

PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 19 JULY 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: 28 June 2004 (see report copy attached)
REMARKS: Deferred for discussion
RECOMMENDATION: Approval. A verbal report may be made at the meeting.
Case Officer: Mrs K Hollitt 01799 510495
Expiry Date: 16 April 2004

APPL NO: **UTT/0614/04/FUL**
PARISH: **WIMBISH**
DEVELOPMENT: Erection of single-storey dwelling
APPLICANT: Mr A Walker
LOCATION: Land adjacent to St Helens Tye Green
D.C. CTTE: 7 June 2004 (see report copy attached)
REMARKS: Deferred for proposed conditions, see report attached
RECOMMENDATION: Refusal
Case Officer: Mrs K Hollitt 01799 510495
Expiry Date: 1 June 2004

APPL NO: **UTT/0631/04/FUL**
PARISH: **WENDENS AMBO**
DEVELOPMENT: Erection of two storey front extension
APPLICANT: J Costen
LOCATION: Drayton Farm Cottage Royston Road
D.C. CTTE: 7 June 2004
REMARKS: Deferred for negotiations
RECOMMENDATION: Deferral
Case Officer: Consultant North 2 01799 510469/510478
Expiry Date: 3 June 2004

APPL NO: **UTT/0635/04/FUL**
PARISH: **SAFFRON WALDEN**
DEVELOPMENT: New dwelling with garage. Alteration to existing access
1.8m high fence to boundaries
APPLICANT: Mr & Mrs M Johnson
LOCATION: Land adjacent to 54 Summerhill Road
D.C. CTTE: 28 June 2004 (see report copy attached)
REMARKS: Deferred for Site Visit
RECOMMENDATION: Approval
Case Officer: Mr G Lyon 01799 510458
Expiry Date: 8 June 2004

APPL NO: **UTT/0669/04/FUL**
PARISH: **GREAT DUNMOW**
DEVELOPMENT: Proposed construction of new Police Station
APPLICANT: Essex Police Authority
LOCATION: Smiths Farm (Formerly) Plot 7 Chelmsford Road (B184)
D.C. CTTE: 28 June 2004 (see report copy attached)
REMARKS: Deferred for negotiation on highway issues
RECOMMENDATION: **Approval**
Case Officer: Mr M Ovenden 01799 510476
Expiry Date: 21 June 2004

APPL NO: **UTT/0714/04/FUL**
PARISH: **STANSTED**
DEVELOPMENT: Erection of 9 floodlights around 2 tennis courts
APPLICANT: Stansted Tennis Club
LOCATION: Tennis Courts Cambridge Road
D.C. CTTE: 28 June 2004 (see report copy attached)
REMARKS: Deferred for Site Visit
RECOMMENDATION: **Approval**
Case Officer: Consultant North 2 01799 510469/510478
Expiry Date: 22 June 2004

APPL NO: **UTT/0822/04/FUL**
PARISH: **GREAT DUNMOW**
DEVELOPMENT: Proposed excavation to form surface water balancing pond, regarding existing levels together with associated foul and surface water drainage. Ancillary works
APPLICANT: Wickford Development Co. Ltd
LOCATION: Land adj. Sectors 1 & 3 Woodlands Park
D.C. CTTE: 28 June 2004 (see report copy attached)
REMARKS: Deferred for negotiation and clarification
RECOMMENDATION: **Approval**
Case Officer: Mr N Ford 01799 510468
Expiry Date: 14 July 2004

UTT/0038/04/DC – QUENDON AND 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

This application was previously reported to the meeting on 26 April 2004, where Members resolved to approve the application subject to an additional condition requiring the car parking arrangements to be served by one access point. This report is to advise Members of a change in circumstances since the last meeting.

Planning permission was granted on 23 May 2001 for the creation of two vehicular access points to serve the dwellings known as 5 and 6 Woodside, Rickling Green. At this point in time both properties were within the control of the local authority. Since that date the occupier of 5 Woodside has exercised their right to buy their property. The planning permission for the access points has not yet been implemented, but this does not prevent the owner of 5 Woodside from implementing this permission any time up to 22 May 2006.

Planning permission was sought for the erection of a new dwelling adjacent to 6 Woodside. Members considered this application at their meeting on 5 April 2004 and deferred the application requesting a revised plan be submitted showing a new parking area to serve the occupiers of 6 Woodside. This plan was subsequently submitted and Members resolved to approve the application on 26 April 2004, subject to an additional condition requiring the parking area to serve the new property and 6 Woodside to be served by one access point.

In view of the existing permission for the creation of two new access points, advice was sought from the Legal department as to the best way to resolve this issue. The following condition was proposed:

“This permission shall not be exercised in addition to the extant planning permission (ref no UTT/1407/00/DC granted by the local planning authority on 23 May 2001), but shall be an alternative to that permission. Should one of the permissions be implemented the other permission shall not be implemented.”

This would have meant that should the owner of 5 Woodside choose to implement the extant planning permission then the consent for the new dwelling would be lost. The local authority would have no control over the actions of the owners of 5 Woodside in respect of this extant permission.

An alternative condition was proposed as follows:

“This permission shall not be exercised in addition to the extant planning permission (ref no UTT/1407/00/DC granted by the local planning authority on 23 May 2001), in so far as it relates to 6 Woodside, but shall be an alternative to that permission. Should one of the permissions be implemented the other permission shall not be implemented, except in relation to the construction of a vehicular access to serve 5 Woodside.”

However, since Members resolved to grant planning permission for the new dwelling adjacent to 6 Woodside, the situation has altered.

The owner of 5 Woodside has sought to purchase an additional piece of land adjacent to their property, and it is thought that they may seek planning permission for a new parking area and access in due course. In addition, the occupier of 6 Woodside has exercised their "Right to buy" in relation to their property. In view of this the local authority would not be prepared to implement any works to provide an access or off-road parking area to serve this property.

Members wished to impose the condition in relation to one access point in order to protect the hedge to the front boundary. However, the existing planning permission (UTT/1407/00/DC) would result in the removal of two large sections of this hedge should it be implemented. The local authority would not be prepared to implement the parking proposals in respect of 6 Woodside as proposed in application UTT/0038/04/DC. It should be noted that the removal of the hedge does not require consent and these works could be undertaken by the owners/occupiers of either property at any time. Planning permission is required purely for the creation of a vehicular access.

Circular 11/95 requires, inter alia, that conditions must be reasonable in all other respects. In view of the fact that the land to which this proposed condition relates is or will shortly no longer be within the local authority control, it is considered that the imposition of the additional condition would be unreasonable. Therefore, Members are requested to reconsider whether planning permission could be granted for the original plan (drawing no UDC/FS/514/4, dated 20 February 2004).

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.

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/0614/04/FUL – WIMBISH

Erection of single-storey dwelling.

Land adjacent to St Helens Tye Green. GR/TL 591-353. Mr A Walker.

Case Officer: Mrs K Hollitt 01799 510495

Expiry Date: 01/06/2004

At the last meeting Members resolved to approve the above planning application. Below is a list of suggested conditions which officers consider should be imposed in respect of the proposed development.

It should be noted that the proposed development is a departure from local plan policies, and as such must now be referred to the Government Office for the Eastern Region prior to the decision notice being issued.

1. C.2.1. Time limit for commencement of development.
The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: In order to comply with Section 91(1) and (2) of the Town and Country Planning Act 1990.
2. C.3.1. To be implemented in accordance with approved plans.
The development hereby permitted shall be implemented in all respects strictly in accordance with the submitted plans contained in the application, unless agreed in writing by the local planning authority.
Reason: To ensure the development will be carried out as approved and because any changes must be agreed in advance in writing by the local planning authority.
3. C.90A: Prior to development commencing on site, a plan of scale 1:100 shall be submitted to and approved in writing by the local planning authority showing the extent of hedge required to be removed for the creation of the vehicular access. Except for the area of hedge required for the creation of the vehicular access, the front boundary hedge shall be retained unless the local planning authority gives its written consent to its removal or variation. Should any part of the hedge die, be removed or become seriously damaged or diseased, it shall be replaced during the following planting season by a hedge planted in accordance with a specification previously approved in writing by the local planning authority.
Reason: The loss of the front hedge would be detrimental to the rural character of the street scene and cause the development to become more prominent within the street scene.
4. C.90B: All the existing trees, shrubs and hedges on this site of whatever species shall be retained and shall not be felled, lopped or topped (excluding regular trimming of hedges), uprooted or willfully damaged without the previous written consent of the local planning authority. If any of these trees, shrubs or hedges are removed without such consent or if any become dead or dying or are severely damaged, they shall be replaced by the applicant, or the successor in title, with others of similar species, number and size to those originally required to be planted, and in positions to be agreed in writing by the local planning authority. Any lopping or topping which may prove necessary shall be carried out in accordance with a scheme previously approved in writing by the local planning authority.
Reason: To retain the pleasant rural character of the area.
5. C.90C: All trees, shrubs and hedges as indicated in the previous condition shall be protected by suitable fences for the duration of the construction period at a distance equivalent to not less than the spread from the trunk, to the satisfaction of the local planning authority. No materials shall be store, rubbish dumped, fires lit or buildings erected inside this fence; no changes in ground level may be made within the spread

of any tree or shrub including hedges without the prior written approval of the local planning authority.

Reason: To ensure the long-term protection of the trees and shrubs on the site which will enable the retention of the pleasant rural character of the area.

6. C.5.1. Samples of materials to be submitted and agreed.

No development shall take place until samples of materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

Reason: To achieve a satisfactory appearance for the development and help assimilate the development in to the rural landscape.

7. C.90D: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no extensions shall be constructed (other than any expressly authorised by this permission or any other grant of express planning permission), freestanding buildings erected on any part of the site or an access/hardstanding created without the prior written permission of the local planning authority.

Reason: In the interests of the appearance of the site and to retain the pleasant rural character of the area.

8. C.90E: The dwelling hereby permitted shall not be occupied until the two car parking spaces shown on the approved plans attached have been hard surfaced and laid out. Such spaces shall not thereafter be used for any purpose other than the parking of vehicles.

Reason: To enable vehicles calling at the site to park clear of the highway in the interests of highway safety.

UTT/0614/04/FUL – WIMBISH
(Referred at Member's request)

Erection of single-storey dwelling.

Land adjacent to St Helens Tye Green. GR/TL 591-353. Mr A Walker.

Case Officer: Mrs K Hollitt 01799 510495

Expiry Date: 01/06/2004

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

DESCRIPTION OF SITE: This site is located on the eastern side of the road to Tye Green, Wimbish. The site lies to the north of a property known as St Helens and to the south of the village hall. To the south of St Helens is a property known as Thatch Holme set in a plot with a 60m frontage and south of that is a pair of cottages. To the north of the village hall, some 60m from the application site is a row of dwellings known as The Leys. The site has a frontage of 21m and a depth of 18.5m with a dense, mature hedge to the front boundary. The side boundary to St Helens is a close-boarded fence, to the rear is a post and wire fence and to the boundary with the village hall is a dilapidated post and rail fence. In the north eastern corner of the site is a mature Oak tree, which is the subject of a Tree Preservation Order.

DESCRIPTION OF PROPOSAL: It is proposed to construct a single-storey dwelling having an L-shaped floor plan. It would have a frontage of 8.5m and a depth of 10.3m, reducing to 5.3m, and would be 5.3m in height. It is proposed that the dwelling would be of render

construction with a plain tile roof. Part of the hedge would be required to be removed in order to create a vehicular access and parking area.

RELEVANT HISTORY: Outline planning permission was granted for a dwelling on appeal in 1989, prior to decisions on planning applications being required to be made in accordance with development plan policies. Subsequently, detailed planning permission was granted for a two-storey dwelling in 1991, but this permission was not implemented. Planning permission for a two-storey dwelling with attic accommodation was refused and dismissed on appeal in 2003.

CONSULTATIONS: ECC Transportation: De minimus.

Water Authority: To be reported (due 5 May 2004).

Environment Agency: To be reported (due 5 May 2004).

Building Surveying: No adverse comments.

Landscaping: Oak tree is a mature specimen of some 13m in height with a crown spread of 12m. It has a well formed canopy and is in good general health. The tree is prominent in views from the adjacent highway and significantly contributes to the visual amenity of the surrounding areas. Considered the construction of the dwelling would result in damage to the tree's root system. Considered likely to give rise to pressure for the tree's removal in the future. Recommend planning permission be refused on grounds of detrimental impact on well being and setting of the protected Oak tree.

PARISH COUNCIL COMMENTS: To be reported (due 7 May 2004).

REPRESENTATIONS: Two. Notification period expired 28 April 2004.
No objections.

PLANNING CONSIDERATIONS: The main issues are

- 1) **whether the application site meets the requirements of an infill plot (ADP Policy H6) or whether it is appropriate development to be carried out in the countryside (ERSP Policy C5, ADP Policy S2, DLP Policy S7)**
- 2) **whether the dwelling is of an appropriate design for this location (DLP Policy DC1, DLP Policy GEN2)**

1) When considering the previous planning application, and when the Inspector considered the subsequent appeal, consideration was given to the fact that planning permission had previously been granted for a dwelling in this location and this formed a material consideration. However, it was considered that as this permission had lapsed some time ago, it was essential to determine whether this application site constituted an infill plot – defined in the policy as a small gap in an otherwise built up frontage. This site forms a 20m plot of land within an unbroken 60m gap between the dwelling known as St Helens and the village hall. The Inspector stated:

“Although the site is largely screened from the road by a tall hedge, the bend in the road allows views across it from the north east and the impression is of an undeveloped gap merging with the side garden of St Helens and continuing across the car park of the village hall. The mature Oak tree on the northern boundary of the appeal site which character and appearance be seen (sic) above and to the rear of the hedge is also a valuable feature within the street scene.

In my view the appeal site could not be described as a small gap within a small group of houses.”

The Inspector also considered it likely that the development of the site would result in the loss of the frontage hedge which would considerably alter the character and appearance of this part of Mill Road. Therefore, it was considered that the plot did not constitute an infill plot. There have been no material changes in circumstances since this appeal decision 6 months ago and therefore this application has to be considered as a proposal for development in the open countryside. ADP Policy S2 and DLP Policy S7 state that permission will not normally be granted for development in the countryside unless it relates to development which needs to take place there. No justification has been made for the proposed development and therefore it is considered that the proposals do not meet the requirements of the relevant policies.

2) In view of the fact that the proposals do not satisfy either the infill or countryside policies, the design of the dwelling does not need to be considered. However, in order to assist Members with their deliberations with regard to this case, the design will be considered in line with the policies. The previous application was refused on the grounds that the design was totally inappropriate in this location, due to the three-storey nature of the proposed dwelling. This proposal relates to the erection of a single-storey dwelling, and it is considered that this is more appropriate to this location. No overlooking or overshadowing issues will be raised. However, it is considered that the siting of the dwelling on this plot would result in conflict with the protected, mature Oak tree, which could subsequently have an adverse impact on the environmental characteristics of this rural setting. Therefore, it is considered that the proposed dwelling cannot satisfy the requirements of the policies.

CONCLUSIONS: It is considered that the application site does not constitute an infill plot and therefore the proposals represent development in the open countryside. No justification has been made in relation to the proposals and therefore the application does not meet the specific policy criteria. Whilst the design of the proposed property may be more in keeping than the previous refused proposal, it is considered that there is still likely to be conflict with the mature Oak tree on the site, which would result in a detrimental impact on the environmental characteristics of this site.

A copy of the Inspector's report concerning the dismissed appeal on the site in 2003 is attached to the end of the report.

RECOMMENDATION: REFUSAL REASONS:

1. R.3. Contrary To Policy S2: Unsuitable Development In The Countryside.
2. R.6. Contrary To Policy H6: Unsuitable Site For Infill Development.
3. The proposed dwelling would have an access with poor sight lines, caused in part due to the road frontage hedge. The removal of this hedge to increase the sight lines would increase the prominence and detrimental impact of the proposed development within the street scene. In addition, the proposed dwelling would be in close proximity to a protected tree, which forms an important feature in this countryside location. The proposed development is likely to have a detrimental impact on the well being and setting of this protected tree. In addition, it is likely to give rise to pressures for the future removal of this tree, which would be detrimental to the visual amenity of this rural area.

Background papers: see application file.

UTT/0635/04/FUL - SAFFRON WALDEN

(Referred at Members request)

New dwelling with garage. Alteration to existing access. 1.8m high fence to boundaries
Land adjacent to 54 Summerhill Road. GR/TL 535-375. Mr & Mrs M Johnson.

Case Officer: Mr G Lyon 01799 510458

Expiry Date: 08/06/2004

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

DESCRIPTION OF SITE: The site is located on the southwest side of Saffron Walden on Summerhill Road, which is a residential street with a mixture of detached, semi-detached and terraced dwellings. No.54 occupies a corner plot on both Summerhill Road and Newport Road. The property is two-storey brick built with some alterations to the original property, including a flat roof garage. To the east is No.52a Summerhill Road, which is a relatively new dwelling constructed in what was once part of the rear garden of No.54. This property has its own distinct character and is a 1 ½ storey brick built dwelling with dormer windows at the front and rear and an attached garage to the side adjacent No.52. To the south of the site are the dwellings and gardens of 47, 49 and 51 Newport Road.

The application site contains numerous maturing trees and hedging with a tall specimen at the front of the site on Summerhill Road. A mixed hedge and trees exists along the southern boundary of the site with power cables at high level in between the vegetation.

DESCRIPTION OF PROPOSAL: The applicant is seeking approval for a detached 1 ½ - storey residential dwelling with attached single garage. The dwelling would have two-bedrooms and a bathroom at first floor level with a kitchen, living room, dining room and garage at ground floor level. The property would have a rear amenity area of 120 sqm.

The applicant has indicated additional boundary screening including 1.8 metre close-boarded fencing and hedging. Proposed materials include facing brickwork and concrete roof tiles.

APPLICANT'S CASE: The applicant has submitted a supporting statement highlighting the changes made to the original application, which was dismissed at appeal. (Copy of applicants statement attached at end of report).

RELEVANT HISTORY: Outline application for erection of a dwelling and construction of new access approved June 1987. Proposed erection of a new dwelling and construction of a new access approved February 1988. Two storey dwelling with garage refused 2003 and dismissed at appeal in 2004 on grounds of overshadowing, visual impact and loss of amenity as well as a lack of amenity for the proposed dwelling.

CONSULTATIONS: Essex County Council Highways and Transportation: no objections.
Thames Water: Sewerage and Water – No objection.

TOWN COUNCIL COMMENTS: Objection due to loss of amenities to adjoining owners, overdevelopment and concern about access onto Summerhill Road.

REPRESENTATIONS: Ten neighbours surrounding the proposed development were notified and the period for return of comments expired on 05 May 2004. Four letters of objection were received.

52a Summerhill Road – Our house was built on a plot split off from the back of Summerhill Road 12 years ago. A further reduction in the garden area to create another dwelling would

result and there is not enough room. This surely must be regarded as overdevelopment and its density is out of keeping with the locality.

The proposal would create additional traffic at a busy junction where on-street parking already exists and school children cross nearby each day. The proposal would be very close to our own house and result in overshadowing.

Concern also about sewerage infrastructure capacity

47, 49 and 51 Newport Road – Overdevelopment of a small site. The proposed development would be overbearing in my rear garden and my privacy would be lost, it would have a very small garden and leave 54 Summerhill Road with a small garden also. Vehicular access will be intensified and create a potential hazard at peak times of the day.

Other comments: Overdevelopment of site, not enough room, out of character with existing properties

PLANNING CONSIDERATIONS: The main issues are whether:

- 1) residential use on this site is considered acceptable (PPG3, ERSP POLICY BE1, H3, ADP Policy S1, H1, H6 and DLP Policy S1, H1, H2);**
- 2) the applicant has considered and addressed the issues raised in the Planning Appeal Decision for UTT/1805/02/FUL (Appeal Ref APP/C1570/A/03/1128888 ERSP Policy H3, ADP Policy DC14, and DLP Policy GEN4);**
- 3) the proposed development respects the scale and characteristics of surrounding properties (ERSP Policy H3, ADP Policy H6, DC1, DLP H2, GEN2); and**
- 4) the access and parking arrangements are acceptable in terms of highway safety implications (ERSP Policies T3, T6, T7, T12, ADP Policy T1, DLP Policy GEN1, GEN4 and GEN9),**

1) The site lies within the development limits of Saffron Walden and, as such, is considered to be an appropriate location for residential development subject to meeting other policy criteria.

2) Members should be aware of a previous application and subsequent appeal for a detached dwelling on the same site. 1 April 2003, permission was refused for a two-storey detached dwelling with garage (UTT/1805/02/FUL). The main reasons for refusal related to issues of overlooking of adjacent properties and general lack of amenity space for both the original (No.54) and new dwelling. A subsequent appeal was dismissed. The main reasons for dismissal related to the impact on No.52a Summerhill Road and 47 Newport Road in terms of overshadowing, visual impact and loss of privacy. Also there was concern that the new dwelling would have very little privacy in their rear garden. (A copy of the appeal decision is attached at the end of the report)

The applicant has taken on board the comments of the Planning Inspectorate and revised the scheme to suit. Most notably, there are changes to the rear elevation with the previous dormer windows replaced by high-level roof lights to prevent possible overlooking of dwellings to the rear, most notably 47 Newport Road. In terms of impact on no. 52a Summerhill Road, the applicant has removed the first floor accommodation adjacent to this property with the first floor set 4.6 metres away from the side boundary with no.52a. The single-storey element housing the living room has a hipped roof and is set forward of the previous scheme. The eaves height of this element is 2.4 metres, which is only 0.4 metres higher than the tallest fence erectable under permitted development rights. It is considered that this will reduce the overbearing impact that was of concern to the planning inspector whilst also allowing some afternoon sun to reach the rear garden of no.52a. The presence of existing mature vegetation currently prevents some daylight and sunlight reaching this property.

In terms of overlooking of the amenity space of the proposed dwelling, the applicant is wishing to make alterations to the windows of no. 54 Summerhill Road. These include obscure glazing of two of the first floor windows (bedroom nearest Summerhill Road and bathroom) and the part blocking up of the first floor bedroom window adjacent to No.47 to create a high level window. No.54 is within the red line of the application site and therefore conditions can be imposed in relation to these matters.

The appeal inspector concluded that the existing front garden to No.54, which would become the private area for this dwelling, “would have a high degree of privacy and be of a good size to serve this family dwelling.”

On balance officers are of the opinion that the applicant has considered the comments of the appeal inspector and amended the application to suit.

3) One issue that has been raised in several of the letters received concerns the overall density of development in relation to surrounding dwellings and the overall character of the area. It is true to say that the overall density of the first 50 metres of Summerhill Road from Newport Road as well as the northern side of the road is generally low in density. However, the southern side of Summerhill Road is quite dense in character, particularly towards the middle section. Therefore, although the proposed dwelling would increase the density of the area immediately surrounding, this density would not be wholly out of character with the general pattern of development in the street. The appeal inspector did not raise concerns about density and indeed suggested “the new dwelling would fit well within the street scene in terms of its scale, design, proportions and relationship with adjoining properties.”

Officers are therefore of the opinion that the overall density of development is acceptable in this instance.

4) Another issue raised in most of the letters of objection received as well as in the comments from Saffron Walden Town Council, focused on highway and access arrangements and the implications of safety. ECC Highways have been consulted but, as the road is minor, they do not wish to comment. The existing property (No. 54) already has an access and it is proposed to move this access 2 metres to the west and widen it to allow both the existing and proposed dwelling to share. Plan 437/003 shows No.54 having parking for at least three vehicles. The proposed dwelling would be provided with a garage and car standing space, which is in line with recognised car parking standards. In terms of safety implications, the dwellings are located on a residential street with a speed restriction of 30 mph. The proposed new access is 26 metres away from the junction with Newport road and is situated on the southern side of the road where traffic will pass by from east to west on the nearest carriageway. It is therefore difficult to suggest that the revised access will cause a significant danger to highway safety such to warrant a refusal. Again, the appeal inspector did not consider this to be an issue and nor did the Council in it's earlier refusal notice. Officers are therefore of the opinion that the proposed development would not cause a detriment to highway safety.

CONCLUSIONS: The applicant has considered the issues raised by the appeal inspector and amended the scheme in line with these comments. This has overcome the issue of overlooking and the impact on No.52A has also been reduced to an acceptable level. The applicant has also proposed changes to No.54 in order to prevent overlooking of the proposed dwelling. On balance the dwelling has been designed to take on board the general constraints of the site. The rear amenity space is above minimum requirements and the provision of two parking spaces is in line with adopted standards.

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 agreed.
4. C.4.1. Scheme of landscaping to be submitted and agreed.
5. C.4.2. Implementation of landscaping.
6. C.6.2. Excluding all rights of permitted development within the curtilage of a dwellinghouse without further permission.
7. All existing trees, shrubs and hedges indicated in the conditions above shall be protected by suitable fences to a height of not less than 1.5 m for the duration of the construction period of the development hereby permitted at a distance equivalent to not less than the spread of the branches from the trunk. No materials shall be stored, no rubbish dumped, no fires lit, no buildings erected inside such fences, nor any changes in ground levels be made unless the local planning authority gives written consent.
REASON: In the interests of the appearance of the site and the surrounding area.
8. C.8.27. Drainage Details.
9. No construction works shall take place before 8am Mondays to Fridays and 9am on a Saturday. No construction works shall take place after 6 pm Mondays to Fridays or after 1 pm on Saturdays nor at any time on a Sunday or Public Holiday.
REASON: In the interest of residential amenity.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), No additional windows, other than those approved as part of this scheme, shall be inserted at first floor level or in the roof space roof space of the southern, eastern or western elevations of the dwelling hereby permitted
REASON: To avoid overlooking of the adjacent properties in the interests of residential amenity.
11. C.19.1. Avoidance of overlooking.
12. C.19.2. Avoidance of overlooking.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), No additional windows, other than those approved as part of this scheme, shall be inserted at first floor level or in the roof space roof space of the eastern elevation of 54 Summerhill Road
REASON: To ensure that no windows are inserted that could overlook the amenity area of the dwelling hereby approved.
14. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.
15. C.6.7. Excluding conversion of garages.
16. The car standing area in front of the dwelling, as indicated on drawing 437/004, dated 22 March 2004, received 13 April 2004 shall be constructed and made available for the parking of vehicles prior to the first occupation of the dwelling hereby approved. Such space shall be maintained and retained in perpetuity for the parking of domestic vehicles in connection with the dwelling.
Reason: To ensure that the dwelling has adequate off-street parking provision.

Background papers: see application file.

UTT/0669/04/FUL – GREAT DUNMOW
(Amended report)

Proposed construction of new Police Station.
Smiths Farm (Formerly) Plot 7, Chelmsford Road (B184). GR/TL 638-208. Essex Police Authority.

Case Officer: Mr M Ovenden 01799 510476

Expiry Date: 21 June 2004

13 Week Date: 26 July 2004

This application was subject to the new system of advanced reporting of major applications at committee on 17 May 2004 following a site visit that morning. The issues identified by Members at that meeting have been addressed in this report.

NOTATION: Within Development Limit /GD7 Great Dunmow Business Park.

DESCRIPTION OF SITE: The site is a rectangular piece of land at the south-eastern edge of Smiths Farm immediately adjacent to a car sales garage /petrol station and lorry yard. The land is currently undeveloped grassland and slopes down from west to east (towards the road) and is behind an established field hedgerow. To the north and west is the rest of the currently undeveloped land with an extant permission for a business park; to the east is the Oak Industrial estate, a modern commercial estate including a mix of B1 and B2 uses. To the south is Belle Trailers a lorry yard and further south is Hoblongs Industrial Estate.

DESCRIPTION OF PROPOSAL: The proposal is to erect a two-storey flat roofed building on a 0.6 hectare site to replace the existing Police Station in the centre of Dunmow (Stortford Road /Chequers Lane) and providing Specialist Officer accommodation, facilities for special operations, briefing, training and conferences, indoor dog handling facilities, garaging and workshop and storage for operational vehicles. The building has potential to be extended at the rear should it be required in the future.

APPLICANT'S CASE: See the letter dated 16 June 2004 attached at end of report.

RELEVANT HISTORY: Outline planning permission for the development of a Class B1 business park and creation of public open space with associated roads and landscaping and construction of new access granted in 1989 and renewed in 1993. Earthworks and planting to eastern boundary of amenity area was approved in 1990. Revised outline planning permission granted in 1998 for a business park (incorporating a mix of B1, B2, B8 uses) with associated roads, parking, planting, public open space and a new vehicular access. The permission was subject to a Section 106 Agreement requiring, inter alia, the provision and maintenance of the public open space and associated highways. In 2001, planning permission was granted to omit the 3-year time limit for the submission of reserved matters, allowing the reserved matters to be submitted up until 10/11/03. Planning permission resolved to be granted in 2001 for the construction of a roundabout to serve the business park, subject to an appropriate legal agreement. 2003 renewal of planning permission UTT/0056/96/OP - outline application for the development of business premises for use within class B1, B2 and B8, with associated roads, parking, planting and public open space. Construction of new access

CONSULTATIONS: Architect: The proposed new Police station is not a neutral building; it will stand out significantly both in relation to its location on the approach to Dunmow and in relation to the collection of undistinguished neighbouring buildings. Aside from some landscaping associated with the road frontage main entrance there is no other landscaping

shown, this may be an operational issue, even so some landscaping would be desirable to improve the setting of the building generally.

The external appearance of the building itself relies on a composition of various non structural claddings which together help to break down the scale of the building and provide a vocabulary related to the spaces enclosed, its durability will rely heavily on the design and details of fixings and trims.

The experience of the designers in detailing of this kind should be demonstrated with reference to previous examples if possible. Notwithstanding this, the building will add a sense of modernity appropriate to its function in delivering C21st policing to this sector of Essex.

ON SUPPLEMENTARY LIST OF REPRESENTATIONS (28 June 2004): Highways Agency: As this application will not adversely affect the Trunk Road at this point, the Highways Agency would not wish to comment on the application.

Specialist Archaeological Advice: No development, until the applicant has secured the implementation of a programme of archaeological work.

Environment Agency: No objection.

TOWN COUNCIL COMMENTS: To be reported.

ON SUPPLEMENTARY LIST OF REPRESENTATIONS (28 June 2004): Support. Members are concerned at the number of small entrances and exits roads in the immediate vicinity of the proposed development and suggest a rationalisation of the road system with a dedicated entrance/exit to the new police station.

REPRESENTATIONS: To be reported.

ON SUPPLEMENTARY LIST OF REPRESENTATIONS (28 June 2004): 4 further letters have been received:

1. The only comment we have is regarding the access. The junction at the end of Hoblongs is at many times congested and blocked. Our business involve, movement of large car transporters. Consideration must be given to companies who may be directly affected by this development. This junction is already over congested and further development would make access onto the Hoblongs Estate for our company very difficult.
2. Object. I consider the style of architecture to be totally out of keeping, something more traditional would be more appropriate in a rural market town.
3. Would you consider letting this go up in Saffron Walden. If the police station is built could the outside lighting be minimal as I am already disturbed by the lighting of the industrial area.
4. Flat roofs and bright tiles are a little old fashioned in themselves. You can see similar disasters on the outskirts of Chelmsford.

PLANNING CONSIDERATIONS: A number of issues have been identified by Officers and Members and are detailed below together with comments:

- 1) **Whether the use is acceptable for this allocated employment site in the local plan (ERSP Policy BIW4, UDP policy GD7, DDP Policy GD6)**

ERSP Policy BIW4 relates to safeguarding identified employment land from development for other purposes. Given the scale of the activities proposed in this scheme it is considered that the Police station would make a significant contribution to employment on the site and therefore whilst not of the type envisaged in the policy it is considered that the development would be within the spirit of this policy. Policy GD7 (GD6 in emerging plan) identifies the whole Smiths Farm site as one that will primarily be developed for B1 use, in accordance with a Master Plan, which among other things will require substantial peripheral landscaping. A Police station incorporates a range of activities that taken together mean that it does not fall into any particular use class (i.e. it is *sui generis*). Notwithstanding that, it has elements including the administrative activities that could fall into class B1 and being located in the south east corner of the site it would not prejudice the development of the rest of the site for primarily B1 purposes.

Members are asked to bear in mind that it is material to the consideration of this case that a Police station has important public service aspects not taken into account by the policy that may be considered to weigh in favour of granting permission.

2) Whether the design of the building (which includes a combined heat and power system) is appropriate for this edge of town location (UDP policy DC1 DDP Policy GEN2); Quality of plans; appropriateness of building in its setting (linear form)

The design of the building is bold and contemporary. It does not draw on the styles of adjacent buildings although given the unremarkable nature of local buildings – especially the three local industrial estates, i.e. Chelmsford Road, Oak Industrial and Hoblongs - this is considered acceptable. One of the noticeable features of this building is its flat roofs. Local buildings are modern and tend to have shallow pitched roofs over wide span buildings. In themselves these are both untraditional and unremarkable. The application building would have to be fundamentally redesigned if this were to be required and may well result in a building that is both ungainly and shorn of character. It is welcomed that the building incorporates combined heat and power system – utilising heat created in power generation that would otherwise be wasted to warm the building.

One of the adjacent buildings at Hoblongs is a very long building and in comparison this rectangular footprint is not out of keeping. The building includes a number of curved forms which although shown are not obvious from the drawings. These features should be clearer from the PowerPoint presentation to be provided by the applicant.

3) Whether the proposal would have a detrimental impact on the surrounding road network (ERSP Policy T4 & T12, UDP Policy T1 DDP Policy GEN1) and whether a satisfactory highway access would be provided (ERSP Policy T4 UDP policy T1 DDP Policy GEN1)

Advice has been sought from the highways authority on these issues and will be reported at the meeting.

4) Whether the car parking provision is appropriate and suitable facilities would be provided to those traveling to the site on a range of modes of transport, including those with disabilities (ERSP Policy T3, UDP policy T2 DDP Policy GEN1)

The adopted or proposed car parking standards do not make specific reference to Police station and consequently an assessment has to be made as to whether appropriate parking provision is proposed. The application plans show five parking spaces outside the protected

compound and 123 within it. A Police station will attract both staff and operational vehicles and in the applicant's assessment are necessary for the activities proposed. Emerging car parking standards set a maximum ceiling of spaces wherever there are no local public car parks that could take account of a short fall if a lesser number of spaces were to be provided. On balance therefore there are no objections to this level of parking provision.

Public access is ramped and one disabled parking space is provided close to the building entrance. Cycle parking facilities can be required by condition.

5) The access inc. pedestrian and cycle & for exit of emergency vehicles

An access statement has been provided with the application in liaison with Building Control. The proposal provides for ramped access to visitors, the County Council (Highways) has no objection relating to the use of the access for emergency purposes and cycle facilities can be required by condition.

6) Speed limit on Chelmsford Road

This is currently unrestricted from the national speed limit. Officers have spoken to the highways authority to ascertain if there are any planned changes to the current limit.

7) Environmental friendliness

As stated above (in point 2) the building is to use combined heat and power.

8) Sustainable construction

Information on this has been sought from the applicant and will be reported at the meeting.

9) Durability of materials

This has been raised with the applicant and will be reported at the meeting.

10) Possibility of a model for consideration at committee

The applicant is considering this but it appears that the costs of an accurate model would be expensive. The applicant proposes to provide a software based 'fly round' presentation to show at the meeting.

11) Effect on listed building

The listed building in question is the former lodge to Dunmow part that now lies on a partial island created by the Chelmsford Road and the A130 to the south of the Oak Industrial Estate. This building is of very modest dimensions and already has its setting influenced by previous undistinguished development. The proposal would be over the road approximately 40 metres away. Consequently it is not considered that the historic qualities of that building would be materially harmed.

12) Whether there is still a need for a courthouse

Members will recall that it had been previously proposed to site a court adjacent to Woodlands Park but this also has been deemed not to be required. There is no identified need for a courthouse in this locality.

13) Landscaping

Little landscaping is proposed and in order to provide a visual presence for a landmark public building this is considered to be acceptable.

14) Presence of detention facilities

There are no proposals for detention facilities within the building.

15) Lighting

Intrinsic in the design is the use of glazed materials that will allow light to leave the building. For example the central section above the conference hall is clad with *Kalwall*, a translucent structural composite sandwich panel (formed by permanently bonding specially formulated fibreglass sheets to a grid core constructed of interlocked extruded aluminium I-beams) that lets light permeate through. There are comparatively few windows proposed on the building although the public front entrance and private south entrance have large areas of structural glazing. The adjacent car show rooms are not dissimilar in the latter respect.

Little other detail on lighting has been received, for example within the car park or other service lighting, and it is proposed to cover the matter by condition, i.e. one that requires submission of details before lighting is provided on site.

16) Maintenance of grass roof

The agent has confirmed that the grass will be maintained by Essex Police.

CONCLUSIONS: This building is of unusual and contemporary design. It has been designed as a landmark building that should aid its recognisability. There are no objections in principle.

Addendum:

At the last meeting a number of issues were raised which required further information:

- The main issue was whether highways would remove its objection to the proposal by agreeing that suitable conditions and/or a S106 Agreement could overcome their concerns. This has not been resolved at the time of drafting this report and further information will be provided at the meeting.
- Members asked for further information about Smiths Farm of which this site forms a part. This is allocated in the local plan (adopted and emerging) for the development of predominantly B1 units to be served off a single roundabout access near to its northeastern edge. Members will recall considering an application to renew the previous outline permission in December. This is awaiting completion of a S106 agreement to include implementation in accordance with the Master plan; restrictions on floorspace; highway works and contribution to highway infrastructure. At the time of that application it was envisaged that development might commence soon after the opening of the new A120 although it is known that this timescale has slipped.
- At the last committee Members asked for a list of buildings that incorporate similar materials to those proposed for the Police station so they could view them on their own if they were passing the identified sites. The list supplied by the applicant has been sent to all DC Members. Members will note that this is a list of buildings using

the materials not of buildings designed or built by the applicant incorporating the materials. The Council's architect has stated that the materials will weather satisfactorily if they are properly detailed and maintained. The Council's architect has spoken to the architect and is happy that he fully understands the point about detailing and maintenance and is confident that it will be done properly.

- The number of spaces to be provided for public visitors is proposed to be raised to 10 spaces and the precise number made available for disabled visitors by condition. Accessibility issues have been discussed with the Access Group including Building Control and are considered to be acceptable.
- With regard to the concern about potential future telecommunication equipment being placed outside the building, Members will recall that the applicant confirmed that there are no plans to place such equipment on the site. Members may wish to add a planning condition precluding such equipment without further permission. This would not preclude such equipment completely although it would allow some control over its siting.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Standard time limit.
2. C.3.1. In accordance with approved drawings.
3. C.4.1. Submission of landscaping scheme.
4. C.4.2. Implementation of landscaping scheme.
5. C.17.1. Submission of revised plan – increase in number of publicly available parking spaces to 10 spaces.
6. Submission of details of lighting prior to provision of lighting.
7. Submission of drawing showing provision of cycle parking.

Background papers: see application file.

UTT/0714/04/FUL - STANSTED
(Referred at Members request)

Erection of 9 floodlights around 2 tennis courts
Tennis Courts Cambridge Road. GR/TL 510-252. Stansted Tennis Club.
Case Officer: Consultant North 2 telephone 01799 510469/510478
Expiry Date: 22/06/2004

DESCRIPTION OF SITE: Application site comprises two tennis courts located on the northwest side of Cambridge Road. The site is located just to the south of the sports ground, with associated cricket pitch and floodlit football ground. The site also adjoins residential dwellings, including a listed dwelling fronting Cambridge Road and other more modern dwellings in Cawkwell Close.

DESCRIPTION OF PROPOSAL: Application proposes the erection of 9 floodlighting columns around these two tennis courts. Each column would be 6m high with an overall height of 6.7m including the lights mounted on these columns.

APPLICANT'S CASE: The applicant has indicated that the lighting is required to facilitate evening use of the courts. They indicate that they would accept a planning condition limiting their use to 21:00 hours each day, except for up to five days a month when they would like the hours of use extended to 22:00 hours (10 pm) on five occasions each month. This, they indicate, is to facilitate league matches at the club.

CONSULTATIONS: Design: No objections.

REPRESENTATIONS: This application was advertised and seven letters of representation were received:

5 letters of support. 1 letter no objection if there are conditions.

3 objections (2 from the same address – nuisance, unsightly, effect on listed building, loss of value, noise and disturbance, loss of amenity, would like a site visit.

ON SUPPLEMENTARY LIST OF REPRESENTATIONS (28 June 2004): 1 further letter has been received:

I would like to add one further comment to my list of objections. If consent is granted, the Tennis Club intends to excavate immediately adjacent to our boundary, cutting some roots of our trees. They are perfectly entitled so to do, but would obviously be totally responsible, in law, for any damage done to the trees and to the wildlife that live in them.

PARISH COUNCIL COMMENTS: as landowners do not object in principle but wish to see a condition on hours of use. Concern about effect on Potts Cottage.

PLANNING CONSIDERATIONS: **The main issues are the impact on residential amenity and the setting of the adjoining listed building.**

If permitted, the impact on neighbouring occupiers would arise through both the potential intrusion of additional lighting over that which presently exists, and the noise and general disturbance arising from the activity taking place at these tennis courts.

In assessing the impact in both of these regards, it is important to consider the present environment. This site is within a densely built up part of the village. It adjoins a busy road and also adjoins a well used sports ground that also has its own substantial floodlighting to the football pitch. Also, there is an ambient level of illumination arising from the street lighting on Cambridge Road.

Detailed information has been submitted by the applicants about the strength of illumination and, in particular, likely spread to adjoining dwellings. Whilst it is evident that there will be some spilling out of light onto those properties that adjoin, this has to be compared against the present levels of lighting in these areas and the added factor that there are broader health and fitness benefits to the community of encouraging sporting facilities to develop. In this respect, the proposal accords with Government policy within PPG17, Sport and Recreation. Also, activity at the club can, during the summer months, presently extend up to and, on more limited occasions, beyond 9 pm.

For similar reasons, namely the prevailing light environment, the impact on the adjoining listed building is considered not to harm its character or setting.

On balance, therefore, it is recommended that this application be permitted subject to controls over the hours of use of the lights to ensure that activity and lighting does not extend until an unacceptable hour, when it might be more reasonable to expect quiet and less light to prevail. It is proposed to restrict the hours to those indicated in the applicant's letter dated 25 May 2004.

CONCLUSIONS: In conclusion, the proposals would not seriously impact on the amenity of adjoining occupiers or the setting of the listed building that this site adjoins. There are no other issues affecting this conclusion.

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. The floodlighting hereby approved shall be turned off at no later than 21:00 hours each day, with the exception of five days per month when the lights shall be turned off no later than 22:00 hours. Such days are to be notified in advance to the local planning authority and a restricted hours time clock shall be installed and permanently retained and maintained in accordance with the manufacturer's instructions.

REASON: In the interests of residential amenity.

Background papers: see application file.

UTT/0822/04/FUL - GREAT DUNMOW

Proposed excavation to form surface water balancing pond, regrading existing levels together with associated foul and surface water drainage. Ancillary works
Land adj. Sectors 1 & 3 Woodlands Park. GR/TL 622-228. Wickford Development Co. Ltd.
Case Officer: Mr N Ford 01799 510468
Expiry Date: 14/07/2004

NOTATION: Outside Development Limits ADP Policy S2/DLP S7. Landscaping/Informal Recreation DLP Policy GD5.

DESCRIPTION OF SITE: The site subject of this application consists of a parcel of land with an area of approximately 7669 sqm (approximately 0.8ha). To the north toward Helena Romanes School lie three detached dwellings, to the south lies open space leading to Woodlands Park housing estate and to the west and east lies open space. The site itself is laid to grass with a steeper gradient where the balancing pond is proposed. The site is bounded by a loose screen of mature trees to the south, west and east.

DESCRIPTION OF PROPOSAL: It is proposed to excavate the land to form a balancing pond to secure appropriate drainage for the new phase of housing development granted planning permission west of the site (Sector 3). The applicant states that the pond has been sited in order to minimise impact upon existing trees and with reference to sewers located further south.

The pond itself would fill an area of approximately 3100 sqm (approximately 0.31ha) and its gradient would begin approximately 5m south of the rear boundaries of the three dwellings to the north, namely Woodmancote, Chestnuts and Field House. The gradient would slope from ground level at approximately 82m (above sea level) to approximately 77m at its deepest point. The information supplied shows that the latent water level would lie at approximately 78.2m and in a 1 in 30 year storm level at approximately 79m.

APPLICANT'S CASE: This application is necessary because of the increased density on this site following the grant of planning permission for 400 units on Sector 3. This has necessitated a re-appraisal of the drainage for Sectors 2 and 3, which gives rise to the requirement for a further balancing pond.

It is proposed that the new pond will be a wet pond and of more formal shape than the previous pond as it has to complement the formal housing layout to the west and also fit the site constraints of the existing trees and public sewers to the south. We feel that it will complement and enhance the area of public open space within which it will be situated.

CONSULTATIONS: Water Authority: To be reported (due 4 June 2004).

Environment Agency: To be reported (due 4 June 2004).

BAA Safeguarding: To be reported (due 11 June 2004).

UDC Environmental Services: To be reported,

UDC Landscaping: To be reported.

English Nature: The proposed development land could include suitable habitat for protected species. Of particular concern are Great Crested Newts which are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats etc) Regulations 1994. The possible presence of other protected species such as reptiles and nesting birds should also not be overlooked. Common lizards, slow worms and grass snakes are protected from killing and injuring under the Wildlife and Countryside Act 1981 (as amended). Wild birds are protected under the Wildlife and Countryside Act 1981 (as

amended) against intentional killing and injuring. This includes damage; destruction or taking of a nest, eggs or young while it is in use or being built during the breeding season. Suggests the submission of an ecological survey in order to determine if protected species are present at the site.

Essex Wildlife Trust: To be reported (due 4 June 2004).

Ramblers Association: To be reported (due 19 May 2004).

Public Rights of Way: To be reported (due 19 May 2004).

ON SUPPLEMENTARY LIST OF REPRESENTATIONS (28 June 2004): Environment Agency: No comment.

TOWN COUNCIL COMMENTS: Questions why this balancing pond is necessary and the effect of the proposal on open space and the existing balancing pond and outlet (see applicant's case).

REPRESENTATIONS: This application has been advertised and two representations have been received. Advertisement expired 17 June 2004.

Object to use of open space land for such a facility, questions affect on surrounding trees, concern relating to ground structure and subsidence, foul water and re-routing of a public footpath.

ON SUPPLEMENTARY LIST OF REPRESENTATIONS (28 June 2004): 3 further letters have been received:

1. Object. The plans available to view do not show any details of the landscaping or likely appearance of the pond. There is an existing pond in this field which is generally as ill though out and poorly maintained. It would be tragedy for the area to suffer another such barbed wire surrounded eyesore. There is a delicate water ecosystem and several ancient trees in the area which would doubtless suffer if the project were undertaken with the same lack of care as the existing pond.

2. BAA (safeguarding team): The proposed development has been examined from an aerodrome safeguarding granted is subject to the condition detailed below. This is designed to limit the attractiveness of the habitat to large waterfowl, particularly feral geese, which should also be discouraged from breeding on the site:

Marginal reeds (*Phragmites australis*) shall be established and maintained around the perimeter of the latent water level of 78.2metre AOD in a 2.0metre deep continuous fringe. A continuous medium grade 6" stock fence, (32" high, 8 line wires, 6" vertical spacing), shall be installed and maintained, to surround the reed fringe, until the continuous reed fringe has been fully established.

Reason: To avoid endangering the safe operation of aircraft through the attraction of birds.

We, therefore, have no aerodrome safeguarding objection to this proposal provided that the above condition is applied to any planning permission.

3. The Dunmow Society support this application but would like to see conditions imposed on the applicant to ensure the area is given a high level of safety and maintenance and to clear any dumping that may occur.

PLANNING CONSIDERATIONS: The main issue to consider is whether this balancing pond is an appropriate feature in the countryside beyond development limits and

whether it accords with the designation of this land as landscaping/informal recreation (ADP Policy S2 and DLP Policy S7 and GD5.

1) This application relates to an area of open space associated with the Woodlands Park housing development north west of Great Dunmow. This is a linear parcel of land south of Helena Romanes School beyond dwellings named Woodmancote, Chestnuts and Field House. The site is well screened by high hedging and trees to these rear (southern) boundaries of these dwellings. Further west and south lies land allocated for housing and to the east lies recreation/open space.

This site is informal open space but is not protected open space of particular environmental value. The bank of trees bordering the eastern boundary (TPO trees) of the site, is an attractive amenity feature and this proposal does not affect these trees or require the removal of any trees or shrubs. It relates only to a grassed area of land that slopes gently west to east screened by a loose collection of trees to the south boundary as well.

In such circumstances, it is not considered that a small portion of this land for a balancing pond would be in any way detrimental to any existing environmental feature of visual amenity. Additionally, following periods of high water level the pond would reduce gradually to an average latent water level, which would be fairly shallow. Guard rails 1.3m in height would be provided to both inlet and outlet structures to the western and eastern banks of the proposed balancing pond. It is considered that the pond would have the potential to be a feature of environmental benefit to the locality that could also provide an ecological habitat. It is therefore considered that this balancing pond would be compatible with this rural area.

English Nature have requested the submission of an ecological survey in order that it may be determined if any protected species are present on site or are likely to be affected by the scheme. The applicant has been notified of this request and progress on this survey will be reported to Members.

COMMENTS ON REPRESENTATIONS: In relation to structural comments, the grant of planning permission does not confirm the feasibility of carrying out a development or implementing it under any other necessary legislation. In relation to the public right of way, the applicant has been reminded that planning permission does not entitle development until an order has been made to divert or extinguish it should this be necessary.

CONCLUSIONS: It is considered that this balancing pond would be a feature consistent with the open nature of this recreation space and has the potential to become an attractive feature of environmental value. Conditions can be attached in order to protect existing trees within the vicinity during the course of development and to enhance the setting of the pond and its locality by securing additional planting. This application is therefore recommended for approval subject to conditions.

Addendum:

Members deferred the application to consider the following:

- **The reason for the additional pond, its chosen location and whether the existing pond could be made larger.** The applicant has told officers that the extra capacity is required due to future greater water runoff resulting from greater housing numbers. The site was chosen because it needs to be close to spine sewers and it has investigated the possibility of enlarging the existing pond but Anglian Water has agreed that there is a need to provide additional storage before water reaches the existing pond, thereby retaining its ability to function as originally designed. The

existing pond is also close to spine sewers and therefore enlargement is not possible.

- **Ecological matters.** A qualified inspector will inspect the site and any findings can be reported. The applicant considers that the pond will provide various wildlife benefits when built.
- **Consider proposal and its effect on existing dampness to east.** Apparently the water logging of the land to the east is due to natural springs. A lined pond should not affect that area.
- **Contact BAA to discuss their safeguarding comments.** Circular 1/2003 addresses the Birdstrike Hazard, which should be considered out to at least 13km from the aerodrome. The proposed balancing pond falls well within this area and the BAA specialist birdstrike consultant has advised on this proposal.

The reeds that have been requested and the stock fence are not intended to exclude small waterfowl such as Coots or Moorhens, nor birds flying into the pond, but rather to deter feral geese, which will graze on the grass banks of such water bodies and prefer environments where they can walk in and out of the water. In this context it is recommended that the required fencing and reed planting is covered by condition.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time Limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.4.6. Retention and protection of trees and shrubs for the duration of development.
6. Prior to work commencing on site, details of the size and location of any contractors compounds shall be agreed in writing with the local planning authority.
REASON: In the interests of the amenity of adjacent residents.
7. C.20.2. Protection of species.
8. Marginal reeds (*Phragmites australis*) shall be established and maintained around the perimeter of the latent water level of 78.2metre AOD in a 2.0metre deep continuous fringe. A continuous medium grade 6" stock fence, (32" high, 8 line wires, 6" vertical spacing), shall be installed and maintained, to surround the reed fringe, until the continuous reed fringe has been fully established.
REASON: To avoid endangering the safe operation of aircraft through the attraction of birds.

Background papers: see application file.

1) UTT/0846/04/FUL & 2) UTT/0847/04/LB – STANSTED

Change of use from residential to health centre. Erection of two storey side extension with alterations. Installation of pitched roof and basement car park
Spencer House 5 Silver Street. GR/TL 509-249. M Vincent.

Case Officer: Mr T Morton 01799 510654

Expiry Date: 13/07/2004

NOTATION: Within Development Limits/Settlement Boundary; Conservation Area.

DESCRIPTION OF SITE: The application site is a 2 storey detached house, a Grade II Listed Building set on the eastside of the road in an elevated position above road level. The house has an open garden area on the south side that forms a visual break in the frontage of buildings along the road. The site is close to the complicated triangular junction between Silver Street and Chapel Hill, Bentfield Road and Cambridge Road, and Silver Street carries a great deal of traffic.

DESCRIPTION OF PROPOSAL: The proposal is to change the use of the existing building into a health centre, with the construction of a large two storey extension on the garden area, and with an underground car parking area providing 20 car parking spaces, with a new vehicle entrance towards the centre of the frontage onto Silver Street.

APPLICANT'S CASE: The property was included as part of a review of potential sites for a new Health Centre for Stansted carried out by the local NHS Trust. As part of the process a brief was provided and a scheme prepared to demonstrate that the necessary accommodation could be provided on the site. Spencer House was included because of its excellent central location to the village, the equally good public transport and footpath routes and proximity to public parking. It was also included because of Listed Building and Planning consents for comprehensive alterations and extensions to offices have been obtained, renewed and partially implemented. There will be 20 underground car parking places and 6 at ground level. Lift access to all floors is provided, and level access would be provided at the existing street entrance. Spencer House is Listed, but the proposed scheme is not markedly different from that consent for Office use. The development would be to the advantage of the whole community.

RELEVANT HISTORY: There have been numerous applications on the premises, and consents to convert into 2 houses, and to extend and convert into offices. This latter proposal was first approved in 1989, and the consent renewed in 1995 and 2000. The approved extension has not been constructed.

CONSULTATIONS: Environment Agency: have no comment to make.

Thames Water: have raised a question about the capacity of existing local sewers, and have suggested that a section 106 Agreement should be required to secure a contribution to pay for infrastructure improvements. The basement level would need to be protected from possible storm surge backflow.

Uttlesford Primary Care Trust: have objected to the application. The site formed part of a feasibility exercise that the PCT and the Dr. Jones & Partners General Practice Partnership undertook last year to assess the suitability of a number of sites. This site was discounted because;

1. Dedicated parking could only be provided for staff, and all patients and visitors would have to park at Crafton Green. This would raise significant safety issues due to the lack of a pedestrian crossing of Chapel Hill.

2. The pedestrian route from Crafton Green to the site is unsafe for the anticipated volume of pedestrian traffic.
3. Staff at the health centre would have to enter and leave frequently, and often in an emergency. The volume of traffic in Silver Street would hinder this.

For the above reasons we have no justification in investing in new facilities at this site, and as such are opposed to the planning application.

PARISH COUNCIL COMMENTS: Object on grounds of over-development. We would raise serious concerns about the access onto a road which we consider is already over capacity. The proposed use would result in frequent traffic movements and we believe the site to be unsuitable.

REPRESENTATIONS: Notification period expired 9 June 2004.

Objections have been made by two local residents, who raise the following issues; The location is close to a busy junction and will generate a large volume of traffic; Insufficient car parking is provided; the access will be hazardous due to restricted sightlines; pavements are narrow and pedestrian crossing points are not safe; The development will be visually dense and will occupy the whole site so that the identity of Spencer House will be lost; Visitors will be tempted to park in the private car park of adjoining premises; A modern extension to this old house would be a crime.

PLANNING CONSIDERATIONS: The main issues are:

- 1) **Whether the proposal would be acceptable in design terms and in terms of the effect upon the character and historic interest of the Listed Building, and the effect upon the Conservation Area,**
- 2) **Impact on adjacent residents,**
- 3) **Traffic and pedestrian implications and**
- 4) **The provision of a health centre for Stansted (ADP Policies DC1, DC2, DC5, DC14, T1 & T2, and DLP Policies GEN2, GEN4, GEN9, ENV1 & ENV2).**

1) This proposal is for a substantial extension of the existing building, the extension being larger than the current Listed Building. The extension which has already received approval at this property was for a two storey extension on the south end of the building, which would infill about one-third of the width of the garden frontage to Silver Street, and would leave the majority of the garden area undeveloped, but used as a car park with access from Chapel Hill. This would have left the Silver Street frontage at the existing high level.

The current proposal is a good deal more massive, infilling most of the garden area, and virtually the entire frontage to Silver Street. This would be equal in massing, or slightly greater than the existing Listed Building, and would totally alter the character and setting of the Listed Building and have a negative effect upon the appearance of the Conservation Area. The central vehicle entrance point would become the most visually prominent feature at street level detracting from the appearance and character of the Listed Building. The site is located in a prominent position in the street scene and Conservation Area and the gap in the built frontage provided by the garden makes a contribution to the character of the area, which would be lost if completely infilled in the manner proposed.

2) The property to the south is set a slightly lower level to the application site, and the proposed building would overlook it, with windows on both ground and first floors. This would reduce daylighting to the property and have an adverse effect upon privacy.

3) The site is close to the very busy triangular road junction with Chapel Hill, and pedestrians would face a difficult and dangerous crossing of Chapel Hill, where there is no pedestrian crossing. The vehicle access onto Silver Street is close to this junction, and it is not considered a safe location for a new access. The proposal contains 26 car parking spaces, but adopted parking standards suggest that 51 are required.

4) The proposal has been submitted by the site owner, rather than the Primary Care Trust who have stated their opposition to the application, and pointed out the shortcomings that they feel the site would have as a health centre. It seems clear that they would not want to occupy it.

The Council recognises the need for an improved health centre for Stansted, and has been involved in the search for a suitable site, which has looked at several sites. The development of the Rochford Nurseries site includes a section 106 Agreement that provides land for a health centre, but the PCT is not convinced that this site is close enough to the village centre. There is no current solution to this issue, but the current application does not provide a satisfactory solution.

CONCLUSIONS: The proposal would be detrimental to the character of the Listed Building and have a detrimental effect upon the appearance of the Conservation Area. There are concerns about traffic and pedestrian safety. Refusal is recommended.

RECOMMENDATIONS:

1) UTT/0846/04/FUL - REFUSAL REASONS

1. R.21.A. Part (A) of adopted District Plan Policy DC5 states that: "Development affecting Listed Buildings should be to a good standard of design and materials in keeping with their scale, character and surroundings. Development proposals which adversely affect the setting, and alterations which impair the special characteristics, of a Listed Building will not be permitted." The proposal would be unacceptable because the scale and design of the proposal would be detrimental to the maintenance of the character and historic interest of the building.
2. R.21.C. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 states that a planning authority shall have special regard to the desirability of preserving a listed building or its setting. The proposal would be unacceptable because the scale and design of the proposal would be detrimental to the maintenance of the character and historic interest of the building.
3. R.20. Adopted District Plan Policy DC2 states that: "In Conservation Areas development will be required to be of a good standard of design and materials so as to preserve or enhance the character or appearance of the area. Outline applications will not be considered. Proposals should have regard, inter alia, to the following criteria which will be taken into account by the Council:(a) pitched roofs covered in clay tiles or slates (b) walls of suitable facing brickwork, render or weatherboarding, incorporating appropriate external decoration or embellishment adding to the visual interest of the building in its setting(c) an harmonious fenestration, in keeping with nearby buildings (d) the scale and characteristics of existing buildings and spaces between buildings in the vicinity." The policy includes detailed criteria and the proposed development would be unacceptable because the scale of the building closes existing gaps between creates a continuous frontage to Silver Street that is out of character with the generally smaller scale of buildings along this road, and its overbearing and visually dominant character would have a negative impact upon the character of the Conservation Area.
4. R.18. Part (A) of adopted District Plan Policy T2 states that:(A) "Development proposals should make appropriate provision for on-site car parking in accordance with operative parking criteria." The proposed development would be unacceptable because

it fails to make appropriate provision in that 51 spaces are needed to meet adopted parking standards and only 26 are shown to be provided, the shortfall of 25 spaces is likely to result in obstruction and congestion of the adjoining highway from setting down and picking up, and to a pressure upon the very limited provision of public car parking in the vicinity with possible illegal parking.

2) UTT/0847/04/LB – REFUSAL REASONS

1. R.21.A. Part (A) of adopted District Plan Policy DC5 states that:” Development affecting Listed Buildings should be to a good standard of design and materials in keeping with their scale, character and surroundings. Development proposals which adversely affect the setting, and alterations which impair the special characteristics, of a Listed Building will not be permitted.” The proposal would be unacceptable because the scale and design of the proposal would be detrimental to the maintenance of the character and historic interest of the building.
2. R.21.C. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 states that a planning authority shall have special regard to the desirability of preserving a listed building or its setting. The proposal would be unacceptable because the scale and design of the proposal would be detrimental to the maintenance of the character and historic interest of the building.

Background papers: see application file.

UTT/1952/03/OP - GREAT DUNMOW

Outline application for hotel with parking for 120 cars and 260m² fast food drive thru' outlet with parking for 13 cars. Construction of new access.

Hoblongs Industrial Estate Chelmsford Road. GR/TL 635-206. Aldis of Barking Ltd.

Case Officer: Mr M Ovenden 01799 510476

Expiry Date: 08/01/2004

NOTATION: ADP: Within Development Limits. DLP: Within Settlement Boundaries/Part of Industrial Estate covered by Policies E2 & GD7 – Safeguarding of Existing Employment Areas.

DESCRIPTION OF SITE: The site is located on the southeastern edge of the town, to the west of the old Chelmsford Road, now a cul-de-sac. Until recently it was a vacant plot on the frontage to the Hoblongs Industrial Estate and was formerly used as a distribution depot until 1999. Currently the site is being used as a civic amenity site with a number of large skips kept on the site for the public to visit and deposit waste materials. To the northwest is a garage/car showroom and former filling station, to the west (rear) other general industrial units, to the south the proposed Civic Amenity and Depot site, and to the southeast the Ambulance Station and 3 dwellings. The site extends to about 0.6 ha (1.5 acres).

DESCRIPTION OF PROPOSAL: This is an outline application with all matters reserved except means of access for the erection of a hotel building with a detached restaurant with drive through takeaway collection point, with access off the old Chelmsford Road to the front. Originally the application specified that the hotel would provide 120 bedrooms on 5 floors. Reference to the specific number of rooms and floors has been omitted and will be addressed at the reserved matters stage. The indicative layout shows that the building would be located towards the front of the site with a total of 129 car parking spaces could be provided. The indicative site plan show the hotel to have a rectangular footprint about 41 x 12.5 metres sited in the rear half of the site with a 21 x 12.5 metre footprint for the restaurant/drive through. The site plan shows a single access and entrance into the site with the entrance to the drive through counter being well into the site with customers able to emerge from the site through the single exit point.

RELEVANT HISTORY: Several industrial permissions over a long period and outline permission for 90-bed hotel approved subject to a Section 106 agreement (concerning contribution to highways infrastructure) 2002.

CONSULTATIONS: County Highways: To be reported.

Environment Agency: Advisory comments provided.

Environmental Services: Conditions should mitigate nuisance from vehicle noise and light using landscaping etc, access should be screened by bunding.

English Nature: Unlikely to affect an SSSI.

ECC Archaeology: Request scheme detailed scheme of archaeological works prior to ground works.

TOWN COUNCIL COMMENTS: Support the concept but object to the proposed 5-storey hotel; request a less obtrusive development; concerned about the impact on the development of the civic amenity site which must take precedence; object to the fast food drive through on litter and environmental grounds; would support integrated hotel restaurant; concerned about vehicular access onto A130.

REPRESENTATIONS: The application has been advertised as a major development and four letters have been received. Period expired 5 December 2003.

1. CPREssex: There is no need for the development. Visually harmful on the very edge of the settlement where a five-storey building, extensive car parking and the potential for litter from the fast food outlet would have a harmful effect on the immediately adjacent open countryside. Generate excessive traffic. Conflict with other users at this and neighbouring sites. The surrounding commercial environment especially the proposed civic amenity site is an unpleasant setting for a hotel and food outlet. The proposal would undermine the employment base of Great Dunmow by reducing the land available for industrial use.
2. I would not wish to see any development which might entail an attempt to impose restrictions of any kind on the manner in which my business is carried out, i.e. in relation to access, noise and working hours. Concerned that the fast food outlet as proposed would channel considerable traffic through to an access road which is already congested and scarcely adequate.
3. A maximum height of two storeys would be appropriate.
4. Dunmow Society: Potential for severe traffic congestion. Traffic congestion is inevitable and accidents are highly likely.

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

- 1) **whether an appropriate form of development given the extant outline permission for a ninety bedroom hotel, and associated car parking, in development limits (ADP Policy S1), and the need to safeguard employment land (ERSP Policy BIW4 and DLP Policies E2 & GD7),**
- 2) **whether in accordance with the general presumption in favour of tourist facilities within settlements (ERSP Policy LR10, ADP Policy REC2 and DLP Policy LC6, and**
- 3) **whether likely to cause greater highway dangers (ERSP Policy T3, ADP Policy T1 and DLP Policy GEN1).**

1) In general, Development Plan policies encourage such a use within settlements, subject to other considerations. Therefore there is no objection in principle to this proposal. Policies BIW4, E2 and GD7 require that existing employment land be retained in order to maintain an adequate stock of jobs. In this case, the number of employees would be expected to be similar to the expected alternative proposals for commercial use and therefore the proposal would comply with the Policies. This was the view taken at the time of granting the extant permission for the hotel (only).

2) Policies LR10, REC2 and LC6 require tourist development to be well located in terms of access to transport routes and have little impact on residential amenity. PPG21 advises that if Development Plans do not identify specific locations for new hotels it will be necessary to adopt flexible approach to proposals. Hotels should fit well with their surroundings having regard to siting, scale, design, materials and landscaping.

This part of the town has long had a run-down appearance that detracts from the approach from the southeast. This approach to the town can be expected to be used more heavily being close to the main Dunmow junction of the new A120. The development of the approved Business Park at Smiths Farm to the north should enhance the appearance of this area and there is the current proposal for the landmark Police station. It is considered that the erection of a new hotel on this site could improve the visual character and commence the regeneration of this area. It could mark the entrance to the town in a positive manner, subject to detailed design, materials and landscaping. Landscaping would be most

important in this location close to the edge of the town and this could be covered by condition.

The provision of a takeaway with drive through facility is likely to be popular and is not uncommon on the edge of similar larger towns. There is not an obviously superior alternative site for the development.

3) The views of County Highways are key to the application and are awaited, but given the recent extant permission for a ninety bed hotel, it is assumed that they will have no fundamental objections subject to a financial contribution towards improvements to the junction of the Chelmsford Road with the A130 that would be covered by a Sec 106 Agreement. Further information will be provided at the meeting.

COMMENTS ON REPRESENTATIONS: With regard to the height and number of rooms, these issues no longer form part of the application and ECC highways are considering the highway implications.

CONCLUSIONS: Subject to no objections being raised by ECC highways this outline proposal would be in accord with Development Plan policies. Furthermore the extant permission for the hotel is a significant material consideration. Taken together these matters indicate that the proposal is acceptable.

RECOMMENDATION: APPROVAL WITH CONDITIONS and SECTION 106 AGREEMENT

- 1&2. C.1.1 &2. Submission of reserved matters.
- 3&4. C.1.3&4. Time limit for submission of reserved matters.
5. Means of access to be carried out in accordance with revised drawings
6. C.4.1. Scheme of landscaping to be submitted and agreed.
7. C.4.2. Implementation of landscaping.
8. C.5.2. Details of materials to be submitted and agreed.
9. The building hereby permitted shall not be occupied until access from the site to the adopted highway and the car parking spaces shown on the approved plans attached have been hard surfaced and laid out. Such spaces shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: To ensure safe and convenient access and off-road parking facilities in the interests of highway safety.
10. C.25.1. No airport-related parking.
11. Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted and agreed in writing with the local planning authority. The works/scheme shall be constructed and completed in accordance with the approved plans.
REASON: To ensure a satisfactory method of foul water drainage.
12. Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted and agreed in writing with the local planning authority. The works/scheme shall be constructed and completed in accordance with the approved plans.
REASON: To ensure a satisfactory method of surface water drainage.
13. Details of foul and surface water drainage for the site must be submitted to, and approved by, the local planning authority before any work commences on site. The drainage works shall be constructed in accordance with the approved plans.
REASON: To ensure satisfactory drainage of the site.
14. Before any development commences details of the off-site drainage works shall be submitted to and approved by the local planning authority.
REASON: To ensure satisfactory drainage of the site.

15. No works which will result in the discharge of surface/foul water from the site shall be commenced until the off-site drainage works referred to above have been completed.
REASON: To ensure satisfactory drainage of the site.
16. Surface water from impermeable vehicle parking areas shall be passed through a petrol/oil interception facility designed and constructed to the satisfaction of the local planning authority before being discharged to any surface water sewer.
REASON: To prevent water pollution.
17. The development hereby permitted shall not commence until the access has been constructed in accordance with drawing ABT/J379/1.
REASON: In the interests of highway safety.
18. The hotel or restaurant/drive through hereby permitted shall not be occupied until details of cycle parking facilities have been submitted to, approved in writing by the local planning authority and made available for use.
REASON: To ensure satisfactory facilities are available in accordance with the Council's standards.
19. The hotel or restaurant/drive through hereby permitted shall not be occupied until details of pedestrian and cycle access points and routes within the site have been submitted to, approved in writing by the local planning authority and made available for use.
REASON: To ensure satisfactory accessibility to all visitors.
20. The development hereby permitted shall not commence until full details of the proposed means of treating cooking fumes together with a maintenance plan. To be subsequently carried out in accordance with details and plan.
REASON: In the interests of residential amenity.
21. No development shall commence until details of the refuse / recycling stores have been submitted, approved and subsequently implemented.
REASON: In the interests of the satisfactory disposal of sewage and waste.
22. C.16.2. Archaeological works.

SECTION 106 AGREEMENT

- Contribution to highway infrastructure (improvements to junction of A130 and Chelmsford).

Background papers: see application file.

UTT/0714/04/FUL - WENDENS AMBO

Change of use of part of office building from B1 use to residential.
Courtlands. GR/TL 505-362. Mr K Willett.
Case Officer: Mr G Lyon 01799 510458
Expiry Date: 22/06/2004

NOTATION: ADP and DLP: Outside Development Limits, within fluvial flood plain, adjacent to Grade II listed building.

DESCRIPTION OF SITE: The site is located approximately 500 metres west of the settlement limits of Wendens Ambo on the B1039 and nearly 200 metres west of the M11 motorway. The site area measures 4600 square metres and contains development in a U-shaped arrangement, which is a result of development in association with its present B1 office use. The main building is situated to the western end of the site and is adjacent to Oak Cottage, which is a Grade II Listed building. The central section of Courtlands is the oldest remaining element and was previously the original residential dwelling with western and eastern sections approved in 1987 and 1990, respectively following change of use to commercial purposes. The two extensions to the building are of totally contrasting styles, the later extension being in the form of a "barn-like" structure. Access to the property is from the north west corner of the site and approximately 34 car parking spaces are already available for use. To the east of the property, the site is extensively landscaped with trees around the southern and eastern boundaries and a large grassed area. There is a stream/ditch running along the rear boundary and the property falls within the floodplain of this watercourse. The property currently lies vacant.

DESCRIPTION OF PROPOSAL: The applicant is seeking full approval to convert part of the existing building into one residential dwelling. The remainder of the existing building would be retained for B1 office use under the terms of the approval in 1987. The proposed dwelling would have a floor area of approximately 615 square metres with the B1 office area occupying the remaining 380 square metres. No details were provided with regard to external changes for the proposed dwelling nor the proposed users of the B1 office unit although the applicant has subsequently advised that both the residential and the B1 elements would be occupied by themselves. The application is therefore for the change of use of the building only.

APPLICANT'S CASE: The applicant has not provided a supporting statement with the application other than the submitted plans. The applicant has provided a Flood Risk Assessment following advice from the Environment Agency.

RELEVANT HISTORY: The original residential property was changed to a design studio in 1987 with subsequent approvals for the western extension approved in 1987 and the eastern extension approved in 1990 following an appeal. The property has remained in this same use since 1987 and B1 use is personal to the then applicant. Consent was refused and dismissed at appeal for one bungalow and construction of new access in 1989. Consent was also refused for erection of two-storey linked extension and construction of a new access.

An application to convert the building into 13 residential dwellings was refused on 16 December 2003 for reasons of intensification of activity on an isolated site well away from existing settlement limits having poor means of access by modes other than the private motor vehicle, lack of demonstration how the site could be used for other purposes than residential and failure to demonstrate active marketing for its current B1 usage.

CONSULTATIONS: Environment Agency: No objection.

PARISH COUNCIL COMMENTS: Objection. Details are very unclear regarding numbers. Access is poor to Wendens Ambo by foot or cycle and would request that if the application is approved then a Section 106 agreement is signed providing a footpath from the site to the village centre.

No use of the gate near the motorway for access. Request Affordable Housing on the site.

REPRESENTATIONS: This application has been advertised with 1 neighbour consultation. Advertisement expired 20 May 2004. No comments have been received.

PLANNING CONSIDERATIONS: The main issues are whether:

- 1) **the proposal meets with the criteria relating to the residential conversion of rural buildings outside development limits (PPG3, PPG7, ERSP POLICY RE2, ADP Policy C6, S2 and DLP Policy H5),**
- 2) **the impact of the development on the countryside would be acceptable (ERSP Policies CS2 & C5, ADP Policy C2 and DLP Policy S7),**
- 3) **the proposed conversion would affect the setting of Oak Cottage, which is a listed building (PPG15, ERSP POLICY HC3, ADP Policy DC5 and DLP Policy ENV2.**

1) The dwelling is situated well outside the defined settlement limits of Wendens Ambo and is in the countryside. The site is previously developed land but any proposals to develop previously developed land should be considered in conjunction with other policies, particular when situated in a rural location.

The mere fact that the property was once a dwelling does not mean that it could be re-converted back to a dwelling without a clear planning justification. The original property has been significantly altered and extended to more than twice its original size. These extensions were only allowed in view of the exceptional circumstances of the B1 office use classification and following an appeal. Extensions of similar proportion would never have been granted as residential extensions to this property.

DLP Policy H5 refers to the conversion of rural buildings to residential use. It states that "The conversion of rural buildings to dwellings will be permitted if **ALL** the following criteria apply.

- a) It can be demonstrated that there is no significant demand for business uses, small scale retail outlets, tourist accommodation or community uses;
- b) They are in sound structural condition;
- c) Their historic, traditional or vernacular form enhances the character and appearance of the rural area;
- d) The conversion works respect and conserve the characteristics of the building; and
- e) Private garden areas can be provided unobtrusively.

Although the proposal meets the criteria of B, D and E, it fails to meet parts A and C. The applicant has not provided any detail of proposed marketing of the property for full commercial purposes and it is the view of the Council that the applicant has not gone far enough to show a lack of demand for the current B1 use of the whole of the site. The applicant has also ruled out any other form of development without showing adequate evidence of marketing for other uses. The property could be divided up into small units to suit small businesses, and other solutions such as a hotel, nursing home or tourist

accommodation should be considered before residential development. This is supported by ADP Policy C6.

Officers are therefore of the opinion that the proposal does not accord with DLP Policy H5.

2) The character of the surrounding countryside is wooded in appearance with little or no long-distant views. In summer the area is surrounded by substantial and mature deciduous and coniferous trees as well as native and non-native hedging, which creates a sense of enclosure from the countryside beyond. The high embankment of the M11 Motorway, 150 metres to the east further enhances this sense of enclosure. Proposals have been put forward to widen the M11 this side of the motorway and this will bring with it additional noise and pollution over and above the existing levels as landscaping for such a scheme would take time to mature. The property is, however, outside of the 67-metre protection zone from the central reservation of the M11 (DLP Policy ENV12).

In winter when leaf cover has fallen existing brick and flint walling would provide screening. Officer's are therefore of the opinion that the proposed development will not detrimentally affect the character and appearance of the countryside.

3) The site is adjacent to Oak Cottage, formerly known as Hawley Bishops, which is a grade II listed property. The property fronts onto the B1039 but is separated from Courtlands by an existing garage and wall and substantial mature trees and hedges. Although the two properties form a distinct grouping, because of the proposed minimal alteration to the external appearance of Courtlands it would be difficult to argue that the proposal would affect the setting of the listed building.

CONCLUSIONS: The site is located on an isolated site well away from the existing settlement limits of Wendens Ambo. The proposal does not accord with policy requirements and the applicant has not provided any suitable material circumstances to justify a departure from policy. Refusal is recommended.

RECOMMENDATION: REFUSAL REASON

It is the policy of Central Government Guidance (Policies PPG3 and PPG7), the Essex Replacement Structure Plan (Policies CS2, C5, RE2, HC3) the Adopted Local Plan (Policies S2, C6, C2 and DC5) and the Deposit Local Plan (Policies S7, H5 and ENV2) to ensure that applications for re-use of rural buildings for residential purposes are located in appropriate locations and will not result in inappropriate development in the countryside.

It has not been adequately demonstrated that the site could be used for purposes other than residential development and nor has active marketing of the property for its current intended B1 office use been shown. The development is not therefore acceptable in terms of the above policies, in particular Policy H5 of the DLP and C6 of the ADP.

Background papers: see application file.

1) UTT/0680/04/FUL & 2) UTT/0865/04/LB - GREAT SAMPFORD

- 1) Change of use of barn to dwelling.
 - 2) Change of use and restoration of barn to form dwelling.
- Dove House Farm Tindon End. GR/TL 622-347. Mrs I Bush.
Case Officer: Mrs K Hollitt 01799 510495
Expiry Date: 14/06/2004

NOTATION: ADP: Outside Development Limits/Area of Special Landscape Value/Curtilage Listed Building/Tree Preservation Order.
DLP: Outside Settlement Boundary.

DESCRIPTION OF SITE: The application site is located approximately 2km to the west of Great Sampford and is accessed via a single track lane. The barn the subject of this application is set within extensive gardens within the curtilage of a Grade II listed building. The site is well screened by mature vegetation. To the east of the main dwelling (listed building) is a large area which has been landscaped with a large number of trees, some of which are pleasing mature specimens. On the far northeastern boundary of this field is a gateway, which has become overgrown on the roadside frontage. This access formerly served as a farm access. The barn is located approximately 45m to the southeast of the dwelling house. It is a small barn which appears to be in a sound structural condition. The building has a width of 12.5m and a depth of 5m and a front gable.

DESCRIPTION OF PROPOSAL: The proposal relates to the conversion of the barn to provide a single residential unit, separate to the main dwelling house. Access to the barn would be via the landscaped area to the east of the main dwelling, served via the existing access which served the farm.

RELEVANT HISTORY: Planning permission and listed building consent previously granted for the conversion of the barn to an annex in 1980, 1989 and 1994. Planning permission for conversion of barn to separate dwelling granted in 1996. Listed Building consent was not granted at this time as it related to the same works previously approved and the 1994 consent was still valid at this time.

CONSULTATIONS: Design Advice: No objections subject to conditions.
Landscaping: No trees affected by proposed development. Recommend condition requiring submission for approval of any proposed hardstandings or other hard landscaping details.

PARISH COUNCIL COMMENTS: None received (due 24 May and 18 June 2004).

REPRESENTATIONS: These applications have been advertised and one representation has been received. Period expired 7 and 16 June 2004.

Object to proposed access onto Tindon End Lane. Is on a dangerous bend and should be resisted.

PLANNING CONSIDERATIONS: The main issues are

- 1) whether the building satisfies the criteria for conversion within the countryside (ERSP Policy C5, ADP Policies S2 and C6, DLP Policies S7 and H5) and
- 2) whether the design of the proposals are acceptable and whether any amenity issues would be raised (ADP Policy DC5, DC14, DLP Policy ENV2, GEN4).

1) The building to which this application relates appears to be structurally sound and its conversion would contribute to the stock of smaller dwelling units within the rural area, albeit with an extensive garden area. In the course of considering the 1996 application it was considered that the building was worthy of retention due to being of environmental merit and of historic construction and appearance. In addition, it was considered that the building contributed to the character and setting of the adjacent listed building. It is not considered that there has been a material change in circumstances since the 1996 application and it is considered that the building still meets the relevant policy criteria.

2) The design of the proposed conversion retains the basic features of the original barn. The majority of the glazing would be provided within the existing openings in the building. It is not proposed to extend the building in order to provide additional accommodation. The conversion would create a small three bedroom property in this rural location. No detrimental amenity issues are raised as the proposed lounge windows would be some 50m from the rear elevation of the main dwelling house. Protection of residential amenity to the occupiers of Dove House Farm could be provided by the planting of a suitable hedge along the boundary.

The neighbour's comments in relation to the access are noted. This access point is an existing vehicular access, albeit not used at the present time. However, there would be no action the local authority could take should the land owner choose to recommence using this access point. Therefore, it is not considered that an objection can be made to the re-use of this access point for residential purposes. The proposed access would be through an area of extensive landscaping, including some mature species of tree. In order to protect the trees and to retain the rural setting of the area, it is considered that a condition should be imposed which requires the detailed route of the proposed access.

CONCLUSIONS: The proposed barn conversion satisfies the relevant policy criteria.

RECOMMENDATIONS

1) UTT/0680/04/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.
3. C.4.1. Landscaping scheme to be submitted and approved.
4. C.4.2. Implementation of landscaping scheme.
5. C.4.7. Detailed landscaping survey to be submitted.
6. C.4.6. Retention and protection of trees and shrubs for the duration of development.
7. C.5.1. Samples of materials to be submitted and approved.
8. C.5.9. Stained wood.
9. C.5.8. Joinery details.
10. C.6.2. Excluding all rights of permitted development within the curtilage of a dwellinghouse without further permission.
11. C.6.5. Excluding fences and walls without further permission.
12. C.6.14. Restriction on rebuilding.
13. Details of materials to be used in the construction and finished surfaces of the driveway shall be submitted to and approved in writing by the local planning authority prior to development commencing. The development shall thereafter be implemented in accordance with the approved details.
REASON: To protect the historic and rural character of the site.
14. C.20. Protection of bat roosts.

2) UTT/0865/04/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. C.5.1. Samples of materials to be submitted and approved.
4. C.5.9. Stained wood.
5. C.5.8. Joinery details.
6. The roof to the building to be converted shall be clad with clay pantiles or natural slate, samples of which shall be submitted to and approved in writing by the local planning authority.
REASON: To ensure the building retains a historic rural character appropriate to its setting in open countryside and the curtilage of a listed building.
7. C.6.14. Restriction on rebuilding.

Background papers: see application file.

UTT/1828/03/FUL - LITTLE DUNMOW

Provision of 54 new residential units - 49 units of affordable housing, Retail units, Doctors Surgery and associated car parking.

Proposed Village Neighbourhood Centre Oakwood Park. GR/TL 665-208. Colonnade Residential Ltd and Plume Housing Association.

Case Officer: Mr R Aston 01799 510464

Expiry Date: 31 December 2003

NOTATION: ADP & DLP: Outside Development Limits/Settlement Boundaries/Within Oakwood Park.

DESCRIPTION OF SITE: The site is located centrally within the Oakwood Park Estate at the northern end of the Village green. The site amounts to 1.56 hectares and is designated for the provision of a general convenience store of about 180m² with the provision of two unit shops suitable for occupation by a newsagents or chemists for example, the provision of a Doctors' Surgery of approximately. 360m² and a small car park for 27 car in the last revised Master plan dated December 2003. The site is bordered on its north, north western and south eastern sides by residential development and to the immediate east and south east lies the village green. The revised Master plan dated June 2004 to be considered at this meeting does not affect this application site.

DESCRIPTION OF PROPOSAL: The original proposal detailed the erection of 52 residential units comprising a mix of 3 bed town house (10) and 2 bed apartments (42) (46 affordable), commercial floor space totalling 267m², ground floor Doctors' surgery and 351m² of ground floor A1/A3 use. Parking provision for the scheme was 74 spaces, 10 being for dedicated use by the commercial occupiers to the rear and 12 directly accessed off the highway, to be used in connection with the retails uses. The residential development consisted of two curving 3-4 storey blocks fronting the site with the surgery and retail units at ground floor, the commercial space at first floor and residential units above. The main block was designed with a flat roof, 4 storeys in height and utilising a variety of different elevational treatments. To the rear of the main block, 10x3 storey flat roofed town houses were proposed forming a courtyard around the footway that connects Phase 1 and 2 with the village centre.

Following a public exhibition held on Thursday 26, Friday 27 and Saturday 28 in Felsted and Little Dunmow. The applicant has since revised the proposal and it now comprises:

- 54 residential units (45 flats, 9 houses), 49 of which are affordable units
- Doctors Surgery at ground and first floor totalling 404m²
- Three retail units totalling 424m²
- 76 car parking spaces
- Overflow car park of 33 spaces to be used in conjunction with the public house (proposed on an adjacent site)

APPLICANT'S CASE: 47 page statement by Boyer Planning 'Planning Analysis' dated June 2004, Colonnade Residential 'Management and Operational Strategy' dated January 2004 and Palmer Associate's 'Supplementary Parking Assessment' dated May 2004 available for inspection at the Council Office London Road Saffron Walden. The conclusion from Boyer Planning submission states:

The revised layout now attached as Appendix 2 accords with national policy guidance, the development plan and the Oakwood Park Design Guide in achieving mixed-use development of a high density and to include local facilities.

The proposals will be well related to public transport serving the urban village and therefore accord entirely with sustainability principles.

The proposed footpath and open space proposals forming part of the development link well with adjacent development and will ensure satisfactory integration and will encourage movement to and from the local centre by means of transport other than the private car.

The high-density nature of the development is particularly suitable for this location since it will assist in creating an appropriate mix of unit types within the overall urban village. The increased height of the development will also more readily fulfil the function identified within the Oakwood Park Design Guide for the local centre to create a focus within the urban village. It is appropriate therefore that the height of buildings should be greater than that of the surrounding residential neighbourhood and to establish a landmark building. The layout now revised successfully achieves these objectives.

RELEVANT HISTORY: Outline application for reclamation of despoiled land and demolition of redundant structures approved 1996. Temporary storage of soil reclaimed from settlement lagoons, allowed on appeal 1999. Amendment to condition to allow 250 dwellings to be constructed prior to completion of A120 approved 2000. Erection of 80 dwellings and associated garaging approved 2000. Erection of 85 dwellings and associated roads approved 2000. Reserved matters for 69 dwellings approved 2000. Variation of Condition 12 of UTT/0302/96/OP to allow occupation of not more than 305 dwellings prior to opening of A120. Variation to allow construction of up to 350 dwellings, prior to opening of A120. Redevelopment up to 655 dwellings, being a net addition of 170. Revised Master plan approved January 2002. Submission of Revised Master Plan December 2003 (see agenda item).

CONSULTATIONS: ECC Highways – The parking provision for the development should be agreed with the local planning authority. No windows or doors should open outwards or overflow or down pipes project over the net adoptable area including independent footpaths or over other areas where the public have unrestrained access. All independent footpaths will need to be a minimum 2 metres wide, may need to be drained but will have to be lit. Revised comments on front loading area are expected.

GL Hearn (on behalf of Enodis Plc) – With regard to the issue of car parking, the opportunity exists to provide additional on-street car parking in the form of a lay-by opposite the development adjacent to the village green. I can confirm that Enodis are prepared to facilitate such provision by making the necessary reserved matters submissions and to facilitate the appropriate mechanisms to ensure construction. Enodis are keen to facilitate the construction of the commercial centre and associated affordable housing at the earliest possible date.

Environmental Services – Query provision of refuse storage and collection facilities.

Inventures – Innovation for Healthcare – Having given consideration to the revised plans, it is thought possible that the majority of our concerns relating to the proposed floor layout, lack of dedicated car parking, security and the proposed user of the adjoining unit can be acceptably addressed in a manner which complies with NHS guidance and is acceptable to Colonnade. In view of the fact it is envisaged that the remaining issues outlined can be overcome, the Primary Care Trust no longer opposes the planning application.

Environment Agency: Made standard advisory comments on original scheme: None received for revised scheme.

Police Architectural Liaison Officer: None received

Essex County Council IA & UD Group - The car parking area in front of the building, spaces 67 – 76, is very dominant on the street frontage now that it is combined with spaces 57 - 61. The building line has not even been continued by tree planting. The narrow strip of planting between this area and the rear parking will provide limited separation with the whole open area appearing as a continuous car park. The trees within the rear parking area are an improvement in defining that space however. The diagonal pedestrian route should be given priority across the rear parking area. This could be done by raising the carriageway in this area to provide level access for pedestrians and also slow traffic. Surface materials should also delineate the route. We have concerns regarding the parking provision of 1 space per residential unit considering the rural location and infrequency of off – peak bus services. On - street parking by residents could result in congestion particularly in view of the traffic generated by the other uses. The other concern regarding the off – site parking is that there appears to be no space left for parking for the proposed pub and residential development adjacent. A pub of the area shown (approximately 275 sq m) would require 55 parking spaces at the standard of 1 space per 5 sq m. Even if this was reduced to encourage local people to walk, the six spare places shown would be inadequate. The built form along the street frontage is very mediocre in appearance. The mass of the central section particularly is not in keeping with the village character of the area. As mentioned in the comments on the previous proposal, four, or even five, storeys may be acceptable as a limited corner feature to act as a landmark, but not as a terrace. The increased depth of the block at the lower level has not been handled well with the building having a ‘bulky’ stepped appearance. There is no hierarchy of the different storeys reflecting the more public uses on the ground and first floors. The fenestration of the ground and first floors is monotonous and utilitarian and in no way provides an attractive frontage as a focus for public amenities. Please see copy of consultation for full comments.

PARISH COUNCIL COMMENTS: Revised Scheme - The development should be limited to three stories. Parking provision is still very poor. The provision of 1:1 (car parking) leans heavily on PPG3 and PPG13 and this guidance is intended for urban areas, Oakwood Park is clearly not such a development. The provision of parking spaces for the surgery and shops does seem appropriate but it will no doubt be used as a permanent parking area by those flat dwellers who have more than one car per household. If parking thereby were restricted it would mean that vehicles would be decanted to the roadside, already a significant problem on the development. The whole development at Oakwood Park concentrates a large number of dwellings in a small area, parachuted into a rural environment. Rather than attempt to squeeze people and cars into the smallest space, leaning on regulations designed for urban areas, we should be insisting on room for manoeuvre for all residents.

REPRESENTATIONS: This application has been advertised and 9 representations were received for the original scheme and 2 representations for the revised scheme have been received. Period Expired 26.11.03.

General Summary – Original Scheme – 9 letters

The proposed design is out of keeping with the rest of the development. The focal point will become an eyesore. The development is a major intrusion, interrupting the established village skyline. A dormer design solution would provide a pleasing roof without raising the roof height too much. The footpath will become unused, there is a lack of integration and will become a ghetto. The buildings will set the tone and standard for the whole estate. The plans need to be revised to not have any flats at all. I understand the need for social housing but the scheme is an insult to the eye. The design of the current housing in Oakwood Park is attractive and fitting to its surroundings. The height of the building is totally out of context.

Further housing should not be built considering the lack of current amenities on the estate. The uses will attract more traffic.

The site will have a distinct lack of car parking facilities for both the residents and the users of the centre. There is a current parking problem with people being lazy and not using the rear car parking courts and garages.

General Summary – Revised scheme – 2 letters

I still have grave concerns over the lack of parking provision in the community area and the impact that this will have on neighbouring householders. I like the idea of an apex roof but unfortunately makes the development too high. The number of levels of the development need to be reduced. The change to the building's style renders it more appropriate but the overall height of the main building is excessive. If approved, a condition should be imposed that limits the opening hours from 8am to 6pm and that deliveries are not permitted outside 8am to 6pm. I would also expect that the planning application includes the precise location and wattage/spread of the proposed lighting. The amount of light reduced to the living quarters of No 3 St Augustine Close concerns me. The access road would run adjacent to my property and cause noise and disturbance.

PLANNING CONSIDERATIONS: The main issues are

- 1** whether the density, scale, form, design and external appearance of the development is acceptable given the existing context of its surroundings and the proposed character of the site in accordance with PPG3, PPG1, the Oakwood Park Master plan, ERSP C5, H4, ADP DC1 and DLP Oakwood Park Local Policy 1, S2, GEN2, GEN8,
- 2** whether the proposed car parking arrangements are acceptable given the sites rural location and existing public transport provision in accordance with National Planning Policy Guidance Note 3, 13, ADP T1, T2, DLP GEN1, GEN9 and furthermore whether the proposed layout and access to the site is satisfactory with regards to highway safety (ADP T1, DLP GEN1) and
- 3** whether the proposed development on the site through its position, scale, density and use result in a detrimental impact on the residential amenity of adjoining occupiers in accordance with ADP DC14 and DLP GEN4.

1) The Master plan (dated January 2002) provides for the creation of a Village Centre to include, a general convenience store of approximately 180m² with the provision of two shop units suitable for occupation by a newsagents or chemists for example, the provision of a Doctors' Surgery of approximately 360m² and a small car park for 27 cars. It is important to note that no residential units were proposed in the Master plan, but for reasons of increasing viability and vitality then it is considered acceptable in principle to have a small amount residential development on the site. The inclusion of affordable units is also acceptable, in accordance with the Section 106 agreement pursuant to the original outline consent and well related to open space and the proposed bus services, although three of the units would be in addition to the total number of affordable units on the site overall. The key issue therefore is whether the number of proposed units and the resultant design and form of the buildings is appropriate given the context of the site and the existing and intended character.

The Master plan states that *'The important thing is that each phase must take note of the essential objectives of the Master plan, and the provisions of its neighbouring phases, in order that the completed development will maintain a harmonious character and appearance'*. ERSP policy C5 states that *'Development should be well related to existing patterns of development and of a scale, siting and design sympathetic to the rural landscape character'*. This is continued through to ADP Policy DC1 which states that *'the design of development proposals should respect the scale, proportions, appearance and materials of*

*buildings in the locality, and the environmental characteristics of the setting. Permission will not be granted for development, which is detrimental to the visual interests of its surroundings. Residential development should have regard to operative published standards of layout and design guidance'. Whilst there is no specific guidance within the Oakwood Park Design Guide for the creation of the Village Centre, Emerging Local Plan Oakwood Park Local Plan Policy 1 states that *Development will need to be implemented in accordance with Master Plans and design guidance approved by the Council*'. Furthermore, the design guide aims to illustrate layout and design objectives against which detailed planning applications will be reviewed to ensure that the remaining phase of development will have a strong character, sense of place and are appropriate to the locality*

Prior to the submission of the application the density of the development was not discussed with the Local Planning Authority, which has resulted in a development with a net site density of approximately 78 dwellings per hectare. The Design Guide's Urban Design Strategy acknowledges that whilst some flexibility is required, if the density of individual applications vary greatly, it will have a consequent effect for the structure and grain of the whole development. The applicant's supporting statement implies that the density should be acceptable because the Oakwood Park Design Guide, the Essex Design Guide and national planning policy guidance all indicate that higher densities should be encouraged in locations well related to local facilities and public transport. Due to the rural context of the site and its existing and intended character and that the achievement of higher densities should not be at the expense of the quality and attractiveness of the environment. the sites overall density should not rise above fifty dwellings per hectare Good urban design is not just about the architecture of the individual buildings, but also of the functionality and impact of the development on the overall character, quality and sustainability of an area. However, the proposed density is approximately three times the density of Phases 1-4 and whilst it is recognised that in principle if the site is in a sustainable location it could have a higher density and that the recent SoS's decision to increase the total amount of dwellings to 810, has led to increased pressure for a higher density of development, 78 dwellings per hectare the is considered to be too intensive and inappropriate in the form proposed for the site and its surroundings.

The scale and overall bulk of the main building at 4 storeys, with a high point of 16 metres on the curved element fronting the highway results in a scale and mass of the building which far exceeds that of the surrounding buildings. The Village Centre should become the focal point of the site, but this should be achieved through a high quality landmark building or element and not by increasing the overall scale of the development, which as a result does not fit comfortably with its surroundings. Furthermore, the Village Centre site occupies a prominent position not only within the site but also in the wider rural landscape and can be viewed from Station Road on the outskirts of Felsted Village. It is likely that a development of this form and height would appear visually overdominant when viewed from the surrounding rural area and therefore detrimental to the visual interests of the locality. Turning to the scale and form of the town houses to the rear, it is considered that these are not out of keeping with the scale of other dwellings in the area, but through their location and form are indicative of the over development of the site.

Turning to the external appearance of the buildings, the style of the main block has been revised to be more in keeping with the style of the surrounding residential dwellings i.e. including a mansard roof on the main block, hipped gable ends on the houses to the rear and an expanse of dormer windows. The mansard roof with its many dormers is too 'bulky' and unattractive in this curved shape. Furthermore, the increased depth of the block at the lower level results in the building having a 'bulky' stepped appearance. There is no hierarchy of the different storeys reflecting the more public uses on the ground and first floors. The fenestration of the ground and first floors is monotonous and utilitarian and in no way provides an attractive frontage as a focus for public amenities. The shop fronts have no

continuity or provision for fascia boards and the shop entrances have the same treatment as the residential and surgery entrances. In addition, dormer windows should be minor elements on the roof not of the size and number shown.

2) The proposed car parking provision as shown on drawing no 04-0513-001 can be broken down into the following

- Spaces 1 – 56 to be dedicated spaces for the occupiers of the residential properties at 1 space per dwelling except 2 of the 3 bed dwellings, which would have 2 spaces.
- Spaces 57 – 66 to be dedicated for the staff of the Doctors' Surgery
- Spaces 67 – 76 to be dedicated for the A1 (retail) uses
- An 'overflow' car park of 33 spaces to be used by a mix of visitors to the village centre dwellings and members of staff/customers of the public house (N.B – Planning permission is required for the erection of the public house under a separate application)

PPG3 advocates that lower levels of car parking provision may be appropriate particularly in urban areas where public transport is available or where there is a demand for car free housing. It suggests that Parking policies should be framed to achieve good design and recognise that car ownership varies with regard to demographic group household type, type of housing and its location'. With regard to the residential units, which would provide to 9x3-bed dwellings, 30x2-bed dwellings and 15x1-bed dwellings the minimum parking provision under PPG3 (at 1.5 spaces per dwelling) would amount to a requirement for 81 spaces for the residential units alone not including the requirements of the doctors' surgery or retail area. Whilst PPG 3 advises Local Authorities to reassess their parking standards to allow for significantly lower levels of off street parking provision, particularly for developments: in locations, such as town centres, where services are readily accessible by walking, cycling or public transport. However Oakwood Park is located within rural open countryside with the nearest town centre providing services other than a doctors, chemist and shop being Great Dunmow, some four miles away.

Public transport to and from the site is restricted to two bus services with the main service operating every hour on Mondays to Saturdays between Braintree, Felsted, Great Dunmow Takeley and Stansted and every two hours in the evenings and on Sundays and a 'Village Link' service which operates on a similar timetable. These circumstances do not fit comfortably with the provisions of PPG3 and PPG13 and there is not a sufficient highly accessible public transport infrastructure to warrant such a reduced parking provision on this rural site. Whilst the Registered Social Landlord has confirmed that the parking provision of 1 space per unit is operationally acceptable, the local planning authority consider that the provision of 1 space per unit is likely to result in a high level of on street car parking, members will note that recent permissions in Great Dunmow, which is one of the District's biggest settlements have been granted on the basis of 1.5 spaces per dwelling. The provision of the 33 spaces on the overflow car park whilst an attempt to solve the parking provision is inadequate. Policy GEN9 of the DLP states that *'Development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location'*. Turning to the Doctors Surgery and Retail unit parking provision, under the DLP the required amount for the surgery is 18 spaces. The current proposal details the provision of four disabled and six standard spaces for use by GP's and district nurses with five being dedicated for that use, with the shortfall again taken up by the overflow spaces (eight plus patients/visitors). With regard to the A1 retail, under the DLP 1 space per 20m² is required, resulting in a requirement for 21 spaces. Seven spaces are proposed resulting in a shortfall of 14 spaces, although again it is recognised that a reduced provision can be accepted because the shop will predominantly be used by residents and is centrally located within easy walking distance of all phases, it is likely that residents will park at the site rather than park their car at home and walk back to the centre.

The number of spaces required under the DLP as a maximum standard for the public house alone would be 46 (1 per 5m²), because although no details are included as part of this proposal, the Master plan makes provision for a public house of '230m² with associated car parking'. It is anticipated that the majority of customers will live on the estate and therefore the number of vehicle movements to and from the pub will be reduced so in this respect a slightly reduced provision can be justified. Although it is recognised that the times of the uses will not run concurrently, parking problems are likely to be exacerbated of an evening as those residents who commute return to the estate, evening surgeries are held and visitors to the residential units and pub arrive. In addition, car ownership levels are likely to far exceed the levels required to justify 1 space per dwelling and even if half the units owned more than one car this would require space to accommodate 27 extra vehicles. As a result, the overflow car park is likely to become overcrowded, being used as car parking for staff, customers of the public house, visitors to the Doctors' surgery and those people who will inevitably own more than one vehicle both day and night. If as the applicant's 'Supplementary Parking Assessment' suggests, on street parking controls are introduced, the problem will be forced elsewhere onto the development as on street parking controls do not alter the fundamental issue that the sites rural location, lack of good public transport is not suitable for the proposed car parking provision. This problem is clearly evident on Phases 1 and 2 of the estate which has been substantiated through representations made. The dwellings range from 1-6 bedroom with space to accommodate 2-4 cars depending on house size and yet in the evenings and weekends, the number of cars increase, causing on street parking problems, affecting highway safety and reducing accessibility for both pedestrians, vehicles and bus services.

Ultimately, the total parking provision required under the DLP is 147, excluding the public house. Whilst in some respects a reduced car parking provision can be accepted for those elements of the scheme that will not generate high levels of vehicle movements, the total allocation of car parking spaces is inadequate all things considered on this rural site, poorly served by public transport and with high levels of car ownership. Because of this lack of provision, on street parking problems would be significantly exacerbated by the proposal, to the detriment of highway safety, residential amenity and the character and appearance of the streetscene.

It is possible (has been brought to the Council's attention) that the developer of the estate (Enodis) is willing to facilitate the creation of a further parking lay by on the principal estate road opposite the village centre. However this would result in a further reduction in the provision of a focal open space and should be discouraged.

Turning to the physical layout of the site, the servicing bays for delivery and service vehicle comprise a lay by fronting the development. ECC Highways have indicated that this has the potential to cause conflict between service and delivery vehicles and other users of the highway, thereby having a detrimental impact on highway safety. In addition, the length of the lay-by at 16.5m could result in a situation whereby cars and delivery/service vehicles use it as parking space because of the inadequate parking arrangements. This has the potential to result in further conflict again to the detriment of highway/public safety. In addition, the bin stores for the residential properties are located to the rear of the main block and as a result it results in a impractical layout especially as it has not been shown that a 26 tonne refuse truck would be able to circulate sufficiently in the rear car park. It is considered that the layout of the site does not provide adequate space or circulation for service/delivery vehicles and that provision should be made for the servicing of the development from the rear.

3) It is acknowledged that the position of the main block is the most appropriate site layout for the site and is the position best suited to reducing the impact on the residential amenity of adjoining occupiers. In addition, it is considered that per se the erection of a centre in this location may not have a material impact on the amenity of adjoining occupiers,

given the wider implications of the development and depending on its density, form and scale. The applicant's supporting 'Planning Analysis' merely makes reference to the loss of privacy and overlooking but neglects to consider other amenity issues. The excessive density of the development has resulted in a scale of development which would have an overbearing impact on the outlook of residential properties to the north, north east and north west and in this respect would be detrimental to residential amenity and contrary to DC14 of the ADP and GEN4 of the DLP. The close proximity of the dwellings at St Augustine Close to the access road could potentially be affected by noise, vibration and engine fumes to the detriment of the amenity of those occupiers but it is considered that this would not be sufficient grounds to warrant refusal of the application and it has been negotiated that if any approval is given a 'Acoustic Fence' be erected to the rear of No 3 St Augustine Close to further minimise any future impact.

COMMENTS ON REPRESENTATIONS: See above

CONCLUSIONS: The proposed development at a density of 78 dwellings per hectare results in overdevelopment of the site and a form, scale and design of development which is visually overdominant, out of context and keeping with the existing and proposed character of the development and therefore detrimental to the visual interests of its surroundings. Furthermore, the proposed car parking provision and allocation is inappropriate given the sites rural location and lack of good public transport links. If approved, the development is likely to result in significant on street car parking problems to the detriment of highway safety, residential amenity and the character and appearance of the streetscene. The local planning authority consider that the number of units should be reduced to enable the density and subsequently the form of the development to reduce considerably. Furthermore, this would allow a greater parking provision more in line with the actual requirements of the site.

RECOMMENDATION: REFUSAL REASONS

1. The proposal by virtue of its scale, form, mass, density and design would result in over-intensive development of the site, detrimental to the visual interests of its surroundings, its rural setting and out of context with the existing and intended character for the site, contrary to Policy C5 of the Essex & Southend-on-Sea Replacement Structure Plan, April 2002, Policy DC1 of the 1995 Adopted District Plan, policies GEN2 and Oakwood Park Local Plan 1 of the Uttlesford Local Plan Revised Deposit Draft, October 2002 and The Essex Design Guide for Residential and Mixed Use Areas, 1997.
2. The proposed development by virtue of the proposed car parking allocation is unacceptable given the site's rural location and level of public transport provision, resulting in high levels of on street car parking which would be detrimental to highway safety, public safety, the residential amenity of residents and the character and appearance of the streetscene, contrary to Policies T1, T2 and DC14 of the 1995 Adopted District Plan and Policies GEN1, GEN9, GEN4 and Oakwood Park Local Policy 1 of Uttlesford Local Plan Revised Deposit Draft, October 2002.
3. The proposal by virtue of its physical layout provides insufficient and unacceptable access, circulation and turning space for service vehicles associated, detrimental to highway safety, contrary to T3 of the Essex & Southend-on-Sea Replacement Structure Plan, April 2002, T1 of the 1995 Adopted District Plan and Policy GEN2 of the Uttlesford Local Plan Revised Deposit Draft, October 2002.
4. The proposed development by virtue of its density, height, scale and form would have an overbearing impact on the outlook of the residents of adjoining dwellings and would be detrimental to their residential amenity, contrary to Policy DC14 of the 1995 Adopted District Plan and Policy GEN4 of the Uttlesford Local Plan Revised Deposit Draft, October 2002.

Background papers: see application file.

UTT/0594/04/OP – HADSTOCK

Outline application for agricultural worker's dwelling
Little Bowsers. GR/TL 566-433. C R Barker.
Case Officer: Mr G Lyon 01799 510458
Expiry Date: 1 June 2004

NOTATION: ADP and DLP: Outside Development Limits of Little Walden, Area of Special Landscape Value.

DESCRIPTION OF SITE: The application site is located approximately 4.5km north of Saffron Walden, 2.5km north east of Little Walden and 1.5km south of Hadstock to the east of the B1052, from which the site is accessed along a narrow road. The site consists of the principle farmhouse known as "Little Bowsers" along with surrounding outbuildings, now used as four holiday lets. An access to the east of the house is used to reach the barns for the Free Range Egg Unit and there are existing caravans etc close to the location of the proposed agricultural workers dwelling, apparently used in connection with the soft fruit business. The actual farmer covers 30 acres and is certified organic producing free-range organic eggs. It has 12 acres of organic top fruit (apples, pears, plums and cherries) and 1 acre of "Florence" Strawberries.

DESCRIPTION OF PROPOSAL: The applicant is seeking outline consent for the erection of an agricultural workers dwelling with all means of siting, design, landscaping, external appearance and means of access reserved for subsequent approval. The proposed dwelling would be located to the north east of Little Bowsers farmhouse on the entrance track leading up to the two poultry houses in the middle of the agricultural holding. The site area for the dwelling measures 29 metres wide by 30 metres deep.

APPLICANT'S CASE: The applicant has provided a supporting statement, planning appraisal as well as three additional supporting letters for the proposed development focusing on the agricultural need for the tied dwelling. The dwelling is for agricultural purposes only and will not be sold on the open market, which can be safeguarded by condition.

RELEVANT HISTORY: There have been several planning applications at "Little Bowsers" over the last fifteen years. Several outbuildings and barns at the site have been considered unnecessary for the purposes of agriculture and have been converted for other uses such as B1 for the barn to east of Little Bowsers Farm (UTT/0721/91) and the outbuildings (UTT/0723/91). At the same time, consent was sought and approved to convert the outbuildings adjacent to the farmhouse into 3 holiday apartments. Retrospective consent was granted in 1994 to increase the number of holiday units from 3 to 4. (UTT/1363/93/FUL)

In 1999, an application was refused and dismissed at appeal to remove condition C.90.F of UTT/1363/93/FUL, which was put in place to prevent the use of the building for full time residential use in an area outside of settlement limits. The inspector concluded that to remove the condition would effectively undermine the rural settlement policies of the local plan and would constitute demonstrable harm.

Two large buildings were erected for egg production use, the first in 1995 (UTT/0776/95/FUL) and the second in 2001 (UTT/1310/00/FUL). Both buildings are situated to the north of the farmhouse and are accessed off a track to the west of the farmhouse.

An application for an agricultural workers dwelling was refused in October 2003 (UTT/1497/03/OP) because the applicant failed to demonstrate that the agricultural holding has an existing functional need for an additional full-time worker to be resident on the site and that the function could not be fulfilled by other existing accommodation in the area. The applicant has appealed against the decision (APP/C1570/A/04/1138555) but the outcome of this appeal is yet to be determined and the hearing date has not yet been confirmed. The applicant has indicated that the appeal would be withdrawn if this application were successful.

CONSULTATIONS: English Nature: No objections subject to suitable conditions.

Essex Wildlife Trust: No comments received (due 08 May 2004).

UDC Building Surveying: No adverse comments.

Transco: The company has plant in the vicinity of the application site (see map with consultation).

Peter Chillingworth (Rural Planning Consultant): No objections (see attached comments at end of report).

PARISH COUNCIL COMMENTS: No objections.

REPRESENTATIONS: The application was advertised with both press and site notices. Three neighbours surrounding the proposed development were notified. Advertisement expired 06 May 2004. No letters of objection were received.

PLANNING CONSIDERATIONS: The main issues are whether:

- 1) **this is an appropriate form of development to be taking place in the countryside beyond settlement limits (ERSP Policies C5, ADP Policy S2, C8 and DLP Policy S7 and H11),**
- 2) **it can be demonstrated that there is an essential need for someone to live permanently on site for agricultural purposes (PPG 7, ERSP POLICY RE2, ADP Policy C8, C4, DC1, DLP Policy H11, GEN2) and**
- 3) **other relevant issues.**

1) Policy C5 of the Essex Replacement Structure Plan (ERSP) refers to rural areas not in the Green Belt and states that the countryside will be protected for its own sake by ensuring that only development takes place that needs to be there. This is reinforced by Policy S2 of the Adopted Local Plan, which relates to development in the countryside beyond established settlement limits. It states "Permission will not normally be given for development in the countryside beyond Development Limits unless the proposals relate to agriculture, forestry, appropriate outdoor recreational uses, or appropriate changes of use of suitable existing buildings compatible with a rural area". Policy S7 of the Deposit Local Plan continues this policy theme.

The proposed development relates to an agriculturally tied dwelling and as such this use would comply with the policy requirements of the Structure Plan Policy C5, Adopted Local Plan S2 and Deposit Local Plan Policy S7 in terms of being a land-use that would need to take place in the countryside. However, any such proposal would need to meet with all the other policy requirements relating to agriculturally tied dwellings.

2) Policy C8 of the Adopted Local Plan and Policy H11 of the Deposit Local Plan both relate to agricultural workers dwellings. Both policies state that dwellings will only be approved where it can be demonstrated that there is an essential need for someone to live permanently on site to provide essential care to animals or processes or property at short notice. Such dwellings will normally be of modest proportions and in relation to the needs of the agricultural enterprise.

Planning Policy Guidance 7: Countryside, Annex I: Agricultural and Forestry Workers is highly relevant to this application. Paragraph five considers five tests that need to be met if an agricultural dwelling is to be considered appropriate. Officers have sought external advice from a rural planning consultant in relation to these matters (a copy of which is attached at the end of the report).

- a) There is an existing functional need for at least one worker to live within sight and sound of the poultry for animal welfare, husbandry and security reasons;
- b) In terms of the number of full time workers, the poultry unit has a requirement for approximately 800 standard man-days. A normal working year for a stockman is 300 standard man days and terms of employment mean that each must have holidays, weekends and nights off, leaving other to fulfill the functional needs of the unit. Therefore, according to external advice, there is need for at least two full time workers on the unit at present;
- c) The applicant has provided financial details for the years 2000/2001 through to 2002/2003. Each year shows a profit, £72,728.38 in 2000/2001, £58,814.80 in 2001/2002 and £60,347.27 in 2002/2003. The farm has a clear prospect of remaining financially sound for the foreseeable future based on the submitted financial figures.
- d) In terms of other accommodation on the unit that could be used to accommodate an agricultural worker, the applicants have been asked whether they could use the holiday-let buildings next to Little Bowsers Farmhouse for this purpose. The applicant has stated that this would not be practical and would also mean the loss of significant income derived from the holiday let (approx £25,000 per year with maximum income of £49,400 if let all year round based on 2004 prices). Given this income derived from diversification for holiday let usage Members may consider that it would be unreasonable to request that these units be converted into an agricultural worker's dwelling although it is possible to do so.
- e) The application is in outline form only with all matters reserved for subsequent approval. However, the proposed agriculturally tied dwelling appears to be well located, on the main access point to the two rear egg production barns. The dwelling would need to be commensurate with the size of the holding and this should be stipulated now if planning permission is granted. The slope of the land means that there would be no long distant views of the site and the impact on the countryside would be minimal provided that appropriate materials are used to construct the dwelling.

Officers are of the opinion that the proposed development complies broadly with the policy requirements relating to agricultural workers dwellings

3) Attention is drawn to the recent planning history on this site relating to an agricultural workers dwelling, which was refused in October 2003. The onus is always on the applicant to provide the relevant information to be able to determine such applications and, in the earlier submission, the applicant failed to fully justify the proposal in terms of using existing buildings on site (i.e. the holiday let accommodation) and whether there was a clear existing functional need for two full time workers to be resident on the site.

The applicant has explained his intention to retire at the end of August 2005 from full time running of the farming enterprise and would like to employ a full time farm manager to run the farm from the agricultural workers dwelling. The applicant has explained that the workers dwelling would remain under his ownership as part of Little Bowsers Farm and the employed farm manager would effectively be renting the building as part of his or her employment.

In terms of relevant conditions, as the workers dwelling would effectively be attached to the farm, the dwelling could be tied to the principle farmhouse and farm buildings. This would

prevent the dwelling or indeed the principle farmhouse from being sold away on the open market and prevent pressure from additional workers units to be built on the site. It should be noted that the existing farmhouse is not protected by an agricultural occupancy condition and it could be sold at any time as a conventional dwelling. Consequently it is considered that the applicant should enter into a legal agreement with the Council so that agricultural occupancy terms would apply to the existing farmhouse.

CONCLUSIONS: It is considered that the proposed agricultural workers dwelling would comply with the overall policy requirements for such development. The impact on the countryside would be minimal provided that the size and design of the dwelling is commensurate with the size of the agricultural holding to which the dwelling relates.

RECOMMENDATION: APPROVAL WITH CONDITIONS SUBJECT TO SECTION 106 AGREEMENT TO APPLY AGRICULTURAL OCCUPANCY TERMS TO THE EXISTING FARMHOUSE

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.5.1. Samples of materials to be submitted and agreed.
6. C.4.1. Scheme of landscaping to be submitted and agreed.
7. C.4.2. Implementation of landscaping.
8. C.6.2. Excluding all rights of permitted development with the curtilage of a dwelling house without further permission.
9. C.18.1. Agricultural occupancy.
10. The agricultural workers dwelling hereby permitted shall be tied to the principle farmhouse known as "Little Bowsers" and shall not be sold away from the principle farmhouse or the farm buildings which are part of the agricultural holding at the time of this application, as indicated within the red line of the application.
REASON: To ensure that the need for the agricultural workers dwelling is not undermined by the inappropriate sale of land.
11. The proposed dwelling shall not exceed 100sq.m net floor area.
REASON: To ensure the size of the building is proportionate to the needs of the farm holding, in the interests of the appearance of the countryside.

Background papers: see application file.

UTT/1570/03/FUL – ASHDON

Proposed fishing lake
Goldstone Farm. GR/TL 593-405. J Furze.
Case Officer: Mrs K Hollitt 01799 510495
Expiry Date: 1 December 2003

NOTATION: ADP: Outside Development Limits/Area of Special Landscape Value/Adjacent SSSI/Protected Lane.

DLP: Outside Settlement Boundary/Adjacent SSSI and County Wildlife Site/Protected Lane.

DESCRIPTION OF SITE: The site is located approximately 1km to the south of Ashdon to the west of the road between Radwinter and Ashdon. The area is undulating countryside forming open fields currently under agricultural use, with no screening along the roadside. They are very exposed and visible from various points along the highway. There is a stream running from the highway to the River Bourn, which runs along the western boundary of the site. There is a band of mature vegetation to the west of the River Bourn, providing a natural screen to the proposed development.

DESCRIPTION OF PROPOSAL: The proposal relates to the construction of two fishing lakes with an irregular bank form. The southern lake would be approximately 200m by 65m, with three small islands set in the middle of the lake. The northern lake would be approximately 160m by 63m and would not have any islands. Adjacent to each lake there would be a small conservation pond which would be devoid of fish and would be planted with a variety of grasses. The conservation pond adjacent to the northern lake would be triangular in shape and would be approximately 25m long and wide at its widest point. The conservation pond adjacent to the southern lake would be kidney shaped and measure 32m long and 16m wide. It is also proposed to plant a 15m native tree belt in order to screen the lakes from the highway. Adjacent to the southern lake it is proposed to construct a small car park for 20 vehicles. Access to the car park would be to the south of the existing stream running from the highway to the River Bourn.

APPLICANT'S CASE: See applicant's case attached (2 page letter dated 27 August 2003 attached at end of report).

RELEVANT HISTORY: Construction of two fishing lakes with access road and parking area were refused May 2003 due to the incongruous nature of the lake, unsympathetic to the rural landscape character. Lakes and car park would have a major visual impact on the countryside. Insufficient measures to promote biodiversity.

CONSULTATIONS: ECC Transportation: No objections subject to conditions.

Anglian Water: No reply received. Expired 26 October 2003.

Environment Agency: Object. Does not address any flood risk issues. Raising of ground levels within flood plain without adequate compensatory measures or suitable mitigating measures will increase the risk of flooding to other land/properties due to the impedance of flood flows and/or the reduction of flood storage capacity. (A letter sent to the applicant dated 19 March 2004 states that the further information passed to the Environment Agency demonstrates to the Agency that the principle of the proposed lake development is acceptable without compromising the integrity of the floodplain and exacerbating flooding elsewhere).

Essex Wildlife Trust: No reply received. Expired 26 October 2003.

County Planner: No reply received. Expired 26 October 2003.

English Nature: Unlikely to affect adjacent SSSI. Proposed land could include suitable habitat for protected species. Ecological survey required.

NATS: No safeguarding objections.

Engineer: No reply received. Expired 26 October 2003.

Archaeology: Detailed monitoring condition required.

Badger Group: No reply received. Expired 25 March 2004.

PARISH COUNCIL COMMENTS: Support with following recommendations.

- Parking be allowed for private cars only and that buses be excluded.
- Lakes be engineered to provide a flood protection scheme for properties downstream
- Site be examined to determine if badger sett to west of the site is still inhabited and if it is that measures to protect it are put in place.

REPRESENTATIONS: One. Notification period expired 2 November 2004.

Pleased to note the alterations and improvements from previous application, in particular shape of lakes and reduction in car parking spaces. Ask following to be taken into account:

- Parking be allowed for private cars only and that buses be excluded.
- Lakes be engineered to provide a flood protection scheme for properties downstream
- Site be examined to determine if badger sett to west of the site is still inhabited and if it is that measures to protect it are put in place.

PLANNING CONSIDERATIONS: The main issues are

- 1) **the proposal relates to an appropriate outdoor recreational use within open countryside and whether the proposals accord with the special characteristics of the area (ERSP Policy C5, ADP Policies S2 and C2, DLP Policies S7 and GEN8) and**
- 2) **whether the proposals would have an adverse effect on the natural environment and whether they would promote biodiversity (ERSP Policy NR7, ADP Policy C3, DLP Policy GEN7).**

1) The application relates to the construction of two large fishing lakes located in open, undulating countryside. Unlike the previous application, the lakes have been designed to be sympathetic to the rural landscape character of this area. In addition, it is proposed to plant a 15m wide native belt of trees in order to alleviate the impact of the proposals on the countryside. Whilst it is accepted that this landscaping will take some time to become established, it is considered that the design of the lakes are more appropriate than the previous scheme. In addition, this proposal shows a 20 space car park, to be of a loose aggregate surface, more in keeping with the countryside character than the previous 50 space car park on the scheme which was refused in 2003. Therefore, it is considered that the proposals are more sympathetic to the character of the area and meet the requirements of the relevant policies.

2) The site is located in an area currently under cultivation and in close proximity to an SSSI. Therefore, the proposals must be considered against the potential impact on the biodiversity of the SSSI. Agricultural use of the land potentially introduces an element of sterility to the land due to the short term nature of crops and the fact that the land is left uncultivated for a period of time each year. However, the introduction of fishing lakes in close proximity to the SSSI would potentially introduce a new habitat and could contribute to the increase in biodiversity to this area. The lakes have been designed with shallow margins in order to promote areas where wildlife can establish a habitat. In addition, it is proposed to

construct two small conservation ponds which would be kept free of fish in order to allow species to become establish. Therefore, it is considered that the proposed lakes would be beneficial to the biodiversity of the area and would comply with the relevant policies.

The Parish Council and a member of the public have raised the issue of the potential impact on a badger sett. This issue has now been investigated and an ecological report has been submitted which confirms the presence of setts within close proximity to the application site. A site visit has recently been undertaken in order to fully establish the extent of the proposed lakes and their relationship to the badger's setts. A representative of EECOS has advised that fencing should be erected a minimum of 20 metres from the setts in order to provide adequate protection. In addition, the applicant has been advised of the necessity to obtain a licence in order to carry out works within 30 metres of the sett. Therefore, it is considered that, subject to conditions requiring the adequate protection of the badgers, that there are no reasons to refuse this application and this should be sufficient to ensure the aims of the Protection of Badgers Act 1992 are satisfied.

COMMENTS ON REPRESENTATIONS: The issue of whether the lakes could be designed in such a way that some form of flood alleviation may be provided has been commented on previously by the Environment Agency, who considers that this would have an impact on the use of the lakes. It is not considered appropriate to restrict the type of vehicles using the car park, although the small scale nature of the car park may restrict larger vehicles using this area.

CONCLUSIONS: It is considered that this revised scheme satisfies the relevant policy criteria.

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. No development, or preliminary ground works of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the local planning authority.
REASON: To allow for excavation and recording of this site of archaeological importance in advance of and during development, as advised in DoE Planning Guidance Note No. 16.
4. No development, or preliminary ground works of any kind shall take place until the applicant has submitted a scheme of protective fencing to be erected to protect the nearby badger's setts. The fencing shall be erected a minimum of 20m from the badger's setts and shall be erected prior to any work commencing on site. Subsequently, the fencing shall remain in place until all work in relation to the construction of the fishing lakes has been completed.
REASON: To secure the protection of badgers as required by the Protection of Badgers Act 1992.
5. No development or preliminary ground works of any kind shall take place until the applicant, or the successor in title, has secured a licence from English Nature to carry out such works. A copy of this licence shall be submitted to the local planning authority for information prior to works commencing on site.
REASON: To secure the protection of badgers as required by the Protection of Badgers Act 1992.
6. The proposed access shall be 5m wide for the first 10m within the site and suitably hardened so as to avoid the tracking out of materials on to the adjoining public highway.
REASON: In the interests of highway safety.

7. There shall be no obstruction above a height of 600mm above the level of the arriageway of the adjoining county road within the sight splay area as shown coloured green on approved drawing no. XXXXXX.
REASON: In the interests of highway safety.
8. C.11.2. Standard vehicle parking facilities.
9. All hard and soft landscape works shall be carried out in accordance with the approved details as shown on drawing no. XXXXX. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development. Any trees or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
REASON: Landscaping of this site is required in order to protect and enhance the existing visual character of this attractive rural area of special landscape value.
10. Notwithstanding the provisions of the Town and Country Planning (or any Order revoking or re-enacting that Order with or without modification), no development within Class A of Part 4 of Schedule 2 (i.e. temporary buildings, moveable structures, works, plant or machinery) shall take place without the prior written permission of the local planning authority.
REASON: In order to protect the rural character of this area of special landscape value.
11. The fishing lakes hereby permitted shall not be used before 7am nor after 8pm on Mondays to Sundays.
REASON: The use of this site outside these hours would be likely to cause nuisance and disturbance to nearby residents.

Background papers: see application file.

1) UTT/0367/04/FUL & 2) UTT/0368/04/LB – FELSTED

Conversion of barn to dwelling and erection of carport/store.
Abrahams Farm Willows Green. GR/TL 719-205. Mr & Mrs R Dabbs.
Case Officer: Mr R Aston 01799 510464
Expiry Date: 26/04/2004

NOTATION: ADP & DLP: Outside Development Limits/Settlement Boundaries/Listed Building adjacent.

RELEVANT HISTORY: None of relevance.

APPLICANT'S CASE: Proposal has been negotiated with the Council's Conservation Officer.

CONSULTATIONS: Specialist Design Advice: No objections to the proposed conversion subject to conditions.

Environmental Health: No objections subject to a condition requiring the provision of a small-scale treatment plant.

Environment Agency: Guidance in relation to small residential development with private treatment plant.

PARISH COUNCIL COMMENTS: No comments.

REPRESENTATIONS: These applications have been advertised and no representations have been received. Advertisement expired 1 April 2004.

PLANNING CONSIDERATIONS:

The barn, subject of this conversion lies adjacent to the main farmhouse and forms an 'L' shape fronting onto the highway to the north of Willows Green, Outside Development Limits/Settlement Boundaries. The proposal details its conversion to form a three-bedroom dwelling with accommodation at both ground and first floor level and the erection of a 6m x 7.2m carport forming a central courtyard.

The main issue to consider in this case is whether the proposal conforms to Policy C6 of the Adopted District Plan and whether the proposal would have a detrimental impact on the character and setting of the adjacent listed building. Furthermore whether the design of the proposal is considered appropriate under ADP DC1 and DLP GEN2 and whether the conversion would materially affect the residential amenity of adjoining occupiers (ADP DC14, DLP GEN4).

The barn is considered to be of architectural and historical merit and contributes positively to the setting of this rural area. The barns would not require substantial reconstruction nor extension, with the changes being internal to provide the necessary living accommodation. The works would respect the character of the existing building and there have been no objections from the Council's Conservation Officer. Accordingly, the proposed conversion would be in accordance with C6 and would not materially affect the character or setting of the listed building.

Turning to the design of the proposal and the impact on the residential amenity of adjoining occupiers, the design is considered appropriate to this rural area and is acceptable. In

addition, the position of the barn and carport and its relationship with adjoining properties would not result in a material impact on the residential amenity of adjoining occupiers.

Accordingly, subject to conditions it is recommended that planning permission and listed building consent be granted.

RECOMMENDATIONS

1) UTT/0367/04/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 plan.
- 3. C.8.27 Drainage Details.
- 4. C.4.1. Scheme of landscaping to be submitted and agreed.
- 5. C.4.2. Implementation of landscaping.
- 6. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission.
- 7. C.20. Protection of bat roosts.

2) UTT/0368/04/LB – LISTED BUILDING CONSENT WITH CONDITIONS

- 1. C.2.2. Time limit for commencement of development – listed building/conservation areas.
- 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.5.9. Stained wood.
- 5. All existing brickwork and flint work to be repaired, shall match the existing brickwork in its brick, bonding and pointing.
REASON: To protect the visual quality and character of the listed building.

Background papers: see application file.

UTT/0744/04/FUL - SAFFRON WALDEN

(Referred at Officers Discretion)

Construction of skate board park.

Lord Butler Leisure Centre Thaxted Road. GR/TL 547-373. Saffron Walden Skate Group.

Case Officer: Mr G Lyon 01799 510458

Expiry Date: 29/06/2004

NOTATION: Outside development Limits of Saffron Walden.

DESCRIPTION OF SITE: The site is located on the Saffron Walden Leisure Centre site on open land surrounding the buildings. The application site is on the south east corner next to Thaxted Road and adjacent agricultural fields. The site is bounded on two sides by existing maturing landscaping including hedging and trees. There are some existing sections of concrete on the site as well as existing swings to the west of the application site.

DESCRIPTION OF PROPOSAL: This application is a resubmitted scheme following withdrawal on 14 December 2003. The application relates to the proposed erection of a skateboard park, approximately 1020 square metres in size featuring several ramps, bowls, rails, steps and jumps etc. The applicant has stated that the layout as submitted is indicative only and may change when implemented. The site would feature a 1.8 metre high brick wall along the southern boundary with a 0.8 metre high galvanised steel fence along the northern boundary. Materials would be a mixture of concrete, brick and galvanised metal.

APPLICANT'S CASE: See email from Malcolm White dated 22 June 2004 (copy attached at end of report). Also additional information regarding the "One Minet Park" available at the Council Offices, London Road, Saffron Walden.

RELEVANT HISTORY: UTT/1775/03/FUL – Construction of skateboard park. Withdrawn.

CONSULTATIONS: Essex Police – Architectural Liaison Officer: No comments received.

UDC Leisure: No adverse comments.

UDC Drainage Engineer: No comment.

UDC Environmental Services: No comments received.

UDC Landscaping: Request landscaping scheme to reduce visual impact of the proposal and ensure retention of existing trees.

TOWN COUNCIL COMMENTS: No objections.

REPRESENTATIONS: This application has been advertised with 30 neighbour notifications. The notification period expired on 28 May 2004. One letter has been received.

Summary of comments: - Concern about impact of noise, issues of litter, disturbance etc and potential for vandalism etc.

PLANNING CONSIDERATIONS: The main issue is whether this is an appropriate site for such a proposal (PPG17, ERSP Policy C5, ADP Policy RE6, N2, DC1, DC14, DLP Policy S7, GEN1, GEN2, GEN4, LC4).

The application site is situated next to Saffron Walden Leisure Centre. In terms of location, this is considered a logical place to locate such a facility in view of existing supervision and first aid assistance available at the centre already. To ensure safety this would require a

formal safety management plan to ensure that there is the staffing available to undertake this additional responsibility.

From a more specific location point of view, the skatepark is located close to the boundary of the site and proposes the removal of some existing trees. Advice has recommended that these species remain where possible and a landscaping scheme is required to help reduce any potential visual impacts.

As the actual design of the skateboard park is indicative only at this stage, it is difficult to comment on the actual visual impacts of the proposed development. It is inevitable that 1020 square metres of concrete will have some visual impact, especially given the fairly green nature of the existing site. It may be necessary to paint the concrete, add additional planting or banking to help shield the proposed development, especially from the residential dwellings on Tukes Ways. In terms of noise impact, the existing traffic using Thaxted Road can be heard from Tukes Way. The very nature of skating, with grinding and landing and the sound of voices etc. creates noise, which will inevitably be heard from the existing residential properties. Mitigation measures could be employed to help reduce the potential noise impacts and should be incorporated into the overall design solution along with any planting or banking etc.

Further details, including any proposed paths, seats, dustbins etc should be submitted as part of the actual final design layout. It is recommended that no lighting be allowed on the site in order to discourage and prevent disturbance to neighbouring properties.

Officers are of the opinion that the siting of the skatebaord park is acceptable subject to appropriate design, landscaping and sound attenuation to prevent any detrimental impacts to surrounding neighbours

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 agreed.
4. C.4.1. Scheme of landscaping to be submitted and agreed.
5. C.4.2. Implementation of landscaping.
6. Prior to the commencement of development, the applicant shall submit final details concerning the exact layout, equipment type and any other additional works to be constructed as part of the skatepark hereby permitted. Such work shall be constructed in accordance with the details submitted to and agreed in writing with the local planning authority.
REASON: To ensure that the works undertaken are as approved.
7. Prior to the commencement of development, the applicant shall submit details concerning sound attenuation in order to prevent noise spillage onto existing residential properties on Tukes Way. The works shall be carried out in connection with condition C.4.1. above, and implemented in accordance with the details submitted to and agreed in writing with the local planning authority.
REASON: In the interest of residential amenity.
8. Prior to commencement of the development a safety management plan shall be submitted to and approved in writing by the local planning authority giving procedures and details of who to contact in the event of an accident at the skateboard facility. The rules and regulations of the park shall be clearly marked and visible at the site along with the emergency contact number. The safety management plan shall be implemented in accordance with the approved scheme until the use of the site ceases for its intended purpose.

REASON: To ensure that there is adequate informal supervision of the site to prevent in the interest of public safety. (This is in addition to or in conjunction with any conditions implemented under Health and Safety Regulations).

9. C.8.27 Drainage Details.

10. The skateboard park shall not be used outside the opening hours of the Lord Butler Centre.

REASON: In the interests of amenity.

Background papers: see application file.

UTT/0330/04/FUL - SAFFRON WALDEN

(Referred at Member's Request)

Enlarge extraction system.
85 Rowntree Way. GR/TL 536-373. Mr Victor Yau.
Case Officer: Mrs K Hollitt 01799 510495
Expiry Date: 23/07/2004

NOTATION: Within Development Limits (Settlement Boundary).

DESCRIPTION OF SITE: The application site is Class A3 (not food takeaway) unit located in Rowntree Way, Saffron Walden. The area is predominantly residential with a small terrace of retail units, with residential accommodation over. The application site is the northern most unit and has been a fish and chip shop for several years, having been granted permission on appeal in 1996.

DESCRIPTION OF PROPOSAL: This application relates to the installation of a new enlarged extraction flue. The current flue is of galvanised steel and has a diameter of 305mm. The proposed flue would also be of galvanised steel, but would be angular and would measure 400mm by 490mm. It is proposed that the new ducting would be the same height as the existing.

RELEVANT HISTORY: Permission refused for new galvanised steel extraction flue refused on the grounds on excessive size presenting a potential hazard to pedestrians. Also, noise levels of proposed extraction unit would be detrimental to residential amenity of adjacent properties.

CONSULTATIONS: Environmental Services: Plans suggest change of kitchen use to Chinese. Must meet food safety requirements. Insufficient detail on noise levels to assess if nuisance is likely to be created. No objection in principle.

TOWN COUNCIL COMMENTS: To be reported (due 1 July 2004).

REPRESENTATIONS: Three. Notification period expired 22 June 2004.
Strongly object. In 1990's fish and chip shop was opposed by local residents but allowed on appeal. Wishing now to extend this and have Chinese takeaway food is certainly not for this area. Extraction equipment is not a pretty sight, sure a larger one would be no more adequate than first one is. Already have problems with parking and road safety. Primary concern relates to an increase in already unacceptable pervading frying odours. Under proposed application the odours emanating from the cooking of Chinese food would be more aromatic, objectionable and pervasive, thus causing a further gross loss of amenity. Proposed extraction equipment appears to be much less adequate than already ineffective equipment and will adjoin and follow the existing vertical external flue configuration. Existing installation is already an eyesore and this would compound an existing problem. No need or justification for a further Chinese takeaway outlet to be established.
Note diameter of galvanised steel extraction ducting has been reduced to 490mm, which is still unacceptable considering the close proximity to the residential properties in the area. No mention of decibel level of extraction system at point of discharge into the atmosphere when unit is in operation.

PLANNING CONSIDERATIONS: The main issue is whether the proposed flue would be detrimental to the general amenity of the local area (ADP Policy DC14, DLP Policy GEN4), in particular the issues of excessive noise, vibration, smell and fumes.

The proposed flue would replace the existing, which it would appear from representations may not be adequate to cope with current operations at the site. It is considered that the replacement flue should be beneficial to the residents in this area as it would be more modern equipment and would specifically cater for the new requirements. This should result in fewer fumes having a detrimental impact on the residential amenity of the local residents. The installation of acceptable and adequate deodouring equipment is required by the planning permission granted on appeal to allow the premises to be used as a fish and chip shop. If the current equipment is inadequate, as suggested by representations, then the current equipment could be seen as being operated in breach of this condition. As such equipment is required in order to comply with the relevant condition, and as part of Environmental Health legislation, it is considered that the applicant is taking a proactive approach to resolve an existing problem. Therefore, it is considered that the installation of the new flue would be beneficial to local residential amenity in respect to fumes.

With regard to potential noise pollution, insufficient details have been submitted regarding this issue. However, a full noise survey would be required to be carried out in order for current and predicted noise levels to be established and to enable a full assessment of the likely impact on the adjacent properties. As there are no objections in principle to the proposed flue, a condition could be attached to the consent requiring this survey to be carried out prior to the installation of the new equipment.

COMMENTS ON REPRESENTATIONS: The representations in respect of Chinese food have been noted. However, the premises have planning permission for A3 use and therefore, no further consent is required to enable the sale of Chinese food. This does not form part of the application and cannot be controlled by the planning department. With regard to the prominence of the existing flue, it is considered that the impact of the new flue could be reduced by requiring it to be painted matt black. Alternatively, it may be the case that the proposed new flue would need to be encased in order to reduce noise pollution to the local residents.

CONCLUSIONS: The flue should reduce the issue of fumes within the local area and such equipment is required to be installed and operating effectively, as required by the planning consent for the premises to be used as a fish and chip shop. The potential impacts of the new equipment can be limited by condition.

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. The extraction system hereby permitted shall be painted matt black.
REASON: To reduce the impact of the system within the street scene.
4. No development shall take place until details of a scheme of sound insulation and attenuation measures for the fan and extraction unit hereby approved have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full before the extraction unit hereby permitted is brought into use and the approved measures shall not be altered or removed without the prior written consent of the local planning authority.
REASON: In the interests of the amenity of nearby residential properties.
5. C.8.19. Control of odour and other effluvia.
Reason: To protect the amenity of adjoining residential properties.

Background papers: See application file.
