

PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 26 APRIL 2004

APPL NO: **1) UTT/1482/03/FUL & 2) UTT/1670/03/LB**
PARISH: **WICKEN BONHUNT**
DEVELOPMENT: 1) Alteration and conversion of barns into two dwellings including extensions, replacement roofs, car parking and access 2) Alterations and link extensions and replacement roof to convert barn into two dwellings
APPLICANT: A J & S E Mullucks
LOCATION: Barns 1 and 2 Wicken Hall
D.C. CTTE: 23 February 2004 & 15 March 2004
REMARKS: Deferred for revised plans
RECOMMENDATION: Refusal
Case Officer: Ms Hilary Lock 01799 510486
Expiry Date: 23 October 2003

APPL NO: **UTT/1620/03/FUL**
PARISH: **SAFFRON WALDEN**
DEVELOPMENT: Erection of two flats to replace existing garages
APPLICANT: Mr G Bray
LOCATION: Land at Ozier Court
D.C. CTTE: 5 April 2004 (see report copy attached)
REMARKS: Deferred for Site Visit
RECOMMENDATION: Approval
Case Officer: Mr Geoff Lyon 01799 510458
Expiry Date: 11 November 2003

APPL NO: **UTT/0119/04/OP**
PARISH: **GREAT EASTON**
DEVELOPMENT: Outline application for replacement dwelling and double garage with annexe above. All matters reserved except siting and means of access
APPLICANT: Neil Moore
LOCATION: The Folly
D.C. CTTE: 5 April 2004 (see report copy attached)
REMARKS: Deferred for Site Visit
RECOMMENDATION: Approval
Case Officer: Mr R Aston 01799 510464
Expiry Date: 30 March 2004

APPL NO: **UTT/2115/03/FUL**
PARISH: **SAFFRON WALDEN**
DEVELOPMENT: Demolition of existing buildings. Formation of access road. Erection of thirty-one units, including 8 affordable units, with garaging and parking.
APPLICANT: Charles Church North London
LOCATION: Site North of West Road
D.C. CTTE: 5 April 2004 (see report copy attached)
REMARKS: Deferred for Site Visit
RECOMMENDATION: **Approval**
Case Officer: Ms H Lock 01799 510486
Expiry Date: 03 February 2004

APPL NO: **UTT/0038/04/DC**
PARISH: **QUENDON & RICKLING**
DEVELOPMENT: Erection of detached house
APPLICANT: Uttlesford District Council
LOCATION: Site 2 Woodside Rickling Green
D.C. CTTE: 5 April 2004 (see report copy attached)
REMARKS: Deferred for Site Visit
RECOMMENDATION: **Approval**
Case Officer: Mrs K Hollitt 01799 510495
Expiry Date: 16 April 2004

APPL NO: **UTT/0173/04/FUL**
PARISH: **HATFIELD HEATH**
DEVELOPMENT: Variation of conditions C.13.7 and C.90B relating to permission UTT/0488/00/FUK. To increase the opening hours from 0900 to 2100 weekdays and 0900 to 1300 on Saturdays when the restaurant is closed and to increase the membership from 100 to 150.
APPLICANT: Mr B Carrig
LOCATION: Hunters Meet Restaurant, Hotel & Leisure Centre
Chelmsford Road
D.C. CTTE: 5 April 2004
REMARKS: Application withdrawn
RECOMMENDATION: **Approval**
Case Officer: Mr N Ford 01799 510468
Expiry Date: 8 April 2004

UTT/1620/03/FUL - SAFFRON WALDEN

Erection of two flats to replace existing garages
Land at Ozier Court. GR/TL 543-369. Mr G Bray.
Case Officer: Geoff Lyon 01799 510458
Expiry Date: 11/11/2003

NOTATION: ADP and DLP: Within Development Limits of Saffron Walden.

DESCRIPTION OF SITE: The site is located on the southern end of Saffron Walden on the Fairviews estate and measures approximately 270 sq metres in area. Accessed off Ozier Court, the site is currently a run-down complex of a garages, which once served the adjoining residential flats. There is a significant amount of on-street parking on Ozier Court, particularly following the sale of the garages to a third party, which are not tied by planning condition to each flat. Katherine Semar Infant and Junior School is visible from the site and amenity space for the adjacent flats is located to the rear of the site in question.

DESCRIPTION OF PROPOSAL: The applicant is seeking full approval for the erection of two dwellings to replace the existing garages. The dwellings are three-storey in height, 7.8 metres to eaves and 10.2 metres to ridge. The dwellings will have a rendered ground floor with brick at first and second floor level. The ground floor will contain a garage, entrance/hallway, utility and w.c. On the first floor are a kitchen, bathroom and lounge/diner with two bedrooms (one with w.c.) on the second floor.

The garage space is 3.6 metres wide with a 2.5 metre wide opening and is 5.1 metres long. Parking space in front of the garage is 6 metres long and meets the requirements. Amenity space for each dwelling is at most 50 square metres with a main usable area of 6m x 5m. The rear and side boundary details have not been supplied by the applicant, but it is recommended that the amenity space be incorporated with the adjacent flats giving one large amenity space. This will therefore negate the need for any fencing on site.

APPLICANT'S CASE: The applicant has provided a supporting statement for the proposed development see copy attached at end of report. The applicant has also indicated that they would be willing to enter into a Section 106 agreement to ensure that a parking area opposite the site, under the control of the applicant, will be maintained and retained in perpetuity for the parking of 12 cars for local residents.

RELEVANT HISTORY: The site in question has been the subject of numerous applications for residential development. The estate itself was approved in 1974, but no conditions were imposed at that time to ensure that the garages, the subject of the application, were tied to each individual flat and safeguarded for parking in perpetuity.

There have been three previous applications for residential development on this site, the most recent of which was refused on 07 January 2003. This particular application related to the erection of one detached dwelling, with concerns about the overlooking of adjacent amenity areas and the loss of parking cited as the main reasons for refusal. The other two applications related to a terrace of three town houses and two semi-detached dwellings. In both cases loss of parking, overlooking and lack of private amenity space were cited as reasons for refusal. The applicants have not appealed against any of the Councils previous decisions.

CONSULTATIONS: UDC Environmental Services: No comments.

TOWN COUNCIL COMMENTS: The committee object to this application because of the loss of parking places to the adjacent flats. The original planning permission for the Ozier Court flats was conditional on the garage block being provided and car ownership has increased dramatically since then. The Committee considers this would result in gross over development.

REPRESENTATIONS: 43 neighbours surrounding the proposed development were notified. Advertisement expired 09 October 2003. Three letters of objection have been received, two of which are from the same address.

Summary of comments: There is considerable pressure for vehicular parking in the area and any new dwelling would make further problems for parking. The area is used by parents dropping off and picking up children from Katherine Semar School and is also full at night when used by residents. There would be a reduction in off-street parking facilities thus worsening the current situation. It would be better to replace the run-down garages with new garaging for local residents. The garages are probably empty because of high rents charged by the owner to use them. No vandalism has been reported to the Flat Management Company.

PLANNING CONSIDERATIONS: The main issues are whether: -

- 1) **the site is an appropriate location for residential development (PPG3, ERSP Policies BE1, H2, H3, ADP Policy S1, H1 and DLP Policy S1, H1 and H2),**
- 2) **the number of dwellings proposed is acceptable in terms of density, design, layout, amenity space etc and will not overlook surrounding properties. (PPG 3, ERSP Policies H3, ADP Policy DC1, DC14 and DLP Policy GEN2, GEN4) and**
- 3) **there will be a net loss of parking spaces and whether the site will have adequate parking facilities. (ERSP POLICY T12, ADP POLICY T2, DLP Policy GEN9).**

1) The site is located within development limits and is previously developed land. It is therefore suitable for residential development in principle subject to meeting other policy criteria.

2) The density of development would be equivalent of 80 dwellings per hectare which complies with Government policy for urban areas. Surrounding properties are all three storey flats. The proposed development, while technically houses, would be compatible with the appearance of neighbouring properties. Materials would compliment the surroundings.

One of the reasons for refusal of previous schemes was overlooking of the amenity space of the neighbouring flats. It is proposed to overcome this by orienting the properties so their main windows to habitable rooms are to the front and side, with obscure glazing to the windows facing the amenity space. In any event it is the nature of shared amenity space that it is already overlooked by the existing flats.

The usable amenity space for each property is 30sq m. This is below the standard for houses but above that for flats. The design and appearance of the proposed development and its surroundings means that, exceptionally, the proposed development may be considered as a form of hybrid development, falling between the definitions of houses and flats. If the amenity space were to be incorporated into that of the existing flats rather than fenced off separately then the development would appear contiguous with its surroundings, and the function of the amenity space for the occupiers would remain. This can be covered by condition.

3) The other reason for refusal of previous schemes was the loss of parking. The site is not currently used to park vehicles: only two of the garages are in use and they are used for domestic storage. The proposed development would have two parking spaces each, which complies with standards, and is therefore self sufficient in terms of parking.

The issue remaining is the loss of land which could potentially be used for car parking and, indeed, was clearly meant to be available to serve the existing development when planning permission was granted in 1974. Unfortunately no condition was imposed requiring the garages to be retained for car parking and the garages were subsequently sold to the applicant. It appears therefore that the parking areas are in separate control to the flats. The applicant has control of land opposite the site which is currently available, free of charge, for residents parking with a capacity for up to 9 cars. The applicant has offered to enter into a s106 agreement to make these parking spaces, together with a further three spaces, available in perpetuity for residents' parking.

There would therefore be a loss of 9 garage spaces, none of which are presently used for parking. This would be offset by the guaranteed retention of 9 existing parking spaces plus the provision of a further 3. This would be a net loss of 6 parking spaces. Such a loss of parking is not, on the face of it, acceptable. However there are exceptional circumstances here because of the unusual ownership situation and lack of conditions controlling parking, as explained above. Officers have considered the possibility of enforcement to try and make the existing garages available for car parking, but the lack of any conditions makes this difficult. All that could possibly be achieved is the improvement of the site through service of a s215 Wasteland Notice, but it would not be possible to force the owner to make the garages available for residents' parking. In the circumstances it is reluctantly concluded that the application represents an opportunity to secure some guaranteed parking for residents, and this outweighs the loss of the garage parking.

CONCLUSION: This is a finely balanced proposal on which Members' careful judgement is required. Members may consider that the proposal represents overdevelopment of a cramped site which is inappropriate for further residential development and that the loss of land clearly originally intended for residents' parking is not acceptable. On balance, Officers consider that because of the exceptional circumstances applying in this case, permission should be granted subject to conditions and a s106 agreement requiring the provision of 12 parking spaces to be kept available free of charge for residents parking.

RECOMMENDATION: APPROVAL WITH CONDITIONS SUBJECT TO SECTION 106 AGREEMENT TO SECURE LAND OPPOSITE THE SITE FOR THE PARKING OF TWELVE VEHICLES FOR FREE USE BY LOCAL RESIDENTS 24 HOURS A DAY 365 DAYS A YEAR. SUCH LAND SHOULD BE MAINTAINED AND RETAINED FOR PARKING PURPOSES IN PERPETUITY AND EACH SPACE SHALL BE CLEARLY LAID OUT

1. C.2.1. Time limit for commencement of development.
2. C.3.2. To be implemented in accordance with revised plans.
3. C.5.1. Samples of materials to be submitted and agreed.
4. C.6.7. Excluding conversion of garages.
5. C.11.7. Standard vehicle parking facilities.
6. C.19.1. Avoidance of overlooking – 1.
7. The windows in the eastern elevation marked in red on the approved plan attached shall be obscure glazed with glass of obscuration level 4 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the local planning authority. Glazing of that obscuration level shall be retained in those windows in perpetuity.

REASON: To prevent possible overlooking of neighbouring properties in the interest of residential amenity.

8. The rear amenity area approved as part of this application shall be incorporated with the amenity area of the adjacent residential flats and shall not be screened by fencing unless otherwise agreed in writing with the local planning authority.

REASON: To ensure that the amenity area is in keeping with adjacent flats.

9. C.4.1. Scheme of landscaping to be submitted and agreed.
10. C.4.2. Implementation of landscaping.
11. The buildings shall be set back to allow a 6.0 metre long parking space in front of each flat, details of which shall be submitted to and agreed in writing with the local planning authority prior to the commencement of development.

REASON: To ensure that the flats have adequate parking facilities and to allow the garage doors to be opened in the interest of highway safety.

12. Removal of PD rights.

Background papers: see application file.

UTT/0119/04/OP – GREAT EASTON

Outline application for replacement dwelling and double garage with annexe above. All matters reserved except siting and means of access

The Folly. GR/TL 601-252. Neil Moore.

Case Officer: Mr R Aston 01799 510464

Expiry Date: 30/03/2004

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

DESCRIPTION OF SITE: The Folly is located at Cox Hill to the west of the village of Great Easton. The site has a road frontage of c. 48m with direct access off the highway. The nearest residential properties are a row of three terraced cottage style dwellings to the east and three large detached dwellings on land opposite. This area is a small-established group, outside Development Limits and in an Area of Special Landscape Value. The existing house is in a dilapidated state and is in either need of repair and renovation or demolition. There is an existing garage block located off the existing access.

DESCRIPTION OF PROPOSAL: The proposal seeks outline planning permission for the erection of a replacement dwelling, 4-5 bedrooms with a double garage with annex above. It is indicated that the siting and means of access are the relevant matters and the design, landscaping and external appearance form the reserved matters. The accompanying plans show a detached 'T' shape dwelling located centrally within the plot, leaving a gap of c.13.5m with the neighbouring dwelling, on the eastern side and a c.21m gap between the side of the dwelling and its western boundary. It is in this location, abutting the western boundary that a double detached garage with annex above is proposed.

CONSULTATIONS: ECC Highways: Determination left to UDC under the terms of the current de-minimis agreement.

Environment Agency: No objection.

Environmental Health: None received.

PARISH COUNCIL COMMENTS: None received (due 4 March 2004).

REPRESENTATIONS: Two received. Notification period expired 25 February 2004.

General Summary – The property should be restored to its original condition. The original dwelling complemented the nearby buildings and emphasised the property age, style and history in the area. We oppose the proposal to demolish a building, which has significant historic and architectural importance.

PLANNING CONSIDERATIONS:

The main issue is whether the principle of a replacement dwelling in this location is acceptable, in accordance with ADP H8 and DLP H6.

Policy H8 of the Adopted district plan states that:

- (a) *Proposals involving replacement dwellings will normally be approved provided that such proposals are in scale with neighbouring properties and the siting of the replacement dwelling is in proximity to the original structure;*

(b) Outside development limits the replacement of existing dwellings by larger buildings which, through their size or appearance, impair the rural characteristics of the countryside will not be permitted.

Policy H6 of the DLP continues this theme but instead states that, 'a replacement dwelling will not be permitted unless, through its location, appearance or associated scheme of landscape enhancement it would protect or enhance the particular character of the countryside in which it is set'. The existing dwelling has a floor area of approximately 92m². The proposal details the siting of a dwelling with a footprint of 124m² with the dormer windows in the north and west facing elevations indicating a dwelling of two storeys. This is comparable with the footprint of the existing dwelling and is considered to be appropriate given the scale of neighbouring properties, which range from small detached cottage style dwellings such as Attwood Cottages to the large modern detached dwelling known as Folly View. Furthermore, the siting would be in close proximity to the original structure and in this respect complies with the provisions of the above policy. With regard to part (b) of the above policy, the size of the dwelling would not impair any important rural visual characteristic of the dwelling, no more so than Folly View, which is a large modern Essex Design Guide style dwelling. Furthermore, the design would be the subject of a future application, in addition to the external appearance and landscaping and this allows the local planning authority to retain a degree of control over the visual appearance of the dwelling and site.

COMMENTS ON REPRESENTATIONS: The dwelling is not listed and it is considered that the ability for the local planning authority to determine the design, external appearance and landscaping overcomes the above objections.

CONCLUSIONS: The siting and means of access for this application, which seeks outline planning permission, accords with the provisions of ADP Policy H8 and DLP Policy H6, no material considerations exist to warrant the refusal of the application. Concerns expressed by neighbours regarding design and appearance has been taken into account, however because they form reserved matters for future determination, they lie within the control of the local planning authority.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.1.1. Submission of reserved matters: 1
2. C.1.2. Submission of reserved matters: 2
3. C.1.3. Time limit for submission of reserved matters.
4. C.1.4. Time limit for commencement of development.
5. C.6.3. Excluding Permitted Development extensions and erection of freestanding buildings without further permission.
6. C.7.1. Details of external ground and internal floor levels to be submitted agreed and implemented.
7. C.11.7. Standard parking requirements.

Background papers: see application file.

UTT/2115/03/FUL - SAFFRON WALDEN

Demolition of existing buildings. Formation of access road. Erection of thirty-one units, including 8 affordable units, with garaging and parking.

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

Case Officer: Ms H Lock 01799 510486

Expiry Date: 03/02/2004

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 comprised a range of now mostly demolished 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: Planning permission is sought for a mixed residential development of 31 dwellings comprising 4 x 1 bedroom flats, 10 x 2 bedroom flats, 2 x 2 bedroom houses, 10 x 3 bedroom houses and 5 x 4 bedroom houses. The houses would be a mixture of semi detached, link detached and terraced and semi-detached properties, with the flats in 3 and 2.5 storey elements. There would be frontage development to West Road with development in the centre of the site being grouped around a courtyard comprising a range of designs. These would take the form of two/two-and-a-half storey buildings on the West Road frontage with heights varying between 8.5 and 10m (through a 'stepped' design, these would increase to two-and-a-half and three-and-a-half storeys at the rear of the houses); and two, two-and-a-half, and three storeys at the rear rising to a maximum of 11.7m where the rear of the site fronts the junction of Jordan Close with Station Road. The buildings along the east and west boundaries would be two and two-and-a-half storeys. Parking for 46 cars would be provided in a variety of garages, spaces and carports distributed around the site. Private garden areas would be provided for the houses comparable with nearby adjacent development, including the recent development at Cornmill Court. All the proposed flats would have amenity areas averaging at 25 sq m per unit. The distances from the rear elevations to the rear boundary would range from 9 to 12m, and distances between proposed and existing buildings would be 22 to 26m. The density would be 50 dwellings per hectare.

Eight of the dwellings (26%) would be affordable, comprising 4 x 1 bed and 4 x 2 bed flats located on the West Road frontage.

APPLICANT'S CASE: See letter accompanying the application available for inspection at the Saffron Walden Offices of the Council.

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. There is currently an appeal lodged against non-determination of an application for reserved matters for thirty-six units on the site (this was reported to the Development Control Committee to endorse the recommendation of refusal at the meeting on 3 November 2003).

CONSULTATIONS: ECC Planning & Admissions Service (Education): the development would have implications for school places and require a developer contribution (to be announced) towards additional primary and secondary school places.

Environment Agency: No comments – reply due 31/12/03. The EA required a flood alleviation scheme on the previous scheme and it is proposed to carry this forward

ECC Highways: No objections subject to conditions

TOWN COUNCIL COMMENTS: To be reported.

REPRESENTATIONS: This application has been advertised and 25 representations have been received.

Objections – West Road has already had 2 large housing schemes which have increased traffic and parking congestion on road. Extra 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 three storey element. 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 31 dwellings.

Friends of the Earth: Objection. Should be pedestrian access to Station Road.

ON SUPPLEMENTARY LIST OF REPRESENTATIONS (5 APRIL 2004): 14 further letters have been received, plus a letter from the CPREssex, reiterating objections set out in the Committee report, and commenting that the increased number of units would exacerbate the problems identified, particularly parking and overlooking.

Cllr Bayley requests that this application has a Members' Site Visit.

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) and
- 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 50 per hectare is reasonable. The development the subject of appeal has a

proposed density of 75 per ha and this high density was achieved by a high number of flats, resulting in particularly tall development, with two of the blocks being four-storey. In contrast the proposed development is primarily 2 – 2.5 stories, with an element of 3 storey development towards the rear of the site.

One of the primary concerns over the application currently the subject of appeal was the relationship with existing properties. This is a sensitive site in an elevated position above the houses to the rear, and it is considered that revisions to the layout means that the highest element of the proposed buildings at a maximum of 11.5m would back onto the junction of Jordan Road with Station Road. Where the development would back onto existing properties the proposed dwellings would be lower. It is considered that there would now be a satisfactory relationship with those properties. The submitted cross-sections indicate that the majority of buildings accord with heights in Cornmill Court. Back to back distances would be comparable with the Council's standards and in addition there would now be scope to provide adequate 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.

Within the development itself, amenity space is comparable with other new developments in the vicinity and elsewhere in Saffron Walden and is satisfactory. The previous reason for refusal on this basis is considered to have been overcome.

The frontage development has been reduced in height and is of a more spacious design. It is now considered comparable to that nearby and to be satisfactory.

2) The layout has been amended to protect the line of sycamore trees along the western boundary which provide screening to existing development to the west. A Tree Preservation Order has been served on the trees, which was confirmed at the meeting of this Committee on 15th March.

3) Forty-six parking spaces are proposed to serve thirty-one 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. PPG3 indicates that overall, car parking within a new development should not exceed 1.5 spaces per dwelling. Concern has been expressed that West Road already suffers a high level of on-street parking and that a higher level of parking should be provided. Officers gave weight to this argument in recommending refusal of the previous application but this application proposes fewer dwellings with a higher proportion of 1 and 2 bedroom houses and it is considered that the proposed provision is satisfactory. Provided the development is self-sufficient in parking it would not be reasonable to seek to remedy deficiencies in parking elsewhere, nor would such an approach be sustainable on appeal. There would be satisfactory space for turning large vehicles, e.g. refuse vehicles, within the site.

4) The agent has confirmed that 25% of the total would be affordable units, administered via a Registered Social Landlord. This level of provision is compatible with the Inspector's report following the Local Plan Inquiry. A Flood Risk Assessment is required due to the likely impact on surface water disposal but has not been submitted: this can be covered by condition.

COMMENTS ON REPRESENTATIONS: These are addressed in the report. While objection on the grounds of loss of a view is understood the courts have long held that loss of a view is not a material planning consideration. The requirement for a contribution towards education facilities will need to be secured by a legal agreement.

CONCLUSIONS: This proposal represents a significant improvement over that which was previously recommended for refusal and which is now the subject of an appeal for non-determination. The frontage to West Road now would be compatible with adjoining development and be satisfactory in relation to the street scene. The layout is much more varied and spacious and amenity space would be much more generous. Relationships with adjoining and adjacent developments would be satisfactory. Parking would be provided to a standard required by Government Policy. In the circumstances it is considered that the previous reasons for refusal have been overcome and the approval of reserved matters is recommended. Affordable housing and education provisions are proposed to be secured through a legal agreement.

RECOMMENDATION: THE APPLICATION IS UNACCEPTABLE AS IT STANDS BUT WOULD BE ACCEPTABLE SUBJECT TO A SECTION 106 AGREEMENT TO REQUIRE THE PROVISION OF 8 AFFORDABLE HOUSING UNITS AND AN EDUCATION CONTRIBUTION OF £131,440 AND SUBJECT TO THE FOLLOWING 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.5.2. Details of materials to be submitted and agreed.
7. C.6.4. Excluding extensions without further permission.
8. C.7.1. Slab level.
9. C.8.13. Restriction on hours of construction.
10. C.8.23. Environmental Standards.
11. C.8.27. Drainage Details.
12. The estate junction to West Road shall be formed at right angles and provided with bellmouth junction radii of 7.5m returned to a carriageway width of 5.5m.
13. Clear ground level visibility splays of 2.4m x site boundary shall be provided either side of the bellmouth junction with West Road.
14. C.10.7. Visibility splays.
15. Development shall not commence until details of external lighting has been submitted to and approved in writing by the local planning authority. The lighting shall thereafter be implemented and maintained in accordance with the approved details.
REASON 12-15: In the interests of visual and residential amenity.
16. Development shall not commence until a flood alleviation scheme has been submitted to and approved in writing by the local planning authority. Such a scheme shall subsequently be implemented and maintained in accordance with the approved details.
REASON: In the interests of public safety.
17. Details of the surfacing of the parking spaces marked in red on the attached plan returned herewith shall be submitted to and approved in writing by the local planning authority and subsequently implemented in accordance with those details.
REASON: In the interests of the protection of the adjacent preserved trees.

Background papers: see application file

UTT/0038/04/DC - QUENDON & RICKLING
(District Council application)

Erection of detached house.
Site 2 Woodside Rickling Green. GR/TL 510-300. Uttlesford District Council.
Case Officer: Mrs K Hollitt 01799 510495
Expiry Date: 16/04/2004

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

DESCRIPTION OF SITES: This sites is located on the western side of the road running up to Rickling Green. The site was formerly the side garden to 6 Woodside and was formerly the parking area to this property. The plot has a frontage of 12.5m and a depth of 33m and backs onto the allotments.

DESCRIPTION OF PROPOSALS: This proposal relates to the erection of a two bedroom cottage having a frontage of 9m and a depth of 6.5m. The property would have a red brick ground floor and front gable, rendered first floor and a slate roof. It is proposed to provide a parking area which would be capable of accommodating a minimum of two vehicles.

RELEVANT HISTORY: Previous applications withdrawn. These related to proposals for new dwellings which would have had a dominant effect on the neighbouring properties and appeared out of character with the area and had a detrimental impact on the setting and character of the conservation area.

CONSULTATIONS: Anglian Water: None received (due 11 March 2004).
Environment Agency: No objection.
Design Advice: To be reported.

PARISH COUNCIL COMMENTS: To be reported (due 25 March 2004).

REPRESENTATIONS: This application has been advertised and no representation has been received. Period expired 23 March 2004.

ON SUPPLEMENTARY LIST OF REPRESENTATIONS (5 APRIL 2004): See letter dated 14 March 2004 attached at end of this Supplementary List of Representations.

PLANNING CONSIDERATIONS: The main issues are whether the proposal would

- 1) be appropriate within development limits and appropriate use of land (ERSP Policies CS2 & C5, ADP Policies S2 & DC1 and DLP Policies S3 & GEN2,
- 2) meet the design criteria for development within a conservation area (ERSP Policy HC2, ADP Policy DC2& DLP Policy ENV1) and
- 3) have an adverse impact on the residential amenity of the adjoining properties (ADP Policy DC14 and DLP Policy GEN4).

1) The site is located within the development limits and forms a small gap between existing frontage housing. The proposed infilling would be acceptable in principle and would not adversely affect the character of the area. The proposals meet the stated criteria in relation to parking provision. In addition, the unit would be a two bedroom property, which would contribute towards the requirement for affordable housing within the village. It is also

considered that the use of the land for residential development would meet the criteria for best use of land as required by PPG3. The parking provision for 6 Woodside has been previously considered and planning permission for a new vehicular access and two parking spaces was approved in May 2001.

2) The property has been designed to be a low-key building, which should not have an adverse impact on the character of the area. The design of the property has been significantly improved from the previous schemes which were withdrawn. It is considered that the proposed property would be in keeping with the character of the area and should not be detrimental to the character and setting of the conservation area.

3) The siting of the proposed dwellings is considered acceptable. The dwelling would be located in the middle of the plot with approximately 2m gap to the south western boundary and a similar size gap between the side elevation of this proposed property and 6 Woodside. It is considered unlikely that the position of this dwelling would have a materially adverse impact on the residential amenity of the adjoining properties. No overlooking or overshadowing issues are raised in respect of the proposals.

CONCLUSION: On balance the proposals are acceptable.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.1. Samples of materials to be submitted and approved.
4. C.5.7. Window details.
5. C.6.3. Removal of permitted development rights.
6. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.
7. C.4.1. Scheme of landscaping to be submitted and agreed.
8. C.4.2. Implementation of landscaping.
9. C.11.7. Standard parking requirements.
10. C.19.1. Avoidance of overlooking.

Background papers: see application file.

UTT/2019/03/FUL – CLAVERING

Erection of 14 affordable residential dwellings and associated access/roads. Provision of footpath link.

Site 2 Stortford Road. GR/TL 464-312. Clavering Parish Council.

Case Officer: Ms H Lock 01799 510486

Expiry Date: 21/01/2004

NOTATION: ADP: Outside Development Limits; Area of Special Landscape Value.
DLP: Outside but Adjacent Settlement Boundary.

DESCRIPTION OF SITE: The application site is a 0.58 hectare open field on the southern edge of Clavering, next to the village shop. In the ADP, the Development Limit is some 70m north of the site, but in the DLP the Settlement Boundary has been extended, so that the site is immediately south of the Limit. The northern boundary is the only with any screening, and currently provides separation of the village shop from the surrounding agricultural land. There is an earlier phase of eight affordable housing units beyond the shop to the northeast.

DESCRIPTION OF PROPOSAL: The proposal is to construct fourteen terraced and semi-detached affordable houses, to be managed by the Housing Association. The scheme would comprise six 2-bedroom and eight 3-bedroom houses to reflect the housing need of the village. Two parking spaces per unit would be provided, some in carports. Garden areas between 72m² and 200m² are proposed, plus a communal open space adjacent to the road, to soften the approach to the village. Hedge planting is proposed to the front, rear and southern boundaries. A new access point would be created from the Class III road, and a 1.5m wide footpath to the north is proposed to link with the existing path to the village shop.

The designs of the house types would be mixed 1½ and two-storey houses ranging from 8m to 9m in height. Details of materials would be subject of condition, but the submitted plans indicate a mix of render and weatherboarding.

Nine of the dwellings (5 x 2-bed & 4 x 3-bed) would be for shared ownership sale, and five for rent.

APPLICANT'S CASE: There is a detailed supporting statement available for inspection at the Council offices, Saffron Walden. See Summary attached at end of this Report.

In addition, confirm highway authority is agreeable to re-positioning of 30mph speed limit up to 50m without the need for formal notices, allowing reduction of visibility splay to 4.5m x 90m. The footpath extension will be dealt with under a Section 228 road opening licence. All plot boundaries are within 25m of a proposed highway so separate refuse collection points will not be required.

RELEVANT HISTORY: A previous phase of eight affordable houses is located to the north east of the village shop.

CONSULTATIONS: ECC Education: As it is unlikely a contribution will be received, ECC makes no request for funds.

UDC Environmental Services: No refuse points shown, but must be within 25m of vehicle position.

UDC Housing: Support proposal.

Environment Agency: No objection. Advice to applicant.

Thames Water: Recommend conditions regarding on-site foul and surface water drainage works.

TOPS: No objection subject to conditions.

PARISH COUNCIL COMMENTS: Unanimous support for application. It is the result of some years of work between Clavering and English Villages Housing Association, and is aware of acute need for this type of housing in the village. Believe the design is good, with a mix of types and design styles which fits in with the traditional building in this village. Request condition requiring mixture of roof materials. No comment on additional plans.

REPRESENTATIONS: This application has been advertised and no representations have been received. Period expired 25 December 2003, and comments on additional plans requested by 16 January 2004. No comments received to either set of plans.

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

- 1) the criteria for affordable housing on exception sites beyond Development Limits (ADP Policy H5 & DLP Policy H10),
- 2) the need for good layout and design (ADP Policy DC1 & DLP Policy GEN2) and
- 3) the requirements of highway safety (ADP Policy T1 & DLP Policy GEN1).

1) There are four criteria which need to be satisfied:

a) ***the development will meet a particular need which cannot be met in any other way.***

There are currently 186 people on the Council's Housing Register specifically requesting accommodation in Clavering, and 36 households meeting the housing need. Housing Services advise that there are 28 Council properties in the village, but due to low movement availability of tenancies is very low indeed. The submitted report demonstrates the high cost of local housing, and states that the income required to obtain 100% mortgage for the average semi-detached house sold recently in Clavering is around £70,000 pa. Home ownership on the open market is beyond the means of many in the community.

Six other sites were investigated but found not to be suitable, either due to distance from the village facilities, highway problems, too close to a floodplain, or for visual impact reasons.

b) ***all the dwellings are to be affordable, provided through a Registered Social Landlord (RSL) and permanently controlled.***

In this case all fourteen dwellings are proposed to be affordable and provided by the English Rural Housing Association as the RSL. A Section 106 Agreement would ensure permanent control.

c) ***the site adjoins the village and the development is of a scale appropriate to the size and facilities of the settlement.***

This site adjoins the village and the proposal would be of the maximum size capable of being satisfactorily accommodated.

d) ***the development is not detrimental to the character of the village, or to environmental or other planning considerations.***

The site is currently very open, but is close to other built development in the village. The proposed landscaping would integrate the development into the landscape. The access road would be of the minimum size necessary to cater for a development of this scale and as the site is already open to the road there would be the introduction rather than loss of planting. The scheme would blend in well with the existing housing to the north.

2) The layout and design would be to a high standard in line with advice in the Residential Guide. The materials would be conditioned to be in keeping with the character of the village. The siting and layout would seek to minimise the visual impact, and provide a landscaped approach to the village. Given the good size of garden areas and proximity local facilities, it is not considered that provision of a formal play area is necessary, but an informal open space is proposed. The site is sufficiently distant from any other dwelling to prevent any adverse impact on amenity. Excluding the open space, density would be in the region of 30 dwellings per hectare, which would accord with government policy and be compatible with the local area.

3) The highway authority has raised no objection to the proposal. Access off the main road is the only feasible option for reaching the site. The revised sight lines of 4.5m x 90m are achievable to the south within the application site, and as the land is open the highway authority has raised no objection to the proposal. Any new planting would be behind the proposed sight line. Modification to the layout plan to incorporate a Size 3 turning head would be required, but this can be subject of a condition.

CONCLUSIONS: The proposal meets all the necessary criteria and would help to provide much needed local affordable housing in the village.

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.
- 3-4. C.4.1&2. Scheme of landscaping to be submitted and agreed.
5. C.5.2. Details of materials to be submitted and agreed.
6. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission.
7. C.8.27. Foul and surface water drainage details to be submitted, approved and implemented.
8. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.
9. C.17.1. Revised plan required.
10. Highway conditions.

SECTION 106 AGREEMENT

1. Provision of all fourteen affordable dwellings in perpetuity by a Registered Social Landlord.
2. Maintenance of open space.

Background papers: see application file.

UTT/2048/03/FUL – ASHDON

Erection of nineteen additional houses and flats to existing social housing development. Construction of access road, covered and open car parking. proposed landscaped 1.2m high earth bank to eastern boundary. Provision of public open space.

Guildhall Way. GR/TL 578-414. Ashdon Parish Council & English Villages Housing Association.

Case Officer Ms H Lock 01799 510486

Expiry Date: 30/01/2004

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

DESCRIPTION OF SITE: The application site is a 0.44 hectare open field on western side of Church End, behind properties fronting Guildhall Way. There is an earlier phase of thirteen affordable housing units to the north, on the opposite side of the access road to serve the existing and proposed development. Agricultural land is beyond the western boundary, and the settlement is to the east.

DESCRIPTION OF PROPOSAL: The proposal is to construct nineteen terraced and semi-detached affordable houses and flats, to be managed by the Housing Association. The scheme would comprise:

- 6 x 1-bedroom flats (4 for rent, 2 for shared ownership)
- 7 x 2-bedroom houses (3 for rent, 4 for shared ownership)
- 6 x 3-bedroom house (3 for rent, 3 for shared ownership)

Thirty-five parking spaces are proposed [two spaces per house and 1.5 per flat (in accordance with Council standards)], some in carports. Garden areas between 60m² and 169m² are proposed, but with most below the normally required 100m². A 'village green' would be provided between this and the existing affordable housing scheme, to serve the wider area. Boundary planting is proposed, and a 500mm high earth bank would be created between the site and the houses which front Guildhall Way. Access would be from the existing road, with new footpaths. Potential for vehicular access through to the Council-owned land to the south would be retained.

The building designs would be a mix of two-storeys ranging in height from 8.3m to 9.3m. Details of materials would be subject of a condition, but the submitted plans indicate a mix of brick, render and weatherboarding, with concrete tile and artificial slate roofs. Some would have chimneys.

A minimum 24m would be retained to the eastern boundary, and back-to-back distances well in excess of the Council's standards would be provided.

APPLICANT'S CASE: See Five-Page Supporting Statement and applicant's letter dated 20 February 2004 attached at end of this report.

In addition, the Housing Trust will own the Village Green, but the question of maintenance still has to be resolved. It would either be the Parish Council or the Housing Trust. There is also the question of the existing Village Green owned by Uttlesford Council, which understand would also be transferred to the Housing Association and will fall within a maintenance agreement.

RELEVANT HISTORY: Ten dwellings to meet local housing need approved December 2000 and a further 3 approved March 2002. Resolution to grant outline permission for 12 dwellings subject to Section 106 agreement made June 2003 (agreement has not been signed and no permission issued).

CONSULTATIONS: ECC Education: As it is unlikely a contribution will be received, ECC makes no request for funds.

UDC Housing: Support proposal. The Council's Housing Register comprises:

- 65 people requiring 1 bed accommodation (45% of total general needs applicants for Ashdon)
- 44 people requiring 2 bed accommodation (31% of total general needs applicants for Ashdon)
- 30 people requiring 3 bed accommodation (21% of total general needs applicants for Ashdon)
- 4 people requiring 4+ bed accommodation (3% of total general needs applicants for Ashdon)

Need for single/young couple accommodation is growing. With 143 people in housing need on Housing Register, can support application for 19 units, which would assist 13% of people on Register.

Environment Agency: No objection. Advice to applicant.

TOPS: No objection subject to conditions.

UDC Landscape Advice: There are no trees or hedges on the site. Recommend landscaping condition for hard and soft landscaping, which should pay particular attention to sympathetic treatment of site boundaries to reflect rural character of surrounding area.

UDC Engineering Advice: Proposal is for surface water disposal to existing system. Current on-site storage will need to be upgraded to cater for additional impervious areas. There is scope for permeable paving to be used to reduce additional requirement. Condition required for surface water disposal arrangements to be submitted and approved.

PARISH COUNCIL COMMENTS: Would prefer to see an additional 12 properties built at Church Field with an increase to a total of 19 properties when the additional "need" was proven. Have serious concerns about drainage of site as it was known to hold water and be poorly drained. Courtyard layout is not in keeping with "village" design.

REPRESENTATIONS: This application has been advertised and 1 representation has been received. Period expired 26 January 2004.

CPREssex: Support in principle, but concerned that (1) is Council satisfied there is genuine need for 19 extra units in single phase? Initial proposal was for 12 units. Would be contrary to policy to develop more units than there are genuinely qualified applicants. Would increase land take and built form in countryside and lead to inflow of residents to village or excessive periods of vacancy. (2) Is it appropriate in small village to have such large site (46 units in total) of affordable dwellings? Would not meet Government's aim of creating mixed and balanced communities and avoiding social exclusion.

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

- 1) the criteria for affordable housing on exception sites beyond Development Limits (ADP Policy H5 & DLP Policy H10),
- 2) the need for good layout and design (ADP Policy DC1 & DLP Policy GEN2) and
- 3) the requirements of highway safety (ADP Policy T1 & DLP Policy GEN1).

- 1) There are four criteria which need to be satisfied:

- a) ***the development will meet a particular need which cannot be met in any other way.***

There are currently 143 people on the Council's Housing Register specifically requesting accommodation in Ashdon. The housing needs survey states that 15 respondents already live in the village, and there are others who have connections with the village that would meet the criteria for occupation. Sufficient information has been provided on incomes and demand to demonstrate the need for further affordable housing in the village.

This is considered to be an appropriate site given its proximity to the existing Housing Trust scheme.

- b) ***all the dwellings are to be affordable, provided through a Registered Social Landlord (RSL) and permanently controlled.***

In this case all nineteen dwellings are proposed to be affordable and provided by the English Rural Housing Association as the RSL. A Section 106 Agreement would ensure permanent control.

- c) ***the site adjoins the village and the development is of a scale appropriate to the size and facilities of the settlement.***

This site adjoins the village and the existing scheme of thirteen units. There have been concerns expressed that an additional nineteen units is excessive for a village the size of Ashdon, with a population in the region of 350 people. The proposal would result in a scheme of 32 housing association properties, and a further 14 Council properties (some now privately owned) front Guildhall Way. This would be a relatively large block of social housing, and ideally it would be better dispersed throughout the settlement. This is not however an option. There are no opportunities for large-scale general market housing elsewhere in the village within which affordable housing could be integrated. There is clearly need for affordable housing in the village, and this would appear to be the only realistic option of achieving it. On balance, it is considered that the pressing need should override concerns about the number of units and location relative to the rest of the village.

- d) ***the development is not detrimental to the character of the village, or to environmental or other planning considerations.***

The site is currently very open, but is close to other built development in the village. Sensitive landscaping would soften the impact in the landscape. The access road would be an extension of the existing road, and with the modifications shown on the plan it would be capable of serving the 32 units proposed (without alteration it can only serve 25 units). Although different in design to the earlier phase, it is considered that the development would be compatible with the existing housing.

2) The layout and design would be to a high standard in line with advice in the Residential Guide. The materials would be conditioned to be in keeping with the character of the village. The siting and layout would seek to minimise the visual impact. Adequate garden areas would be provided, and provision is made for a village green, the maintenance of which would be subject of a legal agreement. The site is sufficiently distant from any other dwelling to prevent any adverse impact on amenity. Excluding the open space, banking and access areas, density would be in the region of 40 dwellings per hectare, which would accord with government policy and be compatible with the local area.

3) The highway authority has raised no objection to the proposal, subject to conditions requiring the inclusion of more footpaths. The increased traffic onto the main road would not materially affect the local highway network.

CONCLUSIONS: The proposal meets all the necessary criteria and would help to provide much needed local affordable housing in the village.

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.
- 3-4. C.4.1&2. Scheme of landscaping to be submitted, agreed and implemented.
5. C.5.2. Details of materials to be submitted and agreed.
6. C.6.2. Excluding all rights of permitted development within the curtilage of a dwellinghouse without further permission.
7. C.8.27. Foul and surface water drainage details to be submitted, approved and implemented.
8. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.
9. Detailed highway requirements will be reported at the meeting.
10. No development shall take place until details of the earth bank along the eastern boundary of the site have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading and mounding of the banking, including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.
REASON: To ensure the banking does not adversely affect the amenity of adjacent residents, or drainage in the vicinity.

SECTION 106 AGREEMENT

1. Provision of all nineteen affordable dwellings in perpetuity by a Registered Social Landlord.
2. Provision and long-term maintenance of village Green.

Background papers: see application file.

UTT/0409/04/FUL - GREAT DUNMOW

Erection of 36 No. Dwellings and garages with associated highway works.
Part of Sector 2 Phase 1 Woodlands Park. GR/TL 618-220. Wickford Development Co Ltd.
Case Officer: Mr M Ovenden 01799 510476
Expiry Date: 30/04/2004

NOTATION: Within development limit/settlement boundary/Draft deposit plan Policy GD#
(The former Newton works site).

DESCRIPTION OF SITE: This 0.763 hectare (7630 square metres/1.88 acres) site is to the north of the former Newton Works/Carr Day & Martin site on the western edge of Dunmow, between Tesco and Newton Green/Newton Grove and on the southern side of Woodlands Park Drive. The site has no building on it and is currently overgrown and unused. To the south of the site is a piece of land in similar condition facing the A120 that is proposed to be developed for a new 450 pupil primary school.

DESCRIPTION OF PROPOSAL: This proposal is for 36 dwellings arranged in three parcels of land separated each other by a footpath running between Woodlands Park Avenue and the proposed school site to the immediate south. There would be two 1 bed flats, twenty-four 2 bed houses, nine 3 bed houses and one 4 bed house, arranged as detached and semi detached but mostly terraced dwellings. There would be 200% parking on the site, and the development would be at 47 dwellings per hectare (i.e. within the 30-50 recommendation of PPG3). A significant proportion of the units would face the school footpaths, whilst others face the main Woodlands Park Drive. The general layout reflects that on adjacent sites, e.g. the back gardens of units 23 to 30 face the back gardens of Newton Grove.

RELEVANT HISTORY: Permission was granted in 1994 for 220 dwellings on land to the north that included the majority of this site. That permission was implemented and approximately 180 of those dwellings have been erected on land to the northern side of Woodlands Park Drive. Outline permission was granted by ECC for a 450 pupil school on part of this site and land to the south in Summer 2003 & reserved matters were approved in December 2003. Reserved matters are to be considered by ECC for the 450 pupil school on land wholly to the south on 23 April 2004.

APPLICANTS CASE: See letter attached at end of report.

CONSULTATIONS: ECC Transportation: To be reported.
Police Architectural liaison: To be reported.
Housing Officer: To be reported.

TOWN COUNCIL COMMENTS: To be reported (due 8.4.04).

REPRESENTATIONS: The application has been advertised and no representations have been received. Period expired 23 April 2004.

PLANNING CONSIDERATIONS: The main issues are

- 1) whether the principle of residential development complies with the development plan (ADP policies H4 and GD8) and
- 2) whether the details of the proposal complies with the normal planning requirements for residential development inc design, neighbouring amenity, car parking & efficient use of land, (ADP policies DC1, DC14, T2 & PPG3).

1) The Woodlands Park site is required by policies H4 and GD8 to be developed in accordance with an approved master plan, which includes the provision of a primary school. The master plan has been revised since its original agreement which permitted amongst other things the school to be relocated to this part of the Woodlands Park estate. This was agreed by the Environment & Transport Committee in Autumn 2002. This master plan identified the school to be located broadly on this and adjacent land. However the County Council proposes to erect the school on land to the south rather than on this piece of land. This would satisfy the spirit of the Master plan and the policy and as the land is no longer required for the school its development for other purposes would depend on whether that development would be appropriate for its location. In this case it is considered that residential development would be appropriate for this site on the edge of a residential estate.

2) The design and style of the dwellings is in keeping with adjacent properties and would not give rise to material overlooking or overshadowing. The proposal represents efficient use of land at 47 dwellings per hectare and would provide car parking in accordance with adopted standards. The dwellings would be predominantly small – all but 1 would have fewer than 4 bedrooms, 25 have fewer than 3 bedrooms – due to their small size they would be less expensive although open market housing. The site would be well related to the school and supermarket.

(Members should note that there is no provision for affordable housing in this development as it is provided elsewhere in the main site including the 156 units permitted last summer.)

CONCLUSIONS: The proposal represents a satisfactory form of residential development on the edge of this residential estate.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. Submission of programme of investigation of contaminated land and carrying out of necessary remedial works.
6. C.5.2. Details of materials.

Background papers: see application file.

UTT/0227/04/OP - STANSTED

Erection of 2 storey block of 9 flats.

The Limes Stables Silver Street. GR/TL 509-246. Feeney Bros Ltd.

Case Officer: Ms H Lock 01799 510486

Expiry Date: 09/04/2004

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. The dwelling to the north is a 1½ storey listed house.

DESCRIPTION OF PROPOSAL: This is a revised scheme following several refusals for flat schemes on this site. The proposal is in outline but siting, design and means of access are for consideration at this stage. External appearance and landscaping are reserved for subsequent approval. Although the floor plans and elevations provided are stated as indicative only, the basic design, form and siting would be as shown on the submitted drawings.

The proposal is to demolish the existing dwelling and replace it with a larger building to provide nine flats: 4 x one-bedroom and 5 x two-bedroom flats. The layouts would have most windows facing front and rear, with only side facing kitchen windows at first floor and via side dormer windows above.

The existing access would be widened and walls demolished for visibility splays. Access would pass under a central archway in the building to nine car parking spaces at the rear, with four visitor spaces in front of the building (1.44 spaces per unit). Amenity space in excess of the Council's standards would be beyond the car park.

The new building would have a width of 23.5m (the last refused scheme was 27m) and main depth of 15.6m (previously 14m). Distances to flank boundaries would be 1m to the north and 4.7m to the south (previously 1m to both boundaries. The existing building is built up to the northern boundary, and is 5.6m from the southern). The eaves height closest to boundaries would be 3.8m – 4.6m, rising to a maximum ridge height in the centre of the building of 7.8m, similar to the existing building (previously 9.4m - 10.4m). 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.

APPLICANT'S CASE: Have attempted to address concerns with the previous application by maintaining the bulk and footprint of the proposed building with that of the existing whilst providing central courtyard parking to avoid noise and disturbance to adjoining properties. The profile of the existing building has been indicated by the dotted red line on the plan.

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 & access. Demolition of existing building and erection of 2½-storey block of ten flats refused November 2003.

CONSULTATIONS: ECC Transportation: no objections subject to conditions.

PARISH COUNCIL COMMENTS: note that the proposed development is very similar in scale and design to the existing building and therefore query the need for its demolition. Believe the loss of the original will be detrimental to the street scene. Object on highway grounds as Silver Street is already far beyond capacity with the number of vehicles using it.

REPRESENTATIONS: This application has been advertised and 6 representations have been received. Period expired 18 March 2004.

1. Sad to see proposal involves demolition of existing Victorian building, which is part of history of street scene. Developers have tried to compromise, nine flats is more realistic. Despair at increased traffic. Could architect not find way of incorporating existing façade? Environment should come before profit.
2. Apart from few minor changes this is no better than previous. Concerned at site access, increased traffic on narrow section of Silver Street and close proximity to traffic island.
3. Concerned that: privacy of 193 Silver Street should be maintained; health and safety of family should be guaranteed during construction and demolition; historic building would be lost; traffic in rear garden would affect health & safety of children; drains and sewage access in garden should be re-sited, as 9 flats will overload system, and query maintenance of system; trees and shrubs should not be destroyed; access to own house should not be obstructed during construction period.
4. This type of development is destroying character of Stansted, particularly around windmill area. Increased traffic around area. Concerned that no. of units cannot be sustained by 13 parking spaces, resulting in increased parking in surrounding roads. Increased vehicle movements on busy road. Increased noise levels for residents from Millside, Old Bell Close and Silver Street from traffic. Impact on drainage and inability for infrastructure to cope. Loss of trees. Eyesore.
5. Overlooking of 9 Old Bell Close. Impact of lighting of car park. Shame to lose existing building. Better to restore existing building.
6. Improvement in height and distance from boundary, but still concerned at impact of parking in rear garden. Overspill parking could occur, and the front spaces could obstruct access to and from Silver Street. Overlooking from kitchen windows.

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

- 1) **have an acceptable impact in the street scene, in relation to residential amenity and the adjacent listed building (ERSP Policy HC3, ADP Policies DC1, DC5 & DC14, and DLP Policies GEN2, ENV2 & 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, it is of a scale that relates well to the adjacent domestic properties. Although government guidance is that best use of land should be sought, it has not been shown that the site is capable of accommodating the number of units proposed without an adverse impact on the setting. This revised proposal has attempted to address the previous reasons for refusal, and the separation from boundaries has improved. However, a large element of flat roof is proposed to keep the height down, but it is considered that due to the topography

this element would be perceptible in the street scene. Although the detailed external appearance is reserved for subsequent approval, the basic form and design is for consideration at this stage, and it is considered that in efforts to keep the height down the proposal would result in a squat building. Although lower, its proportions would still result in a bulky and visually intrusive building, inappropriate next to a listed building. The detailing could be addressed at the reserved matters stage, but it is considered that it would be difficult to reduce the excessive number of windows without significantly reducing the number of units.

It is considered that the relationship with adjacent properties would be an improvement over the previous scheme, and the repositioning of the car park at the rear would enable greater screen planting to minimise the nuisance to residents. Overlooking could be prevented by use of obscure glazing to side windows. It is considered that, with the reduced size of the building, it would not have a significantly greater impact on the outlook of the properties in Old Bell Close compared to the existing building. Refusal on the basis of adverse impact on amenity is no longer considered sustainable given this relatively urban location.

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 nine flats compared to the existing four-bedroom house. Although the number of parking spaces would be lower than the Council's standards, it is not considered this would be a refusable point. There would be sufficient turning and manoeuvring space on the site, provided some of the front parking spaces are relocated 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 and amenity issues, the contrived design of the building, in attempt to keep the height low, would exacerbate the 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 set a precedent for this proposal.

COMMENTS ON REPRESENTATIONS: most 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: The revised scheme would overcome many of the previous reasons for refusal in relation to the impact on adjacent residents, but the efforts to reduce the height of the building would result in a contrived design out of keeping with the street scene.

RECOMMENDATION: REFUSAL REASON

Although in outline, the application seeks approval of details of design and siting at this stage. The flat roofed design and proportions of the proposed block of flats would be out of keeping with the character and appearance of adjacent properties, and would appear as a squat and bulky development inappropriate in this setting. It would result in a visually intrusive development in the street scene, and would unacceptably dominate the setting of the adjacent listed building. The proposal fails to demonstrate that a building for nine units can satisfactorily be accommodated on this site without detriment to the street scene and setting. For the above reasons the proposal is considered to be contrary to be contrary to ERSP Policy HC3, ADP Policies S1, DC1 & DC5 and DLP Policies S1, GEN2 & ENV2.

Background papers: see application file.

UTT/0518/04/FUL - STANSTED

Construction of eight flats, with eleven parking spaces.
Land at Stoner House Silver Street. GR/TL 509-248. Church Green Dev Ltd.
Case Officer: Mr G Lyon 01799 510458
Expiry Date: 14/05/2004

NOTATION: ADP and DLP: Within development limits of Stansted and within the Conservation Area.

DESCRIPTION OF SITE: The site is located on the east side of the B1383 (Silver Street) and is approximately 180 metres south of the junction with Chapel Hill. The existing building is four-storey in height with a ground floor shop unit and is currently standing empty. Attached to the building is a wooden lean-to, which is in poor condition. Adjacent to the site is 43 Silver Street, which is a residential conversion of 6 flats with parking to the rear. The street is narrow in character at this point along Silver Street and there are a wide variety of different building styles in the immediate area. The area has seen extensive redevelopment with Sanders Close and Windmill Close residential schemes to the side/rear of the site as well as along Silver Street, some of which is for office development.

Access into the rear of the site is via Sanders Close across land associated with 43 Silver Street.

DESCRIPTION OF PROPOSAL: Permission is subject to construct a four-storey building containing 8 residential flats. Five of the flats would be 2-bedroom and three of the flats are 1-bedroom.

The scheme is similar in character to that already approved in June 2001 (UTT/0231/01/FUL). However, the 2001 scheme was for 6 residential flats with parking for seven cars underneath leaving an amenity area to the rear.

The proposed building would be 8.3 metres high to eaves and 13 metres high to ridge with a frontage width of 13.7 metres and a depth of 14.3 metres front to back. The ground floor units 1a and 2a would resemble shop units. Both of these would be two-bed with a small rear amenity area and access from Silver Street. The slope of the site means that rear access into the building would be at first floor level with access to Units 1-6 from the parking area. It would be possible to reach all flats, except unit 2a, which has its own entrance, from the front entrance on Silver Street via a central staircase.

Rear vehicular access would be taken from Sanders Close, which is a private road. Vehicles would have to pass over car parking associated with No.43 to reach the rear area of No.41. A wall in excess of 2 metres in height would have to be demolished. Parking would be available for eleven cars with each space being 4.8 metres long x 2.4 metres wide with a 6-metre space for turning and manoeuvring.

APPLICANT'S CASE: The applicant has provided a brief supporting letter to justify the proposal see letter attached at end of report.

RELEVANT HISTORY: Consent was granted on 14 June 2001 for the erection of 6 flats with parking for seven cars underneath (UTT/0231/01/FUL). This permission is still extant and could be implemented at any stage. Conservation Area consent was issued for the demolition of the existing building and this still extant and could be implemented at any stage provided that the demolition of the building does not occur more than three months before

the redevelopment of the site. An application, similar to this application was submitted on 04 December 2003 but was withdrawn due to lack of on-site parking. (UTT/2046/03/FUL).

CONSULTATIONS: Essex County Council Highways and Transportation: No objections to this proposal.

Thames Water: There are public sewers crossing the site, therefore, no building will be permitted within 3 metres of the sewers without Thames Water's approval. The applicant should contact Thames Water on 0845 8502777.

Three Valleys Water: No comments received.

Environment Agency: No comments received (to be verbally reported).

PARISH COUNCIL COMMENTS: No comments received (due 23 April 2004).

REPRESENTATIONS: This application has been advertised with a site notice and 8 neighbour notifications. Advertisement expires 14 April 2004. No letters have been received to date.

PLANNING CONSIDERATIONS: The main issues are whether: -

- 1) residential use on this site is considered acceptable (PPG3, ERSP POLICY BE1, H3, HC2, ADP Policy S1, H1 and DLP Policy S1, H1, H2),
- 2) the impact of the development on the Conservation Area would be acceptable (PPG15, ERSP Policies HC2, ADP Policy DC2 and DLP Policy ENV1),
- 3) the impact of the development on adjoining neighbours would be acceptable (ERSP Policies H3, ADP Policy DC1, DC2, DC14 and DLP Policy GEN2, ENV1, GEN4),
- 4) the scale of the development is acceptable (ERSP Policies H3, ADP Policy DC1, DC2, DC14 and DLP Policy GEN2, ENV1, GEN4),
- 5) the highway access and parking arrangements are acceptable (ERSP Policies T3, T12, ADP Policy T2 and DLP Policy GEN9 and
- 6) other issues.

1) The site lies within the development limits of Stansted Mountfitchet and, as such, is considered to be an appropriate location for residential development subject to meeting other policy criteria. The site was given approval for residential redevelopment in 2001 (UTT/0231/01/FUL) for six flats and seven parking spaces. This permission is still extant and can be implemented at any stage.

2) The site lies within the Conservation Area of Stansted Mountfitchet and therefore the overall character and appearance of the development should be of the highest quality so as to preserve and enhance the character of the area. The overall height of the proposed development would be identical to the scheme approved in 2001 and the fenestration detailing for the first, second and third floors are identical. The only change in external appearance is to the front and rear ground floor elevations. The front of the property would take on the appearance of two shop units with a central doorway in between. This could be considered an improvement over the 2001 scheme, which had open garages and a rather cluttered appearance at ground floor level. The rear of the site would feature doors and windows similar to the floors above but without a balcony. The wall between the rear area of No.41 and No.43 would be partly demolished to allow vehicles to enter. This will have an impact on the character and appearance of the area, although the applicant is only intending on removing a 4-metre section. Two trees, which have been recently lopped, will have to be removed to make way for the access. On balance it is considered that the proposed development will not have a detrimental impact on the character and appearance of the Conservation Area.

3) The proposed development will have minimal detrimental impact to surrounding neighbours and is identical to the top three floors approved in 2001. There is therefore no justification for refusal on overlooking grounds based on the 2001 consent. It should be noted that as with the previous permission, Units 3 and 4 show a projecting balcony. This should be removed by condition and replaced with a decorative guardrail, similar to the other units.

4) If 8 flats are built on this site the density will be the equivalent of 170 dwellings per hectare. The minimum urban density recommended by Government is 30 dwellings per hectare and therefore this proposal more than exceeds this requirement. The 2001 consent for 6 flats had a density of 127 dwellings per hectare. On balance, the density is acceptable provided that other policy criteria can be met, particularly those relating to parking.

5) The proposed development seeks to utilise the rear amenity area for the parking of 10 cars in connection with the eight residential flats with an additional space at the front of the site for one further vehicle. The 2001 application provided 1.16 spaces per unit and this application increases this provision to 1.38 spaces per unit through the provision of 11 spaces. Ten spaces would provide 1.25 per unit. Although the parking provision is below recommended levels, the site is located within an urban area that has good rail links and reasonable bus links to reach employment and shopping facilities, which could help reduce the dependence on the car. The front parking space is not considered acceptable in this instance as there is no scope for turning on site without causing serious concern to highway safety, particularly given the busy nature of the road. The applicant has agreed to omit this space from the scheme. In terms of access to the parking, the plans indicate that the applicant does not have control of the land across the rear of 43 Silver Street, neither do they have direct access to the highway from the rear parking area. Vehicles from 43 Silver Street now use Sanders Close to gain vehicular access. Sanders Close is a private unadopted road and therefore the applicant would need to gain permission from the management company, who maintain the road, before any use can commence. This could undermine the application if such consent was not forthcoming. Essex County Council Highways have indicated a preference to the use of Sanders Close for access, which although is of steep gradient, has much better visibility in both directions and is of a suitable width for vehicular access. The applicants have confirmed their intention to use this access

There is a degree of concern that the rear parking area could become landlocked if situations change. As the site adjoins a busy road, there is no scope for on street parking, particularly in view of double-yellow lines and therefore there would be pressure to park on neighbouring sites, particularly No.43 Silver Street. This is unacceptable in this instance and could result in the displacement of vehicles elsewhere. Accordingly a condition is proposed requiring the developer to demonstrate a right of vehicular access in perpetuity over the land marked blue on the plan.

6) Concern has been raised by Environmental Services that there is no provision for bin storage on site. This would be deemed within the parking space at the front of the site which it is proposed to omit for road safety reasons.

In terms of amenity space provision, the proposed development will not provide amenity space apart from a small overlooked area for Units 1a and 2a. The previous approved scheme provided amenity space for the flats, but this is now to be used for parking purposes. The recreation ground is a short 60-metre walk away from the flats and it may be considered that this would provide adequate open space for occupants to use in this instance.

CONCLUSION: It is considered that the development will not significantly affect the amenities of adjoining neighbours, nor will it impact detrimentally on the character and

appearance of the Conservation Area. The proposed access will be acceptable and the level of parking adequate in this instance. Although there is no amenity space for most of the flats the site is close to the Recreation Ground which would provide an open space facility. However, this is compensated for by the use of an alternative access which would utilise an existing point of access onto Silver Street. On balance, subject to conditions, the application is considered acceptable.

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. C.5.1. Samples of materials to be submitted and agreed.
4. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.
5. C.19.1. Avoidance of overlooking.
6. Prior to the first residential occupation of the building hereby permitted, car parking spaces 1-10 inclusive shown on drawing 6209 P2 200 e shall be completed and made available for use. Thereafter all the spaces shall be retained in perpetuity for the parking of domestic vehicles.
REASON: In the interest of highway safety.
7. Car parking space No.11 shown on drawing 6209 P2 200 e shall be omitted from the approved scheme and substituted with a bin store. Full details of the bin store shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The bin store shall be constructed in accordance with the approved details and made available for use prior to the first residential occupation of the flat approved as part of this application. The bin store shall be retained and maintained in perpetuity for the purposes of bin storage in connection with the residential flats.
REASON: The parking space would represent a danger to highway safety on Silver Street. The proposed development does not have adequate bin storage within 25 metres of the public highway.
8. The balconies to the second floor flats (Units 3 and 4) as indicated on drawing 6209 P2 200 e shall be omitted.
REASON: To avoid overlooking.
9. The new building hereby permitted shall be constructed from soft red hand-made bricks laid in Flemish Bond.
REASON: To ensure that the proposed replacement building will be in keeping in this prominent location within the conservation area.
10. All new windows shall be of painted timber with vertically sliding sashes with slender glazing bars.
REASON: To ensure that the proposed replacement building will be in keeping in this prominent location within the conservation area.
11. All new window heads shall be of natural stone.
REASON: To ensure that the proposed replacement building will be in keeping in this prominent location within the conservation area.
12. All new roofs shall be constructed from natural slate.
REASON: To ensure that the proposed replacement building will be in keeping in this prominent location within the conservation area.
13. No development shall commence until large-scale drawings have been submitted to and approved in writing by the local planning authority showing details of the oriel window. The window shall subsequently be constructed in accordance with the approved details.
REASON: To ensure that the proposed replacement building will be in keeping in this prominent location within the conservation area.

14. Development shall not commence until proof of title of vehicular access in perpetuity over the land hatched blue on the approved plan has been submitted to and approved in writing by the local planning authority.
REASON: To ensure that vehicular access is available to the parking area to the rear of the site and thus prevent on-street parking in the interests of highway safety.

Background papers: see application file.

UTT/0461/04/OP - FELSTED

Outline application to demolish existing industrial and livery buildings and replace with 4 detached houses - amendment to boundary re. outline planning permission UTT/1183/02/OP.

Watch House Farm Industrial Estate, Watch House Green. GR/TL 691-211. D, W, L and S Payne.

Case Officer: Mr M Ovenden 01799 510476

Expiry Date: 07/05/2004

NOTATION: ADP and DLP: Outside Development Limit and Settlement Boundaries/Adjacent to a public footpath.

DESCRIPTION OF SITE: The site is located on the eastern side of the hamlet of Watch House Green, 2km (1 mile) east of Felsted. It is sited to the rear of dwellings facing the green, with a relatively modern access sweeping around the rear of those properties, to a junction opposite Ravens Crescent. Within the site are a number of former agricultural buildings, some in commercial use for car repairs and security screen storage, others are vacant.

DESCRIPTION OF PROPOSAL: The application relates to the demolition of four main buildings plus a couple of smaller ones including a Nissen hut, a shed and flat roofed stable. In place of these buildings it is proposed to erect four detached dwellings in an informal "Arcadian" group. The application has reserved all detailed matters except means of access. The proposal is very similar to one approved contrary to Officer's recommendation by committee in early 2003. The differences relate to slightly alterations to the boundaries of the application site.

APPLICANTS' CASE: As previously explained, the altered boundary reflects the requirements of a prospective purchaser who has carried out a topographical study, and who does not wish to purchase the northernmost part of the site. Whilst there is a resultant marginal reduction of land at the northern end of the site, a greater width of land has been shown to be within the applicant's title at the southern end of the site, i.e. alongside the existing access road.

As previously stated:

- Overall site area remains unchanged
- All land shown edged red is in the ownership of the applicants
- All matters remain reserved, other than means of access which exists.

There are no new issues to arise from acceptance of this amended application indeed, the principle for residential development has now been endorsed by the local plan inspector's recommendation to modify the Felsted (Watch House Green) inset map to include this site within the settlement boundary. I would appreciate your confirmation that a delegated approval will be forthcoming shortly and with the same conditions as previously attached, excepting C.3.2. which should be omitted since the layout drawing is for illustrative purposes only.

RELEVANT HISTORY: Permission for livery use granted and permission for reuse of adjacent buildings for B1 purposes in 1992; breach of conditions relating to use of fork-lift truck and outside working and enforcement action relating to unauthorised outside storage taken subsequently. Application for use of two of the buildings on the site for B1 and B8

refused 2001 and dismissed on appeal in October 2002. Outline permission for erection of four detached houses with integral garages 2003.

PARISH COUNCIL COMMENTS: To be reported (due 11 April 2004).

REPRESENTATIONS: None period expires 2nd April 2004.

PLANNING CONSIDERATIONS: The main issues are whether

- 1) **the proposal complies with the need to safeguard the countryside (ADP Policy S2: Development outside Development Limits, ERSP Policy C5, DLP Policy S7),**
- 2) **the weight of material considerations – particularly the extant permission and the comments of the local plan Inspector concerning this site - indicate that a decision contrary to the Development Plan would be appropriate.**

1) The Development Plan shows the site to lie outside any development limit, in a rural area outside the Green Belt. This is an area where the countryside will be protected for its own sake and new building will be strictly controlled to that required to support agriculture, forestry or other rural uses. The proposed new dwellings are not required for any purpose related to agriculture, forestry or rural uses. As such the proposal is contrary to adopted rural restraint policy and would normally attract a recommendation of refusal.

2) Following a Members site visit on 13 January 2003, the previous Committee took the view that the removal of the existing buildings and redevelopment would have a range of benefits that justified making an exception to policy - for example visual reasons, and removal of the traffic and noise associated with the occupation of some of them. That application and this current application are in outline and there are no formal proposals for house types. An indicative layout has been submitted which whilst not formally comprising part of the application, is taken to be an indication of what is proposed. It is considered that planning circumstances have not altered so significantly to justify a refusal now given the decision to grant permission for a virtually identical scheme only just over a year ago.

The other weighty material consideration is that as part of the local plan review the local plan inspector considered it appropriate to extend the settlement boundary to include this site. Whilst the Members are yet to consider their response to the Inspector's comments, and then that response is to be the subject of further consultation, the Inspector's comments suggest that taken with the extant permission on the site it would not be appropriate to refuse this application.

CONCLUSION: The proposal is strictly contrary to the Development Plan but having considered the material considerations outlined above, it is concluded that they have enough weight to justify a departure. Approval is recommended.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.1.1. Submission of reserved matters: 1.
2. C.1.2. Submission of reserved matters: 2.
3. C.1.3. Time limit for submission of reserved matters.
4. C.1.4. Time limit for commencement of development.
5. C.3.1. To be implemented in accordance with approved plans.
6. C.4.1. Scheme of landscaping to be submitted and agreed.
7. C.4.2. Implementation of landscaping.
8. C.4.3. Details of earthworks to be submitted.
9. C.4.4. Retention/replacement of trees.
10. C.4.5. Retention of hedges.

11. C.4.6. Retention and protection of trees and shrubs for the duration of development.
12. C.4.7. (a) Detailed landscaping survey to be submitted (outline permissions).
13. C.4.8. Landscape management and maintenance plan.
14. C.5.1. Samples of materials to be submitted agreed and implemented.
15. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission.
16. C.6.5. Excluding fences and walls without further permission.
17. C.6.13. Excluding extensions and erection of freestanding buildings and siting of chattels.
18. C.7.1. Details of external ground and internal floor levels to be submitted agreed and implemented.
19. C.8.2. No power tools or machinery to be used except during hours specified.
20. C.11.5. Standard Highway requirements.
21. C.16.1. Watching archaeological brief.
22. All the existing buildings shall be demolished and all the existing uses permanently extinguished before any dwelling is first occupied.
REASON: To avoid conflict between the existing commercial activity and the approved residential redevelopment.
23. This permission shall be an alternative to that granted by Uttlesford District Council on 18 March 2003 and shall not be exercised in addition to that permission.
REASON: The site lies in an area where new development is not normally permitted and the erection of more than 4 dwellings is likely to be detrimental to the character of the area and to the amenity of local residents.
24. This permission shall be an alternative to that granted by Uttlesford District Council on 18 March 2003 and shall not be exercised in addition to that permission.
REASON: The site lies in an area where new development is not normally permitted and the erection of more than 4 dwellings is likely to be detrimental to the character of the area and to the amenity of local residents.

Background papers: see application file

UTT/0305/04/OP - GREAT CHESTERFORD

Demolition of factory, and change of use for erection of 33 dwellings including parking and access.

Land at London Road. GR/TL 505-424. Trumpton Investments.

Case Officer: Ms H Lock 01799 510486

Expiry Date: 20/04/2004

NOTATION: ADP: Within Development Limits & Area of Special Landscape Value; southwest of Area allocated for Residential Land.

DLP (2001): Within Settlement Boundary; Allocated as Employment Land to be Safeguarded (GC Local Policy 1); southwest of Area allocated as Employment Land (GC Local Policy 2)

Revised DLP (2002): Same as DLP, but Local Policy 2 Area (adjacent site) modified to be allocated for Residential Development.

DESCRIPTION OF SITE: The approximately 0.35 hectare backland site is occupied by a relatively modern industrial building (footprint approximately 49m x 24), set towards the rear of the site. The areas around the building are hard surfaced for a mix of vehicle parking and open storage. The railway line is to the rear, and the listed station building is to the northwest. The land in front is occupied by a mix of glasshouses and nursery buildings, and access to London Road runs alongside. The housing development of Ash Green is to the southeast of the site.

DESCRIPTION OF PROPOSAL: This is an outline proposal with means of access only for consideration at this stage. It is proposed to demolish the existing factory and replace it with thirty-three dwellings:

- Twelve x 2-bedroom, two-storey, houses
- Two x three-storey blocks, each with 6 x 1-bedroom flats (12 in total)
- Three x three-storey blocks, each with 3 x 2 bedroom flats (9 in total)

The submitted plans are indicative only, but show a layout with a 'horseshoe' arrangement of buildings grouped around a central parking and amenity area. The private houses would have suggested garden areas between 34.5m² and 99m², with the majority being around 50m². Forty-two car parking spaces are proposed, giving a ratio of 1.27 spaces per unit. Apart from a central paved area (surrounded by parking and turning areas, and therefore not regarded as usable amenity space), the flats would be served by communal amenity area in the region of 230m² (525m² would be required to serve 21 flats).

APPLICANT'S CASE: A 20 page Supporting Statement accompanies the application, which is available for inspection at the Council Offices, London Road, Saffron Walden. In addition, please see agent's letters dated 18 February and 7 April attached at end of this report.

RELEVANT HISTORY: Existing factory approved 1989, and extension and storage building 1991. Application for 30 x 2 bedroom flats refused and dismissed at appeal 2000.

CONSULTATIONS: ECC Transportation: No objection subject to conditions, including need for road type 4 with two footways, and a turning head of Size 3 will; be required within site.

UDC Policy: Residential development on this site would be contrary to Structure Plan Policy BIW4 and emerging Local Plan Policy E2 which seek to protect key employment areas from

change of use. The Inspector in his consideration of other objections to Policy E2 considered it was essential for the Council to have a firm policy safeguarding key employment sites. No objections were received to the allocation of this site as safeguarded employment land.
Recommend Refusal.

UDC Leisure: Requirement for play space is normally based on the National Playing Fields Association. Developers should provide suggestions of space based on this guidance for consideration.

UDC Housing: From affordable housing perspective there is need in village. Currently 172 general needs applicants requesting Great Chesterford. Of those, 82 require 1-bed accommodation, 48 x 2-bed, 35 x 3-bed and 7 x 4-bed. Support in principle the need for more affordable housing in village, but it is a planning issue as to whether this site is appropriate. Developer should work in partnership with RSL to ensure units remain in perpetuity.

ECC Archaeology: Recommend field evaluation condition.

ECC Education: Request developer contribution of £46,784 towards provision of school places.

Railtrack: No objection.

Environmental Services: Query provision for collection and storage of waste, and recycling.

Environment Agency: No objection subject to conditions, but prior to determination a desktop contamination study should be undertaken.

PARISH COUNCIL COMMENTS: See comments attached at end of this report.

REPRESENTATIONS: This application has been advertised and 6 representations have been received. Period expired 25 March.

1. Due to height and proximity, strongly object to erection of 3-storey block of flats 7 feet from back garden boundary of 9 Ash Green. Serious invasion of privacy, direct overlooking of back rooms and garden. Would block light and sky. More appropriate alongside railway. Prefer two-storey house with long back garden, orientated to avoid overlooking. No objection in principle to residential development of site.

2. Strong objection. Original factory was intended to employ local people. Existing B road is only access to site and is very congested with heavy vehicles, and parking from local offices and station. Proposal would increase traffic and highway hazards. Dangers to children crossing road. Proposed design unsuitable for outskirts of village, being too large, too high, elaborate and dominant. Too many units.

3. Objection. Village is fast becoming a town. Increased traffic.

4. Objection. Density too high and additional hazards from extra traffic. Lack of amenity space. Three-storeys would be excessive and overlook adjacent property. Inadequate distance between proposed and existing buildings. Car parking would be within 5m of boundary with 13 Ash Green, causing disturbance and undue noise.

5. Objection. Limited industrial premises in Great Chesterford. Same highway and parking issues as above. Increased traffic noise.

6. CPREssex: Objection. (1) Affordable housing is not the 100% provided through a Registered Social Landlord which would occur on exception site. Cost of the lower priced market units would reflect location within development limits and cost of decontaminating the site. 25% affordable is less than the 40% required in Local Plan. Application is premature pending outcome of Parish Council and Rural Housing Trust housing needs survey. (2) Previous appeal was dismissed on grounds of loss of employment land, and no change to justify different approach now. The 3 competing sites identified by agent are aimed at

different high tech sector, and this site could provide space for smaller local businesses, to provide mixed and balanced community. Well located near railway station. Do not accept site has been widely and actively marketed. (3) Contrary to Revised DLP. Premature to allow housing on this site until policy issues are assessed. 4) Inadequate parking in rural setting. Inadequate amenity space. Lack of access to open space. Retaining current use would lead to greatest reduction in car usage.

PLANNING CONSIDERATIONS: The main issues are whether

- 1) residential use of this site would be acceptable in principle, and no harm would arise from the loss of employment land (ERSP Policy BIW4, & DLP Policies E2 and Great Chesterford Local Policy 1); and whether there has been a material change in circumstances since the dismissal of an appeal in 2001 for residential redevelopment of the site,**
- 2) the indicative plans demonstrate that the site is capable of accommodating 33 units without adverse impact on residential amenity, the street scene, and an adjacent listed building (ERSP Policies HC3 & NR12, ADP Policies S1, H10, T1, T2, DC1, DC5, DC14 & W4; and DLP Policies S1, H3, GEN1, GEN9, GEN2, ENV2, GEN4 & ENV11),**
- 3) the proposal would incorporate sufficient levels of affordable housing to override other policy considerations (ERSP Policy H5 & DLP Policy H8) and**
- 4) there are any other material considerations.**

1) The site is within the Development Limits of Great Chesterford in the adopted District Plan, but in the deposit draft Local Plan it is specifically allocated as Employment Land to be Safeguarded. No objection was made to this allocation during the consultation period on the review of the Local Plan.

The Local Plan Inspector's report has recently been received. The nursery in front of this application site was originally allocated for employment purposes, but subsequently for housing in the modified DLP. The Inspector commented that it should be reinstated as an employment site, that the site could be suitable for either housing or employment use but on the balance of the evidence available its location is better suited for employment. Given the Inspector's view on that site, there can be little doubt that this application site, allocated for safeguarded employment, should be retained for such use.

Assessment on the Inspector's Report is on going, and the allocation of employment land in Great Chesterford will need to be considered as a whole. It would therefore be premature to release this land for residential purposes at this time. It would be unacceptable to make such a significant departure from the Local Plan at this stage in the review process, and outside of the Local Plan process.

The previous appeal for residential use of this site was dismissed in January 2001, and the need to retain the site for employment uses (in accordance with the Structure Plan Policy BIW4) was fundamental. Given the site is now included as an allocation in the Deposit Local Plan it is considered that the policy position is now even stronger.

The Inspector stated "*the site is very well located in terms of its close proximity to the railway station and the M11 motorway; the factory's restriction to B1(c) use has, it appears, enabled it to co-exist in an acceptable manner with the neighbouring housing area; and the factory itself is a modern building....which in my opinion is therefore appropriate for the needs of modern business.... I find no substantive evidence to show that there is a lack of market demand for this employment site. Similarly, I find no evidence to prove that the site is uneconomic to develop for employment purposes*".

The agent's information regarding the marketing of the site is not sufficient to demonstrate a material change. Although reference is made to the exercise in the supporting statement, there is no documentary evidence to demonstrate the measures taken and results. Given the policy objection, much more detailed evidence would need to be submitted if the Council were to consider release of this commercial site, in a highly sustainable location, for other uses.

2) It is accepted that the submitted plans are indicative only, but it is clear that to accommodate the number of units proposed there must be elements of three-storey development. There are concerns that back-to-back distances would be below the 25m set out in the Essex Design Guide, and rear garden depths of the houses adjacent Ash Green would be significantly below the 15m specified in that guidance. Although the roof form and heights could be broken, trying to achieve the number of units proposed on this site could not fail to result in an overbearing mass of building. This could only be reduced by a significant reduction in unit numbers, which would not be unreasonable given the particularly high density proposed (in the region of 95 per hectare).

The high density also results in inadequate parking and sub-standard private and communal gardens. Parking would be significantly below the Council's standards. Private garden areas would mostly be small, and communal areas not dominated by parking would be limited. Given the site coverage, it is difficult to envisage how these issues could be overcome with a development of 33 units. No play space has been proposed.

The previous appeal Inspector was concerned that the three-storey flats previously proposed would be a very much larger structure than the existing building, and would be an insensitive intrusion into the immediate setting of the listed railway building. He considered there would be potential for overlooking of houses in Ash Green, and in conclusion found that the building would be "out of scale with the modest two-storey houses in Ash Green and the bungalows in London Road". The same issues would continue to apply in this case, and indeed the built form overall would be closer to the dwellings in Ash Green than the dismissed scheme.

3) The requirement for affordable housing in the village cannot be clearly established until such time the Parish Council has completed a housing needs survey in association with the Rural Housing Trust, which is being developed at the present time.

However, Policy H8 requires up to 40% rather than up to 25% of housing should be provided as affordable on sites of this size. If need were such that the policy objections to the loss of employment land could be overridden, then one of the factors to be taken into account in justifying such an exception could be the provision of far more than the minimum 40% affordable housing required by policy. It would also need to be provided through a Registered Social Landlord. In the absence of an RSL, there must be some question that this site could be developed for low-cost housing if the remediation costs proved to be significant. In either case, the proposal fails to incorporate sufficient affordable housing.

4) The Environment Agency requires a desktop contamination study prior to determination, but has not been submitted with the application. ECC Transportation raises no objection to the proposal subject to conditions, but it is considered that the layout would need to be modified to accommodate the turning area and footpaths required.

COMMENTS ON REPRESENTATIONS: These are addressed in the report.

CONCLUSIONS: There is a fundamental policy objection to the release of a site Safeguarded for Employment Land in the DLP for other uses. The issue of housing need has yet to be established sufficient to override the policy objection, and in any event the amount

of affordable housing proposed is insufficient to justify such an approach. The application is premature pending the outcome of consideration of the Inspector's report into the Local Plan review.

RECOMMENDATION: REFUSAL REASONS

1. Residential redevelopment of this site would be contrary to ERSP Policy BIW4 and Great Chesterford Local Policy 1 (Employment Land to be Safeguarded in the Deposit Draft Local Plan) in that it would result in the unacceptable loss of land currently used for employment purposes, resulting in fewer job opportunities and less employment land within the village to meet local need. The site is considered to be in a sustainable location for employment purposes given its proximity to the railway, and its release for other purposes would be contrary to principles of sustainability.
It is not considered that sufficient evidence has been submitted of the marketing exercise undertaken, to demonstrate the lack of need for the building. There is limited information on the efforts to let the building and on which terms, and there must be some doubt that the building is no longer required given it is currently in commercial use.
The proposal is considered premature until such time that the Council has had the opportunity to review the allocation of housing and employment land in Great Chesterford in the light of the recently received Inspector's Report following the Local Plan Inquiry. Such a significant departure from the Local Plan should not occur at this stage in the review, and outside the Local Plan review process.
2. Although the submitted plans are indicative only, the proposal would result in an over development of the site, with inadequate car parking to serve a development in this rural area where despite the nearby railway station there is limited access to facilities by public transport, inadequate private and communal amenity space, and an overbearing impact on surrounding residential properties. Given the space available, it would be necessary to include some three-storey development to achieve the number of units proposed, and this could not fail to be visually intrusive in the street scene, and dominant in relation to adjacent dwellings and the setting of the adjacent listed station house. It has not been demonstrated that the number of units could be accommodated on site without adverse impact on the setting and residential amenity. There would be significant potential for loss of privacy and noise nuisance from the location of parking areas. In addition, the layout would require modification to meet layout requirements in terms of turning head provision and provision of footpaths, and it is doubtful that all could be achieved on site without a significant reduction in unit numbers. The proposal is therefore considered contrary to ADP Policies S1, H10, T1, T2, DC1, DC5 & DC14; and DLP Policies 1, H3, GEN1, GEN9, GEN2, ENV2 & GEN4).
3. The proposal fails to incorporate adequate affordable housing (in excess of 40%), and administered through a Registered Social Landlord, sufficient to warrant overriding the fundamental policy objection. The proposal is therefore considered contrary to ERSP Policy H5 & DLP Policy H8.
4. The application fails to include a Risk Assessment to assess potential ground contamination, and remediation measures, contrary to advice contained in PPG25, and ERSP Policy NR12, ADP Policy W4 & ENV11).

Background papers: see application file.

UTT/0137/04/FUL - STANSTED
(Application referred at Member's request)

Erection of single-storey storage shed/scorers box.
Stansted Cricket Club, Hargrave Park, Cambridge Road. GR/TL 510-253. Stansted Cricket Club

Case Officer: Consultant North 2 telephone 01799 510469/510478

Expiry Date: 06/04/2004

DESCRIPTION OF SITE: The application site comprises land within the sports ground to the west side of Cambridge Road, from which the site is accessed. The wider site is flat and it provides both a cricket and football pitch, and ancillary spectating areas. There is an existing pavilion building and clubhouse in close proximity to this proposed building. Residential uses adjoin the site.

DESCRIPTION OF PROPOSAL: The application proposes the erection of a single storey structure to provide storage facility and cricket scorers match day accommodation. It would be broadly rectangular measuring 7.3m wide and 6.1m deep and be 2.5m high to the eaves and 3.6m high to its ridge. The walls would be timber boarded and the roofs constructed from a black artificial roofing material. It would be located on the southeastern boundary of this playing field site close to the adjoining dwellings.

CONSULTATIONS: UDC Landscaping: No existing vegetation would be affected by the proposal. The relatively small size of the new build and its siting is such that it is considered that it would have limited visual impact and consequently in the circumstances of planning permission being granted, a scheme of landscaping would not be required.

PARISH COUNCIL COMMENTS: Members object as proposal will have unacceptable adverse effect on the adjacent property in Cambridge Road (No.97). Believe there are other locations within the site which would be appropriate without affecting neighbours. It should be noted that the footings have already been dug. If officers are minded to approved application request it is referred to members with a site visit.

REPRESENTATIONS: One representation has been received. Neighbour notification period expired 24 February.

1. Occupier Woodcroft: It would adjoin back fence and obliterate open aspect; patio is situated next to fence and full use is made of it because it benefits from the sun; building would make occupiers feel fenced in as it is much higher than fence and also cause overshadowing; noise and fumes from machinery stored in new building; safety hazard due to fuel storage; better alternative locations; impact on value of property; photographs enclosed to illustrate impact

PLANNING CONSIDERATIONS: **The main issues are design and appearance, and impact on adjoining residents.**

In broad principle, the location of additional sports facilities within close distance of the main residential areas of settlements in the District is supported by the Adopted Plan and the Review Local Plan. To ensure this building is used only for sports related storage purposes a planning condition is proposed.

The scale and design of the building would be appropriate for the open recreational space that it adjoins and its position on the outer boundary will ensure the generally open character of this space, or its functioning as a sports ground, would not be harmed. To ensure the

building is of a satisfactory appearance it is appropriate for the timber boarding to be painted black to ensure it has an acceptable appearance and in this regard a condition is proposed.

Although it is located close to the adjoining dwellings, this on balance is considered not to cause any unacceptable sense of overbearing or shadowing, principally due to its low height and actual distance away from the neighbouring dwelling. The proposed building would be close to the other main sports related buildings on this site and in this context the general outlook from the closest neighbour will not be affected to an unacceptable degree. Although a view of the pitch will be interrupted, it is not a purpose of planning to protect views, nonetheless, for the reasons stated above, the general outlook from this dwelling would not be affected to a significant or serious degree.

There are no other issues arising from this proposal and therefore it is recommended for approval.

CONCLUSIONS: The application would be of a satisfactory design, and it would not seriously harm the amenities of adjoining neighbours.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.9.3. Storage uses.
3. The timber boarding of the walls of the building hereby permitted shall be painted black, or other such similar colour as approved in writing by the local planning authority, and thereafter retained as such colour.
REASON: In the interest of visual amenity.

Background papers: see application file.

UTT/0325/04/FUL – BARNSTON

Erection of replacement dwelling and garage
Medhurst High Easter Road. GR/TL 639-194. Mr & Mrs G Manning.
Case Officer: Mr R Aston 01799 510464
Expiry Date: 23/04/2004

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

DESCRIPTION OF SITE: The site extends to 1.9 hectares and is located to the east of the village of Barnston in a prominent position on a bend of the High Easter Road. The site has a road frontage of c.150m and is mainly open in character with some boundary screening along the boundary with High Easter Road. The existing dwelling on the site is located directly off the main access from High Easter Road and is located approximately 40m down the existing driveway. The dwelling is a low scale single storey dwelling to a ridge height of 5.2m with a single storey extension to the rear occupying a floor area of c. 160m². In addition there are a number of single storey outbuildings on the site to the north and north and west. The nearest residential property is Martels Gate which is a large 1970's style dwelling located c.35m to the north of the existing dwelling.

DESCRIPTION OF PROPOSAL: The proposal relates to the replacement of the existing single storey dwelling and associated attached outbuildings with a two-storey double gable end dwelling, with single storey side extension. The proposal also details the erection of a detached garage, 5m to the north west of the dwelling. The application follows a previous application for a replacement dwelling, which was considered to be excessive in relation to its size and height: that application was withdrawn and the current scheme has been negotiated with officers.

RELEVANT HISTORY: Erection of replacement dwelling, withdrawn 2004.

CONSULTATIONS: Environment Agency: No objections to the proposal.

PARISH COUNCIL COMMENTS: None received (due 28 March 2004).

REPRESENTATIONS: None. Notification period expired.

PLANNING CONSIDERATIONS: The main issues are

- 1) **whether the principle of a replacement dwelling in this location outside development limits is acceptable, in accordance with ADP H8 and DLP H6 and**
 - 2) **whether the design of the dwelling is acceptable and whether proposal would have a detrimental impact on rural and residential amenity, in accordance with ADP DC14, DC1 and DLP GEN2 and GEN4.**
- 2) Policy H8 of the Adopted district plan states that:
- (a) *Proposals involving replacement dwellings will normally be approved provided that such proposals are in scale with neighbouring properties and the siting of the replacement dwelling is in proximity to the original structure;*
 - (b) *Outside development limits the replacement of existing dwellings by larger buildings which, through their size or appearance, impair the rural characteristics of the countryside will not be permitted.*

Policy H6 of the DLP continues this theme but instead states that, '*a replacement dwelling will not be permitted unless, through its location, appearance or associated scheme of landscape enhancement it would protect or enhance the particular character of the countryside in which it is set*'.

Policies permit, therefore, replacement dwellings that are larger than the original building, subject to no adverse consequences on the character of the countryside.

The existing dwelling occupies a floor area of approximately 160m² including the single storey store to the rear. The proposed dwelling would be located on the existing footprint of the dwelling but would have a ground floor area of approximately 175m², with the addition of a second storey which would add a further 125m² of floorspace. Whilst this increase is equal to an 87% increase in the overall floor area of the dwelling the volume increase, which is a better means of assessing bulk, would only be 40%. This is considered acceptable having regard to Policy H8.

The existing dwelling has an overall ridge height of 5.2m with 15.5m of the front elevation visible from the east and the main access from High Easter Road. The proposal would result in a greater scale and mass, when compared with the original dwelling being 7.1m high to the ridge with an 18m frontage when viewed from the east. However the design of the dwelling and the fact that it is sited no further forward than the existing building would not result in a building that would impair the open rural characteristics of the area and accordingly the proposed dwelling would not be detrimental to the visual interests of its surroundings. Furthermore the proposal is in keeping with the scale of similar substantial detached properties in the immediate locality, in particular Martels Gate to the north.

With regard to Policy H6 of the DLP, the proposed dwelling and any associated scheme of landscaping if approved, would prevent any material impact on the landscape. The design of the dwelling is acceptable given this rural location and would therefore protect the open nature of this area of countryside.

3) The design of the dwelling is in keeping with the provisions of the Essex Design guide for Residential and Mixed Use Areas as it has been designed to provide a mirror of two gable ends 5m in width on the front elevation with a strong central emphasis providing one room in the gable end with a single centrally placed window, in keeping with the guide. The semblance of roof forms, particularly on the western elevation is also a strong architectural feature, and helps reduce the massing of the buildings and therefore improve its visual appearance within the landscape. The use of traditional roof materials as indicated and timber boarding/render on the external walls is also in keeping with the traditional materials used in the district and helps the building blend into the landscape. The central half dormer window in the eastern elevation however is inappropriate and should be included within the roof space as opposed to its current location half on the front elevation and the roof: if approved this can be done by condition.

Turning to the impact of the proposal on the residential amenity of adjoining occupiers, the size of the plot, coupled with the location of the dwelling results in no material impact on the amenity of adjoining occupiers and in this respect the proposal is acceptable.

COMMENTS ON REPRESENTATIONS: None

CONCLUSIONS: The design, siting and appearance of the dwelling would not result in a detrimental impact on the open character of this rural area of Special Landscape Value. The proposal would be in keeping with the scale and design of other detached dwellings in the locality and would not materially harm the residential amenity of adjoining occupiers. The

proposal is therefore in accordance with the provisions of Policies H8 and H6 and no material considerations exist to warrant refusal of the application, subject to conditions.

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.5.1. Samples of materials to be submitted and agreed.
6. C.6.2. Excluding all rights of permitted development within the curtilage of a dwellinghouse without further permission.
7. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.
8. C.17.1. Revised plan required. (Alteration to front dormer windows).

Background papers: see application file.

1) UTT/1904/03/OP, 2) UTT/1911/03/OP, 3) UTT/1912/03/OP & 4) UTT/1913/03/OP
- SAFFRON WALDEN

(Joint reports, referred at Member's request)

1-3) Erection of a dwelling and garage.

4) Demolish existing bungalow and erect a replacement dwelling and garage.

Land at Seven Dials Seven Devils Lane. GR/TL 538-369. Mr & Mrs J Keyes.

Case Officer: Mrs K Hollitt 01799 510495

Expiry Date: 06/01/2004

NOTATION: ADP: Within Development Limits. DLP: Within Settlement Boundary/Ground Water Protection Zone.

DESCRIPTION OF SITE: The four application sites are collectively made up of parts of the garden area of a property known as Seven Dials. This property is located at the southern end of the town on the northern side of a lane running in a westerly direction from Landscape View. The property known as Seven Dials has a road frontage of 87m and narrows to a width of 35m at the northern end of the site and the plot has a depth of 145m. The site backs onto properties in Landscape View to the east, the Thames Valley pumping station to the north, a property known as Pootings to the west and the garden area to a property known as Broadacres to the south. Beyond Broadacres is open countryside, which is easily accessible via the public footpath which forms the access to the application sites. Situated within the site are a large chalet bungalow having a frontage of 25m and a smaller bungalow in a backland location having a footprint of 80m². The site has a high conifer hedge along the boundary with the properties in Landscape View and also with Pootings. Throughout the site there are numerous mature trees of a variety of species. The front of the site is laid out to landscaped gardens. There is a small hedge to the road frontage. The access to the site is via a public right of way, which is also a private lane to serve this property and 5 other properties.

The applications identify 5 plots, with plot 1 being the retention of the property known as Seven Dials. The four application sites are made up as follows:

UTT/1904/03/OP – Plot 4: This plot forms the first of the two backland plots and is approximately 22m wide and has a depth of 50m tapering to 39m at the northern end. Within this plot the agent has identified 3 silver birch trees, a horse chestnut tree and an apple tree. There is also a small group of other trees which have not been identified by species. In addition, there is a band of mature conifers which lines the existing access to the backland bungalow. Some of these conifers would be required to be removed in order to accommodate the development. However, there is an additional band of conifers which runs along the boundaries of the properties in Landscape View, which would remain. The boundary to Pootings, whilst having a mature conifer hedge, is open as the tree cover does not commence until approximately 2 – 2.5m from ground level.

UTT/1911/03/OP – Plot 3: This plot is located at the western end of the site in a frontage location. It has a width of 18.5m and a depth of 72m. The majority of this site is within the formal landscaped garden area of the plot. There is one mature tree of unidentified species within this plot which would be required to be removed in order to accommodate development.

UTT/1912/03/OP – Plot 2: This plot is located at the eastern end of the site in a frontage location. This plot is triangular in shape with a road frontage of 30m and a depth of 70m at

its deepest point. This plot also lies within the formal landscaped garden area of the plot. There are no mature trees which are likely to be adversely affected by the proposals.

UTT/1913/03/OP – Plot 5: This plot at the northern most point of the site and there is currently a small bungalow on the site. The site is irregular in shape and has a frontage of 33m and narrows to a width of 16m along the boundary with Pootings. The site has a depth of 47m at its southern end and 34m at the northern end. Similar to plot 4, the band of mature conifers along the access would be required to be removed. However, there is a second band of conifers along the boundaries of the properties located in Landscape View and these would remain. Again, there is a high conifer boundary to Pootings with tree cover not starting until a point some 2 – 2.5m from ground level. The mature trees to the northern boundary provide adequate screening to the pumping station site to the north of the application site.

DESCRIPTION OF PROPOSALS: These applications are for outline planning permission for the erection of a new dwelling, with the exception of Plot 5 which relates to the erection of a replacement dwelling. All matters are reserved except for access.

UTT/1904/03/OP – Plot 4: The indicative plans for this proposal show a dwelling measuring 13m by 8m with a projecting gable on the front elevation. In addition, there is a double garage located on the eastern side of the plot, adjacent to the current access to the backland bungalow.

UTT/1911/03/OP – Plot 3: The indicative plans for this proposal show a dwelling measuring 13m by 8m with a projecting gable on the front elevation. The original plans showed a large double garage in the southwestern corner of the site in a frontage location. Revised plans have been submitted together with an indicative drawing showing an integral garage. It is proposed that access to this plot would be via the existing access point with a driveway along frontage of Seven Dials.

UTT/1912/03/OP – Plot 2: The indicative plans for this proposal show a dwelling measuring 16.5m by 6.8m, which would include an integral garage at the western end. Access to this property is proposed via the existing access to Seven Dials with a new shared driveway to the frontage of this property, which could be constructed under permitted development rights by the existing occupant of Seven Dials. It is also proposed to construct a double garage to serve Seven Dials.

UTT/1913/03/OP – Plot 5: This site is currently occupied by a small bungalow having a footprint of 80m². It is proposed to demolish this dwelling and construct a replacement. The indicative plans for this proposal show a dwelling measuring 13m by 6.75m. No separate garage is proposed for this plot and no indicative elevational drawings have been submitted in relation to this plot, but it may be that an integral garage is proposed for this plot. Access is proposed to be along the existing driveway serving this property.

Overall, the proposals relate to the erection of two new dwellings to the front of the site, either side of the retained dwelling, Seven Dials. These frontage dwellings would be served by a new driveway running alongside the frontage hedge of the site. The two dwellings in backland locations are to be served by the existing driveway that currently serves the existing bungalow. This access runs along the western boundary of Cachucha and the rear boundaries of properties located in Landscape View.

APPLICANT'S CASE: See applicant's case attached at end of report.

RELEVANT HISTORY: Extensions to Seven Dials approved 1985 and 2000.

CONSULTATIONS: Water Authority: No response received.

Environment Agency: No objection to all proposals.

Landscaping: Site contains a range of coniferous trees forming an interesting arbouritem. There may be a few individual trees worthy of protection, overall the trees on the sites have a group value worthy of retention.

ECC Highways & Transportation: No objections to all proposals.

English Nature: Proposed development would appear unlikely to have a direct impact on red squirrels. An ecological survey should be undertaken.

TOWN COUNCIL COMMENTS: Will cause an infringement on the open countryside and set a precedent for similar development in other places on Seven Devils Lane. Proposals represent overdevelopment in this particular, given the large gardens of the adjoining properties. Concerned over the narrowness of the land and its ability to take the additional traffic that would be generated.

REPRESENTATIONS: These applications have been advertised and 29 representations and 2 petitions have been received. Period expires 14 April 2004 on Plots 2 & 3. Period expired 11 December 2003 on plots 4 & 5.

Cllr Bayley requests that Members visit the site.

Two petitions with a total of 114 signatures. Feel development would make the lane extremely dangerous to use and irretrievably change the nature of the environment.

Object.

Access: Dangerous access to the lane from Landscape View. Turning from Landscape View into Seven Devils Lane is a blind right turn. Three serious accidents at access from Landscape View resulting in cars crashing through our hedge and into our garden. Seven Devils Lane is not 5 metres wide, it is in fact less than 3m wide for the entire length of our plot. The lane might be 5 metres from hedge to hedge across the lane, but to pass each other two tiny vehicles would both have to drive on the verge, destroying shrubs, chain fencing and flower beds as would pedestrians to get out of the way. Comparisons with Hill Top Lane are misleading as Hill Top Lane is not a public footpath and does not have the volume of pedestrian traffic.

Traffic: Seven Devils Lane is extremely narrow and cannot support an increase in traffic. Enjoy the lane as a public footpath and many local children use it. It will become dangerous to use as there are no pavements for the many pedestrians. Three of the houses have a blind turn from their driveways onto the lane and often have to reverse out. The lane has no passing places and nor can these be created. Myself and other children in the area will not be able to ride our bikes up and down the lane as there will be more traffic. Myself and my neighbours have totally blind access onto the lane and rely on the fact that there is minimal traffic here to let us gain access to our properties. If four more houses are built one can assume they will have at least two cars each, pulling out of my drive will become very worrying. Unlike Hill Top Lane, Seven Devils Lane has no passing places or turning circles and is a public footpath in what is a very attractive walk for dog owners, ramblers, young families and the Saffron Walden public. The walk leads into open countryside or links Rowntree Way or the Newport Road. Create unnecessary danger to all pedestrians including children walking to school. If all four houses were built it could lead to upwards of 15-20 additional cars using the lane, which is clearly impractical. In 32 years the access to the bungalow has virtually never been used. We would therefore have to suffer at least 4 cars regularly using the access lane along our rear boundary, creating noise and pollution.

Environment: Will change the nature of the environment and destroy the lane's beauty. Overdevelopment of existing environment. Proposed new houses would ruin the atmosphere and outlook from the Lane and would be totally out of keeping with the existing

property and other houses in the Lane. Would represent inappropriate infilling and backland development. Loss of amenity and detract greatly from the scenic aspect. Area forms a major part of the character of the lane which many local people enjoy.

Red Squirrels: Will destroy the breeding ground of the red squirrels. Red squirrels are prevalent in all the gardens in the lane. They are a protected species. Worried that proposed changes to environment will cause loss of habitat, increased noise and light pollution which will stop them breeding or being able to live here. Red Squirrels are breeding in this area and are indigenous. Trying to protect the precious few animals which have bred in the area. They have survived in this area for 2 years and this indicates that they are well adapted to the trees in this area.

Other issues: No allowance for turning spaces. Problem with drainage. This has not been addressed. Application form states that some trees would be lopped, topped or felled, but the drawings do not make it clear which trees would be affected. If the trees at the border of our property were felled it would affect our privacy. Concern regarding the beautiful mature trees and conifers. These trees are well established and add to the beauty of the area. Agent compares Seven Devils Lane with Hill Top Lane. The only similarity is that they are both narrow. Seven Devils Lane is a footpath often used by walkers and children and so is totally unsuitable for an increase in traffic. Wide variety of birds resident and breeding in the area including greater spotted woodpeckers and green woodpeckers. Peace of our back gardens will be eroded by the cars going to the new houses along the other side of our bottom fence. Our back gardens will be overlooked. Concerned about the pollution that the proposed vehicle access will bring. Drainage has been a problem in the area as has been the supply of electricity, gas and water. Provision of these utilities will cause damage and upheaval. We would suffer loss of amenity through overlooking from plot 2.

Revised Plans – Plots 2 & 3: Still fails to address major issue of extra traffic entering and leaving Seven Dials Lane. An increase in traffic will cause further hazard and disruption. Strongly object to proposals as our previous comments.

PLANNING CONSIDERATIONS: The main issues are

- 1) **whether the proposed development is suitable in this location (ADP Policies S1 and H10, DLP Policies S1 and H3 and government guidance from PPG3),**
- 2) **whether the access to the site is acceptable for this development (ADP Policy T1, DLP Policy GEN1) and**
- 3) **whether the proposed development would be detrimental to the habitat of protected species (DLP Policy GEN7 and government guidance in PPG9).**

1) The application sites are located within the development (settlement) limits for Saffron Walden and therefore there is a presumption in favour of development within this area. Being located in an edge of town location within the immediate vicinity of the open countryside it would have been possible to omit this site from the development limits if it was considered imperative that the site remained undeveloped. However, this substantial plot is currently occupied by two properties, one having a footprint of 245m² and the other 80m². It could be considered that this plot is being significantly underused. PPG3 identifies the need to make more efficient use of land, particularly within urban areas. Whilst this property currently has a rural, open and spacious setting, it is located at the periphery of an urban area and could be more efficiently utilised without severe detriment to the local area. The development of this site would still remain at a considerably low density and would retain large front gardens to the frontage plots, maintaining the open and spacious character of the property. The smaller plots to the rear of the site would result in better utilisation of land in this urban area, with minimal impact on the character of the area. Whilst the current application is for outline planning permission, it is possible that some form of residential development could take place on these backland sites which would conform to the requirements of ADP Policy H10 and DLP Policy H3. Whilst it is accepted that the proposed

development would have some change to the character of the area, it is considered that the indicative plans present a layout which would help to maintain the open and spacious character of the area. Certainly plots 2 and 3 (the frontage plots) are on significantly larger plots than the adjoining property, Cachucha, to the east, or even Walden End which fronts onto Landscape View. The properties on the southern side of Seven Devils Lane are set in considerably larger plots and make a positive contribution to the open countryside beyond, hence their omission from the development limits. Therefore it is considered that the proposed development complies with guidance contained in PPG3 and with ADP Policies S1 and H10 and DLP Policies S1 and H3.

Subject to requiring the dwellings to the rear to be single storey only, it is not considered that the proposals would have any adverse impact on the amenity of adjacent properties.

2) The access to the application sites is via a footpath which leads to development in the Rowntree Way/Fulfen Way area and open countryside beyond the urban development of Saffron Walden. The applicant claims that the roadway is 5m wide with passing places, but this is clearly not the case. The hardened surface of the road is about the width of a large vehicle and there are soft verges with railings and vegetation to either side. It is not considered that there would be sufficient room for two vehicles to pass on the roadway. However, this road would serve 10 dwellings if planning permission was given for the 4 new dwellings, 3 dwellings more than currently served by this road. It is accepted that the proposed extra dwellings would introduce a slight increase in the number of vehicles using this road and there have been representations made that the existing backland dwelling is rarely used. However, it must be considered that there is no reason why this existing dwelling could not become a separately occupied dwelling with the accompanying vehicular movements in this lane. The nature of the access road requires vehicles to move at a slow speed and it is not considered that the 3 extra dwellings would significantly impact on the safety of the access road. The representations in respect of the junction of Seven Devils Lane with Landscape View are noted, but the ECC Highways and Transportation department have raised no objections to the proposals, and it is not considered that a refusal of these applications could be supported on highway grounds. Therefore, it is considered that the proposals comply with the requirements of ADP Policy T1 and DLP Policy GEN1.

3) The issue of red squirrels within the application sites and the general vicinity has been raised by the majority of the people making representations in respect of these applications. Red squirrels are a protected species as designated by the Wildlife and Countryside Act 1981 (as amended). There appear to be many arguments as to the origin and type of red squirrel in this locality, but these arguments are irrelevant as all red squirrels are protected under the above legislation. Advice has been sought from English Nature (as required by guidance within PPG9) with regard to these proposed developments and they have advised that the developments are unlikely to have a direct impact on the red squirrels. They further advise that the planting of native fruit bearing trees within the application sites would enhance the habitat for the red squirrels, and such planting can be requested as part of a landscaping scheme for the proposals. Therefore, following the advice of English Nature, it is considered that the proposals comply with PPG9 and DLP Policy GEN7.

COMMENTS ON REPRESENTATIONS: The majority of issues raised have been covered above. With regard to water resources, no objections have been raised to the proposals by the Water Authority.

CONCLUSIONS: Whilst the proposals would have some impact on the character of the street scene, they do comply with the requirements of PPG3 and the relevant policies both in the Adopted Plan and the Deposit Plan. The red squirrels are not considered to be adversely affected by the proposals following consultation with English Nature, indeed their habitat could be improved as part of a landscaping scheme for the proposals.

RECOMMENDATIONS:

1) UTT/1904/03/OP – APPROVAL WITH CONDITIONS

1. C.1.1. Submission of reserved matters: 1.
2. C.1.2. Submission of reserved matters 2.
3. C.1.3. Time limit for submission of reserved matters.
4. C.1.4. Time limit for commencement of development.
5. C.4.1. Scheme of landscaping to be submitted and agreed.
6. C.4.2. Implementation of landscaping.
7. The landscaping scheme to be submitted, as required by condition C.4.1. above, shall include details of planting of native fruit bearing trees and hazel nut bushes.
REASON: To improve the habitat and food source of the red squirrels within the locality.
8. C.4.7. Detailed landscaping survey to be submitted.
9. C.20.2. Protection of other species.
10. C.6.6. Single storey dwelling.
11. Demolition of existing garage to Seven Dials and its replacement.
12. All vehicular access to be via modified access point as shown on revised drawing no. 3A.
13. C.6.2. Removal of Permitted Development rights.

2) UTT/1911/03/OP – APPROVAL WITH CONDITIONS

1. C.1.1. Submission of reserved matters: 1.
2. C.1.2. Submission of reserved matters: 2.
3. C.1.3. Time limit for submission of reserved matters.
4. C.1.4. Time limit for commencement of development.
5. C.4.1. Scheme of landscaping to be submitted and agreed.
6. C.4.2. Implementation of landscaping.
7. The landscaping scheme to be submitted, as required by condition C.4.1. above, shall include details of planting of native fruit bearing trees and hazel nut bushes.
REASON: To improve the habitat and food source of the red squirrels within the locality.
8. C.4.7. Detailed landscaping survey to be submitted.
9. C.20.2. Protection of other species.

3) UTT/1912/03/OP – APPROVAL WITH CONDITIONS

1. C.1.1. Submission of reserved matters: 1.
2. C.1.2. Submission of reserved matters: 2.
3. C.1.3. Time limit for submission of reserved matters.
4. C.1.4. Time limit for commencement of development.
5. Application for approval of the reserved matters shall not relate to the indicative footprint of Plot 2 as shown on drawing no. 3A, received 26 March 2004.
REASON: The indicative layout is considered to be overdevelopment of the site and of a cramped appearance.
6. C.4.1. Scheme of landscaping to be submitted and agreed.
7. The landscaping scheme to be submitted, as required by condition C.4.1. above, shall include details of planting of native fruit bearing trees and hazel nut bushes.
REASON: To improve the habitat and food source of the red squirrels within the locality.
8. C.4.7. Detailed landscaping survey to be submitted.
9. C.20.2. Protection of other species.

4) UTT/1913/03/OP – APPROVAL WITH CONDITIONS:

1. C.1.1. Submission of reserved matters: 1.
2. C.1.2. Submission of reserved matters: 2.
3. C.1.3. Time limit for submission of reserved matters.
4. C.1.4. Time limit for commencement of development.
5. C.4.1. Scheme of landscaping to be submitted and agreed.
6. C.4.2. Implementation of landscaping.
7. The landscaping scheme to be submitted, as required by condition C.4.1. above, shall include details of planting of native fruit bearing trees and hazel nut bushes.
REASON: To improve the habitat and food source of the red squirrels with the locality.
8. C.4.7. Detailed landscaping survey to be submitted.
9. C.20.2. Protection of other species.
10. C.23. Demolition of existing dwelling.
11. C.6.6. Single storey dwelling.

Background papers: see application file.

1) UTT/0443/04/DC & 2) UTT/0444/04/LB - SAFFRON WALDEN
(District Council Applications)

1) & 2) Erection of railings and dwarf wall and erection of backdrop wall.
Bridge End Garden. GR/TL 535-388. Uttlesford District Council.
Case Officer: Consultant North telephone 01799 510469/510478
Expiry Date: 06/05/2004

NOTATION: Outside Town Development Limits & Settlement Boundaries/Within Conservation Area/Historic Park & Garden grade II*/Area of Special Landscape Value (ADP only).

DESCRIPTION OF SITE: The site is located on the northern edge of the town between Bridge Street and the Anglo-American Playing Fields. It comprises an historic park and garden currently undergoing restoration.

DESCRIPTION OF PROPOSAL: It is proposed to:

- a) erect a dwarf wall of soft red hand-made Bulmer bricks with similar half-round capping bricks to a height of 0.4m with a mild steel railing 1.5m high at the south-western end of the Gardens close to the Bridge Street access and
- b) increase the height of an existing wall to be capped with half-round bricks as a) above 1.62m high on the north-western boundary.

APPLICANT'S CASE: See letter dated 8 March attached at end of report.

RELEVANT HISTORY: Several applications approved for various restoration works over last few years.

CONSULTATIONS: UDC Specialist Design Advice: No objections subject to conditions.
English Heritage & Garden History Society: No comments.
ECC Specialist Archaeological Advice: No recommendations.

TOWN COUNCIL COMMENTS: No objections.

REPRESENTATIONS: These applications have been advertised and any representations received will be reported. Period expired 15 April.

PLANNING CONSIDERATIONS: **The only issue is whether the proposed works would be in keeping with the character and appearance of the historic gardens and their listed structures in this Conservation Area setting (ESP Policies HC3 & HC2 and ADP Policies DC2 & DC5a).**

It is considered that this is a well-designed scheme of work which would continue the welcome restoration of these important gardens. The setting of the listed features would be enhanced and the character of the Conservation Area would be maintained.

CONCLUSION: There are no objections to this scheme which deserves support.

RECOMMENDATIONS: REFERRAL TO GO EAST

1) UTT/0443/04/FUL - APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development

2. C.3.1. To be implemented in accordance with approved plans

2) UTT/0444/04/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 new brickwork shall match the existing in type, bonding and pointing
4. The new railings shall match the existing
REASON 3 & 4: In the interests of the appearance of the listed structures and Conservation Area

Background papers: see application file.

UTT/0389/04/FUL - LITTLE EASTON

(District Council Interest)

Change of use of land to garden and erection of screen fencing.
Land adj. Butchers Pasture & Kaines Duck Street. GR/TL 608-241. Mr & Mrs C R Martin.
Case Officer: Consultant South telephone: 01799 510452/510471
Expiry Date: 28/04/2004

NOTATION: Within Village Development Limits, Settlement Boundaries & Area of Special Landscape Value (ADP only).

DESCRIPTION OF SITE: The site is located in the middle of the village on the eastern side of Duck Street on the south-eastern side of its junction with Butcher's Pasture, a small cul-de-sac estate of some 20 dwellings. As these dwellings were originally developed by the former Dunmow Rural District Council, the verge is still in Council ownership. It adjoins a private dwelling "Kaines", which faces Duck Street, and is 4m wide at its western end, tapering for a length of 12m down the slope to the east to 2.5m wide. The footpath widens down to the east from 1.8m near Duck Street to 2.2m. Near the junction are a bus shelter and the new village sign, and on the opposite side of Duck Street is the War Memorial which is adjacent to a pair of listed cottages. The Stag PH is located 50m to the south-east on the same side of the road. On the opposite side of Butcher's Pasture is a narrower verge and footpath. The rear garden to the property is currently 19m wide and an average of 16.5m long. The overall character of this junction is an open and attractive focal point which is important in the rural street scene in the centre of the village.

DESCRIPTION OF PROPOSAL: It is proposed to widen the garden of "Kaines" by enclosing the verge from a point 2.2m behind the shelter down to the first property in Butcher's Pasture, no. 2, from where it is also proposed to purchase a small wedge-shaped parcel of land. It is also proposed to erect a 2m high fence or wall along the back edge of the footpath linking in to the side of the property (which would not require permission if this application is approved). The width of the rear garden would increase from 19m to an average of 23m.

PARISH COUNCIL COMMENTS: Green verges are being eroded along our country roads and this would be yet another. It would spoil the entry into Butcher's Pasture as the fence seems to come right up to the path. The proposed fence or wall would be too high. Other fences along Butcher's Pasture are open and give a spacious look to the area.

REPRESENTATIONS: This application has been advertised and no representations have been received. Period expired 1 April.

PLANNING CONSIDERATIONS: The main issue is whether the proposal would be harmful to the open character of the area (ADP Policy DC1).

ADP Policy DC1 states that development should respect the environmental characteristics of its setting and that permission will not be granted for development which is detrimental to the visual interests of its surroundings. Whilst this verge is not itself of a high quality as an open space, it is considered that it performs a useful function in contributing to the overall character of the junction as part of the spacious setting and attractive focal point, which is important in the rural street scene in the centre of the village. However, the proposal would not enclose the first 9.4m of verge from Duck Street and would leave the shelter and sign in their existing locations.

The main visual feature of the enclosure would be the 2m wall or fence on the back of the footpath, which it is considered would be a visually intrusive element at this point in the pleasant rural village street scene. Therefore, as proposed the application should be refused. However, if a 1.5m wide strip of landscaped verge was left between the footpath and the fence or wall, and the means of enclosure was limited to 1.5m in height facing Duck Street and 1.8m facing Butcher's Pasture, the proposal would be more acceptable. It is considered that such restrictions could reasonably be imposed as conditions.

COMMENTS ON REPRESENTATIONS: The Parish Council's views have been taken into account.

CONCLUSIONS: The proposal would erode the spacious character of the street scene.

RECOMMENDATION: REFUSAL REASON

The proposed development would be unacceptable because it would erode the open character of this residential area in the centre of the village contrary to ADP Policy DC1 and DLP Policy GEN2.

Background papers: see application file.

UTT/0508/04/FUL - CHRISHALL

(Officer's interest)

Two-storey rear extension. Side access door and window to front elevation.

20 High Street. GR/TL 445-392. Mr & Mrs Pinch.

Case Officer: Consultant North telephone 01799 510469/510478

Expiry Date: 14/05/2004

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

DESCRIPTION OF SITE: The site is located on the western side of the road leading south out of the village. It comprises a modern two-storey detached house with a two-storey rear extension on the northern side.

DESCRIPTION OF PROPOSAL: It is proposed to erect a two-storey rear extension on the southern side 5m long x 3.7m wide and 6.2m high to the ridge. It would not project beyond the existing side or rear elevations. The materials would be brick and tile to match the existing building. It is proposed to provide a new dining room on the ground floor with an enlarged bedroom above.

RELEVANT HISTORY: Two-storey rear extension approved in 1989.

PARISH COUNCIL COMMENTS: To be reported (due 22 April).

REPRESENTATIONS: Any received will be reported. Notification period expired 13 April.

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

- 1) be in keeping with the existing dwelling and street scene in terms of siting, scale, design and use of external materials (ADP Policy H7),
- 2) respect neighbours' amenities by avoiding significant overlooking, overshadowing or overbearing effects (ADP Policy DC14) and
- 3) leave sufficient garden area and on-site car parking facilities to meet the needs of occupants (ADP Policy DC1).

1) The scale and design of the proposed rear extension would be the same as that already implemented and the materials would match the existing dwelling. It would round off the rear elevation and would not project beyond the existing side or rear elevations. The village street scene would be unaffected.

2) The extension would be at least 2.5m from the common southern side boundary and there would be no first-floor windows on that elevation. There is a 1.8m high fence along the boundary to reduce overlooking from the proposed side window to the new dining room.

3) There would be ample rear garden remaining to meet occupants' needs and the existing on-site parking facilities at the front to serve this four-bedroomed dwelling would not be affected.

CONCLUSIONS: It is considered that all the Policy guidance is met and no objections are raised.

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 materials to be used in the construction of the extension hereby permitted shall match the colour, finish and quality of those used in the existing building.
REASON: In order to ensure that the extension is in keeping with the existing dwelling.

Background papers: see application file.
