

PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 23 FEBRUARY 2005

APPL NO: **UTT/2084/04/OP**
PARISH: **SAFFRON WALDEN**
DEVELOPMENT: Proposed erection of two bungalows with garages
APPLICANT: Mr & Mrs Hoare
LOCATION: Pootings Seven Devils Lane
D.C. CTTE: 2 February 2005 (see report copy attached)
REMARKS: Deferred for site visit
RECOMMENDATION: **Approval with condition**
Case Officer: Mrs K Hollitt 01799 510495
Expiry Date: 28 January 200

UTT/2084/04/OP - SAFFRON WALDEN
(Referred at Member's request: Cllr Bayley)

Proposed erection of two bungalows with garages.
Pootings, Seven Devils Lane. GR/TL 537-369. Mr & Mrs Hoare.
Case Officer: Mrs K Hollitt 01799 510495
Expiry Date: 28 January 2005

NOTATION: Within Development Limits (Settlement Boundary)/Groundwater Protection Zone DLP Policy ENV11.

DESCRIPTION OF SITE: The site is located at the western end of Seven Devils Lane, a single track lane running to the west of Landscape View. The access serves 4 dwellings to the north of the track and two to the south. Beyond the application site the access becomes a public footpath. The site is a backland site and forms the rear garden of a substantial detached property. The northern and western boundaries are planted with mature coniferous trees which provide effective screening to the site. Mature coniferous trees are also along the eastern boundary, although these have very little growth at the lower levels. This boundary is clearly visible from outside the application site, in particular from Seven Devils Lane. The access to the existing property is also screened by mature coniferous trees and the existing property is not clearly visible from outside the boundaries, except from Seven Dials. The site has a width of 53m, extending to 66m to the rear boundary, and has a depth of 22m adjacent to Waldeck Court and 49m to the boundary with Seven Dials. To the west of the site lies Waldeck Court, a Housing Association development, mainly terraced dwellings. To the north is the Water Authority pumping station and to the east is a large site occupied by a property known as Seven Dials and a small bungalow to the rear. However, outline planning permission has recently been granted for the demolition of the bungalow to the rear and the erection of two new dwellings. These consents are currently the subject of appeals against various conditions imposed, including condition C.6.6. which limited the development to single storey only, with no rooms in the roof.

DESCRIPTION OF PROPOSALS: The application relates to an outline application for the erection of two dwellings, with two indicative layouts given. All matters are reserved, with the exception of the means of access. The drawings indicate that the existing access would be utilised to serve the existing dwelling and the proposed dwellings.

APPLICANT'S CASE: See supporting statement attached at end of report.

CONSULTATIONS: Environment Agency: No comment.

English Nature: Ecological Reports findings and recommendations represent an adequate response to legislative issues with regard to protected species. We note the possibility that introduced red squirrels may use existing conifer trees as a food resource and suggest that the Council and the applicant may wish to consider retaining mature conifers within the development in addition to planting new fruit bearing trees.

Highways and Transportation: Deminimus application.

Water Authority: To be reported (due 28 December 2004).

Building Control: No adverse comments.

TOWN COUNCIL COMMENTS: No objections.

REPRESENTATIONS: This application has been advertised and 4 representations have been received. Period expired 11 January 2005.

Plans for development of two dwellings still fail to address the major issue of extra traffic entering and leaving Seven Devils Lane. Access from Debden Road is hazardous. There are no passing places in the lane. An increase in traffic will cause further hazard and disruption.

Strongly object. Proposal coincides with several other proposed developments which refer to extensive development of the property immediately adjacent to Pootings. Given that further development has already been denied due in part to "unsuitable access" down Seven Devils Lane, I fail to see how the development of Pootings can be justified. Letter from Highways in which they confirm Seven Devils Lane "*is a narrow lane and the access onto Landscape View is not suitable for constant use*". Dangerous access, particularly turning right into Seven Devils Lane. Narrow lane which is a public footpath. Change in the nature of the environment and street scene. Red squirrels are classified as an endangered species under the Wildlife and Countryside Act 1981.

Objections. Dangerous access to the lane from Landscape View. Seven Devils Lane is extremely narrow and cannot support an increase in traffic. This development will change the character of the environment. Will result in a huge increase in noise and light pollution. Support. Feel this development would be in keeping with the locality and would not have a negative impact. Would request that as many of the existing and well established trees and shrubs are retained. These trees are good for the environment, home to many birds and wildlife and provide us with a good degree of privacy.

ON SUPPLEMENTARY LIST OF REPRESENTATIONS (2 FEBRUARY 2005): 2 further letters have been received:

1. I act for a number of residents in Seven Devils Lane, Saffron Walden and enclose detailed objections to these planning applications.

My clients consider that both of these applications should be refused. However if your Committee takes a different view, conditions should be imposed on any planning permission for the larger proposal (application no UTT/1640/04/OP).

- (i) No development to take place until all existing pedestrian and vehicular accesses from the application site onto Seven Devils Lane have been permanently closed in accordance with details agreed in advance with the District Council.
- (ii) No new vehicular or pedestrian access to be created onto Seven Devils Lane.
- (iii) No construction traffic to use Seven Devils Lane for any purpose.
- (iv) The development to be restricted to a maximum height of 2 storeys.
- (v) Plot 1-6 shown on the illustrative layout to be relocated so that no development is any closer to Seven Devils Lane than the existing properties on the northern side of the Lane.
- (vi) The strips of land between plots 1-6 and Seven Devils Lane to be kept free of development and landscaped in accordance with details agreed with the District Council.

Conditions (i) to (iii) should also be imposed on any planning permission for the smaller proposal (UTT/2084/04/OP).

My clients object to both of these proposals on the grounds that development of the site as proposed will:

- (i) impact adversely on the character of Seven Devils Lane and its open surrounding: and
- (ii) adversely affect highway safety by increasing the use of an already inadequate access road and junction.

2) We wish to object to the above application for the following reasons:

i) Although within defined development limits, the proposed erection of 2 houses would result in a cramped style of development out of keeping with its surroundings. For this reason, the application is contrary to Policy DC1 and draft Policy GEN2.

ii) The vehicular traffic from 2 additional backland dwellings would lead to hazards on Seven Devils Lane, including conflict with pedestrians who use the footpath public right of way over the 200m which would serve as the drive way to the new dwellings. It is therefore contrary to Policy T1 and draft Policy GEN1.

PLANNING CONSIDERATIONS:

- 1) whether the proposed development is suitable in this location (ADP Policies S1 and H10, DLP Policies S1 and H4 and government guidance from PPG3),**
- 2) whether the access to the site is acceptable for this development (ADP Policy T1, DLP Policy GEN1),**
- 3) whether any adverse amenity issues would be raised (ADP Policy DC14, DLP Policy GEN2) and**
- 4) whether the proposed development would be detrimental to the habitat of protected species (DLP Policy GEN7 and government guidance in PPG9).**

1) The application site is located within the development (settlement) limits for Saffron Walden and therefore there is a presumption in favour of development within this area. Being located in an edge of town location within the immediate vicinity of the open countryside it would have been possible to omit this site from the development limits if it was considered imperative that the site remained undeveloped. However, this plot, in excess of 1ha, is currently occupied by one substantial detached dwelling, having a footprint of 280m² and it could be considered that this plot is being significantly underused. PPG3 identifies the need to make more efficient use of land, particularly within urban areas. This property currently enjoys a secluded setting and the application site is not visible from most vantage points outside of the site, except through gaps in the boundary with Seven Dials. It is located at the periphery of an urban area and could be more efficiently utilised without severe detriment to the local area. The smaller plots to the rear of the site would result in better utilisation of land in this urban area, with minimal impact on the character of the area. Whilst the current application is for outline planning permission, it is possible that some form of residential development could take place on these backland sites which would conform to the requirements of ADP Policy H10 and DLP Policy H4. One of the criteria relating to backland development is that the development should have access which would not cause disturbance to nearby properties. This issue is discussed below. Notwithstanding this issue, it is considered that the proposed development complies with guidance contained in PPG3 and with ADP Policies S1 and H10 and DLP Policies S1 and H4.

2) The access to the application sites is via a single track lane which is also a public footpath which leads to development in the Rowntree Way/Fulfen Way area and open countryside beyond the urban development of Saffron Walden. The applicant claims that the roadway is 5m wide with passing places, but this is clearly not the case. The hardened surface of the road is about the width of a large vehicle and there are soft verges with railings and vegetation to either side. It is not considered that there would be sufficient room for two vehicles to pass on the roadway. This roadway currently serves 6 dwellings, and outline planning permission has recently been granted for two additional dwellings, one being a replacement. Appeals are still outstanding in respect of refusal of planning permission for two further residential units with access from Seven Devils Lane. It is accepted that the proposed extra dwellings would introduce a slight increase in the number

of vehicles using this road, particularly when taken into consideration with the extant planning consents for two additional dwellings in this area. The nature of the access road requires vehicles to move at a slow speed and it is not considered that the 2 extra dwellings would significantly impact on the safety of the access road. The representations in respect of the junction of Seven Devils Lane with Landscape View are noted. The comments from Essex County Council quoted in representation letters refer to the proposed development of this site for 51 dwellings, with 6 properties having access from Seven Devils Lane (see report on Agenda), however the ECC Highways and Transportation department have stated that the application is de minimus and one on which they would not comment, although they raised no objections to the proposals for residential development on the adjacent property, Seven Dials. It is not considered that a refusal of these applications could be supported on highway grounds. Therefore, it is considered that the proposals would comply with the requirements of ADP Policy T1 and DLP Policy GEN1.

3) The redevelopment of this site must satisfy various criteria in respect of amenity issues. As stated above, it is considered that the proposed development would be compatible with the local area and unobtrusive within the street scene. Each plot would provide sufficient amenity space to serve a new dwelling. However, there are concerns regarding the provision of amenity space for the existing dwelling, Pootings. The proposals show that the private amenity space would be provided in the existing front garden, which the agent states is well screened and secluded. Whilst this may be the case for a large proportion of this garden, there are direct views into the proposed amenity space from Seven Devils Lane and therefore, the proposed amenity area may not be totally adequate. Notwithstanding this, the area of garden which is open to the public vantage points may easily be screened by the planting of further hedging, which could include species which would enrich the habitat for local wildlife, as discussed below. The proposed layout and position of the new dwellings will need to be considered in conjunction with the extant consents for development on the adjacent property. These consents are subject to a condition requiring the new properties to be single storey only, but this condition is currently being challenged at appeal. It may be several months before a decision in respect of these appeals is known. However, until the appeals have been determined, it is considered that should consent be granted for this development, it should be subject to the same requirement of single storey development only as the adjacent plot. Whilst there are some concerns regarding amenity issues, it is considered that these may be overcome by conditions. Therefore, on balance, it is considered that the proposals satisfy the relevant policy criteria.

4) The issue of red squirrels within the application sites and the general vicinity has been raised. Red squirrels are a protected species as designated by the Wildlife and Countryside Act 1981 (as amended). The applicant has submitted an Ecological Survey of the application site which has been forwarded to English Nature for consultation. Their considerations are that the survey is sufficient to comply with the statutory requirements in respect of protected species and that the compensation measures are considered acceptable. Therefore, following the advice of English Nature, it is considered that the proposals comply with PPG9 and DLP Policy GEN7.

COMMENTS ON REPRESENTATIONS: One letter of representation required the retention of the existing trees in order to maintain privacy and wildlife habitat. These issues are considered important and could be controlled by condition.

CONCLUSIONS: There are concerns regarding the use of the access by additional development, particularly with extant consents for two additional dwellings on the adjacent site, albeit one being a replacement dwelling. However, the Highways Authority has raised no objections to the proposals and not made any advisory comments with regard to the suitability of the use of Seven Devils Lane for further traffic. The comments quoted in the

representation letters relate to comments made in respect of the redevelopment of the site for 51 dwellings which is the subject of a further application. The use of the access is a finely balanced issue, particularly if the extant consents were implemented together with these proposals. This proposal must be considered on policy grounds and on balance it would comply with policy. In addition to the issues in relation to the access, there are issues regarding the proposed amenity space to serve the existing dwelling. This area is not as secluded and private as suggested in the applicant's case. However, this issue can be resolved by additional planting which can be controlled by condition. In addition, this planting could provide additional benefits to local wildlife. On balance, it is considered that these proposals are acceptable and that consent should be granted.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.1.1. Submission of reserved matters: 1.
2. C.1.2. Submission reserved matters: 2.
3. C.1.3. Time limit for submission of reserved matters.
4. C.1.4. Time limit for commencement of development.
5. C.4.1. Scheme of landscaping to be submitted and agreed.
6. C.4.2. Implementation of landscaping.
7. The landscaping scheme to be submitted, as required by condition C.4.1. above, shall include details of planting of native fruit bearing trees and hazel nut bushes.
REASON: To improve the habitat and food source for wildlife within the area.
8. C.4.7. Detailed landscaping survey to be submitted.
9. C.20.3.If Protected Species discovered get Licence from DEFRA.
10. C.6.6. Single storey dwelling.
11. C.5.2. Details of materials to be submitted and agreed.

Background papers: see application file.

UTT/1971/04/DFO - BIRCHANGER

New 'T' junction access on Forest Hall Road to serve residential development.
Land at Rochford Nurseries Forest Hall Road. GR/TL 509-237. Croudace Ltd.
Case Officer: Mr J Pine 01799 510460
Expiry Date: 11/01/2005
13 weeks: 15 February 2005.

NOTATION: Within Development Limits / Allocated for residential development in the ULP (720 dwellings – Policy SM4/BIR1).

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 reserved matters application relates to the western part of the residentially allocated land, which is bordered to the north by houses in Brook View and Stoney Common, to the west by open private land between the Nurseries and the railway, to the south by Foresthall Road and to the east by the Taylor Woodrow (Pelham Homes) land. The application site consists of the western section of the Foresthall Road frontage.

DESCRIPTION OF PROPOSALS: A “T” junction would be constructed to provide access to the Croudace land. This would be an alternative to the roundabout approved at the last meeting. The junction would be provided with a right-turn lane from Foresthall Road, along which priority working would be maintained. There would be a pedestrian crossing point on Foresthall Road west of the junction, and another on the estate road within the Croudace Land. The crossing points would consist of a pedestrian refuge / splitter island with illuminated bollards and keep left signs. Tactile paving would also be provided. There would be a further splitter island to the east of the junction. On both sides of the junction for a distance of 160m, Foresthall Road would be subject to a 50mph speed limit within the visibility splay, the national speed limit remaining beyond that. The estate road would be subject to a 30mph limit.

The original drawings, which have now been superseded, proposed a differently aligned “t” junction giving priority working into and out of the Croudace land rather than along Foresthall Road. Sections of Foresthall Road would have been subject to a 40mph speed limit, with a 30mph gateway feature into the estate. Revised plans were submitted following the recommendation of refusal from Essex County Council as detailed later in this report.

RELEVANT HISTORY: Outline planning permission for 285 dwellings, public open space, associated access and infrastructure granted on the western part of the allocated land (Croudace Limited) in February 2004. At the same time, outline planning permission for 315 dwellings, new vehicular access, public open space, play area and school was granted on the eastern part of the allocated land (Pelham Homes, now Taylor Woodrow). Both permissions included an approved master plan / design brief, and were granted subject to appropriate conditions and a Section 106 Agreement. In relation to the Croudace land, the Agreement included the construction of a roundabout on Foresthall Road to serve as the site entrance. Although the Agreement included an “in principle” roundabout layout drawing, means of access remained on the decision notice as a reserved matter for subsequent approval.

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

Taylor Woodrow land

Reserved matters for the layout (UTT/1024/04/DFO) were 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), archaeology (UTT/1546/04/DFO), phasing and density (UTT/1846/04/DFO) and drainage (UTT/1976/04/DFO) have been submitted and approved. A further set of reserved matters for approval of construction routes and mud / dust suppression measures (UTT/2192/04/DFO) has been submitted and is under consideration.

Croudace land

An application for the construction of a roundabout as the first set of reserved matters (UTT/1968/04/DFO) was approved at the last meeting. The approved masterplan actually shows the site served by a "T" junction, but the wording of the condition that relates to implementation in accordance with the masterplan does allow for agreed written variation (e.g. a roundabout).

CONSULTATIONS: ECC Highways & Transportation: (Original plans) Recommends refusal for 3 reasons:

- 1) Insufficient information submitted on traffic impact to support the operation of the junction.
- 2) Junction alignment gives priority to the minor road rather than to Foresthall Road, which it is anticipated will carry a greater volume of traffic. This would increase the risk of road traffic accidents.
- 3) The junction would not be formed at right angles, creating visibility difficulties and would be conducive to westbound vehicles entering the estate road at high speed from Foresthall Road.

(Revised plans) No objections in principle, but detailed comments will follow.

BAA Safeguarding: No objections subject to guidance being given to the applicant over the use of any cranes.

PARISH COUNCILS' COMMENTS: Birchanger: (Original plans) More agreeable to a "T" junction as the more practical means of discouraging traffic from using Foresthall Road. The roundabout would probably slow traffic, however this was counterbalanced by the fact that the road is subject to a 30mph speed limit and other traffic calming measures could be incorporated, e.g. speed humps.

(Revised plans) Have reviewed the revised plans however, stated a preference for previous

application nos UTT/1971/04/DFO that were sent through last month.

REPRESENTATIONS: This application has been advertised and 1 representation has been received re the original plans. Period expired 16/12/04. Expiry date for comments on revised plans 31/1/05. 1 representation has been received re the revised plans.

(Original plans)

Likely to be several hundred cars belonging to the occupiers of the houses using a country lane with no footpath. Will also be parents driving their children to school. Foresthall Road is used because Stoney Common Road is almost impassable in a car. Strengthening Pesterford Bridge will not widen it. Presumably, children attending Mountfitchet High School who live on the new estate will have to walk or be driven along Foresthall Road.

(Revised plans)

Disturbed to see that the speed limit is raised to 50mph. Foresthall Road is dangerous enough as it is and the possibilities of accidents at the proposed junction must be seriously enhanced at this speed – the bends in each direction are rather too close to the junction for a careless and fast driver to reduce speed in time.

PLANNING CONSIDERATIONS: The main issue is whether the new “t” junction as revised would operate safely (ERSP Policies T3 & T11 and ULP Policy GEN1).

The revised design of the “T” junction would overcome the concerns of the County Council over junction alignment and priority. The revised “T” junction would be an appropriate alternative to the previously approved roundabout and would be provided without requiring any material change to the approved masterplan.

The provision of a “T” junction instead of a roundabout will require an amendment to the Section 106 Agreement, which Members are requested to authorise.

COMMENTS ON REPRESENTATIONS: The first representation concerns the principle of the development, which has already been established by the outline planning permission. Access to Mountfitchet High School from the estate by car or on foot would be either via Foresthall or Church Roads. Re the second representation, the provision of 160m visibility splays would be in accordance with the County Council’s “Highway Aspects of Development Control” document, which seeks to ensure that any new access does not, by reason of design, create conditions which may be hazardous to the road user.

CONCLUSIONS: The proposed “T” junction would operate safely, and would be an appropriate alternative to the previously approved roundabout.

RECOMMENDATION: APPROVAL WITH CONDITIONS AND AMENDMENT TO THE SECTION 106 AGREEMENT.

1. C.3.2. To be implemented in accordance with revised plans.

Background papers: see application file.

UTT/1640/04/OP - SAFFRON WALDEN

Proposed demolition of three dwellings and erection of 51 dwellings with associated garaging, parking and new vehicular access
Land at Seven Devils Lane and Waldeck Court. GR/TL 537-369. Mr & Mrs Keyes, Mr & Mrs Hoare.

Case Officer: Mrs K Hollitt 01799 510495

Expiry Date: 01/02/2005

NOTATION: Within Development Limits/Groundwater Protection Zone.

DESCRIPTION OF SITE: The application site consists of two residential properties, known as Seven Dials, which also has a self-contained bungalow in the rear garden, and Pootings, and their amenity areas. These properties are located at the southern end of the town on the northern side of a lane running in a westerly direction from Landscape View. The application site has a frontage onto Seven Devils Lane of 103m and a depth of 138m narrowing to approximately 90m at the western end of the site. To the east of the site are properties which front onto Landscape View. These are mostly semi-detached properties with extensive gardens, averaging around 50m in length. The Thames Valley pumping station is located to the north. To the west, and partly to the north of the site, is Waldeck Court, which is a mix of terrace properties, owned by Hastoe Housing Association, one of the applicants in respect of these proposals. In addition, Hastoe Housing Association's office is located to the west of the application site. The development of Waldeck Court is mainly of yellow stock brick terraces. A detached property known as Broadacres, set in substantial grounds is located to the south of the site. Beyond Broadacres is open countryside, which is easily accessible via the public footpath which forms one of the accesses to the application site. Situated within the site are a large chalet bungalow having a frontage of 25m, a smaller bungalow in a backland location having a footprint of 80m² and a large detached property having a footprint of 280m². The site has a high conifer hedge along the western, northern and eastern boundaries. There is mature hedging to the southern boundary, but the majority of this is at a height of approximately 1m. Throughout the site there are numerous mature trees of a variety of species. The front of the site, particularly in respect of Seven Dials, is laid out to landscaped gardens. One of the proposed accesses to the site is via a public right of way, which is also a private lane to serve this property and 5 other properties. It is also proposed to create an additional vehicular access from Waldeck Court.

DESCRIPTION OF PROPOSAL: The site area is approximately 1.085ha and this outline proposal relates to the erection of 51 dwellings with a mix as follows: 6 detached properties, 4 semi-detached houses, 11 terraced houses (the case officer considers that this should read 15 terraced properties), 7 bungalows and 23 studios/flats. This would represent a density of 47 dwellings per hectare. The applicant's case states that there would be 73 parking spaces to serve these properties. The plans do not clearly indicate how many parking spaces would serve the 6 detached dwellings but there would be 57 spaces to serve 45 residential units. The proposals aim to retain the mature coniferous trees to the boundaries of the site, together with significant mature trees within the site. This is an outline application with all matters other than access reserved for subsequent approval.

The indicative layout plan submitted with the application shows 6 detached properties to be served by the existing access in Seven Devils Lane. The applicant states that this number of properties would be equal to the existing properties (3) plus the number proposed by outline applications in 2003 (4 new dwellings, including one replacement). However, at this stage outline planning permission has only been granted for two new dwellings on part of

this site, including one replacement. Therefore, at present this part of Seven Devils Lane could potentially serve 4 properties. The proposed 6 detached dwellings would have their rear elevation towards Seven Devils Lane, thus enabling the retention of the green and rural character of this part of the town. It is proposed that additional planting would be carried out in order to maintain the residential amenity of occupiers of these properties.

Along the eastern side of the site, backing onto the properties in Landscape View, it is proposed to erect 7 bungalows (plots 45-51) and 6 terraced properties (plots 39-44). Within the centre of the site it is proposed to erect a U-shaped building which would provide for 9 terraced properties (plots 11-13, 17, 18, 28, 29, 33 and 34). The remainder of the plots would be studios/flats. Plots 7-10 and 35-39 would have two units on the ground floor and two on the first floor. Plots 14-16 and 30-32 would have two small units to ground floor and one unit to the first floor. Plots 19-27 would be a central three-storey element and would have three units to each of the three floors. The central area to the U-shaped block would form an area of public open space. It is proposed that vehicular access to plots 7-51 would be via Waldeck Court. There would be no vehicular access through the site from Waldeck Court to Seven Devils Lane, although cyclists and pedestrians would be able to pass through the site where the two turning areas meet. It is further proposed to create a footpath link to Seven Devils Lane along the western boundary.

APPLICANT'S CASE: Supporting statement: It has been demonstrated that the Adopted Structure and Deposit Local Plan provide for development of the site for residential purposes. The aims of these plans are to concentrate development in the urban areas, where there is ease of access to services, facilities and public transport. These aims are reinforced by the recent publication of PPG's 3 and 13, relating to housing and transport. These reflect a marked shift in Government policy to making the best use of urban land, and the provision of sustainable developments. The proposal is within a sustainable location, with excellent public transport links, providing prospective occupants with a range of transport choices. The site is within easy walking distance of a range of shops, services and other facilities, negating the need for a car. This meets the criteria of the Structure Plan and PPG13. The proposal is of a previously developed site within the urban area and the identified development limits. This accords with policies in the Development Plan, PPG3 and PPS1. All of the evidence demonstrates that the proposal provides adequate amenity space, sufficient on-site car parking, and that there would be no loss of amenity to the neighbouring residents. In terms of density, it is appropriate to consider that many of the units would be at the smaller end of the scale, and this fact in conjunction with the close proximity of the site to the town centre, and the character of the surroundings, renders the density appropriate. Full compliance with Policy and Government Advice is achieved.

Transport Statement: The level of traffic flow that would be generated by the proposed housing in the peak hour is likely to be relatively small. Based on the TRICS Database trip rates for housing on the edge of towns, the average trip generation rate for housing is 0.78 movements per dwelling in the morning peak hour and 0.87 movements in the evening peak. On this basis it is calculated that the increased traffic generation of the proposed development would be only 39 two-way movements in the morning peak and 45 movements in the evening peak. These would be split between Seven Devils Lane and Wards Croft pro-rata to the number of houses. Allowing for the 3 existing houses in Seven Devils Lane, the anticipated increase on that road would only be 4 movements in the morning peak and 5 movements in the evening peak hour. This would have no significant impact on the capacity of the Debden Road junction. (*This report has been prepared on the basis that 8 dwellings would be served by Seven Devils Lane rather than the 6 shown on the plans.*) The traffic impact on Rowntree Way would be split between the Fulfen Way and Hunters Way junctions resulting in a maximum increase of only 13 vehicles per hour in any particular direction. As there is ample capacity in both of these junctions, these relatively small levels of traffic increase would be almost unnoticeable.

Ecological Report: The protected species assessment of the site known as Seven Dials, Saffron Walden, indicates semi-natural habitats within the site are limited to the small spinney on the boundary of Pootings, with the remainder of the site being dominated by formal gardens with close mown grassland and leylandii conifer screening. The site also includes three residential dwellings and two separate outbuildings. The field survey found limited potential habitat for protected species including red squirrels, slowworm and birds. The compost heap and relic hazel hedgerow offer a small amount of potential slowworm habitat; however there are no records of this species in the local area. The habitats within the site are unsuitable for other species of reptiles and amphibians. The trees and shrubs on site offer potential habitat for several species of UK breeding birds. Potential habitat for roosting bats and foraging red squirrels exists on site, although the bat and red squirrel surveys found no evidence of either species being extant on site. The provision of native species tree planting within the proposed redevelopment will mitigate the loss of existing red squirrel foraging habitat and nesting bird habitat. A destructive search of the very small area of potential slowworm habitat will ensure no animals are killed or injured during site clearance, in accordance with current legislation. The proposed redevelopment of the site will remove all habitats, although very limited, currently present on site, however where the proposed development may adversely affect a protected species, mitigation has been proposed to negate this potential impact and ensure compliance with current legislation.

Hastoe Housing Association: Hastoe Housing Association Limited in partnership with Uttlesford District Council currently hold more than 150 homes in management in Saffron Walden for local people. There is an urgent need within the town for more affordable housing which is proving very difficult to resolve. Hastoe work closely with the housing team at Uttlesford. They inform us that the housing needs are increasing, particularly for young singles and couples applying to go on the Council's housing register. Equally needs are rising on the shared ownership register due to the high cost of accessing the private housing market in the town. There is a real concern that the Council will be unable to meet the housing needs of local people due to the lack of available development opportunities, particularly in the larger settlements such as Saffron Walden. The proposed development at Seven Devils Lane could provide an ideal opportunity to begin to address some of the local affordable housing needs within the District.

This applicant's case is the conclusions to three lengthy statements. Full reports are available for further details.

RELEVANT HISTORY: Outline planning permission was granted in May 2004 for two detached dwellings in the rear garden of Seven Dials, one of which would replace the existing bungalow. The two outline consents were subject to a condition requiring the properties to be single-storey only. Planning permission for a further two dwellings was refused on the grounds of (1) cramped over development having a detrimental impact on the environmental and visual characteristics of this edge of town location; (2) inappropriate development not respecting scale, proportions and environmental characteristics of the location and (3) loss of residential amenity to adjoining properties. All these applications are currently the subject of outstanding appeals. The appeals in respect of the approvals relate to several of the conditions imposed, including the conditions restricting the development to single-storey dwellings. The other appeals relate to the refusal of planning permission. Due to the current backlog at the Planning Inspectorate it is unknown as to how long it will be before a decision is made in respect of these cases. With regard to Pootings, there is a current outline planning application for the erection of two dwellings to the rear of this property. This is subject to a separate report to this committee.

CONSULTATIONS: English Nature: (Original comments): If protected species are suspected or present on a proposed development site then a survey will be required.

(Revised comments): The reports findings and recommendations represent an adequate response to legislative issues with regard to protected species. The Council may wish to discuss with the applicant and their consultant and consider whether further surveys inclusive of the roof void may be required in relation to bats. We note the possibility that introduced red squirrels may use existing coniferous trees as a food resource and suggest that the Council and the applicant may wish to consider retaining mature conifers within the development in addition to planting new fruit bearing trees.

Environment Agency: Owing to lack of knowledge regarding previous use of the site we suggest that the application site is subject to a detailed desk study to establish the nature of previous use, in order that the likelihood of contamination can be established and the need for further investigation assessed.

ECC School's Service: Assuming there are no one bed units, estimate that this development, if approved will result in a further 10 secondary school places being required. This would equate to a cost of £116,960 index linked to April 2004 using the PUBSEC index. Since the mix is uncertain, request on behalf of the Local Education Authority that a planning obligation to meet the cost of additional school places is included in a Section 106 Agreement using our standard formula clauses.

ECC Transportation & Highways: (Original comments): In principle no objection to proposed residential development. However, the plan as submitted would attract a recommendation of refusal if a full application were submitted which included this drawing, as it adversely affects Seven Devils Lane which is a private road with a public right of way across it. Further consideration would be given if all vehicle access to the site were served by way of the access from Waldeck Court.

(Revised comments): Wish to stand by original recommendation.

Policy: In policy terms meets principles for sustainable development. 40% affordable housing will be required. If current scheme is not considered acceptable a scheme of 30-50 dwellings per hectare must be considered.

Saffron Walden Museum: Sightings of red squirrels have been reported to the museum and to the local press. These range from 16 April and 18 August 2003. Believed to have been released by animal rights activists (Barry Kaufmann-Wright PWLO, 2003). This species does not normally survive in areas populated by grey squirrels and it may be that the animals are surviving by feeding from garden bird tables if they are still in the area.

TOWN COUNCIL COMMENTS: No objections.

REPRESENTATIONS: This application has been advertised and 34 representations and a petition of 4 signatures have been received. Period expired 12 January 2005.

CPRE: (2 letters) Object. Contrary to policies S1, GEN2, GEN7, ENV7 – density, scale, design and layout do not respect surrounding area. Would constitute over development. Contrary to policies GEN2, GEN6, GEN9 – Additional traffic on this lane is neither appropriate nor safe. Insufficient car parking. Question whether the site is sustainable for development. Contrary to policy GEN4 – amenity of residential properties would be adversely affected by increase in vehicular movements. Precedent – 4 dwellings refused on grounds of over development, harm to visual characteristics and loss of amenity. No reason to permit an even more substantial scheme. Do not consider information in reports undermines our fundamental objection. Concerned Highways Report does not fully address Seven Devils Lane is also a well-used public footpath. Extra traffic would result in conflict with pedestrians. Proposed footpath link with Waldeck Court is likely to increase the number of pedestrians on this stretch of path.

Object. Passing places encroach on client's property. Seven Devils Lane totally unsuited to taking extra traffic. Out of keeping with surrounding area.

Should permission be allowed should be subject to conditions as follows:

- No development to take place until all existing pedestrian and vehicular accesses from the application site onto Seven Devils Lane have been permanently closed in accordance with details agreed in advance with the District Council.
- No new vehicular or pedestrian access to be created onto Seven Devils Lane.
- No construction traffic to use Seven Devils Lane for any purpose.
- The development to be restricted to a maximum height of two storeys.
- Plots 1-6 to be relocated so that no development is any closer to Seven Devils Lane than the existing properties on the northern side of the Lane.
- The strip of land between plots 1-6 and Seven Devils Lane to be kept free of development and landscaped in accordance with details agreed with the District Council.

Object to 3 elements of proposals. Three-storey buildings will be out of character with surrounding area; 6 large dwellings with access onto Seven Devils Lane will completely transform the rural and open nature of this part of the area; proposal to site plots 1 and 2 in front of general line of buildings along Seven Devils Lane will create significant visual impact for occupiers of existing properties and possibility of overlooking. Will significantly urbanise this open and rural area. The footpath will take on the appearance of a footpath through a heavily developed urban area. Traffic report fails completely to deal with highway safety issues which arise from the use of the Lane and its junction with Landscape View.

Supporting statement explains that majority of development will be accessed via Waldeck Court which is described as “capable of accommodating the additional traffic that would be generated by the development, and would not result in highway danger.” No suggestion that there is any highway capacity issue which means part of development has to be accessed via Seven Devils Lane. Understand there is proposal to incorporate Water Authority’s land into application site. This application should not proceed until applicants have confirmed that this additional land is available. Refuse vehicles have to reverse down Seven Devils Lane creating an obstruction for a lengthy period of time and serious highway safety hazard. Highway Authority has confirmed that the lane is recorded as Public Footpath 15 and no public vehicular rights exist. Insufficient land to widen lane or otherwise improve it to accommodate extra traffic. Visibility at junction of Seven Devils Lane and Landscape View is severely sub-standard.

Object. Potential drainage problem with culvert running from Waldeck Court through Auton Croft. Any potential blockage/flooding of culvert will cause water to affect properties in Auton Croft.

Object. Will fundamentally alter the area. Will destroy breeding areas of red squirrels and habitat of other wildlife. Dangerous vehicular access into Seven Devils Lane. Increased traffic in Waldeck Court, Auton Croft and Rowntree Way. Seven Devils Lane is single track only and it is impossible to widen it. Invasion of privacy.

Six houses will have direct access via Seven Devils Lane. Access is dangerous and lane is very narrow. Development will change nature of environment. Huge increase in noise and light pollution. Loss of wildlife habitat. Increased vehicular access via Waldeck Court. Concern regarding three-storey dwellings.

Wildlife survey states proposed development will remove all habitats for wildlife. There are at least 16 species of bird, including Green and Greater Spotted Woodpeckers, house sparrows and 4 types of Tit. Concerned at least 150 mature trees will be destroyed including a fine stand of Scots Pines and mature Silver Birches. The many coniferous trees offer shelter and nesting sites for birds.

Waldeck Court is part of an estate where children play in the streets constantly. Use of that road by an extra 60+ cars is recipe for disaster. Loss of habitat for red squirrels, muntjac, deer, foxes, Green and Greater Spotted Woodpecker etc. Very few people living in this part of town walk or cycle to town. Public transport is inadequate and to get to station you need to use car. There is no bus to Newport station. High School will no longer guarantee a place at their school even if one lives in the catchment area and a child who moved to Auton

Croft in last few months could not get into junior school of her choice as it was full. This development will add strain to towns' schools on top of new developments to east of town. Highways Statement makes no mention of restricted visibility turning right into Lane. Natural History Report is flawed. States presence of red squirrels is "anecdotal". This is blatantly untrue. Presence of red squirrels can be verified by photographs, videos and discovery of dead youngster in our garden. Should be noted that researcher was unable to gain access to loft space where there was a hole where bats could go in and roost. Again, the discovery of a roost could prevent Seven Dials being demolished. We have often seen bats around the area and wondered where they could be coming from.

Proposed plan indicates that a property would be built at the foot of our garden, which we feel would be extremely intrusive for us. Would not welcome being overlooked and our privacy invaded.

Previous applications rejected because it was felt this would damage the character of the area; result in loss of valuable environmental asset; harm the protected red squirrel population. Can't see how development for 54 properties is either feasible or acceptable. Sad another green lung of Saffron Walden will be lost.

Proposals mean we will look out over houses and be behind houses. Plans will change our outlook and privacy, we will suffer loss of light and overshadowing and plans will have an overbearing impact on us. Outline plans show that there is only to be 1.4 parking spaces per dwelling. Parking standards should be for 109 parking spaces and there is only provision for 72. Residents in plots 7-16 may be strongly tempted to park in Lane to save driving all the way down Landscape View, Rowntree Way, etc. Principles of urban development are being used here for a thoroughly rural location. Consider Seven Devils Lane should be a conservation area. Application is also for social housing which is not necessary as planning office have already earmarked areas within Saffron Walden for Social Housing and these should be used.

Plans do not comply with policy H9 (backland development), as proposed dwellings would exceed 1.5 storeys in height. Proposed plans will overlook ourselves, Hazelwood and houses in Landscape View. Contrary to policy C3, T1, DC1, Gen1, GEN2, GEN4, GEN6, GEN7, GEN8, GEN9, H1, H2, H3, H6, ENV7, ENV8.

Letter from highways following latest severe accident which states "a large sign to try and highlight the severity of the hazard and an additional 'slow carriageway' marking will also be laid on the approach." States that Seven Devils Lane is "a narrow lane and the access onto Landscape View is not suitable for constant use". Two properties have totally blind access onto the Lane and rely on the fact there is minimal traffic to let us gain access to our properties.

Supporting statement states all properties will be at least 15 metres from shared boundaries. If this were to be applied correctly the number of proposed houses will be reduced or density increased.

Construction of three-storey dwellings would be far too imposing. Every house in Seven Devils Lane and Waldeck Court will lose their privacy.

Strong objection to proposed demolition of above property for which I was the architect. House was built in 1957 of high quality materials, high standard of workmanship. Many features of the house were detailed and purpose made. House is part of the post-war history of town and its demolition would be loss to amenities of area.

Proposed density would cause extreme traffic problems especially with only main route being via Waldeck Court. Parking problems in area, with cars parked on road. 73 extra parking spaces would make driving in this area hazardous. Concerned at loss of boundary trees. Three-storey block of flats would infringe my privacy.

Junction access in Waldeck Court is too close to parking spaces on either side. Cars accessing these spaces will be driven/reversed across the junction, creating traffic hazards. Volume of traffic will become excessive with this proposed access being only vehicular access for 45 properties and their visitors. Proposed development could be required to provide parking for at least 102 vehicles and associated visitors. Should parking facilities prove inadequate cars from new development would most likely be parked in and around

Waldeck Court and Wards Croft, increasing highway dangers. Concerns regarding boundary trees and ditch. May consider giving support to scheme with fewer properties. Waldeck Court totally unsuitable as only means of access. Constructed as Type 4 Minor Access road. Wards Croft is some 1.3m narrower than existing roads around estate. Refuse and delivery vehicles often encounter difficulty in negotiating site due to vehicles parked on road. Have been informed my child may not get place at County High and may have to attend school in Dunmow.

COMMENTS ON REPRESENTATIONS: The majority of comments will be considered below. With regard to local education provision, this has been acknowledged by Essex County Council School's Section and a request for a payment to contribute towards the provision of education facilities has been made should permission be granted.

PLANNING CONSIDERATIONS: The main issues are

- 1) **whether the proposed development is suitable in this location (ERSP Policy CS1, H3, H4; ULP Policies S1, H3, H9, H10 and government guidance from PPS1 and PPG3),**
- 2) **whether the accesses to the site are acceptable for this development and whether the parking provision is adequate for the development (ULP Policies GEN1 and GEN8)**
- 3) **whether the proposals would give rise to any significant amenity issues (ULP GEN2)**
- 4) **whether the proposed development would be detrimental to the habitat of protected species (ERSP Policy NR9, ULP Policy GEN7 and government guidance in PPG9).**

1) This site is located at the southern edge of Saffron Walden, in a point remote from the town centre, accessible via a steep hill. The site is currently occupied by two substantial dwellings and a smaller bungalow which is ancillary to one of the main dwellings. The site has an open and spacious feel, particularly Seven Dials. It is well landscaped and provides a pleasing element to this edge of town locality. The proposed redevelopment of this site would increase the density of development from 2 dw/ha to 47 dw/ha and complies with the sustainable development principles of higher residential densities on previously developed land contained in PPG3. However, PPS1, published February 2005, contains the Government's most up-to-date principles in relation to achieving sustainable development. It states that *"a high level of protection should be given to most valued townscapes and landscapes, wildlife habitats and natural resources."* Furthermore, consideration should be given to the *"impact of development on landscape quality, ... need to improve the built and natural environment in and around urban areas and rural settlements."* It further states that development proposals should *"ensure the provision of sufficient, good quality, new homes (including an appropriate mix of housing and adequate levels of affordable housing) in suitable locations."* Development proposals should be of a design appropriate to its context and should *"add to the overall character and quality of the area"; "be integrated into the existing urban form and the natural and built environments"* and *"respond to their local context and create or reinforce local distinctiveness"*.

The development proposals for this site, as indicated in the indicative layout and supporting statement, would appear to be out of character with this local area. The proposed density, whilst respecting the upper levels of PPG3 standards, would be likely to be detrimental to the character of this area. The redevelopment of this site could be undertaken in a more sympathetic manner at a lower density within the PPG3 standards. This would allow the development to better respect the distinctive character of this area and to retain some of the local character.

With regard to ULP policies H9 and H10, the proposed layout would provide for a degree of social housing, although no figures have been given, possibly as this is an outline application. Hastoe Housing Association is a joint applicant for these proposals, and should these proposals be granted planning permission, the final details could be negotiated, with a minimum requirement of 40% social housing.

2) The proposals indicate that the development site would be served by two existing access points – 6 dwellings being served via Seven Devils Lane, the remainder via Waldeck Court. Essex County Council Transportation Department has raised an objection to any of the proposed development being served via Seven Devils Lane and consider that all access should be via Waldeck Court. Should Members be minded to approve this application, this could be secured by condition, although representations have been raised by residents in the Waldeck Court area regarding existing traffic problems in this area.

PPS1 states that new development should be *“located where everyone can access services or facilities on foot, bicycle or public transport rather than having to rely on access by car.”* This site is remote from the town centre and there is poor provision of public transport in this area. Therefore, the proposals will increase the reliance on access by car. Therefore, it may be considered that the proposed density would contribute towards unsustainable redevelopment of this site. Proposals have been included on the indicative layout to encourage use of the site by means of walking and cycling, and in particular to improving access to the public footpath running from Seven Devils Lane. The Traffic Impact Assessment indicates that the development could be integrated into the local transport network, and the Transportation department have raised no objections to the proposals.

Parking provision (ULP Policy GEN8) requires the following parking standards:

- Up to 3 bedroom properties – 2 spaces
- 4 or more bedrooms – 3 spaces
- Cycle spaces – 2 per dwelling (2 beds or more); 1 per dwelling (1 bed) and 1 per 8 dwellings for visitors
- Minimum powered two wheeler spaces – 1 space and an additional space for every 10 vehicle spaces

As the application relates to an outline proposal only, the mix of properties is unknown at this time. However, it could be assumed that the terraced properties and flats may be smaller properties, ranging from 1 to 3 bedrooms. Therefore, these 45 dwellings would require a minimum of 90 parking spaces and only 57 are proposed. This would result in an under-provision in this area remote from the town centre and poorly serviced by public transport. In addition, no indications are included in the indicative layout regarding provisions for cycle parking and powered two wheeler spaces.

On balance, it is considered that the proposals satisfy some requirements of ULP Policy GEN1, but the proposed density would result in unsustainable redevelopment of this site. The proposals fail to satisfy the requirements of Policy GEN8.

3) The proposed development, as indicated on the indicative layout, would not be compatible with the scale, form or layout of surrounding buildings. Whilst some attempts have been made to safeguard an element of the environmental characteristics of Seven Devils Lane, plots 1 and 2 are likely to have a detrimental impact on the character of the area. In particular, the proposed development would have the characteristics of a car-dominated scheme, particularly when accessed via Waldeck Court. The proposal does not attempt to integrate the parking provision into the development, rather places it in the gaps around the outside of the central block. No details have been given regarding proposals to minimise water and energy consumption, but these issues could be controlled by condition.

The proposals appear to comply with the design standards laid out in the Essex Design Guide. Plots 45 and 46 are closer to the rear boundaries of properties located in Landscape View than the specified 15 metres, but these are proposed to be single-storey dwellings, and therefore this enables the distance to the boundary to be reduced. Plots a, 51 and 47 are also relatively close to the boundary and representations have been raised that these plots do not meet the design guide criteria. In this instance these properties would have a side elevation to the boundary of adjoining properties, and in these instances it is acceptable to reduce the distance between the new dwelling and the existing boundary. Plot 1 could potentially have an adverse impact on the residential amenity of the occupiers of the dwelling shown as Cachucha on the plan through overshadowing, loss of light, overlooking and overbearing impact. On balance, it is considered that the proposed design would be detrimental to the character of the local area.

4) The site currently contains a large number of mature trees which are likely to provide suitable habitat for a range of wildlife, in particular birds. The ecological survey was carried out on 26 October 2004. Guidance contained in CIRIA's "Working with Wildlife" contains the following information regarding surveys for protected species:

- Habitats/vegetation – Mosses and lichens, no other detailed plant surveys
- Birds – Breeding birds/migrant species can be surveyed
- Bats – no surveys in relation to bats to be carried out in October
- Dormice – Cage traps and hair tube surveys. Nut surveys and nest searches may be carried out
- Red squirrels – surveys may be carried out all year round weather permitting. Optimum time is spring and summer.
- Smooth snakes and other reptiles – Activity surveys from March to June and in September/October. Peak survey months are April, May and September.

The report does not give an indication of the weather conditions when the survey was carried out.

Bats: The survey indicates that there was no evidence to suggest bats were on site. However, guidance indicates that a bat survey should not have been carried out in October.
Red Squirrels: No evidence was found of red squirrels on the site and the residents of the properties on the site indicated that there have been very few sightings of the animals. Information given to the local authority regarding red squirrels indicates that they prefer to remain in trees rather than foraging on the ground unlike grey squirrels.

Birds: The survey acknowledges that all species of UK breeding birds are protected under the Wildlife and Countryside Act 1981 (as amended) and it is unlawful to destroy an active nest or the eggs, and the adult and young are protected. It further states that the site "*does not offer potential habitat for Schedule 1 species of bird, which receive greater protection against disturbance during the breeding season*".

English Nature considers that the survey satisfies the requirements of the legislation. In view of the large number of mature trees within the site and the potential bird roosting habitat they could provide, should permission be granted it should be subject to a condition restricting activity on site during nesting season.

It would appear from the survey that protected species are not present on site and therefore the site only offers habitats for birds during nesting season. The potential impacts on birds can be controlled by condition. Overall, it would appear that the site would not require specific protection in relation to wildlife and therefore the proposals could be considered to comply with the relevant policies.

Other Matters: This application was the subject of a prior report at the meeting on 2 February 2005. At this meeting Members requested information regarding the TRICS database and information in relation to Saffron Walden. The TRICS database appears to cover South England and there are no details in respect of Essex or Saffron Walden within the database. Other matters raised by Members have been covered in this report.

CONCLUSIONS: The site is within development limits and there can be no objection to redevelopment in principle, as this would result in better use of land. However, the proposed development would not respect the characteristics of the local area and the density would result in adverse effects on the local area. There are concerns regarding the parking provision for the site. The concerns regarding the access may be overcome by condition. The wildlife aspects of the site may also be controlled by condition. However, overall, it is considered that the proposed development at the proposed density would be detrimental to the local area.

RECOMMENDATION: REFUSAL REASONS

1. Current government guidance requires development to be carried out in a sustainable manner. It encourages development on brownfield sites and at a density between 30-50 dwellings per hectare. The redevelopment of this site at a density of 47 dwellings per hectare would result in development which would be out of character with the surrounding areas and would fail to add to the overall character of the area. It would not be seamlessly integrated into the existing urban form and the natural and built environments. The proposals fail to respond to their local context or reinforce local distinctiveness. These proposals would fail to comply with guidance in PPS1 and ULP Policy H3 and ERSP Policies CS1 and H3.
2. The proposed redevelopment at a density of 47 dwellings per hectare in an area poorly served by public transport and remote from adequate facilities would result in a development which would rely on access by car. This would be contrary to ULP GEN1 and advice contained in PPS1. Furthermore, the parking provision would be inadequate to serve the needs of potential residents in this locality and no provision has been made for cycle storage or for parking for powered two wheeled vehicles. This would be contrary to the provisions of ULP Policy GEN8.
3. The indicative design for the redevelopment of the site would not be compatible with the scale, form or layout of the surrounding area. The development would appear to be car dominated, particularly when viewed from Waldeck Court and this would be detrimental to the character of the local area. Plots 1 and 2 would have a detrimental impact on the character of the street scene when viewed from Seven Devils Lane. In addition, Plot 1 would be likely to have a detrimental impact on the residential amenity of the adjacent property to the east. This would be contrary to the provisions of ULP Policy GEN2.
4. The proposal would involve the intensification of traffic movements on Seven Devils Lane, and would adversely affect this private road with public rights of way across it. Additional vehicle movements along this substandard lane would increase potential conflict with pedestrians and other road users, and would give rise to unacceptable traffic hazards, contrary to ERSP Policy T1 and ULP Policy GEN1.

Background papers: see application file.

UTT/2192/04/DFO - BIRCHANGER

Reserved matters application for erection of 315 dwellings, pursuant to condition C.90J & C.90K of outline permission UTT/0443/98/OP - construction routes, mud, dust and other materials

Land at Rochford Nurseries. GR/TL 514-242. Taylor Woodrow Developments Ltd.

Case Officer: Mr J Pine 01799 510460

Expiry Date: 17/02/2005

13 weeks: 24 March 2005

NOTATION: Within Development Limits / Allocated for residential development in the ULP (720 dwellings – Policy SM4/BIR1).

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 reserved matters application contains details of the routes to be used by construction vehicles and details of mud / dust etc suppression measures that are required to be submitted under Conditions C.90J and C.90K respectively of the outline planning permission.

The proposed construction vehicle route would run from Priory Wood roundabout on the new A120, north along Round Coppice Road (past the Hilton Hotel) and Bury Lodge Lane, west into Church Road over the M11 bridge and into the site at its proposed Church Road access. The site compound would be located to the west of the site on land owned by the applicant at the junction of Tot Lane and Foresthall Road. Until the link road within the Taylor Woodrow site has been constructed, the route for construction vehicles to the site compound would be west along Foresthall Road from its junction with Church Road.

The west end of Foresthall Road would be closed at its junction with Stansted Road for 10 months for the carrying out of the works at Pesterford Bridge. To prevent construction vehicles from using unsuitable local routes, access would be prevented from Church Road to the north and along the entire lengths of Birchanger Lane and Tot Lane. Once the link road within the Taylor Woodrow site has been constructed, construction vehicle access would be prohibited along Foresthall Road from its junction with Church Road westward to the junction with the Taylor Woodrow link road. Essex County Council would place a temporary weight limit on Church Road north of the site to prevent HGVs from using the airport road to avoid the Pesterford Bridge works. When the Pesterford Bridge works have been finished, all construction traffic would access the site via Pesterford Bridge.

Construction traffic would also be prohibited from arriving at the site via the B1383 from the north of Stansted Mountfitchet.

Wheel washing facilities would be provided at the site access, in the form of a hand held cold water high pressure washer over a drained hardstanding area. A mechanical road sweeper would be in operation in order to keep the construction traffic route clear of mud, dust and other materials during adverse weather conditions.

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, now Taylor Woodrow) 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

Taylor Woodrow land

Reserved matters for the layout (UTT/1024/04/DFO) were disapproved at the DC Committee meeting on 31 August 2004, 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), archaeology (UTT/1546/04/DFO), phasing and density (UTT/1846/04/DFO) and drainage (UTT/1976/04/DFO) have been submitted and approved. A further set of reserved matters for the layout (UTT/1589/04/DFO) was disapproved on 22 November 2004.

Croudace land

An application for approval of reserved matters for a roundabout (UTT/1968/04/DFO) has been approved. An alternative proposal for a "t" junction (UTT/1971/04/DFO) is under consideration.

CONSULTATIONS: ECC Highways: No objections in principle, but detailed comments will follow.

Environmental Health: No comments.

PARISH COUNCILS' COMMENTS: Takeley: Request that all necessary steps are taken to prevent all construction traffic using the B1256 (old A120), Hatfield Broad Oak Road, Station Road and Parsonage Road (i.e. through the built up areas of Takeley).

Elsenham: No comment.

Stansted: No comment.

REPRESENTATIONS: This application has been advertised and 1 representation has been received. Period expired 27/1/05.

To minimise disruption to Foresthall Road residents, the site office should be held on the main site in an area of the last phase of development and then relocated off site for the

minimum amount of time. Not only does this minimise disruption but also maximises efficiency, as it will cut down the distance contractors have to travel from the compound to the site. If the compound cannot be moved, weekend working hours should be changed from 07:30 to 08:30. *(Note: Condition C90I of the outline planning permission prohibits the delivery of materials to the site before 7.30am Monday to Saturday except in an emergency).*

PLANNING CONSIDERATIONS: The single issue is whether the proposed construction route and the mud / dust etc suppression measures would preserve highway safety and the amenities of the neighbourhood as required under Conditions C.90J and K of the outline planning permission (ERSP Policy T11 and ULP Policy GEN1).

The proposed construction route would be satisfactory, and has resulted from a meeting between the applicant, their highway consultant and Essex County Council. Taking into account the enforced closure of Foresthall Road at Pesterford Bridge for the duration of the bridge works (10 months), the proposed route would be the only practical way to provide site access without travelling through Stansted Mountfitchet or Birchanger. The applicant has offered to look at restricting deliveries at school start and finish times if problems are caused, and a joint approach with the County Council to the school has been suggested to cover safety issues.

The mud / dust etc suppression measures would be satisfactory.

COMMENTS ON REPRESENTATIONS: The site compound benefits from permitted development rights for temporary buildings and uses of land under the General Permitted Development Order 1995, as amended. These rights are subject to the condition that the buildings and structures within the compound are removed and the land reinstated to its former condition as soon as reasonably practicable after the operations on the adjoining land have been carried out. The suggestion to relocate the compound to within the last phase of development on the Taylor Woodrow land has been considered. Whilst there could be some advantages in reducing overall movements the compound would then be much closer to a larger number of existing houses in Stoney Common than it would be to houses in Foresthall Road were it to be retained in the proposed location. The request for a later start time on Saturday does seem reasonable, however, and the applicant's response will be reported.

The comments of Takeley PC are appreciated and the views of both the applicant and Essex County Council have been sought and will be reported.

CONCLUSIONS: The proposed construction route and mud / dust etc suppression measures would be appropriate and would meet the reason for imposition of the two conditions.

RECOMMENDATION: APPROVAL WITH CONDITIONS

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

Background papers: see application file.

UTT/2087/04/DFO - SAFFRON WALDEN

Erection of 66 residential units, public open space, multi-use sports area and associated development.

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

Case Officer: Mr G Lyon 01799 510458

Expiry Date: 08/02/2005

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

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

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

DESCRIPTION OF PROPOSAL: Residential

66 dwellings would be erected down the western side and along the northern third of the site in an inverted "L" shaped arrangement. 6 of the units would be 4-bedroom 3-storey linked semi-detached dwellings facing towards Bromfield, and 20 of the units would be 4-bedroom 3-storey town houses arranged in terraces and semi-detached pairs in a rectangular grid, interspersed with 1 block of 3-storey flats providing 6 x 1-bedroom affordable and 6 x 2-bedroom affordable flats. Each of the town houses would have a small inward facing private garden, one integral garage and one covered parking space, some with an extra frontage visitor's space. The 3-storey dwellings facing Bromfield would also have inward facing private gardens and two parking spaces, the central pair having single garages and two spaces in front whilst the others would park in allocated spaces to the front of the dwellings (two-spaces per dwelling). The flats would have communal parking areas to the rear in courtyards, and each of the flats would have either an inward or outward facing balcony accessed via the living room, and access to an area of designated communal amenity space. Some layby parking for visitors would also be provided. All front elevations of the town houses and flats would provide natural surveillance of the open recreational area and the Local Area for Play (LAP) to the east and the grounds of Bell College to the west.

The design of the town houses and flats would be modern, consisting of asymmetric and flat-roof sections to a maximum height of 11.30m for the flats and 10.5m for the town houses. Materials would consist of reproduction slate, soft red brick, white rendered panelling around

patio doors and natural cedar feather-edged boarding to the upper surfaces. The metalwork to the balconies and all window frames would be painted grey.

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

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

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

The **density** of the scheme would be 47 dwellings/hectare, taking into account the POS and LAP as part of the developable area as per the Local Plan and PPG3 advice, or 53 dph net. The number of dwellings of affordable status would be 27% of the total. Total car parking provision would be 120 spaces with a level of provision of 1.82 spaces/dwelling.

Informal Open Space

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

Formal Open Space

To the south of the LAP, and running north–south, a senior size football pitch (96 x 60m) would be provided to Sport England's specification, but with safety margin areas which exceed the minimum requirements. To the south of the football pitch a multi-use games area (MUGA) would be provided with dimensions of 40 x 33m, with 31 car parking spaces including spaces for people with disabilities and for a minibus. A barrier to prevent unauthorised casual use of the parking area would be provided. A sports pavilion measuring 17.5 x 10m x 5.1 m to the ridge would also be provided immediately to the west of the MUGA. The pavilion would have a symmetrical pitched roof, be constructed of similar

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

Access

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

APPLICANT'S CASE: The applicant has submitted a Planning Statement dated December 2004, Sustainability and Environmental Statement and an Environmental, Social and Ethical Review 2003 and a landscape specification for the soft landscape works and maintenance in conjunction with the submitted plans.

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

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

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

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

mini-roundabout achieved initial safety audit status prior to the appeal).

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

On 11 June 2003, an application was received for Details Following Outline (UTT/0917/03/DFO) for the erection of 68 residential units, public open space, provision of playing fields and associated development. On 03 November 2003, members resolved to refuse the application raising concerns about over-development, a cramped appearance detrimental to the open appearance of the setting, inadequate provision of car parking and amenity space for each dwelling. Further concern was also expressed about the design of the proposed dwellings, which was considered to be alien in character to Saffron Walden.

The applicants appealed the Council's decision to refuse the application but the Inspector dismissed the appeal solely on the impact that units 15-20 would have on the residents of Bromfield in terms of overlooking. A copy of the Appeal decision is attached at the end of this report.

CONSULTATIONS: ECC Transportation: No comments Received (due 30 December 2004).

Water Authority: No objections subject to conditions.

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

Police Architectural Liaison Officer: Objection with regards to the excessive rear footpaths required due to the layout. Tow paths will be 65 metres long and will be flanked by fencing either side - this could create a real fear of crime for users. These paths could also facilitate access for burglars. The pavilion should be subject to "Secured by Design" certification in order to prevent anti-social behaviour. The affordable units will also be subject to SBD. There is no reason why all the units should not comply.

Sport England: No objections to the design and layout of the proposed full-size football pitch, MUGA, or to the proposed hours of use of the floodlighting of the games area. However, although acceptable, the changing rooms in the pavilion are fairly tight with regards to the minimum space standards and Sport England normally recommend a minimum of 4-shower heads per adult team.

ECC Schools Services: No objection as Education Contributions are secured and index linked from the renewal of the Outline Consent (£117,943.04)

UDC Community and Leisure: No comments Received (due 28 December 2004)

UDC Environmental Services: No comments Received (due 28 December 2004)

UDC Building services: Require a suitable turning head for fire service access at end of road.

UDC Landscaping: No comments Received (due 28 December 2004)

UDC Architect & Property Advisor/Consultant: As shown on Drawing No NOO151/P/21 with single sided development to the main access road, results in the need to provide 2 private driveways with some rear garden access taken from pathways. The public open space in this arrangement makes little or no contribution to the street scene of house type A, which is 3 storeys in height, is generally arranged as back to back. These unsatisfactory outcomes are a consequence of the positioning of the main access road and would be difficult to design out.

TOWN COUNCIL COMMENTS: The Committee object to this application on grounds of overdevelopment. The committee consider the design is inappropriate for Saffron Walden in

general and this site in particular as there are too many three-storey buildings. The committee are also concerned at the combination of pitched and flat roofs which are totally out of character with Saffron Walden. The committee consider there should be a condition that the football pitch should be fenced to a minimum of 3.6 metres to protect adjoining properties.

REPRESENTATIONS: This application has been advertised with both press and site notices and 112 neighbour notifications. Two letters have been received. Summary of comments: - Saffron Walden Friends of the Earth – the applicant has reduced the number of dwellings in order to comply with the Inspector’s reasonings for dismissing their appeal against the Council’s refusal of the original application for 68 houses. It seems that the applicants have met the Inspector’s concerns. However, the number of dwellings has only been reduced to 66. While the Inspector concluded that this was an acceptable density on this particular site he also admitted that the demands of the siting of the football pitch had meant that the houses could not be arranged as well as might be desirable. We would urge that, given the recent adoption of the Local Plan, the Council seek at least 40% affordable housing on this site. In addition there needs to be better facilities for the disabled and we suggest that in any blocks of flats of over two floors lifts should be provided. We also note that agreement has still not been reached with regard to Highway access onto Peaslands Road. There is concern about highway safety issues and ask that committee makes certain that this situation is remedied.

Campaign to Protect Rural England – Policy H8 (H9 of the now adopted Uttlesford Local Plan) seeks 40% affordable housing on new sites. We wonder whether the Council is negotiating to increase the level of provision on the Bell College site.

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

- 1) **The proposed development has been sufficiently amended to take into consideration the comments of the Planning Inspectors following the dismissed appeal (APP/C1570/A/03/1136077),**
- 2) **the proposed residential density, mix, layout and design would be appropriate under ERSP Policies BE1 (Urban Intensification), H4 (Development Form of New Residential Developments), Uttlesford Local Plan Policies S1 (Settlement Boundaries for the Main Urban Areas), GEN2 (Design), H10 (Housing Mix) and PPG3 (Housing),**
- 3) **there would be adequate car parking, as well as accessibility for non-car users under ERSP Policies T3 (Promoting Accessibility), T12 (Vehicle Parking), Uttlesford Local Plan Policies GEN1 (Access) and GEN9 (Vehicle Parking Standards) and**
- 4) **the provision of affordable housing on site is acceptable in relation to the Uttlesford Local Plan Policy H9 - Affordable Housing.**

1) Following the Councils decision to refuse planning permission for UTT/0917/03/DFO, the appellants appealed the decision of the Council on various grounds as described above in the relevant history. Although the Inspector dismissed the appeal, the dismissal was solely based on plots 15-20, namely the balconies of these dwellings and potential for overlooking of existing residents at Bromfield. There were no objections from the Inspector in terms of character and appearance of the site, density, amenity space, car parking or the design of the dwellings. The applicants have heeded the advice of the Inspector and revised the plots facing towards Bromfield with House Type A omitted in favour of House Type E. This has

required the removal of two houses immediately north (one either side of the block) to enable House Type E to be set back from the road further than the original dismissed scheme. House Type E, although 3-storey like House Type A, is 1-metre shorter in height and has no balconies compared with House Type A. This has clearly reduced the potential for overlooking of the existing residents at Bromfield. There is some concern about overlooking from the upper floors of these dwellings into one another's rear amenity space, especially given the short distances between the dwellings within the block. However, any prospective purchaser would be well aware of the limited privacy of each of the gardens.

Officers are therefore of the opinion that, given the changes made to the application in light of the Inspectors comments, the concern about overlooking of the residents of Bromfield has been adequately addressed.

2) Given the recent appeal in relation to the previous scheme, there were no concerns raised by the Inspector about density, mix layout and design, other than in relation to plots 15-20. As these plots have been amended as described above, there are no outstanding issues to resolve. The density of 47 dwellings per hectare, although higher than indicated at the outline stage, is within the prescribed minimum density requirements of PPG 3 - Housing (30-50 dph) and represents an efficient use of urban land. Members should note the comments of the Inspector in paragraph 11 of his report "***It seems to me however, that it is inevitable that the openness of the site would be reduced by the increase in the number of dwellings in the new scheme whatever the layout, and that the need to site the football pitch on level ground has limited the better use of the open space that this might otherwise provide***"

Officers are therefore content that the scheme as submitted meets the policy criteria.

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

At the planning appeal, the issues of parking was considered by the Inspector. He stated that "***The Council's parking standards.....are a maximum and I therefore consider that the proposal is not contrary to the Council's parking policies and that the parking provision is acceptable. Tandem parking spaces and a requirement to reverse onto the access road are also not unusual in these circumstances.***"

The applicants are proposing the provision of 120 car parking spaces or 1.82 spaces per dwelling. Given the fact that this represents a higher ratio than the appealed scheme (121 spaces, 1.78 spaces per dwelling), there can be no objection to the parking arrangements as submitted

In terms of non-car users the site would allow pedestrian access through the site from Peaslands Road through to Victoria Gardens and beyond. The layout would not prejudice footpath access from the west (via Bell College) if that became possible or preferable in the future.

4) Condition C.90.J of the Outline Consent for this site (UTT/0790/03/REN) sought the provision of 25% of the permitted housing units as affordable housing which shall be occupied by persons in need as defined in the required Affordable Housing Scheme. Clearly, since the approval of the Outline consent there has been a policy shift as indicated in Policy H9 of the now adopted Uttlesford Local Plan. The pre-ambule to this policy identifies the severe shortage of affordable units in the district with a need for at least one in every two houses built to be affordable under the definition of affordable housing. Policy H9 seeks at

least 40% of new dwellings to be affordable. This figure was a compromise between the proportion justified by the scale of need and what the housing industry can reasonably be expected to provide. In this instance, the applicant would be providing 18 affordable homes 27% of the permitted housing units. Clearly this is above the minimum of the Condition C.90.J but still 13% below that recommended by Policy H9. This point has been raised in representations received in connection with the application with a request to increase the provision to 40%. Whilst officers accept that a higher proportion of affordable housing would be desirable, given the Outline consent and Condition C.90.J., any attempt to force the developer to provide further affordable units over and above the requirements of the condition cannot be justified and would most certainly be dismissed at an appeal. It would be the developers choice if they were to consider an increase in the numbers of affordable units over an above that specified within the existing consent. However, should the current permissions elapse, the Council could re-negotiate the numbers of affordable housing in line with Policy H9 of the Uttlesford Local Plan i.e. 40% affordable.

Officers therefore conclude that given the existing conditions from the outline consent, a further increase in the proportion of affordable units cannot be negotiated within the confines of the current outline consent.

CONCLUSIONS: This was originally a contentious proposal when last determined by Members in November 2003. Clearly the site has extensive relevant history and an appeal decision containing recommendations that Members cannot ignore. The applicants have amended the scheme in line with the recommendations of the Inspector. Officers have carefully considered the proposals against Development Plan policies, the Appeal Decision and have also weighed them against advice in PPG3 urging the more efficient use of land. It is the firm view of Officers that these detailed proposals are now acceptable.

RECOMMENDATION: APPROV RESERVED MATTERS

Background papers: see application file.

UTT/2009/04/FUL - LITTLE HALLINGBURY

Erection of replacement dwelling.
Park View, Hall Green. GR/TL 509-161. Bennett Putter.
Case Officer: Mr R Aston 01799 510464
Expiry Date: 18/01/2005

NOTATION: ULP: Within Metropolitan Greenbelt/Outside Settlement Boundary/Adjacent Grade II Listed Building.

DESCRIPTION OF SITE: The site lies to the north east of Lower Road, Little Hallingbury and is located between a Grade II listed building known as The Cottage which is a 6m high detached thatched cottage with a modern 1970's extension and outbuildings and Hall Green Cottages which are a pair of significantly extended semi-detached cottages, 9 m in height. The existing dwelling is 1930's detached single-storey dwelling, rendered with a concrete tile roof and is of no significant architectural, historical or vernacular merit.

DESCRIPTION OF PROPOSAL: The proposal details the demolition of the existing dwelling and its replacement with a timber framed single-storey dwelling.

PARISH COUNCIL COMMENTS: The design of the proposed dwelling is inappropriate for the area. Request has been made to Cllr Row that the application be considered by DC Committee due to its controversial nature and its is recommended that a site visit may be beneficial.

REPRESENTATIONS: None. Notification period expired 15 December 2004.

PLANNING CONSIDERATIONS: The main issues are

- 1) whether the proposed replacement dwelling is acceptable with regards to ULP H7 and
- 2) whether the proposed replacement dwelling would have a detrimental effect on the open characteristics of the Metropolitan Greenbelt and the character and setting of the adjacent listed buildings, in accordance with ERSP C2 and ULP S6 and ENV2 respectively.

1) The existing building is of no significant architectural, historical or traditional merit, being 1930's detached single-storey dwelling with rendered walls and concrete plain tiles showing signs of structural damage. The proposed dwelling would appear similar in scale with the existing dwelling, with an overall increase in the ridge height from 6m to 6.5m and an increase of 8sqm in the floor area, occupying the same northeast to southwest footprint. The dwelling is of a lesser scale than properties in the locality and closely matches the existing dwelling with regard to its mass and form. Whilst the dwelling is not of vernacular external appearance of a rendered or thatched design, the form and modest scale of the building is appropriate and it does provide for the use of weatherboarding and a roof treatment (clad with painted aluminum) which could be substituted for a more sympathetic slate/clay tile roof, which would create a more traditional appearance and would not fundamentally alter the scheme. The siting of the building within the plot, the distance from the highway and the existence of mature vegetation which acts as a screen around the site, would protect the visual appearance and be significantly less than the large neighbouring dwellings along this part of Lower Road and further into Hatfield Heath and Little Hallingbury, in particular Hall Green Cottages. Consequently, it is considered to be appropriate to the area because it generally protects visual amenity and the character of the countryside.

2) Under ERSP Policy C2, provision is made for the 'limited extension, alteration or replacement of existing dwellings', but only where the development preserves the openness of the Green Belt and does not conflict with the main purposes of including land within it. Any development, which is allowed, must be of a scale, design and siting that does not harm the character of the surrounding Greenbelt. The scale of the proposed dwelling is comparable with the existing dwelling, with a minor increase in the floor area of approximately 8sqm and height increase of 0.5m. The proposed dwelling would be greater in length than the existing dwelling by 6.5m but would be narrower in width by 3m. When viewed from the highway, the dwelling would not visually dominant and the extended adjacent cottages are 9m high to the ridge. This would result in no material harm to the openness of this part of the Metropolitan Greenbelt. Although this is a fairly unusual style and layout of a house, of a type similar to the building form and style of dwellings within the southern hemisphere, due to the size and scale of the dwelling and its location on the plot, it would not have a material impact on the surrounding open characteristics of the Green Belt and would have less of an impact than the neighbouring cottages. Whilst the accompanying drawings detail a painted sheet roof, the applicant has acknowledged that a more traditional material may be more suitable, such as natural slate. Although the use of these materials may not cause sufficient harm to warrant refusal, the use of a more traditional roof material has been agreed by the applicant and can be required by condition.

Turning to the impact of the dwelling on the character and setting of the adjacent listed building known as The Cottage, the degree of separation, coupled with the closest part of the listed building being a 1970's extension, results in no material impact on the listed building. The views of the building, which are partially obstructed by mature vegetation, would not be materially affected because of the size and scale of the proposal. Accordingly, the setting or character of the building would not be sufficiently harmed to warrant a refusal on these grounds.

COMMENTS ON REPRESENTATIONS: None.

CONCLUSIONS: The proposal accords with relevant Structure and Local Plan policies and it is considered that there is insufficient harm to refuse the proposal on design grounds. Subject to conditions it is recommended that planning permission be granted.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.5.1. Samples of materials to be submitted and agreed.
6. C.6.2. Excluding all rights of permitted development within the curtilage of a dwellinghouse without further permission.
7. C.17.1. Revised plan required (revised roof cladding).

Background papers: see application file.

UTT/0040/05/FUL - GREAT CHESTERFORD

Proposed erection of detached dwelling with garaging
Hundleby House Newmarket Road. GR/TL 503-437. Mr S Bates.
Case Officer: Mrs K Hollitt 01799 510495
Expiry Date: 09/03/2005

NOTATION: Outside Development Limits.

DESCRIPTION OF SITE: The site is a triangular piece of land located between the B1383 and the M11 close to the Stump Cross junction, approximately 1km north of Great Chesterford. The site measures 160m by 65m at its widest points. The southern part of the site was formerly agricultural land and the northern part is the site of a former dwelling, which was destroyed by fire. The site is accessed via an access track approximately 120m long running along the western boundary of the site. This access was the former B1383 prior to its relocation when the extensive road realignment and junction works in this area were carried out in the 1990's. The site is clearly visible from the B1383, B184 which runs to the north of the site, and the M11. The site has mature trees to the boundaries and within the site, although the site has little screening towards the B184.

DESCRIPTION OF PROPOSAL: The proposal relates to the erection of a chalet style dwelling and detached double garage. The proposed dwelling would have a frontage of 17m and a depth of 15m and a ridge height of 6.8m. The proposed double garage would have a width of 7.3m, a depth of 7.3m and a ridge height of 5.7m.

APPLICANT'S CASE: Ecological Survey: Vegetation unsuitable for roosting bats. No evidence of the presence of bats was found on the external surfaces of the shed and no droppings or roosting places were present within the building. No evidence of the presence of badger setts on the site or of their foraging across the site or in the neighbouring arable fields. No dormouse nests were found in the hedges bordering the site. The site is set in (and surrounded by) habitat of poor quality and variety and it is considered that its proposed development will not have a detrimental effect on protected species.

RELEVANT HISTORY: Outline application for replacement dwelling granted March 1997. Outline application for replacement dwelling and garage granted May 2001. Change of use of land to residential garden and paddock approved July 2001. Two previous schemes for detailed planning permission for a new dwelling withdrawn due to unacceptable design.

CONSULTATIONS: ECC Highways: None received. Expired 28 January 2005.

Water Authority: None received. Expired 2 February 2005.

Environment Agency: None received. Expired 2 February 2005.

Archaeology: Recommend that a full archaeological condition is attached.

PARISH COUNCIL COMMENTS: To be reported (due 11 February 2005).

REPRESENTATIONS: None received. Notification period expired 1 February 2005.

PLANNING CONSIDERATIONS: The main issues are whether

- 1) the proposed dwelling is suitable development for this rural location outside of any Development Limit and whether it is appropriate as a replacement dwelling (ERSP Policy C5, & ULP Policies S7 and H7);
- 2) the proposed dwelling is of suitable design (ULP Policy GEN2);

3) the proposed access is acceptable for this form of development (ULP Policy GEN1).

1) The proposed development would be situated on land located approximately 1km to the north of the village of Great Chesterford on land which has the appearance of undeveloped land in a rural location. The previous dwelling on the site is no longer visible due to the damage sustained during a fire in the 1990's. Within the site is an outbuilding which is not visible from the highway. The proposed development of this site for residential purposes would be contrary to ERSP Policy C5 and ULP Policy S7. However, outline planning permission was granted in 1997 and 2001 for a replacement dwelling on this site. This outline planning permission has now expired, but must be considered as a material planning consideration. This consent has expired during the negotiation process which has been carried out over the past year in respect of an appropriate house design for this plot. The replacement dwelling policy (ULP Policy H7) requires the proposed dwelling to be in scale and character with neighbouring dwellings. In this instance, the proposed dwelling is located in an isolated location and therefore, it must be considered in context with the site and its locality. The proposed dwelling would be of a chalet style with a ridge height of 6.8m. The outline planning permission granted in 2001 stated that the proposed dwelling should be a maximum of 1.5 storeys, and this proposal complies with this condition. The original dwelling on this site had a footprint of 160m² and the proposed replacement dwelling would have a footprint of 174m². It is considered that a dwelling of this size would be appropriate as a replacement dwelling in this location. The existing landscaping within the site should provide a degree of screening so that the proposed dwelling should not appear intrusive within the rural landscape, and further planting can be provided to supplement the existing landscaping. Therefore, it is considered that the proposed development, in view of the history of the site, is appropriate for this rural location.

2) The proposed dwelling would be of a chalet style which should appear unobtrusive within the rural setting. It is considered that the proposed dwelling would satisfy the requirements of ULP Policy GEN2 a-d. With regard to part f), supplementary planning guidance has yet to be adopted and therefore the proposal cannot be considered in line with this. Parts h and i are not relevant in this instance. With regard to part g), the proposal relates to the erection of a replacement dwelling and the majority of material in respect of the existing dwelling has already been removed from the site. It may be possible to incorporate any remaining materials into the new development, for example as hardcore. This would satisfy the requirements under part g). With regard to part e), no details of measures to reduce energy or water consumption have been submitted with the application. However, the proposed dwelling would be orientated to enable the main living rooms to benefit from their southerly aspect which could contribute towards a reduction in energy required for heating and lighting the proposed dwelling. Further measures could be requested should Members require them. It is considered that the proposals satisfy the relevant policy criteria.

3) The proposed access would be via an existing access track, which was formerly the B1383 prior to the realignment of the road. The access has been blocked off to ensure the land is not accessible to trespassers but would have served the original property and could be reused at any time in order to provide vehicular access to the site. Under the consultation procedure in respect of earlier applications, the Highways Authority have requested that the existing access identified as point 2 on drawing no 3406/01 be permanently closed off. This can be secured by condition.

CONCLUSIONS: It is considered that the proposal is acceptable in this rural location, in view of the past history of the site. The proposed dwelling meets the relevant policy criteria.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time Limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.
6. C.5.1. Samples of materials to be submitted and agreed.
7. C.16.1. Watching archaeological brief
8. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission.
9. The existing access from the site to the county road (as shown as point 2 on the attached drawing no. 3406/01) shall be permanently closed in a manner and at a time to be agreed in writing with the local planning authority before any development commences on site.
REASON: In the interests of highway safety.

Background papers: see application file.

UTT/2191/04/FUL - GREAT HALLINGBURY

Erection of two-storey extension to existing hotel to provide 8 guest bedrooms and owners flat.

Great Hallingbury Manor, Tilekiln Green. GR/TL 522-209. Mr F P McGarrigan.

Case Officer: Mr N Ford 01799 510468

Expiry Date: 03 March 2005

NOTATION: Outside Development Limits ULP S7. Countryside Protection Zone ADP ULP S8. Adjacent but not within Public Safety Zone ULP AIR 7.

DESCRIPTION OF SITE: This application relates to Great Hallingbury manor located in TileKiln Green south of the B1256. This area is predominantly rural with a scattering of dwellings to the north west of the Manor. Great Hallingbury Manor is in L shape form located adjacent the road. To the rear lies landscaping with a high screen of trees and shingle parking to the rear. To the south lies a brick and timber barn type single storey structure in a poor state of repair with an associated fence compound. Members may recall visiting the site last summer when considering a previous proposal.

DESCRIPTION OF PROPOSAL: This scheme proposes two storey and single storey extensions to the rear elevation of this existing hotel to provide for eight bedrooms and a unit of accommodation for the proprietor. The foot print of the proposed extension would be approximately 230 sqm. The ridge height of the two-storey extension would be 8.5m with an eaves height of 4m. Pitch roof dormer windows are proposed to serve first floor bedroom windows to the east elevation. Materials proposed consist of black stained timber boarding to elevations and peg tiles to roofs. If permitted it could not be implemented other than as an alternative to the previous 8 bedroom scheme as they occupy the same part of the site.

RELEVANT HISTORY: Extensions to hotel to provide ten additional bedrooms refused in 2000. Erection of a block of eight guest bedrooms and car parking withdrawn 2003. A further application for the erection of eight guest bedrooms and parking (UTT/0103/04/FUL) has not yet been determined (Members have resolved to approved the application) as it is subject to a S106 legal agreement such that the use of a building to the south of the Manor known as the Piggeries for the repair and maintenance of vehicles shall cease. The agreement also sought no airport related car parking. To date this agreement has not been signed and as such planning permission has not been issued although legal services have received title and matters are proceeding towards this.

CONSULTATIONS: ECC Highways: To be reported. (due 29 January 2005).

Water Authority: No objection.

Environment Agency: To be reported. (due 3 February 2005).

English Nature: Although the development site is within 2km of a SSSI/NNR, English Nature is satisfied that the proposed development is not likely to affect the SSSI/NNR. No further comment.

Essex Wildlife Trust: To be reported. (due 3 February 2005).

BAA Safeguarding Team: The proposed development has been examined from an aerodrome and safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to conditions (details of lighting to be submitted).

UDC Building Surveying: This scheme differs from the one approved by the addition of accommodation in a separate purpose group and the layout does not provide for fire separation with regard to means of escape between the two uses. These items will be considered at Building Regulations stage.

ECC Planning: To be reported. (due 29 January 2005).

ECC Archaeology: The site lies outside any area of known archaeological deposits. No archaeological recommendations.

PARISH COUNCIL COMMENTS: No objection.

REPRESENTATIONS: None. Notification period expired 21 January 2005.

PLANNING CONSIDERATIONS: The main issues are

1) **whether the proposed development would adversely affect the open characteristics of the Countryside Protection Zone, forms acceptable development in terms of the character and appearance of the countryside and is of an appropriate design (ERSP Policy C5, LRT9, LRT10 & ULP Policy S7, S8, LC5 and GEN2).**

1) This extension would represent an increase in scale over the scheme that Members resolved to approve in June 2004 owing to the applicants requirement for a separate flat for his own occupation within the extension providing more accommodation than currently afforded within the existing hotel. The extension would also cover a large area of an extension approved in 2003 (not implemented) for a dining room. A single storey conservatory and garden room is also added in association with the owners flat. The two storey element would extend approximately 7.3m further north than the 2004 scheme. The height and design of the extension remains consistent with the 2004 scheme and would be set off the rear elevation in a similar layout.

Tourist related development on this site is acceptable in principle subject to the preservation of the character and appearance of this rural area through an appropriate scale and design. Members' resolution to approve the previous scheme is also of consideration. Moderate extensions to existing hotels (including the addition of additional bedroom accommodation) can help to secure the future viability of this type of business. This may satisfy a local need as well as a tourism one by fully utilising the potential of a site but this must not result in a disproportionate increase in scale. ULP Policy LC5 follows this theme such that building extensions to tourist accommodation, which do not adversely affect the rural Interests, character and amenity of the countryside, will normally be permitted.

The buildings are situated in a valley and the curtilage of the hotel is well landscaped and as such it is not considered that there would be any detrimental affect upon the rural character and appearance or coalescence associated with the Countryside Protection Zone. Given this and the previous approval as a material consideration it is considered appropriate to recommend approval subject to conditions.

An outbuilding to the south of the Manor known as the Piggeries contains a vehicle servicing operation, which constitutes an unauthorised activity in the countryside. At the time of the previous application the applicant offered that such use of this building shall cease should permission be granted. Similarly, given that the use of the proposed extension would generate increased activity it is considered appropriate to control the removal of this use by a legal agreement as well as ensuring that no airport related car parking may take place.

RECOMMENDATION: APPROVAL WITH CONDITIONS AND S106 AGREEMENT

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.5.1. Samples of materials to be submitted and agreed.

6. C.14.3. Occupation of staff accommodation/owners flat by proprietor or staff only.
7. C.8.25. Sound insulation requirements close to Stansted Airport.
8. No development shall commence until details of the schemes of lighting required during construction and for the completed project have been submitted to and approved in writing by the local planning authority and such schemes shall specify that lighting is of flat glass, full cut off design with horizontal mountings, and ensure that there is no light spill above the horizontal. No subsequent alterations to the approved lighting scheme shall take place unless submitted to and approved in writing by the local planning authority.

REASON: In order to avoid endangering the safe operation of aircraft.

HEADS OF TERMS OF S106 AGREEMENT

1. The use of the building to the south of Great Hallingbury manor Known as the Piggeries for the repair and maintenance of vehicles shall cease.
2. There shall be no further airport related car parking.

Background papers: see application file.

UTT/0032/05/DC – RADWINTER
(District Council Application)

Demolition of outhouse to construct a single-storey rear extension.
14 East View Close. GR/TL 606-375. Uttlesford District Council.
Case Officer: Madeleine Jones 01799 510606
Expiry Date: 08 March 2005

NOTATION: ULP: Within Settlement boundaries.

DESCRIPTION OF SITE: The site is located in a small cul-de-sac on the edge of the village of Radwinter. The property is a semi-detached brick built house and is UDC owned. Opposite the property is an access road with a turning point. At the rear of the property is an outhouse, the dimensions of which are 3.5m deep and 2.8m wide. It has a sloping roof, the height of which ranges from 2.6m to a maximum height of 2.9m. The outhouse actually protrudes 4.6m from the property because there is a walkway between the rear elevation of the house and the outhouse. The garden extends to 25m beyond this. However, the garden is an irregular shape and immediately beyond the outbuilding the garden is only 6m long. The garden also wraps around the rear of number 16 East View and the maximum wide at this point is 33m. To the rear of the site are open fields. There is a single driveway to the side of the house. The rear boundary immediately adjacent to the neighbour at number 16 consists of a 2m high wicker fence and 2m wooden fence. The boundary to the southwest is screened by mature shrubs and fencing.

DESCRIPTION OF PROPOSAL: The proposal is for the demolition of the rear outhouse and to replace it with a single storey extension. The extension would wrap around the side of the property. It would be brick built and have a pitched tiled roof (3.7m high to ridge). There would be patio doors opening to the rear and windows to the rear and front elevations. A new ramp to the front door would allow wheelchair access to the property. The drive would be extended to finish at the front door. The extension would provide a downstairs bedroom and bathroom. The application is also to remove internal walls to allow easier access to the existing kitchen. It would project 5.06m from the rear of the main house and would be 3.5m and a minimum 1.5m from the side boundaries.

APPLICANT'S CASE: The resident of the property is registered as physically impaired and has been assessed by Essex County Council Social Services. Access and manoeuvring difficulties have been identified and based on the Fair Access to Care Services policy 2003 these difficulties have been prioritised as substantial.

RELEVANT HISTORY: Application for rear extension withdrawn 2004.

PARISH COUNCIL COMMENTS: No objections.

REPRESENTATIONS: One. Notification period expired 01 February 2005.
We object to the erection of this extension, as it would restrict the light into our kitchen. The extension is 4ft higher than the present outhouse.

COMMENTS ON REPRESENTATIONS: The previous application UTT/1595/04/FUL would have caused possible restriction of light. This application was withdrawn and has been renegotiated so that the extension is now 3.5m away from the site boundary with number 16 (the previous extension was 1.2m from boundary) and is not now considered to cause any material loss of light. The actual difference in height of the outhouse and the elevation facing number 16 is 1.1m.

PLANNING CONSIDERATIONS: The main issues are the design, scale and impact on neighbours (ULP Policies H8 and GEN2)

Following negotiations the extension is considered to be proportionate to the dwelling and size of plot and of satisfactory design. Due to the distance between the extension and the boundaries of the property no overshadowing or material overlooking will be caused and in consequence the extension would have no significant impact on neighbours amenities. The recommendations set out as good practice for site layout planning for daylight and sunlight in the Building Research Establishment Report are met and therefore the application is recommended for approval.

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.5.3. Matching materials.

Background papers: see application file.

UTT/2152/04/REN – FELSTED

(Referred by Cllr A Thawley)

Renewal of Planning Application UTT/0903/98/FUL appeal (APP/C1570/A/9910182211)
Temporary use of land for the storage of soil reclaimed from settlement lagoons on the adjoining sugar beet works for the duration of the development of the housing scheme. Land to rear of 35-63 Station Road. GR/TL 669-201. Edonis Property Developments.
Case Officer: Mr R Aston 01799 510464
Expiry Date: 10 February 2005

NOTATION: ULP: Outside Settlement Boundary.

DESCRIPTION OF SITE: The site forms part of a field at the rear of a row of houses on the south west side of Station Road, Felsted.

DESCRIPTION OF PROPOSAL: Temporary use of land for the storage of soil reclaimed from settlement lagoons on the adjoining sugar beet works for the duration of the development of the housing scheme on land to rear of 35-63 Station Road, Felsted.

APPLICANT'S CASE: To date, it has not been necessary to implement the planning permission, as although we are in the course of construction, it has been possible to store the soil elsewhere on the site. The reason for the grant of permission was to allow the Oakwood Park Development to proceed without the need to dispose of significant quantities of surplus topsoil due to the inability to store this on site prior to completion. As the Oakwood Park Development progresses the scope for manoeuvring of topsoil around site is getting progressively more constrained such that the need to store topsoil off site is required. It is in these circumstances that the applicant needs to seek a renewal of the application for temporary storage of soil. The applicant needs the life of the granted permission to be extended to proceed with the remaining phases of the development.

RELEVANT HISTORY: Temporary use of land for the storage of soil reclaimed from settlement lagoons on the adjoining sugar beet works for the duration of the development of the housing scheme on land to rear of 35-63 Station Road, Felsted, allowed on appeal 2002.

CONSULTATIONS: English Nature - None received

English Wildlife Trust - None received

PARISH COUNCIL COMMENTS: None received

REPRESENTATIONS: This application has been advertised and 6 representations have been received. Period Expired 17 February 2005.

1. It is contended that the purpose of storage of soil is no longer required. Clause 48 of the report states that "the sugar beet works site was allocated for housing development specifically to meet demand arising from expansion of Stansted Airport and that expansion is proceeding more rapidly than was anticipated". Development has proceeded for five years without this need and without any engineering evidence being submitted in support of the application it is difficult to understand why it is needed now.

Item 13 of the schedule of conditions attached to the appeals report states that "the use of site shall be discontinued and the land shall be restored to its former condition by 1 April 2007". Taken in conjunction with clause 10 which states that work may only take place

during the period "April to October" this means that the soil must be fully removed by 31 October 2006.

2. This is an application to renew an approval granted on appeal, (reference UTT/0903/98/FUL). This approval has, as far as I am aware, never been taken up and therefore the requirement to move soil to the land at rear of properties in Station Road has not been necessary. This being the case I see no reason to extend the period of approval.

The proposal is to store soil reclaimed from settlement lagoons. Should this be classified as contaminated material from an industrial process? If so then the placing of this material on top of farmland (a green field site) is at variance with good environmental practice. This material should be removed to an acceptable disposal site.

3. Statutory Time Limit. Item 13 of the conditions attached to the appeals report states that "the use of the site shall be discontinued and the land restored to its former condition by 1st April 2007" This renewal application now states that the use is required for the duration of the development of the housing scheme. I believe an extension of the time limit would be beyond the powers of the Council and clause 13 of the report must be complied.

4-6. Comment similar to above.

PLANNING CONSIDERATIONS: The main issues are

- 1) **Whether there are any material considerations which warrant a decision different to the previous proposal, allowed on appeal pursuant to appeal ref: T/APP/C1570/A/99/1018211/P5.**

This application seeks the renewal of planning permission granted on appeal in January 2000, for the temporary use of land for the storage of soil reclaimed from settlement lagoons on the adjoining sugar beet works for the duration of the development of the housing scheme on land to rear of 35-63 Station Road, Felsted. In addition, this application also seeks amendment to Condition 13, which relates the date on which the land has to be restored to its original condition. In conclusion, the Inspector stated that the works would not cause significant harm to the character and appearance of the surrounding countryside, and would only cause modest and short term harm to the living conditions of nearby residents through noise, fumes and dust, with no significant loss of privacy.

The renewal of the permission does not affect the duration of the soil storage i.e. 3 years, as this is restricted by Condition 10 of the original permission. In effect the only change would be to extend the date by which the land is required to be restored to its original condition. The altered timescale is required due to the uncertain requirements over soil storage on the site. As previously approved, the time between commencement of works and completion of restoration would have been 7 years (ie April 2000-2007). This proposal reduces the period between commencement of storage and completion of restoration to a maximum of 4 years ie. April 2005-2009. There are no significant changes in policy or other material considerations, which warrant a decision other than that given by the previous Inspector, which was to approve the works subject to certain conditions. It is therefore recommended that the planning permission be renewed and Condition 13 amended to take account of the amendments to the overall timescale on which the land has to be restored to its original condition.

COMMENTS ON REPRESENTATIONS: Objections have been raised with regard to the timescale of the development. The works that are being objected to, already benefit from planning permission which was granted on appeal in January 2000. This application merely seeks to renew that permission and consequently extend the overall timeframe in which the

land has to be restored to its original condition and not the duration of the works themselves. These are bound by Condition 10 of the previously approved application, which effectively restricts the works to a storage and subsequent removal period of no more than 3 years, with working to take place between April and October. The renewal of this permission does not materially affect this period, as the only change is to increase the overall date of which the land must be restored to its original condition, from 1 April 2007 to 1 April 2009. In effect this revised period for the land to be restored to its original condition is less than that previously approved by approximately 3 years and would not result in an increase in the timescale of the physical storage and removal of soil on the site.

In addition, representations have questioned the need to take up the requirement to remove and store soil. Accordingly, these representations have questioned the requirement for the renewal and see no reason why the period should be extended. The requirement to store the soil has not been required as top soil has been stored elsewhere during the first phases of construction, as the remaining phases develop, this ability to restore top soil elsewhere becomes more and more restricted especially due to the recently approved increase in the total number of dwellings to be built from 650 to up to 810. The only other options would be to remove soil for permanent off-site disposal and possible importation at a later date, or to delay the phases of the development, both of which should be avoided. Ultimately, this proposal represents the least harmful way of meeting the requirement.

CONCLUSIONS: The proposal seeks the renewal of planning permission to a previously approved application for the storage of topsoil on land to the rear of 35-63 Station Road, Felsted. The increase in the overall time period to 1 April 2009 does not extend the amount of time in which the works can take place, only the date in which the land must be restored to its original condition. This period is less than the timescale originally approved, April 2005 – April 2009, as opposed to April 2000 – April 2007 and there are no changes in policy or material considerations, which warrant a decision other than approval, subject to all previous conditions.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. Only dried top soil reclaimed from the former Felsted Sugar Beet Works and suitable for re use in gardens, open space or landscaping works within its redevelopment shall be deposited on the site. The soil deposited shall not exceed contamination levels previously submitted to and approved in writing by the local planning authority.
REASON: To ensure a satisfactory standard of development.
3. Notwithstanding the plans submitted with the application, storage of soil shall be restricted to those mounds marked on Novell Tullet drawing no AN10. Mounds shall not exceed 2.5m in height above existing ground level, and their profiles shall conform to those indicated on Novell Tullett figure number AN11. No machinery shall be operated in the area between the mounds and the properties on Station Road.
REASON: To ensure a satisfactory standard of development in the interests of rural & visual amenity.
4. Development shall not begin until details of the proposed method of working, to include testing of materials and run-off, programme of operation, dust abatement measures and sowing of a cover crop, have been submitted to and approved in writing by the local planning authority. All the provisions of that method statement shall be implemented as approved.
REASON: To ensure a satisfactory standard of development.
5. Before any soil is brought onto the site from the former Sugar Beet Works, the noise bunds shown green on drawing AN10 shall be formed and acoustic fences shall be erected in the gaps between the mounds in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority.

- REASON: In the interests of residential & rural amenity.
6. Development shall not begin until a surface water drainage scheme has been carried out in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority
REASON: To ensure a satisfactory standard of development.
 7. No material shall be stored or ground levels raised within 3 metres of any sewer.
REASON: To ensure a satisfactory standard of development.
 8. Development shall not begin until any vehicle crossing points of sewers have been protected by timber matting of a minimum depth of 300mm and a minimum width of 5.5 metres
REASON: To ensure a satisfactory standard of development.
 9. Notwithstanding the vehicle route indicated on the submitted plans, development shall not commence until details of the route between the Felsted Sugar Beet Works site and the site for storage of soil in accordance with the permission hereby granted, including details of the refurbishment of the existing bridge over Stebbing Brook or of any temporary bridge to be constructed, have been submitted to and approved in writing by the local planning authority. No vehicles shall enter or leave the site other than via the approved vehicle route.
REASON: To ensure a satisfactory standard of development.
 10. Preparatory works on the site and the deposit of soil shall take place on not more than 50 days in total during the period April to October inclusive of any one calendar year. The removal of soil stored on the site shall take place on not more than 50 days in total during the period April to October inclusive in any one calendar year not later than 3 years from the year in which the soil was deposited. The developer shall give at least 10 days' written notice to the local planning authority and the occupiers of no's 27-63 Station Road, Felsted, including any named houses within that grouping, of the commencement each of these periods.
REASON: To ensure a satisfactory standard of development in the interests of rural & visual amenity.
 11. No plant or machinery shall be operated on the site outside the hours of 0900 to 1700 on Mondays to Fridays nor at any time on Saturdays, Sundays, Bank or Public Holidays.
REASON: To ensure a satisfactory standard of development in the interests of rural & visual amenity.
 12. The level of noise emitted from the site shall not exceed 60 Laeq, between 0900 and 1700 on any day, as measured 1 metre from the façade of any dwelling.
REASON: To ensure a satisfactory standard of development in the interests of rural & visual amenity.
 13. The use of the site for the storage of soil hereby permitted shall be discontinued and the land shall be restored to its former condition by 1 April 2009 in accordance with a sachment of work that shall previously have been submitted to and approved in writing by the local planning authority.
REASON: To ensure the land is restored to its original condition in the interests of rural & visual amenity.

Background papers: see application file.
