

PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 3 NOVEMBER 2003 AND ARE STILL RECOMMENDED FOR DEFERRAL

APPL NO: 1) UTT/1041/03/FUL, 2) UTT/1042/03/CA &
3) UTT/1043/03/FUL

PARISH: HENHAM

DEVELOPMENT: 1) Erection of replacement dwelling. 2) Demolition of dwelling. 3) Erection of bungalow

APPLICANT: 1+2) Mr K Snow c/o Bishop 3) Mr & Mrs Bishop

LOCATION: 1+2) Woodstock High Street 3) Mount Orchard The Chase

D.C. CTTE: 13 October 2003

REMARKS: Deferred for Member Site Visit

RECOMMENDATION: **Approval subject to conditions**

Case Officer: Michael Ovenden 01799 510476

Expiry Date: 29 August 2003

UTT/0683/03/FUL - CLAVERING
(Revised Report)

Change of use from dwelling to childrens' nursery school. Use garage for storage. Erection of 2m high boundary fence and gates. Creation of 3 no. on site parking spaces and creation of 6 no. parking spaces on paddock land.

The Small House. GR/TL 475-319. Miss H Moyer.

Case Officer: Miss M Guppy 01799 510477

Expiry Date: 15/07/2003

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

DESCRIPTION OF SITE: The site is located on the eastern side of Clavering, on the east side of the B1038 / High Street. To the northeast of the site is the Fox and Hounds Public House. To the south and east of the site is the pub car park. To the south on the opposite side of the road are residential properties. The existing building is a Grade II listed two-storey dwelling with detached garage and garden to the south. Apart from the part of the north and west sides the house is surrounded by approx 2m high fencing.

DESCRIPTION OF PROPOSAL: The proposal is for conversion of the existing building to a Montessori children's nursery school for 16 No. pupils and 3 No. staff, with use of the existing garage for storage and new boundary fence and gates. It is intended that 3 parking spaces for staff would be provided within the site. Visitor parking dropping off area would be created on land adjacent to the pub car park.

APPLICANT'S CASE: See Supporting Statements copy attached at end of report. (Copies of the letters referred to in letter dated 28 June 2003 are available to view at Council Offices, London Road, Saffron Walden).

CONSULTATIONS: County Surveyor: No objections in principal subject to adequate facilities should be provided clear of the limits of the public highway for the parking of staff vehicles and parents vehicles whilst dropping off and picking up children.

Environment Agency: Initially objected to the scheme because of the issue of flooding but has now withdrawn its objection provided a condition is imposed requiring a flood evaluation prior to being approved by the Council, which would detail the procedure to be followed in the event of a flood.

Ramblers Association: Ensure that the path 42 is not obstructed.

Environmental Services: Concerns over introducing a potentially noisy use into an area with low background noise levels.

Design Advice: Inadequate details provided to give specialist advice.

Education: No comments received.

Social Services: No comments received.

PARISH COUNCIL COMMENTS: Recommend refusal. There is no parking available, the house is right on the main B1038 through Clavering, we do not consider it viable to use the pub car park, which may be withdrawn at any time. Parking would occur along the main road, or in the entrance to the pub, or in the entrance to The Druce. Any of these options would be disastrous and possibly dangerous. Does not seem appropriate to lose a perfectly good period cottage, which in its setting contributes to the street scene and the open space adjacent to it, in one of the most visible and interesting parts of Clavering. Use to which this

cottage could now be put could in fact be accommodated in any modern building. Changes may well make it unusable as a house again, and which may destroy its character.

REPRESENTATIONS: This application has been advertised and one representation has been received. Period expired 19 June 2003.

CPREssex: Object, the change of use would affect adversely the setting and character of this part of Clavering through the introduction of commercial rather than traditional, low-key domestic activity. Would generate much more traffic and associated disturbance on weekdays, but leave the site 'lifeless' at evenings and weekends.

Pressure for changes to the listed building and its curtilage – signage, equipment, room layout, extensions, for example. Would not be the only or best means of preserving the listed building. Once converted building's future might prove more insecure. Would lead to an increase in number and concentration of vehicle movements which would be both unsustainable and generate hazards and nuisance for other users. The applicants cannot provide any parking at all on land under their control for the proposed use. Any agreement with a particular landlord of the public house would not be enforceable nor could it be guaranteed in the future.

PLANNING CONSIDERATIONS: The main issues are

- 1) **the effect of the loss of a dwelling in this location and its replacement with school on the character and appearance of the Conservation Area (ADP Policies C4, DC5 and DC2, DLP Policies ENV1, ENV2 & E4),**
- 2) **effect on residential amenity (ADP Policy DC14 & DLP Policy GEN4),**
- 3) **provision of parking (ADP Policy T2 & DLP Policy GEN9).**
- 4) **the effect on flood risk in the area (ADP Policy W3 and DLP Policy GEN3),**
- 5) **the effect on the listed building (ADP Policy DC5 and DLP Policy ENV2).**

This application was originally recommended for approval, was deferred at Officers' request in the light of further information and is now re-presented with a recommendation for refusal.

1) Planning policies permit development in conservation areas provided they do not harm the character and appearance. The site is a listed building adjoining a public house where there is already an element of activity during the day and the evenings. Policies also permit the change of use of dwellings in the interests of diversifying the rural economy. In principle it is considered that the proposed change of use is acceptable.

2) The building is well separated from nearby houses and would house a maximum of 16 nursery pupils. It is considered that the effect on amenity could be acceptable subject to appropriate controls on hours of operation and car parking, and this is discussed further below.

3) The parking standard requires one space per two daytime staff with consideration being given to waiting facilities for parents. Three staff are envisaged, and three parking spaces are proposed within the site. The "dual use" of the existing public house car park is not acceptable in planning terms because it relies on land outside the applicant's ownership and control. As a consequence the extension of the pub car park southwards has been proposed. This would provide 6 spaces for parents, but would be located adjacent to housing. It is considered that the manoeuvring of vehicles in this location would be detrimental to amenity, particularly in the early morning.

4) Turning now to flooding issues, the site lies in the flood plain of the River Stort. Initially the Environment Agency objected, but have tempered this objection to a requirement

for a condition requiring an emergency evacuation plan to be approved by this Council. The applicant argues that the site has never flooded as it is higher than surrounding land. Nevertheless although the decision is ultimately one for Members, Officers consider that it would be unwise to introduce a nursery school for children under 5 years old into a flood plain.

5) The Small House is a listed building. The proposed use would initially require alterations to the building but Officers have been unable to find out from the applicants what these are other than that they are "minor". However, what may be a minor change to an unlisted building could be very significant with regard to their effect on a listed building. The proposal is not acceptable as no assessment can be made of the effect on the listed building.

CONCLUSIONS: The proposed use is considered acceptable in principle but there are too many compromises for Officers to recommend approval. The extension to the car park would introduce vehicle manoeuvring adjacent to residential property in the early morning. The site lies in a flood plain and despite the Environment Agency's comments Officers question the wisdom of locating a nursery school in a flood plain. Finally, despite requests, there is inadequate information to assess the effect on the listed building.

Members may however consider the proposal acceptable. If the Committee is minded to grant permission then conditions will be required limiting the number of children, seeking details of boundary treatment, landscaping and hard surfacing, restricting operating hours, preventing the use operating before parking is provided and the emergency evacuation plan agreed. Finally, the use would need to be restricted to prevent other uses within Class D.

RECOMMENDATION: REFUSAL REASONS

1. The proposed development, by virtue of the extension of the car park, would give rise to noise, fumes and disturbance from the parking and manoeuvring of vehicles to the detriment of residential amenity, contrary to Policies DC14 of the ADP and GEN4 of the DLP.
2. The site lies in a flood plain. Notwithstanding the comments of the Environment Agency it is considered that the proposed use as a nursery school for children aged between 3 and 5 years old would be inappropriate and detrimental to public safety and contrary to Policy GEN2 of the DLP.
3. Insufficient information is available for the local planning authority to assess the effect on the character, appearance or fabric of the listed building. Accordingly the proposal is contrary to Policies DC5 & DC6 of the ADP, Policy ENV2 of the DLP and Policy HC3 of the ESP.

Background papers: see application file.

UTT/0917/03/DFO - SAFFRON WALDEN

(Revised report)

Erection of 68 residential units, public open space, provision of playing fields and associated development.

Land to the east of Bell College, Peaslands Road. GR/TL 543-376. Countryside Properties.

Case Officer: Jeremy Pine 01799 510460

Expiry Date: 06/08/2003

NOTATION: ADP: Within Town Development Limits/Protected Open Space.

DLP: Within Town Development Limits/Protected Open Space/1.4ha allocated for residential development, including Public Open Space (POS) and a Local Area for Play (LAP). (Policy SW2 gives the minimum number of dwellings as 23.)

DESCRIPTION OF SITE: This grassed site, which is just under 3ha (7.4 acres) in area, is located 70m to the north of Peaslands Road in the southern part of the town and was formerly part of the playing field to Bell College. The college buildings lie to the west beyond the remainder of the playing field and a flat-roofed 3-4 storey residential block (Butler Hall) fronts Peaslands Road 25-50m back from the highway edge. There is housing to the north, east and along part of the southern boundary, which is shared with allotments. The site falls from west to east in the direction of The Slade, which runs down the eastern boundary.

There is substantial hedge and tree screening along the north and east boundaries and along part of the southern boundary, but there are views through chain link fencing to the Bromfield estate which lies immediately to the south. A tall post and chain link fence has been erected along the western boundary of the site to separate it from the rest of the College grounds. Access to the site is currently possible via a break in the chain link fence near to Butler Hall and also from a point in the northeastern corner via a footpath which runs parallel with The Slade before turning eastwards to join the B184 Thaxted Road just south of the petrol garage.

DESCRIPTION OF PROPOSAL: Residential

68 dwellings would be erected down the western side and along the northern third of the site in an inverted "L" shaped arrangement. 28 of the units would be 4-bedroom 3-storey town houses arranged in terraces and semi-detached pairs in a rectangular grid, interspersed with 1 block of 3-storey flats providing 6 x 1-bedroom affordable and 6 x 2-bedroom affordable flats. Each of the town houses would have a small inward facing private garden, one integral garage and one covered parking space, some with an extra frontage visitor's space. The flats would have communal parking areas to the rear in courtyards, and each of the flats would have either an inward or outward facing balcony accessed via the living room, and access to an area of designated communal amenity space. Some layby parking for visitors would also be provided. All front elevations of the town houses and flats would provide natural surveillance of the open recreational area and the relocated Local Area for Play (LAP) to the east and the grounds of Bell College to the west.

The design of the town houses and flats would be modern, consisting of asymmetric and flat-roof sections to a maximum height of 11.25m for the flats and 10.5m for the town houses. Materials would consist of reproduction slate, soft red brick, white rendered panelling around patio doors and natural cedar feather-edged boarding to the upper surfaces. The metalwork to the balconies and all window frames would be painted grey.

Along the western part of the northern boundary of the site, 8 x 2-bedroom 2-storey dwellings would be erected in two terraces of four. Each dwelling would have a private garden to the rear, a timber-decked front facing balcony and would share communal frontage parking. To the east would be a further block of 3-storey flats of similar design to the others, consisting of 6 x 1-bedroom and 6 x 2-bedroom units. Communal parking would be available to the rear in a courtyard, and each of the upper storey flats would have a front facing balcony. There would also be an area of designated communal amenity space to the rear. To the east of the block of flats, two pairs of 2-storey 3-bedroom dwellings would be erected, one pair of which would be affordable, again with private gardens to the rear. One of the pairs would have garage parking to the rear, the other frontage parking in a court. Further to the east, and adjacent to the football pitch, would be a block of 2-storey affordable flats consisting of 4 x 2-bedroom units which have been moved as a consequence of the relocation of the LAP to a more central position. These flats would share the frontage court parking, would share a communal amenity area and each of the upper storey flats would have a front facing balcony. The 2-storey dwellings would have symmetrical pitched roofs to a maximum height of 7.5m: or 8m for the relocated flats. Use of materials would reflect those of the town houses and flats in the rectangular grid to the south.

By way of summary, the revised overall mix would be:

- 12 x 1-bedroom flats (6 affordable)
- 16 x 2-bedroom flats (10 affordable)
- 8 x 2-bedroom houses
- 4 x 3-bedroom houses (2 affordable)
- 28 x 4-bedroom houses.

Taking into account the reduction in the number of dwellings from 76 to 68, the **density** of the scheme would be 48 dwellings/hectare (was 54), taking into account the POS and LAP as part of the developable area as per the Local Plan and PPG3 advice, or 55 dph net (was 62). The number of dwellings of affordable status would be 26% of the total. Total car parking provision would be 121 spaces (was 127), increasing the level of provision to 1.78 spaces/dwelling).

Informal Open Space

Two areas of Public Open Space (POS) would be provided in the north-eastern corner of the site, adjacent to and overlooked by the relocated block of flats and the two pairs of semi-detached houses. One of the areas of POS would adjoin the football pitch, from which it would be separated by a 1.8m high chain link fence. The LAP would be relocated to the west of the football pitch to a position within the main residential part of the site. The LAP would be provided in accordance with guidance produced by the National Playing Fields Association and would be enclosed by a 600mm timber knee rail on its side facing the football pitch. The LAP would contain various benches and tables, and would benefit from natural surveillance from the adjacent flats and houses and from the footpath bordering the football pitch. A pumping station would be located to the west of one of the areas of POS.

Formal Open Space

To the south of the LAP, and running north–south, a senior size football pitch (95 x 60m) would be provided to Sport England’s specification, but with safety margin areas which exceed the minimum requirements. To the south of the football pitch a multi-use games area (MUGA) would be provided with dimensions of 40 x 33m, with 31 car parking spaces including spaces for people with disabilities and for a minibus. A barrier to prevent unauthorised casual use of the parking area would be provided. A sports pavilion measuring 17.5 x 10m x 5.1 m to the ridge would also be provided immediately to the west of the MUGA. The pavilion would have a symmetrical pitched roof, be constructed of similar

materials to the houses and contain changing rooms. The MUGA would be lit, and enclosed by chain link catch fencing (height and detailing to be agreed).

Access

As approved at appeal at the outline stage, all vehicular access would be via a mini-roundabout from Peaslands Road. The estate road would follow a rectangular pattern, reflecting the housing layout and also serving the football pitch, MUGA, sports pavilion and car park area. Following the relocation of the LAP, two private drives would now be provided along the eastern side of the main residential area rather than a section of through estate road as proposed previously. The estate road would be traffic calmed by speed tables and rumble strips. There would be two footpaths into the site, one from Bromfield to the south and the other in the northeastern corner running through the POS and adjacent to the LAP. There would be 2 walk-throughs from the estate road to the football pitch through the LAP.

Summary of Changes from the Original Plans

The proposals described in this report are revised details, which have resulted from further discussions with the applicant since the application was deferred at the Committee meeting on 22/9/03. Members may recall from the previous report that the following had already been secured as a result of earlier discussions prior to the application being reported to Committee.

- Inclusion of the LAP and consolidation of the POS to reflect the requirements of the Section 106 Agreement.
- A reduction in the number of 4-bedroom dwellings from 34 to 28 and an increase in residential parking provision.
- A reduction in the height of dwellings in the north-western corner of the site from 3 to 2 storeys to reduce the effect on residents in Victoria Gardens.
- Inclusion of separate footpaths from Bromfield and from the north-eastern corner of the site to improve accessibility for non-car users.
- Relocation of the pavilion and MUGA away from the adjoining resident in Bromfield.
- Erection of 1.8m high close-boarded fences to protect the amenity of residents in Bromfield who would be close to the site access and the parking area.

APPLICANT'S CASE: See letter dated 8/10/03 and a separate Sustainability and Environmental Statement, both attached at end of this report. A copy of the applicant's Environmental, Social and Ethical Report 2002 is also available for inspection at the District Council's Saffron Walden offices (copies have been sent to DC Cttee Members). The applicant's letter of 8/10/03 deals with the following issues which have been raised:

- Location of the LAP, accessibility and surveillance
- Density
- Amenity space for flats
- Car parking to flats and houses
- Floodlighting of play areas
- Management of facilities
- Proximity of football pitch to houses
- Lifts to the flats
- Design
- Fencing
- Design of pavilion
- Drainage
- Landscaping

- Education contribution

RELEVANT HISTORY: Conditional outline planning permission refused on highway safety grounds and allowed on appeal in 2000 for residential development, public open space (including a LAP), playing fields and access from Peaslands Road, subject to a Section 106 Agreement. The Agreement requires the developer:

- 1) Prior to the first occupation of any dwelling, to level, drain, grass and mark as appropriate a senior size football pitch: to lay out a MUGA, and to construct changing facilities (pavilion) and a parking area, all at the developer's expense, and to subsequently transfer them to the Council within 20 working days.
- 2) To lay out of an area of public open space (including the LAP) at the developer's expense in accordance with the landscaping condition, and to subsequently transfer it to the Council within 20 working days.
- 3) On the date of the transfer of 1) to the Council, to pay sums for maintenance and for a contribution to sports development funding.
- 4) To lay out a senior size football pitch adjacent to but outside the appeal site, which is to remain in the ownership of Bell College (Note: this has already been done).
- 5) On the date of transfer of 2) to the Council, to pay a sum for maintenance.

The locations of the senior size football pitch, MUGA, POS, LAP and the pavilion and car park were shown on a plan annexed to the Section 106 Agreement. That plan showed an illustrative layout of 22 detached dwellings. In the officers' report to Committee in November 1999 (i.e. pre-PPG3 on Housing), Members were informed that: "The applicant has not provided figures for the number of dwellings proposed, but the area indicated for housing could accommodate in the region of 30-35 dwellings, including a small element of affordable housing". At the subsequent appeal, both the Council's and the appellant's highway consultants worked on the basis of 40 dwellings being proposed and referred to this number in their evidence. However, the Inspector did not impose any limiting conditions in his decision letter regarding dwelling numbers, nor referred in the text of his letter to any indicative number. 40 dwellings would be marginally under the Government's recommended minimum density in PPG3 of 30 dwellings/ha (42 dwellings) and would therefore be classified as an inefficient use of land within the PPG3 definition.

The details of the mini-roundabout access onto Peaslands Road were not reserved for subsequent approval, but a condition requires the submission of a Stage 2 safety-audited scheme, which is to be implemented prior to the commencement of the development. (The mini-roundabout achieved initial safety audit status prior to the appeal).

At their meeting on 26/8/03, Members resolved to renew the outline planning permission with extra conditions requiring a flood risk assessment and the provision of a footpath from the north-east. They also authorised the rolling forward of the Section 106 Agreement, but to include a contribution towards Primary and Secondary School places if required as set out in Essex County Council's adopted School Organisation Plan 2002.

CONSULTATIONS: Original Plans

ECC Transportation: Section 278 Agreement required re mini-roundabout and associated highway works. Detailed comments given on layout.

Water Authority: No objections subject to conditions.

Environment Agency: Objects, as the site is upstream of The Slade, which is particularly sensitive to flooding. A flood risk assessment should be undertaken which should address surface water drainage on the site and potential impact on the watercourse.

Police Architectural Liaison Officer: None received (due 3/7)

Sport England: No objections to the design and layout of the proposed full-size football pitch, MUGA or pavilion/changing rooms, or to the proposed hours of use of the floodlighting

of the games area. Confirmation required that the developer is still required to provide the second football pitch within the College grounds. (Note: This is a requirement of the S106 Agreement and the second pitch has now been provided)

ECC Learning Services: Based on the latest adopted School Organisation Plan, there will be sufficient primary places at a local school serving this development. In the case of secondary provision, it is forecast that there will be a deficit of at least 48 places between now and January 2007 at the local County High School. Based on the number of qualifying units, the development will require an extra 13 secondary school places, equating to a developer contribution of £132,600.

UDC Community and Leisure: To be reported following a meeting that was held with the applicant to discuss the adequacy of the open space provision. (Note: At the meeting, Community and Leisure expressed satisfaction with what was being proposed in the revised plans).

UDC Environmental Services: None received (due 1/7)

UDC Building services: No adverse comments.

Revised Plans (Set 1)

ECC Transportation: No objections subject to conditions. (Note: The wording of these recommended conditions may change as a result of the further revised plans).

Environment Agency: The applicant is demonstrating that there will be no increase in discharge to the Slade. There was a pre development enquiry. There will, therefore, be no need for Countryside Residential to complete a flood risk assessment.

Three Valleys Water: The proposed development site is located within an Environment Agency defined Groundwater Protection Zone (GPZ) the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

Revised Plans (Set 2)

ECC Learning Services: Contribution reduces to £112,200 as a result of the reduction in the number of dwellings and the revised mix.

Any other comments received will be reported (due 29/10/03).

TOWN COUNCIL COMMENTS: Original Plans: Strongly object. Overdevelopment. 76 dwellings proposed (Policy SW2 recommends 23). 3-storey properties would overlook bungalows in Victoria Gardens. Flooding from The Slade is a serious issue. Additional playground accommodation would be inadequate. Loss of a potentially important playing field not supported. Concerned about the large amount of traffic being generated onto Peaslands Road and Thaxted Road. Football pitch appears undersized.

Revised Plans (Set 1): Not received.

Revised Plans (Set 2): To be reported (due 29/10/03).

REPRESENTATIONS: This application has been advertised and 16 representations re the **Original plans** have been received, including from SW Friends of the Earth and CPREssex. 1 letter has been submitted on behalf of 7 local residents. Period expired 17/7.
Summary of 15:

Layout/Density

Overdevelopment contrary to Policy SW2. Would be a 330% increase over the minimum site capacity identified in SW2 (23 units). 30-35 dwellings mentioned in Officers' outline

report and during the Inquiry. More background information required, which should then be independently reviewed.

Overlooking of gardens and elevations of bungalows in Victoria Gardens from 3-storey houses. Overlooking at an angle from adjoining flats. Overlooking of houses in Thaxted Road, especially in winter.

Garden areas of most houses substantially below Essex Design Guide standards. A reduction in the number of dwellings would rectify this.

Likely that the appeal Inspector would have limited by condition the number of dwellings had he known how many were now proposed.

Design out of character with neighbouring properties. 3-storey height will make the buildings clearly visible throughout the neighbouring area.

Design/layout soulless and depressing. No other cedar boarding detailing in the locality.

Environmental Impact Assessment required.

1 letter: No objections to layout provided the hedges and trees to the south of the site bordering the multi-use games area and car parking are retained.

Open Space

Concerned about the removal of trees screening the residential block from Peaslands Road. The site was designated as a green area, available to wildlife. Destruction of the green aspect. No provision whatsoever for additional public play space, plus the informal open space referred to at the inquiry and mentioned in the District Plan. Not sufficient for the developer to offer to create an area within walking distance. Doubtful whether Sport England would have agreed to plans depriving children of adequate play space. Incidental, green verge areas are not usable. Loss of sports field facility. The area already has fewer playing fields than the requirement for the size of population. Will there be floodlighting, and a high mesh fence to prevent balls going over onto the allotments? Ugly collection of buildings in an attractive open recreational space. Thaxted Road residents support the repositioning of the football pitch and multi-use games area as this will reduce loss of privacy from overlooking, but creates other problems from public access, noise, litter, vandalism, crime, floodlighting etc, especially from use of the multi-use games area. Relocating the multi-use games area, car park and changing rooms to north of the football pitch would reduce the impact on residents.

Access/Parking

Could pedestrian access be provided to Victoria Road? Mini-roundabout should act as a traffic calmer through its design. Car parking provision does not meet the residential standards in the District Plan (146 spaces required – 110 provided). Would result in on-street parking. Is the Council satisfied with the level of provision? Problems with traffic flow in front of the main college building in proximity to the new access. Problems with cars queuing in a westerly direction along Peaslands Road. It is a main thoroughfare at most times of the day. Can the access take the traffic associated with the increased density? Access from the allotments should be prevented. Better if access came via Bromfield. Adequate feeder roads required. Mini-roundabout would be a traffic hazard and an objectionable sight. Object unless access for pedestrians provided from NE corner and from the west.

Access proposals incomplete. Roundabout would cause problems manoeuvring into and out of the driveways to 30 & 32 Peaslands Road, especially for large vehicles. Parents have petitioned for a zebra crossing near to the junction with South Road for school access. Walking in to town unlikely except for the reasonably fit. Buses are infrequent. Increased car usage likely to occur. Updated traffic impact assessment required. Lack of secure cycle parking.

Others

Extra strain upon all public services. More congestion, noise and pollution on already crowded roads, and noise from the playing fields. ADP identifies the land east of Bell College as a protected site. 2m high boundary fence down eastern boundary required for amenity, safety and anti-littering reasons. Query who will manage the facilities and use outside of authorised hours. Request conditions to control disturbance during construction works. Object to the revisions to the S106 Agreement to allow residential development before the provision of the sports pitches. The replacement of the existing underused pitches with improved facilities was the basis of the appeal decision. It is the developer's responsibility to ensure safe access and working. The provision of the facilities should not be influenced by a developer's cost decisions.

Revised Plans (Set 1): 6 letters received:

1-3) Design and height of buildings out of keeping, removal of the hedge along the boundary with the Peasland Road allotments will leave the site unscreened. It is a natural barrier that will prevent sound from the multi-sport pitch and football pitch. Its removal will increase intrusion of noise. No indication of what fencing will be installed to prevent trespass and inclusion of ball from the games area. Will a covenant be put in the houses to prevent the internal garage being converted into living space? Gardens too small for families. Closeness of houses to the northern boundary, resulting in overlooking.

4) The new scheme for the public open space with a footpath to the NE corner of the site looks very attractive the close boarded fencing along the boundary will, no doubt, be welcome to both sides. Can the developer be asked to negotiate a boundary adjustment with the house owner to complete the access to be provided at the NE corner by the scheme. The plan still does not have a clear provision for access to the west.

5+6) See letter from CPRE dated 9 September 2003 and letter dated 8 September 2003 from Friends of the Earth attached at end of the report.

Revised Plans (Set 2): Any comments received will be reported (due 29/10).

PLANNING CONSIDERATIONS: This is a reserved matters application where the principle of the development is not at issue. The main issues relate to points of detail and are whether:

- 1) **the proposed residential density, mix, layout and design would 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) and PPG3 (Housing),**
- 2) **there would be adequate car parking, as well as accessibility for non-car users under ERSP Policies T3 (Promoting Accessibility), T12 (Vehicle Parking), ADP Policy T2 (Provision of Car Parking), DLP Policies GEN1 (Access) and GEN9 (Vehicle Parking Standards),**
- 3) **the previously approved mini-roundabout onto Peaslands Road would have adequate capacity to cater for the traffic levels now anticipated so as not to contravene ERSP Policy T3, ADP Policy T1 (New Development and General Highway Considerations) and DLP Policy GEN1,**

- 4) **the amount of formal and informal open space would be in accordance with the Section 106 Agreement, its location would be satisfactory and**
- 5) **the amendments to the Section 106 Agreement that the developer has asked for in relation to i) the revised locations of the sports and recreation facilities and ii) the phasing of their provision would be acceptable.**

1) The proposed density would be less than that of recently approved schemes at Radwinter Road (Printpack) and Thaxted Road (Bovis), taking into account the provision of the area of POS and the LAP within the developable area of 1.4 ha. The dwelling mix would be satisfactory, with 36 out of the 68 dwellings being of 2-bedrooms or less (previously 44 out of 76).

With regard to design, PPG1 (General Policy and Principles) advises that poor designs should be rejected where supported by clear plan policies or adopted supplementary planning guidance. PPG1 defines poor designs as including those inappropriate to their context, for example those clearly out of scale or incompatible with their surroundings. However, PPG1 also advises that local planning authorities should not attempt to impose a particular architectural taste or style arbitrarily.

Appreciation of design is to some extent a subjective issue. Officers consider that the design of the new housing would be appropriate, being of a modern style on land which would continue to have at least a visual association with the grounds of Bell College. The open areas to the west and east should allow the new housing to be read in isolation and not as part of any adjacent housing group or within any existing street scene. For this reason, Officers consider that it would be difficult to argue that the design would be incompatible or out of scale with the surroundings. Officers have expressed concerns to the applicant about the unbroken appearance of development down the eastern and western sides of the grid and did suggest the inclusion of further public open space in the centre in mitigation, with a consequent reduction in dwelling numbers. Members expressed similar concerns at the previous meeting, as a result of which the LAP has now been relocated.

The residential layout of the 3-storey houses would avoid material overlooking of existing houses in Thaxted Road, the nearest rear garden of which would be 85m away across the football pitch. The relocated flats would be closer, but only bedroom windows would be in the rear elevation and they would mainly look out onto commercial premises, with all existing boundary screening retained. The reduction in height of the housing along the northern boundary from 3 to 2 storeys that has been negotiated should assist in reducing the effect on residents in Victoria Gardens to the north. The applicant has not proved willing to reduce the height of the adjoining flats to 2 storeys, but these are located further from the site boundary and only bedroom and lobby windows would face north. All existing northern boundary screening would be retained where it abuts Victoria Gardens.

The Essex Design Guide recommends a minimum private garden size of 100 sqm for houses of 3-bedrooms or more at densities above 20 dwelling/ha. Whilst all the private gardens would be smaller than that (averaging 60-65 sqm), Officers consider that these would be satisfactory, balancing the availability of the open recreational land to the east against the need to achieve the higher densities required under PPG3. In his decision letter on the Printpack appeal in Radwinter Road, the Inspector commented:

"This national guidance (PPG3) makes it clear that it introduces a new approach to planning for housing, and that for most authorities this will mean that their development plan will require early review and alteration in respect of housing. Because of this, I share the appellant's view that an inevitable consequence will have to be a reduction in expectations of amenity space available to some new residential properties".

All the flats would now have access to areas of communal private amenity space.

2) PPG3 advises that local authority requirements for car parking, especially off-street, are a significant determinant of the amount of land required for new housing. PPG3 accordingly advises that development which results in an average of more than 1.5 off-street parking spaces/dwelling is unlikely to reflect the Government's emphasis on securing sustainable residential environments.

The amount of car parking provided would be above the 1.5 spaces/dwelling average, but would be only about 78% of the maximum requirement set down in the DLP taking into account the proposed mix of dwelling sizes (an increase of about 4% in provision compared to the original plans, but not taking into account the reduced number of dwellings). The DLP promotes a realistic approach to car parking provision, which aims to discourage unlimited provision on new developments (and thereby car usage), but which recognises the inherently high levels of car ownership within the district because of, inter alia, poor public transport and isolation. However, PPG3 advises that developers should not be required to provide more car parking than they or potential occupiers might want.

In this case, Officers consider that a level of provision at 1.78 spaces/dwelling within an urban area (i.e. somewhere between the Council's maxima and PPG3) would be appropriate taking into account the number of 4-bedroom dwellings proposed. Whilst Members may well consider that more car parking ought to be provided, the vast majority of the remaining dwellings would be much smaller, being either of 1 or 2-bedrooms (36 out of 40) with only 4 x 3-bedroom dwellings, which all generate the same parking requirement under the Council's standards. The provision of covered and rear courtyard parking ought to be sufficient to avoid significant car dominated frontages throughout, although there would be some parking in front of the dwellings facing Victoria Gardens.

There would be reasonable accessibility to the site for non-car users, in particular the separate footpaths that would be provided from the north (opening up the POS) and from the south, in addition to the new walk-throughs from the west. The layout would not prejudice footpath access from the west (via Bell College) if that became possible or preferable in the future. A condition could be imposed requiring the provision of covered cycle parking facilities for all dwellings not served by a garage space.

3) A meeting has been held with officers from ECC Transportation to explain the planning history of the site. They are aware that the number of dwellings now proposed is more than was anticipated during the appeal process, and have made their recommendation with this knowledge. A Traffic Impact Study was not requested because a condition that the Inspector imposed prevents construction until a Stage 2 Safety Audit of the access has been completed. Nonetheless, the applicant has provided one as part of the Stage 2 Safety Audit.

4) The amount of formal and informal open space now proposed would be comparable to that required under the Section 106 Agreement, albeit in different locations than on the plan annexed to the agreement. The main reason for this is that ground levels have dictated the relocation and reorientation of the football pitch in order to avoid excessive "cut and fill" (in the order of 3-4m) to provide a level surface. As a result, the locations of the rest of the formal and informal recreation areas and the pavilion and car parking have also been changed.

Concerns have been expressed because the plans do not show a proportionate increase in the amount of open space provided, taking into account the higher number of dwellings now proposed. Whilst those concerns are appreciated, Officers consider that the quality of the open space would now be improved as a result of the proposed layout, offsetting the need

for any increased area. The main reason for this is that the football pitch, which is the largest area of open space, would now benefit from natural surveillance mainly from the frontages of the new town housing and flats, making it more likely to be used informally when not in use for organised play. On the plan annexed to the Section 106 Agreement the football pitch would have been provided along the northern boundary of the site, benefiting from little, if any, natural surveillance due to the orientation of the few detached houses that would have bordered it. Whilst the POS would still be in the north-eastern corner of the site (as opposed to the centre of the residential layout under the Section 106 Agreement plan), it would still relate well to the footpath connection from the north as well as from the estate road and footway, and would be overlooked from adjoining dwellings.

A further advantage of the revised layout is that all the existing boundary tree and hedge screening down the eastern boundary of the site can be retained with no pressure for felling in the medium or longer terms as a result of shading of dwellings or their private areas. This should benefit existing residents in Thaxted Road. A representation has suggested that the MUGA and pavilion be relocated to the north of the football pitch (which would need moving to the south) so that they would back onto commercial premises in Thaxted Road and not private gardens. One disadvantage of this would be visitors arriving by car having to travel through the residential layout to reach the car park area. Most of the existing boundary screening along the site's southern boundary would need to be removed to locate the MUGA and the car park, but negotiations have achieved a relocation of the pavilion and the erection of fencing to limit the effect on the closest Bromfield residents. Further reinforcing planting could be requested by condition along the southern boundary with the allotments.

Hours of use, provision of catch fencing and the lighting of the MUGA (which mainly backs onto allotments) could be controlled by conditions. Officers have considered whether the conditions imposed by the Inspector controlling hours of use and lighting of the recreation facilities remain appropriate. The reason for this is that the Inspector would have based his judgement on the locations of the facilities shown on the Section 106 Agreement plan. It is clear from the Inspector's decision letter that those conditions were imposed to protect residential amenity, whether that be the amenity of existing or new residents. The conditions remain appropriate and necessary.

The size, design and layout of the pavilion would be satisfactory, and there would be adequate car parking separate to that required serving the housing. The overall layout of the site would allow some separation of residential and recreational traffic once it has entered the site from Peaslands Road.

5) In addition to regularising the revised locations of the recreation facilities, the applicant is requesting the following amendments to the Section 106 Agreement (see Section 7 of the letter dated 19/8/03):

i) To level, drain and seed the football pitch in the first planting season following the grant of planning permission. The grass would then be protected and allowed to establish (advice is for 2 years) before it is marked out as a football pitch and formally used. The pitch would be transferred to the Council as soon as it is willing to accept it after levelling, draining and seeding.

The current requirement is for the pitch to be available for use prior to first occupation of any dwelling, which would either mean delaying construction of the housing if the pitch is allowed to establish, or risking its condition through earlier use prior to first occupation if construction starts straightaway. The requested amendment would appear to be a reasonable compromise in the best interests of the management of the pitch surface, particularly because the Council would have the final say over when the pitch can first be used.

ii) The MUGA and pavilion will be constructed and made available for use after 50% of the dwellings have been constructed and occupied.

The current requirement is for both to be available prior to the first occupation of any dwelling. The applicant has informed the Council that construction would be on a phased basis, working away from the site entrance, which could result in the public trying to access the facilities whilst construction is still proceeding at the front of the site. Officers consider that this would be an undesirable situation in the interests of Health and Safety and it would be better for the construction works to migrate northwards first, by when the front of the site would be tidied because it would be in occupation.

iii) The POS and the LAP would be laid out and made available once all construction on the site has been completed (i.e. during the next planting season).

The current requirement is for both to be laid out in accordance with the landscaping condition, i.e. during the first planting season following occupation of any of the dwellings. Given the need to protect the surface of the football pitch and the requirement for the MUGA to be available for public use, the POS and LAP areas are the only places where the applicant could site a compound clear of the development area. The amendment is therefore considered to be appropriate, especially as there would again be Health and Safety concerns were both to be in public use as the phased construction programme proceeded northwards.

Officers are aware that these amendments to the Section 106 Agreement have the effect of delaying the provision of the open space areas in relation to the completion of dwellings, but consider that they would be necessary given the layout now proposed.

CONCLUSIONS: This is a contentious proposal, mainly because of the number of dwellings proposed has increased compared to the number thought possible at the outline stage. Officers have carefully considered the proposals against Development Plan policies, and have also weighed them against advice in PPG3 urging the more efficient use of land. Following extensive negotiations, including those entered into at Members' request, it is the firm view of Officers that these detailed proposals are now acceptable subject to conditions and the necessary amendments to the Section 106 Agreement and the completion of a Section 278 Agreement.

RECOMMENDATION: APPROVAL WITH CONDITIONS AND REVISED SECTION 106 / SECTION 278 AGREEMENTS RE:

- **Layout of sports and recreational facilities**
- **Phasing of provision of sports and recreational facilities**
- **Education contribution**
- **Off-site highway works**
- **Provision of affordable housing**

CONDITIONS:

1. C.3.2. To be implemented in accordance with revised plans
2. All planting, seeding or turfing comprised in the approved details of landscaping (except for the Public Open Space and Local Area for Play areas shown on drawing

N00151/P/01E) shall be carried out in the first planting and seeding seasons following the occupation of any of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All planting, seeding or turfing comprised in the approved details of landscaping for the areas of Public Open Space and the Local Area for Play shown on drawing N00151/P/01E shall be carried out in the first planting and seeding season following the first occupation of the last dwelling; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation

REASON: The landscaping of the site is required in order to soften the impact of the residential development in the street scene.

3. C.6.2. Excluding all rights of permitted development within the curtilage of a dwellinghouse without further permission
4. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.
5. Details of the height and positioning of chain link catch fencing and of any floodlighting for the multi-use games area shall be submitted to and approved in writing by the local planning authority before the use of that area commences. The development shall be carried out in accordance with the approved details with all catch fencing erected prior to first use of the multi-use games area. There shall be no subsequent alteration to the fencing or lighting without the prior written consent of the local planning authority.
6. The floodlighting of the multi-use games area shall not be illuminated for any purpose other than between 0800 hours and 2130 hours on Monday to Saturday and at no time, unless previously agreed in writing by the local planning authority, on Sundays, Bank or Public Holidays.
7. The sports pavilion shall not be open to the public other than between the following times:
 - a) 0800 and 2200 hours on Monday to Friday
 - b) 0800 and 2100 hours on Saturday
 - c) 0800 and 1800 hours on Sundayand at no time, unless previously agreed in writing by the local planning authority, on Bank or Public Holidays.
8. The football pitch hereby permitted on the application site shall not be used for formal play other than between 0830 and 2100 hours on Monday to Saturday, and between 0900 and 1800 hours on Sunday.
9. The sports pavilion shall be used only for purposes ancillary to the sports activities undertaken on the approved pitch and multi-use games area shown on drawing N00151/P/01E and for no other purpose (including any other purposes in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) unless approved in writing by the local planning authority.
10. No work relating to the construction of the development hereby approved, including works of preparation prior to operations, shall take place other than between 0800 and 1800 hours Monday to Friday, and between 0800 and 1300 hours on Saturday, unless otherwise agreed in writing by the local planning authority.
11. No works of construction shall take place which relate to the construction, laying out and landscaping of the playing field or multi-use games area shown on drawing N00151/P/01E unless a system for dust suppression has been submitted to and

- approved by the local planning authority in writing. The dust suppression system shall be implemented before that part of the development commences and shall be retained for the duration of the construction period.
- REASON for 5 - 11: To protect the amenity of the residents of adjoining dwellings.
12. The individual dwellings shall not be occupied until the parking provision for the particular dwelling (including any adjoining visitor's spaces) has been provided in accordance with the details shown on the site layout plan N00151/P/01E. That parking provision shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: To reduce the likelihood of on-street parking.
 13. Details of measures to prevent spoil/mud from vehicles leaving the site during the construction works being deposited on the public highway shall be submitted to and approved by the local planning authority in writing, and shall be implemented before the development commences. Such measures shall be retained for the duration of the construction period.
REASON: In the interests of highway safety.
 14. No dwelling without a garage space shall be occupied until it has been provided with a secure space for the storage of a bicycle.
REASON: To encourage journeys to the site by means other than by car in the interests of sustainability.
 15. The footpath link to the northeastern corner of the site shown on drawing N00151/P/01E shall be provided to the fullest extent of the land within the applicant's control and made available for public use during the first planting season following the first occupation of the last dwelling to be occupied on the site, and shall thereafter be retained in perpetuity.
REASON: To encourage journeys to the site by means other than by car in the interests of sustainability.
 16. No development shall commence until a scheme for the provision and implementation of surface water and foul drainage has been submitted to and agreed in writing by the local planning authority. The scheme as approved shall be constructed and completed in accordance with the plans and specification as such time as may be specified in the scheme.
REASON: To ensure satisfactory methods of surface water and foul drainage.
 17. No development shall commence until details of additional planting along the southern boundary of the multi-use games area shown on drawing N00151/P/01E have been submitted to and approved in writing by the local planning authority. All planting comprised in the approval additional details shall be carried out in the first planting season following the first use of the multi-use games area. Any planting which within a period of 5 years from planting dies is removal or becomes seriously damaged.
REASON: The landscaping of the area is request to soften the impact of the development in the streetscene.
 18. No dwelling shall be occupied until the chain link fencing (which shall be 1.8m high) running down the western side of The Slade has been erected. Subsequently, this fencing shall be retained in good repair in perpetuity.
REASON: In the interests of public safety.
 19. C.16.1: Watching archaeological brief.
 20. The footpath links through from the estate road to the football pitch shown on drawing N00151/P/01E shall be completed and made available for use by the time that the Local Area for Play is first used.
REASON: In the interests of pedestrian convenience.
 21. All side elevation windows to the dwelling on drawing N00151/P/05B and to the flats on drawing N00151/P/19A shall be retained in perpetuity.
REASON: To increase natural surveillance of the adjoining area of public open space.

(HIGHWAY CONDITIONS – WORDING LIABLE TO CHANGE AS A RESULT OF THE REVISED SET 2 PLANS. OTHER CONDITIONS MAY BE ADDED)

22. The carriageway, turning areas and footways of the estate road shown on drawing N00151/P/01E 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. All statutory undertakers' equipment and services shall be laid prior to the commencement of any other works. Until such time as the final surfacing is completed, the base level of the footways and any shared pedestrian/vehicle accesses shall be 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.
23. The development hereby permitted shall not commence until there has first been submitted to and approved by the local planning authority a scheme covering works to the public highway (Peaslands Road) in the form shown in the Stage 2 Safety Audit. This scheme shall be implemented prior to the commencement of the development.
24. All sightlines to each internal estate road junction shown on the approved drawings shall be provided before the road is first used by vehicular traffic and thereafter retained free of obstruction.
25. The access road from Peaslands Road to the multi sports area shown on drawing N00151/P/01E shall be provided with a 5.5m wide carriageway with 1.8m wide footways. The section of the road where only a 500mm overhang strip has been provided shall be provided with a suitable supporting structure or highway formation, details of which shall previously have been submitted to and agreed in writing by the local planning authority.
26. The road forming a loop onto the access road shown on drawing N00151/P/01E shall be provided with a 4.8m wide carriageway, but where two footways are provided, one shall be a minimum of 1.8m wide. A 500mm overhang strip shall be provided adjacent to the lengths of carriageway where no footway is provided. Both junctions with the access road shall be provided with a 2.4m x 60m clear to ground visibility splay across the frontage of Plots 23 to 28, which shall thereafter be retained in perpetuity. The longitudinal gradient shall not exceed 8%.
27. The access road hereby approved shall include a raised speed table within the vicinity of Plots 31 to 48 on drawing N00151/P/01E. The speed table shall be sited so as to include the junction on the western side of the road, and its detailing shall be agreed at the engineering stage.
28. All accesses to garage or parking courts shall be provided with 2m x 20m clear to ground visibility splays prior to their first use, which shall thereafter be retained in perpetuity.
29. The proposed bellmouth junction with the County road shown on drawing N00151/P/01E, inclusive of any cleared land necessary to provide the site splays, shall be formed and constructed prior to the commencement of any of the development.
30. 1.5m x 1.5m pedestrian visibility splays, relative to the back of the footway/overhang margin, shall be provided on both sides of all vehicular accesses prior to their first use. The visibility splays shall thereafter be retained in perpetuity, with no obstruction within the splay exceeding a height of 600mm above the finished surface of the access.
31. The first six metres of any private accessway as measured from the highway boundary shall be treated with a bound surface dressing, the details of which shall previously have been agreed in writing with the local planning authority. The bound surface shall thereafter be retained in perpetuity.

32. No dwelling shall be occupied until a scheme of street lighting (including details of its phased introduction) has been submitted to and approved in writing by the local planning authority. The scheme as approved shall thereafter be implemented in accordance with the approved phasing, and all lighting columns shall subsequently be retained in perpetuity.
33. No development shall commence until details of turning and loading/off-loading facilities for delivery vehicles within the site, together with employee's parking and wheel-washing facilities, have been submitted to and agreed in writing by the local planning authority. The approved details shall subsequently be provided prior to the commencement of any development and retained for the duration of the carrying out of the works.
REASON FOR 22-33: In the interests of highway safety.

Background papers: see application file.

UTT/1718/02/OP - GREAT EASTON

Outline application to convert/extend the Moat House to form additional care flats with 4 staff flats in roof space. Erection of 14 extra care cottages with garages, children's nursery, cafe/shop, administration offices and store. Formation of new access road.

The Moat House, Dunmow Road. GR/TL 611-252. Newton Chinneck Ltd.

Case Officer: Richard Aston 01799 510464

Expiry Date: 03/02/2003

NOTATION: ADP & DLP – Outside Development Limits & Settlement Boundaries/ Within Area of Special Landscape Value (ADP only).

DESCRIPTION OF SITE: The site in total extends to about 4.2 ha (10.5 acres) and is located directly east of the village of Great Easton on the B184 between Great Dunmow and Thaxted. The net development area extends to some 1.7 ha (4.25 acres). The site comprises an existing care home facility known as St. Georges. The Moat House is located on the eastern boundary of the site backing onto open countryside, together with a small number of outbuildings, formal gardens for use by the residents of the care home, and a lake. The site also contains areas of scrub and woodland mainly to the southern and northern sides and is bordered by mature trees to the west on its boundary with the B184.

In addition, an independently occupied residential property known as Moat Cottage is located in the centre of the site, surrounded by a moat to the east and positioned about 50m west of the existing care home. Access to both the care home and Moat Cottage is at present taken from two existing entry points, one opposite the PA Wood Rolls Royce garage and the second (which is the main access to the care home) is located 150m to the southwest.

DESCRIPTION OF PROPOSAL: The proposal is in outline and comprises the following:

- The conversion and extension of the existing Moat House residential care home to provide 15 2 bed extra care flats.
- The erection of a new two storey care home, directly to the north of the existing care home to provide 30 places, a unit for patients with mental health problems comprising 10 places and the provision of 4 staff flats in the roof space.
- The erection of 14 extra care cottages in the grounds of the Moat House providing 2/3-bed accommodation. These would be located in two groups, 9 positioned along the southern boundary and 5 along the northwestern boundary.
- The proposal also details the creation of a number of community orientated facilities including a child nursery to accommodate 50 children, administration offices for up to 12 staff, a central storage facility and a café and corner shop.

The proposed development would operate as an integrated unit. The extra care cottages would be for elderly people requiring independence but with a need for a limited degree of care. This would be provided on site and would be to a greater extent than available in conventional sheltered accommodation. The flats arising from conversion and extension of the Moat House would provide a greater degree of care, with a higher degree of care being available in the new care home, along with specialised care for people with mental health care needs. In essence it would be possible for people to progress through increasing levels of care while retaining the familiarity of surroundings, friends and staff.

APPLICANT'S CASE: The concept is to develop a number of compatible care facilities, which can benefit being grouped in a single location, so as to take advantage of sharing

buildings, staffing and management. The facilities incorporated in this project will provide a contribution to the community, but at the same time will have to be structured to be commercially viable.

RELEVANT HISTORY: Change of use of home to care home approved 1978. Change of use from private dwelling to registered residential care home approved 1986. Proposed extensions to residential care home approved 1989. Erection of 10 sheltered housing units refused 1989. Single and two storey extensions to existing nursing home approved 1996. Single and two storey rear extension to care home approved 1999. Single and two storey extensions and alterations to existing care home approved 2000 but not yet implemented.

CONSULTATIONS: ECC Social Services – The current residential care home is located in an area of relatively low supply of residential care. The demand for care exceeds supply. The existing care home scarcely meets existing standards required under the former Essex Residential Homes Policy. The Care Standards Act and National Minimum Standards propose improved standards by 2007, although Central Government's attitude has softened. However because the frailty of older people requires larger rooms for equipment and more 'appropriate' standards of care, prudent proprietors are investing in the proposed National Minimum Standards despite their recent retraction. Due to economies of scale, proprietors tend to seek developments in excess of 40 bedrooms. The County Council will certainly support the proposal that the current provision at Great Easton is modernised and updated as it provides a valuable community resource. Notes that 10 of the proposed residential beds are specifically to be designated for mental health needs. ECC is seeking to stimulate the number of independent private sector residential beds. Having discussed the proposal for the cottages with the proprietor, the vision for the site is to provide a continuity of care ranging from those with low dependency needs thought to those who require extra care support in their own properties. This model of care can work well although ECC understands that there is some resistance to the care village notion. A professional view is that they have to be affordable as well as accessible. It is also important that transport facilities are provided to ensure inclusion within the community. It is Essex County Council's assumption that the extra facilities provided are intended to create the notion of a more balanced age profile within the community. The County Council's principal interest is the retention of the residential capacity. The proposals as submitted have the potential to meet broader needs of older people in the community if the care cottages and flats are allocated to those with appropriate levels of need.

Uttlesford Primary Care Trust: Newton Chinneck approached the PCT some 12 months ago to find a solution to current provision problems as highlighted by the new standards. Central government strongly approves of innovative healthcare solutions. We see a great need for the extra care cottages as this approach allows people to stay in their own homes for treatment. In addition we also recognise that Uttlesford has a rising population of over 65's. The design of the care home will allow a very flexible delivery of social care. Though not directly in our remit, we support the provision of extra facilities because it would encourage local people to use the facilities and would give residents a sense of belonging. We wish to support this application, as it would be a valuable asset to the community in the future.

UDC Local Plans Policy Advice – The proposal would result in a major new built complex in the countryside. There is no provision for this type of development in the ADP. The applicants are seeking to justify the development on the grounds that it is a facility, which meets an identified need, and on the positive side, it may also generate local employment, but it is essentially a commercial venture. Is this the best site for a facility of this type? No feasibility study has been done. Facilities for social interaction at Great Easton are limited. The housing element in particular raises concern as the properties could become market housing if not properly controlled. Traffic generation will also be a consideration. The overall view is that it is contrary to policy and the site is unsuitable for such a facility.

Specialist Landscape Advice – The proposal would significantly impact on this 19th century garden and parkland landscape. The proposals would be harmful to the character and fabric of the countryside. The fact that the site is screened from public vantage points does not diminish the detrimental impact it would have. Recommends refusal.

ECC Transportation - Following the resubmission of a Traffic Impact Assessment to Mouchel Essex, the highways department consider that it would be unreasonable to raise an objection to the proposal given the existing uses on the site. No adverse comments have been forthcoming in relation to traffic impacts. A Sec 106 agreement would be needed to cover works in the limits of the public highway.

Environment Agency – The agency finds it unacceptable that a detailed Flood Risk Assessment (FRA) is not submitted at this outline stage, as PPG25 seeks assurance at the time of determination. In view of this the agency is unable to withdraw its objection to the proposal until a detailed FRA has been submitted to prove that the proposal would not increase the risk of flooding downstream. Makes a number of advisory comments in relation to watercourses.

The Garden History Society – The Moat House itself appears to have some gardens of interest, no adverse comments.

Essex Gardens Trust – A historic landscape assessment is advocated to explore the full potential and history of the site.

ECC Archaeology – Recommends that a field evaluation by trial trenching be conducted prior to a planning decision being made.

Anglian Water – No objections in principle, suggests standard conditions relating to drainage

Environmental Services – No adverse comments, insufficient details to comment fully at this stage

Environment Agency - We confirm that the surface water drainage details are acceptable to the Agency from a land drainage point of view, and comply with the requirements of Planning Policy Guidance 25. This allows the Agency to remove its original objection to the Planning Application.

PARISH COUNCIL COMMENTS: Concern over potential disturbance to residents of Moat Cottage. The access and egress are not desirable. A significant amount of traffic would be generated as a result of extra facilities such as nursery. The Parish Council is also sympathetic to the owners of Moat Cottage.

REPRESENTATIONS: This application has been advertised and 15 representations have been received. Period expired 9th January 2003.

General Summary

The development is clearly contrary to National, Strategic and Local Plan policies and no material consideration has been put forward by the applicants to justify such a departure from the adopted policy. Commercial additions to the site would be totally inappropriate because of its location and would not add to the viability of the project. No consideration has been given concerning the impact on Moat Cottage; the scale of the scale of development would mean a 24-hour a day disturbance. The proposal would also destroy a natural habitat for deer, owls, bats, geese, ducks and small mammals. We fear that the proposal is an

opportunistic one and the degree of urbanisation is totally unacceptable and would destroy the setting of Moat Cottage. Destruction of woodland would lead to an important loss of habitat. Traffic generation would be unacceptable and the new proposed access would be dangerous. Insufficient justification has been given for the development and should be refused.

PLANNING CONSIDERATIONS: The main issues are whether

- 1) there is sufficient justification to set aside the strong presumption against this type of intensification of development in the countryside (ERSP Policies C5 & CS4, ADP Policy S2, DLP Policy S6 and National Planning Policy Guidance Notes 7 & 13),**
- 2) the proposal would have a detrimental impact on the Area of Special Landscape Value (ADP Policy C2), rural character and the residential amenity of adjoining occupiers (ADP Policy DC14 & DLP Policy GEN4) and**
- 3) the proposal would have satisfactory access or an adverse impact on traffic generation and highway safety (ADP Policy T1 & DLP Policy GEN1).**

1) National Planning Policy Guidance Note 7 (PPG7) seeks to safeguard the countryside for its own sake, although there is a recognition that some development may have to take place and it can be appropriate in certain circumstances. PPG 7 advises that development in the countryside should both benefit economic activity and maintain or enhance the environment and that new development should be sensitively related to existing settlement patterns. In addition, PPG 7 advises that building in the open countryside away from existing settlements or from areas allocated for development in development plans, should be strictly controlled. At the County level, Structure Plan Policy C5 continues this guidance by advising that development should be well related to existing patterns of development and should be of a scale, siting and design, which is sympathetic to the rural landscape character. At the local level, Policy S2 of the Adopted District Plan states that *'permission will not normally be given for development in the countryside beyond development limits 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'*. This thread is continued in Policy S6 of the Revised Deposit Plan which states that *'In the countryside planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. There will be strict control on new building'*.

It is considered that the location of the site is satisfactory in relation to the eastern part of the village of Great Easton as it is in close proximity to the former village store and petrol station and reasonably close to the primary school. The village does not have a significant range of facilities such as shops, transport links and community facilities, but it is located on the B184 between the towns of Great Dunmow and Thaxted with Great Dunmow having a larger share of such facilities only two miles to the south. Although clearly it is not the most sustainable site having regard to PPG 13 (Transport), which seeks to focus development where extra travel demand is generated in town and district centres, the proposal makes use of an existing site and it is considered that other more suitable sites do not exist in this district. Accordingly, if Members were minded to approve this outline proposal a comprehensive Travel Plan would be necessary to minimise use of the private car and promote more sustainable forms of transport. For example, it may be desirable to have a minibus which could collect local relatives for visiting.

73 units of varied accommodation are proposed which equates to a density of 43 per hectare, discounting the land that would remain as open grounds for the occupiers. At the time the application was submitted, part of the justification put forward by the applicants was that the development needs to take place to bring the facility into line with new government

Care Standards for the existing accommodation. In March/April of this year the government abandoned the key standards for existing care homes, but only those covering the physical environment. Refurbishment to new standards is clearly desirable but is no longer mandatory. The standards will however still apply to new build homes and extensions. If Members were minded to accept the justification for such a development, then this site is considered one of very few suitable locations in Uttlesford.

The individual elements of the proposal are examined below.

Refurbished Care Home to provide 15 two-bed flats and erection of new 50 bed care home

The existing care home would be refurbished to accommodate for 15 extra care flats and a new care home would be erected on raised ground immediately to the north. It would have an 'H' shape with its main entrance facing west over Moat Cottage. The detailed design, siting and appearance would be determined as a reserved matter, but this element of the scheme is supported in principle by Essex Social Services and Uttlesford Primary Care Trust on the grounds that it would provide for a shortfall in healthcare provision at the moment and in the future.

Extra Care Cottages

The applicant advises that *'unless grants are available, it will be necessary to include some commercial elements to help subsidise the community based elements'*. The provision of the extra care cottages would appear to be an enabling development used to finance the development of the rest of the site. The cottages are clearly an integral part of the overall vision for the provision of care facilities on the site to provide 'independent' living enabling people to live more fully in their own homes. However, it is considered that the extra care cottages could be more appropriately sited and potentially reduced in number. It is also acknowledged that the inclusion of garages to be excessive. The detailed siting and design of the cottages would form part of the reserved matters application, if Members were to grant approval for this outline scheme, this would allow a certain amount of negotiation to take place to limit these concerns. In addition, it is acknowledged that there are concerns over the potential occupation of the cottages, as a result, the occupation of these cottages would have to be the subject of a Section 106 legal agreement, to make sure that they are linked to the facilities on the rest of the site and therefore unable to become independently occupied market housing in the future.

Children's Nursery, Café and Additional facilities

The provision of a day care nursery on the site is to try and provide a community orientated facility which would promote social inclusion and integration. The same applies to the café, which could encourage people to stay on site for a greater length of time and attract varying age groups to the site. However, this has to be carefully balanced against the potential harm extra traffic generation to and from the site would create. The site is within easy travelling distance of schools and a nursery and would therefore relate well to the area. As a result this may lead to a reduction in journeys that may otherwise be made by parents of children of a pre-school age. However, local residents may not use the facilities and it could be argued that if the premises were to be used only by the residents and visitors to the site, then the facilities could be deemed unsustainable and excessive. Whilst not as integral a part of the application, these additional facilities have been included to try and achieve the professional aspirations of the applicant for the site in the sense that they would be providing facilities which are not available in the immediate area and would complement the healthcare proposals.

2) Turning to the impact of the proposed scheme on the surrounding Area of Special Landscape Value and rural character, the applicant accepts the importance of siting the new buildings within the existing site and the tree envelope, to minimise the potential impact the scheme would have on visual amenity and the Area of Special Landscape Value. It is considered that although the proposed care home would, because of its size and relationship with the existing care home, create a cluster of buildings with a large and imposing scale and mass, it would have a minimal impact on visual amenity and the Area of Special Landscape Value. Traffic generation would increase as a result of the scheme and would have a minimal impact on rural amenity. However, because this is an outline application, design issues can be negotiated at the reserved matters stage in order to fully address the potential impact.

Turning to the effects of the proposed scheme on the residential amenity of adjoining occupiers, it is conceded that the proposal would primarily impact on the occupiers of Moat Cottage. This property is entirely surrounded by the grounds of the existing development and shares its main access. The scheme has been designed to minimise these effects by dedicating the central access point solely for use by the residents of Moat Cottage, which would take the bulk of traffic away from its environs and reduce any effects further traffic generation may have. In addition, following negotiation, the café, corner shop and Nursery facility have been moved from the boundary with Moat Cottage and repositioned 25m to the northeast, with a heavier belt of planting along the boundary replacing the buildings. Activities associated with the site on a day to day basis would change as a result of the scheme and the current level of amenity enjoyed by the residents of Moat Cottage would be affected. However, the effect on amenity that would arise from the unimplemented permission for an extension of the Moat House also has to be taken into account and it is considered that the revised layout of the scheme and the provision of an independent access for Moat Cottage would result in a satisfactory environment for its occupiers.

3) Exact details of the design of the access points are not included at this outline stage, however no objections have been received from ECC Highways and this can be considered as a reserved matter. Similarly, no adverse comments have been received with regard to the extra traffic that the scheme would generate, and it is considered that based on this consultation, it would be unreasonable to object to the application on highway safety or access grounds.

COMMENTS ON REPRESENTATIONS: With regard to the occupiers of Moat Cottage, undoubtedly their residential amenity would be affected, however, the applicant has gone to some length to limit this impact, mainly by creating a new access to the site. This means that the current access to Moat Cottage and the rear of the existing care home would be solely for use by the occupiers of the cottage. In addition the proposed café and nursery facility has been removed from the boundary of the cottage further reducing the impact. With regards to the loss of a wildlife habitat and historic landscape, the site does not benefit from any special protection and as a result it is difficult for the Local Planning Authority to retain any control over the site. The scheme does involve proposals for landscaping which would prevent any adverse impacts on local wildlife. Although concerns over traffic generation are acknowledged, no objections have been received from ECC Highways. A preliminary Flood Risk Assessment has been included, as part of the application and this has been analysed by both the Environment Agency and the Council's Drainage Engineer who have no objections in principle.

CONCLUSIONS: This is a finely balanced proposal requiring Members' careful judgement. On one hand this outline proposal to develop what is essentially a Residential Care Village on the site is clearly contrary to Adopted Local Policies. On the other hand the scheme is supported by Essex Social Services and the Uttlesford Primary Care Trust as it seeks to provide an innovative approach to healthcare provision not currently available in the District.

It is located on an existing site already used for the provision of healthcare for the elderly and few appropriate alternative locations for such development appear to be available. No adverse comments have been received from ECC Highways after full consideration of the revised traffic impact assessment. The effect on the residential amenity of the occupiers of Moat Cottage is considered satisfactory.

Having regard to all these matters, Officers considers that, on balance, approval can be recommended as an exception to Policy. A section 106 agreement would be necessary to ensure all elements of the scheme operate as an integrated unit and not independently of one another. The application would also have to be referred to the First Secretary of State under the departures procedure, were Members minded to grant permission. Members may wish to visit the site prior to further consideration of the application.

UPDATE FOLLOWING MEMBERS SITE VISIT ON 26TH AUGUST 2003

Following a members site visit to the Moat House, the application was again deferred for the developer and officers to look at:

1. Reduction in amount of new development in northern part of the site
2. Preparation of sketch layout
3. flood risk and wildlife assessments
4. Financial evaluation of the scheme
5. New access in northern area of site.

Accordingly a number of revisions have been made to the proposal following the above:

- The extra care cottages in the northern area of the site have been removed and instead they have been located to the southern part of the site adjacent the existing access road and the north eastern corner of the site. This has the benefit of removing development from the northern part of the site and creates a more integrated form of development to the south of the existing Moat House.
- The proposed care home has been lowered by 1m to reduce its visual impact further and pivoted away from the stream. This creates a greater distance between the building and road to the boundary line of Moat Cottage.
- The corner shop and café element has been re-sited to a position adjoining the existing Moat House, which has reduced the amount of freestanding built form on the site further.
- The proposed nursery has been replaced with a Crèche of 70m² which will be used only by the children of employees on the site.
- The access road has been lowered and a 2m high landscaped embankment has been sited between Moat Cottage and the proposed access road and car parking to try and minimise the impact on the amenity of the occupiers of Moat Cottage.

A preliminary Flood Risk Assessment has been submitted and no objections have been raised by the Environment Agency as detailed in the initial report. No adverse comments have been received with regard to the presence of protected species on the site, however it is considered expedient to include a condition for a comprehensive survey to be carried out. With regard to point 4 above, the financial justification for the development has not been forthcoming, however it has been confirmed by the applicant that if the scheme were to be reduced in size or any of the extra care cottages removed, then the scheme would be no longer financially viable. Ultimately the financial justification is not an overriding issue in this case and the proposal should be determined on its planning merits.

A new access has not been provided to the north of the site as any new access in this area would result in the loss of the space which members were keen to see un-developed, steps

have been taken as outlined above to reduce the impact of the access road on the residential amenity of the occupiers of Moat Cottage. The recommendation remains for approval, subject to a legal agreement.

RECOMMENDATION: APPROVAL SUBJECT TO A S106 AGREEMENT TO ENSURE THAT THE DEVELOPMENT OPERATES AS AN INTEGRATED UNIT, SUBJECT TO REFERRAL TO THE ODPM AS A DEPARTURE AND WITH THE FOLLOWING CONDITIONS

1. C.1.1 Submission of reserved matters
2. C.1.2. Submission of reserved matters
3. C.1.3 Time limit for submission of reserved matters
4. C.1.4. Time limit for commencement of development
5. C.4.1 Scheme of landscaping to be submitted & agreed
6. C.4.2 Implementation of landscaping
7. C.4.4 Retention of trees
8. C.4.7 Detailed landscaping survey to be submitted & agreed
9. C.7.1 Slab levels to be submitted, agreed & implemented
10. C.8.13 Restriction on hours of construction: 0800-1800 Mon – Fri, 0830-1300 Sat & not at all on Sun or Bank/Public Hols
11. C.10.1 Details of junctions to be submitted, agreed & implemented
12. Detailed Flood Risk Assessment to be submitted, agreed & implemented
13. Detailed Green Travel Plan to be submitted, agreed & implemented
14. C.15.1 Superseding previous permission
15. C.16.2 Field evaluation by trial trenching
16. C.20.2 Protection of other wildlife species.
17. No development shall take place until the new access roads have been constructed in accordance with details of a scheme, which will have been submitted to and approved in writing by the local planning authority. The scheme will include details of the closure of the existing main access to the Moat House to the main part of the site and its restriction to access for the occupiers of and visitors to Moat Cottage only. No construction traffic will use this existing main access.
REASON: In the interest of the amenity of the occupiers of Moat Cottage.
18. No person under the age of 55 shall occupy any of the residential units hereby permitted.
REASON: To minimise the need for on-site car parking in the interests of highway safety and amenity.
19. None of the extra care cottages shall be occupied until the extension of the care home and the new care unit have been constructed and brought into use.
REASON: To prevent development of isolated elements of the scheme, which in themselves would be contrary to planning policy because permission is granted, exceptionally, owing to the overall benefits of the scheme as a whole.

Background papers: see application file

UTT/1056/03/FUL - STANSTED

Demolish dwelling and erect eight flats comprising 4 No 2 bedroom flats and 4 No 1 bedroom flats with 12 parking spaces. Alterations to existing access.

Northfields Normans Way. GR/TL 512-254. Croft Group Ltd.

Contact Officer: Ms H Lock 01799 510486

Expiry Date: 26/08/2003

NOTATION: ADP: Within Development Limits. DLP: Within Settlement Boundary.

DESCRIPTION OF SITE: The site is located on the eastern side of Cambridge Road behind the Q8 petrol filling station opposite Croasdaile Road. It is accessed from Normans Way. The site currently consists of two residential dwellings and associated garden.

DESCRIPTION OF PROPOSAL: The proposal is to demolish the existing dwellings and erect a two-storey block of 4No. two-bedroomed flats and 4No. one-bedroomed flats with twelve parking spaces and alterations to access. It is proposed to site a bin store in the south east corner and to retain the mature boundary screening. The width of the building would be 22.4m and depth of 13.7m, but of staggered design to break-up the bulk of the building. Its height would range from 6.9m to 7.7m. Distances of 1.6m and minimum 3.8m would be retained to the side boundaries.

APPLICANT'S CASE: Following demolition of the existing house the proposed new block will follow part of the footprint in an effort to retain the existing mature trees and shrubs which are both in and on the perimeter of this site. On-site parking has been indicated at the rate of 1.5 cars per flat bearing in mind the proximity of the site to main routes of public transport. See statement and letter dated 29 September from Mackenzie Architects attached at end of report.

RELEVANT HISTORY: December 2001 a Certificate of Lawful Use was issued for part of the site to be used as an independent dwelling. The piece of land had originally been an annex to the main dwelling house. At the time the site as a whole could be accessed from both Normans Way and independently to that from Cambridge Road to the north side of the petrol filling station.

CONSULTATIONS: Environmental Services: There does not appear to be a refuse collection point bin store. The bin store should be no further than 20m from public highway.

Building Control: No adverse comments re B5 access. Historical land use map indicates possible contaminated site.

Landscaping: None received (due July 2003).

Highways: No highway objection. Normans Way is a private road as such there is very little comment I can make as to its suitability to serve as access for further residential development other than to suggest that if local planning authority is minded to grant consent, consideration should be given to increasing the width of Normans Way immediately in front of the site.

PARISH COUNCIL COMMENTS: Original Plans: No objections in principal but concerned about the safety of pedestrians in Normans Way. Road is used by a large number of elderly people resident in Normans Court and there is no footway here. The road is also fairly narrow at this point.

Revised Plans: None received (due 15 October 2003).

REPRESENTATIONS: This application has been advertised and 8 representations have been received. Period expired 15 September 2003.

Original Plans:

1. Is excessive. Lack of parking. Already on street parking in vicinity. Parking on Normans Way would block fire service access. Parking on street already causes traffic delay.
2. East side boundary fence needs replacing. The big sycamore tree is diseased and needs removing, creates shade and darkness and will affect new flats. Path and bin store next to my garden will spoil the privacy. The path and bin store would be better situated on the west side.
3. Trees screen the site, do not think trees shown to be retained will be retained. Elderly people who use Normans Way will be put in danger by the increased traffic. Inadequate parking provision. Will be overflow parking in Normans Way blocking the road.
4. Concern regarding traffic during the construction phase, The Stansted Surgery needs to access and egress our property at all times to deal with any medical emergency. Request constraint on application to ensure this.
5. St. Johns Road Area Association. Would adversely affect the amenity and safety of the area. Would increase density and vehicles seeking to use the already overcrowded Cambridge Road. Would put further strain on local roads and could lead to further blockages. Access for public safety vehicles is already difficult and sometimes impossible.
6. Increasing the traffic and inevitable overspill car park will create a hazard to elderly pedestrians. Increasing the traffic at the junction of Cambridge Road and Normans Way will create a traffic black spot. The site has permission already for a pair of semi-detached houses. This would be far more in-keeping with surroundings and also create less traffic hazard.
7. Object. Over-intensification. Normans Way is unsuitable for the increase in traffic in two directions. Will compromise safety at junction of Cambridge Road and Normans Way. Compromise safety of pedestrians using Normans Way. Increase in traffic noise and toxic fuel emissions. Will compromise our privacy, will be overlooked by flats with balconies. Increase in noise.
8. Concern for safety of pedestrians using Normans Way. Increase in traffic will increase likelihood of accident to elderly or children using Normans Way to access schools and shops etc. If entrance to flats missed then only place to turn cars is at end of lane putting elderly at risk. Visibility at junction of Normans Way and Cambridge Road is not good. The modern appearance of the building would not be in-keeping with the surrounding houses that are Victorian/Edwardian and hence will detract from the appearance of the lane. Development is designed for high density occupancy which is not in-keeping with the area and will detract from the charm of Normans Way and the rural feel. The existing property is not visible from the lane. It is difficult to see how the new development can maintain a similar discrete presence. Increase in noise and fume pollution. No room for guest parking, forcing parking on adjoining roads already suffering from a parking problem due to the Veterinary and Doctors surgeries.

Revised Plans: None received (due 15 October 2003).

PLANNING CONSIDERATIONS: The main issues are

- 1) **effect on residential amenity (ADP Policy DC14 & DLP Policy GEN4)**
- 2) **effect on character and appearance of the area (ADP Policies DC1 & T2 and DLP Policies GEN2 & GEN9)**
- 3) **access/Highway Issues (ADP Policy T1 & DLP Policy GEN1).**

1) The proposal should not be unreasonably detrimental to residential amenity provided the mature boundary vegetation is retained and that there is suitable boundary treatment

along the west boundary. The size of the building has been reduced to minimise the impact on adjacent properties, and adequate distances would be retained to all boundaries. Use of a bin store is preferable to having individual bins across the site. To relocate the bin store away from the neighbouring dwelling would mean that parking would have to go in its place. Cars manoeuvring is likely to have a greater impact on neighbour amenity than a bin store, provided the bin store is constructed from suitable materials. It is not considered that the traffic generated by 8 flats would have a significant impact on amenity given the setting.

2) This scheme has been negotiated and the proposals now submitted are considered to be in character with the area. The applicant has reduced the scale of the development and altered the design to make it more residential in appearance. The proposal meets operative published standards of layout and design guidance. The proposal provides 1.5 parking spaces per dwelling. This is considered appropriate in this location due to the central location and the proximity to public transport facilities.

3) Increasing the width of Normans Way immediately in front of the site would leave inadequate space to provide both the parking requirement and retention of mature vegetation. County Highways have raised no concerns over the increased use of the junction of Normans Way and Cambridge Road. The increased traffic using the short stretch of Normans Way from the junction with Cambridge Road to the site is unlikely to result in a significant highway hazard and therefore would not warrant refusal in this case.

COMMENTS ON REPRESENTATIONS:

CONCLUSIONS: Proposal complies with policy encouraging the best use of urban land.

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.4.2. Implementation of landscaping.
5. C.4.6. Retention and protection of trees and shrubs for the duration of development.
6. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.
7. C.8.26. Internal sound insulation to flats
8. C.11.6. Standard vehicle parking facilities.
9. C.12.3. Boundary screening requirements.
10. C.23. Demolition of existing dwelling.
11. C.17.1. Revised plan required. Brick constructed bin store with roof in replacement of proposed bin store.

Background papers: see application file.

1) UTT/1387/03/FUL & 2) UTT/1388/03/LB – FELSTED

1) & 2) Conversion of existing barn to residential.
Pyes Farm Cottages, Mole Hill Green. GR/TL 711-203. Mr G Cowens.
Case Officer: Anthony Betros 01799 510471
Expiry Date: 09/10/2003

NOTATION: Outside development limits/Grade II listed building.

DESCRIPTION OF SITE: The site is located on Pye's Farm in the hamlet of Molehill Green, approximately 2 miles east of Felsted village. The property contains a series of redundant barns adjacent the road frontage which have more recently used been for storage in association with the adjacent Pyes Farm Cottages.

DESCRIPTION OF PROPOSAL: The proposal involves the conversion of one of the barns to a single residence comprising ground floor entrance hall, dining, kitchen, study area and lounge area as well as garaging and store. The existing first floor is to be extended and accessed by a new staircase for 2 bedrooms and a bathroom. New works comprise new windows, door and roof over the garage component.

APPLICANT'S CASE: "The barn is currently used as an ancillary building related to Pye's Farm Cottages, mainly for storage and garaging. It is becoming in need of re-thatching and minor repairs, which due to the cost if this procedure, is difficult to justify or afford for a large building which is essentially used as a garden shed.

To convert the barn to a home would, in the first instance allow the opportunity to rejuvenate a lovely timber framed building, and I believe, make a very pleasant home whilst permanently securing the structure."

CONSULTATIONS: Specialist Design Advice: The proposed conversion of the redundant rural barn has been negotiated. The principle thatched building is of considerable architectural and historic quality and an effort should be made to find a new economically viable future for it. The adjoining structure sadly lost its roof but in this instance, introduction of a new pitched roof I consider acceptable. Conditional approval is recommended.
Building Surveying: No adverse comments.

PARISH COUNCIL COMMENTS: No comments by due date.

REPRESENTATIONS: This application has been advertised and 1 representation has been received. Period expired 8 September 2003.

With only one existing dwelling we have unpleasant discharge of septic tank waste. Now there might be two dwellings and an office and I am advised there might be applications in the pipe-line for two other dwellings. Not only is a once quiet hamlet with two houses serving a farm going to expand with all the attendant noise, traffic and disturbance that these extra additions unpleasantly give rise to, I do not see how this can happen without causing unacceptable discharge of malodorous and unhealthy human waste running in to my ditch and fields.

PLANNING CONSIDERATIONS: The main issues are whether the proposal

- 1) would have a detrimental impact on the listed barn under Policy DC6 of the ADP- New uses for listed buildings

- 2) **complies with Policy C6 of the ADP- Conversion of rural buildings to residential use**
- 3) **would have a detrimental impact on the amenity of the area under Policy DC14 of the ADP- General Amenity**

1) The proposed conversion of residential use has been supported by Council's Conservation Officer on design, historic and viability considerations to preserve its sustainability, thereby being consistent with Council's relevant policy.

2) The barn to be converted has aesthetic appeal and is in sound construction which satisfies the criteria for barn conversion to residential uses. The proposed new openings for windows and doors are limited thereby retaining the traditional form and appearance of the barn.

3) The barn is separated from surrounding dwellings and proposed new window openings are limited to the ground floor. Therefore, there are no likely noise, overshadowing or privacy implications associated with the proposal. It is considered that adequate parking and open space exists for the private use of the barn without adverse effects on the amenity of the occupiers of neighbouring properties.

COMMENTS ON REPRESENTATIONS: It has been indicated that surface water will be disposed by soakaway and foul sewage will be dealt with by a treatment plant. This method of disposal is typical for barn conversions and should address the concerns raised by the objector. The distance of the barn to surrounding dwellings should ensure that no aural or visual privacy impacts occurs.

CONCLUSIONS: The proposal satisfies Council's for policies for barn conversions to residential properties whilst also being acceptable in relation to heritage and amenity issues.

RECOMMENDATIONS:

1) UTT/1387/03/FUL – 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

2) UTT/1388/03/LB – LISTED BUILDING CONSENT WITH CONDITIONS

- 1. C.2.2. Time limit for commencement of development.
- 2. C.3.1. To be implemented in accordance with approved plans
- 3. All weatherboarding to be feather-edge and painted black.
REASON: To protect the heritage quality of the listed building.
- 4. All external joinery to be timber painted black.
REASON: To protect the heritage quality of the listed building.
- 5. All boundary treatments are to be post and rail in association with an indigenous hedge.
REASON: To protect the rural character of the area.
- 6. The buildings to be repaired as necessary using matching timber of matching cross-sections.
REASON: To protect the heritage quality of the listed building.
- 7. Re-thatching of the roof to match the existing thatched roof.
REASON: To protect the heritage quality of the listed building.

Background papers: see application file.

1) UTT/1257/03/FUL & 2) UTT/1258/03/CA – ARKESDEN

Erection of three dwellings following demolition of existing dwelling. Erection of garage and one new vehicular access.

Merrydowns. GR/TL 483-344. Trustees of the Harding Cole.

Case Officer: Karen Hollitt 01799 510495

Expiry Date: 23/09/2003

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

DESCRIPTION OF SITE: The site is located within the centre of the village, to the northeast of Wicken Water, almost opposite the Axe and Compasses Public House. It is accessed by an existing vehicular bridge over Wicken Water. The front boundary is densely screened by Leylandii hedging and the remaining boundaries are a mix of seasonal vegetation and close-boarded fencing. There is an existing chalet bungalow on the site together with a large outbuilding. The site has a variety of tree species within its grounds, but these are hidden by the existing Leylandii hedging to the front boundary. It has a frontage of 42m and a depth of 35m, totaling about 0.15ha (0.37 acres).

DESCRIPTION OF PROPOSAL: The application relates to the demolition of the existing dwelling and garage outbuilding and their replacement with three two-storey dwellings. In addition, it is proposed to create a new vehicular access over Wicken Water.

APPLICANT'S CASE: See supporting case (3 pages).

RELEVANT HISTORY: Planning permission was refused in March 2003 on the grounds that the erection of three identical dwellings would create a suburban development which would be detrimental to the character and setting of the conservation area. In addition, the creation of two additional vehicular accesses over Wicken Water would be visually intrusive and detrimental to the character of the conservation area. Finally, there was insufficient detail given in the application with regards to foul and surface water drainage to enable full consideration to be given to the application. Conservation Area consent for the demolition of the existing dwelling was also refused in March 2003 on the basis of prematurity.

CONSULTATIONS: Original Plans: Design Advice: Design is much improved.

Accommodation over garage to plot 2 should be removed to reduce scale of building. Roof pitches to be no more than 50°.

ECC Transportation: No objections.

Building Surveying: No adverse comments.

Environment Agency: Advisory comments.

Revised Plans: To be reported.

PARISH COUNCIL COMMENTS: Proposed development neither preserves nor enhances the character or appearance of the Arkesden Conservation Area. No new case for demolition has been made. Existing building should be repaired. Repositioning of trees is not practical and during building work they would be damaged. Object to height of house number three – would become the tallest building in Arkesden conservation area. Pleased that existing bridge is to be rebuilt, which should alleviate flooding problem. Proposed bridges rendered unusable by cars parked opposite. To overcome this problem bridges need to be much wider or have extensive flared entrances. Consider site visit to be desirable.

REPRESENTATIONS: Original Plans: These applications have been advertised and 12 representations have been received. Period expired 25 August 2003.

1. Object, three houses with service road still appear like a mini estate. House next to Waterlaide would be so tall that it would seriously affect Waterlaide, height of the building is excessive compared with the low thatched cottages opposite and any other property in the village. One more bridge will exacerbate the traffic problem for the whole village.
2. Cramped with poor design. Front wall extends well beyond out building line by 4 metres which will severely reduce daylight and block afternoon sunlight into out lounge, the ridge height is over 4 feet higher than our ridge line very imposing only to our property but the streetscape in general. Visual amenity from our property will be severely affected by the presence of this flank wall/elevation, looking out onto a mass of render/tile 4m in length beyond out frontage and some 9.60m high (31 feet). Concern over loss of trees. Consider one slightly wider and higher re-built at the existing location may be worth looking into.
3. Three houses on this small plot are too many. Building of one slightly wider and slightly wide flanged bridge would cope with house access, but above all NOT introducing any more bridges over the stream than currently exist.
4. Object. Proposal would create a row of modern houses uncomfortably close to each other in a style wholly inappropriate in a very old, very attractive village in a conservation area.
5. Objections. To crush in three houses in a relatively small space will do nothing to maintain the unique character of this lovely Essex village. Development will adversely affect the appeal of this village precedent.
6. Proposal to build three new properties represents an over-intensive use of the site. Put an additional burden on the already narrow access road through the village.
7. Object. Building of three properties on a compact site such as this, in a conservation area in the middle of the village, should not be entertained. Proportions of the most easterly property, appear, side elevation will, present a dominant roofscape as viewed from the road when approaching the centre of the village from the direction of Clavering.
8. Object. Houses much improved. Houses are too close together, roof heights are greatly extended, will look out of place. There are already problems with traffic and parked cars. Increase in parked cars will be caused by the reduction of parking space of those who have to park on the road.
9. Object. Conservation Area will be harmed rather than preserved or enhanced. Loss of an opportunity to preserve and enhance one of the few larger established family homes in the Village. Distortion of the balance between large and small dwellings and old and new dwellings along the Wicken frontage. Replacement of the natural Wicken riverbank scene by a new vehicular bridge. Houses are over-development and excessive infilling principal issue is effect on the Conservation Area. Detrimental effect on the Village's streetscape by the "terrace" of modern detached houses. Houses will stand out on account of their ridge heights significantly in excess of the neighbouring houses. Lack of accurate details in respect of tree removal. Merrydowns is of architectural merit. Scheme is defective and compromised on account of the Applicants' desire to secure three houses on the site. Statutory design considerations required by Arkesden's Conservation Area status mean that PPG3's density guidance has limited application to this site. Too many driveways. The road is not wide enough to accommodate the turning circles required for all the driveways onto the road. Existing highway does not have the capacity to absorb the new bridge accesses.
10. Concern. These houses is just too much for this plot to bear.
11. Object detrimental to the character and setting of the Arkesden Conservation Area cramped form of development. Interrupt the important linear feature of Wicken Water through the introduction of an additional bridge.
12. Three houses on so small a site are completely out of sympathy with the surroundings, severely damaging to the character of the village as a whole.

Revised Plans: To be reported. Notification period expires 20 October 2003.

PLANNING CONSIDERATIONS: The main issues are whether

- 1) **the site is suitable for residential development (ADP Policy S1, DLP Policy S1),**
- 2) **the proposals would be acceptable on design grounds in this Conservation Area location (ERSP Policy HC2, ADP Policy DC2, DLP Policy ENV1),**
- 3) **the access would be acceptable with regard to highway issues (ERSP Policy T8, ADP Policy T1 and DLP Policy GEN1).**

1) The site is located within the Development Limits of Arkesden and currently has a chalet style bungalow and large detached garage on it. The proposed demolition of the existing property and its replacement with new dwellings would be acceptable in principle. The previous application for 3 new dwellings was considered to be over development of the site, mainly due to the style of the dwellings, together with their detached double garages to the front of the site. This revised application shows different styles of property for each plot, and it is considered that the application has considered the spatial aspects of the conservation area and shows that three dwellings can be erected on the site, in line with current central government policy contained within PPG3 which requires the better use of land.

2) The site is located within the Arkesden Conservation Area, in the heart of the village, which has a unique character, particularly with its diverse range of properties. This is particularly the case in this part of the Conservation Area. It is considered that the demolition of the existing property and its replacement with three carefully designed properties, taking into account various design aspects from properties located within the conservation area, would be a positive contribution to the street scene. This is further supported by the fact that the revised application has been designed to consider the position of the most important trees within the site and has ensured their retention. This would ensure that the development would have a positive contribution to the setting of the conservation area, particularly if the frontage band of Leylandii trees were to be removed in the future.

The original plans showed that there would be accommodation above the proposed garage to Plot 2. Your Conservation Officer considered that this element of the proposals should be removed. The revised plans do not show this element as being removed, but it has been reduced in scale and it is considered that this amendment is now acceptable. The original plans also showed that plot 3 would have a detrimental impact on the character and setting of the conservation and also would be likely to have a detrimental impact on the residential amenity of the adjoining property due to its bulk and height. The revised plans show that the front elevation of the property has been brought back more in line with the adjoining property and furthermore, the proposed dwelling has been reduced in ridge height, thereby reducing the impact of this property on the conservation area and the adjoining property. Again, it is considered that the design elements of this proposal are acceptable.

3) The revised application indicates the provision of an additional vehicular access over Wicken Water. It is considered that this may represent additional traffic hazards, particularly at this narrow point in the village, but ECC Transportation has raised no objections to the proposal. The Environment Agency has raised no objections to the proposals in terms of flooding aspects or effect on the watercourse. It is considered that the creation of one additional access should not be severely damaging to the character and setting of the conservation area. Therefore, it is considered that there are no justifiable reasons to refuse the application as submitted.

COMMENTS ON REPRESENTATIONS: The replacement of one dwelling with three new dwellings is considered to be the most efficient use of land, as required by PPG3. The

dwellings have drawn on design aspects of the surrounding properties within the conservation area and are considered to be more in keeping with the character of the area.

CONCLUSIONS: The redevelopment of this site with three new dwellings, of different characters and designs, based in part on the design of the existing dwellings within the conservation area, together with the retention of the mature trees within the site, would be acceptable. The revised scheme has attempted to overcome all the previous reasons for refusal and it is considered that the current proposal is acceptable and should be approved.

RECOMMENDATIONS:

1) UTT/1257/03/FUL - APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.3. To be implemented in accordance with original and revised plans.
3. C.5.1. Samples of materials to be submitted and approved.
4. C.5.5. Clay plain tiles.
5. C.5.7. Window details.
6. C.5.9. Stained wood.
7. C.5.11. Smooth rendered walls (amended)
8. C.5.15. Side hung timber garage doors.
9. C.4.1. Scheme of landscaping to be submitted and agreed.
10. C.4.2. Implementation of landscaping.
11. C.4.6. Retention and protection of trees and shrubs for the duration of development.
12. C.6.3. Excluding permitted development extensions and erection of freestanding buildings without further permission.
13. C.6.7. Excluding conversion of garages (amended).
14. C.11.6. Standard vehicle parking facilities.
15. C.19.1. (a) Avoidance of overlooking.
16. C.19.1. (b) Avoidance of overlooking.

2) UTT/1258/03/CA - CONSERVATION AREA CONSENT WITH CONDITIONS

1. C.2.2. Time limit for commencement of development.
2. No works of demolition shall commence more than one month prior to the implementation of an approved scheme for redevelopment of the site.
REASON: The demolition of the dwelling without its replacement within a limited period would be detrimental to the character of the Conservation Area.

Background papers: See application file.

UTT/1399/03/FUL - HIGH EASTER

(Referred at Members' Request)

Change of use of land from agricultural to seasonal ice rink.

Easter Hall. GR/TL 611-151. Ambershire Ltd.

Case Officer *Richard Aston 01799 510464*

Expiry Date: 06/10/2003

NOTATION: Outside Development Limits.

DESCRIPTION OF SITE: Easter Hall Farm is a c.350ha arable farm located between the villages of High Easter and Aythorpe Roding. The main farmyard comprises five modern agricultural style buildings used for farming purposes and also for seasonal Christmas sales as approved pursuant to UTT/0774/02/FUL. The land on which the proposed ice rink would be sited, is to the western side of unit 3, which is located in the south western corner of the yard.

DESCRIPTION OF PROPOSAL: The proposal details the change of use of land approximately 200m² to the rear of Barn 3 (the Christmas Retail Sales building previously approved under UTT/0774/02/FUL from Agricultural to a seasonal ice rink (D2) 30 November – 7 January.

APPLICANT'S CASE: See supporting statement dated August 2003, received 11 August 2003.

RELEVANT HISTORY: Proposed erection of agricultural building, approved 1977, 1978, 1980. Part change of use of land and buildings from agricultural to seasonal Christmas retail sales, approved 2002.

CONSULTATIONS: Environmental Services: No adverse comments.

ECC Highways: Having regard to the existing traffic use and the additional traffic which this proposal is likely to generate or attract, the road which connects the proposed access to the nearest traffic distributor is considered to be inadequate to cater for the proposal while providing reasonable safety and efficiency for all road users owing to its unsatisfactory width, alignment and construction.

Local Plans: The proposed use is temporary and appears to be relatively low key. In policy terms there is no objection to this proposal providing there is no adverse impact on the character of the countryside.

ECC Archaeology: No archaeological recommendations.

Environment Agency: No objections.

PARISH COUNCIL COMMENTS: No objections in principal, provided the dates of use are adhered too and that no music is played during use.

REPRESENTATIONS: Four representations have been received. Notification period expired.

Summary – The level of traffic generated during the last Christmas period was more than sufficient to compromise amenity. Because there are varying width restrictions affecting the three lanes that approach the property there has been noticeable damage to roadside verges. Should you however decide to grant planning permission I would personally prefer this to be of a temporary nature with Uttlesford District Council taking active steps to monitor traffic density. Objection on the grounds the local road network cannot cope with any

increased traffic levels and the extra traffic that would be generated would be excessive for the location and environment. Given the proximity of the development to our cottage we are concerned about its potential impact, however given the position of the rink and the conditions stipulated, no objections are raised.

PLANNING CONSIDERATIONS: The main issues are

- 1) whether the intensification of the Christmas related activities at Easter Hall could be accommodated by the adjoining road network in accordance with ERSP LRT3 and ADP T1, DLP E3 and GEN1**
- 2) whether the formation of an ice rink in this location is an appropriate use in this rural area and whether the proposal would have a detrimental impact on rural amenity and the residential amenity of adjoining occupiers (ADP C4, E3, REC6, DC1, DC14 and DLP LC4, GEN8, GEN4)**

1) During the opening retail sales period, visitors are directed to the site from the B184 Great Dunmow Road at the Axe and Compasses public house and from the A1060 Chelmsford Road via Leaden Roding. As stated in the supporting documentation signage is provided by the RAC each year under a joint agreement between the RAC and Essex County Council. The site however is not served by any public transport which means that all movements would have to be by private car which is unsustainable and encourages private car use. Although it is acknowledged that the rink will only be used for a relatively short period, (between 30 November and 7 January) Essex County Council Highways have recommended refusal of the application because the road which connects the proposed access to the nearest traffic distributor road is considered to be inadequate to cater for the proposal and the amount of traffic it is likely to generate whilst still providing reasonable safety and efficiency for all road users, owing to its unsatisfactory width, alignment and construction. It is considered that no material considerations exist that could warrant setting aside this fundamental objection to the proposal.

2) The use of the land as an ice rink is supported by Policy C4 of the ADP which seeks to promote enterprise and development which diversifies and enhances the rural economy, in line with National Planning Policy Guidance Note 7 and the Rural White Paper. However this guidance makes it quite clear that whilst diversification should be encouraged, it should conserve planning interests in the countryside. It is acknowledged that the change of use of land from agricultural to a D2 use is in principle acceptable, therefore the main issue is whether or not this particular change of use is acceptable in this location. Under the current planning permission (UTT/0774/02/FUL), the use of part of the land and buildings for the seasonal sale of Christmas goods is restricted between 31 October and 24 December with a further restriction that no member of the public be present on site before 9:00am and after 18:00pm on Mondays to Sundays. The application proposes that the new facility will be open to members of the public between 30 November and 7 January with operating hours of 9:00am and 21:00pm Mondays to Saturdays and 9:00am to 18:00 on Sundays. The facility will therefore not open until one month after the start of the seasonal retail period, but would continue for a further period of 14 days after the sales period ends. The estimated vehicular flow to the site is stated as being an average of 100 per day. If permission were to be granted for the ice rink, which would operate for an extra 3hrs each evening it has the potential to create a minimum of 18 – 30 extra vehicular movements to the site beyond the current opening hours, based on the applicants supporting information. However this is a conservative estimate and it is considered that the facility which if fully utilised can hold up to 60 skaters at any one time, given its location, together with the lack of similar facilities in the surrounding area has the potential to generate considerably more vehicular movements to and from the site above and beyond the current estimate. Furthermore, the supporting information states that the rink it is *expected that the main users of the proposed ice rink during retail sales opening hours will be children, who will be able to skate for half an hour*

while their parents visit the main sales areas'. Officers do not concur with this view as it is considered that because of the lack of similar facilities in the area, the ice rink has the potential to become a stand-alone attraction in its own right.

As stated in (1), because of the nature of the local road network together with the rural location of the site, it is considered that the proposal would intensify the current uses on the site to a level that would be detrimental to rural amenity and the residential amenity of adjoining occupiers because of the potential level of traffic it would potentially create, especially during the dark evenings and between the period of 24 December and 7 January when the seasonal retail sales cease. It is also worth noting that this period would also allow children to use the facility as it is the Christmas holiday period for schools, potentially giving rise to greater vehicle movements during the day.

COMMENTS ON REPRESENTATIONS: It is considered that although a temporary condition could be imposed restricting the period of use, it would be unreasonable to impose restrictions on hours of operation as the agents statement of support states that *'any reduction of the proposed hours of operation for the ice rink would be resisted, as the project would simply not be financially viable'*.

CONCLUSIONS: Although National Planning Guidance and Local Plan Policies seek to encourage diversification of existing rural farms, it is clear that this should not be to the detriment of rural or residential amenity. Whilst in principle the provision of an ice rink is acceptable, the intensification of the existing 'Christmas in the Easters' could not be supported by the local road network and would be detrimental to rural amenity and the residential amenity of adjoining occupiers. Furthermore, it is considered that no other material considerations exist to warrant setting aside the fundamental objection from Essex County Council to this intensification.

RECOMMENDATION: REFUSAL REASONS

1. The proposal would be unacceptable because, having regard to the existing traffic generation that 'Christmas in the Easters' creates and the additional traffic which this proposal is likely to attract, the road which connects the proposed access to the nearest traffic distributor is considered to be inadequate to cater for the proposal whilst providing reasonable safety and efficiency for all road users owing to its unsatisfactory width, alignment and construction, contrary to Policy LRT3 of the Essex Replacement Structure Plan 2001, Policy T1 of the 1995 Adopted District Plan and Policy E3 and GEN1 of the Uttlesford Local Plan Revised Deposit Draft October 2002.
2. The proposal would be unacceptable because the intensification of the existing 'Christmas in the Easters' business would have a detrimental impact on rural amenity and the quality of life currently enjoyed by local residents, by virtue of traffic generation and associated noise and disturbance, contrary to Policies C4, REC6 and DC14 of the 1995 Adopted District Plan and Policy GEN4 of the Uttlesford Local Plan Revised Deposit Draft 2002.

Background papers: see application file.

UTT/1396/03/FUL – ASHDON

Installation of 20m high monopole telecommunications mast with 3 No antennae, 4 no dishes and equipment base cabinets, fenced compound

Hall Farm Church End. GR/TL 580-419. Orange Personal Communications.

Case Officer: Geoff Lyon 01799 510458

Expiry Date: 07/10/2003

NOTATION: ADP and DLP: Outside Development Limits & Settlement Boundaries of Ashdon. ADP – Area of Special Landscape Value.

DESCRIPTION OF SITE: The site is located on land associated with Hall Farm, Ashdon. The site is currently lying vacant and is surrounded by existing sheds and barns, which are in a generally medium to poor condition. There are also existing cars and vans stored in the area along with building materials. The site has a generally untidy appearance. Close to the site is an existing 15m high monopole mast with a single transmission dish and antennae on top along with compound and equipment cabin. There are existing mature trees and hedging along the eastern boundary, which does provide a fair degree of natural screening of the site.

DESCRIPTION OF PROPOSAL: Permission is sought to erect a 20m high monopole telecommunication mast with 3 x antennae and 4 x 600mm transmission dishes, equipment cabin, 1.8 metre high security fence with barbed wire on top. The compound into which the mast and equipment is contained measures 6 metres x 6 metres square.

APPLICANT'S CASE: See summary of supporting statement attached at end of report. Full statement is available at the Council Offices, London Road, Saffron Walden.

PARISH COUNCILS' COMMENTS: Ashdon- The Parish Council Object. The proposed mast is 5m higher than the existing. Why is there a need for the extra 5m in height? It is inappropriate to erect another mast on this site due to the close proximity of a residential area and in particular the perceived health hazard to children.

REPRESENTATIONS: None. Notification Period expired 02 October 2003.

PLANNING CONSIDERATIONS: The main issues are whether

- 1) the proposed mobile telecommunications base station is an acceptable form of development within the proposed location. (ADP Policy DC3 & DLP Policy T4) and,
- 2) health concerns should be considered.

1) The need for new infrastructure to provide mobile telecommunications facilities within the district is an issue that will continually arise due to changes in technology. The current Adopted Local Plan Policy DC11 part a) states that '*applications for small telecommunications apparatus requiring planning permission...will be favourably considered if such development is not prominent or intrusive*'.

Emerging Policy in the Deposit Draft Review Local Plan Policy T4 states that Telecommunications equipment will be permitted if the following criteria are met:

- a) There are no practical alternatives such as mast sharing;
- b) There is a technical requirement for the equipment that outweighs its visual impact;

- c) The equipment is located so as to reduce its impact as far as possible; and
- d) There would be no material harm to the amenities of residential areas or community facilities.

The key consideration therefore is the visual impact of the proposed development. The site is partially screened with semi-mature trees and hedging as well as farm buildings and an existing 15m high telecommunications mast but the fact that the site is on a higher ground could give rise to long distant views of the site from the North West. The applicant has stated that mast sharing with the adjacent T-Mobile 15 metre structure is not viable following negotiations. A mast sharing solution may in fact produce a slightly taller and larger structure but, with changes in technology, such an option may be possible in the future. The applicants have stated that the mast is 20 metres high to afford coverage of the whole of Ashdon, which is situated in a valley and hence requires a taller structure to gain the required coverage. The compound containing the mast and associated equipment is considerably smaller than the T-mobile compound and will be screened by existing buildings and hedging.

2) Health concerns are a matter of debate that occurs frequently with such proposals. The mast conforms with and falls well below the maximum levels of exposure (measured in watts per metre squared) recommended by the International Commission on Non-Ionising Radiation Protection (ICNIRP). The beam of maximum intensity is approximately 200m from the base of the apparatus. In light of the exposure levels falling below the maximum recommended by ICNIRP, it is considered that there no reasons to refuse the application because of the adverse effect on health.

CONCLUSION: Having regard to all these factors it is considered that two masts in this vicinity would be detrimental to visual amenity, and that no care has been made for the inability to share the existing mast, or for the two operations to combine to erect and use a angle new mast.

RECOMMENDATION: REFUSAL REASON

The proposed mast, by virtue of its height location and proximity to another telecommunications mast, would be detrimental to the appearance and character of this rural area contrary to Policies DC13 of the ADP and T4 of the DLP.

Background papers: see application file.

UTT/1459/03/FUL - WHITE RODING

Retrospective application for change of use of agricultural buildings to B1 (office/light industrial) use and B8 (storage and distribution) use.

Marks Hall Farm. GR/TL 563-141. Marks Hall Farm Limited.

Case Officer Mr A Betros 01799 510471

Expiry Date: 23/10/2003

NOTATION: Outside development limits.

DESCRIPTION OF SITE: Marks Hall Farm is located approximately 500 metres north of the A1060 through White Roding. The site comprises a farmhouse, various permanent sheds as well as turkey rearing buildings. The following uses are being carried out in the permanent sheds:

- offices and distribution for pharmaceuticals
- storage of archives and stationery
- plucking and packaging of turkeys in association with on-site turkey farm

DESCRIPTION OF PROPOSAL: The proposal seeks to formalise the use of redundant farm buildings for the offices and distribution for the pharmaceutical firm, archival storage as well as seeking approval for a new use for bus storage for local bus enthusiasts. The operating hours for the existing uses are during normal business hours while access to the buses is proposed also on the weekends (8am to 1pm on Saturdays and Sundays only).

APPLICANT'S CASE: A detailed planning statement has been submitted, a copy of which is on file. A summary is provided below:

"Transpharma, a medical company specialising in transportation of urgent medical supplies throughout Europe have been using the timber framed building as an office for over 5 years. The traffic movements vary depending on the workload but averages 4 vehicles (car/van) a day.

The enclosed Dutch barn, excluding lean-to, has been converted internally to contain files for storage purposes. The company operating from the premises has been in occupation for approximately 2 years. The traffic movement is based on one vehicle (car/van) per day delivering/picking up files once during the day.

The open fronted barn is not currently occupied. An approach has been made by a number of bus enthusiasts who store buses in the village of White Roding but have run out of undercover storage areas. There would be a maximum of five buses stored on the site with limited vehicular movements.

The buildings that form the basis of this planning application require no external alterations and can/have been converted without the need for substantial reconstruction."

RELEVANT HISTORY: An enquiry to the Council was received from a complainant in connection with airport related parking on the site. An inspection was carried out by Council's Enforcement Officer which found no evidence of this activity. The uses which are the subject of this application were found to be operating without planning permission and the owner of the farm was advised to lodge applications for their assessment.

PARISH COUNCIL COMMENTS: None received (due 1 October 2003).

REPRESENTATIONS: None. Notification period expired 22 September 2003.

PLANNING CONSIDERATIONS:

The main issues are whether the proposal

- 1) is consistent with Council's Policies for the re-use of farm buildings (Policy C5 of the ADP and E4 of the Revised DLP 2002)
- 2) will have any amenity impacts on surrounding properties (Policy DC14 of the ADP and GEN4 of the Revised DLP 2002)
- 3) will be responsible for any traffic and parking impacts (Policy T2 of the ADP).

1) The proposed use of the buildings on the site for offices and storage complies with the policy as there is no substantial reconstruction involved and rural amenities of the area will not be affected.

2) The significant distance of separation to a sole neighbouring residence, the nature of the uses and the hours of operation should ensure that no amenity impacts should result from continued use of the offices/ storage and proposed bus storage.

3) The site has adequate access from the A1060 as well as satisfactory internal access which will not affect neighbouring properties. The site has sufficient parking and maneuvering areas to cater for the agricultural and offices uses on the site.

CONCLUSIONS: The proposed use of the rural buildings for the various uses on the site is considered acceptable as the uses conform with relevant policies and should continue to operate without impact to the surrounding area. The hours of operation, parking and traffic impacts are reasonable in this location.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Standard time limit.
2. C.3.1. To be implemented in accordance with approved plans.
3. Hours of use 8am to 6pm weekdays and 8am to 1pm weekends with no use operating on public holidays
REASON: The use of the site outside these hours would be likely to cause nuisance and disturbance to adjacent premises.
4. C.8.1. No outdoor storage.
5. C.9.3. No outdoor working.
6. There shall be no works carried out to the buses stored at the site other than basic/routine maintenance (i.e. washing; changing/topping up of fluids etc).
REASON: To protect the rural character of the area.
7. The use of the open fronted barn for the parking of buses shall cease on or before 30 November 2004 unless further planning permission has been obtained from the local planning authority.
REASON: To assess the effect of the development on the rural character of the area.

Background papers: see application file.

UTT/1409/03/FUL - SAFFRON WALDEN

Demolition of existing buildings. Formation of access road. Erection of 36 houses and flats, associated parking and garaging.

Site north of West Road. GR/TL 540-379. Charles Church North London.

Case Officer: Hilary Lock 01799 510486

Expiry Date: 21/10/2003

NOTATION: ADP - Within Development Limits/Eastern part within Conservation Area/Allocated Residential Site Policy SW9.

DLP – Within Settlement Boundary/Allocated Residential Land Policy SW2.

DESCRIPTION OF SITE: This 0.48 hectare former commercial site has outline permission for residential development and is an allocated site in the Development Plan. It comprises a range of buildings, and tree planting to part of the west and north boundaries. The site is surrounded by housing, and is elevated approximately 2.5m above Jordan Close to the rear.

DESCRIPTION OF PROPOSAL: Residential development is proposed for:

- 14 x 2-bedroom flats
- 4 x 1-bedroom flats
- 6 x 2-bedroom houses
- 4 x 3-bedroom house
- 8 x 4-bedroom houses

There would be a range of designs, in the form of two and two-and-a-half storey buildings on the road frontage, and two, three and four storeys at the rear. The buildings along the east and west boundaries would be two storey. Building heights would range up to 13.9m. Several garages are proposed throughout the development, but many of the properties would have parking at ground floor level. Fifty parking spaces are proposed to serve 36 dwellings. The proposal involves the removal of a group of nine sycamore trees along the western boundary. Private garden areas would be provided for the houses significantly below the Council's standards (the minimum approximately 33m²), but comparable to the adjacent development, Cornmill Court. Communal amenity space would be provided within the centre of the site to serve the flats. The distances to the rear boundary range from 5.2m to 9m, and distances between buildings are a minimum 20m.

APPLICANT'S CASE: A bound supporting statement is available for inspection at the Council Offices, London Road, Saffron Walden.

RELEVANT HISTORY: Erection of 9 houses approved March 2001. Outline permission for residential development approved September 2001. Application to remove the requirement for affordable housing refused December 2002.

CONSULTATIONS: ECC Planning & Admissions Service (Education): The development would have implications for school places and require developer contribution of £114,216 towards nine additional primary and five secondary school places.

Environment Agency: Objection – represents increased risk of flooding due to the impact on surface water discharge. Flood Risk Assessment required.

UDC Housing: The high number of two bed units would accord with the Council's housing demand.

UDC Policy: This is a long-term housing allocation, within an urban area on a previously developed site within walking distance of the town centre and other facilities. It therefore

satisfies the policy approach towards more sustainable forms of development as set out in national and local policy guidance. Density of 75 dwellings per hectare is well above the highest figure in the governments recommended range of 30 –50. This level of development is appropriate in this location provided other policy issues are addressed. Require 25% to be affordable housing. No more than 2 parking spaces per 3 bed & 3 spaces per 4 bed are allowable. Proposal has a good mix of house types and sizes.

Design Advice: Subject to some minor detailing amendments, the designs comprise a good mix and would be acceptable in relation to the Conservation Area.

TOWN COUNCIL COMMENTS: Commend overall design but are concerned over the lack of social housing and the proposal to remove valuable trees on the western boundary. Concerned at density of development.

REPRESENTATIONS: This application has been advertised and 29 representations have been received. Period expired 2 October.

Objections – West Road has already had 2 large housing schemes which have increased traffic and parking congestion on road. Extra 36 units will exacerbate existing problems. Inadequate parking within the development. Additional traffic hazardous to schoolchildren. Too high density, overdevelopment. Would be overbearing, out of scale and character with area. Materials inappropriate. No visible greenery. Loss of town views. Adverse impact on Conservation Area. Overloading of schools and local health services. Unacceptable loss of trees. Overlooking & loss of privacy. Loss of light from four-storey blocks. Concerned at height of rear units. Scale does not respect existing in West Road. Designs are mediocre, repetitive and contribute little to adjacent Conservation Area. Frontage properties too close to road, and should be at least 3m back to allow for planting. Too close to dwellings at rear. Noise, light and air pollution. No indication of rear boundary treatment. Concern at demolition of asbestos buildings. Should control working hours and addition of satellite dishes, etc. Flats out of keeping with rest of road. Safety during demolition. Impact on over-stretched infrastructure of town. Inadequate drainage to serve additional 36 dwellings.

Friends of the Earth (2 letters) – Objection. Too high density. Insufficient play space and amenity area. Would not meet proposed requirements for lift access for disabled. Affordable element should not be confined to the flats. Should be pedestrian access to Station Street.

PLANNING CONSIDERATIONS: The main issues are whether

- 1) **the proposed designs and density would be appropriate in this location, and in relation to the amenity of surrounding residents (ADP Policies S1, DC1 & DC14, and DLP Policies S1, GEN2, H9 & GEN4);**
- 2) **the loss of trees on the site would be acceptable (ADP Policy DC8 & ENV3);**
- 3) **the development would incorporate adequate car parking, and would exacerbate existing congestion in West Road (ADP Policy T2 & DLP Policy GEN9)**
- 4) **adequate provision is made for affordable housing (DLP Policy H8 & national policy guidelines), developer contribution to local education places, and flood protection measures (ERSP NR12, ADP Policies W2 & W3, & DLP Policy GEN3).**

1) The principle of residential development has already been accepted on this site. In accordance with PPG3, it is necessary for developments to make the best use of land, and density should therefore be higher than the general pattern in West Road. Cornmill Court has a density in the region of 57 per hectare. It is therefore considered that the proposed density of 75 per hectare is excessive and would be overdevelopment. The high density has been achieved by the high number of flats, and this has also resulted in particularly tall development, with two of the blocks being four-storey. This is a sensitive site in an elevated

position above the houses to the rear, and it is considered that the height of the buildings would have an overbearing impact on those properties. The submitted cross-sections indicate that the majority of buildings accord with heights in Cornmill Court, but as the proposed dwellings would have a more direct relationship with houses to the rear, the storey heights should be lower and separation distances greater. There would also be overlooking and loss of privacy, and distances between buildings would be well below the recommended 25m of the Essex Design Guide. The high-level site coverage has resulted in a lack of landscaping to the rear boundary to improve screening and reduce the impact of vehicle manoeuvring in the northeast and north west corners of the site. A scheme which reduces storey heights, number of units, and moves the rear buildings further into the site would be more acceptable in relation to amenity. As proposed, accommodating the number of units results in a poor relation to surrounding dwellings, and would appear unacceptably cramped in relation to the more spacious plots along the remainder of West Road.

Within the development itself, amenity space is relatively low, but as it is comparable with other new developments in Saffron Walden it is not considered this would be a refusable issue. However, the high number of units and the resultant need to accommodate parking does result in a lack of usable communal amenity space, which would currently be surrounded by parking and manoeuvring space. The proposal would result in poor living conditions for future occupants, and there is no public amenity space in close proximity to counteract this shortfall.

The flats on the frontage are considered unacceptable in design terms as the two-and-a-half storey form would appear visually intrusive in the street scene, the majority of dwellings in the road being two storey and of more modest scale. This is indicative of the overdevelopment of the site.

2) The loss of the line of sycamore trees along the western boundary would be unacceptable in terms of their visual impact in the street scene, and the screening they would afford adjacent residents. A Tree Preservation Order has been served on the trees but has yet to be confirmed. The proximity of units 13 to 18 would threaten the long-term retention of the trees.

3) Fifty parking spaces are proposed to serve thirty-six units. This would be slightly less than 1.5 spaces per unit. Government guidance seeks to minimise the provision of parking in the interest of promoting other forms of transport to the private car, and similar parking has been accepted for other developments close to the town centre. However, there is concern that West Road already suffers a high level of on-street parking, and such low provision for a development where a third of units would have 3 or 4 bedrooms would be likely to exacerbate existing parking congestion. All but four of the units would have two or more bedrooms, and fifty spaces would not meet the needs of the development.

4) The agent has confirmed that 25% of the total would be affordable units, administered via a Registered Social Landlord. The requirement for a contribution towards school places cannot be requested at the reserved matters stage, and if required should have been imposed as a condition on the outline planning permission. A Flood Risk Assessment is required due to the likely impact on surface water disposal but has not been submitted.

COMMENTS ON REPRESENTATIONS: These are addressed in the report. The loss of views is not a material planning consideration.

CONCLUSIONS: Although residential development is acceptable in principle, the scheme is too dense and would appear as cramped overdevelopment of the site. The scale of the buildings and proximity to boundaries would have an overbearing impact on dwellings to the

rear of the site. The form of the frontage flats would be out of keeping with the size and scale of other dwellings in West Road. There would be a lack of usable communal amenity space within the development. Inadequate parking is proposed, exacerbating existing parking problems in West Road. The loss of the trees on the western boundary would be detrimental.

RECOMMENDATION: REFUSAL REASONS

1. The density of the proposed development is considered excessive and out of keeping with adjacent property, and would result in an overbearing and cramped form of development. Individual storey heights and unacceptably close positioning of buildings in relation to the rear boundary result in loss of amenity, loss of privacy and an unduly dominant impact on dwellings to the rear. Within the site, the design of the frontage flats with the rooms in the roofspace would appear visually intrusive in the street scene and out of keeping with the primarily more modest dwellings in West Road. This impact would be exacerbated by their forward position in the street relative to the properties opposite and to the west.
2. Within the site, there would be a lack of usable communal amenity space, as that which is proposed would be unacceptably surrounded by car parking and manoeuvring space, to the detriment of the amenity of residents of the development. The high density and cramped development would also result in a lack of space for landscaping to boundaries to minimise the impact of the development on residents to the rear, this impact being exacerbated by the significant change in ground levels. The development would not respect the characteristics of its setting and would therefore fail ADP Policies S1, DC1 & DC14, and DLP Policies S1, GEN2 & GEN4.
3. The proposed siting of units 13 - 18 and associated garaging would result in the loss of nine sycamores along the western boundary, which are subject to an unconfirmed Tree Preservation Order. The loss of the trees would be unacceptable in visual terms and the loss of screening they would afford to adjacent residents. The proposal would therefore be contrary to ADP Policy DC8 & DLP Policy ENV3.
4. The proposal makes provision for less than 1.5 parking spaces per unit, which is significantly below the Council's adopted standards. Given the proximity to the town centre it would not be considered necessary to impose the maximum standards (seventy six spaces would be required), but due to the existing parking congestion it is likely that the development would exacerbate deficiencies in West Road. This would be to the detriment of highway safety and residential amenity. The proposal is therefore considered contrary to ADP Policy T2 and DLP Policy GEN9.
5. In the absence of a Flood Risk Assessment it is considered likely that the proposal would give rise to increased flood risk due to the impact on surface water disposal. It would therefore be contrary to ERSP Policy NR12, ADP Policies W2 & W3, and DLP Policy GEN3.

Background papers: see application file.

UTT/1534/03/FUL - GREAT HALLINGBURY

Change of use to maintenance and repair of commercial motor vehicles (Class B2)
Unit 2A Stansted Distribution Centre Starhill. GR/TL 523-213. S & B Commercials Plc.
Case Officer: Mr R Aston 01799 510464
Expiry Date: 28/10/2003

NOTATION: Within Village Development Limit/Within Policy AIR9 Boundary/Within Public Safety Zone

DESCRIPTION OF SITE: Stansted Distribution Centre is located between the Flitch Way and the A120, 600m to the east of Junction 8 of the M1. The site has had original permission for B8 Storage and Distribution uses, although since then a number of the units including Unit 2A have been granted changes of use to B1 Business. One of the major employers on the site is the Spellbrook Mercedes car dealership (Sui Generis: i.e. does not fall into a use class) which has an element of B2 use as it has a facility for the servicing, repair and maintenance of commercial Mercedes vehicles and faces the A120. The majority of the site is located within the Public Safety Zone and the 57 Leq airport noise contour zone, within village development limits.

DESCRIPTION OF PROPOSAL: The proposal is for a change of use of Unit 2A and part of the yard which is currently used by Mercedes Benz to the west of the unit from B1 to B2 for the repair and servicing of commercial motor vehicles. The Spellbrook Mercedes dealership currently operating on the site is to close and an application is forthcoming for the use of the Spellbrook building and part of the associated yard by Audi. As a result the current repair and servicing of commercial motor vehicles associated with the car dealership is to remain on the site, but it is the intention that this is carried out from Unit 2A and the associated yard.

RELEVANT HISTORY: Redevelopment of site for warehousing with integral office accommodation and service road with ancillary works, approved 1991. Change of use from warehousing to Class B1 business, approved 1994. Erection of vehicle distribution services, approved 1995. Erection of 4 single storey buildings for use as warehousing, vehicle distribution and servicing, approved 1996.

CONSULTATIONS: Environmental Services – No objections
Local Plans – There is a restriction on the overall number of employees on the whole site of 120. The number of people working in the unit is given at 13 with an estimated 8 vehicles visiting the site. Given this and the fact that the use is moving from another unit within the estate there are no objections on safety grounds. Provided that the Council is satisfied that the number of people working or visiting the site there is no policy objection to this proposal.

PARISH COUNCIL COMMENTS: Subject to conditions relating to adequate drainage facilities, including oil separators are installed and that evening and weekend use is limited giving due consideration to nearby residents.

REPRESENTATIONS: None. Notification period expired.

PLANNING CONSIDERATIONS: The main issues are:

- 1) whether the proposal would be detrimental to any important environmental or visual characteristic of the locality and the residential amenity of adjoining occupiers (ADP S1, DC14, DLP GEN4),

- 2) **whether the proposal would result in a material increase in the number of people residing, working or congregating in the Public Safety Zone (ADP AIR8, DLP AIR7) and**
- 3) **whether the proposal would result in an increase in traffic generation which would be detrimental to highway safety (ADP T1).**

1) Given the location of the unit on an existing industrial site and the fact that the application involves no new buildings or changes in the external appearance of the building, the proposal would not be detrimental to any environmental or visual characteristics of the site or surroundings and therefore complies with Policy S1 of the Adopted District Plan. Turning to the potential impact on the residential amenity of adjoining occupiers, it is stated that the premises will operate for 24 hours due to the nature of the work involved and because commercial vehicles can breakdown at any point and would need to be brought to the dealership on an ad-hoc basis, which is the current situation. On balance, given that the current dealership has no restrictions on operating hours and operates on a virtually round the clock basis at present, with no complaints having been received, the impact of a B2 use in this location some distance from residential properties is considered appropriate. (Furthermore, it would be unreasonable to restrict the hours of operation in the interests of residential amenity.)

2) A condition of the original planning permission limits the number of employees on the site within the public safety zone to 120. Furthermore, policy AIR8 of the Adopted District Plan seeks to resist uses resulting in an increase of people residing, working or congregating in the Public Safety Zones. This thread is continued in the Emerging District Plan under policy AIR7 but includes a 1:10,000 risk contour area, in which no residential or employment use will be permitted and a 1:100,000 risk contour area where permission will only be granted for extensions or changes of use of low density development. The building in question is within the 1:100,000 risk contour zone. Further guidance is also given under Department of Transport Circular 1/2002 which advises that it is not necessary to refuse permission for a *'change of use of a building or and which could not reasonably be expected to increase the number of people working in or at the property beyond the current levels or, if greater, the number authorised by the extant planning permission'*. The circular however also advises that traditional warehousing and storage use, in which a very small number of people are likely to be present within a sizeable site, is acceptable, but more intensive uses such as distribution centres, sorting depots and retail warehouses should not be permitted.

The judgement to be made is whether or not the use of this unit for B2, the servicing and repair of vehicles (a use which already exists on the site) would result in a greater number of employees than the B1 business use which is the lawful use of the site. Under UTT/0299/94/FUL, Condition C90A restricted the number of employees to no more than 21, which is the pro rata quota for a unit this size. The number proposed for the unit under this current proposal is 13, which is below this and what has been previously approved. Subject to a restrictive condition limiting the number of employees to 15, to provide a certain degree of flexibility, then it is considered that the proposal would accord with the provisions of the relevant policies and would have no more a material impact on the number of employees than its lawful B1 use or the original B8 storage use.

3) Although the use of the unit on a 24 hour basis may result in increase in vehicle movements to and from the site, the applicant states that the estimated number of movements based on current use is approximately 5 cars over the 24 hour period and 3 service vehicles, with 3 being between the hours of 7:00pm to 7:00am, this amount of movement would not adversely impact on highway safety and is considered acceptable.

CONCLUSIONS: The proposal conforms with the relevant district plan policies and would not have an adverse impact on public safety, accordingly the proposal is considered acceptable and no material considerations exist to justify the refusal of planning permission.

RECOMMENDATIONS: 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. There shall be no open storage of refuse, goods or materials other than in compounds or areas specifically set aside for this purpose and shown on a plan submitted to and approved by the local planning authority in writing.
REASON: To safeguard the appearance of the site in the interests of visual amenity.
4. Notwithstanding the provisions of Article of the Town and Country Planning Use Classes Order 1987, and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Orders revoking or re-enacting these Orders) this permission shall only permit the use of the premises for the servicing, maintenance and repair of vehicles and for no other use or purpose, including any use or purpose within the B2 use Class.
REASON: To ensure the use is compatible with surrounding uses and development, in the public safety zone.
5. C.6.4. Excluding extensions without further permission.
6. C.8.18. Control of odour and other effluvia.
7. C.8.22. Control of lighting.
8. Other than for pedestrian access and egress the external doors of the premises, together with its windows, shall be kept closed at all times that the permitted use is in operation.
REASON: To protect the amenities of the occupiers of the neighbouring properties.
9. The maximum number of persons to be employed in the unit and the yard shall not exceed 15 in total.
REASON: In order to meet the safety requirements of the Civil Aviation Authority within the site which lies within Stansted Airport's Public Safety Zone.

Background papers: see application file.

UTT/1440/03/FUL – CLAVERING

Installation of exercise menage.
Grange Farm. GR/TL 466-318. C Abrahams & Sons.
Case Officer: *Karen Hollitt 01799 510495*
Expiry Date: 31/10/2003

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

DESCRIPTION OF SITE: The application relates to a plot of land to the west of a range of barns which were granted planning permission for conversion to stables earlier this year. The site is located approximately 1km (0.5 mile) west of Clavering village, to the north of an unclassified road leading to Deers Green and Starling Green. The land is in an elevation position in comparison to the properties to the west and there is a dense mature hedge along the boundary of the field to which the site is a part.

DESCRIPTION OF PROPOSAL: It is proposed to construct a ménage to the west of the complex of farm buildings, including those recently granting planning permission to be used as stables. The ménage would be approximately 30m from the nearest residential dwelling. It is further proposed to landscape the site to alleviate the impact of the development.

RELEVANT HISTORY: Change of use of existing buildings to stables approved April 2003.

CONSULTATIONS: Environmental Services: No comments or objections provided lights are positioned and angled so as not to cause nuisance to nearby properties.

PARISH COUNCIL COMMENTS: None received. Expired 7 October 2003.

REPRESENTATIONS: Two. Notification period expired 16 October 2003.

1. No objection to the installation of such an area we would prefer to see conditions attached, to ensure the current amenity value of the area is maintained. Concerned about the installation of floodlight. Because of the difference in ground level between the adjacent field and the proposed area for the menage the 6m floodlights would light up a considerable area and reflect well into the sky. We would be less concerned about the floodlighting and the maximum height of the posts. Native hedging species would lessen the impact of the development. Concern about noise. Again a control on the times of use would be a way of minimising potential inconvenience to the enjoyment of the rural area in which we live

2. Whilst I do not object to the proposal, I would like to register my concerns regarding the floodlighting. I am against any form of light pollution especially in such a rural area. I hope the Council will impose sensible timing restrictions in both the morning and evening, e.g. not before 8am or after 8pm.

PLANNING CONSIDERATIONS: The main issues are whether

- 1) the proposal represents suitable development to be carried out in a rural location (ERSP Policy C5, ADP Policy S2 and DLP Policy S7).
- 2) whether the proposed development would have an adverse impact on the residential amenity of the adjoining properties (ADP Policy DC14, DLP Policy GEN4).

1) The proposed development of a menage in this rural location is considered an acceptable use of land, and an appropriate use within the open countryside. The use complies with the requirements of the development plan policies.

2) It is considered that due to the location of the application site in relation to the residential properties, that it is unlikely that the proposed use would cause undue harm to residential amenity. The application originally included proposals for floodlighting, but it was considered that this element of the proposals would have a severe detrimental impact on the residential amenity of the properties and the applicant has subsequently withdrawn this part of the application.

COMMENTS ON REPRESENTATIONS: The issues regarding the floodlighting have been acknowledged and the applicant has withdrawn this part of the scheme.

CONCLUSIONS: The use of the land as a menage, in conjunction with the adjoining stables is considered an acceptable use of land. It is not considered that the proposals should give rise to any undue loss of amenity to the adjoining properties.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with the approved plans
3. This permission does not relate to the floodlighting as shown on drawing no 202279DWG004.
REASON: The floodlighting would have an adverse impact on the residential amenity of the adjoining properties.
4. The menage hereby permitted shall be used by the occupiers of the adjoining stables, marked A on approved drawing no. 202279DWG003 and by no other persons.
REASON: The site is located within an area where additional traffic visiting the site would be likely to have a detrimental impact on the residential amenity of the adjoining properties.
5. C.4.1. Scheme of landscaping to be submitted and agreed.
6. C.4.2. Implementation of landscaping.

Background papers: see application file.

UTT/1569/03/FUL - FELSTED

Erection of 3 x three-storey and 1 x two-storey blocks - a total of 24 flats
Land to the north of Ingrams. GR/TL 677-204. Felsted School.
Contact Officer: Mr M Ovenden 01799 510476
Expiry Date: 31/10/2003

NOTATION: Within Village Development Limits & Settlement Boundaries, Conservation Area and curtilage of Listed Building (Ingrams House) / Tree Preservation Order.

DESCRIPTION OF SITE: The site is located within the grounds of Felsted School to the north of the village centre. The existing Music School is situated to the north of the listed Ingrams building and faces School Road. Further north is the listed School Chapel and to the west a landscaped open space and pond. On the opposite side of the road are two dwellings and a small UR Church. The site measures 0.4 ha (1 acre).

DESCRIPTION OF PROPOSAL: This revised proposal seeks to erect four blocks of flats as before, three of which would be 3-storeys and one 2-storeys also as previously. Blocks A & B would be 3-storeys and have 6x2 bed flats in each, Block C would also be 3-storeys and have 6x2 bed and 2x3 bed flats and Block D would be 2-storeys with 4x2 bed flats. However, there are two main changes, firstly the size of them has been reduced so that the total number of units would drop from 29 to 24 and secondly their location has been altered so that blocks C & D would not extend so far towards the Chapel. Block C to the northwest has been relocated 15m further from the Chapel than before, level with the cedar tree. Block D would now be a similar distance back, no closer than the footprint of the Music School. The gap between block C and the Chapel would now be 30m compared with 18m previously and the revised layout would increase this gap by 4m from the end of the existing single-storey outbuilding to be demolished. The designs are broadly as before. All existing trees would be retained. A 34 space car park would be constructed in the centre of the complex to serve the 24 flats.

APPLICANT'S CASE: See agent's letter dated 2 September attached at end of report.

RELEVANT HISTORY: Change of use of Ingrams from educational to sheltered housing, conversion of building to six 2-bed apartments with warden's accommodation, demolition of outbuildings and erection of 3-storey block of 18 apartments, single-storey rear extension, glazed link and sun room with car parking approved in 2002 following a Members' site visit.

29 flats in 4 blocks refused in July for reason of visual intrusion by blocks C & D into open gap between Music School and Chapel causing harm to the character and appearance of the Conservation Area, and adverse effect on cedar tree, contrary to Officers' advice following a Members' site visit. Demolition of Music School and outbuildings to rear of Ingrams and erection of replacement Music School opposite Lord Riche Hall approved in July.

CONSULTATIONS: ECC Transportation: No objections subject to conditions.

ECC Archaeology: No recommendation.

ECC Learning Services: Requests contribution of £41,472 towards educational infrastructure.

Environment Agency: No objections subject to conditions.

Anglian Water Authority: No objections subject to conditions.

Essex Wildlife Trust (re newts in the pond to the NW): To be reported (due 21 October).

UDC Specialist Design Advice: No objections subject to conditions.

UDC Specialist Landscape Advice: No objections subject to conditions.

UDC Specialist Local Plans Advice: No objections in principle. The development of sites like these make an important contribution to meeting the District's housing requirement. Density acceptable. Car parking provision not up to Council's standards.

UDC Environmental Services: Need to make provision for communal refuse and recycling facilities.

PARISH COUNCIL COMMENTS: No comments but would expect some consideration of on-street parking restrictions in Stebbing Road if scheme implemented. (*Officers' comment : this would be a matter for ECC Transportation*).

REPRESENTATIONS: This application has been advertised and 7 representations have been received. Period expired 9 October

1. Object as before. Inappropriate use of site in terms of scale and purpose in context of village environment. Likely to exacerbate a traffic/parking problem which is already severe at times. Urge refusal and suggest revised scheme for two-storey development.
2. Support. Sympathetic and appropriate design and choice of materials. Help maintain school.
3. Urge that new buildings do not encroach beyond footprint of existing Music School in order to maintain sight lines across open space. More reasonable than the earlier application. However, it still seems an inappropriate development for the centre of a village which, has "... a unique character distinct from any other village in Uttlesford ... ". Hardly the location for 4 blocks of flats, especially as 3 of the 4 will be 3-storey blocks, competing with the listed building and out of scale with adjacent 2-storey Stocks boarding house. Detrimental effect of the added traffic on what is already a problem area.
4. Add to the congestion problem. Force residents to yet again endure disruption. The appearance of the proposed flats is not in keeping with the location. The centre of the village should retain its unique character. It would be totally spoilt by the aesthetically unpleasing proposed development.
5. Revised proposals are certainly an improvement on the 'horror' mooted previously, BUT still concerned by the prospect of even more cars in this vehicle-infested village.
6. Aesthetically the plan now submitted is a considerable advance on the previous plan since the siting of the blocks of flats causes significantly less impact on this beautifully landscaped area. In particular views of the School Chapel from the Stebbing Road and the vista from the road through to the Bury Pond and Garden suffer far less interruption. However, Block D – the 2-storey block is not, as claimed in this application, within the area at present occupied by the Music School. Roughly one third of it is outside that area on the east side which does affect the view of the Chapel and the impact on the house opposite. Still have some reservations with regard to change of use from academic/communal to residential/private and change of character from 'village' to 'suburban/urban'. However, I feel the architects and Felsted School have gone a very considerable way towards producing a good design that would have far less negative impact than the previous scheme. This still leaves the problem of the closeness of Block D to the Stebbing Road.
7. Increased number of cars will be very much more of a problem – a terrible accident waiting to happen.

PLANNING CONSIDERATIONS: The main issues are whether the revised proposal would overcome the previous reasons for refusal, i.e.

- 1) the loss of part of the attractive open space and its effect on the character and appearance of the Conservation Area (ADP Policies DC2 & DC8 and DLP Policies ENV1 & ENV8),
- 2) the adverse effect on the health of the cedar tree (ADP Policy DC8 & DLP Policy ENV8) and

3) whether there are any other material considerations to be taken into account.

1) Blocks A & B closest to Ingrams were considered acceptable on the original scheme and remain largely unchanged, although block B would now be nearer to the listed building. It was agreed previously that they would create an attractive courtyard which would enhance the setting of Ingrams. Permission to demolish the existing Music School and outbuildings to Ingrams has already been granted and their replacement with a three-storey block of 18 apartments has already been granted and can still be implemented. Block C would be a 3-storey building, as was that approved, but of considerably higher design quality. Whilst it would extend the built form 13m further north compared with the scheme approved last year, it would be 15m further away from the Chapel compared with the refused scheme and 4m further from the Chapel than the existing outbuildings which will be demolished. Furthermore, by being a detached building from block B, unlike the approved scheme, a gap would be created through the development which would enhance the appearance of the Conservation Area from in front of the small UR Church in School Road.

The 2-storey block D has been significantly reduced in size and angled to the road, so that its effect on the open space has been lessened. It would have a frontage of 15m compared with 26m before and would now be mainly on the footprint of the Music School. (At its nearest corner would be 15m away from the front garden of the nearest dwelling opposite, compared with 14m and the proposed angle would also reduce its effect on the amenities of neighbours opposite. This is assisted by the relocation of living room windows away from the front elevation as previously negotiated).

On balance, therefore, it is considered that the revised proposal has more merit than the previously approved scheme and the first reason for refusal has been overcome.

2) Block C would now be 9m from the trunk of the cedar tree compared with 7m on the refused layout. This would be sufficient to avoid any material harm to its health, subject to a condition ensuring its protection during construction. It is, therefore, also considered that the second reason for refusal has been overcome.

3) The **setting of the listed Ingrams building** has been carefully assessed and it is considered that it would be enhanced by the revised proposal, particularly due to the improved layout and design compared with the previous approved development. It is also considered that the **setting of the listed Chapel** would be preserved by retaining sufficient distance between it and the new development and the retention of all the existing trees.

The issue of **car parking** should be considered in the light of Government advice on sustainability. 34 spaces to serve 24 flats (1.4 spaces per flat) is considered reasonable and bears favourable comparison with the previous scheme (36 for 29 or 1.25 spaces per flat) where it was not a reason for refusal.

The issue of **affordable housing** also needs to be considered. The applicant now proposes 24 new-build flats compared with 18 approved last year. Although this is just below the minimum required for affordable units to be needed, the scheme is an integral part of the conversion of Ingrams where six sheltered units and a warden's flat are to be provided. This would take the comprehensive redevelopment to 30 units and it is Government advice to look at such schemes as a whole rather than in isolated parts. In principle, therefore, affordable accommodation is still required and the approved conversion of Ingrams to sheltered accommodation (or key-worker teaching staff) would meet this requirement.

CONCLUSION: The revised proposal has been extensively renegotiated and is now considered acceptable, subject to conditions and a Section 106 Agreement.

RECOMMENDATION: APPROVAL WITH CONDITIONS & SECTION 106 AGREEMENT

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.4.4. Retention/replacement of trees.
6. C.4.6. Retention and protection of trees during development.
7. C.4.7. Detailed landscaping survey to be carried out.
8. C.4.8. Landscape management and maintenance plan to be submitted, agreed and implemented.
9. C.5.2. Details of materials to be submitted agreed and implemented.
10. C.5.5. Clay plain tiles.
11. C.7.1. Slab levels to be submitted, agreed and implemented.
12. C.8.26. Internal sound insulation to flats.
13. C.8.27. Drainage details to be submitted agreed and implemented.
14. C.11.6. Provision of car parking facilities.
15. C.15.1. Superseding previous permission.
16. C.25.3 No airport-related parking.

SECTION 106 AGREEMENT:

1. Educational infrastructure contribution
2. Inclusion of six affordable, sheltered or key worker units

Background papers: see application file.

UTT/1471/03/FUL – STANSTED

Demolition of existing building and erection of 2 1/2 storey block of 10 flats with parking
The Limes Stables Silver Street. GR/TL 508-246. Feeney Bros Ltd.

Case Officer: Hilary Lock 01799 510486

Expiry Date: 03/11/2003

NOTATION: Within Development Limits & Settlement Boundary/Adjacent listed building/Access onto Class B road.

DESCRIPTION OF SITE: The site comprises a dwelling on the eastern side of Silver Street, north of the junction with Old Bell Close. Gardens serving houses in Old Bell Close back onto the southern boundary. Access to the dwelling is in front of the house, with the remainder of the frontage enclosed by a wall and planting. The rear garden contains mature shrubs and trees, although part of the southern and eastern boundaries at the rear have sparse screening. Dwellings in Brook Road are in an elevated position above the rear garden, to the east.

DESCRIPTION OF PROPOSAL: This is a revised scheme following a recent refusal for the conversion of the building to flats and the construction of new flats behind. This proposal is to demolish the existing dwelling and replace it with a larger building to provide ten flats: 4no. two-bedroom flats at ground floor, 5no. at first floor, and 1no. three-bedroom flat in the roofspace. The layouts for the flats would have most windows facing front and rear, with only side facing kitchen windows at first floor and rooflights above.

The existing access would be widened and walls demolished for visibility splays. Access would pass under an archway in the building to fourteen car parking spaces at the rear. Four visitor spaces would be provided in front of the building. Amenity space in excess of the Council's standards would be beyond the car park.

The new building would have a width of 27m and main depth of 14m. Distances to flank boundaries would be 1m. The eaves height closest to boundaries would be 4.4m, rising to a maximum ridge height in the centre of the building of 10.4m. Most of the building would have a ridge height of 9.4m. The existing building has a width of 23m, depth of 14.4m, and the height ranges from 6.5m to 7.5m (+ chimney) at the front (increasing to 8.8m at the rear). The eaves height is 3.5m – 4m. The building is built on the northern boundary but retains a separation to the gardens of Old Bell Close in the region of 6m.

RELEVANT HISTORY: Change of use of existing building from stabling to dwelling approved 1978. Outline application for backland scheme of two dwellings, garages and alterations to access refused 2002. Conversion of existing to 5 flats and erection of block of 5 flats at rear recently refused on basis of loss of amenity, unacceptable backland development and access.

CONSULTATIONS: ECC Transportation: No objections subject to conditions.

PARISH COUNCIL COMMENTS: To be reported – due 15 October.

REPRESENTATIONS: This application has been advertised and 5 representations have been received. Period expired 21 October.

Objections – concerned at loss of Victorian building, which is part of local history. Scheme no better than previous refusal. Unacceptable access and increased traffic on already busy

road. Health risks during demolition and construction. Increased pollution from car park. Drainage issues. Loss of privacy. Damage to trees and shrubs. Unacceptably close to gardens in Old Bell Close. Overbearing impact from increased height. Scale and height will dwarf surrounding properties. Too many flats.

PLANNING CONSIDERATIONS: The main issues are whether the proposal would

- 1) the proposal would have an acceptable impact in the street scene and in relation to residential amenity (ADP Policies DC1 & DC14, and DLP Policies GEN2 & GEN4);**
- 2) be acceptable in highway safety terms and provide adequate parking for the development (ERSP Policies T3 & T12, ADP Policies T1 & T2, and DLP Policies GEN1 & GEN9); and**
- 3) overcome the previous reasons for refusal.**

1) The existing building is attractive but not of listable quality. Although of unusual design, the building is of a scale that relates well to the adjacent domestic properties. Although government guidance is the best use of land should be sought, it is not considered that the size and scale of the proposed building would be appropriate to its setting. The increased width and height of the building would be out of keeping with the more domestic scale of adjacent properties, and it would appear a visually intrusive and dominant feature in the street scene. The change in ground levels at the site would not be sufficient to overcome the problem.

The proposal would appear cramped relative to its surroundings. Little space would be retained either side of the building, and its mass and bulk could not fail to be overbearing and dominate the outlook of the properties in Old Bell Close and to the north, given its unacceptably close proximity. In addition, although access would be central on the site, neighbouring properties would still be affected by the movements associated with fourteen parking spaces at the rear of the site. The close proximity to adjacent residents and number of vehicles involved would produce noise, nuisance and fumes beyond levels reasonably expected by residents.

2) Silver Street is a busy main road, but ECC Transportation raises no objections to the access alterations. The proposal overcomes previous concerns regarding the creation of a second access point, and it is not considered that refusal could be justified on the basis of increased traffic from ten flats compared to the existing four-bedroom house. There would be sufficient parking, turning, and manoeuvring space on the site, provided the front parking spaces are omitted to ensure vehicles could stand clear of Silver Street to allow the passage of other vehicles under the archway.

3) Although the proposal may have overcome some of the access issues, the increased size of the building would exacerbate the amenity reasons for refusal, and would introduce new problems of impact in the street scene. Other flat schemes have been approved along Silver Street in recent years, some of which were allowed at appeal. However, none are considered to have a similar relationship with adjacent property, and do not set a precedent for this proposal.

COMMENTS ON REPRESENTATIONS: Many of the issues raised are addressed in the report. Drainage issues and maintenance would be a civil matter, but the capacity of the system could be addressed in the Building Regulations application. There would inevitably be nuisance and disruption during the construction period, but a condition restricting hours of construction could reasonably be imposed.

CONCLUSIONS: This proposal would create a cramped form of development out of keeping with the street scene, and would give rise to loss of amenity to adjacent residents through noise, nuisance and pollution from use of parking area, and the overbearing impact of the building in close proximity.

RECOMMENDATION: REFUSAL REASONS

1. The size (particularly its height and width) of the proposed two-and-a-half storey block of flats would be out of keeping with the more domestic size and scale of adjacent properties and would result in a cramped, visually intrusive development in the street scene, contrary to ADP Policies S1 & DC1 and DLP Policies S1 & GEN2.
2. It would create significant loss of amenity to adjacent residents by virtue of the unacceptable size, height and bulk of the building in close proximity, and the noise, disturbance and pollution caused by use of the proposed parking area close to gardens. The provision of this large building 1m from the gardens of properties in Old Bell Close would create an unacceptably overbearing development which would dominate the outlook from those properties. The development would be contrary to ADP Policy DC14, and DLP Policy GEN4.
3. The proposal fails to overcome the reasons for refusal of application UTT/0380/03/FUL, and given the size and scale of the proposed building would exacerbate the loss of residential amenity identified from the overbearing effect of the built form. It has also introduced concerns about the visual impact on the street scene not previously raised.

Background papers: see application file.

1) UTT/1245/03/FUL & 2) UTT/1246/03/FUL - GREAT EASTON

- 1) Change of dwelling and stable/store to B1(a) offices use and additional access drive.
- 2) Change of use of rural buildings to B1(a) offices and formation of additional access drive.

Wolseys Farm Duton Hill. GR/TL 605-274. Wolseys (Duton Hill) Ltd.

Case Officer: Mr A Betros 01799 510471

Expiry Date: 16/09/2003

NOTATION: Outside development limits/ Area of Special Landscape Value/ 2 of the barns are listed (Grade 2).

DESCRIPTION OF SITE: The site is located 500 metres to the north of the main road through Duton Hill and contains a farmhouse, variety of farm buildings (some listed) and stables. There is a single road which connects the site to Duton Hill village. The total floor area of the buildings proposed for conversion is 1466 sq.m. 48 parking spaces are proposed, together with motorcycles and cycle accommodation.

DESCRIPTION OF PROPOSAL: UTT/1245/03/FUL: The proposal is for a change of use of the farmhouse and adjacent stable and store to B1 (office only) as well as the construction of a driveway and parking areas for each converted unit.

UTT/1246/03/FUL: The proposal is also for a change of use of the barns (some listed) to B1 (office only) as well as the construction of a driveway and parking areas for improved access to the converted barns.

No works to the barns, home, stable or stores are proposed in either application.

APPLICANT'S CASE: A detailed statement has been submitted, a copy of which is on Council's file. The statement includes:

"Our clients are considering the future of the farm and buildings in view of the downturn of the economic situation, world market prices and trends affecting the agricultural industry, and this, together with the uncertainty of major airport expansion development that may or may not be scheduled to take place affecting this locality in the future has prompted them to look to alternative uses for the buildings on site to secure the financial future of the farm.

The farm buildings area consists of the farmhouse and domestic buildings, a group of historic traditional rural buildings of environmental merit some of which are listed and other being curtilage buildings, all of which are mainly redundant from an agricultural point of view, a converted building in Class B1 use, and a little used Dutch barn type building at present housing agricultural equipment.

The object of this application is to achieve the grant of planning permission for alternative use of the historic group to provide a further planning option for the future uses of these buildings which because of their historic status have to be preserved."

RELEVANT HISTORY: UTT/1432/00/FUL & UTT/1433/00/LB: Approval for conversion of farm buildings to 4 dwellings which involves hardening of grass tracks for access to the dwellings.

UTT/0625/03/REN & UTT/0626/03/LB: Renewal of above approval for the conversion of farm buildings to 4 dwellings.

After being advised of concerns raised by residents, businesses and the Parish Council in relation to traffic, access and noise concerns, the applicant has amended the application:

“We thank you for your time and attention given to the writer at our recent meeting and for the copies of letters of representation received from three local people and the Parish Council on the above applications.

In view of the concern expressed by the Parish Council and three locals on the possible industrial use that will doubtless result in the use of heavy goods for deliveries etc, our client is willing to change both applications to omit B1 (b) and (c) use and apply for Class B1 Business Use (a) offices only in respect of UTT/1245/03/FUL and UTT/1246/03/FUL.”

CONSULTATIONS: County Surveyor: No objections raised.
Environment Agency: Standard advisory letter.

PARISH COUNCIL COMMENTS: Rejection of the proposal on the following grounds: impact on the village of Duton Hill, the main concern being the use of Wolseys Lane, which is a narrow track with no passing places or at its junction with the village street. At present there is relatively light use of this access but infrequently but regularly a large lorry requires to reach the farm. Each time manoeuvring into the lane is difficult and turning out of the lane requires several reverses. There have been occasions when it proved necessary to unload the vehicle in the village and transfer the load to a smaller vehicle. The proposed development will inevitably lead to massive congestion problems and hazards for the population of the village. At this point and for most of its length there is no footpath in the village street and the point most affected by this proposal is narrow with cottages with doors opening directly onto the road. It should be noted that the local authority were concerned over many years over heavy lorry traffic due to the business at Blamsters Hall which is on the B184. The proposed development would bring back this additional heavy traffic to this main road and in addition be a hazard and a nuisance to the residential community of Duton Hill.

REPRESENTATIONS: This application has been advertised and 3 representations have been received. Period expired 18 August 2003. The following issues were raised:

- (i) inadequate access for vehicles associated with potential light industrial uses from the village of Duton Hill to the farm may cause traffic and amenity problems
- (ii) noise impacts from potential light industrial uses

PLANNING CONSIDERATIONS: The main issues are

- 1) **Policy S2 of the UDP- Countryside beyond the Green Belt, S7 of the Draft DLP 2002- The Countryside and C5 of the Structure Plan- Rural Areas not in the Green Belt**
- 2) **Policy C5 of the UDP- Re-use of Rural Buildings, E4**
- 3) **Policy DC6 and C7 of the UDP- New uses for listed buildings and conversions of dwellings to offices.**
- 4) **Policy T1 of the UDP- New development and general highway considerations.**

1) Policy S2 states that development will not normally be given for development in the countryside beyond development limits unless the proposal relates to appropriate changes of use of suitable existing buildings compatible with a rural area. The proposed use of the dwelling, stables and store for offices is considered an appropriate use as it is considered that there will be limited alteration to the appearance of the buildings while environmental impacts should also be restricted. Traffic associated with offices is likely to be limited to cars and light vehicles which can be accommodated on the access road to and from the village of Duton Hill.

2) Policy C5 states that appropriate re-use of soundly constructed rural buildings for non-residential purposes will normally be permitted. Sites should have adequate accessibility and adequate space for associated activities, which must not impair important characteristics of the countryside. No works are associated with the subject application for change of use for offices which is in effect made at outline, however, it is envisaged that minimal alteration to the character and structural form of the buildings would be required and may require further applications. The parking areas associated with the offices would be screened by existing buildings and by new planting, thereby preserving the characteristics of the countryside. The new access drive leading from the existing driveway allows for satisfactory access and the buildings are suitably separated. Policy C7 permits the change of use of dwellings to offices in the countryside.

3) Policy DC6 states that favourable consideration may be accorded to schemes which incorporate works that represent the most practical way of preserving the building and its architectural and historic characteristics. As stated, no works are associated with the subject application, however, it is considered that the listed barns can be suitably preserved for use by offices. Therefore, the change of use is considered to satisfy the policy criteria.

4) 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. Prior to the amendment to the proposal (limiting the use to offices), it was considered that the light industrial uses (Classes B1(b) Research & Development and B1(c) Industrial) would be likely to generate a volume and nature of traffic that would affect the village due to the narrow access point to and from the farm. However, given that the applicant has responded to these concerns and altered the nature of the B1 use to class (a) offices, it is considered that vehicles associated with such use can utilise the access without traffic hazard or loss of amenity to the village of Duton Hill. The hardening of existing tracks and creation of new tracks are in the same form and location as previously approved in the approved scheme for residential conversions under UTT/1432/00/FUL & UTT/1433/00/LB. A condition will be imposed restricting these tracks to be limited to gravel or similar material to protect the rural character of the countryside.

COMMENTS ON REPRESENTATIONS: The amendment to the change of use to offices is considered to overcome traffic, access and noise concerns associated with potential light industrial uses on the farm.

CONCLUSIONS: The proposed change of use of the barns and rural buildings to offices is considered acceptable as it satisfies Council's relevant policies for development in the countryside, re-use of rural buildings and traffic and access. The use as offices should also not hinder the amenity of the village of Duton Hill.

RECOMMENDATIONS:

UTT/1245/03/FUL & UTT/1246/03/FUL: APPROVAL WITH CONDITIONS

1. C.2.1. Standard time limit.
2. C.3.1. To be implemented in accordance with approved plans.
3. That the hardening of the tracks to provide access to the converted buildings be limited to gravel or similar material.
REASON: To protect the rural character of the countryside.
4. The use hereby permitted shall be limited to uses within Class B1(a) of the Town and Country Use Classes Order 1987.
REASON: To protect the rural character of the countryside.

5. C.4.1. Scheme of landscaping to be submitted and agreed.
6. C.4.2. Implementation of landscaping.
7. The use hereby permitted shall only operate between the hours of 0800 – 1800 Mondays – Saturdays, and not at all on Sundays, Bank or Public Holidays.
REASON: To prevent traffic movements at unreasonable hours in the interest of the rural character of the area and amenity.
8. C.9.1. No outdoor storage.
9. C.11.8. Standard vehicle parking facilities.
10. C.8.22. Control of lighting.

Background papers: see application file.

UTT/1475/03/OP – NEWPORT

Retirement care community comprising a 40 person care home, 20 care flats, 20 care cottages, six staff flats, administrative areas, 40 car parking spaces and new access. All matters other than accesses reserved.

Land at London Road. GR/TL 518-334. George Wimpey East Anglia Ltd.

Case Officer: Hilary Lock 01799 510486

Expiry Date: 23/10/2003

NOTATION: Outside Development Limits & Settlement Boundary/Area of Special Landscape Value (ADP only)/Access onto Class B Road

DESCRIPTION OF SITE: This is a 1.9 hectare arable field between Newport Primary School and London Road, south of dwellings in Frambury Lane. With the exception of native planting along the eastern boundary with London Road the site is otherwise open, rising slightly to the south/southwest.

DESCRIPTION OF PROPOSAL: This is an outline proposal with all but access to be reserved for later approval. An indicative layout has been provided for an integrated 'retirement care community': comprising a two-storey (2000m²) 40 person care home central on the site; 20 care flats (75m² one or two bedroom units for those requiring degree of care, with 24 hour warden service) in a two-storey apartment building in the north eastern corner of the site; 20 two-storey care cottages (90m² each, sold on leasehold basis to the over 55 age group, who are relatively independent or where one partner requires care) around the southern and western perimeter; 6 staff flats in the roofspace of the care home (450m²); a two-storey 400m² administration block, which could be attached to the main care home or apartment block; 40 parking spaces throughout the development (20 for care cottage residents, 10 for staff and 10 for visitors); and the creation of a new vehicular access onto London Road. Pedestrian access would be via the upgrading of an existing track onto Frambury Lane. Additional landscaping would be provided to boundaries, and private and communal gardens would be created. The development would total 6,150m² of floor area.

APPLICANT'S CASE: See attached Supporting statement dated 15 August 2003 and agent's letters dated 13 and 20 October 2003.

RELEVANT HISTORY: Two residential applications withdrawn 1984. Outline applications for residential development on 4 and 7 acres refused 1985. Outline application for three houses refused 1987.

CONSULTATIONS: ECC Transportation: Holding objection – information provided is inadequate for assessment and engineering drawing and a capacity assessment are required. Concern is expressed over the location of the proposed Traffic Island on London Road along with its technical feasibility, and its effect on third party accesses. Also concern regarding the accessibility for residents specially those with mobility impairment to gain access to and from local amenities and transport links. Likely that a financial contribution or highway works will be required to overcome these deficiencies.

UDC Policy: Policy presumption against development in this location unless it needs to take place there or is appropriate to rural area. Proposal cannot be considered affordable housing in context of policy as although it is meeting a specific need it would not be provided through a Registered Social Landlord. To overcome the strong policy objection the need for the development will have to be demonstrated. The application is not supported by evidence of need within Uttlesford. Should it be considered there is a need for such a development within the District then it must be recognised that Newport is a good location for such a

development having a range of services and good road and rail connections. Furthermore, although the site lies outside the VDL it is well related to the village and cannot be considered to be within the open countryside.

Water Authority: To be reported.

Environment Agency: Objection in the absence of a Flood Risk Assessment. Proposal represents an increased risk of flooding due to the impact of its surface water discharge.

Essex County Council Planning: To be reported.

ECC Archaeology: recommend excavation condition.

Essex Social Services: To be reported.

Uttlesford Primary Care Trust: To be reported.

UDC Housing: The Housing Needs Survey 2002 recommends developing a comprehensive older persons delivery strategy to address the current and future growth in elderly and frail elderly households across all tenures, and their related care and support needs to develop 'extra care' accommodation for the frail elderly population. Evidence suggests we should be supporting this type of development.

Environmental Services: To be reported.

PARISH COUNCIL COMMENTS: Concerns – see letter attached dated 30 September 2003.

REPRESENTATIONS: This application has been advertised and 17 representations have been received. Period expired 21 October.

Objections (16) – site is outside development limits. Access onto B1383 is hazardous due to heavy traffic. Frambury Lane already busy from school traffic. Large influx of elderly people will overload health practices. Loss of site of landscape value. Excessive scale of development out of keeping with rest of village. Site is within floodplain and would increase surface water run-off and risk of flooding to other properties. Village services not accessible to elderly by foot. Would make remainder of field landlocked and lead to pressure for building on rest. Threat of loss of bowling green. Density too high. Should be compensation for impact on property values. Greater need for starter homes in Newport & mixed development would be more relevant to local population. Location poor in relation to M11 and B road. Previous refusals based on inadequate drainage and no change since then. Not appropriate to build homes for elderly next to school due to noise. Poor bus service. Loss of light and privacy. Query what will prevent cottages being sold as open market housing, and to restrict apartments to elderly only. Concerned at loss of hedge.

Support (1) – concept of retirement care community is a good one which should be supported and should justify a departure from the Local Plan. The location of the site close to railway and village amenities makes it ideally suited to such a use which provides an opportunity for elderly people to remain within their local area. Beneficial to village and individuals.

PLANNING CONSIDERATIONS: The main issues are whether

- 1) **this type of development would be appropriate outside Development Limits/Settlement Boundary (ERSP Policies CS2, C5 & NR1, ADP Policies S2 & C2, & DLP Policies S7 & GEN8);**
- 2) **it would be acceptable in terms of highway safety (ERSP Policy T3, ADP Policy T1 & DLP Policy GEN1) & the floodplain (ERSP Policy NR12, ADP Policies W2 & W3, and DLP Policy GEN3);**
- 3) **it would have an acceptable impact on residential amenity (ADP Policy DC14 & DLP Policy GEN4); and**

4) whether there are other material considerations which warrant approval of the scheme contrary to established policies.

1) The site is outside the VDL/Settlement Boundary for Newport and as such any form of residential development would be contrary to established policy. This is not being presented as affordable housing, and as such there is no policy support for the proposal. Were it possible to demonstrate a case for the care home at the site, there is concern that the remainder would be general purpose housing for which there can be no justification. Furthermore, the illustrative layout suggests a low density form of private housing which would fail the criteria of PPG3.

2) ECC Transportation object to the proposal as inadequate information has been submitted on the construction of the access and capacity to fully assess the impact of the proposal. The agent has declined to submit further details, and as such in its current form it has not been demonstrated that the proposal would be acceptable in highway safety terms.

The site is in a floodplain and a Flood Risk Assessment is required to demonstrate that the proposal would not increase the risk of flooding in the area. No such assessment has been submitted.

3) The submitted layout is illustrative only, but does indicate that a development could be accommodated on the site which could avoid significant loss of amenity to adjacent residents. It is considered that sufficient space is available to accommodate the various uses on site, although it would likely be less intrusive to residents if the private housing were sited closer to the properties in Frambury Lane, and the larger blocks and parking areas sited towards the south of the site. It is not considered the level of activity generated at the site would be so significant to warrant refusal of the application.

4) The applicant has not submitted any evidence to justify approval of this scheme contrary to established national and local policies. The Council cannot accept information submitted for a similar scheme in another part of the district as justification for this scheme. The applicant must supply evidence of need, and demonstrate that Newport is the appropriate village to meet such need. Despite requests no evidence has been forthcoming, and there is therefore no justification to override the policy objections.

COMMENTS ON REPRESENTATIONS: The majority of issues are addressed in the report. Impact on property values is not a planning consideration. Impact on drainage would be assessed as part of the Building Regulations submission. The site is not within the 100m zone either side of the M11 specified in DLP Policy ENV12 regarding exposure to poor air quality.

CONCLUSIONS: The proposal is contrary to policy. No evidence has been submitted to demonstrate an overriding need, and warrant a departure from established policies. No information has been submitted to establish the impact on highway safety. No Flood Risk Assessment has been submitted.

RECOMMENDATION: REFUSAL REASONS

1. The site is outside Development Limits/Settlement Boundary for Newport, where there is a presumption against new development unless exceptionally required in connection with agriculture or appropriate recreational uses. The development of this open rural site on the edge of the village would serve to consolidate existing development and result in the unacceptable expansion of the built form into the countryside. Although the Council's policies seek to provide a range of housing across all tenures to meet a range of housing needs, no evidence has been submitted to demonstrate an overriding need

for this development, or to demonstrate the appropriateness of such a use in this location. In the absence of any evidence to justify the proposals, they are considered contrary to ERSP Policies CS2, C5 & NR1, ADP Policies S2 & C2 and, DLP Policies S7 & GEN8.

2. Insufficient information has been submitted to enable an assessment of the proposed access onto London Road. An engineering drawing is required to demonstrate the technical suitability of the proposal, in addition to a capacity assessment. In the absence of such details, it has not been demonstrated that the proposal would incorporate safe access and have no adverse impact on the safety of London Road. The proposal is therefore considered contrary to ERSP Policy T3, ADP Policy T1, and DLP Policy GEN1.
3. The site is within a Floodplain and the extent of the built form could have a significant impact on surface water discharge, leading to an increased risk of flooding in the vicinity. In the absence of any Flood Risk Assessment to demonstrate that the development would not increase risk of flooding, the proposal is considered contrary to ERSP NR12, ADP Policies W2 & W3, and DLP Policy GEN3.

Background papers: see application file.

UTT/1479/03/DFO – LITTLEBURY

Erection of detached house and garage - details following grant of outline planning permission UTT/1094/01/OP

Plot 1 Wadmans Builders Yard Catmere End. GR/TL 489-395. Phelps Travel.

Case Officer: *Karen Hollitt 01799 510495*

Expiry Date: 04/11/2003

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

DESCRIPTION OF SITE: This corner site is located at the western end of Catmere End within a small group of houses in open countryside. It formerly comprised a builders yard containing a number of outbuildings. The site extends to approximately 550m².

DESCRIPTION OF PROPOSAL: The application relates to detailed planning permission for a detached two storey dwelling, having a footprint of approximately 110m². Outline planning permission was granted in 2001 for a dwelling to replace the existing builders yard, subject to details in relation to the dwelling on this plot not exceeding 77m², as shown on the indicative layout plan.

APPLICANT'S CASE: See supporting statement from Hibbs and Walsh Associates attached at end of report.

RELEVANT HISTORY: Outline planning permission granted in 2001 for replacement dwelling, subject to details not exceeding 77m², as shown on indicative layout. Planning permission was granted on the basis that it would be likely to enhance the nature and character of the area. Detailed application submitted for substantial two storey dwelling in 2002, but withdrawn following negotiations.

CONSULTATIONS: Building Surveying: No adverse comments.
Environment Agency: Advisory comments.

PARISH COUNCIL COMMENTS: House should be built further down the plot (North by 4m) which would reduce the impact on the visual aspect of the development.

REPRESENTATIONS: None. Notification period expired 8 October 2003.

PLANNING CONSIDERATIONS: The main issues are whether the proposed dwelling would

- 1) meet the terms of the outline planning permission, in particular in relation to size and location, and
- 2) whether the proposed dwelling would accord with design criteria as contained in ADP Policy DC1 and DLP Policy GEN2.

1) Outline planning permission was granted under reference UTT/1094/01/OP and members requested that a note be added to the decision notice which stated:

“You are advised that the dwellings as shown in the layout hereby approved are considered to be of the maximum size capable of being accommodated on this site without detriment to the rural character of the area.”

The indicative plan submitted with the outline planning application showed two new dwellings, one to replace Minsmere with a footprint of approximately 102m², and a further dwelling to replace the existing builders yard, having a footprint of 77m². Detailed planning permission for the replacement dwelling has subsequently been granted, for a dwelling with a footprint of approximately 118m², approximately 15% larger than shown on the outline drawing. However, it was considered that this was an acceptable increase in footprint.

This proposal relates to a dwelling having a footprint of approximately 113m², some 45% larger than shown on the outline application. It is considered that this increase in floor area would have a detrimental impact on the open characteristics of the rural area.

2) The proposal relates to a full two storey dwelling, approximately 800mm taller than the new replacement dwelling. The replacement dwelling is some 2.1m higher than the adjacent property. It would have a 17m span overlooking the open countryside, in an elevated position which is clearly visible for some distance. Added to this, it is proposed to construct a wall between the end of the property to the detached double garage. This would represent approximately 26m of built form in the open countryside. It is considered that this proposal relates to a large dwelling, out of character with the surrounding properties and likely to have an adverse impact on the open countryside. Due to the elevated position of the application site, it is considered that landscaping is unlikely to substantially reduce the impact of the proposed development.

CONCLUSIONS: The proposals do not conform with the outline planning permission and relate to a large development, out of keeping with the rural area and likely to have a detrimental impact on the open countryside.

RECOMMENDATION: REFUSAL REASON

The proposed two-storey dwelling represents development which does not respect the scale, form, layout or appearance of development in the locality. Furthermore, the development does not aim to reduce the visual impact of the new building within the open countryside and is excessive in relation to the outline planning permission granted under reference UTT/1094/01/OP. The proposed two storey dwelling, having an aspect of approximately 26m over open countryside in an elevated location would be detrimental to the visual characteristics of the area. This would be contrary to ADP Policy DC1 and DLP Policy GEN2.

Background papers: see application file.

UTT/1646/03/FUL - SAFFRON WALDEN

(Officer's application)

Single-storey side/rear extension. Loft conversion, including rear dormer window and front rooflight.

52 Old Mill Road. GR/TL 542-376. Mr & Mrs P Fletcher.

Contact Officer: Ms H Lock 01799 510486

Expiry Date: 17/11/2003

NOTATION: Within Town Development Limits & Settlement Boundaries.

DESCRIPTION OF SITE: The site is located within the large housing estate to the south of the town centre. It comprises an end of terrace two-storey house which faces south.

DESCRIPTION OF PROPOSAL: This is a revised proposal for a single-storey side/rear extension and loft conversion with a rear dormer and front roof-light, and enlarged decking to the rear.

RELEVANT HISTORY: Two-storey side/rear extension withdrawn in August following Officers' recommendation for refusal for reasons of overbearing impact of the extension and overlooking from the enlarged decking.

TOWN COUNCIL COMMENTS: None received (due 21 October).

REPRESENTATIONS: None. Notification period expired 14 October.

PLANNING CONSIDERATIONS: The main issues are whether the proposal would

- 1) be in keeping with the existing dwelling and street scene (ADP Policies H7 & DC1 and DLP Policies H7 & GEN2),
- 2) respect neighbours' amenities (ADP Policy DC14 & DLP Policy GEN4) and
- 3) sufficient on-site parking spaces would be available (ADP Policy T2 & DLP Policy GEN9).

1) The size and scale of the extension has been reduced compared with the original scheme. The footprint remains the same, but the first-floor part has been omitted. Instead, it is now proposed to accommodate the additional (fourth) bedroom in the loft space. It is considered that this would improve the appearance of the dwelling and reduce its impact on the street scene.

2) It is considered that the degree of overbearing effect on and overshadowing of the neighbour to the east has now been reduced to an acceptable level. The amount of additional decking has also been reduced and kept away from the common boundary with the neighbour to the west. It is considered that this would not now cause material additional overlooking or loss of privacy to adjoining residents.

3) A garage and two parking spaces would be provided to meet the Council's standard of 3 spaces for a four-bedroomed dwelling.

CONCLUSION: It is considered that the negotiated revisions have overcome the concerns about the previous proposal.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Standard time limit.
2. C.3.1. To be implemented in accordance with approved plans.
3. The garage and two parking spaces shall be kept available at all times for the domestic parking of vehicles associated with the enlarged dwelling hereby permitted.
REASON: In order to avoid kerbside parking which causes danger and inconvenience.

Background papers: see application file.
