

PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 6 APRIL 2005

APPL NO: **UTT/1640/04/OP**
PARISH: **SAFFRON WALDEN**
DEVELOPMENT: Proposed demolition of three dwellings and erection of 51 dwellings with associated garaging, parking and new vehicular access
APPLICANT: Mr & Mrs Keyes, Mr & Mrs Hoare
LOCATION: Land at Seven Devils Lane and Waldeck Court
D.C. CTTE: 23 February 2005 (see report copy attached)
REMARKS: Deferred for consideration of further information from agent and clarification of highway issues
RECOMMENDATION: Still under consideration
Case Officer: Mrs K Hollitt 01799 510495
Expiry Date: 1 January 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 clarification of highway issues
RECOMMENDATION: Approval with conditions
Case Officer: Mrs K Hollitt 01799 510495
Expiry Date: 28 January 2005

APPL NO: **UTT/2087/04/DFO**
PARISH: **SAFFRON WALDEN**
DEVELOPMENT: Erection of 66 residential units, public open space, multi-use sports area and associated development
APPLICANT: Countryside Properties Ltd
LOCATION: Land to the east of Bell College Peaslands Road
D.C. CTTE: 23 February 2005 (see report copy attached)
REMARKS: Deferred for further negotiation
RECOMMENDATION: Approval
Case Officer: Mr G Lyon 01799 510458
Expiry Date: 8 February 2005

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.

ON SUPPLEMENTARY LIST OF REPRESENTATIONS (23 FEBRUARY 2005):

ECC Highways & Transportation Group: To be read in conjunction with previous recommendations dated 28 October 2004 and 16 December 2004.

Internal estate comments:

Regarding the majority of the development, which takes access from Wards Croft, the layout is completely unsatisfactory. The internal road system is based on unknown road types and should be amended in accordance with the details set out in the 'Design Guide'. Most of the parking facilities shown would be un-usable as there is insufficient area in which to manoeuvre a vehicle.

The layout should be replanned to include the following.

- 1) All access to the development should be via the existing estate road (Wards Croft).
- 2) There should be no vehicular access whatsoever considered from the site onto Seven Devils Lane until the matter of the ownership of the subsoil has been resolved.
- 3) A turning facility laid, out to the dimensions of a size 3 turning should be provided at the termination of each road within the site. Additional conditions and informatives recommended.

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 Devils Lane 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.

ON SUPPLEMENTARY LIST OF REPRESENTATIONS (16 MARCH 2005):

1 further letter has been received: See letter dated 5 March 2005 attached at end of this Supplementary List of Representations.

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 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 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/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.

ON SUPPLEMENTARY LIST OF REPRESENTATIONS (16 MARCH 2005):

1 further letter has been received: See letter dated 5 March 2005 attached at end of this Supplementary List of Representations.

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 deminimus 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/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.

ON SUPPLEMENTARY LIST OF REPRESENTATIONS (23 FEBRUARY 2005): 1 further letter has been received:

We still view the development of the land east of Bell College with dismay and make one more appeal to the Council and yourself to re-think. Proposal will completely destroy the peace of this once very pleasant and quiet area and put a too heavy use of traffic upon Peaslands road which is already burdened by traffic, at rush hour times and used as a byroad by heavy lorries constantly going to the Shirehill Estate. The position of a round about outside our house will cause ‘chaos’. Do not feel the development has been considered adequately. Why is not the adjoining Rd – Broomfield Rd considered as an entrance way?

ON SUPPLEMENTARY LIST OF REPRESENTATIONS (23 FEBRUARY 2005):

APPEAL DECISION: See letter dated 17 September 2004 attached at end of this Supplementary List of Representations.

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 Council's 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 Inspector's 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-amble 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.

ADDENDUM FOLLOWING DEFERMENT BY MEMBERS ON 23 FEBRUARY 2005

Following deferment by Members on 23 February 2005, the applicant has been contacted and all of the points raised by Members were forwarded to enable the applicant to comment.

A copy of the letter received from the applicant via email, dated 17th March 2005, has been attached at the end of this report.

For ease of reference, the relevant points are summarized:-

Sports Pavilion – The applicant would be willing to address the concerns about space through a minor enlargement of the building, plans of which will be submitted in due course. The applicant would also have no objection to the pavilion being constructed in accordance with “Secure by Design” principles, similarly in respect of the seating.

Rear Alleyways – The applicant is willing to erect lockable gates at each end of every alley with keys provided to each household having a right of access. “This should ensure that only authorised persons use the alleys and thus should mitigate the potential risk of crime to an acceptable level”.

Environment Agency Flood Risk Assessment – Given the pre-consultation with the Environment Agency in relation to an earlier planning application in 2003, the applicant has suggested that there is already agreement with the EA on the approach to mitigating flood risk and surface water issues.

Design – The design of the buildings remains the same as that proposed in relation to the earlier refused Reserved Matters application UTT/0917/03/DFO. In relation to that almost identical scheme the Inspector stated in paragraph 17 of his decision letter dated 17th September 2004 that “*the locality is well separated from most of the nearby houses and owes no particular allegiance to any part of the surrounding residential area with its wide variation in housing styles. A contemporary solution such as this would not therefore be incompatible with the locality*”. Later, in paragraph 18 he opined that “*I consider the Council’s policies on design would be met, except for the layout issues I have referred to on plots 15-20*”. Accordingly, whilst appreciative of Members views, the Company does not propose to modify the design of the proposed dwellings and other buildings.

Lifts – The applicant has reiterated that the issue of lifts in flats is not a planning issue and would be dealt with under Building Regulations, for which there is no requirement to provide lifts in flat developments of four-storeys or less. No lifts are therefore intended in this development.

Lighting – There are conditions in place with regard to floodlighting from the outline application. The street lighting will be to normal highway authority standards.

Turning Heads – The turning heads have been designed to accord with standards set out in the Essex Design Guide for Residential and Mixed Use Areas. There are no specific objections from ECC Highways with regard to this matter.

Affordable Housing – Officers have raised members’ instruction to seek 40% affordable housing but for the reasons given in the report the Applicant is unwilling to comply. Whilst desirable, there are no grounds for insisting upon provision at 40%.

CONCLUSIONS: Members deferred this application for further information. Officers are happy that the concerns raised have been addressed. Clearly the site has extensive relevant history and an appeal decision. 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/2128/04/DFO - SAFFRON WALDEN

Erection of 55 residential units, provision of playing fields, multi use games arena and associated development.

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

Case Officer: Geoff Lyon 01799 510458

Expiry Date: 14/03/2005

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

55 dwellings would be erected down the western side and along the northern third of the site in an inverted "L" shaped arrangement. 10 of the units would be 4-bedroom 3-storey detached dwellings with 9 of the units 4-bedroom 2-storey dwellings, both of which are predominantly along the northern and western boundaries of the site. Each detached property would have its own private amenity space and would be served by at least two parking spaces, one of which would be a garage.

There are three groups of terraced dwellings, 10 of which are 3/4-bedroom 2-storey dwellings that face onto public open space and 6 of which are 2-bedroom 2-storey dwellings. The 3/4-bed units are served by a private garage court, which also provides parking space for one of the 2-bed units. The majority of 2-bed units are served by two front parking spaces accessed off the 5.5m type 3 road. Private amenity space would be provided for each of the terraced properties

A block of six 2-bedroom flats set over 3-storeys would be located midway along the western boundary of the site, which also overlooks the public open space. Each flat would have one parking space with two visitor spaces giving eight in total. A small amenity area is provided to the rear of the block.

Affordable units are located in the north-eastern corner of the site and consist of two 3-bedroom 2-storey dwellings and a 3-storey block of flats consisting of six 1-bed units and six 2-bed units provided. The 3-bedroom dwellings would be provided with their own private amenity space and the flats would share the public open space for amenity purposes.

Parking for the affordable units totals 19 spaces located in a parking court, which includes 3 visitor spaces.

The design of the dwellings has been taken from the Essex Design Guide being more traditional in character with the use of brick and tile etc.

By way of summary, the overall mix would be:

6 x 1-bedroom flats (6 affordable)
12 x 2-bedroom flats (6 affordable)
6 x 2-bedroom houses
2 x 3-bedroom houses (2 affordable)
19 x 4-bedroom houses.
10 x 3/4-bedroom houses

The **density** of the scheme would be 39 dwellings/hectare, taking into account the POS and LAP as part of the developable area as per the Local Plan and PPG3 advice, or 44 dph net. The number of dwellings of affordable status would be 25.45% of the total. Total car parking provision would be 108 spaces with a level of provision of 1.96 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 and would be overlooked on three sides by residential dwellings. 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 east of one of the areas of POS.

Formal Open Space

To the east 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 linear pattern, with housing located either side and also a spur serving the football pitch, MUGA, sports pavilion and car park area. The road would be traffic calmed by a speed table opposite the POS. 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 access 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 objection subject to conditions

Water Authority: No objections subject to conditions.

Environment Agency: Advisory comments regarding operational development between 1ha and 5ha within flood zone 1.

Police Architectural Liaison Officer: No Objection. The pavilion should be subject to "Secured by Design" certification in order to prevent anti-social behaviour.

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 (£107,022.38)

UDC Architect & Property Advisor/Consultant: The double-sided development results in the public open space being integrated into the street scene. Back to back terraces are buffered by garage courts and there are only two short lengths of rear garden access paths. The traditionally designed dwellings would provide variety within a smaller more intimate scale framework. The traditional house types are not perfect with some fussy detailing and I would not be averse to seeing the non-traditional flat forms substituting the traditional. It would remove the pastiche and in some respects be more consistent in scale.

TOWN COUNCIL COMMENTS: The Committee appreciate the improvement in design in the main. However, they are concerned at the block of affordable flats (Type J and K) which will be overbearing on the remainder of the development and the properties in Thaxted Road.

REPRESENTATIONS: This application has been advertised with both press and site notices and 112 neighbour notifications. Two letters were received. Further revised plans were submitted following revision to Blocks J and K and a further period for consultation was undertaken. Advertisement expired 14 March 2005. One further letter was 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. The 55 unit scheme would seem to be a far better density for this particular site, which cannot be regarded as being near the town centre, justifying a lower density according to the guidance in PPG3. 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.

I write as a local resident in support of this application in preference to the other 66-unit scheme. The design is more in keeping with surrounding properties, the reduction in property numbers and consequent car numbers is welcomed. The removal of the grid-block style layout has also reduced the visual impact of the development and given a more softer appearance. The use of traditional materials improves the overall appearance and quality of the development.

Concerned about the ownership of the land near to Thaxted Road and issues of maintenance etc as a result of extra pedestrian and cycle traffic.

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 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),**
- 2) **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),**
- 3) **the provision of affordable housing on site is acceptable in relation to the Uttlesford Local Plan Policy H9 - Affordable Housing.**

1) With this proposal the applicants have adopted a different design approach to the appealed application as well as the 66-unit scheme also on the schedule the Council's architect has suggested that the traditionally designed dwellings would provide variety within a smaller more intimate scale framework than the 66 unit scheme. The location of the affordable flats (Blocks J and K) have been amended as there was some concern about their original location in relation to the football pitch and the potential for balls striking the building and causing nuisance to the amenity of residents.

The density of 39 dwellings per hectare is within the prescribed minimum density requirements of PPG 3 - Housing (30-50 dph) and although lower than the 66 unit scheme represents an efficient use of urban land. The layout of the site is governed by the location of the football pitch but the single access road has enabled double-sided development and a better integration of public open space into the street scene.

The overall housing mix is now orientated towards larger 4-bedroom units and the percentage of affordable units has consequentially fallen to just above the minimum requirement of 25%.

Officers are however content that the scheme as submitted meets the policy criteria. While affordable housing at 40% would be desirable, members should be aware that the outline planning permission was approved prior to the adoption of the ULP a 25 % requirement applied. That remains the position as this is an application for reserved matters only.

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

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 108 car parking spaces or 1.96 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. In terms of cycle way provision, the access through to Victoria Gardens has been widened to 3-metres to enable a shared Pedestrian and Cycles way and would encourage short-medium journeys by cycle into the Town Centre and beyond. A condition could be imposed requiring the provision of covered cycle parking facilities for all dwellings not served by a garage space.

3) 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-amble 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 14 affordable homes 25.45% of the permitted housing units. Clearly this is just above the minimum of the Condition C.90.J but still 14.55% 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 would most certainly be quashed 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 would 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 55-unit scheme represents a traditional alternative to the higher density modern approach of the 66-unit scheme. The scheme does however provide fewer smaller units and a lower provision of affordable housing than the 66-unit scheme. Officers have carefully considered the proposals against Development Plan policies and have also weighed them against advice in PPG3 urging the more efficient use of land. It is the firm view of Officers that these detailed proposals are now acceptable subject to conditions and the necessary amendments to the Section 106 Agreement and the completion of a Section 278 Agreement.

RECOMMENDATION: APPROVE RESERVED MATTERS

Background papers: see application file.

UTT/0199/05/DC – THAXTED

Removal of condition C17.1 from approved planning application UTT/1872/04/DC
Vicarage Mead. GR/TL 610-311. Uttlesford District Council.
Case Officer: Mr R Aston 01799 510464
Expiry Date: 05 April 2005

NOTATION: ULP: Within Settlement Boundary/Adjacent Conservation Area.

DESCRIPTION OF SITE: The site extends to 0.34 hectares and is located to the east of Newbiggen Street, to the immediate north east of the Thaxted Conservation Area. The site consists of an early 1970's two-storey care home for the elderly, which provides 23 bed spaces and warden accommodation. To the immediate south east of the main building, a day centre is located and bordering the site to the east, there are seven single storey bungalow dwellings set in a staggered terrace. Access to the site is directly off Margaret Street.

DESCRIPTION OF PROPOSAL: The proposal seeks removal of Condition C.17.1 which required that revisions were made to the roof design in order to break up the proposed roof design in the interests of visual amenity and to improve the external appearance of the building.

APPLICANT'S CASE: To be reported.

RELEVANT HISTORY: Remodelling of existing sheltered accommodation, approved February 2005. The proposal detailed the remodelling of the existing accommodation to provide 20 self-contained units suitable for 1-2 persons complete with common room, recreation room, laundry areas, warden's office and lift.

CONSULTATIONS: None

PARISH COUNCIL COMMENTS: None

REPRESENTATIONS: None. This application has been advertised and 0 representations have have been received. Period expired.

PLANNING CONSIDERATIONS: The main issues are

1) **Whether the changes requested by members are so fundamentally important to the scheme, that if they were not required, there is sufficient justification for the proposal to be refused.**

1) At the Committee meeting on 2 February 2005, planning application UTT/1872/04/DC for the remodelling of the existing sheltered accommodation was approved by members subject to the request that the following condition be added:

No works shall take place until a revised plan has been submitted to and approved by the local planning authority in writing showing the following amendments which shall be incorporated into the design for the development hereby permitted and the permission shall be implemented in accordance with the amendments listed below:

- Revisions to the design of the roof

Reason: To break up the proposed roof design in the interests of visual amenity and to improve the external appearance of the building.

This application seeks removal of the above condition for the reasons outlined in the attached supporting statement submitted by the Council's Property Services section. In summary, it is considered that the requirement for revisions to the design of the roof (eg. provision of non functional chimneys) above and beyond those already proposed would have a negative effect on the overall appearance of the building and may compromise the proposed ridge windows, which have been included to improve the amount of natural light into the building. Furthermore, that revisions to the roof design would be likely to increase the cost of the proposal and if this were to be the case, the Council would have to reconsider replacing the roof altogether which would mean the existing roof remains.

CONCLUSIONS: Members must consider whether the need for any changes in the design of the roof, following comments made by the Council's Property Services department are so important to the schemes visual appearance that if they were not included, then there would be sufficient justification to warrant refusal of the scheme on design grounds. It was the view of your offices that the scheme subject to the last application was acceptable and on balance remain with that view.

RECOMMENDATION: That members consider whether the removal of Condition C.17.1 would fundamentally affect the visual appearance of the proposal to such a degree that if they were not required, then there would be sufficient enough reason to warrant refusal on design grounds.

Background papers: see application file.

UTT/0091/05/OP - SAFFRON WALDEN

Outline planning application for up to 10 residential units
Land at Hill View and Highbank Thaxted Road. GR/TL 549-373. Kiln Court Developments Ltd.

Case Officer: Ms H Lock 01799 510486

Expiry Date: 16 March 2005

NOTATION: Policy SW5 – Thaxted Road Employment Site. Development Limit around allocation, but outside Town Centre Limit. Class B Road

DESCRIPTION OF SITE: This is an elevated site which sits above the service road parallel to the B184 Thaxted Road. It comprises two fire-damaged houses, “Hillview” and “Highbank”, which sit at 90° to the road, facing onto an unmade access track which leads to scrubland beyond. The land rises up from the road and towards the rear of the houses, and the site stands above the commercial units to the northwest (which have permission for redevelopment). To the east are fields. The civic amenity and recycling site is to the southeast. The site area is 0.44 hectares, including the access road. The main developable area is approximately 0.25 hectares.

DESCRIPTION OF PROPOSAL: This is an outline application with all matters other than means of access reserved for subsequent approval. It is proposed to replace two existing fire-damaged houses with up to ten dwellings, giving a density of about 40 per hectare on the main part of the site. No indicative details have been supplied. Access would be to the north of the site, directly onto the B184 Thaxted Road, and would be the access point which would serve the approved live-work units on the adjacent site, which is also within the applicant’s ownership.

APPLICANT’S CASE: Transport Assessment: in April 2004 a report was undertaken based on 97 live-work units (60 already with planning permission plus the further 37 refused under UTT/0040/04/FUL). This scheme included a substantially improved road junction with a right-turn lane with ghost islands, and the report showed it would have ample capacity to cater for the development.

This revised proposal replaces the extra 37 units with 10 dwellings. In summary, the new junction could amply serve the 60 live – work units and 10 dwellings. The approved and proposed development would generate a 1% increase in existing traffic levels on Thaxted Road and Peaslands Road, and would be virtually undetectable. See document attached to this report.

RELEVANT HISTORY: Demolition of dwellings and construction of 14 terraced houses withdrawn July 2003 & construction of 4 dwellings withdrawn December 2003. Erection of 97 live-work units over this and adjacent land refused October 2004.

CONSULTATIONS: TOPS: no objections subject to conditions and legal agreement to secure the highway works approved under planning application UTT/1382/01, a contribution of £18,544 towards highway infrastructure improvements as a result of the Saffron Walden traffic study, and regulation of the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit. Letter attached at end of report for full details.

Environmental Services: This site is located on a former gravel pit. Cement lime and plaster manufacturing was noted in 1898, 1923 and 1951. A mineral railway operated in 1898 adjacent to the site and a large area was noted to be comprised of unknown filled ground in

1991. Therefore request standard contaminated land/environmental standards condition be imposed requiring full site investigation, risk assessment and remediation as appropriate.

UDC Engineer: No objection subject to adequate surface water drainage to ensure no increased risk of flooding to The Slade.

ECC Schools' Service: As proposal forms part of a larger development, it is considered appropriate to request a contribution to school places.

TOWN COUNCIL COMMENTS: Object to this application which is on land zoned in the District Plan for employment.

REPRESENTATIONS: This application has been advertised and two representations have been received. Period expired 21 January 2005.

(1) SW Friends of the Earth: object. This land is safeguarded for employment under Policy SW5. Housing on this site would undermine the careful balance of land use and infrastructure capacity represented by the Local Plan. Site is separated from the town. Its use for housing would not be in accordance with the provisions of PPG3. Given the rural context residential units on this site would conflict with Policy S7 and intentions of Policy H1. Suggested new access by way of planned industrial park would not be suitable.

(2) Objection. Site is safeguarded for employment uses, and would result in loss of land identified in recent Local Plan review and Local Plan inquiry when the supply and demand for employment land was carefully reviewed and provided for. Unsuitable for residential development, being divorced from town centre and out of reach of local services and facilities. Not sustainable development, resulting in over-reliance on private car. Permission for live-work units is consistent with allocation. Permission for residential development would set precedent for same on adjacent land. Conflict with other employment uses. Release of the application site is unnecessary as the ULP already allocates sustainable residential sites for the period up to 2011.

PLANNING CONSIDERATIONS: The main issues are whether

- 1) **the principle of residential development would be acceptable in this location, and the effect it would have on the Council's employment strategy (ERSP Policies CS5, H2, H3, BIW4 & BIW5, & ULP Policies H1, E1, E2 & SW5),**
- 2) **the proposal would be acceptable in terms of highway safety (ERSP Policy T3 & ULP Policies GEN1 & GEN6) and**
- 3) **there are any other material planning considerations to affect the recommendation.**

1) In the now superseded Uttlesford District Plan, this site was included in a Development Limit around an Industrial Relocation Site, the purpose of which was to provide for the relocation of non-conforming industrial and warehousing uses from more sensitive parts of the District. The allocated policy area excluded some parcels of land within the wider Development Limit, and did not include this application site. As such the existing residential use rights would have remained.

In the newly adopted Uttlesford Local Plan, the policy allocations now encompass all the parcels of land within the Development Limit, which are subject to Policy SW5. This policy identifies a 3.76-hectare site at Thaxted Road for employment purposes. The preamble to that policy states that "*the redevelopment of a number of small employment sites for housing is proposed in this Plan. Partly to compensate for the loss of these sites, 3.76 hectares of land at Thaxted Road is proposed for employment uses*". This area has therefore been identified as part of a comprehensive consideration of the District's employment needs, and redevelopment for residential purposes would result in a shortfall within the area.

It is considered that all parts of the Development Limit have been allocated for employment uses to ensure comprehensive redevelopment of this important site on the southern approach to the town, and to avoid the potential conflict between commercial and purely residential uses.

The provision of live-work units on the adjacent land accords with the Council's approach to employment, in that it would meet a particular sector of demand for small-business working. However, the introduction of a purely residential development on this site would severely compromise the implementation of the Council's employment strategy and would give rise to an unacceptable juxtaposition of uses. Such a significant departure from the Council's newly adopted policies would be unacceptable and unjustifiable.

The Local Plan identifies sustainable sites for residential redevelopment, and there is no need for sites such as this to come forward in order to meet targets. Not only is this site not required to contribute to the Council's housing strategy, but even were there to be a shortfall in provision this site would be unsuitable. It is located too far from the town centre, so that there are limited facilities and amenities available, and as such would result in heavy reliance on the private car. There is no justification for this site to be viewed favourably for a non-employment use, and if accepted here it would be impossible to resist residential re-use on other parts of the employment allocation.

2) Subject to conditions and a section 106 agreement, Essex County Council as highway authority raises no objection to the proposal. It is not considered that the provision of ten additional units would significantly increase traffic above that which has already been granted on the adjacent site.

However, access is for approval at this stage, and the detailed highway comments of Essex County Council are clear that the highway works as shown would not be acceptable. This development would need to be tied to the access works of the adjacent live-work units, and it is stated that considerable amendments to the layout would be required. As a result, it is considered that the proposal in its submitted form would not be acceptable, albeit the issues could be resolvable.

3) The site contains two fire-damaged houses. If the buildings were capable of occupation, their continued residential use could not be challenged. However, if the applicants now wished to replace the dwellings on a one-for-one basis, it is considered that given the new policy position the Council could reasonably oppose replacement, on the basis that the development would compromise the employment allocation as set out above. In terms of the value to the applicant, the loss of the residential use rights for two dwellings would be offset by the commercial re-use of the whole of the site.

However, if the two dwellings were capable of repair and fit for habitation, there would be no justification for more intensive residential re-use of the site. Although PPG3 requires more efficient use of urban land, the use of this site for higher density residential development would significantly undermine the employment allocation. Even viewing the proposal solely in PPG3 terms, the scheme would still be unsuitable for more intensive development in this setting, surrounded as it would be by employment uses, and so far divorced from the town centre. Given that such a proposal would conflict with the employment allocation, which has been so recently examined as part of the Local Plan review, it is considered that this should override any guidance set out in PPG3 relating to more efficient use of land.

It is accepted that the Council refused an application for more intensive live-work development on this site, but it was the details of that proposal that resulted in the refusal, not the matter of principle. A less intensive and less domestic-style commercial scheme

could be produced which would accord with the Council's policies. The fallback position is not therefore that the site should be developed residentially, but rather that a more appropriate form of employment development needs to be formulated.

CONCLUSIONS: The site is allocated for employment uses, and residential development would undermine the Council's wider strategy for this area. Such a significant departure from the newly adopted Local Plan cannot be justified. Given the location of the site within a larger employment allocation renders the site unsuitable for general residential use, and there would be a potential conflict of uses. The site is separated from the Development Limit of Saffron Walden and is an unsustainable location for new residential development.

RECOMMENDATION: REFUSAL REASONS

1. The application site is allocated for employment purposes in the newly adopted Uttlesford Local Plan, and its re-use for residential purposes would undermine the Council's employment strategy. There is no justification for non-employment re-use, particularly so soon after the adoption of the ULP, and the consideration of the Council's employment and housing requirements at Public Inquiry. If permitted, it would make it difficult to resist the loss of further employment land, thereby compounding the effect on the employment land available. The proposal would be contrary to ERSP Policies CS5, H2, H3, BIW4 & BIW5 and ULP Policies H1, E1, E2 & SW5.
2. The site is separated from the town centre in a location not well served by local facilities and amenities. As such the site is considered to be in an unsustainable location for residential use, as it would result in heavy reliance on the private car by occupants, contrary to guidance contained in PPG3, ERSP Policy CS4.
3. The site would result in a small housing group amidst a wider employment allocation, and as such it is considered that there could be potential conflict caused by the inappropriate interrelationship of commercial and residential uses. This could adversely affect the amenity of occupants of the new dwellings, contrary to ULP Policies GEN2 & GEN4.
4. The proposed access arrangements would not meet the requirements of the highway authority, and if approved in the submitted form would result in detriment to highway safety, contrary to ERSP Policy T3 and ULP Policy GEN1.

Background papers: see application file.

UTT/0307/05/FUL – TAKELEY

Internal alterations and change of use from storage to retail
Unit 1 Waltham Hall Waltham Hall Ind Estate Waltham Hall Farm Bampers Green. GR/TL
565-241. Your Furnished Ltd.

Case Officer: Mr M Ranner 01799 510556

Expiry Date: 20 April 2005

NOTATION: Outside of development limits/Countryside Protection Zone.

DESCRIPTION OF SITE: The site is located between the hamlets of Bamber's Green and Molehill Green just to the east of the perimeter boundary to Stansted Airport. It is accessed via a narrow service road, which joins the highway at the road junction just to the north of Waltham Hall and comprises a single building of pitched roof design finished externally in breezeblock and corrugated sheeting. Two metal roller shutter doors are in the southwest facing elevation which fronts a concrete yard that covers an area of approximately 730m². The building was originally designed for agricultural purposes and is of a substantial size at 46 metres in depth by 34 metres in width and with a ridge height of 10metres. The building also accommodates a large proportion of mezzanine flooring which enables the building to provide approximately 2306m² of floor space. A similar building albeit of approximately half the size of the application building is sited immediately to the west of the site and backs onto the sites yard area. Both buildings share the same service road and are screened by earth mounds and established landscaping.

DESCRIPTION OF PROPOSAL: This application seeks full permission for a change of use from commercial storage (B8) to retail (A1). The site is occupied by a furnishing company known as 'Your Furnished', who currently store and sell their merchandise direct to the public who attend the premises. The application is therefore retrospective and seeks to formalise the use currently taking place. The application also includes some minor internal alterations, required in order to satisfy health and safety and building regulations: however in planning terms these are considered to be de minimus. The applicant has stated on the forms accompanying the application that 50% of their goods are sold direct to members of the public attending the premises and 1535m² of floor space is dedicated as a net selling area for retail trading. The remaining 771m² of floor space is used for storage in association with the retailing element. The present hours of operation are currently from 10am to 5.30pm seven days a week and four members of staff are employed on site. This is not proposed to change under the current application. Existing parking provision, which takes place on the concrete apron to the front of the building, equates to 14 spaces, 4 of which are for members of staff. This application proposes no further parking. The applicant estimates the hourly vehicular flow to the site between the hours of 7.00am to 7.00pm to be 12 cars and 0.2 service vehicles per hour.

RELEVANT HISTORY: The building was constructed in 1975, for the purpose of agricultural storage, pursuant to planning permission ref UTT/225/74. It would appear however that the building was not used for its intended purpose and was subsequently let for general commercial storage. This was subsequently the subject of enforcement action, and the subsequent appeal against the notice resulted in temporary and personal permission being granted for commercial storage, expiring on 30 April 1981 (DoE ref: T/APP/5222/C/78/2766-67/G4). Following this the building was used for agricultural storage between approximately 1982 and 1989 whereafter commercial storage was resumed.

More recently retrospective planning permission was refused in 1993 for use of part of the building for B1 business purposes (ref: UTT/0666/93/FUL) as it was determined to be

contrary to policy C5. Subsequent to this retrospective planning permission was granted on 20th September 1995 (ref: UTT/0891/95/FUL) for the retention of use for commercial storage (B8).

CONSULTATIONS: English Nature: has responded to consultation, however they do not wish to make any comments.

PARISH COUNCIL COMMENTS: No comments received (due by 25/03/2005).

REPRESENTATIONS: Nearby properties have been notified by individual letters. No responses have been received (due by 25/03/2005).

PLANNING CONSIDERATIONS: The main issues for consideration in this case are: -

- 1) **Whether the existing use is appropriate in this location (ULP Policies S7, S8.);**
- 2) **Whether the local road network is capable of accommodating the levels of traffic likely to be associated with such a use. (ULP Policies GEN1, GEN8 & E5) and**
- 3) **The effects of the use on the residential amenities of nearby residential properties. (ULP Policy GEN4).**

1) The application site is situated outside of development limits and within the Countryside Protection Zone where policies S7 and S8 of the Adopted Local Plan apply. Policy S7 states that planning permission will only be given for development that protects or enhances the particular character of the part of the countryside within which it is set. Policy S8 states that within the Countryside Protection Zone, development will not be permitted where new buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside or where it would adversely affect the open characteristics of the zone. This proposal is for a change of use in retrospect and although it could be argued that it is not 'small scale' as required by policy E5 concerning the re-use of rural buildings it involves neither extending the existing building or providing additional hard surfaced areas outside of the building. Consequently the proposal has not resulted in the coalescence of development or adversely affected the character of the area and in this respect it is considered that the proposal does not prejudice the aims and objectives of policies S7 and S8. Furthermore the character of the area can be safeguarded by the imposition of appropriate conditions as suggested at the end of this report concerning outside storage and future extensions.

2) Policy GEN1 requires that any access to the main road network should be capable of carrying the traffic generated by a development safely and that such traffic is capable of being accommodated on the surrounding transport network. Policy E5 concerning the re-use of rural buildings is similar in that it states that development should not place unacceptable pressures on the surrounding rural road network (in terms of traffic levels, road safety, countryside character and amenity).

In this respect a retail warehouse use is likely to generate more frequent car movements than a B8 storage use of a comparable size, which is usually associated with vehicle movements involving larger service vehicles. The applicant's estimate of 12 cars and 0.2 service vehicles per hour will if reasonably accurate have little effect on the surrounding road network. The access to the site is adequate with good visibility achieved from the access to the site, which joins a junction at the outside of a gradual bend in the road. The approach to the site from Bambers Green is via narrow country lanes although it is considered likely that the majority of vehicle movements to and from the site will take place on the larger road that is routed around the airport boundary between Takeley to the south and Elsenham to the north. Estimates of vehicle movements are difficult to quantify and at times the use could

potentially generate higher numbers of vehicles than quoted by the applicant. It would be prudent therefore in this case to impose a condition as suggested at the end of this report in order to restrict the permission to a temporary period only. This will allow the Council to retain control over the future use of the site if problems associated with traffic movements generated by the use were to subsequently become apparent following the grant of permission.

Vehicle parking comprising space for 14 cars exists on the concrete apron directly to the front of the building. Parking standards as outlined in Appendix 1 of the Local Plan dictate a maximum requirement of 81 spaces in this case. These are however 'maximum' standards and the specific nature of the use should be taken into account. This involves the sale of larger furniture items which occupy more space within the building and generally attract smaller number of customers than say a use that retails a larger variety of smaller goods i.e. a DIY retail warehouse. Also at 729m² the service yard could potentially accommodate in excess of 14 vehicles if needed, even taking into account the need to accommodate service vehicles. The current parking provision is therefore considered acceptable in their case although again a temporary permission will allow the council to control the future use of the site if it were to become apparent that existing parking provision was insufficient.

3) With regard to residential amenity it is considered that in accordance with policy GEN4, no significant detriment will occur, as the nearest residential properties are located approximately 140 metres to the south west of the building, which is largely surrounded by earth mounding and established landscaping. Goods are merely stored and sold from the site and without any industrial processes being undertaken the use is unlikely to cause general disturbance and nuisance to nearby properties. The additional movements of traffic likely to be generated by the use are not considered to be significant enough in terms of numbers and types of vehicle to cause nuisance to residents. The nearest building to the site, no. 2 Waltham Hall Industrial Estate are a commercial premises only.

CONCLUSIONS: The proposal will cause no undue harm to the character of the surrounding area, which forms part of the rural area outside of development limits and the Countryside Protection Zone. Traffic movements generated by the use and its impact on the surrounding rural road network is also likely to be acceptable, however an appropriate condition restricting the permission to a temporary period only will allow the Council to control the future use of the site should problems arise in respect to traffic movements, parking etc. With regard to residential amenity, it is considered that any affects will be minimal due to the nature of the use taking place, the distance between the site and the nearest dwellings and the existing landscaping afforded to the site.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.6.1. Excluding future changes of use without further permission the storage and retail of furniture & A1.
2. C.6.8. Excluding Permitted Development extensions or alterations to industrial [Warehouse] premises.
3. No deliveries shall be taken to or despatched from the site before 8am or after 6pm on Mondays to Saturdays, and before 10am or after 5.30pm on Sunday or Bank Holidays, without the prior written permission of the Local Planning Authority.
REASON: To protect the amenities of nearby residential properties.
4. The premises shall only be open to members of the public for the purposes of trade or business between the hours of 8am and 6pm on Mondays to Saturdays, and between 10am and 5.30pm on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To protect the amenities of nearby residential properties.
5. C.9.1. No outdoor storage.

6. The use hereby permitted shall be discontinued on or before 6th April 2006.
REASON: The development is a temporary expedient only having regard to the amenities of the area.
7. The hard standing to the west of the building as shaded in red on the approved plans, shall be retained for the parking of vehicles in connection with the use hereby permitted and shall be used for no other purpose.
REASON: To ensure that vehicles calling at the site can park clear of the highway in the interests of highway safety.
8. C.14.1. Permission personal to applicant Mr Cy Fogel & Unit 1 Waltham Hall, Waltham Hall Industrial Estate, Waltham Hall Farm, Bambers Green Takeley.

Background papers: see application file.

UTT/0070/05/FUL – UGLEY
(Referred at officer's Discretion)

Plantation woodland to be used for Paintball Games. Portacabin/Mobile toilets
Broom and Burney Wood. GR/TL 511-288. Bollington Hall Ltd.
Case Officer: Mr T Morton 01799 510654
Expiry Date: 21 March 2005

NOTATION: County Wildlife Site / Outside Development Limits.

DESCRIPTION OF SITE: Broom and Burney Woods are a large area of woodland on the west side of the B1383 between Ugley and Quendon, that contrasts with the more open arable land along other stretches of this road and forms an area with its own character. The woodland site is Ancient, that is to say considered to have been woodland since at least the year 1600, and although replanted with conifers and broadleaf trees in recent times (the 1960s) it has the structure of a natural woodland, with the ground flora of the ancient woodland surviving beneath the trees. Paintball gaming began in the woods approximately in July 2004 when a complaint was received about it, and this has involved forming an area of hardsurfacing, and introduction of portacabins/shipping containers and mobile toilets. Advertisement boards are placed beside the main road.

DESCRIPTION OF PROPOSAL: to operate paintball gaming within the woods, retaining portacabins, mobile toilets and hard surfacing that are already present.

APPLICANT'S CASE: Broom & Burney Wood is a plantation woodland which, according to the English Nature publication "Paintball Games in Woodland" is defined as a habitat which has been significantly modified by human activity and is generally of lesser value for wildlife. As such, this type of habitat provides the greatest scope for paintball as the lesser value for wildlife means that they can be easily modified and adapted.

Access to the site is from a detrunked main road.
There is ample on-site parking in the area previously used for storage of timber from thinning operations.

No fixed buildings are to be constructed. There are containers and a portacabin-type office for reception and storage of consumables as well as a mobile toilet.
The paintball materials are completely biodegradable and therefore have no environmental impact on the woodland.

Only small areas of woodland are used at one time and are rotated over the area, again minimising the impact on the woodland. The games are operated by Excalibur Paintball who is a member of the European Paintball Sports Federation. Paintballing is a popular activity which offers the opportunity for people to exercise outdoors and should be encouraged.

The portacabin and shipping containers measure 20 feet by 8 feet by 8 feet, the mobile toilets measure 8 feet by 4 feet by 4 feet, the car park is an area of road planings measuring 70m by 30m.

A second letter with some additional points has been submitted to point to the loamy soil type not being so prone to damage as clay soils, with 8 areas available for games rotated to ensure no damage to the woodland floor, with 50% of the area of the wood available. Areas in need of protection at specific times of the year are an area of 6.5 Ha of Bluebells which would not be used between 1 April and 31 May. Other area would only be used once or

twice a week. This would cause less damage than forestry harvesting. The use would benefit the 15 to 30 age group giving them an outdoor alternative, and is seen as supported by PPS7.

RELEVANT HISTORY: None.

CONSULTATIONS: English Nature: Thank you for your letter regarding the above application which we received on 25 January 2005. English Nature's advice is set out below.

1. Wildlife and Countryside Act 1981, as incorporated by The Countryside and Rights of Way Act 2000. The provisions of section 28G and I are set out in DETR Circular 04/2001 (Para 53-57). English Nature advises that the development outlined in the current application above does not affect a Site of Special Scientific Interest.

2. (County) Wildlife Sites/ (formerly known as Sites of Importance for Nature Conservation)

English Nature does not routinely provide consultation advice about non-statutory sites, such as County Wildlife Sites, however we believe that this application may require more detailed consideration by your council to ensure that the environmental assets within this woodland are not adversely affected.

2.1 Broom and Burney Wood

English Nature is aware that Broom and Burney Wood is a designated County Wildlife Site and therefore the policies within the latest version of the Uttlesford Local Plan and the Structure Plan (*sic*) are relevant. The policy states that development on a County Wildlife Site will not be permitted unless the need for the development outweighs the local significance of the site to the biodiversity of the district. English Nature is aware that remnants of ancient woodland ground flora occur within this County Wildlife Site. For more information we recommend that you consult with the Essex Wildlife Trust. Furthermore, it should be noted that ancient woodlands, even when coniferised, have been shown to naturally regenerate both native tree species and associated flora from the seed bank.

2.2 Potential impact of proposed activities

The recreational use of the application site may have an adverse impact on the ancient woodland habitats and the wildlife (plants, invertebrates, fungi, mammals and birds) that depend on it. For example, paintball activities can (a) physically damage vegetation and cause undesirable soil compact in ecologically sensitive areas; (b) increase disturbance to invertebrate habitats in old stumps, decaying wood-piles etc., (c) increase disturbance to nesting birds and small mammals, and (d) increase litter. Therefore, when determining this application we recommend that the Council fully consider the ecological significance of the ancient woodland and the likely adverse impacts of the proposed activities.

2.3 Justification for applicant to provide more information

English Nature notes that there is no assessment of the ecology of the woodland accompanying the application, and therefore your council are being asked to make a decision without adequate information. In situations such as these, it is important that the applicant submits an environmental report providing details of the interest features (ecological, archaeological etc.), the intended usage and the likely impacts. Once these issues are fully understood, your council can seek to make an informed decision with appropriate robust mitigation/conditions as necessary. Furthermore, it may be appropriate for the Council to have more detailed discussion with the Essex Wildlife Trust to consider

whether potential exists for the proposed activity to be restricted and/or managed in such a way as to avoid impact on the nature conservation interest of the site.

3. Protected Species

The proposed development land could include suitable habitat for protected species. The presence of protected species is a material consideration in a planning application (NB PPG 9 Paragraphs 44-48). If protected species are suspected or present on a proposed development site then the following information should be provided by the applicant, usually in the form of an ecological survey by an appropriately qualified consultant, prior to the planning application being determined.

- a. What is the species concerned?
- b. What is the population level at the site, or affected by the proposal?
- c. What impact is the proposal likely to have upon the species present?
- d. What can be done to mitigate against this impact?
- e. Is the impact necessary or acceptable?
- f. Is a licence required from English Nature/Defra?

This information should be submitted to and considered by the local planning authority prior to determining the planning application. If the submitted information leads you to conclude that you need further advice then please do not hesitate to contact us.

Essex Wildlife Trust This 31 hectare woodland is of ancient origin, but unfortunately 27 hectares were replanted in the 1960's, mostly with conifers. Before replanting, the woods were similar in character to nearby Quendon Wood which is scheduled as a Site of Special Scientific Interest. Both the Forestry Commission and the Woodland Trust have produced reports showing that where planted conifers have been removed, woods can quickly revert to their former state using the seed bank which still persists in the woodland soil.

I do not have access. I have found my old records for these woods, and I have extracted a list of important plant species as follows: -

Oxlip *Primula elatior*. This plant is of local and national importance and is an Essex Biodiversity species. It is known to still persist in these woods in small number. It is locally a declining species, possibly due to climatic change, but more likely due to predation by Fallow and Muntjac deer.

Bluebell *Hyacinthus non-scripta*. This is a species of national and international importance as practically all the world population of this plant is contained in the British Isles. In some areas it is threatened by hybridisation with the introduced Spanish Bluebell *Hyacinthoides hispanica*, a totally different plant with which it readily crosses. Bluebells are still present in these woods.

Wood Anemone *Anemone nemorosa*. Probably still there.

Lady's Mantle *Alchemilla vestita*. A rare plant in NW Essex with one or two plants in a few places on woodland rides and in damp ancient grassland, becoming scarcer.

Orpine, Livelong *Sedum telephium*. Rare and in only a few places in Essex, mainly on woodland rides.

Wild Daffodil *Narcissus pseudonarcissus*. A rare plant of ancient woodland and formerly of meadows. There was once a large drift of this plant in a northern part of these woods.

Herb Paris *Paris quadrifolia*. Found in small number in several ancient woods on the chalky boulder clay, mostly in NW Essex

Foxglove *digitalis purpurea*. Uncommon on the boulder clay but found in an area of oak woodland on the west side of the woods.

ORCHIDS:- Twayblade *Listera ovata*. Uncommon and usually in small number, mainly in damp woods on the boulder clay of NW Essex.

Greater Butterfly orchid *Platanthera chlorantha*. Rare, and in small quantity in damp woods, becoming scarcer.

Spotted Orchid *Dactylorhiza fuchsii*. Frequent on damp woodland rides.
Early Purple orchid *Orchis mascula*. Scattered, but seldom in quantity in deciduous woodland.

OTHER PLANTS OF NOTE. - Wood Speedwell *Veronica montana* Wayfaring Tree *Viburnum lantana* In Essex, almost only on the chalky boulder clay. Primrose *Primula vulgaris* Cowslip *Primula veris* Wood Violet *Viola reichenbachiana* Dog Violet *Viola riviniana*. All of these plants have been seen in these woods in the past but the only ones known for sure to be still present are Bluebells and Oxlips, confirmed by sight. Those not now present (it would need a full ecological survey during the growing and flowering season to confirm this) could reappear from the seed bank still in the soil once the conifers were removed and sunlight could reach the ground. If planning permission is given, we would ask that use for paintball games should be restricted to the Winter months from October to January to prevent the trampling of vegetation. Apart from the effect on plantlife, use at other times of the year could disturb birds and other wildlife.

The Wildlife Trust have also sent a copy of an article from 'The Planner' of June 1989 which looked at the environmental impact of paintballing in an Essex wood at Warley (Brentwood). It was found that the activity caused extensive damage to the ground flora, created areas of bare compacted soil around the base camp area and that most of the special flora was crushed by human feet. The degree of trampling made the prospects of re-establishment of the tree cover by either natural regeneration or planting extremely poor. The presence of large numbers of people moving through the wood disturbed birds nesting in the woods and damaged their habitat. Soil erosion was a problem in trampled areas. Serious ecological damage had resulted from use for only 28 days in one year.

The Trust has sent a further letter again stating their concern and the need for full survey information.

Essex County Council Highways Recommends that permission be refused. The proposal would intensify the use of an access on a stretch of classified highway where the principal use is that of carrying traffic freely and safely between centres of population. The existence of an access in this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs, but the intensification of that conflict and interference which this proposal would engender, would lead to the deterioration in the efficiency of the through road as a traffic carrier and be detrimental to highway safety. Contrary to ECC Structure Plan Policy – T7 and T8.

PARISH COUNCIL COMMENTS: To be reported. Notification period expired 23 February 2005.

REPRESENTATIONS: One this application has been advertised and representation has been received. Notification period expired 23 March. Objection is raised to the proposals being detrimental to and completely out-of-keeping with the general surroundings, aesthetically unattractive with awful green netting having been erected in the woods, and a cause of noise pollution.

COMMENTS ON REPRESENTATIONS: The comments are noted.

PLANNING CONSIDERATIONS: The main issues are

- 1) **Protection of County Wildlife Sites and promotion of biodiversity (ERSP Policies NR6, NR7, ULP Policies GEN 7 and ENV 7),**
- 2) **Access to highway (ERSP Policies T1, T3, T8, ULP Policy GEN1),**
- 3) **Noise and disturbance (ULP Policy GEN4) and**
- 4) **Tourism (PPS7, ULP Policy LC4).**

1) The advice from English Nature and the Wildlife Trust is very clear, and the value of the wood has been recognised by its designation as a Wildlife Site. The policy for such sites is clear, that permission would only be granted where the need for development outweighs the local significance of the site to the biodiversity of the district. It is doubtful whether the recreational value of the paintball use could ever outweigh the value of one of the very few areas of ancient woodland habitat remaining in the area. The replanting which took place has left a mix of conifers and broadleaf trees, but this has not destroyed the ecological continuity of the woodland cover, and the evidence from other woods is that this does not destroy their ecological value. A very poor level of detail has been provided with the application, with no survey of the existing wildlife features, no assessment of the presence of Protected Species, no management plan, and no assessment of the impact of the activity on the wood.

The Paintball Federation produced a guidance leaflet with English Nature on Paintball and Woodlands, which clearly sets out the need to provide this level of information, but the application has not provided such information. There are only very general assertions about the character of the woodland and the management of the use. This leaves no true picture of the impact which the use would have here. In practice the use is only operated in part of the wood, not the whole wood as shown in the application, and at the moment the scale of use is small, but this could grow. In order to properly evaluate the impact of the proposal a full ecological assessment must be submitted, and if the Council were to grant permission in the absence of this, it would leave the decision open to legal challenge. The applicant has been advised to consider making a further planning application once a full ecological survey and assessment is available, with details of the proposed management of the site.

2) The highway authority has recommended refusal of the application (see consultation response) and as such this additional activity would be detrimental to highway safety.

3) Although the noise of paint gun fire could clearly be heard from within the base camp area inside the wood, it is doubtful whether the noise would carry to residential premises, since they are located at some considerable distance from the paintball area.

4) PPS7 gives some support to tourism as a rural economic activity but states that where new or additional facilities are required, these should normally be provided in, or close to, service centres or villages, which is not considered to be the case with this site. The guidance also states a need to consider the landscape and biodiversity impact of proposals. Local Plan Policy LC4 gives support in principle to outdoor recreational facilities but has to be applied in conjunction with other policies in the plan, for example to protect the countryside and nature conservation objectives. On balance the facilities proposed by the applicant are not considered to outweigh the identified nature conservation interest of the woodland.

CONCLUSIONS: The use cannot be approved in the absence of an adequate assessment of the impact upon the wildlife of the site. In any case there remain policy objections to such a use unless the benefit outweighs the wildlife value. There are concerns about the adequacy of the access to the highway. The use has already commenced and is operating without planning consent. In view of the recommendation to refuse planning permission, an Enforcement and Stop Notice should also be served to prevent further damage that might result to the wood from continued operation of the use.

RECOMMENDATION: REFUSAL REASONS

1. The site is designated as a county Wildlife Site, based upon its value as an ancient woodland site with records of scarce woodland flora. No survey mitigation and enhancement plan has been submitted with the application to show the distribution of species, including the presence or absence of Protected Species, and habitats within the wood and there is no assessment of the impact of the proposed use. Development that would have a harmful effect upon wildlife or geological features is not permitted by Policy GEN7 of the Uttlesford Local Plan, and Planning Policy Statement 9 Biodiversity and Geological Conservation requires information on the status of protect species and the impact upon them of a proposed development to be submitted with a planning application, so that policy may be properly applied. In the absence of adequate information a decision, other than refusal, cannot be reached upon the submitted proposed.
2. The proposal would intensify the use of an access on a stretch of classified highway where the principal use is that of carrying traffic freely and safely between centres of population. The existence of an access in this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs, but the intensification of that conflict and interference which the proposals would engender, would lead to the deterioration in the efficiency of the through road as a traffic carrier and be detrimental to highway safety. The proposal is therefore considered contrary to ECC Structure Plan Policy T7 and T8, and ULP Policy GEN1.

SERVICE OF ENFORCEMENT AND STOP NOTICE

The Council's Head of Legal Services be authorised to serve Enforcement and Stop Notices to require the use of Broom and Burney Wood for Paintball Games to cease, at the earliest opportunity.

Background papers: see application file.

UTT/0289/05/FUL – FELSTED

Proposed demolition of existing dwelling and erection of 4 two bedroom cottages. Alteration to existing access

Moana Braintree Road. GR/TL 688 –210. Mr D Nicolic.

Case Officer: Mr N Ford 01799 510468

Expiry Date: 19 April 2005

NOTATION: Development Limits ULP Policy S3.

DESCRIPTION OF SITE: This application relates to a generous site (approximately 960 sqm) located in Watch House Green, Felsted. The plot is occupied by a dwelling named Moana, which is of white timber frame and metal sheet roof construction with no architectural merit. Moana is situated on the northern side of Braintree Road (B1417) and north east of two existing bungalows named Moritz and Chale. To the north east of Moana is a pair of semi detached chalet style dwellings granted planning permission in 2002 (UTT/1478/02/FUL).

DESCRIPTION OF PROPOSAL: The scheme relates to the demolition of the existing dwelling and it's replacement with 4 no. two bedroom dwellings set in a terrace. The block would have a footprint of approximately 190 sqm. It would be set back approximately 1.8m from the boundary with Chale to the west and between 1.8 and 2.9m from the boundary with the new chalet dwellings to the east. The block would be of one and a half storey form with dormers to the front elevation and gables would be a feature to each end dwelling, which are slightly larger in footprint than the central dwellings. The building would have a ridge height of 5.4m and an eaves height of 3m. Rear garden sizes vary with the end dwellings having approximately 85 sqm and the central dwellings having just over 60 sqm. Eight vehicular parking spaces would be provided to the front of the block (two spaces per dwelling), with an area of landscaping fronting Braintree Road. Materials proposed consist of a brick plinth, cream render and white weatherboarding to elevations and a slate roof.

APPLICANT'S CASE: See letter from applicant's agent dated 16 February 2005 attached at end of report.

RELEVANT HISTORY: In August 2004 planning permission was refused for demolition of the existing dwelling and its replacement with two dwellings and alterations to the access by Members of Development Control Committee contrary to Officer recommendation (UTT0958/04/FUL). Members considered that the development would be unacceptable because of the disproportionate scale, proportion and appearance of the dwellings in the locality.

In 2002 planning permission was granted for a new vehicular access to Moana. Adjacent the site, planning permission was granted in May 2004 for the erection of a pair of semi detached bungalows with a car parking area (UTT/1478/02/FUL).

CONSULTATIONS: ECC Highways: No objection subject to conditions.

Water Authority: None received. (due 15 March 2005).

Environment Agency: No objections.

PARISH COUNCIL COMMENTS: None received. (due 24 March 2005).

REPRESENTATIONS: Two. Notification period expired 15 March 2005.

1. Object. Four houses are too many for the plot.
2. Object. Loss of light. Restricted views. Overlooking. Not in keeping with surrounding properties.

COMMENTS ON REPRESENTATIONS: Concerns relating to scale and appearance are discussed below. Issues relating to amenity are considered capable of control by condition.

PLANNING CONSIDERATIONS: The main issues are

1) Whether the replacement dwellings would be in scale and character with neighbouring properties, provide adequate vehicular parking and not be detrimental to the amenity of neighbours (ULP Policies S3, H7, GEN2 and GEN8).

1) The principle of the replacement of this dwelling for housing is considered to be appropriate subject to the detail of such a scheme. The applicant has submitted a scheme for 4 no. two bedroom dwellings. This is of course an alternative proposal to that refused by Members in August 2004 for a pair of four bedroom chalet style dwellings contrary to Officer recommendation for reasons of scale and appearance.

However, it is considered by Officer's that this scheme provides a scale and height of building not dissimilar to the adjacent pair of chalet dwellings and also provides an adequate set back from adjacent boundaries. Two bedroom dwellings are also considered to be more welcome in terms of attracting smaller market properties to Felsted. In terms of appearance the building is considered to accord with the context of the adjacent chalet dwellings. The use of slate instead of clay pantiles (as previously proposed and a feature on the adjacent chalet dwellings) is considered to provide an appropriate variation of materials in the street scene. It is considered that adequate rear garden sizes are proposed for two bedroom dwellings. Two vehicular parking spaces are proposed for each dwelling to the front curtilage, which is in accordance with the local plan standard.

Conditions can be attached to a permission relating to the obscure glazing of the dormer windows to the side elevations are proposed in order to prevent overlooking. The roof lights would be set at an oblique angle in the roof plane and are not considered to be material in relation to the affect on the amenity of adjacent dwellings.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.3. To be implemented in accordance with original and revised plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.5.1. Samples of materials to be submitted and agreed,
6. C.6.2. Excluding all rights of permitted development within the curtilage of a dwellinghouse without further permission.
7. C.23.1. Demolition of existing dwelling.
8. There should be no obstruction above 0.6 m in height within the area of a 2.0 m parallel band visibility splay across the site frontage.
REASON: In the interests of highway safety.
9. Space should be provided within the site to accommodate the parking and turning of all vehicles regularly visiting the site, clear of the highway and properly laid out and paved, details of which shall be submitted to and approved in writing by the local planning authority and such space should be maintained thereafter free of any impediment to its designated use.

- REASONS: In the interests of highway safety.
10. The access should be 5.0 m wide and formed by way of a dropped kerb vehicle crossing. Where the surface finish of a private access is intended to remain in unbound materials, the first 6.0 m as measured from the highway boundary should be treated with an approved bound material to prevent any loose material from entering the highway.
REASON: In the interests of highway safety.
 11. The existing access to the site from the county road should be permanently closed in a manner and at a time to be agreed in writing by the local planning authority after consultation with the highway authority.
REASON: In the interests of highway safety.
 12. The lower lights of the dormer windows to the side (south west and north east) elevations marked X on the approved plan shall be obscure glazed of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the local planning authority. Glazing of that obscuration level shall be retained in those windows in perpetuity.
REASON: In order to protect the amenity of adjacent dwellings from overlooking.

Background papers: see application file.

UTT/0349/05/FUL - LITTLE EASTON
(Land owned by Uttlesford District Council)

Change of use of land to garden and erection of screen fencing.
Land adjacent to Butchers Pasture and Kaines Duck Street. GR/TL 608-241. Mr & Mrs Martin.

Case Officer: Mr M Ranner 01799 510556

Expiry Date: 27 April 2005

NOTATION: Within development limits of Little Easton.

DESCRIPTION OF SITE: The site is located in the middle of the village on the eastern side of Duck Street on the southeastern side of its junction with Butcher's Pasture, a small cul-de-sac estate of some 20 dwellings. These dwellings were originally developed by the former Dunmow Rural District Council and so the verge is therefore still in Council ownership. It adjoins a private dwelling "Kaines", which faces Duck Street, and is 5m wide at its western end, tapering for a length of 25m down the slope to the east to 3m wide. Near the junction are a bus shelter and the village sign, and on the opposite side of Duck Street is the War Memorial, which is adjacent to a pair of listed cottages. The Stag PH is located 50m to the southeast on the same side of the road. On the opposite side of Butcher's Pasture is a narrower verge and footpath. The rear garden to the property is currently 19m wide and an average of 16.5m long. The overall character of this junction is an open and reasonably attractive focal point, which contributes to the rural street scene in the centre of the village.

DESCRIPTION OF PROPOSAL: The application seeks full planning permission to widen the rear and side garden area of "Kaines" by enclosing the verge from a point 2.2m behind the bus shelter down to the first property in Butcher's Pasture, no.2. Also the rear boundary of "Kaines" is to be straightened by incorporating into the garden area a small wedge-shaped strip of land, which currently forms part of no.2 Butcher's Pasture. The extended garden area is to be enclosed by 1.4m high close-boarded fencing above retaining brick walls and pre-cast concrete gravel boards. A 1.5m wide grass verge is to be retained between the new fencing and the adjacent footway onto which a hedgerow is to be planted.

APPLICANT'S CASE: No case other than submitted plans and a short covering letter.

RELEVANT HISTORY: Members may recall that planning permission was refused at the 28th April 2004 Committee Meeting (UTT/0389/04/FUL) for the change of use of land to garden and erection of screen fencing at "Kaines". The refusal was based on a single reason: -

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

CONSULTATIONS: No comments received (due 23 March 2005).

TOWN/PARISH COUNCIL COMMENTS: No comments received (due 1 April 2005).

REPRESENTATIONS: The application has been advertised by press notice, site notice and individual neighbour notification. No comments have been received (due 29 March 2005).

PLANNING CONSIDERATIONS: The main issue to consider in this case is whether the proposal would be harmful to the open character of the area. Policies S3 and GEN2 of the Uttlesford Local Plan are relevant to this application.

Policies S3 and GEN2 require that for development to be acceptable it should be compatible with the surrounding area and the settlement in which it is proposed. The previous application, which proposed a 2m high wall/fence to be sited along the back edge of the footway, failed in this respect, as it was determined that it would erode the open character of the area. The officers report to Committee however stated that "... if a 1.5m wide strip of landscaped verge was left between the footpath and the fence or wall, and the means of enclosure was limited to 1.5m in height facing Duck Street and 1.8m facing Butcher's Pasture, the proposal would be more acceptable."

In this respect the current proposal attempts to overcome the previous reason for refusal by altering the proposed means of enclosure and its chosen siting in relation to the footway. A space of 1.5m is now to be retained between the fence and footway in Butchers pasture, which complies with previous officer advice and the height of the boundary treatment also generally accords with this advice except for the fencing facing Duck Street, which exceeds the recommended height of 1.5 metres by approximately 150mm.

As a consequence of these revisions following the earlier refusal of planning permission it is considered that the space now retained between the fence and the back edge of the footway, in addition to the proposed landscaping and the reduction in height of the fencing from 2m to 1.8m would be sufficient to visually soften the development and reduce its impact within the street scene. The proposal would not enclose the first 9.4m of verge fronting Duck Street and the shelter and sign would remain unaltered in their existing locations. The new fence would be tucked in to the rear of the solid shelter and when viewed from Duck Street its impact on the open character of the junction will be minimal when compared with the existing 1.8m high close boarded fencing. This is of a rather bland design appearing rather stark without the benefit of planting or any other defining physical features.

The effects of the proposal will be greater when viewed from within 'Butchers Pasture' particularly when looking towards Duck Street, however this would not be to a degree that would be harmful to the open character of the locality. The existing timber shelter would provide a visual backdrop to the newly sited fencing which will still be set back from the back edge of the vehicular highway by between 3.2m and 6.6m with a second grassed verge retained between the footway and the vehicular highway. This is sufficient it is considered to ensure the open character of the locality is preserved.

CONCLUSIONS: It is considered that the proposed design, height, choice of materials, and siting of the new fencing is acceptable as it would respect the surroundings and preserve the open rural character of the road junction on which the site is set. The proposal therefore complies with Uttlesford Local Plan Policies S3 and GEN2.

RECOMMENDATION: APPROVAL WITH CONDITION

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. All timberwork shall be provided with a paint or stain finish that shall first be agreed in writing by the Local Planning Authority.

REASON: In the interests of the appearance of the development.

6. The height of the fencing hereby approved shall not exceed 1.8 metres above existing ground levels when measured from the base of the retaining wall/concrete gravel boards to the highest part of the fence.
REASON: For avoidance of doubt as to the scope of this permission and in the interests of the appearance of the development.

Background papers: see application file.

UTT/2149/04/LB – THAXTED
(Member application)

Proposed installation of satellite dish to rear chimney stack
2 Brooklyns Cottages Copthall Lane. GR/TL 613-310. Mr M Foley.
Case Officer: Mr N Ford 01799 510468
Expiry Date: 11 April 2005

NOTATION: Development Limits ULP Policy S3. Conservation Area ULP Policy ENV1.
Listed Building ULP Policy ENV2.

DESCRIPTION OF SITE: This scheme relates to a two storey semi detached Grade II listed cottage located off Copthall Lane in Thaxted. The dwelling is east of Town Street and the historic heart of Thaxted and the area around the site is open in nature. Residential dwellings are located to the north and south with large gardens of dwellings named Brooklyns to the west and Willows to the east.

DESCRIPTION OF PROPOSAL: The application relates to the erection of a satellite dish on a chimneystack associated with a single storey range east of the main dwelling.

APPLICANT'S CASE: To provide TV reception. Other locations within the property and garden do not give line of sight for satellite.

RELEVANT HISTORY: In 1989 planning permission and listed building consent was granted for the erection of a single storey extension.

CONSULTATIONS: UDC Specialist Design Advice: Suggests refusal. See planning considerations.

PARISH COUNCIL COMMENTS: No objection.

REPRESENTATIONS: This application has been advertised and no representations have been received. Period expired 10 March and 7 April 2005.

PLANNING CONSIDERATIONS: The main issues are

1) **Whether the addition of a satellite dish would preserve the historic and architectural characteristics of the listed building and maintain or enhance the character and appearance of the Conservation Area (PPG15, ERSP Policy C5, HC2, HC3 & ULP Policies S7, GEN2, ENV1 and ENV2).**

1) UDC Specialist Design Advice considers that due to its modern appearance and prominent location on the rear elevation, it would be visually obtrusive and have a damaging effect on the character of this Grade II listed building.

It is suggested that a less obtrusive location, possibly on a non listed structure or a short pole within the site may not require listed building consent.

RECOMMENDATION: REFUSAL REASONS

The proposed development is unacceptable because the erection of a satellite dish to the rear elevation will be in a prominent position and have a modern unsympathetic appearance, which would have a visually obtrusive and damaging affect to the character of the dwelling

such that the listed buildings special characteristics will be adversely affected contrary to policy HC3 of the Essex and Southend on Sea Replacement Structure Plan 2001 and Policy ENV2 of the Uttlesford Local Plan 2005.

Background papers: see application file.
