

**PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 27 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 revised report to take into account highways comments and comments of agent  
**RECOMMENDATION: Refusal**  
*Case Officer:* Mrs K Hollitt 01799 510495  
Expiry Date: 1 January 2005

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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: As above  
**RECOMMENDATION: Refusal**  
*Case Officer:* Mrs K Hollitt 01799 510495  
Expiry Date: 28 January 2005

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APPL NO: **UTT/0289/05/FUL**  
PARISH: **FELSTED**  
DEVELOPMENT: Proposed demolition of existing dwelling and erection of 4 two bedroom cottages. Alteration to existing access  
APPLICANT: Mr D Nicolic  
LOCATION: Moana Braintree Road  
D.C. CTTE: 6 April 2005 (see report copy attached)  
REMARKS: Deferred for Site visit  
**RECOMMENDATION: Approval with Conditions**  
*Case Officer:* Mr N Ford 01799 510468  
Expiry Date: 19 April 2005

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## **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 80m<sup>2</sup> and a large detached property having a footprint of 280m<sup>2</sup>. 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.

## **ON SUPPLEMENTARY LIST OF REPRESENTATIONS (6 APRIL 2005):**

ECC Highway: No objection subject to payment of a financial contribution in the sum of £98,000 index linked to the highway authority towards the Saffron Walden Town Centre Improvement scheme and improvements to the Public Rights of Way in the vicinity. All access to the site is to be served via the estate road Waldeck Court, other than those dwellings on the site of Seven Dials Bungalow and Pootings which have been given individual consent for access along Seven Dials Lane under previous planning applications. Space should be provided within the site to accommodate the parking and turning of all vehicles regularly visiting the site.

**TOWN COUNCIL COMMENTS:** No objections.

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

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

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

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

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

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

Supporting statement explains that majority of development will be accessed via Waldeck Court which is described as "capable of accommodating the additional traffic that would be

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

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

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

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

Concern regarding three-storey dwellings.

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

Waldeck Court is part of an estate where children play in the streets constantly. Use of that road by an extra 60+ cars is recipe for disaster. Loss of habitat for red squirrels, muntjac, deer, foxes, Green and Greater Spotted Woodpecker etc. Very few people living in this part of town walk or cycle to town. Public transport is inadequate and to get to station you need to use car. There is no bus to Newport station. High School will no longer guarantee a place at their school even if one lives in the catchment area and a child who moved to Auton Croft in last few months could not get into junior school of her choice as it was full. This development will add strain to towns’ schools on top of new developments to east of town. Highways Statement makes no mention of restricted visibility turning right into Lane. Natural History Report is flawed. States presence of red squirrels is “anecdotal”. This is blatantly untrue. Presence of red squirrels can be verified by photographs, videos and discovery of dead youngster in our garden. Should be noted that researcher was unable to gain access to loft space where there was a hole where bats could go in and roost. Again, the discovery of a roost could prevent Seven Dials being demolished. We have often seen bats around the area and wondered where they could be coming from.

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

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

Proposals mean we will look out over houses and be behind houses. Plans will change our outlook and privacy, we will suffer loss of light and overshadowing and plans will have an overbearing impact on us. Outline plans show that there is only to be 1.4 parking spaces per dwelling. Parking standards should be for 109 parking spaces and there is only provision for 72. Residents in plots 7-16 may be strongly tempted to park in Lane to save driving all the way down Landscape View, Rowntree Way, etc. Principles of urban development are being used here for a thoroughly rural location. Consider Seven Devils Lane should be a

conservation area. Application is also for social housing which is not necessary as planning office have already earmarked areas within Saffron Walden for Social Housing and these should be used.

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

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

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

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

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

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

Junction access in Waldeck Court is too close to parking spaces on either side. Cars accessing these spaces will be driven/reversed across the junction, creating traffic hazards. Volume of traffic will become excessive with this proposed access being only vehicular access for 45 properties and their visitors. Proposed development could be required to provide parking for at least 102 vehicles and associated visitors. Should parking facilities prove inadequate cars from new development would most likely be parked in and around Waldeck Court and Wards Croft, increasing highway dangers. Concerns regarding boundary trees and ditch. May consider giving support to scheme with fewer properties. Waldeck Court totally unsuitable as only means of access. Constructed as Type 4 Minor Access road. Wards Croft is some 1.3m narrower than existing roads around estate. Refuse and delivery vehicles often encounter difficulty in negotiating site due to vehicles parked on road. Have been informed my child may not get place at County High and may have to attend school in Dunmow.

**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.

**ON SUPPLEMENTARY LIST OF REPRESENTATIONS (6 APRIL 2005):**

2 further letters have been received:

1. See letter dated 12 March 2005 attached at end of this Supplementary List of Representations.

2. Vehicular access to the development is not likely to have major impact on the Debden Road Audley End Station cycle route, but a good surface is needed, Bollards in Seven Devils Lane are supported.



**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 dph to 47 dph 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.

The agent has raised comparisons between this site and the applications recently approved at Bell College, particularly in respect of densities. The Bell College site applications related to an application site of 3ha and proposed densities of 47 dph (53 dph net) and 39 dph (44 dph net). This site is just over 1ha and it is proposed to accommodate 51 dwellings on the site. The character of the approved development at Bell College is that of a "campus" layout and this reflects the form of high density development usually found within educational institutions. This proposal relates to a more classic urban infill which requires a transition from the open and loose-knit character of Seven Devils Lane to the more densely developed

area of Waldeck Court. It is considered that redevelopment of this site at the higher density recommendations of PPG3 would be detrimental to the open feel of this area.

Proposals have been made to reduce the number of dwellings on the site to 49 by the removal of two dwellings served via Seven Devils Lane. A further reduction could be made by the removal of the three storey element on the block of flats, reducing the number of units to 46. However, it is considered that this density is still too high for this site. When compared to the Bell Collage site, there would appear to be a significantly lower provision of public open space to serve the units than proposed on the Bell Collage site.

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 now withdrawn an earlier objection to any of the proposed development being served via Seven Devils Lane, provided the number of units served do not exceed the number already with planning permission. Although representations have been raised by residents in the Waldeck Court area regarding existing traffic problems in this area, ECC highways are satisfied that the estate is capable of accommodating the additional traffic volume. However, it should be noted that the internal arrangements would continue to be unacceptable.

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. There is a bus stop approximately 150m from the site located in Rowntree Way which serves the circular route through the town. In addition, there is a bus route which runs along Landscape View which is used by the Village Link 5 route which runs from Tesco, Saffron Walden to Bishop’s Stortford via Stansted Airport. There are no bus stops serving this route, but it is understood that a bus can be

flagged down in this area. Whilst there is local public transport provision in close proximity to the site, this is restricted. In addition, no indications are included in the indicative layout regarding provisions for cycle parking and powered two wheeler spaces.

It is accepted that there are local shops within walking distance of the development, but these would meet only a limited range of demands, and would not override the need to travel by car for wider services and facilities.

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

3) The proposed development, as indicated on the indicative layout, would not be compatible with the scale, form or layout of surrounding buildings. Whilst some attempts have been made to safeguard an element of the environmental characteristics of Seven Devils Lane, plots 1 and 2 are likely to have a detrimental impact on the character of the area. In particular, the proposed development would have the characteristics of a car-dominated scheme, particularly when accessed via Waldeck Court. The proposal does not attempt to integrate the parking provision into the development, rather places it in the gaps around the outside of the central block. No details have been given regarding proposals to minimise water and energy consumption, but these issues could be controlled by condition. The proposals appear to comply with the design standards laid out in the Essex Design Guide. Plots 45 and 46 are closer to the rear boundaries of properties located in Landscape View than the specified 15 metres, but these are proposed to be single-storey dwellings, and therefore this enables the distance to the boundary to be reduced. Plots a, 51 and 47 are also relatively close to the boundary and representations have been raised that these plots do not meet the design guide criteria. In this instance these properties would have a side elevation to the boundary of adjoining properties, and in these instances it is acceptable to reduce the distance between the new dwelling and the existing boundary. Plot 1 could potentially have an adverse impact on the residential amenity of the occupiers of the dwelling shown as Cachucha on the plan through overshadowing, loss of light, overlooking and overbearing impact. On balance, it is considered that the proposed design would be detrimental to the character of the local area.

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

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

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

Bats: The survey indicates that there was no evidence to suggest bats were on site. However, guidance indicates that a bat survey should not have been carried out in October.

Red Squirrels: No evidence was found of red squirrels on the site and the residents of the properties on the site indicated that there have been very few sightings of the animals. Information given to the local authority regarding red squirrels indicates that they prefer to remain in trees rather than foraging on the ground unlike grey squirrels.

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

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

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

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

**CONCLUSIONS:** The site is within development limits and there can be no objection to redevelopment in principle, as this would result in better use of land. However, the proposed development would not respect the characteristics of the local area and the density would result in adverse effects on the local area. There are concerns regarding the parking provision for the site. The concerns regarding the access may be overcome by conditions, but the indicative layout does not demonstrate that the development can be satisfactorily arranged within the site to meet highway standards. 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 meeting a range of demands 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 indicative plans do not demonstrate that a layout can be achieved in a satisfactory manner to meet highway safety standards. The plan indicates inadequate manoeuvring space with most of the parking facilities unusable, and as such it has not been shown that a development of the density proposed can be accommodated on this site. Failure to provide a satisfactory layout would give rise to unacceptable traffic hazards, with potential to affect the surrounding area, contrary to ERSP Policy T1 and ULP Policy GEN1.

*Background papers: see application file.*

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**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: Revised recommendation - recommend refusal (see below)

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

Building Control: No adverse comments.

**ON SUPPLEMENTARY LIST OF REPRESENTATIONS (6 APRIL 2005):**

ECC Highway: Recommends that permission be refused. Having regard to the additional traffic which this proposal is likely to generate, private road/Public Right of Way which connects the site to the local highway network is considered to be inadequate to cater for

this increase in traffic. The likely mixture of vehicles and pedestrians would give rise to highway safety implications, due to the limited width, alignment and lack of footways along Seven Devils Lane. The development would therefore be detrimental to highway safety.

This recommendation supersedes the highway authority's letter dated 9 December 2004 relating to the same applications.

It is accepted that no objections were raised for additional residential units of the site of Seven Devils, however it is considered that the creation of these further units under the above application will give rise to adverse safety implications for all highway users.

**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.

**ON SUPPLEMENTARY LIST OF REPRESENTATIONS (6 APRIL 2005):**

1 further letter has been received:

See letter dated 12 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 280m<sup>2</sup> 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 an 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 cumulative increase in vehicles using this private road, and public right of way, would give rise to highway safety implications due to the limited width of the access road, its alignment and lack of footways. This would be detrimental to highway safety and contrary to the provisions of ERSP Policies T9, T3 and LRT5.

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. The Highways Authority have raised an objection in respect of the proposals due to the cumulative impact of traffic from the extant consents and these proposals, should they be allowed, and the effect this would have on the public right of way. It is considered that the increased use of this public right of way by additional vehicular traffic would be detrimental to highway safety and contrary to 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 the highway issues in respect of these proposals are fundamental and cannot be outweighed by other planning considerations. Therefore, it is considered that this application should be refused.

**RECOMMENDATION: REFUSAL REASONS**

Having regard to the additional traffic which this proposal is likely to generate, the private road/Public Right of Way which connects the site to the local highway network is considered to be inadequate to cater for this increase in traffic. The likely mixture of vehicles and pedestrians would give rise to highway safety implications, due to the limited width, alignment and lack of footways along Seven Devils Lane. The development would therefore be detrimental to highway safety. This would be contrary to ERSP Policies T9, T3, LRT5 and ULP Policy GEN1.

*Background papers: see application file.*

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## **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.

### **ON SUPPLEMENTARY LIST OF REPRESENTATIONS (6 APRIL 2005):**

ECC Highway: No objection.

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

**ON SUPPLEMENTARY LIST OF REPRESENTATIONS (6 APRIL 2005):**

Overdevelopment of the site in contrast to adjoining properties. Vehicle access does not exist at present and should permission be granted with 8 parking places in front then the street scene would be disastrous, especially so close to the primary school with daily activities in that area.

**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.*

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## **UTT/0284/05/OP - SAFFRON WALDEN**

Demolition of existing buildings, change of use of land from industrial to residential. Erection of a minimum of 12 dwellings

Goddards Yard Thaxted Road. GR/TL 545-382. F W Goddard Limited.

*Case Officer: Mr G Lyon 01799 510458*

Expiry Date: 18 April 2005

**NOTATION:** Uttlesford Local Plan: Within Development Limits of Saffron Walden. Part of the Land East of Thaxted Road allocated for residential development (SW2) and partly within area of Environmental Value – Open Spaces and Trees (ENV3).

**DESCRIPTION OF SITE:** The site is located approximately 500m to west of the centre of Saffron Walden off Thaxted Road between the former railway line and Harris's Yard (now being developed for residential dwellings by Bovis Homes). The site area measures approximately 3,900 square metres in size and is currently occupied by two tenants. To the front of the site facing Thaxted Road is Paxtons Conservatories, who occupy a building measuring 240sqm. The frontage onto the road is open with parking for customers of Paxtons. Adjacent to Harris' Yard site is a wall and mature hedging/trees, which is situated close to Thaxted Road. This mature hedging continues into the rear of the site along the side boundary, next to the chalk cliff facing into Harris' Yard site. To the rear of Paxtons and up the slope is a large tarmac courtyard with a car repair business. The courtyard is covered with numerous vehicles and there are portacabins and a workshop measuring approximately 300sqm. There are also numerous storage tanks along the northern boundary and the site could be said to have a generally untidy appearance and is possibly contaminated from its current usage. The rear boundary consists of mature landscaping and the site backs onto the cemetery.

To the south is the former railway embankment, which is classified as an area of environmental value. This site consists of mature trees and hedging and is separated from Goddards Yard site by a 1.8m wooden fence. It measures 700sqm in size. This area is within the blue line of the site and is therefore not to be developed as part of the application but is under the applicant's control. The railway embankment and mature landscaping forms a visual break along this part of Thaxted Road.

**DESCRIPTION OF PROPOSAL:** The applicant is seeking outline approval for development of Goddards Yard site for the creation of a minimum of 12 residential dwellings. The applicant has indicated that they wish to reserve the siting, design, landscaping, external appearance and means of access for subsequent approval. Indicative drawings have been enclosed showing the layout of the houses but this is indicative only and does not reflect the design of the final scheme once outline consent has been granted. Access into the site is indicated to be from Thaxted Road using the existing entrance.

**APPLICANT'S CASE:** The applicant has submitted a supporting statement along with the submitted plans, a copy of which can be viewed at the Council Offices or on the internet. The applicant has stated that the access into this site is of a better standard than that which was recently approved for the adjacent Harris Yard site and therefore access should not be of primary concern in this instance. Drawings have been provided showing visibility splays from the proposed site entrance.

**RELEVANT HISTORY:** The site in question has very little previous relevant planning history. The site is including within a Design Brief produced in January 1999 by the Council, which focused on land east of Thaxted Road for residential development. This report

favoured residential development of the site in question with access preferred from either Harris's Yard, Goddards Yard (Paxtons Yard) or both, where visibility is best.

In relation to the adjoining Harris' Yard site, members approved on 16 December 2002, a residential scheme for the "Erection of 72 dwellings (36 houses and 36 flats) with associated garages and parking areas and construction of new estate road and alteration to access onto Thaxted Road". A Section 106 Agreement was signed between Essex County Council, Uttlesford District Council and Bovis Homes Limited relating to highway improvements including footpaths and cycle ways. No provision or reference was made in the S106 with regard to access into Goddards Yard site via Harris' Yard but the design of the access road would make it possible to utilise this access once constructed. This would, however, create a ransom strip and would rely on the owners of the two sites agreeing to the sharing of the access.

**CONSULTATIONS:** Essex County Council Highways and Transportation Group: The Highway Authority recommends that permission be refused for the following reason: As far as can be ascertained from the submitted plan (Number H2) with the application, it would appear that the visibility splay on the traffic approach side from the new access crosses third party land.

Further consideration would be given to this application should the applicant provide a more detailed engineering plan, indicating the new access, the newly constructed roundabout into Harris Yard and clearly indicating that the visibility splays do not cross third party land.

Essex County Council Schools' Service: A developer contribution to meet the cost of additional secondary school places would be required under a Section 106 agreement using the standard formula clauses provided in appendix I of our Developer Contribution.

Environment Agency: Concern about previous contaminants on the site and recommendation that no development take place until a desktop study be undertaken to identify contaminants and how such contaminants will affect groundwater and surface water running on through and off the site. A method statement should also be produced detailing the remediation requirements of the above desktop study.

UDC Environmental Services: Concerns regarding contamination of land due to previous potentially contaminative land use. Presence of oil tanks on plans etc and nearby railway also sources of pollutants. A desktop study of the site has been carried out and it has been identified as a former industrial site for further site specific assessment under the provisions of Part IIA of the Environmental Protection Act 1990. Planning condition regarding contaminated land assessment would be required before development commences. The road access and turning points must be sufficient for 24 Tonne vehicle. Refuse collection points must be within 25m of Public Highway.

**TOWN COUNCIL COMMENTS:** The Committee object to this application on the basis of increased traffic onto Thaxted Road, in close proximity to the new access to Harris Yard.

**REPRESENTATIONS:** This application has been advertised with both press and site notices and 17 neighbour consultations. Advertisement expired 24 March 2005. One letter of objection has been received from neighbour at 2 Prospect Place. Concern has been expressed about the potential for the development to overlook neighbouring properties and neighbouring properties to overlook the proposed development.

**PLANNING CONSIDERATIONS:** The main issues are whether: -

- 1) the site is an appropriate location for residential development (ERSP Policies H2, H3, H4, H5, BE1, Uttlesford Local Plan Policy S1, H1 and SW2),
- 2) the number of dwellings proposed is acceptable (PPG 3, ERSP Policies H4),
- 3) the site will have adequate access from Thaxted Road to recognised standards. (ERSP POLICY T7, Uttlesford Local Plan Policy GEN1, GEN9) and

#### **4) other relevant issues.**

1) The site in question is located within the development limits of Saffron Walden, is previously developed land and has been identified in a Design Brief produced by the Council as an appropriate location for residential development subject to meeting the relevant policy criteria. It is therefore considered to be an appropriate location for residential development subject to meeting other development plan policy criteria in relation to access, design, density etc.

2) Central government guidance seeks the efficient use of land and favours development in urban areas with densities of no less than 30 dwellings per hectare. The application site has an area of approximately 0.39 hectares and the applicant is proposing a minimum of 12 dwellings on this site this gives the site an overall density of 30 dwellings per hectare. The development as proposed therefore accords with the minimum density requirements of Central Government Policy PPG3 and may actually increase its density at the reserved matters stage, particularly in view of the adjoining Harris Yard site having a density of 69 dwellings per hectare.

3) The primary issue concerning this application is the quality of the access into the site from Thaxted Road. The 1999 Design Brief considered that access should be either from Harris Yard, Goddards Yard (Paxtons Yard) or both. Residential development at Harris Yard was approved on 19 June 2003 following a Section 106 agreement relating to highway improvements. Harris Yard did not have adequate visibility splay for a 30mph road of 2.4m x 90m as required by Essex County Council Highways but it was resolved to approve the scheme with a new mini-roundabout as part of highway improvement scheme.

Although this application is in outline form with the means of access reserved for subsequent approval, it is imperative to identify how or indeed where the proposed access will be into Goddards Yard site because this will affect the fundamental viability of the scheme in terms of highway safety and overall density requirements

There are two possible options, firstly to use and adapt the existing access from Goddards Yard directly onto Thaxted Road or secondly to take access from Harris Yard site. The applicant has indicated that they wish to use the existing Goddard Yard access point and suggest that this has better visibility than the approved Harris Yard scheme. Lengthy consultation with Essex County Council Highways concluded in the original 2003 application that the applicant did not have sufficient land within his control to provide the required visibility splay of 2.4m x 90m. Clearly the Harris Yard site has now commenced development and the new access into this site and associated footpath would be dedicated as highway land in the very near future. This would assist towards achieving the necessary visibility splay required by Highways. However, there is a small strip of land not within the applicant's control that is imperative towards finally achieving the full required visibility splay. This strip of land is actually the front garden of the new dwelling, part of the Harris Yard scheme that fronts onto Thaxted Road. Condition C.90.P of UTT/1244/02/FUL states that "The two areas of land indicated in green on drawing SWTR/01.D shall be kept open and free of any obstruction above ground level in perpetuity", i.e. the front gardens of the Harris Yard properties facing onto Thaxted Road. The reason being "to maximise visibility of and from the new site access."

With this re-submitted application, which is identical to the 2003 application, Essex County Council Highways have again recommended refusal because of the fact that the visibility splay crosses third party land. However, as stated above, the third party land upon which the visibility splay crosses has a restrictive condition, C.90.P preventing any obstruction above ground level and, subject to this condition remaining in force, will enable the visibility splay at Goddard's Yard to be achieved, in conjunction with the removal of part of a wall. Essex



County Council Highways have been made aware of this fact but no formal response has been received at the time of writing this report. Further representations will be verbally reported at the meeting. Members may be aware that it is not the normal policy of ECC Highway to accept visibility splays across third party land, but this is a unique situation with the restrictive condition, and Officers would request careful consideration of this primary issue.

The other alternative access into this site is off Harris Yard from the proposed new type 4 road serving this development. There is space to allow a new access road from Harris Yard into Goddards Yard but there are certain issues to be addressed before this access can be considered. As this access would be situated off another road which has started but is yet to be completed in full, work could not start on Goddards Yard until the highway improvements and new road into Harris Yard have been completed. There is also the issue of a ransom strip between the Harris and Goddards Yard and, because no provision was made within the S106 agreement, the owners of Harris Yard could impose a high ransom charge on the developers of Goddards Yard, which may make the scheme financially unviable. Although this is not in itself a planning issue, it does raise an issue of the viability of this particular access arrangement.

Compounding this issue is the topography of the land. Harris Yard is considerably lower than Goddards Yard with a chalk cliff dividing the two sites. Access into the site at this point may be technically difficult and could affect the layout and overall density of the scheme at the reserved matters stage.

The easiest method of access would be directly from Thaxted Road onto Goddards Yard, and this is what the applicant is seeking (although access is reserved for subsequent approval).

4) As the site has previous industrial history with the presence of oil storage facilities, there is a high probability that the site is contaminated. These concerns have been raised both by the Environment Agency and internal Environmental Services consultations. No development of the site should therefore take place until such contaminants have been identified and groundwater and surface water run-off is protected from infiltration by these contaminants, which could be detrimental to future inhabitants of the site.

There has been some concern expressed about how the development of the site for residential use may result in material overlooking of neighbouring properties and the site itself may be overlooked. The issue of design and layout of the development will be addressed at the reserved matters stage.

In terms of the mix and type of housing, Policy H10 of the Uttlesford Local Plan seeks a significant proportion of market housing comprising small properties where the number of dwellings to be erected is greater than 3 or where the site area exceeds 0.1 hectares. Clearly this policy would take effect on this site.

In terms of affordable housing, the pre-ambule to Policy H9 – Affordable Housing suggests that on sites of 0.5 hectares or 15 dwellings or more 40% affordable housing provision will be negotiated. Clearly at 0.39 hectares and 12 dwellings, this site and application, as submitted falls below the threshold criteria for requiring affordable housing provision. However, given the density of development on the adjacent Harris Yard site, one would reasonably assume that the threshold number of dwellings would be exceeded. Therefore officers would consider a safeguarding condition requiring the provision of 40% affordable housing should 15 or more units be erected following approval of reserved matters. The applicant was asked if they would be prepared to increase the minimum number of dwellings on the site from 12 to 15 in order to automatically trigger the affordable housing requirement. This request was acknowledged but the applicant did not wish to raise the numbers but was

prepared to accept a safeguarding condition as stated above. A similar condition was applied in a recent permission at West Road, where affordable housing was secured.

**CONCLUSIONS:** The site is considered to be appropriate for residential use and the number of units proposed will achieve the minimum required density of 30 dwellings per hectare. Highway concerns were the sole reason for refusal of the 2003 application. Clearly work has started on the adjacent Harris Yard site and the new roundabout is in place. It is considered by Officers that given the condition preventing obstruction above ground floor level for the front dwellings of the Harris Yard scheme facing onto Thaxted Road, adequate visibility would be achievable at Goddards Yard subject to the removal of the existing wall. Essex County Council have recommended refusal because of the fact that the visibility splay crosses third party land but Officers would advise Members that notwithstanding the comments of the Highway Authority the sight splays will need to be in place prior to the occupation of the Harris's Yard development, and may be enforced accordingly. Further advice from Highways, which would be reported at the meeting, may confirm this opinion.

**RECOMMENDATION: APPROVAL SUBJECT TO A SECTION 106 AGREEMENT TO SECURE THE COST OF ADDITIONAL SECONDARY SCHOOL PLACES USING THE STANDARD FORMULA CLAUSES PROVIDED WITH APPENDIX I OF ESSEX COUNTY COUNCIL SCHOOLS SERVICE DEVELOPER CONTRIBUTION GUIDELINES PLUS THE FOLLOWING RELEVANT CONDITIONS:**

1. C.1.1.Submission of reserved matters: 1.
2. C.1.2.Submission of reserved matters: 2.
3. C.1.3.Time limit for submission of reserved matters.
4. C.1.4.Time limit for commencement of development.
5. The indicative design and siting of the dwellings, as indicated in drawing no.2A dated August 2003, received 21 February 2005 do not form part of this permission.

REASON: The application is in outline with all matters reserved for subsequent approval.

6. C.5.1. Samples of materials to be submitted and agreed.
7. C.4.1. Scheme of landscaping to be submitted and agreed.
8. C.4.2. Implementation of landscaping.
9. C.4.7. Detailed landscaping survey to be submitted (outline permissions).
10. C.4.6. Retention and protection of trees and shrubs for the duration of development.
11. No development shall take place until details of the construction of all highways and vehicular access ways including a specification of the type of construction proposed for the roads and footways, together with horizontal sections and longitudinal sections, showing existing and proposed levels and details of street lighting, have been submitted to and approved in writing by the local planning authority. The details shall include the design of the bell mouth junction and visibility splays. Such sight splays shall be provided before the road is first used by vehicular traffic and thereafter free of any obstruction.

REASON: In the interests of highway safety.

12. The carriageways of the proposed estate roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any residential development intended to take access therefrom. Furthermore, the carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway between the dwellings and an existing highway which shall thereafter be maintained in good repair until the final surface is laid. Until such time as the final surfacing is completed, footway base course shall be provided and maintained in good repair in a manner to avoid any up stands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths commensurate with the frontage

- of each dwelling shall be fully completed with final surfacing within twelve months from the occupation of the dwelling.  
 REASON: In the interests of highway safety.
13. C.10.9. Parking Provision.
14. The car parking pursuant to condition C.10.9. shall be fully laid out and surfaced to the satisfaction of the local planning authority before any buildings are first brought into use and shall be retained and made available for that purpose at all times.  
 REASON: To ensure adequate on site parking provision and to avoid congestion on the adjoining highway.
15. Details of foul and surface water drainage for the site shall be submitted to and approved in writing by the local planning authority before any work commences on site. The drainage works shall be constructed in accordance with the approved details.  
 REASON: To ensure satisfactory drainage of the site.
16. No development shall take place until details of satisfactory facilities to be provided for the storage and removal of refuse from the dwellings have been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented before the relevant dwelling is first occupied.  
 REASON: In the interests of the amenities of both the future occupiers of the site and occupiers of nearby properties.
17. During the period of the preparation of the site, excavation for foundations and services and the construction of the development, wheel cleaning facilities shall be available on site and no lorry or construction vehicle shall leave the site until its wheels have been cleaned sufficiently to prevent mud from being carried onto the highway.  
 REASON: In the interests of highway safety.
18. No development shall take place until a soil survey of the site has been undertaken and the results provided to the local planning authority. The survey shall be taken at such points and to such depths as the local planning authority may stipulate. A scheme for the decontamination of the site shall be submitted to and approved in writing by the local planning authority before the commencement of development and shall be fully implemented before any dwelling on the site is occupied.  
 REASON: The site is known to have been in an industrial use which may have led to contamination of the land which needs to be addressed.
19. Except in emergencies, no deliveries of materials shall be made to and no construction works shall be carried out on the site during the period of construction of the development:
- a) before 0800 or after 1800 on weekdays (i.e. Mondays to Friday inclusive),
  - b) before 0900 or after 1300 on Saturdays,
  - c) on any Sunday or Bank or Public Holidays
- REASON: To protect the amenities of adjoining properties during the construction period.
20. (i). If reserved matters are submitted and approved for 15 dwellings or more on this site, the development shall not be commenced until an Affordable Housing Scheme has been submitted to and approved in writing by the local planning authority. For the purpose of this condition, an Affordable Housing Scheme is one which:-
- a) ensures the provision of 40% of the permitted housing units as affordable housing intended to be occupied by persons in need as defined in the Affordable Housing Scheme, and
  - b) aims to secure the involvement of a Registered Social Landlord (as defined in the Housing Act 1996), and
  - c) provides affordable housing units of such types, sizes and mix as are appropriate to meet local needs and which will be capable of being let at affordable rents, and
  - d) identifies details of low cost market housing as an alternative arrangement in the event that either the involvement of a Registered Social Landlord or funding for the

affordable housing has not been secured within twelve months of the commencement of the development.

(ii). The Affordable Housing Scheme shall be carried out in accordance with its terms as approved. The affordable housing shall not be used for any purpose other than the provision of housing accommodation which meets the objectives of the Registered Social Landlord provided that if, within twelve months of the commencement of the development, either the involvement of a Registered Social Landlord or funding for the affordable housing has not been secured, 40% of the permitted housing units shall be used for low cost market housing in accordance with the details approved in accordance with paragraph 1 (d) above.

REASON: In order to provide a range of housing types, sizes and tenures to meet local needs.

21. C.10.1. Highway Junction.

22. Clear to the ground level visibility splays of 2.4 metres x 90 metres shall be provided either side of the proposed estate road junction with Thaxted Road together with a bell mouth kerb radii of 7.5 metres.

REASON: In the interests of highway safety.

23. C.10.7. Pedestrian Visibility Splay.

24. C.10.8. Standard Highway Requirements.

25. Unless expressly exempted, all existing buildings on the site shall be demolished and all the materials arising from such demolition shall be completely removed from the site within 1 month of the completion of the development hereby permitted.

REASON: The removal of the existing buildings are required as part of the visual improvement benefits.

26. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission.

27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), any garages or parking space hereby permitted as part of this application shall remain available for the parking of domestic vehicles at all times and shall not be converted to any other use without express planning permission.

REASON: To ensure that the dwellings have adequate off-street parking provision.

28. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.

*Background papers: see application file.*

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## UTT/0204/05/DFO – BIRCHANGER/STANSTED

Reserved matter application for erection of 315 dwellings pursuant to conditions C.1.1 and C.90B of UTT/0443/98/OP - layout, design, external appearance of buildings and materials. Construction of new vehicular and pedestrian accesses.

Land at Rochford Nurseries. GR/TL 512-239. Taylor Woodrow Developments Ltd.

*Case Officer: Mr J Pine 01799 510460*

Expiry Date: 25 April 2005

13 weeks: 30 May 2005.

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

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

**DESCRIPTION OF PROPOSALS:** These are revised proposals following the earlier disapprovals of reserved matters. As per the outline planning permission, 315 dwellings would be erected at a density of 37/hectare, with 25% (79) being affordable. The density would be lower around Foresthall and Church Roads and higher around the main square, as set out in the approved masterplan. Affordable housing would be in 6 locations throughout the site, intermixed with areas of private housing. The affordable housing would consist of 2 and 3-storey flats and 2-storey terraced and semi-detached houses, 60 of the 79 units being either 1 or 2-bed. The private housing would be mainly terraced and semi-detached, ranging from 2-storey to 2+attic through to 3-storey, and would be predominantly 3 or 4-bed.

All the housing and flats along the northern boundary of the site would be 2-storey, with a maximum ridge height of 10m (four houses), the rest varying between 7-9m. These houses and flats would not have any north facing attic windows which would, in any case, require planning permission as they would not constitute permitted development. The number of genuine 3-storey houses throughout the layout would be 36 (ridge heights between 11.6–12.2m), located as feature buildings as per the approved masterplan. The 2+ attic-storey houses would range between 8.7-10m in height.

Pitched roofs would be covered in either tile or slate, with all brick chimneys capped with clay chimney pots. Facades would be mainly brick faced, but with some painted brickwork and render. There would also be some timber cladding. Front gardens to the larger houses would be defined by railings, and rear boundaries which front public areas would be constructed of brick. All the blocks of affordable flats would have dedicated communal rear open space, including the 1-bedroom flats.

The layout would be broadly in accordance with the approved masterplan, but would reflect the changes required both via the previously approved landscaping reserved matters and by the protection of an access easement that exists in favour of Croudace Limited, which has resulted in small northward relocations and alterations to the shapes of both the main and additional school sites. A site along the northern boundary of the large square is allocated for a shop.

A main link distributor road would run through the site, linking Foresthall Road and Church Road. This road would be tree-lined to reflect its status, as per the approved masterplan. Bus stops would be provided on either side of the main link road, convenient to the school and health centre sites. Secondary access would be provided from the link road, including to the Croudace owned land to the west and immediately to the south of the linear drainage feature along the northern boundary of the site. Other minor forms of access would be mews, parking courts and private drives. 17 houses would have their own direct access onto Church Road to avoid complexity at the main estate junction. Car parking would be provided by a combination of “drive through” houses and parking courts to minimise visual impact by concealing parked cars behind principal frontages. Focal spaces would use raised speed tables to achieve traffic management.

The developer provided a schedule of car parking spaces for the previously refused scheme as set out below. There has been no material change to the proportion of spaces provided under the current proposals.

52 affordable flats	52 spaces	13 visitors' spaces	1.25 / dwelling
27 affordable houses	39 spaces	2 visitors' spaces	1.52 / dwelling
236 open market houses	483 spaces	5 visitors' spaces	2.07 / dwelling
<b>315 overall total</b>	<b>574</b>	<b>20</b>	<b>1.89 / dwelling</b>

All the parking spaces for the affordable flats would be communal. Some of the parking for the affordable houses would also be communal.

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

The conditions that were imposed related to:

- Time limits for submission of reserved matters and implementation
- Implementation in accordance with masterplan
- Details of materials
- Landscaping
- Density requirements (min 30/hectare) + phasing
- Ecological survey
- Archaeological work
- Drainage requirements
- Parking and circulation areas
- Provision of street furniture
- Limits on construction noise
- Limits on hours of delivery
- Approval of contractors' vehicles routes
- Dust / mud suppression measures
- Submission of an affordable housing scheme
- Details of play areas and bus shelters

### *Taylor Woodrow land*

Reserved matters applications for the layout (UTT/1024/04/DFO and UTT/1589/04/DFO) were disapproved at the DC Committee meetings on 31 August and 22 November 2004 respectively, following a Members' site visit. Separate applications for approval of reserved matters relating to landscaping (UTT/1026/04/DFO) access and bridge materials details (UTT/1194/04/DFO), ecology (UTT/1320/04/DFO), archaeology (UTT/1546/04/DFO), phasing and density (UTT/1846/04/DFO), drainage (UTT/1976/04/DFO) and construction routes and mud / dust suppression measures (UTT/2192/04/DFO) have been submitted and approved.

Following the refusal of the second set of reserved matters for the layout, a structured meeting between the developers and Members and Officers took place on 18 January 2005. The points that Members raised at that meeting have been taken into account in these current proposals. An advanced issues report was presented to the DC Committee on 6 April, when Members raised the following:

- Further reductions in tandem parking
- Urbanising effect of railings
- Street widths
- Future of health centre site
- Safety and security of drive through parking areas
- Landscaping and paving details

### *Croudace land*

An application for the construction of a roundabout as the first set of reserved matters (UTT/1968/04/DFO) has been approved. An application for the construction of a "t" junction as an alternative (UTT/1971/04/DFO) has also been approved subject to an amending S106 Agreement.

**APPLICANT'S CASE:** The Planning Policy Analysis section of the agent's Planning and Design Statement briefly describes the proposals and sets out the changes that have been made as a result of the meeting on 18 January 2005. The applicant has also circulated a presentation pack to Members.

The main changes from the previously refused scheme are set out below in italics. These are the changes that were explained to Members at the Committee meeting on 6 April.

#### *On-Street Parking*

*All blocks of flats would have a rear access to the foyer from the parking court. All dwellings served by a rear parking court would have rear garden gates. The amount of tandem parking would be reduced from over 80% to about 60%.*

#### *Access to Play Areas*

*LAPs would be relocated from corner junction positions along the northern boundary to within the northern boundary area, which would be further closed off to provide increased shared surface areas. The area would be subject to a 15mph speed limit (subject to ECC approval), and there would be additional landscaping.*

#### *Sustainability*

*The sustainability and energy efficiency appraisal includes an assessment against BRE criteria and an EcoHomes prediction (score of 50.59, which is classified as good).*

#### *Crime / Disorder*

*4 of the formerly proposed through-accesses from the southern boundary bridleway to the link distributor road would be closed off. The 3 that would remain have direct surveillance from houses. Larger parking courts would be split into smaller areas or private drives to reduce their attractiveness as play areas.*

**CONSULTATIONS:**ECC Highways & Transportation: To be reported

Police Architectural Liaison Officer: To be reported

BAA Safeguarding: No objections, but attention drawn to Guidance Note on the use of cranes near to airfields.

English Nature: Council should be satisfied that the proposals adequately consider the recommendations of the earlier ecological survey and that the mitigation measures remain pertinent.

Essex Wildlife Trust: Generally content with the previously proposed mitigation measures. No further comments at this stage.

Environment Agency: No further comments.

**PARISH COUNCILS' COMMENTS:** Birchanger: Nothing appears to have been done to address the issue of the dangerous parking courts. Health and safety aspect of this was considered unacceptable. Only 1.25 parking spaces have been allocated per each unit of affordable housing. At least 80% should have 2 spaces, and they should be evenly distributed

Extra parking bays in roads close to the school are needed. Parking must be sustainable so that emergency services and other health professionals can access these local residents premises easily.

Skyline would impact on the landscape and residential areas adjoining the site. From the Stansted side this would be predominantly more noticeable due to the high level of buildings. Attractive architectural features do not appear to have been well researched or featured in designs. Sheer size and density make it inappropriate to the rural setting.

Stansted: No comment.

**REPRESENTATIONS:** This application has been advertised and no representations have been received. Notification period expired 31/3/04.

**PLANNING CONSIDERATIONS:** The main issues are whether:

- 1) the layout and design would be in accordance with the approved masterplan, in particular with regard to the form of the large square and its formal relationship to the school and health sites (ERSP Policies H4, T3 and T6, ADP Policies S1, H4, DC1 and SM6, DLP Policies S2, GEN1 & 2 and SM4/BIR1),
- 2) the buildings and minor access road along the northern boundary of the site would have an adverse impact on the amenity enjoyed by existing residents in Stoney Common (ADP Policies DC1 & 14, DLP Policies GEN4 & 5)
- 3) the mix of housing would be acceptable, the location of the affordable housing would be acceptable, and whether there would be sufficient private open space (ADP Policies H4, SM6 and DC1, DLP Policies GEN2, H9 and SM4/BIR1),
- 4) the school sites would be fit for their purpose (ERSP Policies BE5 and H4, ADP Policy H4, DLP Policies GEN6 and SM4/BIR1),
- 5) adequate car parking would be provided (ERSP Policy T12, ADP Policy T2, DLP Policy GEN9), and
- 6) Members previous concerns have been overcome.

1) Subject to the changes referred to in the Description of Proposals section of this report, the layout and design would be in accordance with the approved masterplan. The provision of some three-storey housing would accord with the masterplan, providing feature buildings at key points. Whilst there would be changes to the shape of the large square (it would now be more square in shape rather than rectangular), there would be no reduction in its overall area. The large square would enjoy a public focus; being adjoined respectively to the west and south by the school and health centre sites. Further reserved matters applications will need to be submitted for those sites, in which the exact means of enclosure



to the square will be determined. In addition, the reserved matters application for the layout and design of the school will also take into account provision for the dropping off and picking up of children by car.

2) Along the northern boundary of the site, the approved masterplan shows a buffer planting area of about 10m in depth, within which a footpath / cycleway would be provided. On the submitted plans, the buffer area would be formed by the linear drainage feature, to the south of which would be a dedicated footpath / cycleway bordering the access road and mews courts that would serve the north facing houses and flats. It is not considered that there should be any material loss of amenity from the 2-storey houses and flats along that boundary.

3) DLP Policy H9 requires that there is a significant proportion of market housing comprising small properties (2 and 3-bed homes), in addition to affordable housing. Of the 236 open market houses, 132 (56%) would so qualify. Of the 79 affordable housing units, 60 (76%) would be either 1 or 2-bedroom. It is considered that Policy H9 would be complied with. The revised locations of the affordable housing have been agreed with the Housing Association, and would integrate well with the open market housing, enjoying various outlooks such as over the school, over various areas of public open space or along the northwest boundary along the vista towards the windmill. All the affordable flats would now have communal areas of rear amenity space. All the affordable houses would have adequate private gardens.

The open market housing would have a range of garden sizes, meeting the Design Guide requirement for 100 sqm minimum gardens for houses of 3 bedrooms or more. Generally, the houses along the southern and eastern boundaries would have the largest gardens, reflecting the lower density of development in those areas required in the approved masterplan. There would be nine 2-bedroom houses (type A "Rye") that would not have private gardens, but these have been purposely designed at the entrances to parking courts to give natural surveillance. This type of arrangement is promoted in the approved masterplan and in the Design Guide.

4) The main school and additional school sites would be of the sizes required in the approved masterplan and the S106 Agreement. Written confirmation has previously been received from Essex County Council that the overall revised shape of the combined sites would be able to accommodate the required school facilities, albeit that the main and additional sites may change in location within the overall allocated area. The developer is not required to submit any reserved matters relating to the school facilities – these would come from the County Council in due course. Provision of car parking facilities for the school would be assessed as part of the reserved matters.

5) The developer has provided a schedule of car parking spaces based on house size and tenure (open market / affordable housing / affordable flat). The approved masterplan recognises the need for restraint in car parking provision as set out in PPG3, but also recognises that provision needs to be higher on a site such as this, which is an extension to a village rather than in or near a town centre.

It is considered that the parking layout would achieve the 4 main objectives set out in the approved masterplan, which are:

- Improved urban character and quality
- Less car dominated environment
- Encouraging more sustainable forms of transport by making it less convenient in some instances to park cars close to home: and
- More efficient use of land

6) It is considered that these revised proposals should adequately address Members' previous concerns relating to on-street parking, access to play areas, sustainability and crime / disorder. In relation to the further concerns raised by Members on 6 April, the following points can be made (any further information received after the writing of this report will be reported):

*Further reductions in tandem parking*

*The developer has again been asked to look at this. Officers do not consider, however, that the current ratio of tandem spaces is excessive. As a guide, 28 out of the 37 houses (75%) forming part of the less dense scheme at Bell College permitted at the last meeting would have tandem spaces, either on plot or in parking courts. Tandem parking is extremely common on residential estates as a way of saving space and preventing car dominated frontages.*

*Urbanising effect of railings*

*Railings are a useful and recognised way of delineating public and private space without the harshness associated with brick walls and fences. They are appropriate to dwelling frontages and for play areas. It is not considered that the use of railings would be out of context on this site.*

*Street widths*

The widths of the main, minor, mews and mews court roads (types 2-8 on the layout drawing) would be as set out in the table on Page 56 of the Design Guide (copy attached at end of report). Private drives serving a single dwelling would be 2.4m wide, as would be shared private drives off parking squares or type 4-8 roads. Other shared private drives would be 4.1m wide. These dimensions are also set out in the Design Guide.

*Future of health centre site*

*The Section 106 Agreement requires that the health centre site be transferred to the Council before the occupation of the 100<sup>th</sup> open market dwelling. If the site is not required, the Council is obliged to notify the developer not more than 12 months after the occupation of the first open market dwelling, in which case the developer pays a contribution towards the cost of construction and fitting out of a health facility elsewhere in the village and the obligation to transfer the health centre site ceases to have effect.*

If the health centre site were not transferred, the developer would be free to apply for planning permission for alternative uses for it. This could include further housing or some other community use for which a need had been identified. Whatever, any fresh planning application would fall to be determined on its merits in accordance with all material considerations.

*Safety and security of drive through parking areas*

Reference has previously been made in this report to the 9 type A "Rye" houses, which are effectively first floor flats that would be purposely designed to overlook small enclosed parking courts at the rear, the ground floor comprising two garage spaces and an archway access. The archway access would be the sole means of entry and exit to the parking court and would also be overlooked by the front windows of the flat. The Police have not raised any concerns at these from the point of view of crime and it is not considered that the courts would be large enough to be attractive as play areas. Throughout the layout, where archway access occurs, there would be adequate forward visibility for pedestrians and motorists as required in the Design Guide. Members will be able to view a drive-through arrangement at their visit to Bishops Mead, Chelmsford.

*Landscaping and paving details*

The landscaping reserved matters were approved in 2004, which included details of the surface dressing of the large and smaller squares. The hard areas of the squares would consist of block paving, bound gravel or granite setts, with some tarmac around the northern and eastern sides of the large square. Bollards would be used, where appropriate to delineate pedestrian-only areas.

The Presentation Pack submitted to Members by the developer gives further details of surface dressing of shared space areas. These would consist of a buff finish with concrete sett banding, with some block-paved squares. Bollards would again be used to delineate pedestrian-only areas.

**CONCLUSIONS:** Whilst there are inevitable differences from the approved masterplan, the proposals would accord with its basic principles. In addition to the changes mentioned in this report, Members are reminded that the following were also secured earlier on following the first refusal of reserved matters:

- Splitting up of the affordable housing into 6 locations throughout the site
- Provision of communal open space for all the blocks of flats
- Reduction in the ridge heights of dwellings facing the northern boundary
- Highway layout changes to make pedestrian access easier to the open spaces
- Allocation of a site for a shop
- Location of bus stops specified

Sustainability and Energy Efficiency Appraisal submitted.

**RECOMMENDATION: APPROVAL WITH CONDITIONS, WITH CONSEQUENTIAL AMENDMENTS TO THE APPROVED MASTERPLAN**

1. C.3.3. To be implemented in accordance with original and revised plans (except where amendments are required by other conditions listed below).
2. C.7.1. Details of external ground and internal floor levels to be submitted and agreed (all houses and flats along the northern boundary).
3. In relation to the details of street lighting that is required to be submitted pursuant to Condition C.90G of the outline planning permission reference UTT/0443/98/OP, all lighting along the northern boundary shall be positioned and shielded so as to prevent glare to the residents of existing dwellings in Manor Road and Stoney Common.  
REASON: To protect the amenity of residents of dwellings to the north of the application site.
4. Highway layout amendments and engineering specifications (wording to be detailed when response received from Essex CC).  
REASON: In the interests of highway safety.

*Background papers: see application file.*

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## **UTT/0238/05/DFO - STANSTED**

Details of proposals for B1 use including buildings, parking, access, servicing and landscaping (Outline planning permission approved under reference UTT/0833/91 with period extended under approval UTT/1480/03/REN).

Land at Parsonage Farm. GR/TL 155-229. W R C Morton & Co Ltd.

Case Officer: Mr T Morton 01799 510654

Expiry Date: 18/04/2005

**NOTATION:** Policy Area SM5 / Within MGB.

**DESCRIPTION OF SITE:** The site consists of two separate pieces of land, accessed by a long private road from Foresthall Road. The site contains a collection of ageing buildings in various business uses.

**DESCRIPTION OF PROPOSAL:** The northern section is proposed to be an estate of factory units, providing 13 units. The southern site is proposed to be 9 factory units, each 7.6m high to the eaves and 9.2m to the ridge (9.9m for unit 5). Each unit is provided with its own parking forecourt. A landscape planting scheme is provided for the areas around the new buildings to provide a landscape setting, as well as amenity planting within the development areas.

**APPLICANT'S CASE:** The current application provides the final details for these schemes, which have been the subject of prior negotiations and previous decisions in Outline. Surveys for Protected Species have been carried out and confirm that there are no issues that arise.

**RELEVANT HISTORY:** Various permissions for industrial redevelopment of site approved and renewed since original outline granted in 1991. In 1995, condition varied to amend junction details. Condition varying time for submission of reserved matters was renewed in October 2000 and February 2002 (to be submitted by 30 May 2005).

There are now two series of consents for two alternative development schemes;

UTT/833/91 – Outline approval for redevelopment of site for B1 uses incl. Condition limiting Office and Research floorspace to no more than 20% of the total in not more than 4,000 sq ft in any one unit

UTT/1392/92 – Floorspace limit increased to a minimum of 50% light industry.

UTT/0003/94 – Renewal of 833/91 (80/20 mix)

UTT/0890/95 – Renewal of 1392/92 (50% mix)

UTT/0962/95 – Renewal of 0003/94 (80/20 mix)

UTT/1122/97 – Renewal of 962/95

UTT/1123/97 – Renewal of 890/95

UTT/0888/00 – Renewal of 1122/97

UTT/0887/00 – Renewal of 1123/97

UTT/1724/01 – Renewal of 888/00

UTT/1725/01 – Renewal of 887/00

UTT/1480/03 – Renewal of 1724/01

UTT/1481/03 – Renewal of 1725/01

UTT/0238/05 – Details for 1480/03

UTT/0239/05 – Details for 1481/05

**CONSULTATIONS:** Environment Agency: No objections.

The Ramblers Association: Parsonage Lane is a bridleway (Bridleway 27) and has a particular importance in the network of highways because they connect to highways on the eastern side of the M11 and will provide a safe access for horseriders, cyclists and walkers to the new £1.5 million development of the Flitch Way by Essex County Council. Safety of non-motorised users of the bridleway should be safeguarded.

**PARISH COUNCIL COMMENTS:** Notification period expired 24 March 2005.

Birchanger Parish Council: Strong objection, totally out of character with the residential nature of this neighbourhood, the 406 parking spaces plus lorries would have an excessive traffic impact especially during peak times on this rural road with major safety concerns close to secondary school entrance. The size and density is an overdevelopment of the area and out of proportion to the existing development. The proposal would impact on the agricultural nature of the surrounding area making it inaccessible for farming, leading to pressure to extend the development further. Visual impact on this land must be preserved, the development would be overlooked by a major proportion of residents of Birchanger. Parsonage Farm is Listed such a huge development would be inappropriate with its curtilage. Close to the secondary school possible noise and pollution impacts too great.

Stansted Parish Council: No objections – this will tidy up the site and provide much needed space for small and starter businesses.

**REPRESENTATIONS:** This application has been advertised and no representations have been received. Period expired 16 March 2005.

**COMMENTS ON REPRESENTATIONS:** None.

**PLANNING CONSIDERATIONS:** The main issues are

- 1) the principle of development (ERSP Policy C2, ULP Policy SM2);
- 2) design (ULP Policy GEN2);
- 3) highways issues (ERSP Policies T1, T3, T6);
- 4) landscape and Wildlife issues (ULP Policy GEN7).

1) The principle of the redevelopment of this site has been established with the November 1991 approval of UTT/0833/91, and this is also reflected by an allocation in the Local Plan. The planning history of the site is protracted and complex, but the use was seen as established, and redevelopment was seen as the way to tidy up and improve the site. The Outline consent was not subject to a condition placing any limitation on the floorspace that might be developed. The 1991 case quoted an existing floorspace of 52,000 sq ft (15,850 sq m). The proposal is for a total of 14,000 sq m, in 22 units. Condition C.91B of the 1991 consent places a limit of 4,000 sq ft within any unit of any Class B1(a) or B1 (b) use.

Policy SM 5 of the ULP states:

“ Within the Policy Area redevelopment of existing buildings for Class B1 purposes, primarily in small individual units, will be permitted, if all the following criteria are met.

a) Schemes for replacement buildings form part of an agreed overall plan for the phased improvement of the whole site, which may include arrangements for the regulation of existing haulage and car breaking uses.

b) The design of new buildings suits the rural character and appearance of the locality, and associated activities and car parking are concealed from principal public viewpoints. Permission may also be granted for a lesser proportion of Class B2 uses. No increased floorspace will be permitted in any phase until all existing buildings in that phase have been replaced. Permission will not be granted for new haulage or car breaking uses.”

2) The units are functional space frame structures with metal sheet cladding and limited areas of glazing. Externally to the site the view will essentially be of large sheds in the landscape, and these would not relate particularly well to the countryside. The proposed landscape planting would eventually offer some limited screening of the units, but they will always read as an urban feature in the countryside. This could perhaps be further mitigated if the cladding and roofing were to be executed in very dark coloured materials, natural earth colours or very dark green. The internal courtyards are dominated by parking areas, and there may be some conflict with delivery vehicle movements. This is an uninspired standardised factory estate design, and may not meet the aspirations of Policy SM5 (b).

National planning guidance contained in PPS7 would not now view this location as a sustainable one for new development, it is remote and can only be accessed by the private car. However the planning history, established nature of the uses and outline consent negate this.

3) The access currently is by a relatively narrow single-track road, which is barely adequate to serve the current site. The outline approval includes provision for a new section of road to bypass the most restricted section of the current road around the farmstead of Parsonage Farm. The applicant's agent has pointed out that the first section of the lane has been paralleled by a new track, built under Permitted development rights as a farm track in 1998 (P/A/2/14/97), and they intend to use this to 'dual' the first section of the road to provide one way working and thereby improve it. This is however not shown on any currently submitted drawing, nor any drawing already approved. A change of use is involved from farm track to road ancillary to Class B1 development. The Outline approval contained drawings for improvement of the junction with Foresthall Road, and these are secured by condition. Birchanger Parish Council has raised objections to the increased levels of traffic likely to be generated, and they are probably right in this. Increased traffic pressure is likely to be felt on Parsonage Lane, at the junction with Foresthall Road, at the ensuing junction with Church Road in the vicinity of the school, and at the junction of Foresthall Road and Stansted Road, though this junction will be reconstructed and improved as part of the nearby residential development at Rochford Nurseries.

The first section of the road from Foresthall Road is also a bridleway, and no direct provision for this appears to have been made in earlier planning stages. The Ramblers Association have made representations about this. The developer has been requested to provide a segregated route and has responded that the new parallel driveway will avoid conflict and they see no basis for providing any additional works in this respect. This is not considered adequate; the bridleway should be physically separate from the roadway, and a condition is recommended to require provision of a separate route before occupation of any of the buildings. Full drawings of the entire length of the access road should be submitted for approval before commencement of development.

4) Concern was raised at earlier stages about the use that protected species (Badger, Great Crested Newt and Bats) might make of the site. A full ecological assessment has been provided, and a further check has been made during the life of the application in respect of badgers. It is accepted that although badgers and bats may make passing use of the site, they are not apparently resident. Of course, the provisions of legislation giving legal protection is not over-riden by any planning consent, but the LPA has to consider any possible impact upon them in reaching its decision. On the basis of the available evidence it is considered that there will be no impact.

The landscape planting proposals are for planting around the two sites, but also for the creation of 'shelter belt' planting along field edges to the east. This will eventually offer some screening from the M11 motorway, but the scale of these buildings means that they will always be highly visible in the landscape. The Birchanger Parish Council have raised an

objection to the development being visible from houses in Birchanger. The existing Digby Wood offers some screening on that side of the development, and there are changes in the topography of the surface too. This makes it difficult to predict exactly how far the buildings will be visible from, but it is likely that there will be distant views. Planning case law says that merely being able to see a development is not necessarily a reason to refuse it, on the other hand countryside policy seeks to protect the countryside for its own sake, particularly its landscapes, and the development is within a defined policy area, it will intrude into the landscape.

**CONCLUSIONS:** As a site for a large new commercial estate, this is far from ideal. It would not meet tests for sustainable location, being remote and only accessible by car. The development will be visible in the landscape, and probably intrusive. However, the history of the site places constraints upon current courses of action. Any replacement employment floorspace here is likely to suffer from the same problems. If the colour of the buildings can be toned into the landscape, this will mitigate the impact. Improvement of the bridleway is considered essential.

There are concerns about the access road and full drawings are required for consideration before commencement of development. There remain other conditions of the Outline consent to be discharged; an investigation into site contamination, and pollution prevention; and for on-site and off-site drainage works. Materials also need approval and as discussed above these need to be chosen to blend the buildings into the landscape.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. Full engineering drawings of the proposed access road from the junction of Foresthall Road to the new development, including details of a segregated route for Bridleway 27, shall be submitted to and be approved in writing by the Local Planning Authority and shall be constructed and completed before commencement of development.  
REASON: In the interests of traffic safety and the safety of users of the Bridleway.
2. Samples of all external materials of the buildings and paving and surfacing materials shall be submitted to and be approved in writing by the Local Planning Authority before commencement of development, and those approved materials shall thereafter be used and no alterations made to them subsequently without the approval in writing of the Local Planning Authority. The Local Planning Authority has a preference for dark and natural earth coloured external materials to be used.  
REASON: To blend the development into the landscape in the interest of protecting the character and appearance of the countryside in this Metropolitan Green Belt location.
3. C.20.3. If Protected Species discovered get Licence from DEFRA.

*Background papers: see application file.*

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## **UTT/0239/05/DFO - STANSTED**

Details of proposal for B1 use including buildings, parking, access, servicing & landscaping. (Outline planning permission approved under reference UTT/0833/91 with period extended under approval UTT/1481/03/REN).

Parsonage Farm. GR/TL 155-229. W R C Morton & Co.

Case Officer: Mr T Morton 01799 510654

Expiry Date: 18 April 2005

**NOTATION:** Policy Area SM5 / Within MGB.

**DESCRIPTION OF SITE:** The site consists of two separate pieces of land, accessed by a long private road from Foresthall Road. The site contains a collection of ageing buildings in various business uses.

**DESCRIPTION OF PROPOSAL:** The northern section is proposed to be an estate of factory units, providing 13 units. The southern site is proposed to be 11 two-storey small office units (9.85m high), with unit sizes ranging from 270 sq m to 440 sq m. Each unit is provided with its own parking forecourt. A landscape planting scheme is provided for the areas around the new buildings to provide a landscape setting, as well as amenity planting within the development areas.

**APPLICANT'S CASE:** The current application provides the final details for these schemes, which have been the subject of prior negotiations and previous decisions in Outline. Surveys for Protected Species have been carried out and confirm that there are no issues that arise.

**RELEVANT HISTORY:** Various permissions for industrial redevelopment of site approved and renewed since original outline granted in 1991. In 1995, condition varied to amend junction details. Condition varying time for submission of reserved matters was renewed in October 2000 and February 2002 (to be submitted by 30 May 2005).

There are now two series of consents for two alternative development schemes:

UTT/833/91 – Outline approval for redevelopment of site for B1 uses incl. Condition limiting Office and Research floorspace to no more than 20% of the total in not more than 4,000 sq ft in any one unit

UTT/1392/92 – Floorspace limit increased to a minimum of 50% light industry and with a maximum unit size of 500 sq m for the offices.

UTT/0003/94 – Renewal of 833/91 (80/20 mix)

UTT/0890/95 – Renewal of 1392/92 (50% mix)

UTT/0962/95 – Renewal of 0003/94 (80/20 mix)

UTT/1122/97 – Renewal of 962/95

UTT/1123/97 – Renewal of 890/95

UTT/0888/00 – Renewal of 1122/97

UTT/0887/00 – Renewal of 1123/97

UTT/1724/01 – Renewal of 888/00

UTT/1725/01 – Renewal of 887/00

UTT/1480/03 – Renewal of 1724/01

UTT/1481/03 – Renewal of 1725/01

UTT/0238/05 – Details for 1480/03

UTT/0239/05 – Details for 1481/05

**CONSULTATIONS:** Environment Agency No objections.

The Ramblers Association: Parsonage Lane is a bridleway (Bridleway 27) and has a particular importance in the network of highways because they connect to highways on the



eastern side of the M11 and will provide a safe access for horseriders, cyclists and walkers to the new £1.5 million development of the Flitch Way by Essex County Council. Safety of non-motorised users of the bridleway should be safeguarded.

**PARISH COUNCIL COMMENTS:** Notification period expired 24 March 2005.

Birchanger Parish Council: Strong objection, totally out of character with the residential nature of this neighbourhood, the 406 parking spaces plus lorries would have an excessive traffic impact especially during peak times on this rural road with major safety concerns close to secondary school entrance. The size and density is an overdevelopment of the area and out of proportion to the existing development. The proposal would impact on the agricultural nature of the surrounding area making it inaccessible for farming, leading to pressure to extend the development further. Visual impact on this land must be preserved, the development would be overlooked by a major proportion of residents of Birchanger.

Parsonage Farm is Listed such a huge development would be inappropriate with its curtilage. Close to the secondary school possible noise and pollution impacts too great.

Stansted Parish Council: No objections – this will tidy up the site and provide much needed space for small and starter businesses.

**REPRESENTATIONS:** This application has been advertised and no representations have been received. Period expired 16 March 2005.

**PLANNING CONSIDERATIONS: The main issues are**

- 1) the principle of development (ERSP Policy C2, ULP Policy SM2),
- 2) design (ULP Policy GEN2),
- 3) highways issues (ERSP Policies T1, T3, T6),
- 4) landscape and Wildlife issues (ULP Policy GEN7).

1) The principle of the redevelopment of this site has been established with the November 1991 approval of UTT/0833/91, and this is also reflected by an allocation in the Local Plan. The planning history of the site is protracted and complex, but the use was seen as established, and redevelopment was seen as the way to tidy up and improve the site. The Outline consent was not subject to a condition placing any limitation on the floorspace that might be developed. The 1991 case quoted an existing floorspace of 52,000sq ft (15,850sqm).

The proposal is for a total of 6855 sqm of industrial space in 18 units, and 7732 sqm of office space in 22 suites. Condition C.91B of the 1991 consent places a limit of 4,000 sq ft within any unit of any Class B1(a) or B1 (b) use.

Policy SM 5 of the ULP states;

“ Within the Policy Area redevelopment of existing buildings for Class B1 purposes, primarily in small individual units, will be permitted, if all the following criteria are met.

a) Schemes for replacement buildings form part of an agreed overall plan for the phased improvement of the whole site, which may include arrangements for the regulation of existing haulage and car breaking uses.

b) The design of new buildings suits the rural character and appearance of the locality, and associated activities and car parking are concealed from principal public viewpoints. Permission may also be granted for a lesser proportion of Class B2 uses. No increased floorspace will be permitted in any phase until all existing buildings in that phase have been replaced. Permission will not be granted for new haulage or car breaking uses.”

2) The industrial units are functional space frame structures with metal sheet cladding and limited areas of glazing. Externally to the site the view of this section of the development will essentially be of large sheds in the landscape, and these would not relate particularly

well to the countryside. The office units have some areas of brown brick artificial slate to the roofs, but some walls are clad in metal sheet. Because the office units are more separated than the industrial units the mass will be broken up, and this will help to reduce the visual impact in the landscape.

The proposed landscape planting would eventually offer some limited screening of the units, but they will always read as an urban feature in the countryside. This could perhaps be further mitigated if the cladding and roofing were to be executed in very dark coloured materials, natural earth colours or very dark green. The internal courtyards are dominated by parking areas, and there may be some conflict with delivery vehicle movements. This is an uninspired standardised factory estate design, and a fairly random placing of the office buildings with no real attempt to create a sense of place, and may not meet the aspirations of Policy SM5 (b).

National planning guidance contained in PPS7 would not now view this location as a sustainable one for new development; it is remote and can only be accessed by the private car. However the planning history, established nature of the uses and outline consent negate this.

3) The access currently is by a relatively narrow single-track road which is barely adequate to serve the current site. The outline approval includes provision for a new section of road to bypass the most restricted section of the current road around the farmstead of Parsonage Farm. The applicant's agent has pointed out that the first section of the lane has been paralleled by a new track, built under Permitted Development rights as a farm track in 1998 (P/A/2/14/97), and they intend to use this to 'dual' the first section of the road to provide one way working and thereby improve it. This is however not shown on any currently submitted drawing, nor any drawing already approved. A change of use is involved from farm track to road ancillary to Class B1 development. The Outline approval contained drawings for improvement of the junction with Foresthall Road, and these are secured by condition. Birchanger Parish Council has raised objections to the increased levels of traffic likely to be generated, and they are probably right in this. Increased traffic pressure is likely to be felt on Parsonage Lane, at the junction with Foresthall Road, at the ensuing junction with Church Road in the vicinity of the school, and at the junction of Foresthall Road and Stansted Road, though this junction will be reconstructed and improved as part of the nearby residential development at Rochford Nurseries.

The first section of the road from Foresthall Road is also a bridleway, and no direct provision for this appears to have been made in earlier planning stages. The Ramblers Association have made representations about this. The developer has been requested to provide a segregated route and has responded that the new parallel driveway will avoid conflict and they see no basis for providing any additional works in this respect. This is not considered adequate; the bridleway should be physically separate from the roadway, and a condition is recommended to require provision of a separate route before occupation of any of the buildings. Full drawings of the entire length of the access road should be submitted for approval before commencement of development.

4) Concern was raised at earlier stages about the use that protected species (Badger, Great Crested Newt and Bats) might make of the site. A full ecological assessment has been provided, and a further check has been made during the life of the application in respect of badgers. It is accepted that although badgers and bats may make passing use of the site, they are not apparently resident. Of course, the provisions of legislation giving legal protection is not over-riden by any planning consent, but the LPA has to consider any possible impact upon them in reaching its decision. On the basis of the available evidence it is considered that there will be no impact.

The landscape planting proposals are for planting around the two sites, but also for the creation of 'shelter belt' planting along field edges to the east. This will eventually offer some screening from the M11 motorway, but the scale of these buildings means that they will always be highly visible in the landscape. The Birchanger Parish Council have raised an objection to the development being visible from houses in Birchanger. The existing Digby Wood offers some screening on that side of the development, and there are changes in the topography of the surface too. This makes it difficult to predict exactly how far the buildings will be visible from, but it is likely that there will be distant views. Planning case law says that merely being able to see a development is not necessarily a reason to refuse it, on the other hand countryside policy seeks to protect the countryside for its own sake, particularly its landscapes, and the development is within a defined policy area, it will intrude into the landscape.

**CONCLUSIONS:** As a site for a large new commercial estate, this is far from ideal. It would not meet tests for sustainable location, being remote and only accessible by car. The development will be visible in the landscape, and probably intrusive. However, the history of the site places constraints upon current courses of action. Any replacement employment floorspace here is likely to suffer from the same problems. If the colour of the buildings can be toned into the landscape, this will mitigate the impact. Improvement of the bridleway is considered essential.

There are concerns about the access road and full drawings are required for consideration before commencement of development. There remain other conditions of the Outline consent to be discharged; on an investigation into site contamination, and pollution prevention; and for on-site and off-site drainage works. Materials also need approval and as discussed above these need to be chosen to blend the buildings into the landscape.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. Full engineering drawings of the proposed access road from the junction of Foresthall Road to the new development, including details of a segregated route for Bridleway 27, shall be submitted to and be approved in writing by the Local Planning Authority and shall be constructed and completed before commencement of development.  
REASON: In the interests of traffic safety and the safety of users of the Bridleway.
2. Sample of all external materials of the buildings and paving and surfacing materials shall be submitted to and be approved in writing by the Local Planning Authority before commencement of development, and those approved materials shall thereafter be used and no alterations made to them subsequently without the approval in writing of the Local Planning Authority. The Local Planning Authority has a preference for dark and natural earth coloured external materials to be used.  
REASON: To blend the development into the landscape in the interest of protecting the character and appearance of the countryside in this Metropolitan Green Belt location.
3. C.20.3. If Protected Species discovered get License from DEFRA.
4. The development hereby permitted shall be implemented in all respects strictly in accordance with the submitted plans contained in the application, as listed in Appendix One of this decision, unless agreed in writing by the local planning authority.  
REASON: For the avoidance of doubt and to clarify the scope of approval.  
See attached list of drawings attached at end of report.

*Background papers: see application file.*

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## **UTT/0360/05/DFO - GREAT DUNMOW**

Approval of reserved matters for erection of 14 no. two bedroom flats (outline approved under reference UTT/0884/02/OP). Construction of new vehicular access  
83 High Street. GR/TL 629-217. Charles Gallagher Ltd.

*Case Officer: Mr N Ford 01799 510468*

Expiry Date: 28 April 2005

**NOTATION:** Development Limits ULP Policy S1. Adjacent Great Dunmow Town Centre Conservation Area ULP Policy ENV1.

**DESCRIPTION OF SITE:** The site is located on the northern corner of the junction of the High Street, Chelmsford Road and Braintree Road. The site forms the curtilage of a derelict two-storey dwelling house of 0.14 ha. To the north is the town centre, to the east is a three-storey elderly persons home and on the opposite side of Braintree Road to the south is a modern three-storey office block named Melville House and on the opposite side. The opposite side of the High Street is characterised by two-storey dwellings. Members will recall visiting the site in December 2004 concerning a subsequently refused application.

**DESCRIPTION OF PROPOSAL:** The proposal relates to the erection of 14 no. two-bedroom flats. The two-and-a-half-storey block would wrap around the corner of the site to front Braintree Road and the High Street. A two-storey element would be located adjacent the restaurant between which is the access to the site in the High Street. The greater part of the building would be of two-and-a-half-storey with the second floor provided in the pitch roof plane facilitated by dormer windows and roof lights. Twenty-one vehicle parking spaces are proposed for the fourteen units (i.e. 150%). A communal amenity area of approximately 270sqm would be provided to the rear of the site between the parking spaces and the flats. Materials would consist of brick render and boarding, with a plain clay tile roof.

**RELEVANT HISTORY:** On 28 July 2004 outline planning permission was granted for the erection of 14 no. two bedroom flats. The outline permission approved means of access only off the High Street.

Member will recall that in December 2004 a reserved matters application was refused due to the detail of the 14 two-bedroom flats (UTT/1708/04/DFO) because it would result in a building of a scale and appearance that would fail to respect its prominent location such that it would neither preserve nor enhance the character and appearance of the Conservation Area.

**CONSULTATIONS:** ECC Highways: No objection subject to high works being carried out in accordance with the existing S106 Agreement associated with this site made under application UTT/0884/02/OP sealed on 22 July 2004.

Water Authority: To be reported (due 28 March 2005).

Environment Agency: Standard advice letter relating to residential development.

ECC Archaeology: To be reported (due 23 March 2005).

ECC Learning Services: To be reported (due 31 October 2004).

UDC Environmental Services: No comment.

UDC Specialist Design Advice: No objections subject to conditions. See planning considerations.

UDC Building Surveying: It is not feasible to use conservation roof lights to the stairwell, as there could be a problem of achieving smoke ventilation on the common staircase if used. A 1-sqm opening would be required to satisfy Building Regulations. Conservation rooflights also have a limited opening area.

**TOWN COUNCIL COMMENTS:** To be reported (due 6 April 2005).

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

**PLANNING CONSIDERATIONS:** The main issues are whether

- 1) **the erection of this building is of an appropriate siting, scale and design for this prominent town centre location which preserves or enhances the character and appearance of the Conservation Area in accordance with PPG15, ESRP Policy BE1, HC1, HC2 and ULP Policy ENV1 and GEN2.**
- 2) **whether the proposed building provides sufficient parking and amenity space and not be harmful to the amenity of neighbouring properties in accordance ULP Policy GEN2 and GEN8.**

1) Members will be aware that the principle of this site for residential development (14 no. two bed units) and the means of access has already been established by the outline planning approval granted 28 July 2004 subject to a legal agreement, which secured financial contributions for education provision and highway works.

Members are asked to consider whether the siting, design, external appearance and landscaping (reserved matters) proposed as this scheme is appropriate for this visually prominent strategic “gateway” to the historic heart of Great Dunmow Town Centre and its Conservation Area. In such an area, it is considered that development proposals should form a comprehensive development that respects surrounding scale and character being of a particularly high quality.

The site is highly prominent to public view in part due to its corner location bounding principally Braintree Road and the High Street and from topography, the land declining in height east along Braintree Road toward the B1256 and south along Chelmsford Road, again toward the B1256. Therefore, any development of this site would be visually prominent.

The proposal uses the frontage of the site by utilising the curve in a similar fashion to Melville house opposite. False doors are provided to the front elevation in order to prevent temporary parking with public access predominantly from the rear of the proposed block.

Section 72 of the Act requires that special attention should be paid in the exercise of planning functions to the desirability of preserving or enhancing the character and appearance of a Conservation Area. This is also a material consideration in considering development proposals, which are outside of the Conservation Area but would affect its setting or views in and out of the area.

This scheme has a variety in the design and its scale more respectful of an area, which has a diversity of character evolved over time and includes chimneystacks as a fundamental element of historic roofscapes playing an important architectural role in the composition of houses. Such features are commonly found on older buildings and help to punctuate rooflines and provide visual interest.

Historically, such a large site will have developed spontaneously following the historic pattern of narrow frontages of varying architectural detailing and fenestration, resulting in a visually interesting street scene. The proposal now results in a development of individual units of varying elevational features following negotiation with Officers and is considered acceptable. As such, the scale and design of the proposal is now considered to respond the

context of the adjacent Conservation Area and the sites visual prominence in the street scene providing a perception of individuality.

2) Twenty-one vehicular parking spaces are to be provided to the rear of the site at a 150% ratio. This level is considered adequate for this town centre location due to public transport availability. In terms of amenity provision, a usable area of approximately 270sqm would be provided between the building and parking, which is considered adequate for its location.

It is not considered that the scheme presents development that would be detrimental to amenity through any overbearing, overshadowing or overlooking.

**CONCLUSIONS:** This revised proposal has been negotiated by Officers and redesigned. It is considered that the proposal now delivers a design of a quality that would provide an appropriate key gateway feature for Great Dunmow town centre and would protect the character and appearance of the adjacent Conservation Area.

**RECOMMENDATIONS: APPROVAL WITH CONDITIONS**

1. C.3.3. To be implemented in accordance with original and revised plans.
2. C.4.2. Implementation of landscaping.
3. The roof to the building shall be clad with hand made clay plain tiles or natural slate, a sample of which shall be submitted to the local planning authority and approved in writing prior to the commencement of development. Thereafter, the development shall be implemented in accordance with such approved materials.  
REASON: In order to ensure a satisfactory standard of development that protects the character and appearance of the adjacent Conservation Area.
4. All windows shall be side hung or vertically sliding sashes not top pivoted.  
REASON: In order to ensure a satisfactory standard of development that protects the character and appearance of the adjacent Conservation Area.

*Background papers: see application file.*

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**UTT/0418/05/FUL - STANSTED**  
***(Referred at Officer's discretion)***

Variation to condition C.13.7 of planning permission UTT/0276/03/FUL to enable Sunday opening 12.00 - 15.00.

40 Lower Street. GR/TL 514-250. Restaurant 1893.

Case Officer: Mr T Morton 01799 510654

Expiry Date: 12/05/2005

**NOTATION:** Within Development Limit / Within Conservation Area / Within Local Centre (Policy SM1)\*

**DESCRIPTION OF SITE:** This is a two-storey building sited on the corner of Lower Street and Grove Hill, and used as a restaurant.

**DESCRIPTION OF PROPOSAL:** To amend a planning condition that places a limit on the hours of operation. Current limitation requires the restaurant to close by 23:00 on Monday to Friday and by 23:30 on Saturday, and not to operate on Sundays or Bank Holidays. Application seeks variation of the condition to enable Sunday opening 12:00 to 15:00.

**APPLICANT'S CASE:** We have tried to operate Monday to Saturday but are financially finding it very difficult. Restaurants and pubs around us do not have this restriction, and we feel the principle unjust, we also have a number of immediate residents who have asked us to open for Sunday.

**RELEVANT HISTORY:** UTT/ 0376/03/FUL and UTT/0377/03/LB - Change of use from Class A1 Antique shop to Class A3 Restaurant – Approved but Committee included the condition on opening times.

UTT/1969/03/FUL – Application to extend opening times to include 12:00 to 15:00 on Sunday. Refused

**CONSULTATIONS:** Environmental Services: No comment.

**PARISH COUNCIL COMMENTS:** To be reported (due 16 April 2005).

**REPRESENTATIONS:** This application has been advertised and 5 representations have been received. Period expired 28 April 2005.

1. Support of the application. The writer cannot understand the rationale behind the current restriction as there are similar establishments in close proximity which can open.
2. Objection from the nearby guesthouse. Sunday is the only day when the area is not plagued by parking associated with the railway station and local shops. The area of Lower Street is tranquil on Sunday. The restaurant could accommodate up to 50-70 people with associated vehicle movements. There is usually plenty of parking available in Lower Street on Sunday, this would be taken up by customers of the restaurant, making it difficult for residents to park outside their properties. A parking restriction scheme is being considered. The restaurant owner parks on double yellow lines. The restaurant operates a no smoking policy so customers smoke in the street until 11 or 12 pm. Our residents are frequently disturbed by the restaurant users. If approval is granted it will lead to pressure to open on Sunday evenings as well.
3. Objection. The restaurant is opposite their living and bedroom windows and their privacy and amenity would be compromised. Similar points are raised on car parking as above. In the summer the restaurant doors are left open and noise emanates.
- 4&5. Similar comments to above.

**COMMENTS ON REPRESENTATIONS:** The comments are noted. The objection appears to relate principally to parking pressure in the area. The need for parking space is generated by all surrounding properties and businesses, not just the application property. On Sundays there is less parking pressure, since commuters are not using the railway, and many shops do not open. There is parking space available in the area on Sunday, and it is not the function of the planning authority to favour one occupier over another for access to on street parking, and nobody has the right to control the parking space outside their house. Problems that referred to with late night operation are not applicable to operation in the middle of the day, and if further application is subsequently made for Sunday evening opening, that would be dealt with on its own merits. The house opposite the restaurant has the width of the street in front of it, with many passers by. The impact of the restaurant upon the amenity and privacy of the habitable rooms must be less than from passers by.

**PLANNING CONSIDERATIONS: The main issues are:**

- 1) **amenity of nearby occupier (ULP Policy GEN2);**
- 2) **parking (ERSP Policy T12);**
- 3) **other material planning considerations.**

1) The condition on operating hours was included by Committee for the reason that operation outside of these hours would be likely to cause nuisance and disturbance to adjacent residents. This point was not included in the Officers report, but was added by the Committee. The restaurant is on the edge of the commercial centre of Stansted, and is surrounded by residential property. The applicant has made the point that there are other restaurants and public houses in the vicinity that do open on Sundays, and which are just as likely to lead to vehicle movement in the area and on street parking. This point was not considered in the original application, nor in the second application to amend the opening hours to allow Sunday lunchtime opening. Those decisions appear to have been based largely upon the objections received to the applications. The reason for the condition is that operation outside the approved hours is likely to cause nuisance and disturbance to adjacent residents, but the centre of Stansted is used by a variety of people visiting a variety of premises. It seems harsh to single one restaurant out for control when others can operate, merely because they have been there for longer. The Sunday lunchtime period will not be a particularly quiet time of day in this era of Sunday opening, and it is doubtful that the condition can be substantiated in terms of the reason stated within it.

Sunday lunchtimes can now be a fairly active period in most towns, and it is not reasonable to expect the central area of Stansted to be completely quiet. Late night operation of a restaurant, or any business would be a different matter, when background noise levels are much lower generally. It is not considered that the condition is reasonable in its current form, and on Appeal it is likely that approval would be granted.

2) It was apparent at the time of the application for the change of use that the premises had only two off-street parking places available, and the report stated that the low level of available kerb side parking was not considered of sufficient weight to warrant a refusal on this ground. Most of the businesses in Stansted have no parking of their own, there is the public car park by the castle, and there are current on street parking restrictions in the area. It is not the function of the planning authority to discriminate in favour of or against particular occupiers.

3) No other issues arise.

**CONCLUSIONS:** It is considered that the proposed extension of opening hours is reasonable, and permission is recommended.



**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. The restaurant use hereby permitted shall close by 23:00 on Mondays to Fridays and by 23:30 on Saturdays and shall not operate outside the hours of 12:00 and 15:00 on Sundays, and shall not be operated on Bank or Public Holidays.  
REASON: To protect the amenity of the occupiers of nearby residential occupiers from noise and disturbance.
3. All conditions of the decision UTT/0376/03FUL dated 08 September 2003 with the exception of condition C.13.7. shall be applicable to this consent.  
REASON: To ensure acceptable operation of the use.

*Background papers: see application file.*

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## **UTT/0090/05/DFO - LITTLE DUNMOW**

Erection of 97 dwellings and flats, garages, associated parking and roads (reserved matters application for outline planning permission UTT/0302/96/OP and UTT/0023/03/OP).

Phase 5 & 5A Oakwood Park. GR/TL 662-205. Westbury Homes Ltd.

Case Officer: Mr R Aston 01799 510464

Expiry Date: 06 April 2005

**NOTATION:** ULP: Oakwood Park Local Policy 1.

**DESCRIPTION OF SITE:** The subject of this application forms Phase 5 of the overall development of the site for 810 dwellings, in accordance with the latest Masterplan for the site, revised in June 2004. The Phase 5 application site is a 2.34-hectare site located between Phase 4 and Phase 3 along the western edge of the development. A section of the principle estate road of the site runs north to south on the eastern edge of the phase and into adjoining phases.

**DESCRIPTION OF PROPOSAL:** The proposal seeks approval under reserved matters for the erection of 97 2-5 bedroom dwellings with garages and associated ground works, pursuant to planning permission ref: UTT/0302/96/OP.

**RELEVANT HISTORY:** Outline application for reclamation of despoiled land and demolition of redundant structures approved 1996. Temporary storage of soil reclaimed from settlement lagoons, allowed on appeal 1999. Amendment to condition to allow 250 dwellings to be constructed prior to completion of A120 approved 2000. Erection of 80 dwellings and associated garaging approved 2000. Erection of 85 dwellings and associated roads approved 2000. Reserved matters for 69 dwellings approved 2000. Variation of Condition 12 of UTT/0302/96/OP to allow occupation of not more than 305 dwellings prior to opening of A120. Variation to allow construction of up to 350 dwellings, prior to opening of A120. Redevelopment up to 655 dwellings, being a net addition of 170. Approval of additional 160 dwellings, approved 2003.

**CONSULTATIONS:** The scheme has undergone a number of revisions to both the numbers and house types/site layout, therefore a revised consultation period has been necessary and comments will be reported (due 21 April 2005).

**PARISH COUNCIL COMMENTS:** No objections

**REPRESENTATIONS:** This application has been advertised and 1 representation has been received. Period expired.

Summary – The residents of Oakwood Park wish to object due to the lack of play areas and the problems that this is having on the estate.

**COMMENTS ON REPRESENTATIONS:** The provision of Community facilities and the play areas is not triggered until the 501<sup>st</sup> occupancy. Currently there are approximately 330 occupancies so the facilities are not yet required to be provided.

**PLANNING CONSIDERATIONS:** The main issues are

- 1) whether the proposals layout and design is appropriate in accordance with the current Masterplan for the site (June 2004), the Oakwood Park Design Guide and Oakwood Park Local Policy 1

1) This development is in accordance with the approved Masterplan for the site, however the Masterplan does not contain specific design and layout guidance. Accordingly the proposal has been judged against the criteria of The Oakwood Park Design Guide and Oakwood Park Local Policy 1 of the ULP, which states that amongst other factors, *'Residential development should have regard to operative published standards of layout and design guidance'*. In determining this current proposal, the operative standards of guidance are the Essex Design Guide for Residential and Mixed Use Areas and the Oakwood Park Design Guide (OP Design Guide) January 2003. The purpose of the OP Design Guide is to set the layout and design objectives against which detailed proposals for the subsequent phases of development will be reviewed. Furthermore, the guide seeks to create a development which is sympathetic to its setting and the environmental characteristics of the area whilst developing an environment which follows established principles of good urban design. This is also a key theme Government Policy expressed in Planning Policy Statement 1 which aims to promote good design to ensure attractive, usable, durable and adaptable places and guides that local authorities should promote high quality inclusive design in the layout of new developments and individual buildings and that good design should contribute positively to make better places for people.

The schemes physical layout, mainly the arrangement and architectural detailing of the various house types has been revised following negotiations with officers and the number of units has been reduced from 120, which was the original request of the developer Enodis, to 97 dwellings. Whilst current pressures relating to the density of the housing following the approval of additional units on the development has meant that the scheme is not truly Arcadian/Boulevard overall as described in the Essex Design Guide, this is appropriate so long as the phase achieves the main objectives of the Oakwood Park Design Guide and provides sufficient sense of place, distinct character areas, adequate and realistic car parking provision, landscaping, variety of house types and so on. The proposed density is approximately 41 dwellings per hectare and includes provision for 31 affordable 2-bed units, 24 from the 650 schemes and the remainder from the additional 160 dwellings approved pursuant to UTT/0023/03/OP. The developers had informed the Council that each additional phase would bear its own requirement for 25% affordable housing, which forms part of their agreement with the developer of each phase. This current phase, provides 31 open market dwellings from the 810 consent, therefore the number of units provided should be 7.75 (25% of 31). The current scheme only includes 7 affordable dwellings under the 810 scheme, which is approximately 22.5%. Because this apparent shortfall cannot be accommodated on future phases (5b and 6), Westbury are required to provide 1 extra affordable unit. Accordingly a revised plan condition is required stipulating that 1 further affordable unit is provided and that this be identified on a plan, prior to the commencement of development. With regard to the configuration of the house types, they are as follows:

- 33x 5 bedroom houses
- 30 x 3 bedroom houses
- 10 x 2 bedroom flats over garages
- 24 x 2 bedroom apartments.

The scheme has been negotiated and now includes a number of features, which help to reinforce a sense of place on the phase, whilst at the same time seeking to achieve distinctly different character areas throughout the site, which improves legibility, accessibility and variety of streetscene. To this effect, there is a built frontage dominated streetscene, fronting the principal estate road, which uses includes a number of staggered roof heights, ranging from 2 storey flats over garages with underpasses to reach the rear parking areas, to the 3 storey blocks of 2 bedroom affordable apartments with parking courts to the rear which form a gateway to the site. Overall this streetscene is comparable to the opposite side of the

principal estate road, which is currently being developed by George Wimpey (Phase 4), with the variation in the heights of the dwellings being between 1 and 3m which is not inappropriate given that they include 3 storey apartments.

This provides for a change in scale and heights, which add variety and townscape to the phase whilst not compromising the surrounding residential and rural character of the site. With regard to the affordable housing, the units are all 2 bed with 2 car parking spaces each. The location of the units, which ultimately follows a design led approach is considered not to be contiguous and in accordance with the provisions of the Section 106 Agreement. On entering the phase, the access road leads to a rural square, which has dwellings fronting onto the open space to the east and west. Again the dwellings are a mixture of 2 storey dwellings with pitched roof dormers in the roof space and the 1-½ storey dwellings over garages, which add the variety in scale and design between the units. A further gateway is located on the western edge of the rural square, which leads into a more formal boulevard arrangement, which reflects the area to the north on the adjoining Phase 4 George Wimpey development. This is generally of a lower density, however the dwellings are in fact semi detached 5 bedroom dwellings, which allow for a more formal identity, emphasized by the landscaping to the front. The use of this formal arrangement of units allows the density to be increased, whilst not materially compromising the amount of built form in the area, this in turn allows a reduction the overall density in future phases, which will be under the most pressure to be of a higher density. Overall the general layout and arrangement of the dwellings is in accordance with the objectives of the Oakwood Park Design Guide and subject to the more detailed considerations of parking, architectural detailing, impact on amenity and landscaping, the layout of the phase is considered acceptable and in accordance with the ULP.

With regard to the proposed car parking provision each property, including the affordable dwellings has 2 dedicated car parking spaces with the majority being in tandem form. These spaces are generally to the rear of the affordable units and are contained in rear parking courts and under parking pergolas, which help break up the visual impact on a large number of cars parked in one area. The larger dwellings to the west of the phase along the sites rural edge have provision to park 2 cars to the side, but also have an additional garage space with a shed store to the rear. Accordingly, the car parking provision should not exacerbate on street parking problems, which result in highway safety problems and is in keeping with the ULP.

Turning to the architectural detailing of the dwellings, it has been negotiated that all Quoins on the dwellings be removed, along with some subtle changes to the architectural detailing around the windows on the front and rear elevations of certain dwelling types. This can be satisfactorily achieved by condition along with the landscaping and the applicant has been informed of the proposed changes, with no objections forthcoming. With regard to the impact on the residential amenity of adjoining occupiers, the layout of the site would not create any adverse overlooking or loss of privacy and would not have an overbearing effect on the residential amenity of adjoining occupiers, sufficiently enough to warrant refusal.

**CONCLUSIONS:** The proposal has been negotiated and the layout of the phase is now considered to be an appropriate reflection of the objectives of the Masterplan and the Oakwood Park Design Guide. Subject to some small changes to the architectural detailing and other considerations relating to details car parking spaces, landscaping, samples of materials and details of garaging, the proposal is considered acceptable and recommended for approval subject to no adverse consultation responses being received.

#### **RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.3.2. To be implemented in accordance with revised plans.
2. C.4.1. Scheme of landscaping to be submitted and agreed.

3. C.4.2. Implementation of landscaping.
4. C.4.6. Retention and protection of trees and shrubs for the duration of development.
5. C.6.4. Excluding extensions without further permission.
6. C.5.1. Samples of materials to be submitted and agreed,
7. C.6.5. Excluding fences and walls without further permission.
8. No development shall take place until a scheme of foul and surface water drainage has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved scheme. Surface water from roads and impermeable vehicle parking areas shall be discharged via trapped gullies. Only clean uncontaminated surface water shall be discharged to any soakaway, watercourse or surface water sewer.  
REASON: To ensure there is no pollution of the water environment.
9. Except in emergencies, no deliveries of materials shall be made to the site and no work shall be carried out on the site during the period of construction of the development: a) before 0730 or after 1800 hours on weekdays (i.e. Mondays to Fridays inclusive) b) before 0800 or after 1300 hours on Saturdays c) on any Sunday or Bank or Public Holiday.  
REASON: To safeguard the amenities of nearby residential properties.
10. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.
11. The cycleway and independent footpaths shall be laid and constructed in accordance with current policies and practices.  
REASON: To ensure a satisfactory standard of development
12. No gates, windows or doors that form part of the approved development shall open over the highway.  
REASON: In the interest of highway safety
13. C.10.15. Standard highway requirements.
14. C.10.23. Standard highway requirements.
17. C.10.24. Standard highway requirements.
18. C.10.19. Standard highway requirements.
19. All electrical and telephone services to the development shall be run underground. All service intakes to dwellings, apart from gas, shall be run internally and not visible on the exterior. All meter cupboards shall be positioned on the dwellings in accordance with details, which shall have been previously submitted to and approved by the local planning authority. All buildings containing flats shall be equipped with a communal TV and radio aerial and satellite dish in positions, which shall have been previously submitted to and approved by the local planning authority (unless the development is in an area served by cable distribution). On all buildings satellite dishes shall be of dark coloured mesh unless fixed to a light coloured, rendered wall, in which case a white dish should be used. Satellite dishes shall not be fixed to the street elevations of buildings or to roofs. All soil and waste plumbing shall be run internally and shall not be visible on the exterior. Rainwater goods shall be black, and shall be indicated on submitted elevations. All windows and doors in masonry walls shall be inset at least 100mm and shall be fitted with sub-cills. All windows and doors shall be of designs, which shall have been submitted to and approved by the local planning authority prior to their installation. Details of all ground surface finishes, including kerbs and manhole covers shall be submitted to and approved by the local planning authority prior to their installation. The rights of utility companies to deemed consent under the General Permitted Development Order to construct electrical substations and gas governors within the development are withdrawn and planning consent will be required.  
REASON: To ensure a satisfactory standard of development.
20. C.10.26. Standard highway requirements.
21. The garage car spaces to be provided shall be kept available for the parking of a car at all times.

REASON: To prevent on-street car parking in the interests of public safety and residential amenity.

22. No development shall commence until the style and location of the following house types has been agreed in writing by the local planning authority:

1. Bicester
2. Leicester

REASON: The above house types have been re-designed to ensure a mix of housing styles and an appropriate mix of materials resulting in several options on each house type. Although their use has been agreed, their location is not detailed on the submitted site layout plan. This will enable the local planning authority to ensure the appropriate mix of the house types in the interest's visual amenity.

23. C.17.1.Revised plan(s) required.

Revisions

1. External fenestration/window head treatments, details of which to be discussed and agreed with Local Planning Authority prior to commencement of development.
2. A revised plan is required identifying one further affordable dwelling in accordance with the Section 106 Legal Agreement pursuant to UTT/0023/03/OP, dated 23 June 2004.

*Background papers: see application file.*

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## **UTT/0414/05/OP – NEWPORT**

Outline application for demolition of existing Nissen hut and storage building and erection of 2 no. detached dwellings with garages.

Plots 4 & 5 The Spinney, London Road. GR/TL 520-330. JMJ Construction.

Case Officer: Mr G Lyon 01799 510458

Expiry Date: 05 May 2005

**NOTATION:** Uttlesford Local Plan: Outside Development Limits of Newport.

**DESCRIPTION OF SITE:** The site is located on the western side of the B1383 London Road, within a small residential close known as The Spinney, which has eight existing properties (three of which are still under construction). The site is currently slightly overgrown with an old Nissen hut in the south-western corner and it appears that the land is being used to store some building materials, possibly in connection with the erection of the adjacent dwellings. The site boundaries are a mixture of hedging and fencing of somewhat unkempt appearance, with the exception of the fencing adjacent to No.4 The Spinney. The site itself is approximately 0.073 hectares in size with an overall width of approximately 15m and a length of 45m. To the south of the site is "Bricketts", a large detached bungalow which is close to the boundary with the site known as Cornflowers (Now a semi-detached dwelling and bungalow). To the north of the site are the five properties of The Spinney and the property immediately opposite is a bungalow. "The Spinney" consists of a mixture of detached two-storey dwellings and two bungalows, one of which is still under construction but all of which are of recent construction. "The Spinney" is a narrow single track unadopted road. To the west of the application site are agricultural fields.

**DESCRIPTION OF PROPOSAL:** The applicant is seeking outline consent to erect two detached dwellings with garages. All matters are reserved for subsequent approval. The applicant has submitted a proposed site plan showing a potential layout along with an illustration of a potential house type. These are for illustrative purposes only and do not form part of any consent.

**APPLICANT'S CASE:** None.

**RELEVANT HISTORY:** Erection of two no. semi-detached dwellings and garage to replace existing detached house approved October 2004 (Adjacent site – now being implemented). Erection of detached bungalow approved June 2004 (Adjacent site - now being implemented). Erection of single dwelling house and garage to replace existing detached house approved June 2004 (Adjacent site – not now being implemented) Dwellings on "The Spinney" have long history with some success at appeal for new dwellings, including No.5.

**CONSULTATIONS:** Essex County Council Highways and Transportation: No objections.  
Anglian Water: No comments received to date (to be verbally reported at the meeting).  
Environment Agency: Standard Advisory comments regarding residential development.  
UDC Environmental Services: No comments received to date (To be verbally reported at the meeting).

**PARISH COUNCIL COMMENTS:** No comments received (To be verbally reported at the meeting).

**REPRESENTATIONS:** Twelve neighbours were notified of the proposed development. Advertisement expired 31 March 2005. One representation has been received.

1. This development is clearly another example of infilling which has been happening to Newport in every spare space available. From one previous house we are now going to have four houses with quadruple the number of people and cars on that site requiring access onto the B1383 road. The proposed dwellings will directly overlook the rear garden of my property which is adjacent to the plot. The Planning Committee has over the recent past years granted permission to all the applications made in respect of the land around this particular plot and as a result we have a ramshackle, dense development of dwellings with tarmac and concrete where once a copse and grassland existed. I now have to look out at brick walls and roof tiles and be overlooked by them. I can see little point in having a Village Development Plan if permission is granted in this particular instance.

**PLANNING CONSIDERATIONS: The main issues are whether: -**

- 1) residential use on this site is considered acceptable (PPG3, ERSP POLICY BE1, H3, Uttlesford Local Plan Policy S3, S7, H1, H2, H3);**
- 2) the impact of the development on adjoining neighbours would be acceptable (ERSP Policies H3, Uttlesford Local Plan Policy GEN2),**
- 3) the proposed development respects the scale and characteristics of surrounding properties (ERSP Policy H3, Uttlesford Local Plan Policy H3, GEN2) and**
- 4) the access and parking arrangements are acceptable in terms of highway safety implications (ERSP Policies T3, T6, T7, T12, Uttlesford Local Plan Policy GEN1, GEN2 and GEN9).**

1) The site lies wholly outside but adjacent to the development limits of Newport. Ordinarily, such development would be refused as contrary to Development Plan Policy but, in this instance, one has to consider the precedent that has been set at appeal for some of the adjacent properties. In terms of milieu, the application site would be viewed within the context of "The Spinney" development and is the last feasible piece of developable land with road frontage. Once these plots have been developed, no further plots of comparable size with direct highway access would exist. Officers consider therefore that even though the site does lie outside of established development limits, the context of this application and the previous appeal decisions give sufficient weight to act as a material consideration to override the established Countryside Policy S7 of the Uttlesford Local Plan.

The preamble to Policy H3 states that "opportunities for sensitive infilling in small groups of houses outside development limits but close to settlements will be acceptable". As such it would not be necessary to consider this application as a departure from the Local Plan.

2) Given the fact that the application is in outline form only, it is difficult to fully assess any impacts to neighbouring properties. The closest neighbours to the proposed development would be those either side at "Bricketts", Nos 4 and 5 The Spinney as well as Plot 3 adjacent, which sits lower than the application site. The reserved matters stage would deal with all of the design issues, in particular those relating to amenity but it is apparent that any windows at first floor facing towards "Bricketts" would give rise to a loss of amenity for this property. The applicants drawing (Enclosure NoA) shows a 1½ storey dwelling with a front (north facing) dormer and integral garage. Although this drawing is for illustrative purposes it shows a clear indication of the type of property envisaged and indeed is a close resemblance to the already constructed dwelling at No.4 The Spinney, although this property is slightly larger in terms of overall floor area.

The overall impact on the adjacent plot 3, which is still under construction, will need careful consideration at the reserved matters stage, especially given the apparent changes in levels. Standard conditions relating to level details would be essential and also the boundary treatment between the two properties would need to take account of amenity issues. Face-to



face amenity issues, especially for No.5 The Spinney, will need to be considered and any front dormers should not result in the loss of established amenity of existing properties. Given the fact that front windows would face towards public areas, it is not envisaged that this issue should cause demonstrable harm.

Overall, officers are content that any detrimental impacts on neighbouring residential properties can be controlled by condition at the outline stage in order to guide the details of the reserved matters and achieve a satisfactory form of development.

3) The general character of this part of Newport has changed considerably over the last ten years and previous residential development at The Spinney has set a clear precedent following success at appeal.

Two dwellings on this site would be slightly below Central Government general density requirements at 27 dwellings per hectare and these plots would have small amenity areas, depending on the size of dwelling agreed at the reserved matters stage. However, amenity space is no smaller than that at Plot 3, which members resolved to approve in June 2004. Officers are of the opinion that the overall scale development is acceptable in this instance subject to relevant conditions.

4) In terms of access and parking issues, the only means of access to the two dwellings is via The Spinney and not directly onto the B1383. Essex County Council Transportation are therefore happy with the scheme and this allows all parking and turning movements to take place away from the busy road. Visibility into and out of The Spinney is good in both directions although its overall width makes it difficult but not impossible for two cars to pass. Adopted maximum standards would seek two spaces for a three-bedroom dwelling, and three spaces for four bedrooms and above, details of which would be resolved at the reserved matters stage.

Officers are therefore of the opinion that the access and parking arrangements are more than satisfactory in this instance.

**CONCLUSIONS:** The application is in outline form with all matters reserved for subsequent approval. Whilst the site does lie outside of the development limits, the precedent set by adjacent development acts as a material consideration to override the Countryside Policy S7 in this instance. It is not envisaged that the amenity of neighbouring properties would be harmed by the proposed development subject to the imposition of relevant conditions.

#### **RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.1.1. Submission of reserved matters: 1.
2. C.1.2. Submission of reserved matters: 2.
3. C.1.3. Time limit for submission of reserved matters.
4. C.1.4. Time limit for commencement of development.
5. The indicative design and siting of the dwellings, as indicated in drawing no.2 and Enclosure No.A. dated March 2005, received 10 March 2005 do not form part of this permission  
REASON: The application is in outline with all matters reserved for subsequent approval.
6. C.5.1. Samples of materials to be submitted and agreed.
7. C.5.4. Slate Roof.
8. C.4.1. Scheme of landscaping to be submitted and agreed.
9. C.4.2. Implementation of landscaping.
10. C.4.7. Detailed landscaping survey to be submitted (outline permissions).
11. C.4.6. Retention and protection of trees and shrubs for the duration of development.

12. Unless expressly exempted, all existing buildings on the site (including land within the site edged red and blue) shall be demolished and all the materials arising from such demolition shall be completely removed from the site within 1 month of the completion of the replacement dwelling hereby permitted.  
REASON: The removal of the existing buildings are required as part of the landscape improvement benefits.
13. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission.
14. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), No additional windows, other than those approved under the reserved matters shall be inserted at first floor level or in the roof space roof space of the dwellings hereby permitted.  
REASON: To avoid overlooking of the adjacent properties in the interests of residential amenity.
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), the garages hereby permitted as part of this application shall remain available for the parking of domestic vehicles at all times and shall not be converted to any other use without express planning permission.  
REASON: To ensure that the dwelling has adequate off-street parking provision.
16. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.
17. No construction works shall take place before 8am Mondays to Fridays and 9am on a Saturday. No construction works shall take place after 6pm Mondays to Fridays or after 1pm on Saturdays nor at any time on a Sunday or Public Holiday.  
REASON: In the interest of amenity of residents.
18. C.8.27. Drainage Details.

*Background papers: see application file.*

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## **UTT/1494/04/FUL - ELSENHAM**

Revised scheme to that approved under reference UTT/1147/02/FUL & UTT/1251/03/FUL.  
The Stables, Gaunts End. GR/TL 550-255. Mr I Hussain.  
*Case Officer: Mr N Ford 01799 510468*  
Expiry Date: 22/10/2004

**NOTATION:** Countryside Protection Zone ULP Policy S4.

**DESCRIPTION OF SITE:** This site lies in the countryside north of Stansted Airport and east of the Elsenham Quality Food factory. The stables are located on the northern side of the road between Takeley and Elsenham, approximately 500m east of the Golf Course entrance. The site has a narrow unsurfaced access road to the western boundary, which provides access to a busy main road. A thick wooded screen is present along the western side of the driveway with various farm buildings and a scattering of cottages to the east of the site.

**DESCRIPTION OF PROPOSAL:** This further amendment to this scheme to convert the stables to a motel proposes partially filling the courtyard in order to provide further ancillary accommodation consisting of a restaurant, bar area, kitchen and associated toilets. The use of a corridor around the landscaped courtyard allows for enlarged motel rooms for guests, however, this reconfiguration now results in 30 rooms now proposed rather than 33 previously approved. The covered way entrances are proposed to be glazed to the south west (main entrance) and to north west and south east side elevations. Alterations to the external windows of the south west elevation are also proposed consisting of four smaller modules to match the remainder of this elevation. Alterations to the site include the provision of a further four disabled parking bays to the south west elevation with a large tarmac area adjacent the north east elevation to provide turning for fire engines, gas and refuse lorries with a further gas and refuse compound.

**RELEVANT HISTORY:** In August 2003 planning permission was issued (UTT/1147/02/FUL) following a resolution by Committee for the conversion of the stable block quadrangle to a 33 room motel with a detached 100 seat restaurant inside the quadrangle with 40 vehicle spaces and landscaping to the rear.

In October 2003 planning permission was granted under delegated powers (UTT/1251/03/FUL) for a revised scheme merging the restaurant with the front stable building and reconfiguration of the reception, meeting room and office. No increase in the capacity of the motel or restaurant was proposed or to the external appearance of the quadrangle.

In August 2004 planning permission was refused contrary to officer recommendation (UTT/0818//04/FUL) for a revised scheme that developed the whole of the inner courtyard for additional ancillary services such as a conference room and enlarged motel rooms (although the scheme actually proposed three less bedrooms than approved and an 88 cover restaurant instead of 100 covers). Members refused the scheme due to the scale of the infill of the courtyard and potential increase in traffic resulting from the use of the proposed conference room to members of the general public being detrimental to the open characteristics of the Countryside Protection Zone.

**CONSULTATIONS:** Transport and Operational Services: The Highway Authority does not wish to raise an objection to this planning application subject to conditions (see recommended conditions and Section 106 Agreement).

UDC Environmental Services: Insufficient detail to allow full comment on food safety and kitchen ventilation.

UDC Specialist Design Advice: The structures are of no historic or architectural merit and therefore specialist advice is not required.

Environment Agency: To be reported (due 19 September 2004).

Essex Wildlife Trust: To be reported (due 19 September 2004).

English Nature: The development is not likely to affect the SSSI. An ecological survey should be provided if protected species are suspected or present.

**PARISH COUNCIL COMMENTS**: To be reported (due 2 October 2004).

**SUPPLEMENTARY LIST OF REPRESENTATIONS (1 NOVEMBER 2004)**: No comment.

**REPRESENTATIONS**: This application has been advertised and no representations have been received. Period expired 23 September 2004.

**PLANNING CONSIDERATIONS**: The main issues are whether in comparison with the extant permissions, the proposal is consistent with policy relating to:

- 1) the protection of the Countryside Protection Zone (ULP Policy S8),
- 2) the conversion of rural buildings for tourist accommodation and facilities in the countryside (ULP Policy E5),
- 3) new development and highway considerations (ULP Policy GEN1),
- 4) general amenity (ULP Policy GEN2).

1) Policy S8 seeks to prevent development within the Countryside Protection Zone which promotes coalescence or adversely affects the open characteristics of this zone. It is considered that there would be no coalescence in this case because, as with the previously approved scheme there are no new buildings proposed outside of the existing structure. Car parking is predominantly screened behind buildings save for a new area of hard standing to the east of the quadrangle to accommodate heavy vehicle turning. Landscaping would also screen the area to the rear. A condition can be applied as previously, preventing parking associated with Stansted Airport.

2) External works are generally as previously approved and as such limited to new doors and windows as well as internal refurbishment to facilitate motel rooms. This is a scheme for the conversion of a soundly constructed rural building for non-residential purposes.

The design of the amended infill of the quadrangle will not rise above the roof of the quadrangle and will not affect the external appearance of the building. The building is screened from the highway and other properties and is considered to accord with policy.

3) In relation to highway considerations the main issue is that the development does not lead to a nature and volume of traffic that is likely to generate a traffic hazard, cause unreasonable delays, inconvenience to other road users and lead to a reduction in the environmental quality of the locality. The site access remains in the position previously approved. This was subject to a number of conditions relating to appropriate visibility splays, width of access and junction radius. Furthermore, a condition can again be attached requiring that only patrons of the motel may use the restaurant in order to restrict traffic and parking movements.

4) It is considered that there is unlikely to be any detrimental affect upon residential amenity resulting from a proposed motel use with the amendments proposed combined with the distance from the building to its closest neighbour (approximately 25m).

This new scheme is considered to generally accord with the principles established by the previous approvals and provides a better standard of accommodation by decreasing the number of rooms provided and in turn reducing the number of covers required for the restaurant area.

**CONCLUSIONS:** This scheme is considered to resolve members concerns relating to development of the inner quadrangle (near similar landscaped area remains to the approved) and now omits the conference room. As such, this amended scheme is considered to accord with planning policy relating to the conversion of buildings for hotel accommodation in the countryside subject to conditions and a legal agreement including the management of traffic access and parking.

The scheme is before Members without a recommendation for a legal agreement to provide an appropriate access road splay because this has already been constructed to the satisfaction of the Highway Authority (see attached letter dated 8 April 2005).

**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.6.13. Excluding extensions and erection of freestanding buildings and siting of chattels.
6. C.8.27. Drainage Details.
7. C.9.1. No outdoor storage.
8. C.10.2. Standard highway requirements.
9. C.10.7. Standard highway requirements.
10. C.11.7. Standard highway parking facilities.
12. C.15.1. Superseding previous permission.
13. C.20.2. Protection of other species.
14. C.25.1. Airport related parking conditions.
15. The restaurant shall be limited solely for the use of patrons staying at the motel only and for no other persons.  
REASON: In order to limit traffic and parking demand on site.
16. The motel shall not be occupied until the existing access to vehicular traffic has been closed whilst ensuring that third party access is maintained.  
REASON: In the interests of Highway safety.
17. The development shall not be occupied until a 5.5m access road is provided.  
REASON: In the interests of Highway safety.
18. The development shall not be occupied until secure parking has been provided for powered two wheeler vehicles in accordance with the Essex Planning Officers Association Vehicle Parking Standards dated August 2001 (7 spaces).  
REASON: In the interests of accessibility.
19. The development shall not be occupied until secure and covered cycle parking has been provided in accordance with the Essex Planning Officers Association Vehicle Parking Standards dated August 2001 (19 spaces).  
REASON: In the interests of accessibility.
20. The development shall not be occupied until the internal road layout is laid out in accordance with the Essex Design Guide to the agreement of the Highway Authority.  
REASON: In the interests of accessibility.

*Background papers: see application file.*

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**UTT/0350/05/FUL - SAFFRON WALDEN**

***(Council employee application)***

Erection of two-storey side extension.  
5 Cromwell Road. GR/TL 540-370. Mr R Salmon.  
Case Officer: *Madeleine Jones 01799 510606*  
Expiry Date: 27 April 2005

**NOTATION:** ULP: Within Development Limits. Ground Water Protection Zone.

**DESCRIPTION OF SITE:** This is an end-of-terrace brick built property with porch to front on Cromwell Road, 60m east of the junction with Landscape View. To the side of the property is an access road to garages situated behind the rear garden. The rear garden has wooden fences to all boundaries ranging from 1.5m to 2m high. The side elevation has two windows (one at first floor level is obscure glazed). The house has a shingle parking area to the front.

**DESCRIPTION OF PROPOSAL:** The proposal is for a two-storey side extension. The dimensions of the extension would be 1.12m wide and 8.07m deep (the length of the existing house without the porch) and the height would be the same as the existing property. The porch would be extended by the same width and the pitched roof of the porch would be extended across the new extension. A new window would be added to front elevation of the porch extension and there would be two windows in the side elevation.

**CONSULTATIONS:** Environmental Agency: No objections.  
Water Authority: To be reported (due 23 March 2005).

**TOWN COUNCIL COMMENTS:** To be reported (due 1 April 2005).

**REPRESENTATIONS:** None received. Notification period expired 23 March 2005.

**PLANNING CONSIDERATIONS:** **This application would not normally be referred to Committee; however, the applicant is a Council employee. The main issues are design, scale and impact on neighbours (ULP Policies S1, GEN2, H8).**

The design is considered to be satisfactory and in proportion to the dwelling. As there are already windows in the side elevation, there would be no extra overlooking or material overshadowing caused and therefore the extension would have no impact on neighbours' amenities provided that the window to the first storey is obscured glazed.

Although the extension would be constructed on the boundary of the site, it is not considered that this would be overbearing on the street scene or access way, which in any event only provides access to three garages.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with revised plans.
3. C.5.3. Matching materials.
4. C.19.1. Avoidance of overlooking – 1.

*Background papers: see application file.*

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## **UTT/0172/05/OP – BARNSTON**

Erection of buildings to comprise an industrial workshop/storage building (25x30m), office building (8x15m), staff welfare building (4x15m with 4x8m wing) and cart shed (9x60m); removal of 5 no. existing buildings.

Mawkinherds Farm, Wellstye Green. GR/TL 639-187. Mr H Jaggard.

Case Officer: Mr M Ranner 01799 510556

Expiry Date: 13 April 2005

**NOTATION:** Outside of Development Limits.

**DESCRIPTION OF SITE:** The application site is located adjacent to the hamlet of Wellstyle Green and forms part of Mawkinherds Farm, which comprises extensive agricultural land with associated buildings. These are sited in a group immediately to the south of the site and comprise a grade II listed farmhouse in addition to a number of buildings of varying types including substantial farm buildings of modern construction, a couple of portable cabins and some older timber framed farm buildings. The area subject to this application in addition to the land immediately to the north is free of buildings and is used for the external storage of farming equipment/vehicles and materials e.g. topsoil, hardcore timber etc in association with the commercial uses operating from the Farm.

A mature belt of trees borders the western boundary of the site beyond which lays an open green and High Easter Road. Three properties surround the green, a bungalow known as 'Greenview', 'Wellstyle Farm' and 'Tye Green Farm'. The eastern boundary of the site is formed by an open raised bank beyond which is an area of 'set aside grassland' and open countryside. The site can be accessed from the south via a vehicular entrance adjacent to the Mawkinherds Farmhouse or by a smaller unmade access track, which accesses the northern part of the site.

**DESCRIPTION OF PROPOSAL:** The application seeks outline planning permission for the erection of buildings to comprise an industrial workshop/storage building (25mx30m), office building (8mx15m), staff welfare building (4mx15m with 4x8m wing) and cart shed (9m x 60m) comprising a gross floor area of 1500m<sup>2</sup>. The submitted layout drawing also indicates two formal parking areas. The first of these comprises 17 spaces sited between the proposed staff welfare building and workshop/storage building adjacent to the sites eastern boundary. The second is an HGV parking area comprising 4 spaces located adjacent to the proposed cart shed abutting the southern boundary of the site. Outline planning permission is sought in respect of siting and access with matters of design, landscaping and external appearance reserved.

As part of the project the applicant also intends to demolish 5 buildings totaling 425.5m<sup>2</sup>, which are located within the main group of buildings to the south of the application site. They comprise an open timber cart shed currently used to accommodate gritting lorries, a workshop building of modern construction currently used to repair farm machinery, a storage shed and two portable cabins, one used as an office and the other as staff welfare accommodation.

**APPLICANT'S CASE:** For a full supporting case please refer to the letter dated 14 February 2005 from the applicant's professional advisors, which can be viewed on the case file at the Council Offices, Saffron Walden.

**RELEVANT HISTORY:** Of relevance to this case was the issue of a certificate of lawfulness on 4<sup>th</sup> October 2001 (LPA Ref: UTT/1764/00/CL) by this authority in respect to the

application site and the area accommodating the group of buildings associated with Mawkinherds Farm directly to the south. This related to the use of the aforementioned land and buildings for the purposes of agricultural storage, agricultural contracts, forestry (sale of logs), amenity landscaping, land drainage works and road gritting.

**CONSULTATIONS:** English Nature: State proposal is not likely to affect a Site of Special Scientific Interest, although offers advice on protected species.

Highway Authority: No objections.

**PARISH COUNCIL COMMENTS:** No objections to the application provided that all the trees in the surrounding area remain.

**REPRESENTATIONS:** None. Notification period expired 11 March 2005.

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

- 1) **whether the proposed development is appropriate to the rural area (ERSP Policy C5 & ULP Policy S7.),**
- 2) **the likely effect that the development would have on the character and appearance of the countryside (ERSP Policy C5 & ULP Policy S7) and**
- 3) **other material planning considerations (ULP Policy GEN1, GEN4).**

1) The application site is situated outside of development limits within the countryside where policies C5 of the ERSP and S7 of the ULP 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, or there are special reasons why the development in the form proposed needs to be there. Furthermore the countryside will be protected for its own sake and there will be a strict control on new building. Policy C5 of the ERSP stipulates that new building within the countryside will be restricted to that required to support agriculture, forestry and other uses appropriate to the rural area.

Agricultural crop growing still takes place on up to 128 acres (5.2ha) of the 133 acres (53.8ha) of the farm and the existing buildings currently provide storage for equipment in association with the agricultural use of the farm. This is however the applicant states that it is not a full time viable agricultural unit and the general purpose for the proposed buildings is to improve the existing facilities at the farm for the other uses that lawfully take place at the site. These include agricultural contracting for third parties; forestry, including the sale and storage of timber at the site generated by forestry clearance and coppicing work undertaken outside of the agricultural holding; amenity landscaping and land drainage works ranging from grass cutting to the implementation of complete landscaping schemes associated with developments and road gritting for the likes of Essex County Council and the British Airports Authority. It is clear therefore that the development is not required for agricultural or forestry purposes and so the provision of commercial buildings within the countryside which will be of considerable size totaling 1500m<sup>2</sup> of floor space, will constitute inappropriate development in light of the policy presumption against the construction of such buildings in rural areas as expressed in policies C5 (ERSP) and S7 (ULP).

The applicant in support of the application state that the proposal is important for the continued success of the business and represents a logical way of restoring an appropriate setting for the listed buildings located in close proximity to the site. Whilst the proposal may well be important to the success of the business, it is the view of officers that this does not justify a departure from policy in this case. The site is situated in an unsustainable location that is unsuitable for further expansion in terms of the introduction of considerable additional built form in this rural location. This would be contrary not only to the aforementioned Development Plan policies but also to recent Government advice contained in PPS7 entitled



'Sustainable Development in Rural Areas', which as the title suggests, seeks to promote more sustainable patterns of development. With regard to the other issues, the removal of the portable cabins from the adjacent site would be desirable however their removal does not justify the provision of 1500m<sup>2</sup> of new buildings and it is considered that the harm to the character /appearance of the countryside caused by the proposed buildings would far outweigh the benefits afforded by the removal of far smaller buildings (including two small portable cabins) located within the existing nucleus of farm buildings.

2) In respect of the possible implications of the development on the character/appearance of the countryside, the applicants also seek to justify the development with their assessment that the proposal would result in an improvement to the visual amenities of the area. The applicant states that this would be by virtue of the benefits to visual amenity afforded by the removal of existing external storage from the site and the provision of soft landscaping. Officers consider however that the proposed buildings by virtue of their considerable footprints, are likely to be of a height that would be in excess of the current materials and equipment stored on the site at present. As such the buildings are likely to be of greater prominence within the rural landscape and to a degree where they would appear visually intrusive, particularly from the east where views of the proposed buildings are likely to be obtained from the A130 to the south of Barnston. The impact of the development on the countryside will be emphasised as the proposed development will extend and enlarge the existing nucleus of buildings on the farm and consolidate the already considerable amount of built form within this rural location. The development of the site will also only remove some of the external storage from the farm as the land immediately to the north of the site is intended to remain for use of storing materials externally. Landscaping is also unlikely to be effective taking into account the probable height of the buildings (particularly the proposed workshop building) and any landscaping is likely to take a considerable time to establish and mature. In any event the use of soft landscaping should not be accepted as a measure to enable inappropriate development to be accommodated within the countryside, which is contrary to the Development Plan and Government guidance.

3) Turning to other matters of material importance, with regard to highway safety the proposal does not involve the alteration or construction of a new access. Also the Highway Authority has raised no objections to the proposal and state that it is not contrary to relevant transportation policies contained within the ECC Structure Plan.

**CONCLUSIONS:** The proposal constitutes inappropriate development within the countryside contrary to policies C5 (ERSP) and S7 (ULP) and it is considered that no material planning considerations exist in this case that outweigh the resultant harm to the appearance/character of the countryside that would occur if the proposed development were to take place.

**RECOMMENDATION: REFUSAL REASONS**

The site is located within countryside beyond development limits as defined in the adopted Uttlesford Local Plan wherein permission will not normally be given for development unless the proposals relate to agriculture, forestry, appropriate outdoor recreational uses, or appropriate changes of use of existing buildings compatible with a rural area. The proposed development would be prejudicial to this policy, set out at S7 within the Local Plan and also policy C5 of the Essex Replacement Structure Plan and if permitted would detract from the character and appearance of the countryside.

*Background papers: see application file.*

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## **UTT/0325/05/FUL - SAFFRON WALDEN**

*(Referred by Cllr Bayley)*

Double garage with room over.

Bridge End Cottage, Bridge Street. GR/TL 534-387. Mr & Mrs Jones.

Case Officer: Mrs K Hollitt 01799 510495

Expiry Date: 22/04/2005

**NOTATION:** Outside Development Limits/Within Conservation Area/Adjacent Grade II\* Listed Building/Within Flood Plain.

**DESCRIPTION OF SITE:** The application site is located on the western side of the B184 at Bridge Street and forms part of the curtilage to a Grade II\* Listed Building. To the front boundary with the road is a red brick and flint wall, approximately 2m in height. The boundary with the property to the north is also a red brick and flint wall, approximately 2.5m in height. Adjacent to the wall on the road frontage is mature planting which provides relatively good screening cover. The site sits astride The Slade which in this location runs through a long culvert underneath Bridge Street.

**DESCRIPTION OF PROPOSAL:** The proposal relates to the erection of a detached double garage with an attic room above. This would be accessed via an external staircase. The proposed garage would have a frontage of 6.6m, including the external staircase, a depth of 6.6m, a height of 2.5m to the eaves and a total height of 6.35m.

**APPLICANT'S CASE:** The development proposals consist of removing a section of the existing culvert through which the River Slade passes under Bridge Street, such that the watercourse becomes open just inside the existing site boundary west of Bridge Street. It is then proposed that a new culvert is constructed within the River Slade to the west of the shortened culvert. This will provide a platform for a new garage and office to be built over the River. Provisional hydraulic modeling of the new culvert has shown this option to be feasible, though the dimensions and capacities of the new culvert section under the garage are to be finalised at the detailed design stage. (Hannah Reed, Flood Risk Assessment, February 2005).

**RELEVANT HISTORY:** Demolition of garage and erection of single-storey extension approved March 2001.

**CONSULTATIONS:** Engineer: Size and invert of proposed new culvert to be agreed by the Environment Agency before development commences.

English Heritage: Do not wish to make any representations on this occasion.

English Nature: Do not wish to comment on this application.

Design Advice: Verbal response: No objections subject to the use of good quality materials. Roof to be clad with reclaimed clay tiles.

Environment Agency: None received.

**TOWN COUNCIL COMMENTS:** To be reported (due 30 March 2005).

**REPRESENTATIONS:** This application has been advertised and 7 representations have been received. Period expired 28 March 2005.

1. CPREssex: Bridge End and properties in this part of Saffron Walden are prone to flooding from Slade. Most concerned at any proposal to increase the number of buildings in this area of town. Concerned that the structure across the Slade would not only be at risk itself but could, by virtue of its permanence, prejudice any future flood mitigation work on the

Slade in Bridge End generally. Concerned proposal not in keeping with the grain of development in this part of town. Poorly related to existing listed buildings. As an outbuilding, in particular its ridge height and the use of the first floor for ancillary accommodation, is also inappropriate for the setting.

2. Bridge End Residents' Association: Objections. To erect a permanent building bridging the Slade is folly. There is already a bottleneck caused by the existing culvert which the County Council, under pressure from the Environment Agency, are considering enlarging and, possibly, shortening. Any permanent building across the culvert is likely to restrict the options open to County and the Environment Agency. As far as a flood risk is concerned, the calculations and predictions are imprecise and based on "best guess" rather than hard facts. The erection of a two-storey building on this particular spot is visually unacceptable in this historic Conservation Area.

3-7. Object. Appreciate size of culvert will be enlarged, but if there is another severe flood there is no way of knowing whether it will be large enough. Any building over the culvert would necessarily restrict the options for correcting the flow problem at this point. A building in this position would create a solid wall/barrier against which flood water would be hurled and forced back over the road and into the residential area of The Barns on the east side of the road.

Understand proposed building will span river and be close to existing culvert, in effect increasing its length considerably. Believe that this will create further opportunities for debris to be caught up underneath the structure.

Object. Area has been subject of extreme flooding and to build near or over the Slade is likely to impede the heavy flow of water which does occur from time to time. Area is a conservation area and to build a new structure next to 15<sup>th</sup> Century cottages seems to be an anomaly.

Have serious misgivings about the wisdom of building across the Slade. Am aware of work done by Hannah Reed and their conclusions. At no time have they offered a guarantee that a flood would be prevented if their recommendations were followed. Bridge End is an historic Conservation Area and the proposals do not fit the image.

Idea of adding to problems of the culvert in Bridge Street after the October flood in 2001 is illogical and impractical. A permanent structure on the down side of the Bridge Street culvert will compound the problems of maintenance and any new initiative. The idea of a modern building within this conservation area, large enough to contain a double garage and room above, would be an eye-sore and an abhorrence amongst the attractive cottages on the northern approach to town.

**COMMENTS ON REPRESENTATIONS:** The flooding and design issues are discussed below.

**PLANNING CONSIDERATIONS:** The main issues are

- 1) **whether the design of the proposed garage is appropriate in this conservation area location adjacent to listed buildings (ERSP Policies HC2, HC3, & UDP Policies ENV1, ENV2);**
- 2) **whether any amenity issues are raised in respect of the proposals ULP Policy GEN2);**
- 3) **whether the proposals are likely to increase flood risks in this area (ULP Policy GEN3).**

1) English Heritage has raised no objections to the proposed new building. No design objections have been raised by the Conservation Officer and it is considered that there would be minimal impact from the proposed development on the Conservation Area. Therefore, on balance, it is considered that the design of the proposed garage building is considered to be acceptable in this location, subject to the use of good quality materials.

2) No adverse amenity issues are raised in respect of the proposals. There may be a minor degree of overlooking from the staircase to the property to the north, but this is not considered sufficient to warrant a refusal of the application.

3) The application site is located within the flood plain and is an area where severe flooding occurred in 2001. The application has been submitted with a Flood Risk Assessment which recommends the ground floor finished levels are raised to a minimum level of 47.99m AOD. Minimum ground levels at the site are approximately 48.05AOD and are therefore above the 1% probability (1 in 100 year) event flood level. The Environment Agency has been consulted but has not responded, although they objected to the previous application which was submitted without a Flood Risk Assessment. The Engineer is concerned that the alterations to the culvert are agreed with the Environment Agency prior to work commencing on site. It would appear from the information contained within the Flood Risk Assessment that the proposed development should not have an adverse effect on the flood plain. Therefore, it is considered that a refusal on flood risk grounds is unlikely to be justified, subject to all new works being agreed in writing with the Environment Agency prior to works commencing.

**CONCLUSIONS:** The proposed garage is considered, on balance, to be acceptable subject to conditions.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for the commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.1. Samples of materials to be submitted and agreed in writing.
4. C.5.5. Clay plain tiles.  
The roof to the building hereby permitted shall be clad with second hand hand-made clay plain tiles.
5. C.5.8. Joinery details.
6. C.5.9. Stained wood.  
Reasons 3-6: To ensure the development is not detrimental to the character and setting of the conservation area and the adjacent Grade II\* Listed Building.
7. No development shall commence on site until the proposed works to the culvert have been agreed in writing with the Environment Agency. Details of such works and consent from the Environment Agency shall be submitted to the local planning authority prior to work commencing on site.  
Reason: To ensure the development does not increase the flood risk in this area.

*Background papers: see application file.*

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## **UTT/0355/05/OP – FELSTED**

Proposed single dwelling to replace industrial building  
Owers & Tinsley Site, Bartholomews Green. GR/TL 721-207. Mr B Camp.  
Case Officer: Mr M Ranner 01799 510556  
Expiry Date: 27 April 2005

**NOTATION:** Outside of Development Limits.

**DESCRIPTION OF SITE:** The application site is located within the hamlet of Bartholomew Green, which is formed by a loose knit collection of buildings surrounded by open countryside. It comprises a plot of land of approximately 77m in depth by up to 23m in width and accommodates a redundant industrial building last used some years ago as a timber joinery workshop. The building occupies a position adjacent to the northern boundary of the site and forms an elongated footprint of approximately 38 m in depth by 11 m in width and provides a floor area of approximately 383m<sup>2</sup>. It is of simple red brick construction set below a shallow pitched roof with a ridge height of approximately 5m above ground level. Detailing includes timber swing doors and a timber built lean to extension to the buildings front elevation with timber framed windows sited along building's flank elevations. A detached garage of domestic proportions is sited adjacent to the rear part of the buildings northern flank elevation and a concrete apron is sited to the front of the building, onto which direct vehicular access is possible from the adjacent highway. The rear part of the site is free from buildings and has consequently become largely overgrown with scrub and vegetation. Close boarded fencing to height of 1.8m with arched trellising above forms the sites northern boundary with the adjoining residential property known as 'Willow Haven' and open barbed wire fencing forms the opposite southern boundary, which abuts open countryside.

**DESCRIPTION OF PROPOSAL:** The application seeks outline planning permission for a single detached dwelling to be constructed in place of the existing industrial building. Indicative plans depicting siting, means of access and landscaping accompany this outline submission however all matters (siting, design, landscaping, external appearance and means of access) are reserved.

**APPLICANT'S CASE:** The application is accompanied by a supporting letter from the applicant's agent, the pertinent points of which are set out as follows: -

"The site is currently provided with a substantial joinery workshop which has been disused for some period and there was initially an intention on part of our client to demolish and construct a new speculative commercial/industrial building.

This decision was taken on the basis of the District Plan Policies in respect of residential development outside of village/town envelopes.

However, we have been approached by the neighbours of the site who have voiced strong views against the commercial redevelopment of the site and are greatly in favour of a single dwelling on the site rather than the site being redeveloped for commercial use.

- Policy H6 allows for some infilling of gaps between existing houses in rural areas. Although the site in question is not necessarily a gap it is a site in close proximity to four other dwellings and as such, the provision of a dwelling on the site in question would not be incompatible with the location. (Officers' note: The reference to H6 relates to the previous Local Plan. The new Local Plan contains no specific Policy on infill outside Development Limits.)
- The (Owers & Tinsley) site is already substantially developed and would be re-developed as a commercial/industrial building if the residential use is not permitted. From an impact point of view the commercial premises would be more out of

character in close proximity to four other dwellings than the provision of a fifth dwelling in the location.

- The residents of the adjacent dwellings have all voiced opinions that since the Owers & Tinsley building ceased trading the amenity of the area has dramatically improved as no commercial vehicles or lorries now visit the site and there is no noise or activity emanating from the site. The re-development of the site as a commercial unit would undoubtedly generate unwelcome traffic and potential noise which would be undesirable in the location and contrary to the views of the local residents.
- Whilst the District Plan is fairly conclusive regarding new residential development it is considered that the proposals need to be considered on the basis that the site would become a part of the existing built environment blending in with the existing four dwellings in the close locality and eliminate a potentially undesirable commercial use which may cause conflict between the adjacent dwellings and the business user.”

A letter has also been included with the submission from the residents of ‘Orchard House’, which is situated directly opposite the site. They make the following comments in support of the application: -

“Having spoken to our neighbours (at ‘Willow Haven’, ‘Greenfield’ and ‘Highfields’), they like ourselves are very much in support of a single domestic dwelling being built on the above site.”

**RELEVANT HISTORY:** Permission was granted in 1963 for the rebuilding of the workshop. No conditions were imposed at the time to restrict the buildings future use. More recently planning permission was granted on 4<sup>th</sup> April 1995 (LPA Ref: UTT/0111/95/FUL) for a single storey front extension. It would appear however that this permission was never implemented. From the information submitted with this application it was stated that during 1995 the building was occupied by three separate businesses comprising a joinery workshop, sign maker and light engineering company.

**CONSULTATIONS:** The Environment Agency: has raised no objections to the application.

**PARISH COUNCIL COMMENTS:** Felsted Parish Council have responded to consultation but have chosen to make no comments.

**REPRESENTATIONS:** None. Notification period expired 24 March.

**PLANNING CONSIDERATIONS:** The main issues to consider in this case are whether

- 1) **the proposed development is appropriate to the rural area and the likely effect that it would have on the character/visual amenities of the locality (ERSP Policy C5 & UDP Policy S7),**
- 2) **the site can satisfactorily accommodate an appropriate form of development that will cause no undue harm to neighbouring residential amenity, (ULP Policy GEN4) and**
- 3) **other material planning considerations.**

1) The application site is situated outside of development limits within the countryside where policies C5 of the ERSP and S7 of the UDP 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. Furthermore the countryside will be protected for its own sake and new building will be strictly controlled to that required to support agriculture, forestry or other rural uses. The proposed new dwelling is not required for any purpose related to agriculture, forestry or other rural uses and it could not be considered to constitute ‘infilling’ in accordance with paragraph 6.13 of the Housing Chapter of the UDP as the site adjoins open land. In these respects the proposal is contrary to

adopted rural restraint policy and so would therefore normally attract a recommendation for refusal.

In this case however, the existing commercial use of the site is of material importance. Despite the fact that the building is now redundant, the authorised use of the site for industrial purposes remains. No planning conditions are in place to control the specific industrial uses carried out at the site and so there remains potential for any future occupiers of the building to cause disturbance to those residential properties located in the immediate vicinity. The removal of this commercial use by developing the site with a single dwelling will therefore aid in safeguarding the future amenities of local residents.

Also of material importance to this case is the harm caused to the character/appearance of the countryside due to the continued presence of a large and unsightly building that along with the site as a whole is in a deteriorating state. The building abuts open countryside to the south and its considerable length (38m) is visible whilst approaching Bartholomews Green from the south. It forms an incongruous feature set within the countryside adjacent to a small group of four dwellings and it is considered that its removal and replacement with a sensitively designed scheme will visually enhance the character of the site and the locality in general.

2) Turning to the suitability of the site to accommodate the proposed development, matters of siting and design are reserved although the indicative drawings demonstrate that the site can adequately accommodate a single dwelling without it appearing cramped or congested within the site or appearing incongruous with the existing dwellings located in the immediate vicinity. Also, provided that the dwelling is sensitively designed and quality soft landscaping forms part of any reserved matters application, this should ensure that the development does not appear intrusive within the rural landscape. Similarly there appear to be no reasons why a dwelling cannot be sited and designed in such a way as to ensure that there are no significant affects on neighbouring residential amenities. Sufficient space exists within the site to ensure that any design layout incorporates adequate space for vehicle movements and parking and access onto the highway should not pose any problems. At present the whole of the front of the site is open to the highway and would have in the past accommodated a number of vehicles associated with the commercial use of the site.

3) In terms of the requirements of PPG3 'Housing', the development of a single dwelling on this relatively large plot could not likely to satisfy the 30 to 50 dwellings per hectare density as advocated in the guidance note and so in these terms is likely to constitute an inefficient use of land. Any more dwellings on this site would not however be appropriate taking into account the spacious character and density of existing development in the locality and the sensitive rural location of the site, which lies outside of development limits.

With regard to the issue of sustainability the site is not located in a particularly sustainable location and future occupants of the site will have to rely on the car to access essential facilities. It is of material importance however that the previous use of the site would have likely generated greater vehicle movements, which would also have likely included larger vehicles. It is considered therefore that the development of site with a single dwelling will result in a reduction in vehicle movements when compared with the previous use of the site or if the commercial use was to be resumed. In this respect the proposal will represent an improvement in sustainability terms.

Finally the possibility that the site is contaminated is of material importance to this application due the previous industrial use that has taken place over a number of years. In accordance with policy ENV14 of the UDP an appropriately worded condition is considered appropriate in this case as suggested at the end of this report.

**CONCLUSIONS:** The proposal is contrary to the Development Plan, but having considered the material considerations outlined above, it is concluded that these carry sufficient weight to override the policy presumption against such development within the countryside and justify a departure in this case. Given that the application is, however, contrary to countryside policies it may be referred to the Secretary of State as a 'departure application'.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.1.1. Submission of reserved matters: 1.
2. C.1.2. Submission of reserved matters: 2.
3. C.1.3. Time limit for submission of reserved matters.
4. C.1.4. Time limit for commencement of development.
5. C.4.1. Scheme of landscaping to be submitted and agreed.
6. C.4.2. Implementation of landscaping.
7. C.6.3. Excluding Permitted Development extensions and erection of freestanding buildings without further permission.
8. Any first floor accommodation to be provided in the building hereby permitted shall be accommodated only within the roof space.  
REASON: In the interests of the visual amenities of the area and for the avoidance of doubt as to the scope of this permission.
9. Before the development hereby permitted is commenced, details shall be submitted to and approved in writing by the Local Planning Authority of the measures to be taken in the design, construction decommissioning and demolition of the development to; re-use existing materials within the new development; recycle waste materials for use on site and off; minimum the pollution potential of unavoidable waste; treat and dispose of the remaining waste in an environmentally acceptable manner; and to utilise secondary aggregates and construction and other materials with a recycled content. The measures shall be implemented in accordance with the approved details.  
REASON: In the interests of sustainability.
10. Development shall not begin until a scheme concerning contamination has been submitted to and approved in writing by the Local Planning Authority. The above scheme shall include an investigation and assessment to identify the possible extent of contamination on the site and remedial measures to be taken to avoid risk to the public when the site is developed. Development shall not commence until the measures approved in the scheme have been fully implemented.  
REASON: In the interests of amenity.

*Background papers: see application file.*

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## **UTT/0933/04/FUL - SAFFRON WALDEN**

*(Referred by Cllr Lelliott)*

Replace commercial garage with terrace of four dwellings, with parking area.

Debden Garage, Debden Road. GR/TL 538-378. Mr H Brosnan.

Case Officer: Ms H Lock 01799 510486

Expiry Date: 19/08/2004

**NOTATION:** Within Development Limits. Opposite edge of Saffron Walden southern Conservation Area. Access onto Class III Debden Road.

**DESCRIPTION OF SITE:** The site is located on the western side of Debden Road, almost opposite the junction with West Road to the southeast. It is occupied by a commercial garage, with buildings at the rear of the site and forecourt in front. There are two access points onto Debden Road, but the frontage is otherwise open. There are dwellings to both sides, the rear and opposite.

**DESCRIPTION OF PROPOSAL:** The proposal is to demolish the buildings and replace the commercial use with a terrace of four dwellings:

Unit 1 – ground floor kitchen & living/dining room, 2 first floor bedrooms, bathroom and study, and a 3<sup>rd</sup> bedroom, dressing area and en-suite in the roof space. It would have a footprint of 4.9m wide x 10.4m deep and would be 8.7m high. Rear garden area would be in the region of 50sqm.

Units 2 & 3: - this central block would be 2½ storeys high, each dwelling having the same amount and arrangement of accommodation as Unit 1. The footprint of each would be the same as Unit 1, but the height would be 9.35m. Garden areas would be 44sqm and 42sqm.

Unit 4 – this would be a 2-bedroom flat formed above an archway. This unit would have no garden area. The latest revisions reduce the eaves and ridge heights of this unit by 600mm, to 4.6m (eaves) and 7.2m (ridge), and with the roof hipped to slope away from the neighbouring property.

Vehicular access to the development would be a single access point, leading underneath the archway of Unit 4 to six parking spaces to serve the development. This would equate to 1.5 spaces per unit. Rear pedestrian access would be provided from the parking spaces to each unit.

**APPLICANT'S CASE:** Revised Plans: Refute reasons for objection. The proposed height of buildings could not possibly affect sun to 2 West Road. The buildings are 24.4m away from the nearest boundary of No.2, which faces west in this aspect. The sun will be so low or will have set by the time it has reached the relative position that is claimed. The windows would be 24.4m away from No.2 across Debden Road, with the garden to No.39 in between. This distance exceeds all the required overlooking standards. There will be no adverse overlooking. Parking complies with the Council and government advice requirements.

The height of buildings could not affect the sun to 39 Debden Road. The buildings are 14.4m from the nearest boundary with that property. There is also a 2m high brick wall to the boundary of No.39 which will cast its own shadow over the garden late in the day. The sun will be so low or will have set by the time it has reached the relative position claimed. No.39 does not have a right to a view, other than window distances which are exceeded. There are existing buildings on the site and The Paddox and other building in the background affect the views referred to.

**RELEVANT HISTORY:** The site has a lengthy history as a commercial garage with petrol filling facilities. In 2004, permission was refused for a terrace of 4 townhouses with 4 separate access points, on the basis that 3-storey development would be overbearing on adjacent residents due to their height and close proximity to boundaries. Garden areas were also considered inadequate for four-bedroom properties.

**CONSULTATIONS:** TOPS: Original Plans – Recommendation of refusal, as the proposal would lead to the creation of 4 additional and unnecessary accesses on a stretch of classified highway where the principal function is that of carrying traffic freely and safely between centres of population. The slowing and turning of vehicles associated with the use of these accesses would lead to a conflict and interference with the passage of through vehicles to the detriment of that principal function and introduce a further point of possible traffic conflict, being detrimental to highway safety. As submitted the layout would not enable vehicles to turn within their own site. Vehicles reversing onto the road at this point would have an adverse effect.

Further consideration would be given were there to be a single point of access and provision for parking and turning of vehicles clear of the highway.

**Please note: The plans have since been revised to show a single access point with parking and turning within the application site. The recommendation of refusal is therefore considered to be overcome.**

Environment Agency: Previous uses of the site or adjoining sites may have caused, or have the potential to cause, contamination of controlled waters. Recommend condition regarding assessment of potential contaminants and methods for remediation.

Environmental Services: Due to the previous use of the site concerns regarding the remediation of any contamination present and the proposed course of action relating to the underground storage tanks. Recommend usual contaminated land/environmental standards condition with informative.

**TOWN COUNCIL COMMENTS:** Original Plans: No objection but believe removal of permitted development rights should be imposed to ensure garages are not converted to an additional room, which would create parking problems on a very busy main road in the town.

Revised Plans: To be reported (due 15 March 2005).

**REPRESENTATIONS:** This application has been advertised and 3 representations have been received to the original plans, and 5 to the revised plans. Original Period expired 22 July 2004. Following the receipt of revised plans, the revised consultation period expired 15 March 2005.

Original Plans:

1. CPREssex: Objection. Does not overcome previous reasons for refusal. Contrary to: Policies DC1, DC2 & DC – would result in overbearing block of development, highly visible due to position on hill and not typical of surrounding area (which includes part of Conservation Area); Policies T1 & T2 – concerned at number of accesses onto major route into town and in close proximity to busy and difficult crossroads. Inadequate parking for 4-bed houses and visitor traffic, including deliveries. If minded to approve should condition garages to remain for parking.

2. 54 Debden Road: Scale of new proposal appears more reasonable than refused scheme although roofline remains elevated above No.54. Concerned at insufficient amenity ground. Have agreed with owner that new wall boundary would be built to protect property

from subsidence. Kerb stones to No.54 would also be dropped. Concerned that the project be adequately supervised by engineer due to contaminated site.

3. The Paddock: Height of buildings relative to The Paddock is unclear and cannot assess consequent overshadowing, etc. Concerned that levels are not accurate.

#### Revised Plans:

1. Cllr Lelliott: Whilst accepting site should be developed from its current use, oppose current proposal. Please see attached letter.

2. 2 West Road: Proposed height of buildings would affect late afternoon sunshine in garden. Upper storey windows would overlook garden with subsequent loss of privacy. Limited parking per dwelling would mean extra parking on already congested Debden Road/West Road. Site should become open space for public instead of more building in already over developed town.

3. 39 Debden Road: Not opposed to redevelopment in principle but reiterate earlier objections. Whilst plan form has changed radically still feel overall height remains inappropriate. Would eradicate existing views and reduce afternoon daylight into windows and garden, which have been enjoyed since 1884. Request ridge height be further lowered. As part of remediation works suggest site and floor levels be lowered. Support single access point, but should be sited as far as possible from West Road junction. Disappointed at elevational treatment, with hotch potch of ridge levels & alignments, gable & eaves treatments, and detailing. This should be opportunity to apply some contemporary rhythm to the street. Site should have a composite and more ordered appearance.

4. The Paddock: Concerned that rear facing windows will directly overlook rooflight to shower room. At only 20m, concerned at loss of privacy. Would prefer single storey building at southern end of development, or no habitable rooms at the back of first floor. Require screening. Concerned at overbearing impact and loss of privacy. Disappointed at length of rear gardens of only 9m. Shorter front gardens would be more in keeping in Debden Road. Previously shown 1.8m wall at rear has been omitted but should be required by condition.

5. 54 Debden Road: No.54 is sited with front elevation at 90° to Debden Road, with primary outlook facing proposed development. This is exacerbated, as property is only one room deep. Proposal completely disregards consideration for unique aspect of No.54. If allowed would result in perpetual view of 2-storey structure of solid brickwork from all but one of principal windows of house. Wall would be less than 3m from property. Would be an ill conceived and overbearing influence on quality of life. Proposal falls far short of BRE guidelines for daylight and sunlight. Overcrowding of site is at heart of problem, and maximising profit is overriding reasonable concerns of residents.

**COMMENTS ON REPRESENTATIONS:** Issues regarding access and loss of amenity are addressed below. There is no right to a view in planning law. It is not considered reasonable to protect light to non-habitable rooms such as shower rooms or entrance hallways.

#### **PLANNING CONSIDERATIONS: The main issues are**

- 1) **the impact on the residential amenity of surrounding dwellings, including loss of privacy and overshadowing (ULP Policy GEN2);**
- 2) **the impact on highway safety (ERSP Policies T3 & T12, ULP Policies GEN1 & GEN8);**
- 3) **whether the density of the development would be acceptable in this town location, and the effect on the street scene (ERSP Policies CS2 & BE1, ULP Policies S1, H3 & H10);**
- 4) **other material planning considerations.**

1) There has been considerable concern raised by surrounding residents in relation to the loss of amenity that would arise from this development. Although the existing buildings

on this site are relatively small-scale, it should be noted that the activity associated with this commercial garage could potentially have considerable effect on the amenity of adjacent residents. The replacement of the business with residential properties is therefore considered by officers to be beneficial to amenity.

The comments of residents opposite the site are noted, but given the general pattern of development along Debden Road, with a number of 2½- and 3-storey buildings it is not considered reasonable to require less on this site. A busy road separates the site and dwellings opposite, and given the distances and other development in the area, it is not considered that this proposal would result in any material harm to amenity. Loss of light and overshadowing to these properties would not be significant.

The house to the rear has no habitable room windows that would be directly affected by the development, and due to the position on its plot, its private garden would also be unaffected. Given the distances between buildings (a minimum 12m) it is not considered reasonable in this urban location to require any further measures to protect amenity, other than usual boundary fencing.

The most affected property would be 54 Debden Road to the south. This building is orientated such that its front elevation faces the application site, and the dwelling is only one-room deep. As a result, most of the primary windows to that property would face the site. There would be approximately 4m between a single storey ground floor element and the development, but 5.5m to the upper windows. Views cannot be protected, and there would be no direct loss of sunlight due to the development being to the north. However, it is accepted that this would have a greater physical presence than the buildings that exist on the site at present. Although the proposal would fail to meet the recommended standards of the Essex Design Guide, this would be marginal with the additional revisions in place (the hipped roof and the lowering of the eaves and ridge height by 600mm). Given the orientation of No.54 it would be difficult to develop the site practically and meet the standards of the Design Guide. The Guide does state that for townscape reasons it may not always be feasible to achieve its recommendations, which are in any event for guidance only.

2) The proposal now incorporates a single access point, which overcomes the initial concerns of the highway authority. This enables parking and turning for all the units to take place within the site. Although only 1.5 spaces per unit is proposed, this is similar to the level of parking on other new developments in the vicinity, and would accord with central government guidance for developments in towns.

Concerns have been expressed about the safe positioning of the single access point in relation to the junction with West Road. However, the existing commercial garage has two access points, one of which is closer to West Road. Given that the proposed access would be further north, and the second point would be removed, it is considered that this is an improvement in highway safety. It is not feasible to provide the access point further north along the frontage due to other constraints which limit the siting and design of the dwellings.

3) The provision of 4 units on this 0.062 hectare site equates to a density of 64.5 dph. Although relatively high, this would accord with the general pattern of development along Debden Road, and is of comparable density. Terracing is a common pattern along the road, and the mix of house types is designed to reflect the diversity in styles at this end of the road. Although there has been criticism of the design in consultation responses, this mix of styles and detailing minimises the visual impact of the block as a whole. It is considered that the proposal would be acceptable in relation to the street scene, and would not detract from the Conservation Area opposite the site.

Although garden areas to the dwellings would be modest (and the flat would have none), given the town centre location and the general pattern of development in the area this level of provision is considered acceptable.

4) Although not directly a planning consideration, the previous use of the site would result in considerable works being required to decontaminate the site. In order to achieve the most efficient use of this brownfield site, it is not feasible to require this site to be developed less intensively than currently proposed.

Given the amenity benefits to re-use of the site, it is not considered that this site should be retained for employment uses.

**CONCLUSIONS:** The re-use of this commercial site in an otherwise residential area is acceptable. The density and design are considered acceptable in this location, as are the reduced standard parking and garden areas. In this urban location, the interrelationship between these and adjacent dwellings is considered acceptable, although Members will wish to carefully consider the impact of the development on the dwelling to the south. The revised proposal would overcome highway concerns, and parking and turning would be provided on site. The removal of the second access point and slight repositioning of the remaining access is considered beneficial to highway safety.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.3.2. To be implemented in accordance with revised plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed, including measures for removal of hardstandings across site.
4. C.4.2. Implementation of landscaping.
5. C.5.1. Samples of materials to be submitted agreed and implemented.
6. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling
7. C.7.1. Details of external ground and internal floor levels to be submitted agreed and implemented.
8. C.8.23.Environmental Standards
9. C.11.6.Provision and retention of turning areas and parking spaces for each unit (spaces to be retained to serve these four units only).
10. C.12.2.Provision of screen fencing/walls prior to occupation.
11. C.19.1.Avoidance of overlooking – 1 – no additional windows, rooflights or other form of opening in any elevation or roofslope to any unit
12. The existing buildings on the site shall be demolished and all the materials arising from such demolition shall be completely removed from the site within 1 month of the completion of the dwellings hereby permitted. The commercial use of the site shall cease in its entirety prior to the commencement of any part of the development hereby permitted.  
Reason: in order to secure a comprehensive redevelopment of the site, in the interests of residential amenity and highway safety.
13. No dwelling shall be occupied until the access arrangements shown on drawing no. PL/436/01C date stamped as received 9 February 2005 have been constructed in their entirety, and all other access along the site frontage has been permanently closed, in accordance with details first submitted to and approved in writing by the local planning authority. The approved access shall thereafter be retained free of obstruction to serve all four residential units.
14. There shall be no obstruction above 0.6m in height forward of the dwellings hereby permitted.
15. No construction works and delivery of construction materials, shall take place before 8am Mondays to Fridays and 9am on a Saturday. No construction work and

deliveries shall take place after 6pm Mondays to Fridays or after 1pm on Saturdays, nor at any time on Sundays or Bank and Public Holidays.

*Background papers: see application file.*

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