, this has been sited as far away as possible from Die-Opstall to the north while retaining adequate space for vehicular access between the proposed dwelling and Redriff. It is considered that the degree of separation is such that the dwelling would not have a materially overbearing nor overshadowing effect on Die-opstall nor Redriff, and there would be no overlooking nor loss of privacy.

Turning now to the proposed dwelling to the rear, this would have no effect on the amenity of the occupiers of Die-Opstall. It would however be located 2.5m from the boundary with the back garden of Redriff. The change of levels on the site, taken together with the juxtaposition of the site boundaries, are considered to combine to ensure that there would be no interlocking between the existing and proposed dwellings: there are, for example, no windows in the forward most first floor elevation of the proposed dwelling. While there are windows in the elevations facing the garden of Redriff, these would either be at ground floor, where overlooking could be prevented by appropriate fencing, or serving non habitable rooms at first floor, which could be controlled by a condition requiring them to be obscure glazed and fixed shut. There is one exception to this, a bedroom window, but the adverse affects of this could be overcome by a condition requiring it to be in the form of a blind oriole window. The proposed dwellings would be approximately 22m apart and this is considered to be acceptable as any adverse consequences for loss of privacy have been overcome by internal design and layout.

On balance it is considered that the effect on amenity would be satisfactory.

2) Turning now to the effect on the street scene, the position of the forward most house is such that it relates to the house to the south, Redriff, and is compatible in terms of height and width. It is sufficiently detached from Die-Opst all to prevent any incongruity of appearance caused by juxtaposition of a larger dwelling next to a bungalow. The rearmost dwelling, because of the change of level and its distance from the frontage, would be less visible in the street scene.

On balance it is considered that the effect on the street scene would be satisfactory.

3) The previous application for 2 dwellings was refused for 4 reasons: the size, scale and proportions of the development; unacceptable backland development, effect on views of the Conservation Area to the south and the possibility of flooding. Taking each of these in turn: a) the size scale and proportions of the development have been reduced as a result of that refusal as set out in the Applicant's Case. Coupled with the resiting of the proposed dwelling on the frontage it is considered that these matters are now satisfactory.

b) The issue of backland development remains. When looked at in the overall context of the development it is considered that the proposed house at the rear of the site would not be obvious in the street scene, would have a satisfactory relationship with existing and proposed adjoining dwellings and there is no reason to suggest that it could set a precedent for undesirable forms of development nearby. It is also considered that the amendments have overcome the adverse effects on views of the Conservation Area. It will be noted that the site lies over 60m outside the Conservation Area. It is not considered that there would be any adverse affect on the setting of the listed building the "Coach and Horses" PH.

c) Finally, the flooding issues have been addressed.

COMMENTS ON REPRESENTATIONS: The points made in representations are mostly addressed in the report. The issue of affordable housing is not applicable in this case as the site is insufficiently large to trigger a requirement. The presence of street lighting is not considered to have detrimental effect on amenity.

CONCLUSION: This is a very finely balanced case on which Members' judgement is required. On one hand the applicant has taken trouble to seek to overcome the previous objections and to devise a scheme that is compatible with the street scene and the amenity of the occupiers of adjacent properties, and that takes advantage of the site characteristics to produce an imaginative form of development. On the other, this is a sensitive site with a long planning history and Members may consider that the proposal continues to be overdevelopment, out of scale and proportion with its surroundings and an inappropriate form of backland development that would give rise to loss of amenity and privacy. Having regard to all these matters, together with the requirements of Government policy to make the best use of land, Officers consider that the balance of factors to be considered is such that the grant of planning permission can be recommended.

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.5.2. Details of materials to be submitted and agreed
6. C.6.2. Excluding all rights of permitted development within the curtilage of a dwellinghouse without further permission
7. C.7.1. Details of external ground and internal floor levels to be submitted and agreed
8. Standard Highway Requirements
9. The garages shall only be used for the parking of domestic vehicles in connection with the normal residential use of the dwellings hereby approved and for no other purpose.
REASON: To prevent on-street parking in the interests of highway safety.
- 10 C.19.1. Avoidance of overlooking - 1
11. The window marked X on the approved plans shall be constructed as a blind oriole window in accordance with details which will have been submitted to and agreed in writing with the local planning authority prior to the commencement of development, and installed and retained thereafter in perpetuity.
REASON: To reduce the potential for overlooking in the interest of the amenity of the occupier of the adjoining property.

Background papers: see application file.

UTT/0051/03/FUL – FELSTED

Conversion of barn to dwelling
Greenfields, Braintree Road. GR/TL 682-226. Mr & Mrs Hawkes.
Case Officer: Anthony Betros 01799 510471
Expiry Date: 10/04/2003

NOTATION: Grade 2 Listed Building/ Outside Development Limits/ Adjacent new A120/
Within curtilage of a Listed Building.

DESCRIPTION OF SITE: The site is located on the southern side of the A120, 2km north of Felsted. The site formerly had direct access from the existing A120, but now has its present access from a road used in conjunction with the construction of the new A120. The site contains a listed farmhouse, listed detached barn and open cart lodges used for the storage of farm machinery and private vehicles. Ample gardens and a tennis court are sited in the vicinity of the structures.

DESCRIPTION OF PROPOSAL: The application involves conversion of the listed barn to a residential dwelling. The alterations to the redundant barn to allow for residential occupation include new window and door openings to each elevation as well as the incorporation of a partial first floor. The dwelling would contain a sitting room, living area, kitchen and bathroom at ground level while a bedroom and 'platform' area are proposed at first-floor level.

RELEVANT HISTORY: Listed Building consent for works involved with the barn conversion in 2002.

CONSULTATIONS: Environment Agency: No objections to the proposal subject to adequate provisions made for disposal of foul sewage, preferably through the provision of a small scale sewage plant.

Specialist Design Advice: No objections are raised to the change of use. The subject building is a timber framed barn of C17 origins. As the building is listed in its own right and redundant for farm use, a new economically viable use should be found to assure its survival. The suggested scheme represents a low-key conversion, which succeeds in retention of as much as possible of its original farm-building character. The proposal is considered compatible with the current policies and advice contained in PPG7 and conditional approval is recommended.

PARISH COUNCIL COMMENTS: No comments (due 18 March 2003.)

REPRESENTATIONS: No notification due to isolation of site.

PLANNING CONSIDERATIONS: The main issues are whether the proposal is consistent with

- 1) **Policy C6 of the ADP- Conversion of Rural Buildings to Residential Use (DLP-H05),**
- 2) **Policies DC5 & DC6 of the ADP- Development Affecting Listed Buildings and New uses for Listed Buildings (DLP-ENV02) and**
- 3) **Policy DC14 of the ADP- General Amenity.**

1) The sound construction of the barn and proposed works would result in an attractive conversion of this listed building. The proposed residential use would retain the appearance of the barn with minimal impact on its structural integrity.

2) The proposed works and change of use associated with the conversion of the listed barn to a residential use are considered acceptable by Council's Conservation Officer. The new use would retain the character of the barn.

3) The barn is substantially separated from the farmhouse on the property, thereby ensuring acceptable levels of amenity for occupants of both buildings. Each property would have adequate parking, access and open space which should also ensure orderly use of the property.

CONCLUSION: The proposed change of use of the listed barn to a residential use is considered acceptable on design and amenity grounds and satisfies all relevant policies for conversion of listed barns for residential uses.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Standard time limit
2. C.3.1. To be implemented in accordance with approved plans
3. C.8.27. Drainage details
4. C.6.2. Excluding all rights of Permitted Development

Background papers: see application file.

UTT/1363/02/FUL - LEADEN RODING

Change of use of garage to B1 business units, erection of single storey building to form B1 business units and associated parking
Parklands Garage, Stortford Road GR/TL 588-132. Millbourne Properties Ltd.
Case Officer: Richard Aston 01799 510464
Expiry Date: 27/12/2002

NOTATION: ADP & DLP: Outside Development Limits & Settlement Boundaries/Within Metropolitan Green Belt/Main road A1060.

DESCRIPTION OF SITE: The site is an existing garage/car sales premises with some small scale industrial units to the rear of the forecourt, fronting onto the Stortford Road, to the west of the village. The site measures approximately 1760 square metres and backs onto farmland in the open countryside. The surrounding area is characterised by sporadic residential dwellings.

DESCRIPTION OF PROPOSAL: The proposal details the change of use of the existing garage, forecourt and industrial units to the rear to B1 Business units, the erection of a single storey building to also form business units and associated car parking.

APPLICANT'S CASE: The site currently has an established use as a garage with repair facilities, car sales and petrol sales and the client is keen to improve the image of the property by:

1. Changing the use classes to small B1 units, appropriately sized to be economically viable for rural community businesses.
2. Increasing the current floorspace by building additional floorspace in a courtyard style development whilst at the same time demolishing the unsightly showroom.
3. Repairing and upgrading the current buildings on the site to improve the visual amenity of the site.

RELEVANT HISTORY: Use of garage forecourt for sale of motor vehicles, approved 1985. Application for provision showroom/cleaning bay alterations, approved July 1992. Erection of one dwelling and detached double garage approved 2002 to replace existing commercial uses & buildings.

CONSULTATIONS: ECC Transportation – The existing access is considered to be unacceptable and should be amended to include one central access 5m wide together with a bellmouth kerb radii of 7.5m. Car parking, turning, loading and off loading facilities should be provided within the curtilage of the site clear of the public highway.

Environment Agency – No objection in principle subject to conditions relating to contamination site investigations and various planning informatives.

Environmental Services - Application gives an opportunity to clear up any contamination on site, condition required if approved. Conditions should also be imposed regarding hours of use and vehicle movements.

PARISH COUNCIL COMMENTS: No objections.

REPRESENTATIONS: None. Revised neighbour notification period expired 18th February 2002.

PLANNING CONSIDERATIONS: The main issues are whether

- 1) the commercial redevelopment of the site would be appropriate and whether the layout, design would have a detrimental impact on the open countryside and the characteristics of the Metropolitan Greenbelt (ADP C4, DC1, S2, S3 DLP S7, S6) and
- 2) the proposal would have an adverse impact on highway safety and satisfactory access and car parking (ADP T1, P2005 GEN2).

1) Policy S2 of the ADP states that permission will not normally be given for development in the countryside unless the proposal relates to agriculture, forestry, appropriate outdoor recreational uses or appropriate changes of use of suitable existing buildings compatible with a rural area. Furthermore, Policy C4 seeks to promote enterprise and development which diversifies and enhances the rural economy whilst conserving planning interests in the countryside, appropriate changes of use of land and buildings in character with their surroundings and according to other relevant policies of the Plan will normally be permitted. The application proposes the change of use of the existing industrial/garage unit, the demolition of the part of the garage building fronting the highway and the erection of new units along the western boundary to form an enclosed courtyard to be used for B1 commercial business units. In principle, the change of use of the existing units is compatible with local plan policy provided that there is no adverse impact on the countryside and in this case the Metropolitan Greenbelt. This is supported by Policy S3 of the Adopted District Plan which states that 'permission will not normally be given except in very special circumstances for the construction of new buildings or the change of use of existing buildings for purposes other than agriculture, forestry' and similar uses which are open in character. This theme is continued in Policy C6, which encourages the re-use of soundly constructed rural buildings provided they respect the rural amenities of the area.

Accordingly, the main issue is therefore whether the scale and design of the development including the new units would be compatible with its environmental setting. The area immediately around the site is characterised by low-key residential dwellings set within mature gardens, some semi-detached cottages and a number of farm buildings which can be seen beyond the existing uses in a sporadic ribbon form of development, which gives the impression of a sense of space before entering the more built-up areas of the main village. The new units, although of a low scale, being 4m in height when coupled with the redevelopment of the existing units, would create a development with a built frontage of 32m on a site which has a total frontage of approximately 39m. This would be uncharacteristic of the existing rural setting and open characteristic of the area. Negotiations have taken place with the applicant to reduce the size and scale of the units and revisions show the removal of a 62sqm unit with ancillary bin storage with the intention of opening the site up to give views across the open countryside to the rear. However, the site would still appear to be more urban in character and the amount of floor space proposed means that the open setting would not be retained. It is considered that, although the site has permission for housing, has an established industrial use and it has been stated that the applicant would return to the established use as a garage, car sales and vehicle repairs, this in conjunction with the above would not represent a proposal where an exception to the above policies could be made. The proposal would represent over development and is considered to not reflect its countryside setting and open characteristics of the Metropolitan Green Belt.

2) With regard to highway safety, the existing access would not be acceptable and one single access should be provided on site in line with comments made by Essex County Council Highways. However, if Members are minded to approve the application, then this could be re-solved by condition. With regard to access, turning and loading/un-loading, the current access and site layout would not provide adequate turning space for large vehicles delivering to the site. It is the intention that the proposed access arrangements would negate the need for vehicles to turn within the site, however this may lead to large vehicles waiting to the front of the building and on the highway which could have an impact on highway safety. Turning to the issue of car parking, Adopted District Plan standards require that general office business units (because the actual uses for the buildings and floorspace breakdowns are not provided) requires 1 space per 30sqm of gross floorspace, this requirement would necessitate the need for 23 car parking spaces and only 12 would be provided. Even if the units were to be industrial with limited office accommodation, the number of spaces required would be 13 (plus 2 for every unit) still below the requirement. Given the rural location, again no justification exists to justify an exception.

CONCLUSION: Although in part the change of use of the existing buildings is supported, the current proposal is considered to be over development of the site, which would not respect its

rural setting and would have a detrimental impact on the open characteristics of the Metropolitan Green Belt. The proposed access arrangements would be unacceptable and the proposal not meet minimum car parking standards, regardless of whether it will be used for Offices or Light Industrial with ancillary office accommodation. Accordingly it is recommended that planning permission be refused.

RECOMMENDATION: REFUSAL REASONS

1. R.3. 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 development is not covered by these exceptions and would be unacceptable because it would result in overdevelopment of the site by virtue of the amount of built frontage and layout of the site, which would detract from its rural setting, and the open character of the Metropolitan Greenbelt.

2. R.4. The site is located within the approved Green Belt defined in the adopted District Plan. Policy S3 states that:” Within the Green Belt permission will not be given, except in very special circumstances, for the construction of new buildings or for the change of use of existing buildings for purposes other than agriculture or forestry, small scale facilities for outdoor participatory sport and recreation, institutions requiring extensive grounds, cemeteries or similar uses which are open in character. Changes of use of suitable redundant buildings for purposes other than described above will be considered under Policies C5 and C6. Building extensions which adversely affect the open characteristics of the Green Belt will not be permitted.” The proposed development would be unacceptable because it would involve the construction of new building, which would cause detrimental effects to the visual amenities of the Green Belt and have an adverse effect on the open countryside by virtue of the sites over development and layout. No justification exists to set aside the strong presumption against this type of development.

3. R.12. Adopted District Plan Policy C5 provides for the reuse of rural buildings, other than dwellings, in countryside for non-residential purposes. Policy C5 states that:” Appropriate re-use of soundly constructed rural buildings for non-residential purposes will normally be permitted. New uses should comply with other relevant policies of the Plan and respect the rural amenities of the area. Sites should have satisfactory accessibility and adequate space for associated activities, which must not impair important characteristics of the surrounding countryside. Substantial building reconstruction will not be permitted. In the Green Belt proof of redundancy of the building may be required.” The proposed development would be unacceptable because inadequate land exists around the building for car parking and servicing and the access to the site is unsatisfactory, in addition no proof of redundancy has been submitted.

4. R.17. Adopted District Plan Policy T1 states that:” Development proposals will normally be refused 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.” The proposed development would be unacceptable because it would lead to the creation or intensification of use of an access on a stretch of highway mainly intended to carry traffic freely between centres of population, the slowing and turning manoeuvres of vehicles entering or leaving this access, the possibility of vehicles standing upon the highway and it would lead to conflict and interference with the free flow of traffic on this main road.

Background papers: see application file.

1) UTT/1175/02/FUL & 2) UTT/1176/02/LB - SAFFRON WALDEN
(Joint Report Referred at Member's Request: Cllr R Green)

Redevelopment/refurbishment to create 5 dwellings with parking
62 Gold Street. GR/TL 538-382. C Hobbs.
Case Officer: Hilary Lock 01799 510486
Expiry Date: 26/11/2002

NOTATION: ADP: within Town Development Limits/Residential Street/Conservation Area.
One building on site is listed. DLP: within Settlement Boundary & Conservation Area

DESCRIPTION OF SITE: The site is on the northern side of Gold Street, close to the junction with the High Street. To the west the site abuts commercial uses which back onto the High Street, and to the north the three-storey residential units in Stocks Yard. To the east is Gold Street Chapel and dwellings beyond. The listed building on the site frontage was formerly a funeral director's but is now vacant. The site has a frontage of 22m and approximate depth of 22m.

DESCRIPTION OF PROPOSAL: Permission was granted to redevelop/convert existing buildings to create five dwellings last year. This revised proposal involves a modification to the layout of the rear section to accommodate an alternative parking arrangement including the provision of two extra commercial parking spaces, giving a total of seven. The approved layout had five parking spaces alongside the western boundary, providing one space per unit. The revised layout shows five spaces along the northern boundary, and two spaces on the opposite side of the courtyard, for use by the commercial occupants of 82 High Street, who currently park at the site. A cycle and bin store are also proposed (siting would be acceptable but further details of form are required).

APPLICANT'S CASE: See dated 18 March letter attached of end of report.

RELEVANT HISTORY: several applications refused for redevelopment of site. Permission granted for redevelopment/conversion to form 5 dwellings in November 2001. Favourable Preliminary advice to proposed revised parking in June 2002, subject to a recommendation that the hours of use available for commercial parking be restricted.

TOWN COUNCIL COMMENTS: no objections

REPRESENTATIONS: This application has been advertised and 4 Letters have been received. Notification period expired 31 October.

- (1) No objection in principle, but object to plot 4 as it amounts to more than conversion. Loss of amenity and 20% loss of light to 80 High Street. Legal issues over right of way.
- (2) No objection but concerned at structural stability of attached Chapel and issues of drainage.
- (3) Concerned that roof height should be no higher than existing buildings, and concerns at parking.
- (4) Provided 2 spaces are for use by Snow Walker Associates, no objection from that office to the proposals. Concerned that conditions should ensure a sympathetic scheme is produced which blends with existing period buildings.

PLANNING CONSIDERATIONS: The main issues are whether

- 1) the revised proposal to incorporate two additional parking spaces to serve a local office would have an adverse impact on the amenity of occupants of the approved units and

2) it is reasonable and necessary to condition the hours these spaces are available for such purpose (ADP Policy DC14 & DLP Policy GEN4).

1) The principle of redevelopment of this site has already been accepted. The rear building layout would be modified by removing an approved single-storey element and increasing the overall length of the main building. This would enable the revised parking to be accommodated, but would also reduce the physical impact of the built form on the dwellings to the north. The revised proposal means that the courtyard would be dominated by car parking but it is not considered that this would be materially greater than the approved scheme which also contained no separate private amenity space. Similarly, surrounding residents would be adjacent to the parking area whether located along the western or northern boundaries, given the tight-knit pattern of the development. The two additional parking spaces would be next to secondary windows to the frontage unit, and amenity would not therefore be affected sufficient to warrant refusal. Given the urban setting, and the extent of the approved scheme, the proposal is considered acceptable.

2) This is a tightly-knit form of development, and it is considered essential that a condition be imposed allowing use of the two extra spaces for residents outside offices hours (see condition 14 below). Unrestricted access for commercial users unconnected to the residential units could cause material harm to the amenity of residents surrounding the courtyard. The agent advises that the imposition of such a condition is unnecessary and unenforceable, and would not satisfy the terms of the applicant's legal obligation to the owners of 82 High Street. He advises, in practice, that use of these spaces outside office hours would be minimal, and restriction is unnecessary. Officer opinion is that without this necessary safeguard, the application should be refused for reason of harm to the amenities of future occupants caused by commercial vehicles coming and going at unsocial hours.

COMMENTS ON REPRESENTATIONS: The objections raised are noted, but these issues were considered at the time the previous scheme was determined. The heights of the proposed buildings are unchanged.

CONCLUSION: This is a tightly-knit development, but subject to ensuring office parking would not take place at times when the units are most likely to be occupied, the proposed revised parking would not be materially detrimental to residential amenity. Without the imposition of conditions restricting hours of use, it is considered that unfettered use unconnected with the residential scheme could result in unacceptable levels of noise and nuisance to residents, and would be unavoidable in such a close-knit scheme. It is not considered that mixed commercial and residential parking can co-exist on this site without stringent control over timing of use.

RECOMMENDATIONS:

UTT/1175/02/FUL - 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.5.5. Clay plain tiles
7. C.5.13. Historic Brick Bonding
8. C.5.8. Joinery details
9. C.5.17. Window & door details and sections to be submitted and agreed
10. C.5.14. Black rainwater goods
11. No meter cupboards or service intakes to the dwellings hereby granted consent shall be on the front elevation facing Gold Street.
12. The roof lights to be used as part of the conversion works hereby approved shall be of a conservation pattern, the exact details, including the manufacturer and design, shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented solely in accordance with the agreed details.

- REASON 11+12: To secure an acceptable form of development.
13. C.11.7. The five dwellings hereby permitted shall not be occupied until the car parking spaces labelled 1 to 7 on the approved drawing no. 338/01/8c attached have hardsurfaced and laid out and the vehicular access to them created and surfaced. Spaces 1 to 5 shall not thereafter be used for any purpose other than the parking of vehicles in association with the five dwellings hereby permitted.
 14. The two car parking spaces labelled 6 and 7 on the approved drawing no. 338/01/8C attached shall be retained for the parking of vehicles used by staff employed at the premises known as 82 High Street between the hours of 0800 to 1900 Monday to Friday (not including Bank and Public Holidays). Outside of these hours and on Saturdays and Sundays, these spaces shall be retained solely for the parking of vehicles in association with the five dwellings hereby permitted and for no other purpose.
REASON: In the interests of protecting residential amenity.
 15. No development shall take place until details of the measures for securing the rear car parking area have been submitted to and approved in writing by the local planning authority. The approved measures shall be fully implemented before any of the units are first occupied and subsequently retained.
REASON: To secure the privacy and security of the rear courtyard area for the residents of the five units.
 16. No development shall take place until a scheme of secure covered storage for bicycles for each of the five units hereby permitted has been submitted to and approved in writing by the local planning authority. (This could either be provided individually for the units or in a communal storage area). The approved scheme shall be fully implemented before any of the units are first occupied. The storage area/areas shall subsequently be retained solely for this purpose.
REASON: To secure adequate on-site cycle storage.
 17. C.19.1. Avoidance of overlooking - 1
 18. C.16.2. Full archaeological excavation and evaluation
 19. No development shall take place until a scheme for the on-site storage of refuse for each of the units has been submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented prior to any of the units being first occupied.
REASON: To secure adequate on-site refuse storage facilities in the interests of the visual amenities of the site.
 20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no development within Classes A to F part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 (re any extensions, freestanding structures or enclosures) shall take place without the prior written permission of the local planning authority.
REASON: In order that the local planning authority may exercise further control in the locality in the interests of the amenities of the area.
 21. The communal courtyard area shown on the plans hereby approved and pedestrian access to it, shall be made available prior to the occupation of any of the dwelling units hereby permitted and shall thereafter be retained at all times for the use of the 5 no. units hereby approved and access to it shall be maintained to the satisfaction of the local planning authority.
REASON: To ensure the provision of communal amenity space in association with the five dwellings.
 22. C.8.27. Drainage Details

UTT/1176/02/LB – LISTED BUILDING CONSENT WITH CONDITIONS

1. C.2.2. Time limit for commencement of development – listed buildings
2. C.3.1. To be implemented in accordance with approved plans
3. No works shall be commenced to the Listed Building, including stripping out, until a programme of recording the building has been carried out in accordance with a specification, submitted to and agreed in writing by the local planning authority. A copy

of the recording carried out in accordance with the agreed specification, shall be submitted to the local planning authority before the works commence.

REASON: To secure an adequate recording of the building in accordance with advice contained in Planning Policy Note 16 before the alterations are carried out.

4. C.5.1. Samples of materials to be submitted and agreed
5. C.5.5. Clay plain tiles
6. C.5.7. Window details
7. C.5.8. Joinery details
8. C.5.14. Black rainwater goods
9. The following items/features of architectural or historic interest shall either be protected and preserved in situ or carefully removed and stored during the duration of the works and reinstated on the building prior to it being first occupied: - The windows to the front elevation, the surrounds and the panes of lapped glass- The brick chimney to the front elevation and associated hearth- Internal doors and door furniture- The double gates to the front elevation- The external weatherboarding- The timber frame of the building- The access doors to the first floor elevation- Floorboards

REASON: To ensure the retention of features of interest to this building listed as being of special architectural or historic interest.

10. Details of the service routings both within and outside the Listed Building including the methods of servicing the building for electricity, gas, drainage and where applicable mechanical ventilation shall be submitted to and agreed in writing with the local planning authority. These details shall include the routing or positioning of any external pipework or ducts and vents and the colour finish of these external services. The works shall be implemented in accordance with the agreed scheme.

REASON: To secure a satisfactory form of development.

11. Details of the means of retaining and re-using the industrial form of lapped glass to the windows to the front elevation shall be submitted to and agreed in writing by the local planning authority prior to works commencing. The scheme shall be implemented solely in accordance with the agreed details.

REASON: To secure an acceptable form of development.

12. C.5.16. No historic timbers to be cut

13. Details of the means of fireproofing and soundproofing and how the existing fabric of the building will be retained as part of these measures shall be submitted to and agreed in writing with the local planning authority prior to works commencing. Such details shall demonstrate what features will remain exposed or will be reinstated. The works shall be implemented in accordance with the agreed details.

REASON: To secure an acceptable form of development.

Background papers: see application file.

UTT/1219/02/DC - LITTLE BARDFIELD
(District Council Proposal)

Construction of shared vehicular access. Removal of part of bank to provide visibility splays. 2 & 3 Grid Iron Villas. GR/TL 660-308. Uttlesford District Council.
Case Officer: Michelle Guppy 01799 510477
Expiry Date: 10/10/2002

NOTATION: ADP: Within development limits & Area of special landscape value.
DLP: Within Settlement Boundary

DESCRIPTION OF SITE: The site is located on the eastern end of the village on the Bardfield Road. The two properties are on an elevated position with an earth bank to the front boundary of height approx. 2.0m from the road level.

DESCRIPTION OF PROPOSAL: The application is for a shared vehicular access with hard-standing for use by two adjacent semi-detached properties.

APPLICANT'S CASE: Occupiers: Cutting back of the bank would improve visibility of the whole village. Have not experienced any problems with surface water lingering. These are family houses which require safe-off road parking in this location. Concerned for safety of their family. There is no kerb, pavement or lighting and have to park car further up the road. Pulling out of the drive would be no more dangerous than pulling out of the existing lay-by to west. Deliveries etc have to park on the road which is dangerous.

CONSULTATIONS: ECC Transportation – no objections subject to suitable drainage.

PARISH COUNCIL COMMENTS: Revised scheme similar to previous – therefore dangerous particularly in icy conditions. Recommendation to enlarge existing lay by. Understands that No. 4 Grid Iron Villas has new tenants, should investigate taking entrance to parking area round the back of the houses.

REPRESENTATIONS: 3. Notification period expired 05.12.02.
Eyesore, dangerous bend, loss of amenity and vegetation, increased flooding in vicinity.

PLANNING CONSIDERATIONS: The main issues are whether the proposal accords with

- 1) policy GEN 1 regarding road safety issues and the need to ensure there is no increase in flooding and**
- 2) policy C2 regarding the special characteristics of this Area of Special Landscape Value.**

1) The site is on the inside of the sweeping bend the existing sight lines are restricted. The proposal includes the cutting back of the existing banking to obtain improved visibility. At the moment there is no on-site parking, with vehicles left in a lay-by to the west of the properties. This is far from ideal as there is no path. There would be water run-off from the new hard standing & this could be catered for by a drainage system independent from the existing road drainage. A channel grating could be installed full width of the drive approx 1.0m from the bottom and run to a suitable soak-away. The Highways Authority raises no objections and it is considered that there would this proposal would be a gain in safety terms.

2) In order to achieve the sight lines a substantial amount of bank would need to be cut away. Some form of low-level planting along the verge is proposed to help mitigate the impact of loss of this section of the bank, but it would need to remain at such a low level to ensure sight lines were retained, that it would not adequately mitigate the impact of the proposal. The works would materially alter the character and appearance of this part of the

Area of Special Landscape Value. The visual effect would be to increase the openness of the site and the scale of the proposed alterations would not accord with the special characteristics of this rural area. Alterations necessary to achieve the required sight lines would have a detrimental effect on the special characteristics of this Area of Special Landscape Value.

CONCLUSION: It is considered that the detrimental visual impact would outweigh the improvement in highway safety in this case.

RECOMMENDATION: REFUSAL REASON

The proposal is contrary to ADP Policy C2 & DC1 and DLP Policy GEN2, GEN8 because it would be detrimental to visual interests. Loss of this section of bank and destruction of the existing verge would significantly alter the character and appearance of this part of the Area of Special Landscape Value. The visual effect would be to increase the openness of the site. The scale of the alterations would not respect the scale, proportions, and appearance of the environmental characteristics of the setting and does not accord with the special characteristics of the Area of Special Landscape Value. The proposal would not safeguard important environmental features in its setting and the appearance would not protect or enhance the particular character of the part of the countryside within which it is set.

Background papers: see application file.

UTT/0256/03/LB - SAFFRON WALDEN
(District Council Proposal)

Provision of wooden security shutters to all windows and door to summerhouse
The Summerhouse (Main Lawn), Bridge End Gardens. GR/TL 535-388. D Demery on
behalf of Uttesford District Council.

Case Officer: Karen Hollitt 01799 510495

Expiry Date: 22/04/2003

NOTATION: ADP and DLP: Outside Development Limits and Settlement Boundaries/Area
of Special Landscape Value (ADP only)/Within Conservation Area/Listed Building.

DESCRIPTION OF SITE: This application relates to the Summerhouse in Bridge End
Gardens to the northwest of the town centre.

DESCRIPTION OF PROPOSAL: The proposal forms part of the restoration programme for
Bridge End Gardens, and relates to the erection of removable shutters to the apertures of
the summerhouse, which are currently covered with black boards. The shutters would be
installed at night in order to protect the building from vandalism, and removed during the day
to enable visitors to the gardens to enjoy the building.

APPLICANT'S CASE: Summerhouse has been restored, including restoration to the
delicately formed frames of the windows and door. Due to repeated vandalism the openings
are boarded up with temporary plywood painted black which detracts from the quality of the
building. Shutters seeks to retain the inherent form of the building in a matter that remains
subservient to its overall quality. To minimise damage to the structure, the shutters will be
fixed by steel pins and bolts to the brick reveals. Shutters will be affixed to provide the
necessary protection against vandalism in the potentially most vulnerable period.

RELEVANT HISTORY: Temporary permission granted in 1995 for protective grills to doors
and windows. Railways and ditch approved February 2003.

CONSULTATIONS: Design Advice: No objections subject to shutters being of painted
timber.

TOWN COUNCIL COMMENTS: To be reported (due 29 March 2003.)

REPRESENTATIONS: This application has been advertised and any representations
received will be reported. Period expired 26 March 2003.

PLANNING CONSIDERATIONS: **The main issue is whether the proposals are
acceptable in design terms, particularly in relation to the character and setting of the
listed building (ADP Policy DC5, DLP Policy ENV2 and ESRP Policy HC3).**

The Summerhouse is a Grade II Listed Building and located in Bridge End Gardens, which is
currently undergoing a programme of restoration, partially funded by a grant from the
Heritage Lottery. The gardens are located in an isolated position away from the town centre
and are vulnerable to vandalism. The building in question has recently been restored and
should be protected using reasonable measures. The proposal relates to the installation of
wooden louvred shutters which can be removed during the day to enable visitors to the
gardens to appreciate the quality of the building. It is considered that the proposed shutters
would be more in keeping with the character of the building, and would be a visual
improvement to the black plywood boards currently in position.

CONCLUSIONS: It is considered that this proposal would enhance the character and
setting of the building.

RECOMMENDATION: (TO GO EAST) LISTED BUILDING CONSENT WITH CONDITIONS

1. C.2.2. Time limit for commencement of development – listed building
2. C.3.1. To be implemented in accordance with approved plans
3. The shutters hereby permitted shall constructed of timber, which shall be painted in a colour to be approved in writing by the local planning authority.
REASON: To ensure the development protects and enhance the character of the listed building.

Background papers: see application file.
