

UTT/1924/04/OP - GREAT DUNMOW

Outline application for erection of 24 no. two bedroom flats with all matters reserved
Land off Counting House Lane. GR/TL 628-223. Messer Boyd & Thompson.
Case Officer: Miss K Benjafield 01799 510494
Expiry Date: 06/01/2005

NOTATION: Within Development Limits

DESCRIPTION OF SITE: The site is located to the north of Counting House Lane and covers an area of 0.26ha. It has previously formed part of the rear garden to Brook House and has mature vegetation on the southern and northwestern boundaries. The site slopes down to the north from Counting House Lane towards the recreation ground.

DESCRIPTION OF PROPOSAL: The proposal is for the erection of 24 x 2 bedroom flats. The application has been submitted in outline form with only the number of units and means of access to be considered at this stage. Access is proposed to be from the internal road network serving Counting House Lane.

Indicative plans have been submitted with the application which indicate four blocks of flats, designed in two styles with maximum ridge heights of 9.5m and 9.8m. The parking provision for the flats would involve 36 parking spaces spread within the site with 20 of these spaces being located towards the western boundary of the site.

APPLICANT'S CASE: See supporting statement summary & conclusion (paragraphs 51 & 52) attached at end of report.

CONSULTATIONS: ECC TOPS: The Highway Authority would have no objections in principle to residential development on this site. The application has been passed onto our Estates Department for their comments on the proposal and the access to the site via Counting House Lane. Our no objections in principle would therefore be subject to all access matters being determined at full application stage and our internal estates sections having no adverse comments to make at this outline stage.

ECC Schools Service: Based on the information provided, I estimate that this development, if approved, will result in four additional primary and two secondary school places being required. I am thus formally requesting a developer contribution prior to commencement of £56,588.

TOWN COUNCIL COMMENTS: Object:

1. Overdevelopment of the site in that it is too dense
2. Proposed development inappropriate for the site in that it is too high in relation to the existing adjacent development at Counting House Lane and The Maltings
3. Inadequate parking
4. The extra traffic would already exacerbate an already difficult traffic situation in Counting House Lane and The Maltings
5. The height of the development would compromise the integrity of the adjacent public open space.

REPRESENTATIONS: This application has been advertised and 60 representations and a petition have been received. Period expired 13 December.

Main points:

1. Just Character – on behalf of the landowners: Letter to be attached at end of report.

2. Dunmow Society: Object to the height of the buildings. Viewed across the Chelmer Valley they will create an unwelcome intrusion into the landscape on the Southern side of the valley. We would have no problem with the scheme if it could be reduced to two storeys high.
3. Residents of North St, The Maltings, Counting House Lane, Gibbons Close:
 - The proposal will result in the generation of extra traffic which will worsen the existing parking problems in Counting House Lane and The Maltings
 - Additional traffic and construction traffic would be unacceptable in this family orientated area and would pose an increased danger to children
 - The parking and turning area at the end of Counting House Lane would be lost for access to the site if the proposal is approved resulting in further parking pressures on the estate
 - Difficulties for refuse and emergency services to access the surrounding properties
 - An alternative access should be found – why if the proposal was smaller and for houses couldn't the access be taken from North St?
 - The flats will be visible from the recreation ground spoiling its atmosphere and will block views to the Chelmer Valley from properties adjacent
 - The development would not be in keeping with the existing surrounding properties in relation to density, type and appearance
 - The land was part of a property covered by a preservation order
 - Counting House Lane is unsuitable for construction traffic to access the site from
 - Parking allocation of 1.5 spaces is unlikely to be sufficient without parking overflowing into Counting House Lane
 - Electronic gates will do nothing to integrate the residents into the community of the street
 - Proposed access to the recreation ground may result in Counting House Lane becoming a thoroughfare for all and sundry
 - No affordable housing is proposed
 - Two of the blocks would be very close to the rear boundaries of nos. 38, 40 and 29 Counting House Lane, the proposed height would be about 2m higher than existing houses adjacent and would have an overbearing impact on them
 - Feeding bats have been seen in areas near the site and a wildlife survey should be undertaken with any necessary action taken as a result
 - The minimum number of trees on the site should be removed for the development
 - The number of other developments in the area must be adequately catering for the projected expansion making this proposal unnecessary
 - Very little garden space is proposed for the residents of the flats
 - The area borders a flood plain and soakaways are proposed for the removal of flood water
 - Existing planting would offer little screening or aid privacy particularly in winter when the leaves have fallen
 - The adjacent part of the recreation ground is frequently used for community events such as the carnival and firework display – this may lead to complaints from the residents of the flats and the reduction in the type of events held at the recreation ground
 - The only way to round off Counting House Lane is to build one house like the existing houses
 - The proposed flats pay no regard to the adjacent Conservation Area and Listed Buildings
 - The flats will be too expensive for first time buyers
 - The presence of electric gates would cause disturbance with cars stopping and starting and the noise of the gates moving

COMMENTS ON REPRESENTATIONS: The majority of the points raised are addressed in the planning considerations section of the report. The application must be considered as it is submitted and it is not possible to consider an alternative scheme that may depend on factors which are not within the applicants' control. If the proposal was considered to be acceptable it may

be possible to impose conditions relating to aspects such as landscaping of the site and wildlife surveys to achieve a satisfactory development and address the concerns of adjacent occupiers.

PLANNING CONSIDERATIONS: The main issues are whether

- 1. development of this site is acceptable in principle, (ADP Policy S1 & ULP Policy S1),**
- 2. the density, number of units on the site and mix of units would be acceptable and compatible with the surrounding area without having a detrimental impact on the amenity of adjacent properties, (PPG3, ERSP Policy H3, ADP Policy DC1 & ULP Policies GEN2, H9, H10) and**
- 3. the access would be suitable for the likely number of vehicle movements and the parking provision would be satisfactory in terms of numbers, design and layout (ERSP Policies T3, T12, ADP Policies T1, T2, & ULP Policies GEN1, GEN8).**

1. The site is located within Development Limits and therefore the development of this site is acceptable in principle subject to the proposal complying with other Development Plan Policies.

2. The character of the area surrounding the site is primarily one of detached and semi-detached two-storey dwellings. There are no buildings above two-storeys in height within the surrounding estate and the density of Counting House Lane equates to 33 dph. PPG3 advocates making the best use of land when proposing residential development however, this should be in keeping with the character of the surrounding area. As a general guide, development should result in densities between 30 and 50 dwellings per hectare. In some circumstances proposals involving higher or lower densities than these may be acceptable if they reflect the surrounding area. Although the drawings accompanying the application are indicative only, it would be difficult to achieve a development of 24 units on the site without configuring them in flats. In addition, the blocks of flats would need to be higher than two-storeys to enable a sufficient number of parking spaces for the units to be accommodated on the site. It is considered that the erection of three-storey blocks would fail to respect the character of the surrounding area, would appear to be very dominant when viewed from areas adjacent to the site and would constitute overdevelopment of the site.

The Council's Conservation Officer has considered the details of the application and does not believe that the indicative style and design of the flats would be detrimental to the character of the adjacent Conservation Area of the listed buildings located along North Street.

The location and size of the blocks, which would be determined in part by the number of units proposed, would also result in two of the blocks having an overbearing impact on the existing dwellings on Counting House Lane adjacent to the southern site boundary. The orientation of the site, to the north of the estate, would prevent any overshadowing or loss of light to adjacent properties. The minimal distances between the properties on Counting House Lane would result in the blocks appearing to be overbearing, particularly in relation to number 29. The occupiers of 29 would also have parking spaces adjacent to their side boundary resulting in noise disturbance to the detriment of the enjoyment of their rear garden.

It is not possible to ascertain whether the proposal would result in any loss of privacy to adjacent properties as no side elevations have been provided however the design aspects of the proposal are reserved for subsequent approval. In addition, if permission was granted for the proposal, it may be possible to design out south facing windows or obscure glaze them to protect the privacy of adjacent properties.

The proposal does not involve any provision for affordable housing which is contrary to ULP Policy H9. This indicates that up to 40% of new housing should be affordable on sites such as this, therefore up to 10 of the units should be required for affordable housing. In addition, ULP Policy H10 indicates that a mix of dwelling sizes should be included within development proposals. This

is primarily to ensure that smaller market housing is available although it also ensures that new developments comprise a mix of house types rather than one house type and design. In this respect, the provision of only 2 bedroom units would fail to provide a satisfactory mix of units on the site.

3. The application has been considered by ECC TOPS and their response indicates that there is no objection in principle to the proposal subject to a further consideration by their Estates Department in relation to the access and the internal layout of the site. These comments have not yet been received.

36 parking spaces are proposed on the site, in addition to cycle stores, and the site is located within walking distance of the town centre and public transport services. It is therefore considered that subject to no adverse comments being received from ECC TOPS, the proposal complies with ULP Policy GEN1.

Parking standards in the ULP state that a two-bedroom dwelling requires a maximum of 2 parking spaces. Comparable sites in Great Dunmow have been approved with 1.5 spaces per dwelling. It is therefore considered that the proposed number of parking spaces meets the requirement for the number of units. However, the layout of the parking would result in 14 spaces having a double-parking arrangement. 7 of these would potentially be blocked in by the owners of other cars, which is unlikely to encourage the use of these spaces.

CONCLUSIONS: The proposed development would constitute overdevelopment of the site with a density which would not be in keeping with the character of the surrounding area. In addition, the three storey blocks of flats which would be necessary to achieve the number of units on the site would be overbearing and dominant when viewed from adjacent properties and the surrounding area. The parking provision would also be inadequate as the layout would result in noise disturbance for the occupiers of No. 29 Counting House Lane and the double parking arrangement would not encourage the use of 14 spaces.

RECOMMENDATION: REFUSAL REASONS

1. The provision of 24 residential units on the site would amount to 89 dwellings per hectare which would constitute overdevelopment of the site and would fail to respect the character of the surrounding area. In addition the provision of 3 storey blocks of flats would appear dominant when viewed from areas adjacent to the site and would be overbearing when viewed from the existing dwellings with adjoining boundaries. The parking to the west of the site would be also be located in an unsatisfactory location adjacent to the rear garden of No. 29 Counting House Lane to the detriment of the occupiers' amenity and the provision of double-parking spaces would have an unsatisfactory layout which is unlikely to encourage their use. The proposed development would therefore be contrary to Guidance issued in PGPG3, ERSP Policies H3, T12, ADP Policies DC1, T1 and ULP Policies GEN2, GEN8.
2. There is no affordable housing proposed and the provision of only 2 bedroom units would fail to achieve a satisfactory mix of units on the site contrary to ULP Policies H9 and H10.

Background papers: see application file.

UTT/1881/04/FUL - LITTLE CHESTERFORD

Proposed B1 research and development building.
Chesterford Research Park. GR/TL 535-418. Norwich Union Pensions Ltd.
Case Officer: Mr T Morton 01799 510654
Expiry Date: 31/12/2004

NOTATION: Chesterford Park Local Policy 1.

DESCRIPTION OF SITE: The application concerns a plot of land within the Chesterford Park site, located on the south edge of the development area and served from the new estate road. The land is currently a bare field, and to the south is open land within the Outer Park, to be retained as structural landscape for the estate as a whole, where a new woodland belt is eventually to be planted.

DESCRIPTION OF PROPOSAL: The proposal is for a two-storey research and development building with a second floor level plant room, providing flexible space which can be let as up to 4 separate units, or combined together if required. The external design style follows that of recent approvals for other new buildings within the park. A car park provides capacity for 119 parking spaces. Three small single-storey buildings stand to the rear of the main building to provide for storage and for electric and gas supply and metering.

APPLICANT'S CASE: The proposed development is a 3,886sq.m. Use Class B1 building designed to be flexible to meet market needs. The design is similar to the approved Medivir building, with durable materials consistent with those on the recent new buildings. The overall approach provides a sustainable design solution affording an energy efficient high quality research environment. As part of the phased development of the park, 3863sq.m of existing old buildings around the park are to be demolished and their removal will improve the appearance of the site. A transportation assessment has been prepared and concludes that the development can easily be accommodated on the highway network.

RELEVANT HISTORY: A Master Plan for the development of Chesterford Park was presented to the Environment and Transport Committee in June 2003, where it was resolved to approve the Master Plan, and in effect it now forms supplementary guidance to the Local Plan. This sets out a landscape framework and design statement with locations for new buildings. The current application concerns one of those approved locations for a new building.

CONSULTATIONS: ECC Highways: No representations received at the time of drafting the report.

Environment Agency: No representations received at the time of drafting the report.

Essex County Council Archaeologist: This is an area which is archaeologically sensitive, and excavation nearby has produced multi-period deposits. It is recommended that a full archaeological condition be attached to any consent.

PARISH COUNCIL COMMENTS: No representations received. Notification period expired 8 December 2004.

REPRESENTATIONS: This application has been advertised. One representation has been received. Period expired 9 December 2004.

The representation is concerned with traffic growth along Petts lane, Little Walden, which runs to the rear entrance to Chesterford Park. This is single track, with no footway, and homes face directly onto it. Fire Engines use this route as the most direct route from the Station. Some staff

and delivery vans use this route too. Any further development at Chesterford Park should be linked to measures to restrict the speed of vehicles in Petts Lane.

COMMENTS ON REPRESENTATIONS: The rear access to Chesterford Park was included in the legal agreement for the main access and new roundabout. Use by emergency vehicles is accepted, together with use by some of the existing buildings within the east section of the Park. This new building will be served from the main access via the new roundabout on the B184.

PLANNING CONSIDERATIONS: The main issues are

- 1) location of development (ULP Policy Chesterford Park Local Policy 1);
- 2) design (ULP Policy GEN2);
- 3) access, parking and traffic generation (ULP Policy GEN1, GEN9);
- 4) other material planning considerations.

1) The Local Plan sets out the development zone for this site, and the proposed development sits within the designated area. This is further confirmed by the adopted Master Plan for the park. This proposal provides smaller units to meet the needs of companies that are in the early stages of their growth, with the hope that they will prove successful and expand, either by combining other space within this building or moving to larger units elsewhere within Chesterford Park.

2) The design of the building has a strong family resemblance to the recently approved new buildings on the site, one of which is complete (Medivir), and another close to completion (Central Facilities). This will provide a unifying identity to the buildings within the parkland setting, and help to blend the buildings into their environment. The design is considered satisfactory.

3) Traffic assessments have already been carried out in earlier phases of the proposal for the park, and the access road and its junction with the main road network have been improved. The park also provides a minibus link to local rail stations and to Saffron Walden for shopping trips at lunchtime, and these are proving to be useful. This application is accompanied by an update to the traffic assessment that demonstrates that this phase of development sits within the capacities outlined in the original assessment.

4) None.

CONCLUSIONS: The proposal is considered satisfactory.

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.4.8. Landscape management and maintenance plan.
6. C.8.22. Control of lighting.
7. C.9.1. No outdoor storage.
8. C.11.7. Standard vehicles parking facilities.
9. C.16.2 Watching archaeological brief.
10. C.25.1. Airport related parking conditions.
11. The buildings hereby permitted shall only be used for uses falling within Class B1b of the Town and Country Planning Use Classes Order 1987, as amended and as may be amended or superseded.

REASON: in the interests of ensuring development complies with the Council's policies for the Chesterford Research Park.

- 12 The buildings and floorspace which are indicated within the application to be demolished shall be so demolished before occupation of the development hereby permitted. Details of the landscaping of the sites of the those demolished buildings shall be submitted to and be agreed in writing by the Local Planning Authority before their demolition, and conditions 3, 4 and 5 of this consent shall apply to those sites.
REASON: To integrate the development into the landscape framework of Chesterford Park.

Background papers: see application file.

UTT/1846/04/DFO - BIRCHANGER

Reserved matters application pursuant to condition C.90C of outline permission UTT/0443/98/OP: Phasing and density.

Land at Rochford Nurseries. GR/TL 509-238. Taylor Woodrow Developments Ltd.

Case Officer: Mr J Pine 01799 510460

Expiry Date: 28/12/2004

NOTATION: Within Development Limits / Allocated for residential development in both ADP (400 dwellings – Policy SM6) and DLP (600 dwellings – Policy SM4/BIR1). Allocation in DLP increased to 720 dwellings at the recommendation of the Local Plan Inquiry inspector, and agreed by Environment Committee and Full Council on 8/6/04 and 22/6/04 respectively.

DESCRIPTION OF SITE: Rochford Nurseries lies on a plateau immediately south of Stansted Mountfitchet. It has been underused for many years, and comprises significant areas of mainly derelict glasshouses. This site, which forms the eastern part of the residentially allocated land, is bordered to the north by houses in Manor Road, to the west by the Croudace land and to the south and east by Foresthall Road and Church Road respectively. Newman's Plantation, a significant area of preserved woodland, extends northwards away from Foresthall Road, bordering a bridleway.

DESCRIPTION OF PROPOSALS: This application contains details of the density and phasing of the residential development as required to be submitted under Condition C.90C of the outline planning permission. Approval under this condition is a separate requirement from the reserved matters for the site layout and is not dependant upon those reserved matters having first been granted. Whilst the plan submitted with this application is based on the recently disapproved reserved matters layout, it is only the phasing and density that is to be considered now – i.e the other details shown on the plan are indicative only.

The development would be undertaken in 4 phases, the first 3 phases consisting of the housing to the south of the estate road and south of the school site, working away from the estate road junction with Foresthall Road. Phase 4 would consist of all the housing to the north of the estate road, including those houses and flats that would face onto Manor Road and Stoney Common. The first tranche of affordable housing would be provided in Phases 1 and 2 (39 out of the total of 79 units). The remaining 40 units would be provided midway and at the end of Phase 4. The provision of the school, health centre and shop are all controlled separately via the section 106 Agreement.

The overall density of the residential development would be 37 dwellings per hectare, in line with Government advice in PPG3 and the approved masterplan.

RELEVANT HISTORY: Outline planning permission for 315 dwellings, new vehicular access, public open space, play area and school granted on the eastern part of the allocated land (Pelham Homes) in February this year. At the same time, outline planning permission was also granted for 285 dwellings on the western part of the allocated land (Croudace Limited). Both permissions included an approved master plan / design brief, and were granted subject to appropriate conditions and a Section 106 Agreement.

The conditions that were imposed related to:

- Time limits for submission of reserved matters and implementation
- Implementation in accordance with masterplan
- Details of materials
- Landscaping

- Density requirements (min 30/hectare) + phasing
- Ecological survey
- Archaeological work
- Drainage requirements
- Parking and circulation areas
- Provision of street furniture
- Limits on construction noise
- Limits on hours of delivery
- Approval of contractors' vehicles routes
- Dust / mud suppression measures
- Submission of an affordable housing scheme
- Details of play areas and bus shelters

The previous set of reserved matters for the layout (UTT/1024/04/DFO) was disapproved at the DC Committee meeting on 31 August, following a Members' site visit. Separate applications for approval of reserved matters relating to landscaping (UTT/1026/04/DFO) access and bridge materials details (UTT/1194/04/DFO), ecology (UTT/1320/04/DFO) and archaeology (UTT/1546/04/DFO) have been submitted and approved. A further set of reserved matters for the layout (UTT/1589/04/DFO) was disapproved on 22 November. An application for approval of reserved matters for drainage (UTT/1976/04/DFO) is under consideration.

PARISH COUNCILS' COMMENTS: Birchanger: Comments were submitted in a joint letter which also related to the last set of disapproved reserved matters for the layout (UTT/1589/04/DFO). The letter expresses concern about the housing density, particularly the increased usage of local roads.

REPRESENTATIONS: This application has been advertised and no representations have been received. Period expired 7 December 2004.

PLANNING CONSIDERATIONS: **The single issue is whether the density and phasing of the residential development would be appropriate.**

The phased programme of working would be acceptable and would represent a logical progression through the site based on the estate road being constructed first. The comments of Birchanger Parish Council are noted, but the density of the development would be appropriate within the guidance given in PPG3 and the approved masterplan. Whilst the site layout details have not yet been approved, the developer is working to the guidance given in the approved masterplan, namely that densities should be higher around the large square and lower along the southern and eastern edges of the site where facing the countryside.

CONCLUSIONS: The proposed density and phasing of the development would be acceptable.

RECOMMENDATION: APPROVAL WITH CONDITION:

The phasing of the development, including the construction of affordable houses and flats, shall be as per the distribution shown on drawing 11080 PR 002 dated 19/10/04 and received on 2/11/04.

REASON: To ensure that the rate of construction of the affordable housing and flats is proportionate to that of the open market housing in the interests of housing needs within the area.

Background papers: see application file.

UTT/1949/04/OP – WIMBISH

Outline application for demolition of existing dwelling and erection of two dwellings with all matters reserved.

The Beehive Elder Street. GR/TL 572-345. A L J Macey.

Case Officer: Mr T Morton 01799 510654

Expiry Date: 07/01/2005

NOTATION: Outside Settlement Boundary

DESCRIPTION OF SITE: This property was originally a café and petrol filling station, converted to residential use in the past. It is adjoined on the east side by a bungalow, on the west side by a modern one and a half storey house, and to the rear by the modern houses of the Carver Barracks estate.

DESCRIPTION OF PROPOSAL: To demolish the existing house and build two new houses, (Outline application).

CONSULTATIONS: NATS The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly NATS (En Route) Limited has no safeguarding objections to this proposal.

ECC Highways The highway authority has no objections in principle to the above proposal subject to the proposed access arrangements forming part of a reserved matters application.

Environment Agency The Agency is concerned about the previous use of the site having caused contamination of the site. It is recommended that prior to determination a desktop study is carried out to identify previous uses and potential contaminants that might be expected. If identified as a problem, a condition should be imposed relating to site investigation, risk assessment and redemption Method Statement. A condition is recommended, which is included in the recommendation below.

PARISH COUNCIL COMMENTS: The Parish Council does not have any objections to the planning application. Notification period expired 16 December 2004.

REPRESENTATIONS: None. Notification period expired 6 December 2004.

PLANNING CONSIDERATIONS: The main issues are

- 1) **Development in the open countryside (ERSP Policy C5, ULP Policy S7);**
- 2) **Density and Layout (ULP Policy GEN1, GEN2, GEN9);**
- 3) **(ERSP Policy/ies, ULP Policy/ies);**
- 4) **Other material planning considerations.**

1) The site lies within the Open Countryside, well outside of any defined settlement boundary as defined in the Uttlesford Local Plan. The site consists of an existing single storey building of no intrinsic merit set in a quite a large plot.

The site is beyond the settlement boundary where new development would not normally be allowed. Replacement dwellings may be allowed when the opportunity is taken to put up a building that reflects local character, is sensitively sited and enhances the countryside. Although outside any settlement boundary, the site is surrounded by built development at Carver barracks so a more intensive form of development may be more appropriate than would be the case if the site were isolated in the countryside. The application is in outline but the site is considered to be large enough to allow a successful scheme for two properties to be drawn up. This would not be out of character with the surrounding development. Paragraph 6.5 of the Housing Chapter of the Local

Plan states that If there are opportunities for sensitive infilling of small gaps in small groups of houses outside settlement boundaries but close to settlements these will be acceptable if development would be in character with the surroundings and have limited impact on the countryside in the context of existing development.

2) Although in Outline, the size of the plot, at 25m x 50m (1250 sq m) is more than adequate to accommodate 2 houses, and provide for their parking requirement and private amenity space. A modern version of traditional cottage design, comparable with the house to the immediate west could be devised which would blend them into the existing streetscape.

CONCLUSIONS: The proposal is considered to be an acceptable exception to policy.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.1.1. Submission of reserved matters 1.
2. C.1.2. Submission of reserved matters: 2.
3. C.1.3. Time limit for submission of reserved matters.
4. C.1.4. Time limit for commencement of development.
5. C.4.1. Scheme of landscaping to be submitted and agreed.
6. C.4.2. Implementation of landscaping.
7. C.5.1. Samples of materials to be submitted agreed and implemented.
8. C.11.5. Standard vehicle parking facilities.
9. No development approved by this planning permission shall be commenced until;
 - a) A desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced. This should be submitted to, and be approved in writing by the Local Planning Authority prior to further investigations being carried out.
 - b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and be approved in writing by the Local Planning Authority prior to the investigation being carried out on the site. The investigation must be comprehensive enough to enable, a risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and refinement of the Conceptual Model, and the development of a Method Statement detailing the remediation requirements
 - c) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been undertaken.
 - d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to that remediation being carried out on site.
 - e) The development of the site should be carried out in accordance with the approved remediation Method Statement.

REASON: To ensure that the proposed site investigations and remediation will not cause pollution of Controlled Waters and that development complies with approved details in the interests of protecting controlled Waters.

Background papers: see application file.

UTT/1845/04/FUL - LITTLE CANFIELD

Extension and change of use to accommodate additional banana ripening rooms and production space. Canopy to loading area of garage outbuilding
Windward Bananas, Stansted Ripening Centre, High Cross Lane East. GR/TL 602-211.
Windward Bananas.

Case Officer: Mr N Ford 01799 510468

Expiry Date: 27/12/2004

NOTATION: Outside Development Limits ADP Policy S2. Outside Settlement Boundary ULP Policy S7. Adjacent a County Wildlife Site ULP Policy ENV7.

DESCRIPTION OF SITE: This site is located in the countryside approximately 3km west of Great Dunmow and 200m south of the B1256 (former A120) along High Cross Lane East. To the south are a range of existing and converted agricultural buildings known as the Claybury buildings and Hales Farm. The Claybury buildings are used for B1 (Business) and B8 (Storage and Distribution) use and Hales Farm is used for B2 (General Industrial) and B8 businesses such as John Walker Fabrications, Highcross Joinery and Camglass. Hales Farm House is also located to the south of this cluster of buildings. Beyond this is a scattering of dwellings. To the north of the site is the dismantled railway (Flitch Way County Wildlife Site) and Grade II listed Easton Lodge (railway) Crossing Cottage and Greencrofts. Several dwellings are located adjacent the road as it curves west toward the B1256, which is near the junction with the new A120. To the west and east lies open agricultural land.

DESCRIPTION OF PROPOSAL: The proposal details the extension of the warehouse off the south elevation and wrapping around the extension approved in 1997. The application drawings show a proposed footprint of approximately 4900sq.m for additional warehousing. An extension to the north-east elevation for office space would have a footprint of approximately 490sq.m. The existing building has a footprint of approximately 5900sq.m and the total footprint of the new extensions would amount to approximately 5390sq.m (57,940sq.ft). As such, this proposal would represent an increase in the built footprint for the site of approximately 91%.

The applicant's supporting information, however, states that the warehouse extension would be 3309sq.m and the office extension would be 335sq.m.

The applicant requires permission for B1 and B8 use in order to cover the office extension and the nature of the light industrial process carried out within the warehouse and for the storage and distribution of bananas. The application would remove restrictions relating to the use of the buildings and therefore allowing an expansion of product lines. These relate to the original permission restricting use for no other purposes other than for the ripening, packaging and warehousing of fruit and vegetables and to the warehousing and distribution of manufactured foods approved for an extension in 1983. This prevents Windwards Bananas from extending its range of products such as the preparation of fruit juices. The vehicle maintenance facility is also restricted by condition for the occupation of Geest Industries only and following a change of ownership in the 1990's to the Windwards and Fyffes Group this prevents the use of this facility.

The existing warehouse (3 tier original section) has a ridge height of 9.3m. The extension approved in 1997 off the south elevation has a ridge height of 10m. The proposed warehouse extension to the south elevation would have a ridge height of 12m and the office extension to the north-east elevation would have a ridge height of 7m (although a service enclosure would rise to 9.2m). The height increase of the warehouse would allow 'three tier ripening' facilities resulting in a greater quantity of bananas to be ripened while resulting in energy savings such that the product price becomes more competitive.

In terms of vehicular parking spaces, the existing provision shown on the application drawings amounts to 87 spaces of which 75 spaces are proposed to be retained, and as such 12 spaces would be lost. This is at odds with the application form, which states that there are 95 existing and proposed vehicular parking spaces. The application form states that there are 187 existing staff and a further 47 staff are proposed as a result of the proposal. The applicant further states that parking provision is likely to be reduced by the use of a mini bus. The applicant states that there are currently 14 to 40 truck movements per day but the actual numbers of HGV movements would depend upon customer demand.

Clarification has been requested from the applicant's agent regarding the area of built development and parking. These, and matters discussed by members at December's Development Control Meeting (when this application was initially discussed) will be reported to members.

APPLICANT'S CASE: See supporting planning statement dated 26 October 2004. (Available at the Saffron Walden Offices, London Road or online).

RELEVANT HISTORY: The site was originally an MOD depot. Geest Industries then occupied the site in the early 1960's, making use of the railway facilities at the time, for ripening, packing and warehousing of fruit and vegetables. After this period various applications were approved such as for the demolition of Nissen huts and the siting of portacabins. In 1983 planning permission was granted for an extension of use to include warehousing and distribution of manufactured foods.

British Rail withdrew the rail siding facility and combined with other changes to handling, techniques and technology brought about a move toward warehousing for fruit and vegetable products but this resulted in a proposal in 1985 for an extension of 7409sq.m being refused planning permission due to a detrimental affect upon the rural area and highway impacts.

In 1989 planning permission was granted for the modernisation and refurbishment of and extension to the building as the company consolidated its operation solely as a banana ripening and distribution centre.

In 1997 planning permission was granted for an extension to the building to provide additional storage space for the ripening of bananas increasing the footprint of the buildings by approximately 25% (i.e. 1140sq.m) and also required an increase in height to accommodate new banana ripening technology. This proposal also involved a significant increase in vehicular movements. This proposal was not considered to strictly comply with Policy S2 of the Adopted District Plan 1995 relating to the protection of the countryside from inappropriate development but was granted on balance to ensure that an existing firm remained in the area.

CONSULTATIONS: ECC Highways: Insufficient information. See planning considerations.
UDC Planning Policy: The proposed development is large and would represent a significant amount of new built development in the countryside, where in accordance with Structure Plan policy C5 and policy S2 there is a clear presumption against new development, which is not related to agricultural or recreational activities. Policy S7 in the approved local plan states there will be strict control on new building but allows for development where there are special reasons why the development in the form proposed needs to be there. PPS7 encourages strong diverse economic activity whilst maintaining local character and a high quality environment (Para 2). The site has been in its current use for a considerable time and the extension will offer additional employment. Due to the location of the site and the surrounding development the proposed extension will be well contained and will not extend the built form of the development into the countryside. The height though is a matter of some concern since this will make the extension more visible to views from the surrounding area. If the height could be lowered to that of the

existing building then this impact would be reduced. On balance if there were felt to be a need to support employment on this site and the height of the extension could be reduced then the development could be approved.

PARISH/TOWN COUNCIL COMMENTS: Little Canfield Parish Council: No objections regarding the actual development. Traffic movement will affect adjacent dwellings. Concern relating to the suitability of the junction with the B1256 for large vehicles. Heavy vehicles should use the B1256 and not the A120. Concern relating to potential light pollution. Adequate landscaping should be provided around the perimeter of the site, especially the west side. Concern relating to the use of only one access.

Great Dunmow Town Council: Support provided cladding is in environmentally friendly colours, details of external non-intrusive external lighting should be provided. Full landscaping details should be provided to prevent intrusive lorry movements detracting from the surrounding countryside, particularly at night.

REPRESENTATIONS: This application has been advertised and two representations have been received. Period expired 2 December 2004.

1. Concern relating to articulated lorries using unsuitable junction and roads. The road is dangerous and not adequate to carry the size and number of lorries that service the Banana Depot seven days a week from early morning until evening. There should be an improved road so as not to make the situation worse.
2. It is reported that one of the main drivers for acceptance of this application would be the benefit to local people of employment opportunities. However, there is question as to how many will come from the local area as many are bussed in and would appear to be migrant workers. New jobs could not support a local applicant's housing and living cost because they are low paid. Not convinced that this is a driver for consideration and may be taken up by existing employees of the company through relocation. The extension will lead to a massive increase in congestion and noise. This locality has suffered through the A120 with pollution and other hazards and this would be a retrograde step.

PLANNING CONSIDERATIONS: The main issues are:

- 1) **whether this rural location is a suitable location for B1 and B8 use outside of designated employment sites and urban locations (ESRP Policy BIW3, BIW5),**
- 2) **whether the erection of an extension of the size and scale proposed is appropriate in this rural area (PPS7, ERSP C5, ULP S7),**
- 3) **whether the design of the development is appropriate in this rural location (DLP GEN2),**
- 4) **whether the redevelopment of the site would have a detrimental impact on rural amenity and the residential amenity of adjoining occupiers (ULP GEN2),**
- 5) **whether the proposal would have a detrimental impact on the surrounding rural and trunk road network (ULP GEN1),**
- 6) **whether the proposal would have an adverse impact on biodiversity and the ecological value of the surroundings (ULP ENV7),**
- 7) **the weight that needs to be given to the economic and social benefits of the development.**

1) Policy BIW3 and BIW5 of the Structure Plan asks local authorities to determine applications for warehouse and business development in a sequential approach. Such development should be concentrated in existing urban areas in order to support urban regeneration and make the best use of urban land so as to reduce development pressures on the countryside and provide a choice of means of transport other than the car. After the use of previously developed land and other land within inner urban and suburban areas, planned peripheral development is least appropriate in this context. PPS7 follows a similar theme in directing new development near existing service centres where facilities are more readily

available. It is therefore considered that the erection of office and warehouse development in the proposed location would perform poorly when tested against this sequential criterion such that the application site is an unsustainable location for the proposed scheme.

2) New building development in the countryside away from existing settlements or outside of areas allocated for development in development plans should be strictly controlled so as to protect the countryside for its own sake (PPS7, ULP Policy S7).

The existing roofline of the warehouse can be viewed when approaching Great Dunmow from the west along Stortford Road as the countryside is open and views are afforded above and between tree canopies. The extension of the warehouse would further enhance the prominence of this built development due to its scale and height when viewed from this direction. It would be prominent and clearly visible as a dominant feature. It is considered that such a scale and height would harm the character and appearance of the surrounding countryside. UDC Planning Policy also has concern regarding the height of the extension and views from the surrounding countryside, which will be more visible than the existing development. It is understood that the proposed height of the extension is necessary in order to provide three tier ripening facilities as opposed to the existing two tier facilities such that there is little scope for amending this aspect of the proposal from the format proposed.

3) All development in rural areas should be well designed and in keeping with its scale and location and sensitive to the local character of the countryside. The design of the extensions are utilitarian in nature and not unlike the existing warehouse extension approved in 1997 albeit on a much larger scale and of a greater height.

There is no intrinsic design character in this locality. Apart from the context of the existing banana warehouse the area has a number of steel sheds as well as former and existing agricultural buildings of no individual or collective merit. The loose knit scattering of dwellings also follows no particular design code. As such it is considered that a profile metal clad utilizing brickwork and timber cladding would not be inappropriate.

4) Any affect to residential amenity is not likely to be a cause of the size and scale of the warehouse through detriment by way of any overshadowing or overbearing affect although it will have a more visually distracting dominance than the existing warehouse. The main concern relating to amenity would be potential noise and disturbance resulting from vehicle movement both from articulated lorries and staff cars. The applicant states that such movements will be similar to existing but ECC Highways are of the opinion that there is insufficient information to justify this. This is elaborated further below. There is also a discrepancy between existing parking provision and that proposed such that the application drawings show a loss of on site parking. This may have implications for adequate on site parking and in turn highway safety and accessibility given the proposed increase in staff numbers.

5) ECC Highways has commented on the application. Advice states that the applicant has provided insufficient information on traffic impact, highway access and accessibility to enable the Highway Authority to assess whether or not the application complies with the requirements of Structure Plan policies. These relate to promoting adequate accessibility and how traffic generation can be adequately accommodated on the surrounding road network safely, as well as preserving the environment of the local community and promoting alternatives to the car (justification provided by a Transport Assessment). This would also determine whether existing transport routes are acceptable (a matter raised by members for consideration when this application was reported in December) and whether any improvements are necessary to improve safety, capacity and manage traffic demand.

This in turn has implications for the proper consideration of members concerns relating to the adequacy of existing access and road junctions, trip generation and the need for a travel plan.

Much of these issues have been explored by ECC Highways who have been provided insufficient information to assess these impacts and have therefore recommended refusal. It is considered that such information (as may be provided by a Traffic Assessment) is necessary prior to determination of this application such that any impact on the local road network and locality may be properly assessed in order to ensure a satisfactory standard of development.

6) The County Wildlife site does run along the Flich Way to the north of the site, however, this is some 25m away from the existing warehouse and the proposed extensions would not encroach built development considerably nearer. As such it is considered that there would be no impact upon nature conservation of any material significance. The footprint of the proposed extensions would encompass areas of concrete, tarmac and vegetation of no value other than grassed landscaping.

7) Members are asked to consider whether there are special reasons that the proposed development should be permitted in this location such that the issues identified above relating to the sequential approach to the siting of such development, impact of the development on the countryside and lack of information necessary to identify the impact of traffic on the surrounding rural and trunk road network should be set aside. Policy S7 relating to the countryside states that development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. A particular reason identified at the December Development Control Meeting is the weight of economic and social benefits that the development may or may not bring.

The special circumstances may be listed as follows:

- The company is consolidating its operations to one site in the UK. If this application is unacceptable the business may have to be relocated elsewhere
- Windward Bananas is a Fairtrade organisation supporting some 4,500 growers who are dependent in the UK business
- The building would be 50% more energy efficient
- The banana ripening business is not airport related and adds to the diversity of the local economy
- The site has brownfield status
- There would be increased employment opportunities

Whether there special circumstances we such to justify on exception to policies is a matter for members to decide. It is considered that the development has economic and social consequences for beyond the District and indeed the Country. In addition there are no obvious and available alternative locations within the District while the issues are very finely balance it is considered approval could be recommended, subject to appropriate conditions (and referral to GoEast under Departure Produce)

However the lack of highway information means that approval cannot be recommended at this stage. If members consider that the special circumstances do not outweigh planning policy issues then reasons for refusal on grounds of inappropriate location and the height and bulk of the building may be added.

CONCLUSION: Given the above considerations relating to the impact of the proposal on the countryside and the surrounding road network, Members are asked to consider whether there is sufficient justification in respect of sustaining the local rural economy (employment and social benefits) to outweigh the harm identified in relation to planning policy.

RECOMMENDATION: REFUSAL REASONS

1. The application contains insufficient information on traffic impact, highway access and accessibility to enable the Highway Authority to assess whether or not the application complies with the requirements of Policy T3, T6, T8 and T11 of the Essex and Southend-on-Sea Replacement Structure Plan 2001.

Background papers: see application file.

UTT/2057/04/FUL - SAFFRON WALDEN
(Council employee)

Proposed single storey extension to front.
18 Peal Road. GR/TL 544-373. Mr Mrs Morris.
Case Officer: Mr G Lyon 01799 510458
Expiry Date: 26/01/2005

NOTATION: Proposed Modifications to the Deposited Local Plan – Within development limits of Saffron Walden.

DESCRIPTION OF SITE: The application site is located on the Southern side of Saffron Walden off Winstanley Road in a residential close known as Peal Road.

DESCRIPTION OF PROPOSAL: The applicant is seeking consent to extend the front of the property at ground floor along with the conversion of the existing garage to form a family room and dining room extension. The flat roof of the existing structures would be replaced with a pitch roof. The extension would project forward of the existing wall of the garage by a further 1.75 metres giving a total projection to 4.65 metres. No further parking spaces are proposed and the property would have one hardstanding.

RELEVANT HISTORY: No relevant history for No.18. However, a single storey extension has been erected at No.38 Peal Road, consent has also been given for a single storey front extension at 32 Peal Road and No.37 Peal Road have converted their garage to living accommodation. No.41 Peal road has had major alterations both single and first floor at the front and side.

TOWN COUNCIL COMMENTS: No comments received (due 31 December 2004).

REPRESENTATIONS: Neighbour consultation period expires 21 December 2004. No comments have been received to date.

PLANNING CONSIDERATIONS: This is a fairly minor application, which has only required a decision by Committee members in view of the fact that the applicant is an employee of Uttlesford District Council.

The proposed extension is somewhat different to most of the other approved extensions on Peal road in that it involves a forward projection of the existing building by 1.75 metres.

In pure design terms the proposal will result in quite a large front projection. However, in terms of impact to the neighbouring properties, the extension would not result in a material loss of light nor would it have an overbearing impact. One therefore has to question whether a decision of refusal would be upheld on appeal.

Therefore, despite the concerns about the visual appearance of the extension, officers would recommend approval of the submitted application subject to relevant conditions. It is considered appropriate to require provision of a replacement parking space 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 materials used in the construction of the external surfaces of the development hereby approved shall match with the quality, finish and appearance of those used on the existing property.

REASON: To ensure that the external appearance of the proposed development is acceptable in relation to the existing property.

4. Prior to the first occupation of the extension/alteration hereby permitted at least two car parking spaces shall be provided within the curtilage of the dwelling, each measuring 5m long by 2.5 metres wide. Such spaces shall be maintained and retained thereafter for the parking of cars regularly visiting the site.

REASON: To ensure that the dwelling has adequate parking facilities.

Background papers: see application file.

1) UTT/1769/04/FUL & 2) UTT/1770/04/LB – BROXTED

Erection of single storey and two storey rear extensions to provide 17 No. hotel bedrooms
Whitehall Hotel Church End. GR/TL 578-271. Aquarelle Ltd.

Case Officer: Mr N Ford 01799 510468

Expiry Date: 16 December 2004

NOTATION: Outside Development Limits/Boundary ADP S2/ULP S7. Affects a Grade II* listed building ADP DC5/ULP ENV2.

DESCRIPTION OF SITE: The White Hall Hotel is a late 16th Century building with mid 17th Century west and east extensions. It is located just off the B1051 linking Elsenham and Thaxted in Church End, Broxted. This area forms a cluster of historic buildings within a rural area. The site is a complex of barns and buildings part of which are listed in their own right. A Grade II listed building (The Barn House) fronts the road with Church Hall Farm linking off a range further east (Grade II* listed).

The White Hall Hotel is located off the road and south of The Barn House and is also Grade II* listed. It is a timber framed and plastered building with a red plain tile roof. It includes original late medieval features like jettied gables, chequerboard bargeboards, carved consoles, a staircase tower and four diagonal chimney shafts. It has been much extended in association with its present use as a hotel. The building and its setting is regarded as picturesque.

To the west is a Grade II listed wall with St. Mary's Church beyond (Grade II* listed). To the south lie garden and tennis courts associated with the hotel, with a dwelling named Old Orchard to the south east and Church End Villas beyond. To the north and east lies open countryside beyond Church Hall Farm and the B1051 respectively.

DESCRIPTION OF PROPOSAL: The proposal relates to the erection of an extension off the south elevation of the existing hotel in order to provide a further 17 bedrooms of hotel accommodation.

The extension would have a foot print of approximately 352 sqm in an 'L' shape form. A single storey extension (4 bedrooms) would run south from the existing hotel with a ridge height of 6.2m with a two storey wing (12 bedrooms) running east/west off this to a ridge height of 8.6m with a single storey addition to the west elevation providing a further bedroom. Materials proposed consist of a red brick plinth, black boarding and clay plain tiles and pantiles.

APPLICANT'S CASE: See supporting letters dated 14 October and 10 November 2004 attached at end of report.

RELEVANT HISTORY: The site has an extensive history of changes of use, extensions and internal alterations to facilitate the use of the site for hotel accommodation and ancillary activities too numerous to list throughout the 1980's and 1990's.

The building has already been much extended in two storey form to provide additional sleeping accommodation and in single storey form to accommodate more utilitarian uses such as kitchens.

CONSULTATIONS: ECC Highways: To be reported. (due 7 November 2004).

Water Authority: To be reported. (due 7 November 2004).

Environment Agency: Standard advice for applicant regarding development with a private treatment plant.

ECC Landscaping: To be reported. (due 26 November 2004).

UDC Specialist Design Advice: Too big. See planning considerations.

English Heritage: See planning considerations.

Victorian Society: To be reported. (due 7 November 2004).

Royal Commission on Historical Monuments: To be reported. (due 7 November 2004).

Society for the Protection of Ancient Buildings: To be reported. (due 7 November 2004).

The Georgian Group: To be reported. (due 7 November 2004).

Council for British Archaeology: To be reported. (due 7 November 2004).

Ancient Monuments Society: To be reported. (due 7 November 2004).

PARISH COUNCIL COMMENTS: No objection.

REPRESENTATIONS: These applications have been advertised and no representations have been received. Period expired 25 November 2004.

PLANNING CONSIDERATIONS: The main issues are

- 1) **Whether the development would accord with policy relating to the protection of the countryside and tourist development (PPS7, PPG21, ESRP Policy C5 LRT9, LRT10, ADP Policy S2, REC3 and ULP Policy S7, LC5),**
- 2) **Whether the development through its scale and design would protect the special historic appearance and characteristics of this listed building (PPG15, ESRP Policy HC3, ADP Policy DC1, DC5 and ULP Policy GEN2, ENV2),**
- 3) **Whether the development would protect visually important spaces, trees and individual specimens or other important landscape elements and if the need for development outweighs their loss (ADP Policy DC8 and ULP Policy ENV3 and ENV8) and**
- 4) **Whether the development would provide sufficient vehicle parking or be detrimental to highway safety and the rural road network (PPG13, ESRP Policy T3, T12, ADP Policy T1, T2 and ULP Policy GEN1 and GEN8).**

1) It is evident that areas, such as this, that attract tourism in part owe this to the quality of the landscape and other environmental factors alongside economic and social factors such as Stansted Airport and therefore require sensitive protection. Due to this, the location is subject to more restrictive control on new development being located in the open countryside such that its character and beauty is preserved for its own sake.

The requirement for tourist development does not enjoy any less rigorous control than other new development in the countryside and requires sensitive consideration, as does the requirement to preserve or enhance the character and setting of areas of historic and architectural interest. Essential development may be appropriate in principle to support the local economy but it must be of an appropriate scale and of a high standard of design. PPG21 (Tourism) states that the choice of siting of hotel development is important from a commercial standpoint but whatever the type of hotel or its location it should fit in well with its surroundings and environment. Moderate sized extensions to an existing hotel including the addition of bedroom accommodation, can help to secure the future viability of such a business. This may satisfy a local need as well as a tourism one by fully utilising a site but this must not result in a disproportionate increase in scale.

ADP Policy REC3 and ULP Policy LC5 follow this theme such that building extensions to support tourist accommodation, which do not adversely affect the rural interests, character and amenity of the countryside, will normally be permitted.

On this basis, negotiation between Officer's and the applicant's agent regarding the principle of a hotel extension have taken place in relation to such planning policy and listed building

considerations. During this time the scale and design of the proposal has been reduced from up to 30 bedrooms within an excessively long linear wing to the south to the now 17 bedrooms in the form indicated. Before the scheme as (now proposed) was submitted, it was advised by Officer's that the extension remained overly large and concern was raised in relation to damage to the yew hedge and parking provision. However, the application before Members today was submitted in this form as it is considered by the applicant that this is the minimum number of hotel bedrooms necessary to meet commercial viability requirements.

Officer's remain of the opinion that the extension is overly large in size and scale in relation to its impact upon the character and appearance of the countryside, this is not least because of implications for the rural setting of the listed building and the amenity value of trees and hedges. Such affect on character and amenity is explored in greater detail below. The area of new building proposed would constitute a substantial and disproportionate increase in the foot print and mass of the development such that the original form of the building would be detrimentally affected. It is true that the extensions would not be visible from the north but this is not considered a good justification for development.

2) English Heritage considers that the building is already weighed down by modern additions. The present application seeks approval for construction of a further substantial enlargement. This would take the form of a long range of one and a half storeys set behind and to the east of the house and running parallel to it and this would be attached to the existing buildings by a lower range. The projected buildings would be tiled and weatherboarded and have been designed so as to recall the character of the agricultural buildings traditional to the County.

It is considered that were these buildings to be constructed the historic house would be encumbered by its modern additions. That said, the applicant's have attempted to minimise the effect of the big extension by disposing the proposed range in the above manner rather than proposing that it project and run southwards from the house as originally proposed. The design of the buildings is intended to give them the character of ancillary buildings to the house and to allow them to sit as comfortably in their setting as possible. Whether disguising what is essentially a form of domestic building beneath the architecture of a barn would be more appropriate than building in a domestic manner clearly subordinate to the architecture of the house may be debated but the chosen approach is fair. Were these buildings to be built it would affect visitors appreciation of the house in so far as they would further weigh it down with modern work although it is fair to note that their disposition and design coupled with the fact that they fall in land to the east and position of the tall Yew hedges that are so important a feature of the garden, the effect of the buildings on the most important areas of the garden to the south would be limited and they would be invisible from the north.

PPG15 states that the setting of a listed building is an important part of a building's character, especially if a garden or its grounds have been laid out to complement its design or function. In this regard, English Heritage identifies one particular element of the scheme as being particularly unacceptable. This is the single storey subsidiary gable projection to the west elevation, the siting of which, according to the site plan would be necessary to remove the southern end of the eastern Yew hedge. In this particular circumstance, the Yew hedges are considered to be important in relation to the setting of the listed building and to the screening of the proposed extension.

UDC Specialist Design Advice also comments that as a design concept, the scheme endeavours not to devalue the architectural characteristics of the listed building by not copying them. However, the sum total of the existing modern extensions and the now proposed mass would bound to have an overpowering affect on the fabric and the setting of the listed building. In addition, it is also recognised that the new substantial foot print would result in the loss of important areas of vegetation, which is a vital element of the setting of this listed building. Therefore, there should be a substantial reduction in the size of the proposal.

It remains the case, however, that in principle what is proposed is considered to be undesirable and Members should consider the applicant's justification for such development carefully. These applications should only be approved if members are persuaded that the erection of an additional 17 bedroom extension is vital to the future of the hotel and that this would outweigh the harm to the building and its setting.

3) The site benefits from a rich mixture of mature trees and hedges that contribute to this picturesque location, its amenity value and the setting of the listed building. There is a particularly fine Cedar tree subject to a preservation order to the south of the hotel range but this would be located some way to the south west of the proposed extension and should not be unduly affected. However, in order to facilitate the siting of the proposed extension it will be necessary to remove certain specimens.

There are two established Yew hedges and a further Beech hedge that run south from the principal range of buildings towards a copse of mixed trees and bushes. The submitted block plan shows that most of the Beech hedge would require removal to facilitate the proposal and additionally the southern portion of a Yew hedge would be removed in order to set out the western single storey addition off the main linear part of the extension running east west. It also appears that the copse to the south may require at least some lopping or topping in order to site the extension.

It is considered that a key asset of this building is its characteristic gardens, which are of special interest. ECC Landscaping have been asked to comment in relation to the impact of the proposals on this visually important setting and individual species and such advice will be reported to Members.

Members will note from the above comments, however, that English Heritage have objected to the siting of the extension in relation to the removal of the southern end of the eastern most Yew hedge. This is considered to be of importance to the setting of the listed building and to the screening of the proposal.

4) The proposal would provide a further 17 hotel bedrooms with a local plan parking requirement for 17 vehicle spaces as well as powered two wheeler spaces and cycle parking. The applicant states that the total requirement for staff parking is between 8 and 10 spaces. However, the applicant has not designated any additional parking provision as it is stated that at least 50% of guests arrive at and leave the hotel by taxi. The east elevation of the extension would encroach into the existing parking area and the applicant suggests that the area would be equivalent to 2 parking spaces.

The applicant has stated that the existing hotel has 26 bedrooms and that there are currently 55 parking spaces around the site. It is therefore suggested by the applicant that there is sufficient parking for both existing and predicted demand.

ECC Highways have been consulted with regard to the consideration of the above information and the impact of the proposal on parking, highway safety and accessibility. Comments will be reported to Members.

CONCLUSIONS: Officer's are sympathetic to the principle of a hotel extension in this location in order to help secure the future viability of the business and support the local economy. However, it is considered that the addition of a further 17 bedrooms in the form proposed would have a damaging affect upon the character and appearance of this rural location and the setting of the listed building. Balanced against this, it is considered that the applicant has not submitted sufficient economic and environmental justification in order to consider the hotels business requirements as a significant material consideration.

RECOMMENDATION: REFUSAL REASONS

1. The proposed extension is unacceptable as it would result in an overly large extension, the siting and scale of which would have a detrimental affect on the character and appearance of the countryside contrary to PPS7, PPG21, Policy C5, LRT9 and LRT10 of the Essex and Southend on Sea Replacement Structure Plan 2001, Policy S2 and REC3 of the Adopted District Plan 1995 and Policy S7 and LC5 of the Uttlesford Local Plan 2004.
2. The proposed extension is unacceptable as its siting and scale would have an overpowering affect on the listed building and its setting would be detrimentally affected by virtue of removal of Yew hedges that contribute to its visual character and appearance contrary to PPG15, Policy HC3 of the Essex and Southend on Sea Replacement Structure Plan 2001, Policy DC1 and DC5 of the Adopted District Plan 1995 and Policy GEN2 and ENV2 of the Uttlesford Local Plan 2004.

Background papers: see application file.

UTT/1884/04/FUL - WENDENS AMBO

(Referred by Cllr Menell)

Change of use and conversion of building from offices to three dwellings.

Courtlands, Royston Road. GR/TL 505-362. Mr Brian Pigott.

Case Officer: Ms H Lock 01799 510486

Expiry Date: 06/01/2005

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 measures 4600 square metres and contains development in a U-shaped arrangement. The building is towards the western end of the site, and there is a Grade II listed building on the site beyond (Oak Cottage). The central section of Courtlands was previously a dwelling with western and eastern wings approved in 1987 and 1990, 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 is from the northwest 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 is vacant.

DESCRIPTION OF PROPOSAL: This is a revised proposal to convert the building to three dwellings, following refusal for the same development in September this year. It would include the addition of two detached garages to serve houses 1 and 3 (the end wings), with the central unit having an integral garage. Access to all three units would be from the existing access point, with an internal driveway and turning areas in front of the building.

House 1 would be formed from the barn-like part, with minimal external alterations. The link with the rest of the building would be demolished and two new windows inserted in its place along with external repairs following demolition of the link. The rear fire escape would be removed and two new windows inserted. Most works to House 1 would be internal with the insertion of partitions to create a five-bedroom house. The proposed garage/carport would be 5.75 metres square with a height to eaves of 2.2 metres and a height to ridge of 5.2 metres. The garden for House 1 would be to the east of the dwelling with a size in excess of 2000 square metres.

House 2 would be formed from the central and original part of the property (formerly a house). Alterations include the creation of an integral double garage, and minor changes to fenestration on the rear elevation. There would be internal alterations, but far less than for Houses 1 and 3. The property would have four bedrooms and amenity space would be to the rear, measuring in excess of 500 square metres.

House 3 would be formed from the extension approved in 1987. External alterations include the insertion of three new windows on the ground floor in the west elevation, two new windows and doors on the ground floor and four windows in the first floor on the east elevation with one new opening on the rear elevation. To counter potential overlooking of the garden to House 2, the applicants are proposing to obscure glaze the first floor windows in the west elevation. New internal partitions would be inserted to create a five-bedroom house. The proposed garage/carport would be sited to the west of the dwelling and would be 5.75 metres square with a height to eaves of 2.2 metres and a height to ridge of 5.2 metres. The garden would be to the west of the dwelling with a size in excess of 650 square metres.

The proposals are the same as those recently refused, although this would now be served via a single access point. The key difference is that the proposal is now supported by more justification regarding marketing, and the inappropriateness for commercial use due to the requirements of the Disability Discrimination Act 1995, which has recently come into effect.

APPLICANT'S CASE: A surveyor's report is attached, letters dated 4, 7 and 27 October 2004 setting out the alterations required for commercial use to meet the Disability Discrimination Act requirements. Detailed marketing information is also provided and an assessment of alternative use of the building. All documents are available for inspection at the Council Offices.

RELEVANT HISTORY: The original house 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 in 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.

Applications for (1) change of use of part of the building to residential, and (2) for change of the whole building to 3 dwellings were refused in August and September 2004 for the same reasons.

CONSULTATIONS: UDC Engineer: The building is close to the floodplain and it is recommended that flood proofing is carried out along the southern elevations of the properties.
Environment Agency: No objection. The site is within a Flood Risk area, but it is a small-scale development the impacts of which are likely to be insignificant. Recommend the applicant considers wet-proofing measures.

PARISH COUNCIL COMMENTS: Subject to the District Council satisfying itself that there are no reasonable prospects of selling or leasing the property for commercial purposes, something the Parish Council cannot accept as no evidence has been provided, it would accept a change of use from commercial to residential. The PC would like to bring to the attention of the District Council the fact that developers, who are requesting a change of use, do not appear to have been encouraged by District Council officers to submit proposals for a mix of accommodation that meet the local need for lower cost 1-2 bedroom units.

On this occasion, as was the case with all previous occasions when proposals for Courtlands have been considered, the Parish Council has insisted that the developer provide safe and reasonable pedestrian access to the pub, Church, station and village generally. The developer should also meet all the costs of moving the 30mph limit in the area.

Any planning consents should include the Conservation Officer's recommendation, with regards the removal and/or protection of individual trees on the site.

The cellar, that is an integral part of the original dwelling and part of the village's heritage should be retained.

The arrangements for garaging and car parking must be reviewed in relation to the need to avoid any danger of overspill parking on the road. The total number of parking spaces per unit must

exceed 5. The access route to No.1 past No.2 is particularly challenging and should be reconsidered.

Specific protection should be given to the maintenance and integrity of the wall along the road, and to ensure that no proposals are subsequently made for additional access points through this attractive wall.

Welcome the developer's proposal to maintain the general appearance of the site in terms of materials. However, the proposal to divide the site by means of 1.8m high walls and fences is not acceptable in areas visible from the road, and hence a maximum height of 600mm should apply. Heights and nature of boundaries should be specified in the consent.

REPRESENTATIONS: None received. Notification period expired 6 December.

COMMENTS ON REPRESENTATIONS: The comments of the Parish Council are noted, but it is considered that conversion of the building to more units would be less sustainable given the location beyond the settlement. The conversion to three units would represent the most appropriate level of residential re-use. The applicant does not have land within his control to provide a pedestrian link to the village centre. The matter of speed limits in the village is a separate matter which cannot be considered as part of the determination of this application. With regard to parking, the Council's standards would require the provision of 3 spaces per unit, and this provision is met. There is no justification to require more than this, and overprovision would be contrary to national and local policy.

The application proposes only one access point, and any further accesses would require planning permission as they would be created onto a classified road.

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.
- 4) the supporting evidence would overcome the previous reasons for refusal.

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 should be considered in conjunction with all 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 has previously been judged that it failed to meet parts A and C.

Following the refusal of the last application, the applicant has now submitted more detailed supporting information, clarifying the extent of the marketing of the property and details of the commercial database operated by the vendor. In addition, certain provisions of the Disability Discrimination Act 1995 have recently come into effect, requiring all buildings to which the public need access to be modified to ensure that they are accessible for people with any form of disability. A surveyors' report has been submitted setting out the extent of the alterations which would be required to make this building usable commercially, and it is considered likely that the works would be prohibitively expensive. As a result, it would be impracticable for the building to continue an active life for business or tourist purposes.

It is considered that the applicant has now demonstrated that there is no demand for the property for business use, and the alterations needed to meet the demands of the DDA would make any commercial re-use unfeasible.

Officers are now of the opinion that the proposal accords 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 100-metre protection zone from the central reservation of the M11, and as such it is not considered that the proposal could be resisted on the basis of poor air quality (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 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: Within recent years there have been a number of applications refused for residential conversion of this building. However, the additional information on marketing and the building survey are considered to have demonstrated that there is no longer a demand for commercial use of the premises, and that alterations needed to meet the requirements of the DDA would not be viable. The proposal would overcome the previous reasons for refusal.

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, including measures for re-use of the existing hard-surfaced car park as garden area.
4. C.4.2. Implementation of landscaping
5. Retention of trees
6. C.4.6. Retention and protection of trees and shrubs for the duration of development
7. C.5.3. Matching materials
8. C.5.9. Stained wood
9. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission
10. C.6.7. Excluding conversion of garages
11. C.8.26. Internal sound insulation to dwellings
12. C.11.7. Provision of parking and turning areas
13. C.19.1 Avoidance of overlooking – obscure glazing
14. All vehicular access to the three dwellings hereby permitted shall be via the access point marked 'X' on drawing no. 14 date stamped as received 11 November 2004. There shall be no vehicular access via the gateway marked 'y' on that drawing, which shall be retained for pedestrian and emergency access only.
REASON: In the interests of highway safety.
15. No development shall commence until details of flood protection measures for the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Such measures that are approved shall be implemented in their entirety and thereafter retained in the approved form.
REASON: To minimise risk of flooding in the interests of public safety.

Background papers: see application file.

UTT/1898/04/FUL – THAXTED

(Referred by Cllr Wattebot

Erection of cart lodge type garage formation of vehicular access
No. 6 Bolford Street. GR/TL 609-309. C Stagg & Exors of C Hingston.
Case Officer: Miss K Benjafield 01799 510494
Expiry Date: 04 January 2005

NOTATION: ADP - Within Development Limits / Conservation Area / Area of Special Landscape Value / Ancient Monument
ULP – Within Settlement Boundary / Conservation Area / Ancient Monument

DESCRIPTION OF SITE: The site is located on Bolford St approximately 80m to the southwest of the junction with the B184. The site covers an area of 900m² and has a listed dwelling located to the northeast corner.

DESCRIPTION OF PROPOSAL: This application relates to the erection of a detached cart lodge and formation of a vehicular access. The cart lodge would be located 19m to the west of the dwelling and approximately 2m from the boundary with the adjacent property. It would cover an area of 45m² and would have a maximum ridge height of 5m. The design of the building would incorporate a slate covered roof and weatherboarded walls. It is proposed that the front elevation would be open fronted.

It is also proposed to remove a 3m wide section of the 2m high boundary wall fronting Bolford Street to enable vehicular access to the site. Behind the wall it is proposed to erect low retaining walls adjacent to the new access.

Access to the site was previously via the yard to the rear of the property however this is no longer available for the occupants of the dwelling to use. An application for listed building consent has been submitted for the removal of part of the wall and is being dealt with as a separate application.

APPLICANT'S CASE: See letter dated 3 November attached at end of report.

RELEVANT HISTORY: Erection of detached dwelling and garage and construction of access refused 1997, allowed at appeal 1998 on land adjacent to 6 Bolford Street. Demolition of part of front boundary wall refused 1997, allowed at appeal 1998 on land adjacent to 6 Bolford Street.

CONSULTATIONS: ECC Archaeology: The area lies on the edge of a highly archaeologically sensitive area. The Essex Historic Environment Record shows that the development area lies within the medieval town of Thaxted (EHCR 1397). Recommend detailed monitoring.

Design Advice: I have no design objections to the proposed development subject to conditions.

PARISH COUNCIL COMMENTS: The Parish Council object strongly to the above planning application on the grounds that the proposed access through the old wall would rob residents of two or more valuable parking spaces. It was agreed that there is already sufficient access for this property.

REPRESENTATIONS: This application has been advertised and no representations have been received. Period expires 6 January.

COMMENTS ON REPRESENTATIONS: The existing access to the property is no longer available to the occupants of the dwelling. The construction of a new vehicular access in the wall approximately 3m wide would be less than the length of a standard parking space (5m) and could

potentially free up additional space on Bolford Street by removing vehicles which would otherwise have to park on the street. In addition, a car park has been approved to the rear of the United Reformed Church further along Bolford Street which would also help ease the on-street parking situation.

PLANNING CONSIDERATIONS: The main issues are

- 1) **whether the proposal would be detrimental to the character of the Conservation Area or the character, appearance or setting of the listed building (ERSP Policies HC2, HC3, ADP Policies DC2, DC5 & UDP Policies ENV1, ENV2); and**
- 2) **the erection of the cart lodge would have a detrimental impact on the amenity of the occupiers of the adjacent dwelling (ADP Policy DC14 & ULP Policy GEN2).**

- 1) The Council's Conservation Officer has been consulted on this application and has no objections to the proposal in relation to any potential impact on the listed building or the Conservation Area. This is however, subject to conditions being imposed on any approval relating to the prior approval of the proposed materials to be used.
- 2) The newly built dwelling to the southwest of the site has been constructed with no windows in the side elevation facing the site. In addition, the orientation of the adjacent dwelling and the proposed cart lodge would prevent any loss of light, overshadowing or the building having an overbearing impact on the dwelling.

CONCLUSIONS: The proposal would not have a detrimental impact on the Conservation Area, the listed building or the amenity of neighbouring properties.

RECOMMENDATION: APPROVAL WITH CONDITIONS

- 1. C.2.1. Time limit for commencement of development.
- 2. C.3.1. To be implemented in accordance with approved plans.
- 3. C.5.1. Samples of materials to be submitted and agreed.
- 4. C.5.4. Natural Slate.
- 5. C.5.9. Stained wood.
- 6. The ends of the existing wall shall be made good with matching bricks and pointing.
REASON: In order to protect and enhance the character, appearance and setting of the listed building and the character of the Conservation Area.
- 7. No development or preliminary groundworks 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 in writing 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 Policy Guidance Note No. 16.

Background papers: see application file.
