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PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 10 AUGUST 2005

APPL NO: **UTT/0712/05/FUL**
PARISH: **GREAT HALLINGBURY**
DEVELOPMENT: Change of use from nursery to garden centre and erection of store

APPLICANT: Jarvis Nursery
LOCATION: Jarvis Nursery Tileklin Green
D.C. CTTE: 20 July 2005 (see report copy attached)
REMARKS: Deferred for Site Visit
RECOMMENDATION: **Refuse**
Case Officer: *Mr N Ford 01799 510468*
13 week Date: 5 August 2005

UTT/0712/05/FUL - GREAT HALLINGBURY

Change of use from nursery to garden centre and erection of store.
Jarvis Nursery, Tilekiln Green. GR/TL 522-211. Jarvis Nursery.
Case Officer: Mr N Ford 01799 510468
13 Week Date: 5 August 2005

NOTATION: Countryside Protection Zone ULP Policy S8. Public Safety Zone (1:100,000 risk) ULP Policy AIR7.

DESCRIPTION OF SITE: Jarvis Nursery is located just south of Start Hill, the B1256 and Stansted Airport on the road to Bedlar's Green and Great Hallingbury. This area, however, immediately south of the Flich Way has a more rural character. The site is roughly L shape in plan and is accessed off a narrow track leading to an informal parking area for several cars. A series of polytunnels are located on the land housing various plants grown and available for sale to visiting members of the public. The area to the north is open and grassed. The nursery is bounded by a dense bank of trees and a pond to the south. Great Hallingbury Manor hotel is located to the south (outside of the Public Safety Zone) with a scattering of dwellings near opposite the access track to the site and leading northwest beyond the Flich Way bridge toward the B1256. The site is subject to a high level of ambient noise and disturbance due to aircraft flying low on approach and takeoff from the runway nearby to the north.

DESCRIPTION OF PROPOSAL: The scheme relates to the change of use of the nursery to a garden centre and the erection of a storage shed.

The nursery currently sells bedding plants, shrubs and trees raised onsite to visiting members of the public. The applicant states that there has been a loss of passing trade due to the opening of the new A120. They have therefore identified a need to import and sell goods such as decking, sleepers, turf and imported trees and shrubs. The site would also be a base for garden design services. A storage shed would be erected in the western portion of the site. This would have a foot print of approximately 51 sqm, a ridge height of 4.2m and an eaves height of 2.2m. No materials are stated.

APPLICANT'S CASE: See Supporting Information dated April 2005 attached end of the report.

ON SUPPLEMENTARY LIST OF REPRESENTATIONS (20 JULY 2005):

See letter date 11 July 2005 attached in full at the end of this Supplementary List of Representations.

RELEVANT HISTORY: In 1983 the erection of 4 no. greenhouses were granted planning permission. In 1995 a retrospective application for the erection of a chainlink boundary fence was granted planning permission. In 1997 a certificate of lawfulness was issued for the retention of 14 polythene covered tunnel greenhouses and 4 netting covered tunnel.

CONSULTATIONS: Department for Transport: It would appear that the development site is located within the Public Safety Zone for Runway 05 Approach at London Stansted Airport. The proposed change of use from a nursery to a garden centre is likely to increase the number of people on site especially during opening hours. This proposal would therefore appear to contravene the policy contained in DfT Circular 1/2002 in respect of development within a Public Safety Zone.

BAA: Suggests a condition requiring that no building, structure or tree exceed 18m above AOD shall be constructed within the site area in order that it does not conflict with aerodrome safeguarding criteria.

ECC Highways: This Highway Authority wishes to raise an objection to this planning application as insufficient information is provided within the application to demonstrate to the satisfaction of this Authority that the impact on the highway network caused by this proposal will not have unacceptable consequences in terms of highway capacity and safety.

English Nature: No comment.

Essex Wildlife Trust: To be reported (due 1 June 2005).

UDC Environmental Health: No concern.

PARISH COUNCIL COMMENTS: No objection. Recommends approval.

REPRESENTATIONS: This application has been advertised and no representations have been received. Period expired 9 June 2005.

PLANNING CONSIDERATIONS: The main issues are

- 1) **whether a garden centre is appropriate to this rural area, would not promote coalescence, affect the open characteristics of the Countryside Protection Zone, be acceptable in accessibility and highway terms, have no adverse affects on landscape or residential amenity and new building is appropriate to the scale and character of the area (PPS1, PPS7, ERSP Policy C5 & ULP Policies S8, GEN1, GEN2 and GEN8) and**
- 2) **whether a garden centre would reasonably be expected to increase the number of people living, working or congregating in or on land beyond the current level or if greater the number authorised by any extant planning permission (DfT Circular 1/2002 & ULP Policy AIR7).**

1) PPS7 (Sustainable Development in Rural Areas) shifts the emphasis of Government advice in relation to development in the countryside towards sustainability and seeks to focus development in or next to existing towns and villages where public transport, walking and cycling are accessible. This is due to the large number of trips that are likely to be generated by a use such as a garden centre with regard to this site, trips are likely to be by way of the private motor car as no public transport is available in this location with additional trips also for delivery and collection by more heavy vehicles associated with more substantial items such as sleepers, compost, semi mature trees and larger shrubs. With total reliance of private transport, this is not a sustainable location.

Members will be aware that the Planning Inspectorate has recently dismissed an appeal at the Old Post Office in Bedlar's Green, Great Hallingbury (800m metres away) for the change of use of part of a dwelling to children's nursery. A significant factor in relation to the decision was lack of sustainability. It was noted that users of the building would be attracted from a wide catchment area. In the absence of frequent public transport services in this rural location, most, if not all of the users would be attracted to the site by cars with little if any scope for car sharing or for shared trips. Therefore, that site was considered to be an inherently unsustainable location. It was therefore considered that the proposal would not accord with national Government guidance in PPS1 and PPS7.

It is considered that the proposal subject of this application does bear close comparison to the Inspectors reasoning in relation to sustainability as Bedlar's Green is near to Jarvis Nursery. Indeed, it is considered that this application has the potential to draw many more visitors and attract more unsustainable car journeys.

The comments of Essex County Council Highways will be reported to Members in relation to highway safety and accessibility.

Potential has been identified for a material increase in traffic and of heavy vehicles. This may also have an impact on neighbouring properties due to noise and disturbance due to the comings and goings of such traffic. In particular there are two dwellings near opposite the site entrance named The Willow Tree and Copper Beech, which may experience this harm to their amenity.

In terms of parking provision there is existing parking for several vehicles located at the entrance to the site and appears adequate for the current low key nursery. However, given a change of use to a garden centre and the resultant increased retail display areas, a level of parking in excess of the current level would be expected. No provision has been made in this respect and the proposal would therefore be detrimental to highway safety.

The proposal cannot be said to support the diversification of a horticultural holding as it relates to a full change of use of the land to a garden centre business and would not sustain an agricultural enterprise but be a wholly non agricultural relates activity. Taken together, the change in character of the use, erection of new building increased coming+goings and likely need to expand the car park, would open rural characteristics of the Countryside Protection Zone.

2) The aim of the Public Safety Zone is to control the number of people living, working and visiting in them due to the theoretical danger from aircraft. Government and local policy therefore seeks to control numbers. Changes of use which can reasonably be expected to increase the number of people living, working or congregating in or on land beyond the current level or if greater the number authorised by any extant planning permission should be refused on Public Safety Zone grounds.

The applicant acknowledges that there will be an increase in visitor numbers but seeks to demonstrate that an increase in trips to the site by visiting members of the public is appropriate by looking at historic visitor levels. This has been worked out on the basis of an average spend per customer against total turnover for a particular year. This would show a decline of 614 visitors. The applicant's aim is to increase visitors to historic levels. It is stated that a condition could limit the number of staff in order to limit expansion of the business. However, it is considered that a condition such as this would be difficult to control and enforce and is therefore inappropriate.

Members will note that the Civil Aviation Division in the Department for Transport have commented on the proposal and have stated that the change of use from a nursery to a garden centre is likely to increase the number of people on site especially during opening hours and that the proposal therefore appears to contravene the policy contained in DfT Circular 1/2002 in respect of development within a Public Safety Zone. Therefore, the application is also recommended for refusal on this basis.

CONCLUSIONS: Such development is not considered to accord with advice provided by PPS7 in relation to encouraging sustainable development that reduces the need to travel by private car. Therefore, the proposal would be unsustainable and not protect the character and appearance of the countryside for its own sake. The proposed development is also expected to increase the number of people working or congregating the Public safety Zone contrary to Government guidance.

RECOMMENDATION: REFUSAL REASONS

1. This application for change of use from nursery to garden centre and erection of store is unacceptable because it would be located on an inappropriate site where there would be a heavy reliance on private motor vehicles due to a lack of alternative means of transport leading to greater vehicular movements on the rural road network. The proposal would change the character of activities on site involve the erection of a new building likely to involve an expanded car park and generate additional comings+goings. This additional traffic entering and leaving the site would have a detrimental Impact on adjacent residential dwellings contrary to PPS1, PPS7, Policy C5 of the Essex and Southend on Sea Replacement Structure Plan 2001 and Policies S8, GEN1, GEN4 and GEN8.
2. This application for change of use from nursery to garden centre and erection of store is unacceptable because it would result in an increase in the number of people working or congregating on the site and therefore contravene Government guidance contained in DfT Circular 1/2002.

Background papers: see application file.

UTT/0719/05/OP - SAFFRON WALDEN

Proposed demolition of three dwellings and erection of 32 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
13 week date: 13/08/2005

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 is a large chalet bungalow having a frontage of 25m, a smaller bungalow in a backland location having a footprint of 80m² and a large detached property having a footprint of 280m². The site has a high conifer hedge along the western, northern and eastern boundaries. There is mature hedging to the southern boundary, but the majority of this is at a height of approximately 1m. Throughout the site there are numerous mature trees of a variety of species. The front of the site, particularly in respect of Seven Dials, is laid out to landscaped gardens. One of the proposed accesses to the site is via a public right of way, which is also a private lane to serve this property and 5 other properties. It is also proposed to create an additional vehicular access from Waldeck Court.

DESCRIPTION OF PROPOSAL: The site area is approximately 1.085ha and this outline proposal relates to the erection of 32 dwellings. An indicative drawing has been submitted which indicates a mix as follows: 4 large detached properties fronting onto Seven Devils Lane, 10 smaller detached properties, 6 semi-detached houses, 12 terraced houses. This would represent a density of 30 dwellings per hectare. The applicant's case states that there would be 61 parking spaces to serve these properties. 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 4 detached properties to be served by the existing access in Seven Devils Lane. This represents the number of properties which currently exist or have planning permission to be served off Seven Devils Lane. The proposed 4 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.

To the rear of the plots fronting onto Seven Devils Lane it is proposed to erect a row detached and semi-detached properties which would be separated from the Seven Devils Lane properties by a new boundary screen hedge. It is proposed to erect a row of dwellings backing onto the properties at Landscape View, a terrace in the middle of the site and a further row of dwellings backing onto Waldeck Court. These 28 dwellings would be served via an access from 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. 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. The appeal decision upheld all the Council's decisions in respect of these applications. On the Pootings site, outline planning permission was refused for two new dwellings to the rear of the property in April 2005.

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

Environment Agency: No objection. Ground water protection measures recommended in order to protect surface and ground waters from pollution. Sustainable drainage systems should be investigated. The development should incorporate principles of sustainable construction and design. Foul and surface water drainage should be to main sewers, providing sufficient capacity to accommodate additional flows.

ECC School's Service: Essex County Council will require an education contribution under the terms of Section 106 of the Town and Country Planning Act 1990.

ECC Transportation & Highways: No objection subject to payment of a financial contribution in the sum of £64,000 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.

ECC Internal Estates Team: Vehicular access into the site is proposed to be from Waldeck Court which is still in private ownership and before the road can be used as access for construction traffic, the consent of the owner will be required. The highway aspects of the layout are unacceptable and should be amended to bring them into line with the recommendations and conditions set out in the 'Design Guide'.

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.

Building Surveying: Plots 3 and 4 do not have acceptable Fire Services access.

TOWN COUNCIL COMMENTS: (Original comments): No objections.

(Revised comments): In light of the suggested outline plans and the Inspector's report relating to Application No. UTT/1913/03/OP and the Inspector's comments about the sense of openness and the diminution of this open space the Council object to this application.

REPRESENTATIONS: This application has been advertised and 42 representations have been received. Period expired 29 June 2005.

CPRE: Object. Proposed level of development is neither appropriate nor sustainable within the terms of policies H3, GEN1 and PPS1. Site is at the very edge of the town, characterised by larger dwellings in spacious gardens abutting high quality undeveloped landscape. Not possible to integrate this scale of development without causing irrevocable harm to this setting. Edge of town location also means that the site is very poorly located for access to facilities by any means other than the private car. Not well served by public transport in terms of routes, destinations or frequency of service. Shops indicated on accompanying documentation are a considerable walk and of limited range. Does not meet highways safety standards of Policy GEN1 or Essex Replacement Structure Plan. Strongly opposed to creation of any further vehicular accesses onto Seven Devils Lane. This is a narrow lane which also serves as a well-used public footpath. Do not consider that the access from Waldeck Court is adequate either within the site itself for manoeuvring and parking required for new dwellings or along the existing length of Waldeck Court where the safety of pedestrians and vehicles would also be compromised. Consider grounds for refusal have not been overcome.

Object. Do not have the infrastructure to support the increasing number of new homes that are being built in the town. Road that will be used to access proposed new build is already over run with cars.

Object. Potential drainage problem with culvert running from Waldeck Court through Auton Croft. Any potential blockage/flooding of the culvert in the Auton Croft area will cause water to affect properties in Auton Croft. Current road infrastructure insufficient to cater for additional traffic flow. Drivers who travel at speed will have restricted views of children playing in/near the roads close to the junctions. This is an unacceptable risk to our children. More houses means more cars, less safety for children.

Access road is already congested and busy. Children are obliged to play in this access road as the gardens in Auton Croft, Ward Croft and Waldeck Court are too small for play. Building a further 32 homes will create an impossible situation and will inevitably lead to a child being injured or killed.

Do not feel current infrastructure of schools and medical provision can sustain further housing without consideration being given to the expansion of these amenities.

This proposal of erecting 32 dwellings in place of 3 houses currently there will fundamentally alter the area. This development will destroy the breeding areas of red squirrels and the

habitat of other wildlife on site and in the surrounding area. The right turn from Landscape View is a blind corner and there have been several accidents already. Invasion of privacy. Note it is proposed to have access to 9 houses via Seven Devils Lane. This lane is narrow, and not only is it one way, it is used as a public footpath. Extra traffic generated by 9 additional houses will create a very dangerous situation.

Consider access from Landscape View into Seven Devils Lane dangerous as there is a blind turn. Report does not address visibility for vehicles turning right into Seven Devils Lane from Landscape View. Access via Waldeck Court is unsuitable as the entrance is narrow and the area is already congested and children use the road and its surrounds as a playing area. Have reservations about the claims that Hastoe Housing Association makes about environmentally sound solar heating and car parking facilities. Unrealistic to have less than 2 car parking spaces per household as public transport in this rural area is patchy. Development will change the nature of the environment. Will result in a huge increase in noise and light pollution and detrimentally affect the rural nature of this locality. Recent wildlife survey stated that the proposed development will remove all habitats for wildlife currently living in this site. Currently there are at least 16 species of bird including Green and Greater Spotted Woodpeckers, house sparrows and 4 types of tit. Concerned that at least 150 mature trees will be destroyed including a fine stand of Scots Pines and many mature Silver Birches. The many coniferous trees offer shelter and nesting sites for these birds. Concern about overdevelopment of the area. Current boundary, which includes an ancient hedge, between the development site and the back gardens of the houses in Landscape View is erratic. Suggest a six-foot close-boarded fence be erected west of this hedge to provide protection to our properties. Provision for catering for the increased storm water run off from the proposed development.

Previous application rejected because it was felt that developing this site would damage the character of the area and result in the loss of a valuable environmental asset. If previous application for 54 houses was rejected on those grounds, I can't see how a development for 32 properties is either feasible or acceptable.

The Planning Inspector said in his report on the lane that the presumption in favour of development should not apply to this site. Underpinning all the applications for development of this site has been a belief that planning regulations would be in favour of development. Yet the Planning Inspector has just turned down an attempt to build four extra houses on this site saying that although there was no problem with 2 bungalows at the back, "the erection of dwellings on either side of 'Seven Dials' would detract from and diminish the sense of openness of this part of the lane, its primary visual feature. Erecting these two properties would consolidate development in this part of the lane, thus abrading the sense of space between the existing dwellings and causing an unacceptable diminution in the character and appearance of this attractive area." If Inspector objects to the plan for 4 houses then the proposed plan which fills the entire site with houses should not be allowed as this will totally destroy the sense of space and the environment. It will be completely out of balance and character with our house and view from the lane will no longer be open and rural. Inspector states that no development should be alongside or in front of Seven Dials, yet the current plan shows a row of four houses. Planning Inspector also turned down request for houses rather than bungalows as "the nature of the site and surrounding development and the semi-rural appearance of the area precludes a built form that is overly dominant visually." We do breed red squirrels and DEFRA are aware of our breeding programme. Planning Inspector says "it would be prudent, given the level of protection afforded to them, by legislation, to adopt a precautionary approach. We do not believe that a survey carried out and paid for by the applicants is a precautionary approach and the Planning Inspector says, "the evidence produced by the appellant does not dissuade from this view." New plan and application for 32 houses does not address any of the reasons for turning down the application for 51 houses.

Application for the Water Board has been prepared by Brian Christian and refers to and shows the plans for the 51 houses that were rejected. This suggests that the Water Board application is also part of the larger plan for the site and surely this needs to be clarified?

The lane does provide a home to red squirrels and many babies have been born this Spring. DEFRA are aware of our squirrels and have confirmed they are legal. Lane provides a boundary between the town and the countryside and this application will result in the destruction of many trees and the disturbance of much wildlife. The rural street scene will be lost forever.

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, which will create traffic hazards. Volume of traffic using Auton Croft, Wards Croft and Waldeck Court will become excessive. The narrow road width and road layout of the Wards Croft/Waldeck Court estate would not be suited to any additional on street parking that may occur as a result of the new development.

Concerns about delivery vehicles and dangers to small children.

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. The application on the Water Board site was determined at the meeting on 20 July 2005 and a condition has been imposed restricting any access through that site to pedestrian and cycle access only.

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, government guidance from PPS1 and PPG3 and the recent Inspector's appeal decision in relation to the proposed residential development on the site of Seven Dials),
- 2) whether the accesses to the site are acceptable for this development and whether the parking provision is adequate for the development ERSP Policies T3 & T12 (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 30 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, "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 Inspector who considered the recent appeals on the Seven Dials site (against the refusal of two new dwellings, one either side of Seven Dials, and against the condition restricting the two new properties to the rear of Seven Dials to single storey dwellings only) stated:

“the erection of dwellings on either side of ‘Seven Dials’ would detract from and diminish the sense of openness on this part of the lane, its primary visual feature. Erecting these two properties would consolidate development in this part of the lane, thus abrading the sense of space between the existing dwellings and causing an unacceptable diminution in the character and appearance of this attractive area. ... the semi-rural appearance of the area precludes a built form that is overly dominant visually. This would be so if large two storey houses were constructed. However, single storey dwellings would harmonise well with the surroundings.”

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 lower levels of PPG3 standards, would be likely to be detrimental to the character of this area. The comprehensive development of this site, particularly in two-storey form, would have an urbanizing impact on the rural nature of this area and would be more detrimental to the character of the area than the development considered by the Inspector.

The agent has previously 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 32 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.

This revised proposal reduces the density of development to 30dph and appears to indicate a development of a two-storey character. 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 – 4 dwellings being served via Seven Devils Lane, the remainder via Waldeck

Court. Essex County Council Highways and Transportation have raised no objections to these proposals.

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. The indicative drawings would appear to indicate a development which would be a mix of three and four bedroom properties and 20 plots would appear to have adequate parking provision. The remaining 12 plots would be served by a parking area providing 12 parking spaces, plus an additional two spaces close to the junction with Waldeck Court. 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.

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

3) The proposed development, as indicated on the indicative layout, would not be compatible with the scale, form or layout of surrounding buildings. Whilst some attempts have been made to safeguard an element of the environmental characteristics of Seven Devils Lane the overall proposal would result in development having an urbanizing impact on the rural character of this site. 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. In view of the conclusions of the appeal Inspector, 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. One potential roosting area was not accessible. 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: The previous application on this site 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.

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 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 and have failed to overcome the previous reasons for refusal. In addition, the Inspector's concerns are a new material consideration. It is considered that the proposals would fail to overcome the Inspector's concerns regarding the impact of development on this site.

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, but this should respect and respond to the local context. The redevelopment of this site at a density of 30 dwellings per hectare would result in development which would be out of character with the surrounding areas and would fail to add to the overall character of the area. It would not be seamlessly integrated into the existing urban form and the natural and built environments. The proposals fail to respond to their local context or reinforce local distinctiveness. These proposals would fail to comply with guidance in PPS1 and ULP Policy H3 and ERSP Policies CS1 and H3.
2. The proposed redevelopment at a density of 30 dwellings per hectare in an area poorly served by public transport and remote from adequate facilities would result in a development which would rely on access by car. This would be contrary to ULP GEN1 and advice contained in PPS1. Furthermore, the parking provision would be inadequate to serve the needs of potential residents in this locality and no provision has been made for cycle storage or for parking for powered two wheeled vehicles. This would be contrary to the provisions of ULP Policy GEN8.
3. The indicative design for the redevelopment of the site would not be compatible with the scale, form or layout of the surrounding area. The development would appear to be car dominated, particularly when viewed from Waldeck Court and this would be detrimental to the character of the local area. The development would result in an urbanization of a site which is currently of a semi-rural appearance. This would be contrary to the provisions of ULP Policy GEN2.
4. The proposal fails to address the previous reasons for the dismissed appeal.

Background papers: see application file.

UTT/0827/05/FUL - GREAT DUNMOW

Erection of 6 no. 2 bedroom flats & 4 no. 1 bedroom flats, with associated parking.

Alterations to existing vehicular/pedestrian access

Land adj Haolmans Yard. GR/TL 627-217. Sabre Construction.

Case Officer: Mr N Ford 01799 510468

Expiry Date: 21/07/2005

13 weeks: 25/08/2005

NOTATION: Development Limits ULP Policy S1. Affects the setting of a listed building ULP Policy ENV2. Conservation Area ULP Policy ENV1.

DESCRIPTION OF SITE: The application site is located in the centre of Great Dunmow to the south west of Great Dunmow Community Information Centre, between New Street and Highfields. The land comprises allotments; to the east are listed terraced dwellings fronting New Street; to the south, other terraced dwellings and the modern doctors surgery; and to the west is the more modern residential estate of Highfields. The vehicular access to the site would be from New Street and a public footpath runs between New Street and Highfields. Opposite the site are two vacant dwellings named 'Old House' and 'Fairview'; a barn type warehouse/storage building (recently converted to residential use), with permission on the land for further new dwellings, in particular 6 no. two bedroom flats in terrace form which will immediately face the application site.

DESCRIPTION OF PROPOSAL: The scheme relates to the erection of 6 no. two bedroom flats and 4 no. one bedroom flats with access from New Street to underground parking. The development on land, which is currently an allotment, would be arranged over two blocks in two storey form with communal gardens located in two spaces to the south between the proposed development and flats approved in a terrace in 2004 and to the rear between the proposed development and a site with approval for an office block. The blocks would be of a traditional design with steeply pitched clay tiles roofs, smooth rendered surface, timber joinery and red brick plinth. False chimney stacks would be installed to provide the appearance of dwellings.

The flats would be provided with a usable community garden area of approximately 326 sqm.

APPLICANT'S CASE: See applicant's letter dated 18 May 2005 attached at end of report and Traffic Report by Millard Consulting Engineers dated April 2005 available for inspection at The Council Offices London Road Saffron Walden see Conclusion attached at end of report.

RELEVANT HISTORY: None for the site. However, to the south of this site the following applications have been received: In April 2005 planning permission was granted for an amendment to planning permission UTT/0217/04/FUL (Units 7-12) to increase to roof pitch and to use the roof space for a second floor (UTT/0235/05/FUL).

In June 2004 planning permission was granted for the erection of 3 no. two bedroom dwellings and 6 no. two bedroom flats (UTT/0217/04/FUL).

In July 2002 planning permission and conservation area consent was granted for the conversion of a two storey timber frame building into a dwelling and the erection of two pairs of semi detached cottages, garage block and external works (UTT/0081/02/FUL and UTT/0082/02/CA).

CONSULTATIONS: ECC Highways: The Highway Authority recommends that permission be refused due to intensification of use of an unsatisfactory access and an adverse effect on a public right of way. See planning considerations.

ECC Archaeology: Recommends an excavation condition.

Water Authority: To be reported (due 16 June 2005).

Environment Agency: Advice letter for applicant regarding sustainable residential development.

English Nature: Not likely to affect a Site of Special Scientific Interest. If protected species are suspected or present, an ecological survey should be submitted.

Essex Wildlife Trust: To be reported (due 21 June 2005).

Ramblers Association: To be reported (due 11 June 2005).

UDC Environmental Services: To be reported (due 9 June 2005).

UDC Building Surveying: No Building Regulations application to date but queries have been raised in relation to Fire Brigade Access, which could have an effect on roads/paths.

UDC Landscaping: To be reported (due 14 June 2005).

UDC Specialist Design Advice: Consider the proposed development in keeping with the general character of the local vernacular subject to conditions.

TOWN COUNCIL COMMENTS: Object. Over development of the site. Proposed development too high. Volume of traffic would be too great for the site and the very restricted access via New Street. Contrary to Local Plan Policy ENV1 in that it would be detrimental to the conservation area in that it would not preserve or enhance the character or appearance of the area and would severely detract from it by removing a valuable open space currently used for recreational purposes i.e. allotments.

REPRESENTATIONS: This application has been advertised and 27 representations have been received. Period expired 16 June 2005.

Petition: *Signed by 182 people* objecting to the proposed development on the grounds of over development, lack of light, privacy and noise, parking and foot path problems, more traffic onto the already heavily used New Street, loss of allotments and green spaces.

27 letters of objection relating to: Over development. Access is too narrow. People's safety will be at risk due to poor visibility. New Street cannot take the increased traffic. Traffic will have to cross a public right of way. Parking is already congested in the area and people will be tempted to leave their cars in Highfields rather than negotiate the underground car park. More building would be detrimental to the historic character of New Street. False claims about the existing traffic flow as the garages have already been pulled down and were small scale operations. The allotments should not be built on, as they are an attractive area of various trees and bushes. Dunmow does not need more flats at the density proposed, which will impact on the environmental, visual and historic character of the area. Windows will overlook No. 7 Standrums. The proposal would be contrary to Policy LC1 relating to the loss of allotments. The site has not been previously developed (ULP Policy H3) and traffic would be a disturbance to adjacent residents (ULP Policy H4).

COMMENTS ON REPRESENTATIONS: Concern relating to density, overlooking, traffic, access and the public right of way are shared and are discussed below.

PLANNING CONSIDERATIONS: The main issue are

- 1) **whether the loss of allotments on this site for residential development is acceptable (ULP Policy LC1) and;**

2) whether the proposed development would maintain or enhance the character and appearance of the Conservation Area, not detrimentally affect the setting of adjacent listed buildings, not be detrimental to the amenity of neighbouring dwellings and provide sufficient access/vehicular parking (ESRP Policies HC2, HC3 and ULP Policies S1, H3, H4, ENV1, ENV2, GEN1, GEN2 and GEN8).

1) Policy LC1 of the Local Plan states that development will not be permitted if it would involve the loss of sports fields or other open space for recreation, including allotments. Exceptions may be permitted if either replacement facilities will be provided that better meet local recreational needs or the need for the facility no longer exists.

This does not necessarily preclude the re-use of allotment land for residential development in principle. However, applicants must accord with the requirements of Policy LC1 by demonstrating that replacement facilities will be provided to meet local needs or the need for the facility no longer exists. In such circumstances, as neither has been demonstrated, the scheme is contrary to this Policy and therefore unacceptable.

2) PPG3 encourages a density of between 30-50 dwellings per hectare (dwh) in order to provide housing that makes an efficient use of land. This must of course not be at the expense of the character and appearance of a particular area and matters of detail such as garden areas, parking, access and any detrimental effect to neighbouring properties due to overlooking, overshadowing or an overbearing effect.

The proposed scheme would provide a density of approximately 93 dwh. This would be far in excess of the density suggested by the Government to achieve efficient development. Furthermore, this density has implications for the layout and design of the scheme and its impact on the locality. In particular there would be material overlooking from the side/east elevations of plots 6-10, which have habitable room windows facing the gardens of properties fronting New Street. The bedroom windows of plots 7 and 10 would overlook bedroom windows of the flats already approved to the south of this block. Furthermore, there would be overlooking of the garden of Fairdale from the bedroom window of plot 3.

In terms of parking provision, one space is provided per unit with a further eight visitor spaces (total 18 spaces or 1.8/unit). This ratio of parking has been accepted elsewhere in Great Dunmow and in particular is similar to the approved re-development of Haolmans Yard to the south. However, in order to achieve access to the proposed development from New Street it would require the removal of one parking space from the approved development to the south. An application to make such an amendment has not been received. It is considered unreasonable to suggest that the occupiers or visitors of the approved scheme to the south be placed in a position where they would park their car some distance away.

Essex County Council Highways have commented on the suitability of the proposed scheme in relation to highway accessibility and safety. They consider that the current access is substandard. Considering the traffic that the access already serves combined with that likely to be generated by the proposal the scheme is considered detrimental to highway users. The proposal is also considered to have an adverse effect on the public right of way of which the access road to the development would cut across, which would adversely affect pedestrian users.

CONCLUSIONS: Officers consider that the proposed scheme would be an over development of this site and would compromise the quality of the environment. This is exemplified by the poor layout and arrangement of buildings, which results in access and parking difficulties as well as overlooking of adjacent properties. Furthermore, no evidence has been provided to suggest that there are replacement allotment facilities provided or that such a facility no longer has a need.

RECOMMENDATION: REFUSAL REASONS

1. The erection of 6 no. two bedroom flats and 4 no. one bedroom flats with associated parking and alterations to existing vehicular access is unacceptable because it would have a materially adverse effect on the reasonable occupation and enjoyment of a residential property as a result of loss of privacy contrary to Policy BE1 of the Essex and Southend on Sea Replacement Structure Plan 2001 and Policy GEN2 of the Uttlesford Local Plan 2005.
2. The erection of 6 no. two bedroom flats and 4 no. one bedroom flats with associated parking and alterations to existing vehicular access is unacceptable because it would involve the loss of an allotment with no evidence to demonstrate that replacement facilities will be provided that better meet local recreational needs or that the need for the facility no longer exists contrary to Policy LC1 of the Uttlesford Local Plan 2005.
3. The erection of 6 no. two bedroom flats and 4 no. one bedroom flats with associated parking and alterations to existing vehicular access is unacceptable because although the existence of an access in this location is a matter of fact and therefore a certain degree of conflict and interference to the passage of through vehicles already occurs, the proposal would lead to an intensification of a substandard access on a stretch of unclassified highway. Having regard to the existing traffic use of the access and the additional traffic which this proposal is likely to generate or attract, the road which connects the proposed access (New Street) to the nearest traffic distributor is considered to be inadequate to cater for the proposal while providing reasonable safety and efficiency for all road users owing to its unsatisfactory width alignment. Furthermore, the access would have an adverse affect on the public right of way, which runs adjacent to the site. Therefore, the proposal as submitted would be detrimental to the safety of all highway users contrary to Policies T8 and LRT5 of the Essex and Southend on Sea Replacement Structure Plan 2001.

Background papers: see application file.

UTT/0849/05/SA - TAKELEY

Detailed approval of development for business, storage & distribution uses including the provision of associated access, parking, infrastructure & landscaping.

Site 600, Taylors End, Stansted Airport. GR/TL 541-219. BAA Stansted.

Case Officer: Mr J Pine 01799 510460

Expiry Date: 19/07/2005

13 weeks: 23/08/2005

NOTATION: Within Southern Ancillary Area in ULP (Policy AIR3 relates).

DESCRIPTION OF SITE: Taylors End is located approximately 1,700m southwest of the terminal on the northwestern side of Bassingbourn roundabout. The site fronts Long Border Road behind a mature boundary hedge, facing the cargo handling / aircraft maintenance area and backs onto Thremhall Avenue. The site is of an irregular shape, having a maximum depth of approximately 210m and a depth of 250m along the boundary with Thremhall Avenue.

The site forms the middle part of the Taylors End estate, and comprises Phase II of the estate development. Phase I is located immediately to the northeast and was constructed about 10 years ago. The land to the southwest would be the subject of a future application for approval of reserved matters following the granting of outline planning permission for business use as part of the 15–25mppa expansion in 2003.

DESCRIPTION OF PROPOSALS: 11 units for business, storage and distribution use would be erected, totaling approximately 15,500sqm of floorspace. The units would range in size from just over 300sqm to one at 7,600sqm, and would have shallow pitched roofs in contrast to the curved roofs of Phase 1. Ridge heights would be from 8.5m for the smaller units (similar to Phase 1) up to 15m for the larger one. The larger unit would be erected on the northwestern side of the site, the smaller units in blocks of 2 and 4 on the Thremhall Avenue (southeastern) side. The existing access to Phase I onto Long Border Road would be used, internal distribution being via mini roundabouts and t-junctions. All units would have on-plot parking, including parking for motorcycles, bicycles and spaces for people with disabilities.

RELEVANT HISTORY: Outline planning permission for expansion to 15mppa granted in 1985. Reserved matters approvals for Phase I granted 1987–91.

At the last meeting, this application was included as an agenda item under the advanced reporting procedure. The issues raised by Members and the responses where available at the time of the writing of this report are summarised in the Planning Considerations section. Any further information will be reported. Members resolved to visit the site.

CONSULTATIONS: ECC Highways & Transportation: No objections subject to adequate parking facilities being provided (including bicycles and for people with disabilities). Future users should sign up to the Stansted Airport Travel Plan.

ECC Archaeology: The proposed development lies within an area where there is the potential of archaeological deposits surviving. The applicant should be required to conduct a field evaluation to establish the nature and complexity of surviving deposits. This should be undertaken prior to a planning decision being made. The evaluation would enable due consideration to be given to the archaeological implications and would lead to proposals for preservation in situ and / or the need for further investigation.

English Nature: Not likely to affect an SSSI. Welcomes the proposal to carry out an ecological survey immediately prior to work going ahead. However, a survey earlier in the

process may be appropriate to avoid an unexpected last minute discovery of protected species on the site.

Environment Agency: No objection.

BAA Safeguarding: Amendments required to the landscaping scheme to reduce the likelihood of birdstrike hazards. Condition required for roof access to be provided assisting with dispersal of birds.

PARISH COUNCILS' COMMENTS: Stansted: No comment

Takeley: No objection subject to the enhancement of the planting and landscaping scheme to include a more substantial and taller natural cover / screen along the southern boundary in order to provide more immediate and effective protection for the views from Takeley and its surrounding areas.

Birchanger: Proper screening landscaping is imperative, as is minimum necessary down lighting.

REPRESENTATIONS: This application has been advertised and no representations have been received. Period expired 23/6/05.

PLANNING CONSIDERATIONS: The principle of using this land for business, storage and distribution has already been established via the 1985 outline planning permission and is further confirmed by the AIR3 allocation in the Local Plan. The main issues will be whether:

- 1) the design, layout, levels and massing of the buildings would be compatible with adjoining buildings and would assist in reducing the visual impact, along with adequate and appropriate landscaping (ULP Policy GEN2),
- 2) the proposals would promote highway safety, would provide adequate car parking and would also be accessible by more sustainable means of transport (ULP Policies GEN1 & 8),
- 3) light pollution would be caused (ULP Policy GEN5), and
- 4) the archaeological richness of the airport site would be retained (ULP Policy ENV4).

1) Whilst the design of the units would be intentionally different to Phase I, the layout would be compatible with Phase I, incorporating dedicated parking areas to each unit and boundary and internal landscaping. Unit 23 would be taller than the remaining units fronting Thremhall Avenue, but use of a double-pitched roof would assist in reducing its overall massing. The applicant has provided a computer-generated panoramic photograph showing the view from Takeley Church, which shows Unit 23 as a backdrop behind both Units 7-10 and the Express by Holiday Inn hotel on the southern side of Bassingbourn roundabout. Within that view Unit 23 should not appear out of context - the Diamond hangar, Endeavour House and the planting along Thremhall Avenue would remain the most dominant skyline features. A condition is nonetheless recommended requiring details of ground levels to be submitted and approved.

There is a margin of land about 30m wide adjacent to the northeast elevation of Unit 23, which could be used for a future extension. As permitted development, an extension of less than one seventh of the total floor area of the unit could be erected on this land provided it was no higher than the existing building, was no closer than 5m to any boundary of the curtilage of the premises and was not for a separate user. In these circumstances, officers do not consider that it would be reasonable to withdraw permitted development rights by condition, as the extension would appear subservient to the main building.

Phase I benefits from considerable off-site screening along Thremhall Avenue due to the road level rising up to Bassingbourn roundabout. Opposite Phase II the planting is mostly on

the downside of the bank facing Thremhall Avenue, although the bank itself does screen the site to a degree. Some woodland shrub planting would be undertaken within the site adjacent to Units 7-10. Officers have asked BAA whether further off-site planting on the bank facing Phase II would be feasible, and the response will be reported.

2) The proposals would use the existing site access onto Long Border Road, from which there is good visibility in both directions. Adequate car parking would be provided in accordance with Council standards, including spaces for people with disabilities and for two-wheelers. There are also bus stops along Long Border Road, which employees and visitors could use.

3) The applicant states that all lighting would be designed to minimise vertical light pollution and would employ horizontal cut-off to avoid light spill. A condition is recommended requiring submission and approval of all lighting details.

4) Framework Archaeology surveyed the entire airport site on behalf of BAA in 2000. Two areas within the application site were noted as being of medium risk from disturbance. A condition is recommended requiring further appropriate investigation and remediation during the construction process.

Issues raised by Members at the last meeting:

Planting / landscaping – see Planning Considerations

Size of buildings – unit sizes have resulted from the applicant's anticipation of demand for them. A range of unit sizes would be appropriate to meet airport needs.

Slab levels – these are to be controlled by condition.

Car parking – adequate car parking would be provided, including spaces for two wheelers and for people with disabilities.

Travel Plan / Surface Access Strategy: - A condition is recommended requiring that all employees have access to the Stansted Airport Travel Plan and that all companies are given the opportunity to sign up to it. By the end of this year, BAA is obliged to review and update its Surface Access Strategy as part of the 15-25mppa development.

Ecology: - this is to be controlled by condition.

Water supply / diversion of watercourses – Water would be supplied from the existing piped supply along Long Border Road. Surface water would be conveyed via pipes to a balancing pond, then to the airport's main system before discharging to local watercourses. There is adequate foul sewage capacity in Long Border Road to deal with the flow from the new development.

Energy efficiency – See BAA's environmental strategy (attached)

Design of roof – roofs would be pitched, contrasting with the curved roofs of Phase I.

Lighting – this is to be controlled by condition.

CONCLUSIONS: These proposals would be appropriate in the context of the allocation of the land as part of the Southern Ancillary Area.

RECOMMENDATION: APPROVAL WITH CONDITIONS:

1. C.3.1. To be implemented in accordance with approved plans.
2. No development shall take place until a revised landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme as submitted shall be based on that shown on drawing 419/10B, but revised to take into account the following requirements:
 - A reduction in the quantity of berry bearing species to not more than 5%, dispersed throughout the planting palette

- Omission of London Plane and Lime trees in favour of species having a more open canopy

REASON: To reduce attractiveness to feeding, roosting and nesting birds and hence the likelihood of birdstrike hazards in the interests of aircraft safety.

3. All landscaping works shall be carried out in accordance with the approved details. All planting, seeding or turfing comprising the approved details shall be carried out no later than the first planting and seeding season following the occupation of the first unit on the site. Any of the planted trees or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same species unless the local planning authority gives its written consent to any variation.

REASON: To ensure that the visual impact of the development is reduced.

4. All roofs to the buildings hereby permitted shall be accessible at all times by foot via either permanent fixed access stairs, ladders or similar. Furthermore, the applicant shall not allow birds to nest, roost or loaf on the buildings and shall arrange for the dispersal of birds when requested by BAA Airfield Operations staff.

REASON: To reduce the likelihood of birdstrike hazards in the interests of aircraft safety.

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

REASON: To ensure that the visual impact of the development is reduced.

6. None of the units hereby permitted shall be occupied until the car parking spaces allocated to it on drawing 041105–A-P-Si-D 002 (including those for people with disabilities and those for two-wheelers) have been fully surfaced and made available for use by employees and visitors. Thereafter, all the parking spaces shall be retained for use by employees and visitors.

REASON: In the interests of highway safety and to ensure safe and inclusive access for all regardless of disability or age.

7. No development shall commence until an ecological site investigation, including any appropriate mitigation, has been submitted to and approved in writing by the local planning authority. The development shall subsequently be implemented in accordance with the approved details.

REASON: To ensure that the proposals do not have a detrimental impact on the ecological diversity of the airport site.

8. No development or preliminary groundworks of any kind shall commence until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

REASON: To ensure that the proposals do not have a detrimental impact on the archaeological diversity of the airport site.

9. No development shall commence until details of all external lighting have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details, which shall not subsequently be varied without the written consent of the local planning authority.

REASON: In the interests of aircraft safety and to protect the visual amenity of the surrounding countryside.

10. The applicant shall ensure that all companies operating from the units hereby permitted are given the opportunity to sign up to the Stansted Airport Travel Plan, and that a copy of the Plan is made available to all members of staff.

REASON: To encourage the use of more sustainable means of transport.

Background papers: see application file.

UTT/0460/05/FUL - GREAT DUNMOW
(Referred at Members request – Cllr Silver)

Variation of condition C.90.A of UTT/0984/94/FUL to allow opening on Sundays and bank holidays from 1200 - 2200 hrs
81b High Street. GR/TL 629-217. Bay-Leafs Tandoori Ltd.
Case Officer: Consultant South 2 telephone: 01799 510452/510471
Expiry Date: 24 May 2005

NOTATION: Within the settlement limits.

DESCRIPTION OF SITE: Application site comprises a small unit used as a restaurant towards the southern end of the High Street. Commercial uses adjoin to the north, but there are residential properties, including an old peoples home, close by to the north, east and west. Planning permission has recently been granted for residential redevelopment on the site immediately to the south.

DESCRIPTION OF PROPOSAL: The application seeks planning permission to extend opening hours of the restaurant to include Sunday and bank holiday opening. The application seeks permission to open from midday to 10pm on those days. The planning condition restricting opening hours was imposed under reference UTT/984/94. The condition states:

The use hereby permitted shall not be open to customers outside the following times.
Monday to Thursday between 1200 hours and 1400 hours and 1900 and 2300 hours.
Fridays and Saturdays between 1200 hours and 1400 hours and 1900 hours and 2330 hours. The use hereby permitted shall not be open to customers during Sundays or Bank Holidays.

APPLICANT'S CASE: It is submitted that there is an economic need and a demand from customers, and potential customers, to the restaurant premises opening on Sundays and Bank Holidays. No other restaurants in the Great Dunmow town center have such restrictions. There has been a material change in circumstances through changes to shopping habits and the nature of town center businesses since the condition was first imposed some 20 years ago. There will be no undue adverse impact on the amenities of nearby residents through limited Sunday and Bank Holiday opening.

RELEVANT HISTORY: Permission for change of use from shop to restaurant 1983.
UTT/0984/94 - application to extend opening hours into the evening, granted at appeal but excluded Sunday and bank holiday opening. (Officers note: The Council granted this application but the applicant chose to appeal against one of the conditions – C90A. That said: *The restaurant shall not be open later than 2300 hours Mondays to Thursdays and 2330 hours on Fridays and Saturdays. The restaurant shall not be open at all on Sundays or Bank Holidays.* In allowing the appeal the Inspector considered that he should amend the condition to retain the controls over the closing times but explicitly permit the restaurant to open at lunchtimes see wording of the condition given under Description of Proposal above)

UTT/0336/99 application to allow opening on Sunday and bank holidays - refused and appeal dismissed (March 2000) due to impact on the amenities of the local residents by way of general activity close to residential properties and additional vehicle movements.

CONSULTATIONS: Environmental Services: note that no recent objections concerning odour or noise from the premises.

TOWN COUNCIL COMMENTS: No objections subject to not opening on Christmas Day and Good Friday.

REPRESENTATIONS: Three. Period expired 21 April 05.

68 High Street: loss of noise and traffic when open at night and therefore object to Sunday and bank holiday opening because it is only days when get respite from noise and traffic.

74 High Street: cooking smells of pungent penetrating; no objection to the noise but more concerned about odours.

66 High Street: presently enjoy a day of respite from noise; rubbish; odour disturbance

The applicant has submitted a petition and 13 letters in support of the proposal

COMMENTS ON REPRESENTATIONS: see report.

PLANNING CONSIDERATIONS: The main issues are

Neighbour's amenity (ADP Policies GEN2 & GEN4).

This is not the first time that an application has been submitted to allow the premises to be open longer. The last appeal as recently as 2000 to enable Sunday and bank holiday opening was dismissed because of the adverse impact on the amenities of adjoining residents, protected by the then current local plan policy DC14. The issues covered by DC14 have been carried through in the current adopted plan in policies GEN 2 and GEN 4. The former policy requires mitigation measures – which could include controlling hours of operation - to limit the impact of a development on neighbouring properties. It would seem that the conditions in place already achieve this and therefore their retention would be supported by the policy. Policy GEN 4 states that development and uses will not be permitted where they would cause material disturbance to occupiers of surrounding properties. Consequently the local plan, which forms the basis for determining applications, has not weakened with regard to protecting amenity. Given that the Inspector when determining the last appeal considered that it would be contrary to policy DC14 this proposal would be contrary to policies GEN2 and GEN4.

With regard to material considerations, the applicant has indicated that his business will not survive if he is not able to operate on Sundays and bank holidays. No evidence has been submitted to support this statement. Only 5 years ago the previous Inspector considered the issue of changing shopping habits but determined that the specified hours were reasonable and necessary and there is no reason to believe that similar considerations should not apply to the present application. The applicant has submitted a petition in support of his case. However as with other such petitions many of the signatories are from some distance from the site, from where they are able to benefit from the service and yet experience none of the problems. The applicant has also submitted some standard letters from residents closer to the site. These are supportive of the proposal. In addition as noted elsewhere in this report some letters have been received from close neighbours who are against the proposal. Notwithstanding this, it is a well considered tenet of planning that petitions or letters do not fundamentally change the planning issues. Consequently whatever the number of people who support or object, an application should be determined on planning issues.

There has been no reduction in the number of residential properties in the area that could warrant allowing the present application. Indeed, the impact and conflict with residential uses is likely to increase with the recent permission for residential redevelopment of the site the immediately adjoining to the south.

Officers have considered whether a temporary permission might be appropriate to test the impact but it is considered that this would only be appropriate where the issues are very finely balanced. However given the similarity to the situation at the time of the last appeal as recently as 2000, there seems little to justify a temporary permission.

The issue of disturbance from fumes and odours from cooking is a separate issue and a matter either for enforcement of a planning condition or for action under the Environmental Health legislation.

CONCLUSION: Whilst officers have tried to see if there is a way of permitting the scheme it is considered that the policy context has not become more relaxed and the number of residential properties has not declined as would be required not to refuse planning permission because Sunday and bank holiday opening would cause a significant loss of amenity, by way of noise and general disturbance, to the residents of nearby properties, on a single day per week when a disturbance would be reasonable. The matters raised by the applicant have been considered but they do not outweigh the objections given above.

RECOMMENDATION: REFUSAL REASON

The extension of the hours of opening to include Sunday and Bank holidays would, by way of additional noise and disturbance generated by the arrival and departure of pedestrians and vehicles, cause a significant loss of amenity to the occupiers of adjoining dwellings. As such the proposal would be contrary to policies GEN2 and GEN4 of the Adopted Local Plan.

Background papers: see application file.

UTT/0982/05/FUL – LANGLEY

Change of use of barns to industrial use and office. Storage of joinery machine, construction of panels etc. for house construction.

Grange Farm. GR/TL 449-354. Pelham Structures Ltd.

Case Officer: Mr G Lyon 01799 510458

13 week date: 15/09/2005

NOTATION: Uttlesford Local Plan: Outside Development Limits. Adjacent to the site is a Grade II listed building and curtilage listed barn. The listed building is also an ancient scheduled monument. Special verges to the north of the site towards Duddenhoe End as well as protected lanes.

DESCRIPTION OF SITE: The site is located approximately 500m north east of the centre of Langley upper Green on the western side of an unclassified road running from Langley towards the B1039 via Duddenhoe End and other small hamlets. The site is approximately 0.4 hectares in size with a frontage width of approximately 97m and a maximum depth of 60m. The site was formerly part of Grange Farm before being sold to Clavering Farm where it was used as part of their farm operations for grain storage and drying etc. The site has, according to the applicants, become recently redundant for farming purposes. The site consists of a range of large buildings built at different times and of differing materials reflecting the previous agricultural use, set around a large concrete yard. The largest building, referred to as Building 1 in the applicants submission is an asbestos clad barn with a footprint of 550sq.m, length of 31m and a depth of approximately 18m. The building has a shallow pitched roof with a height to ridge of 7.3 for the majority with a taller section 9.1m high on the eastern side next to the road. Building 2 also has a shallow pitched roof with attached lean-to. The building has a footprint of approximately 343sq.m and is approximately 19m square in size. This building is clad with corrugated metal sheeting and the lean-to section is open along the southern side. The building has large roller shutter doors on the eastern elevation facing into the courtyard. Building 3 is the smallest of the barns with a footprint of approximately 330sq.m, width of 22m and a depth of 15m. It has a rear and side lean-to and a bow-strung curved principle roof. The building is clad with corrugated sheeting. To the east of Barn 3 are several large storage tanks. The site is enclosed at the front by fencing and some planting. To the rear of the site, approximately 10m away from Barn 3 are older barns associated with Grange Farm,

DESCRIPTION OF PROPOSAL: The applicant is seeking full permission to change the use of the site from agricultural to industrial use for the manufacture of timber-framed buildings. The proposal would involve the re-cladding and insulating of the three main buildings along with the demolition and removal of old agricultural equipment and tanks etc. The applicant is also seeking permission to erect a new pitched roof office/reception building that would be 14.4m wide and 6.3m deep with a height to eaves of 2.35m and a height to ridge of 6.1m. Further alterations include a new front ramp, brick and flint front wall, staff car park and works to improve the surface of the existing car park.

APPLICANT'S CASE: The applicant has submitted a supporting statement to accompany the submitted plans along with a Bat Survey and Sustainability Report and Traffic Impact Assessment. A copy of the reports can be inspected on the Council's website or at the Council Offices.

RELEVANT HISTORY: The barns were part of a land included within applications for an agricultural workers dwelling, most recently in 2003 and 2004, both of which were refused due to lack of functional need. To the rear of the site, an application was approved for the

Conversion extension and alterations to barn and stables to dwelling. Erection of garage in 2004.

CONSULTATIONS: Essex County Council Highways and Transportation: Comments to be verbally reported at the meeting.

Essex Bat Group: We consider that the methodology used in the bat consultant's survey is adequate for these buildings and we are satisfied with the conclusions drawn by the consultant: that the development would not affect a known bat roost. The surrounding habitats are highly suitable for foraging bats.

English Nature: Satisfied that the development proposals will not affect a bat roost.

UDC Environmental Services: Comments to be verbally reported at the meeting.

PARISH COUNCIL COMMENTS: Langley Parish Council: No objection in principal to the above planning application. However, given that the proposed industrial site lies close to the Village Green which forms the core of Langley Upper Green the Council desired that there be certain restrictions on the use of this site. In particular it was agreed that there should be a restriction on noise outside normal office hours. To be precise that there be no deliveries in or out of the site before the hours of 08.00 and after 17.00 on week days and no deliveries at all in or out of the site at weekends. In addition the sound from industrial processes should not be heard outside the site except on weekdays between the hours of 08.00 and 17.00. No external lighting should be present on the site except between the hours of 08.00 and 18.00, i.e. during and just after working hours and that there be no external storage on the site at any time.

REPRESENTATIONS: The application was advertised with both press and site notices. Six neighbours were notified of the proposed development. Advertisement expired 21 July 2005. Five letters have been received to date.

Summary of comments: - I oppose the development on grounds of increased traffic along the small single track country roads that are not conducive to increased traffic of an industrial nature. I also oppose the development on grounds of increased noise created by industrial joinery machines that would shatter the peace of the area. The proposal does not accord with policy. The existing site produces very little in the way of noise and even though the applicant suggests that soundproofing would take place, they do not indicate the decibel output level. Traffic movements into and out of the site each day, especially 40 staff vehicle movements would be a significant increase on the current traffic movements in Langley Upper Green. The examples or precedents quoted by the applicant are not relevant as no major industrial use is being carried out on Brices Farm. The proposed long working hours on this site would be intolerable and would result in nuisance to neighbours and residents of this small village. The proposal is contrary to PPS7. The proposal will completely change the rural nature of the site. Despite assurances of sound-proofing, in warm weather when occupants of the neighbouring houses will be opening their windows for ventilation, is it realistic to suppose that the applicant will be keeping all of the doors and windows shut on site to ensure minimum noise disturbance? The proposed use is far more appropriate on an industrial estate with better transport links and such noise as will be created could be tolerated. To allow such development within this rural environment would be creating a dangerous precedent for conversion of other redundant farm buildings across the district. At the time when most employees would be arriving on site, most residents would be leaving to go to work or take the children to school. This would create traffic conflict along the narrow lanes to the detriment of highway safety.

Dust filters and extractors would create additional noise in addition to the noise of saws and other equipment. The large increase in the number of heavy goods vehicles as a result of this proposal would be unacceptable and would result in most vehicles having to pass through Upper Green. Hours of operation, particularly on a Saturday are not acceptable from

a residential amenity perspective. The proposal would not provide significant employment opportunities to the village.

PLANNING CONSIDERATIONS: The main issues are whether: -

- 1) **the principle of the development is acceptable on this rural site (PPS 7, ERSP POLICY CS1, CS2, CS3, CS4, CS5, C5, HC3, BIW3, RE2, and T3, Uttlesford Local Plan Policy S7, GEN1, GEN2, GEN8, E4, E5 and ENV2);**
- 2) **the impact of the development on highway network would be acceptable and comply with the principles of sustainability (PPS 7, ERSP Policies T3, T12, Uttlesford Local Plan Policy GEN1, GEN8, E4 and E5),**
- 3) **the proposed development would cause material harm or disturbance to surrounding dwellings beyond the site (ERSP Policy CS4, C5, RE1, RE2, Uttlesford Local Plan Policy GEN2, GEN4, E4, E5);**
- 4) **the development would have an adverse impact on the character and appearance of the countryside (PPS 7, ERSP Policies C5, Uttlesford Local Plan Policy S7),**
- 5) **the design of the proposed development is acceptable and the buildings are suitably constructed for their intended purposes (PPS7, ERSP Policies HC3, Uttlesford Local Plan Policies GEN2, ENV2) and**
- 6) **there are any other material considerations.**

1) **Principle** - The principle of development on this site needs to be considered within the context of policy basis, that being in this case, Central Government Guidance contained within PPS 7: Sustainable Development in Rural Areas, Structure Plan guidance contained in ERSP (Policies C5, RE1, RE2) and local guidance in the form of Uttlesford Local Plan, most notably policies S7, E4 and E5.

PPS 7, places a strong emphasis on the principles of **sustainability** whilst seeking to raise the quality of life and the environment in rural areas through the promotion of thriving, inclusive and sustainable rural communities, ensuring people have decent places to live by improving the quality and sustainability of local environments and neighbourhoods; sustainable economic growth and diversification; good quality, sustainable development that respects and, where possible, enhances local distinctiveness and the intrinsic qualities of the countryside; and continued protection of the open countryside for the benefit of all, with the highest level of protection for our most valued landscapes and environmental resources.

PPS7 also seeks to promote more sustainable patterns of development by focusing most development in, or next to, existing towns and villages; preventing urban sprawl; discouraging the development of 'greenfield' land, and, where such land must be used, ensuring it is not used wastefully; promoting a range of uses to maximise the potential benefits of the countryside fringing urban areas; and providing appropriate leisure opportunities to enable urban and rural dwellers to enjoy the wider countryside.

The key principles of PPS7 state that good quality, carefully-sited accessible development within existing towns and villages should be allowed where it benefits the local economy and/or community, maintains or enhances the local environment; and does not conflict with other planning policies.

Accessibility should be a key consideration in all development decisions. Most developments which are likely to generate large numbers of trips should be located in or next to towns or other service centres that are accessible by public transport, walking and cycling, in line with the policies set out in *PPG13, Transport*. Decisions on the location of other developments in rural areas should, where possible, give people the greatest opportunity to access them by public transport, walking and cycling, consistent with achieving the primary purpose of the

development. New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.

Priority should be given to the re-use of previously-developed ('brownfield') sites in preference to the development of greenfield sites, except in cases where there are no brownfield sites available, or these brownfield sites perform so poorly in terms of sustainability considerations (for example, in their remoteness from settlements and services) in comparison with greenfield sites.

All development in rural areas should be well-designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

Essex Replacement Structure Plan Policy C5 focuses on rural areas and states that the countryside will be protected for its own sake, which includes its recreational value. This will be achieved by the restriction of new uses to those appropriate to a rural area required to support agriculture, forestry or other rural uses. Development should be well related to existing patterns of development and of a scale, siting and design sympathetic to the rural landscape character.

Uttlesford Local Plan Policy S7 again repeats the aims of the Structure Plan Policy C5 by protecting the countryside for its own sake and only allowing development that needs to take place there, or is appropriate to a rural area.

Members will no doubt be aware that, although the Uttlesford Local Plan was adopted on 20 January, this was developed in accordance with the older PPG7. Clearly the arrival of PPS 7 and its clear emphasis on the principles of sustainability mean that this document must be given significant weight over and above the recently adopted Local Plan when determining this application.

In terms of this application, it is the opinion of officers that whilst PPS7 would clearly support the principle of appropriate agricultural diversification, the use of former agricultural buildings for non-agricultural, i.e. industrial and commercial purposes needs to be carefully considered with regard to its impact on the local highway network, any adverse impacts to surrounding neighbours or the character and appearance of the countryside. Most importantly, it needs to be commensurate with the Government's sustainability objectives and meet the sequential tests with regard to the location of employment uses.

2) **Impact of the development on highway network** - PPS 7 has clearly established a strong emphasis towards the principles of sustainability. Access to the site in terms of location and associated highways arrangements form a fundamental part of this sustainability principle. The application site is located away from development limits on the rural road network. Langley Upper Green is located almost centrally between the B1038 - Newport to Buntingford road and the B1039 Wicken Bonhunt to Royston road with all access to reach the site required via country lanes, some of which are very narrow and single width in places.

According to the applicant's submitted details, there would be thirteen employees on the site. This would theoretically generate thirteen staff trips into and out of the site each day (26 in total) notwithstanding any additional trips to visit clients or clients visiting the site or indeed trips at lunchtime by staff etc. The staff movements could therefore well exceed 26 per day on a regular basis.

The applicants have enclosed a plan showing the location of where staff currently working at the Furneaux Pelham site live. This plan shows fourteen staff, six of which are based in Langley, one in Clavering, one in East End (East Herts), one in Barley Croft End (East Herts), one in Littlebury, one in Saffron Walden, two in Thaxted and one in Bishops Stortford. Given the site's location away from established settlements, it is reasonable to suggest that access to the site by means other than the private motor car would be extremely limited unless employees actually lived in Langley Upper Green itself. That said, there are limited bus services available to Langley but their infrequency and journey length would preclude most employees from getting to the site by this method. Whilst six employees currently live in Langley and could theoretically walk or cycle to the site, more than half do not and this further highlights the fact that the proposal is unsustainable. Over the life cycle of the business it is highly likely that people may leave and new or additional staff required. It certainly could not be guaranteed that the employer would necessarily employ local people particularly as the threshold population of the village is very small and this could further increase employee trip lengths to the site, especially by car.

From an employment perspective, use of this site would not meet with policy aims of achieving sustainable development.

Comments from Essex County Council Highways are still awaited and will be verbally reported at the meeting. However, the primary concern from the District Planning Authority with regard to road safety centre on whether the size and number of vehicles entering the site is compatible with the surrounding rural road network.

With regard to delivery trips into and out of the site, as part of their sustainability appraisal and traffic impact assessment report, the applicants have given an indication of likely figures. The report indicates at least:

- three deliveries and dispatches on a weekly basis using 7-ton (1) and 10-ton (2) lorries,
- two deliveries and dispatches on a four-weekly basis using 20-ton (1) and 7-ton (1) lorries,
- one delivery on a six-weekly basis using a 20-ton lorry,
- two deliveries on an eight-weekly basis using 20-ton lorries, and
- one delivery on a twelve weekly basis using 10-ton lorries.

Over a 24 week period this would result in 192 goods vehicle movements (96 vehicles) with an average vehicle weight of 10.7 tonnes. Although this may only represent an average or minimum of four individual vehicles visiting the site per week, depending on the timing of deliveries, there could be up to eight vehicles in any one week and the overall figure is totally dependent on the operation and control of deliveries and dispatches by the applicant. Spreading of vehicles over the week may reduce this figure to less than one vehicle per day. The applicant has not included figures relating to service vehicles delivering office supplies, any food and drink etc nor accounted for cleaners etc and this would obviously increase the above figures.

Taking into account the average employee vehicle trips per week (156) and add them to the goods vehicles (8), there would be 164 vehicle movements per week to and from the site. This figure is well above the existing flow of vehicles entering and leaving the site in connection with the former agricultural use and would generate vehicle flows on a regular, frequent basis rather than seasonal traffic associated with agricultural use. In terms of weights in and out of the site, the quoted figures indicate 2231 tonnes and this would represent a reduction of 1269 tonnes compared with the earlier estimated 3,500 tonnes of agricultural grain removed from the dryers and silos. The applicant is keen to emphasise this reduction in weight but this figure may well be misleading, particularly as the actual number

of vehicles on the rural road network would increase as a result of this proposal. This fact cannot be ignored and with average 10-ton vehicles having a width of at least 2.2m, length of no less than 6m, the sizeable presence of additional larger vehicles would create dangers to other road users on the twisting narrow lanes around Langley Upper Green. Indeed, less than 60m from the entrance to the site, the road narrows considerably and there would be conflict with other road users. In traveling north towards the B1039, vehicles would travel along protected lanes and roads with special verges. Conflict between oncoming vehicles may force traffic onto these verges hence damaging them to the detriment of biodiversity.

It is the opinion of Officers that the proposed development would significantly increase vehicular movement on the rural road network to the detriment of highway safety and would represent a wholly unsustainable form of development.

3) **Any material harm or disturbance to surrounding dwellings beyond the site -** Given the potential material increase in traffic associated with the proposed development, one also has to consider the impact on adjoining neighbours or businesses outside of the site and indeed whether there would be any other adverse impacts caused by the industrial processes proposed to be carried out on the site. The impact on the highway road network was considered above and certainly the presence of additional traffic would generate noise and disturbance to residents on routes to the B1039 to the North and B1038 to the South. Comments from neighbours have expressed concern about noise emanating from the site by virtue of the industrial processes that would take place. The primary industrial process would be the machining of wood and associated activities along with noise from extraction and dust filtering equipment. Whilst the applicant has made clear their intentions to fully sound insulate the buildings, neighbours have made extremely valid points about noise emanating from the site in the summer when employees may wish to have windows and doors open to cool the buildings down. It is at this time when most local residents would also have their windows and doors open and this would increase the potential for noise disturbance to local residents taking place.

The nearest neighbours to the proposed development would be those at Grange Farm, both the Grade II listed dwelling and the curtilage listed barn, which has a valid permission to be converted into a dwelling but which has yet to be implemented. This barn is no less than 10m away from the rear of the application site buildings and it is this fact that has caused greatest concern to Environmental Health under Statutory Nuisance Legislation. When permission was granted for the adjacent barn conversion, the issue of noise from the then active agricultural barns was a primary concern and was indeed a reason for refusal of an earlier application. One therefore cannot ignore the potential conflict between these two differing uses, particularly as the barns under the proposed application would be occupied on a frequent and regular basis for industrial uses rather than seasonal patterns of intensive use.

Officers are therefore extremely concerned at the relationship between the proposed use and adjacent existing and proposed residential units. The close relationship and the potential for noise disturbance would, by default, create the circumstances for a statutory nuisance to occur. This would be both unfair on the occupiers of the residential unit and would also create unacceptable pressure on the proposed business to minimise noise disturbance, which cannot guarantee to be achieved and is therefore contrary to Uttlesford Local Plan Policy GEN4.

4) The character and appearance of the surrounding countryside is heavily influenced by agricultural activities and operations. This is characterised by the presence of older historical barns as well as more modern and larger barns. The application site is a classic example of a modern farm, once part of Grange Farm, but which has been sold away. The barns are by no means aesthetically pleasing but reflect the type of structures one might

reasonably expect to find in the working countryside. The applicants state that the barns are redundant for farming purposes. No evidence has been submitted confirming that this is necessarily the case and their redundancy may well be the result of a farm operational decision. Nonetheless, the proposed development would see extensive external and internal alterations to the existing barns with new claddings etc. Whilst the alterations may represent physical and aesthetic improvements to the existing buildings, the character and appearance of the site would materially change and, because of the additional vehicular movements along country roads and associated frequent and regular un-seasonal noise, the proposal is considered to be harmful to the character and appearance of the countryside and is not a use that needs to take place in the countryside.

5) Paragraph 17 of PPS 7 - Sustainable Development in Rural Areas, states "The Government's policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives." Uttlesford Local Plan Policy E5 also considers the re-use of rural buildings, one of the criteria being that they are capable of conversion without major reconstruction or significant extension. Whilst it has already been considered that the application site is not appropriately located for the proposed use from a sustainability perspective, one also has to consider whether the existing agricultural buildings are suitably constructed for their proposed use. In their supporting statement, the applicant's have clearly stated that, in order to minimise noise from the site, they would soundproof all production buildings to a very high standard (concrete walls, insulation and cladding). Given the need to make these changes, this would clearly suggest that the existing buildings are not suitably constructed for industrial uses without causing demonstrable harm to adjacent neighbours through the passage of sound etc. The proposal would therefore be contrary to central government aims as well as being contrary to Uttlesford Local Plan E4. Officers therefore cannot provide support to a scheme requiring major changes to the fabric of the buildings as proposed.

6) Whilst officers acknowledge that the applicants have made every effort to try and justify their proposal, the scheme is fundamentally flawed in terms of sustainability and there are no material circumstances to override clear policy guidance in this instance. The applicants have cited other examples of barn conversions in the locality but none of these are of a scale or size comparable with the proposal submitted here for consideration. The applicants have suggested that the use in its proposed location at Grange Farm would be far more sustainable than locating to a business park in Saffron Walden, Royston or Bishops Stortford. Whilst this may be true with regard to the existing staff, this comparison ignores trips made by heavy goods vehicles and service vehicles etc, which would be far greater to this fairly isolated part of the district. When one takes into consideration the presence of heavy goods traffic on the rural road network, highway safety implications, damage to special verges, additional noise and material harm to the character and appearance of the countryside, the proposed use of the site would be materially damaging to the area with very limited benefit or contribution towards creating a thriving, sustainable community as the applicant suggests.

CONCLUSIONS: The proposed development has been carefully considered against National, Structure and Local Plan guidance and policies. The failure of the proposal to comply with sustainability objectives clearly laid down in PPS7, by virtue of the sites isolated location well away from established development limits and the heavy dependence on the private motor vehicle coupled with the fact that the existing buildings are not suitably constructed for industrial uses without the need for major reconstruction, suggest that there can be no policy support for the proposed development. Added to this, the fact that the building is close to existing residential dwellings would give rise to material harm to local amenity by virtue of noise etc. Furthermore, the significant increase in the presence of

vehicles on narrow country lanes would present a danger to highway safety and the potential of conflicting vehicles causing damage to specially recognised and protected lanes would add further weight to the fact that the scheme should be refused.

RECOMMENDATION: REFUSAL REASONS

It is the policy of Central Government PPS7, ERSP (Policy CS1, CS2, CS3, CS4, CS5, C5, HC3, BIW3, RE2, T3, T12), Uttlesford Local Plan (Policy S7, GEN1, GEN2, GEN4 GEN8, E4, E5, ENV2)) to ensure that proposed development in the countryside is appropriately located and of a size commensurate with the sustainable rural development principles clearly identified in PPS7. Furthermore, such development should not have an adverse impact on adjacent properties nor increase the potential for highway dangers on the rural road network nor be potentially damaging to specially recognised biodiversity sites.

In this instance, the applicant wishes convert an agricultural building for industrial use well away from established settlement limits on an isolated site accessible only along narrow country lanes. The proposal would be heavily reliant on the private motor vehicle due to the lack of alternative transport means including both staff and goods movement into and out of the site and is therefore considered to be unsustainable in accordance with PPS7. The presence of additional vehicles on the twisting and narrow rural road network, many of which would be large heavy goods vehicles, would increase the potential for traffic conflict to the detriment of highway safety.

The increased potential for traffic conflict would also raise the probability of vehicles driving onto verges either side of the road in order to enable larger vehicles to pass. This would be clearly damaging to the special verges identified on the roads north of the site to the B1039, adversely affecting local biodiversity, contrary to Local Plan Policy ENV8.

With regard to the proposed use of the barns, it has been identified that the buildings are not suitably constructed for industrial use without major alterations. These major alterations have been acknowledged by the applicant as being necessary to prevent noise spillage from the site onto adjacent residential properties. The proposal therefore fails to meet with the policy criteria relating to the re-use of rural buildings.

Noise from the site, particularly during the summer months when windows and doors are likely to be open, would also have a detrimental impact on the residential amenity of neighbouring properties.

The proposed industrial use would be incongruous with the rural character and appearance of the countryside and would create a long-term frequent commercial use on the site compared with the seasonal agricultural use that existing more recently until the barns became redundant.

The proposal involves the construction of a substantial office building in an area where new development is strictly controlled. Policy support for commercial activity in the countryside can only relate to the re-use of appropriate existing buildings, and there is no justification for the construction of a new building for such purposes.

For the above reasons, the proposed development is contrary to adopted development plans and there are no material circumstances that would support a departure from policy in this instance.

Background papers: see application file.

UTT/0835/05/FUL - THAXTED

Proposed accommodation annexe to hotel.
Thaxted Hall Hotel, Walden Road. GR/TL 610-316. Mr B J Creasey.
Case Officer: *Mr M Ranner 01799 510556*
Expiry Date: 19/07/2005

NOTATION: Outside of Development Limits.

DESCRIPTION OF SITE: The application site is located at the junction of Walden Road (B184) and Sampford Road (B1051), just to the north of settlement limits of Thaxted. It comprises a two-storey hotel sited within the northwestern part of the site immediately adjacent to Walden Road. It is characterised by both gables and hipped roofs finished in plain tiles with a variety of external finishes to the elevations including red brick, cream pargetting and weather boarding. Vehicular Access is gained via a driveway and set of gates fronting Sampford Road on the sites northern boundary, which leads to a gravelled parking area adjacent to the eastern side of the hotel building that extends south to the rear of the building. A wooded area abuts the eastern boundary of the site, through which a public footpath is routed, and this gives way to more open land comprising an area of playing fields adjacent to the southern section of the site. Walden road runs adjacent to the full length of the sites western boundary and is separated by both iron railings close to the hotel building and mature hedging.

DESCRIPTION OF PROPOSAL: The application seeks full planning permission for a thirteen-bedroom annex to the main hotel building. Accommodation is to be arranged over three floors that are to include a basement, ground and first floor. The annexe will be physically separated from the hotel although sited close to existing buildings eastern elevation and will be of a Tudor style with timber Oak frame. In terms of size at 17.2 metres by between 7.5 and 10.8 metres, the annexe will occupy a footprint of approximately 193m² and will be of a height of approximately 8.4 metres above existing ground levels.

APPLICANT'S CASE: A detailed supporting statement accompanies the application. This can be viewed at the Saffron Walden Offices, London Road.

RELEVANT HISTORY: A number of applications relate to the premises however many of these are of no direct relevance to the current proposal. Of those applications that are more significant, a two-storey annexe extension to form 25 bedrooms was granted on 5th October 1989 (UTT/1261/89). This permission however was never implemented and so has long since lapsed. More recently planning permission was refused on 6 October 2003 for the erection of a two-storey building to provide additional hotel accommodation (UTT/0955/03/FUL). An application was also withdrawn during April of this year for the erection of a two-storey annex with basement to provide 13 bedrooms (UTT/0271/05/FUL).

CONSULTATIONS: The Environment Agency: No objections.

ECC Archaeological Advice: Recommend the imposition of the following condition: -

“No development, or preliminary groundworks, of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.”

ECC Highways & Transportation: No objections subject to the imposition of the following condition: -

“The public right of way in the vicinity of the site should not be obstructed or adversely affected in any way by the proposed works.”

PARISH COUNCIL COMMENTS: Object: not in keeping in a conservation area such as Thaxted. If planning approval is given, it is imperative that a condition, tying the annexe to the hotel, should be included.

REPRESENTATIONS: None. Notification period expired 8 July.

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 (ULP Policy S7 & LC5);**
- 2) **the design is acceptable in relation to the existing hotel building (ULP Policy GEN2)**
- 3) **other material planning considerations.**

1) The application site is situated just outside of development limits of Thaxted where policy S7 of the ULP applies. This 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 equivalent policy C5 of the Structure plan states that new building will be strictly controlled to that required to support agriculture, forestry or other rural uses. Policy LC5 of the ULP relates more specifically to proposals for hotel and bed and breakfast accommodation. Of direct relevance to this application it states that development outside development limits will only be permitted if either it involves the re-use of a rural building or it is an extension or replacement of existing serviced accommodation.

Taking these policies into consideration, Firstly Officers are satisfied that in accordance with policy S7 the development will protect the particular character of the part of the countryside within which the site is set. The building has been designed to have as little impact as possible on its surroundings by keeping the scale and bulk of the building to a minimum following discussions between the applicant and officers subsequent to the withdrawal of the previous scheme (UTT/0271/05/FUL) for annexe accommodation, which was considered by officers to be excessive in scale. The current proposal also represents a building of reduced scale and of more articulate design when compared with the scheme previously refused under application UTT/0955/03/FUL. Part of the accommodation has now been provided within the proposed basement below existing ground level, which has allowed the building to be reduced in height and scale whilst providing a good degree of extra accommodation for the hotel. Consequently the annexe will have little affect on the character of its surroundings. From Walden Road, which passes the site, the development will largely be screened by the existing hotel building, which is set immediately adjacent to the highway. Views will be obtained from Sampford Road, at the entrance to the site, but as the building will be set back at least 25 metres from the highway the development would not appear intrusive, incongruous or out of keeping with its surroundings. A belt of trees will screen the building from the west towards Bellrope Meadow and when viewed from the south, screen hedging and the presence of the existing hotel building will reduce its impact.

The proposal satisfies the ULP policy LC5 as although it lies outside of development limits, it represents an extension of existing serviced accommodation in accordance with part b) of this policy. It should also be recognised that the Local Plan is supportive of tourism and as part of the Thaxted Inset, paragraph 20.1 states that: "Tourism is an important economic activity in Thaxted and development that would contribute to its promotion will be permitted if it preserves or enhances the character of the townscape. At present due to the limited space offered by the existing hotel, only eight rooms are currently offered to paying guests. Consequently the applicant states that the hotel is frequently fully booked and the extra rooms provided by the annexe are required to facilitate a thriving and growing business.

Planning Policy Statement 7: Sustainable Development in Rural Areas also recognises the importance of tourism to rural economies and advises that Local planning authorities should: “plan for and support the provision of general tourist and visitor facilities in appropriate locations, “ and “where new or additional facilities are required, these should normally be provided in, or close to, service centres or villages.” The proposal satisfies the guidance in this respect, as it is located in close proximity to the village itself.

In light of the above judgments and in accordance with policies S7 and LC5 it is considered the proposal constitutes appropriate development outside of settlement limits.

2) Turning to design, the existing hotel has been extended in the past, which has resulted in a building, which appears somewhat disjointed and sprawling due to differing elements and components of the building. It is not desirable therefore in my view to try to replicate this building in the design of the annexe. In this case the development will comprise a Tudor style Oak timber frame building that will have its own identity and create an attractive feature when viewed from the entrance to the site. Due to its scale and design it would form a subservient structure to the larger main building that will neither compete with it or appear awkward in its relationship with the existing hotel. The two resultant buildings will appear compatible in scale, form, layout and appearance in accordance with policy GEN2.

3) With regard to the impact of the development on surrounding trees, a young tree and a Hawthorn are likely to be lost as the annexe will be sited in particularly close proximity immediately to the west of these trees. In the overall context of the surroundings there loss will however be of little consequence and no harm will occur to the visual amenities of the locality. Four mature trees are located to the north of the proposed annexe towards the site entrance. One of these is a Field Maple and is located just outside of the eastern boundary of the site and the other three relate to two Sycamores and a Horse Chestnut, all located within the site and on the eastern side of the access. All of these trees are protected by Tree Preservation Orders, however as the annexe will be located at least 12 metres from these trees Officers are satisfied that the development can be accommodated on the site without prejudicing their health.

Turning to highway safety, no alterations are proposed to the existing access to the site and the Highway Authority does not raise any objections to the proposal. There will be a resultant loss of parking, as the annexe will occupy a position on the existing gravelled parking area to the eastern side of the existing hotel building. This gravelled (unmarked) parking area does however extend into the southern section of the site and ample space will still exist for vehicles to be parked within the site. The nearby public footpath is located outside of the application site and should not be affected by the proposal.

With regard to archaeology, an appropriately worded condition is recommended concerning open area excavation in accordance with Specialist Archaeological advice from Essex County Council.

Finally, the comments made by the Parish Council have already largely been addressed in section 2 of this report concerning design, however, for clarity; the site is not located within a conservation area as inferred by the Parish Council.

CONCLUSIONS: The proposal constitutes appropriate development outside of development limits in accordance with Local Plan policies S7 and LC5. It will have only a minimal impact on the character and appearance of the general locality and the scale, design and appearance of the annexe are considered compatible with the existing hotel and the context of the surroundings in accordance with Local Plan policy GEN2. All other matters of material importance have been considered and judged to be compliant with the aims and objectives of Local Plan policies.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.4.1. Scheme of landscaping to be submitted and agreed.
3. C.4.2. Implementation of landscaping.
4. C.5.1. Samples of materials to be submitted agreed and implemented.
5. The annexe hereby permitted, shall be used solely as ancillary accommodation to the existing hotel facilities located within the site.
REASON: In the interests of the rural character and appearance of the area.
6. No development, or preliminary groundwork's, of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.
REASON: To secure the protection of and proper provision for any archaeological remains.
7. C.25. No airport parking.

Background papers: see application file.

UTT/1029/05/FUL - CLAVERING
(Referred by Executive Manager)

Erection of an oak framed 5-bay cart lodge style garage with storage space over.
Roast Farm, Roast Green. GR/TL 457-329. Mr C Evans.
Case Officer: Mr T Morton 01799 510654
Expiry Date: 22/08/2005

NOTATION: Outside Development Limit / Listed Building.

DESCRIPTION OF SITE: The application premises consist of the original farmhouse, a grade II listed building, set far back from the road with open lawns to its front, and with a range of outbuildings to the west side, not listed in their own right but arguably were curtilage listed. These are now in separate ownership and have planning permission for conversion into a dwelling house, and the conversion has commenced.

DESCRIPTION OF PROPOSAL: Erection of a new range of buildings in the form of a 5-bay cartlodge to provide garaging, and with a first floor loft to provide storage space. [NB This is the same proposal as submitted earlier this year and refused, and now at Appeal]

APPLICANT'S CASE: The applicant has submitted a photomontage to show the building in relation to the house, and sets out the case that a smaller building would not meet the needs of the applicant, that the ground level falls from the house towards the proposed building, reducing its impact, the only viewpoint is from the road over 70 metres away and from a higher elevation reducing the impact of the proposal. They have produced old photographs that show that buildings used to stand on the same spot. They believe the proposal is in keeping with the listed house, that gable end is presented to the road, not the long elevation reducing visual impact, the treatment is traditional, the building would conceal motor vehicles from view.

RELEVANT HISTORY: UTT/0049/04/REN & UTT/0050/04/REN renewing planning and listed building consent originally approved in 1998 for the conversion of the principal barn to the west of Roast Farm into a dwelling house.
UTT/0083/05/FUL Erection of a 5 bay cart lodge style garage with above storage space Refused 01 April 2005. Appeal lodged using Written Representations procedure.

CONSULTATIONS: Conservation Officer: Advises that the design is rural in character and would not detract from the setting of the house.

PARISH COUNCIL COMMENTS: No objection.

REPRESENTATIONS: This application has been advertised and no representations have been received. Period expired 1 August 2005.

PLANNING CONSIDERATIONS: The main issues are

- 1) Impact upon the setting of a Listed Building (ERSP Policy HC3, ULP Policy ENV2),
- 2) Development outside of a defined settlement (ERSP Policy C5, ULP Policy S7) and
- 3) Other material planning considerations.

1) The house is a listed building, standing in the open countryside outside of a settlement boundary, and the proposal raises the issue of effect upon the setting of the listed

building. The proposed building is comparatively large, with a footprint approaching the same size as the footprint of the main house, and set very close to the Listed Building. Notwithstanding the advice of your Conservation Officer, this is considered to be detrimental to the setting of the listed house. The building would appear unacceptably dominant and would compete with the main building.

2) The property is located outside of the Development Limit of any defined settlement and the proposal raises the issue of development in the open countryside. In the open countryside there is a policy presumption that new buildings will only be allowed if they are related to agriculture. Existing outbuildings to the west of the main house have planning and listed building consent for conversion into a new dwelling, now being implemented having been sold to a different owner, but it was understood as part of the applications, that part of the existing stable range was to be retained by Roast Farm to provide garage and storage space for that house. This appears to have been entirely sold along with the barn conversion. The proposed outbuilding represents a structure which has a footprint about eighty percent of the size of the farmhouse, and in planning policy terms it is considered that this would be visually intrusive and is too large to be acceptable in an open countryside location.

3) Following the recent refusal, negotiations have continued with the applicant, and officers have indicated that should an application be submitted for a 3 bay cartshed that could be recommended for approval, but the 5 bay design is considered to be too large. The applicant has decided to proceed to Appeal with the original decision, and to submit this repeat application for a decision at Committee rather than under delegated authority. No other issues arise.

CONCLUSIONS: The building is considered to be unacceptable in this open countryside location by reason of its size, bulk and location.

RECOMMENDATION: DELEGATE TO EXECUTIVE MANAGER DEVELOPMENT SERVICES TO REFUSE UPON EXPIRY OF ADDITIONAL NEIGHBOUR CONSULTATIONS (26 August 2005)

1. The proposal is considered to be contrary to the aims of planning policy to restrict development in the open countryside outside of the Development Limits that are defined in the Uttlesford Local Plan, Policy S7 of which seeks to protect the countryside for its own sake. There will be strict control on new building and development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set. It is considered that a building of the size bulk and location proposed would serve to consolidate the cluster of buildings and development here and by removing the separation between them would diminish the sense of open countryside that exists.
2. The proposal is considered to be contrary to the aims of Policy C5 of the Essex and Southend-on-Sea Replacement Structure Plan which seeks to protect the countryside for its own sake and to restrict new uses and new building in the countryside to that required to support agriculture, forestry or other rural uses.
3. R.21.C. Inappropriate design affecting the preservation of the character of a listed building or its setting.

Background papers: see application file.

UTT/1021/05/FUL - LITTLE HALLINGBURY

Demolition of existing house and construction of two houses, two bungalows and associated garaging. Alterations to existing access to highways.

Peacehaven Lower Road. GR/TL 505-170. T Jones.

Case Officer: Mr N Ford 01799 510468

Expiry Date: 19 August 2005

NOTATION: Within Development Limits ULP Policy S3.

DESCRIPTION OF SITE: Peacehaven is a detached single storey bungalow set between two chalet dwellings located on the eastern side of Lower Road (A1060). On this side of the road are detached dwellings set back from the highway and in particular the existing bungalow sits atop a rise from the road. It has a long rear garden extending east with a wider part towards the centre and has an area of approximately 2600 sqm. Detached dwellings surround the garden, in particular those of Pynchon Paddocks to the east. Opposite Peacehaven is a garage/showroom and further detached dwellings fronting Lower Road.

DESCRIPTION OF PROPOSAL: The scheme relates to the demolition of the existing bungalow and the erection of two detached houses to the front of the site and two bungalows to the rear.

The dwellings to the front would be 4/5 bedrooms. Both bungalows would be three bedroom and they would have two parking spaces each located in garages whereas the houses would have a garage parking bay each and two hard standing parking spaces located to the front of the dwellings. Access to the bungalows would be via Lower Road between the two houses. A turning head for fire tenders is provided to the rear of the houses.

A significant mature beech tree is shown as retained to the rear of plot 1.

RELEVANT HISTORY: In April 2004 a planning application for the erection of 3 no. four bedroom detached dwellings with garaging and construction of a new access was withdrawn (UTT/0514/04/OP).

In 1978 planning permission was granted for a new bungalow to replace existing substandard building (UTT/0587/78).

CONSULTATIONS: ECC Highways: No objection subject to conditions.

Water Authority: No building will be permitted within 3 metres of the sewers with Thames Water's approval.

Environment Agency: To be reported. (due 19 July 2005).

English Nature: No comment.

Essex Wildlife Trust: To be reported. (due 19 July 2005).

UDC Landscaping: To be reported. (due 18 July 2005).

PARISH COUNCIL COMMENTS: To be reported. (due 28 July 2005).

REPRESENTATIONS: One. Notification period expired 19 July 2005.

1. Concern relating to traffic generation and parking provision. Loss of privacy and overlooking.

COMMENTS ON REPRESENTATIONS: Sufficient off road parking provision is provided. Comments relating to privacy and overlooking are discussed below.

PLANNING CONSIDERATIONS: The main issues are

1) **whether the development would make effective use of the land, be no detrimental effect to the amenity of adjacent properties, access would not cause disturbance and the design would accord with the character of the area (ERSP Policy BE1 & ULP Policies S3, H3, H4, GEN1 and GEN2).**

1) This application relates to an existing detached single dwelling that occupies a very generous plot. Being within development limits, it has the potential therefore for redevelopment to provide additional housing subject to maintaining the character and appearance of the area amongst other matters of detail. The site is approximately ¼ hectare and therefore the 4 dwellings approximate to 16 dwellings/hectare. This is below the 30-50/ha required by the ODPM. However the first part of the site (approx) 400m² cannot be developed as it would result in uncharacteristic development forward of the established building line. Furthermore none of the properties are big or would have big private gardens and due to its long narrow shape, the need to provide driveways, parking a turning area for visitors and fire services a more intensive development would be inappropriate.

The two detached dwellings fronting lower road are considered to be of a scale, height and design that would accord with adjacent dwellings. Access to the two bungalows to the rear would via the space between the two dwellings.

The dwellings are designed in such a manner that there would be no overlooking from first floor windows to the dwellings fronting lower road as the windows are obscure glazed. The dwellings to the rear are single storey bungalows and as such there is no potential for overlooking from these dwellings towards neighbours gardens.

Appropriate parking provision is provided for each dwelling by way of garaging and hard standing. The scheme is considered to benefit by having garaging located to the rear such that the appearance of the street scene would be maintained.

The area provided for private gardens is considered adequate for the size of dwellings proposed but it is considered appropriate to control any further extensions by condition in order that appropriate amenity space remains for family sized dwellings.

CONCLUSIONS: The proposed development is considered to meet the requirement for the efficient use of land whilst providing for an adequate design and layout of houses.

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.5.2. Details of materials to be submitted and agreed.
6. C.6.4. Excluding extensions without further permission.
7. C.6.7. Excluding conversion of garages.
8. C.8.13. Restriction on hours of construction.
9. C.11.6. Standard vehicle parking facilities.
10. C.12.1. Boundary screening requirements.
11. C.25.1. Airport related parking conditions.

12. The development should be served by way of a 5.5 metres wide access and formed by way of a dropped kerb vehicle crossing 11.0 metres wide, which would enable those vehicles regularly entering and exiting the site to do so without crossing the center line of the adjoining highway. This should be formed to the satisfaction of the Local Planning Authority in consultation with the Highway authority. Visibility splays of 2.4 by 90m should be provided clear to ground level in both directions.
13. 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 as may be agreed with the Local Planning Authority and such space should be maintained thereafter free of impediment to its designate use.
14. Where the surface finish of a private access is intended to remain in unbound materials, the first 6m as measured from the highway boundary, should be treated with an approved bound material to prevent any loose material from entering the highway.
15. The internal estate should be designed in accordance with the Essex Design Guide.
REASON 12-15: In the interests of highway safety.

Background papers: see application file.

UTT/0858/05/FUL - DEBDEN

Proposed changes to Planning Permission UTT/0497/03/FUL condition C90D for substitution of existing approved vehicular access by way of alternative existing vehicular access.

The Stables, Mill Road. GR/TL 549-333. Mrs N Fiske.

Case Officer: Mr G Lyon 01799 510458

Expiry Date: 20/07/2005

13 weeks: 24/08/2005

NOTATION: Uttlesford Local Plan: Outside Development Limits. Within Historic Parkland, adjacent Important Woodland. Public Right of Way.

DESCRIPTION OF SITE: The site is located approximately 650 metres west of the centre of Debden and is part of the Debden Hall Farm site, set amongst historic parkland. The track runs in roughly a north-south direction from Newport Road down to Mill Stables, approximately 700 metres in length and is lined with mature trees in places as well as passing through wood land and over a covered drain. The track is, for the most part, single width.

DESCRIPTION OF PROPOSAL: The applicant is seeking full permission to vary condition C.90.D of planning application UTT/0497/05/FUL to enable the use of an alternative access track to reach The Stables, which had planning permission granted in September 2003 to be converted for residential use. Condition C.90.D stated "The only vehicular access to the site shall be the route shown by the red line on the approved plans. At no time shall vehicles access the site by any other route." The reason for this condition was to protect and enhance the existing visual character of this attractive historic parkland setting. The applicant has not provided any information with regard to surface materials of the proposed track and therefore, for the purposes of this application, it is assumed that these will remain the same as the existing.

APPLICANT'S CASE: The applicant has submitted a very brief supporting statement to accompany the submitted plans, a copy of which can be inspected on the Council's website or at the Council Offices.

RELEVANT HISTORY: Change of use and conversion of barn to dwelling. Alterations to vehicular access approved September 2003. Construction of new drive to provide access to stable block (variation to condition C.90.C of planning permission UTT/0497/03/FUL) refused September 2004 due to substandard access, detrimental to highway safety. Access considered as an unnecessary visual intrusion in the countryside.

CONSULTATIONS: ECC Highways and Transportation: The public right of way in the vicinity of the site should not be obstructed or adversely affected in any way by the proposed works.

English Heritage: No comments.

Garden History Society: No comments.

PARISH COUNCIL COMMENTS: The proposed original access was adequate and respectfully draw the District Council's attention to the extremely fast and dangerous Newport Road, which under new proposal traffic will be pulling out onto. The Parish Council has received numerous concerns from villagers regarding this proposal, one of whom suggested an alternative access via Waldegrave Farm through Cabbage Patch Wood, which they felt may accommodate and appease all parties and would keep traffic out the village.

REPRESENTATIONS: The application was advertised with both press and site notices. Thirteen neighbours were notified of the proposed development. Advertisement expired 23 June 2005. Two letters have been received to date.

Summary of comments: - This access is via the old coach road to Newport Lodge which has a hard surface in parts and would be satisfactory for one dwelling but should be the only vehicular access to The Stables. At no time should vehicular access to the site be permitted by any other route. Newport Road carries considerable traffic, some of which travel at excessive speed. General visibility to the west at the junction with Newport Road is poor due to a crest in the road and this may create hazards when entering and existing the proposed new access track. Damage to the Coach Road at the bottom of the dip during wet weather could be extensive and traffic may reduce that part to a quagmire. The road ascending the hill to the rear entrance of Debden Hall Farm is very constricted for 200 metres and there would be little room for horses and riders or pedestrians to go if vehicles need to pass. Over the hill and on the way down to The Stables, the road is electrically fenced and there is no room for passing etc. Recommend alternative access by Waldegraves Farm off Beetle Lane passing through Cabbage Wood. This would be significantly safer than the access proposed.

PLANNING CONSIDERATIONS: The main issues are whether: -

- 1) **the impact of the development on highway network would be acceptable (ERSP Policies T3, Uttlesford Local Plan Policy GEN1,)**,
- 2) **the proposal would obstruct or adversely affect the public right of way (ERSP T3)**
- 3) **the proposed development would cause material harm or disturbance to surrounding dwellings beyond the site (ERSP Policy C5, Uttlesford Local Plan Policy GEN2);**
- 4) **the development would have an adverse impact on the character and appearance of the countryside (ERSP Policies C5, Uttlesford Local Plan Policy S7),**
- 5) **there are any other material considerations.**

1) The proposed alternative access would involve additional vehicles entering and leaving onto Newport Road. This access already serves Newport Lodge but was apparently part of the former stagecoach route to Norwich. The track is obviously not used for this purpose any more but is regularly used as a public right of way, especially by walkers. Essex County Council have been invited to comment on the application. Given the fact that the road is Class III, they have left highway aspects for determination by the local planning authority subject to advice regarding the public right of way. Having visited the site it is apparent that whilst visibility to the east at the junction is generally adequate for a 60mph road, the crest in the road to the west does limit visibility to approximately 155 metres, 60 metres less than required in line with recognised standards. However, given the fact that the entrance already exists and has done so for some time, coupled with the fact that the number of vehicles using it would be relatively low, officers are of the opinion that refusal on highway grounds would be difficult to sustain in this instance.

2) Essex County Council have provided some comments with regard to the Public Right of way, which runs across the entire length and beyond of the access track. Highways have clearly stated that the public right of way in the vicinity of the site should not be obstructed or adversely affected in any way by the proposed works. The access track would, in addition to Newport Lodge, primarily serve The Stables for all vehicular access on a daily basis and one would reasonably assume no more than 8 or 10 vehicle movements per day serving this property. In addition, given the fact that the track is part of a well used public right of way, one would also expect frequent pedestrian use at varied times of the day but especially at weekends. Given the narrow and restricted width of the access track that would prohibit

vehicles and pedestrians from passing each other freely, especially under the avenue of Lime Trees, there would therefore be conflict between pedestrians and vehicular traffic with pedestrians forced into the denser hedgerows or very close to the electric fences that have been placed either side of the track to enable vehicles to pass. This would, in the opinion of officers, obstruct and therefore adversely affect the public right of way, contrary to advice from Essex County Council Highways. Given the fact that the site lies within Historic Parkland, and the lime trees form an intimate part of the intrinsic value of the section of the parkland, one would not wish to see unnecessary damage caused to the root system of the trees that could shorten their natural expected life. Vehicles or pedestrians straying off from the established track may inadvertently cause root damage and this would be unacceptable. Damage may also be caused during the works to convert The Stables to residential use, especially if large and heavy vehicles were used for delivery of materials etc. These vehicles would also severely restrict the public right of way during the construction period. Officers are therefore of the opinion that the proposal would obstruct and therefore adversely affect the public right of way that runs along the entire length of the access track.

3) The only dwelling along the access route would be Newport Lodge, which lies adjacent to Newport Road at the entrance point. Given the limited number of additional vehicles that would pass by this property to The Stables after the conversion works have been completed, officers consider that there would not be any material increase in disturbance to this property, especially given the close proximity of Newport Road to this dwelling.

4) As stated above, the site lies within Historic Parkland and, in accordance with Uttlesford Local Plan Policy ENV9, development likely to harm the parkland would not be permitted unless the need for development outweighs the historic significance of the site. The applicant has not stated that they would be re-surfacing the track or changing it in any way from its current condition and this would be desirable in terms of preserving the character of the historic parkland. Nonetheless, the introduction of regular and frequent traffic to The Stables may alter the character of the track over time and speed up the process of deterioration, especially during winter months and this may also adversely affect the quality of the public right of way. However, maintenance of the track would be an on-going process and works to carry out necessary repairs would be reasonably expected throughout its lifetime. This would be acceptable provided that works were sympathetic to the character of the area. The only element of concern to officers is the potential detrimental impact to avenue of Lime trees and any damage or loss of these specimens would be harmful to the character of the parkland.

On balance, it is the opinion of officers that the proposal would not be materially harmful to the character of the historic parkland provided that care is taken to protect important trees and any future resurfacing of the track is sympathetic to the character of the parkland.

5) The applicant has not provided any material circumstances to explain or justify why the existing track, approved as part of UTT/0497/03/FUL, is inadequate for the purpose of providing access to The Stables. There are therefore no material circumstances to consider in this instance.

CONCLUSIONS: The proposed development has been carefully considered against National, Structure and Local Plan guidance and policies. It is the opinion of officers that the proposed development would obstruct and therefore adversely affect a public right of way through the introduction of regular and frequent vehicular traffic that would conflict with the free passage of pedestrians due to the narrow and restricted width of the proposed access track.

RECOMMENDATION: REFUSAL REASONS:

It is the policy of ERSP (Policy CS2, C5, NR1, NR5, T3), Uttlesford Local Plan (Policy S7, GEN1, ENV9)) to ensure that proposed new accesses within historic parklands do not adversely affect the character of the area. Furthermore, development should not obstruct or adversely affect a public right of way.

In this instance, whilst the proposal may not materially affect the character of the historic parkland if vehicles do not stray from the established track, the proposed development would obstruct and therefore adversely affect a public right of way through the introduction of regular and frequent vehicular traffic traveling to and from The Stables that would conflict with the free passage of pedestrians due to the narrow and restricted width of the proposed access track. Although this is an historic access track, the proposal would involve more intensive use by motorised traffic.

For the above reasons, the proposed development is contrary to adopted development plans and there are no material circumstances that would support a departure from policy in this instance.

Background papers: see application file.

UTT/0989/05/FUL - GREAT HALLINGBURY

Proposed construction of 1 No. three bed detached house, 4 No. three bed semi-detached, 2 No. two bedroom semi-detached houses, garages, parking and road.

Brookside The Street. GR/TL 549-211. Ricklin Ltd.

Case Officer Mr N Ford 01799 510468

Expiry Date: 12 August 2005

NOTATION: Development Limits ULP Policy S3.

DESCRIPTION OF SITE: This site is located on the southern side of the B1256 at the eastern end of Takeley Street. It forms part of the garden to a dwelling known as Brookside. The Flitch Way footpath is located on the embankment to the rear. There are long gardens located to the west separating this site from land recently refused planning permission for 11 dwellings on appeal. To the east is Pincey Brook and countryside.

DESCRIPTION OF PROPOSAL: The scheme relates to the erection of 7 dwellings to the rear of Brookside. There would be 4 no. semi detached three bedroom homes, 2 no. semi detached two bedroom homes and 1 no. semi detached three bedroom home. Two off road vehicular parking spaces would be provided for each dwelling by way of garaging or hard standing with a further visitor space. Rear garden areas would vary in size but would range from approximately 56 sqm for unit 4 (two bedroom) to around 120 sqm for unit 1 (three bedroom).

APPLICANT'S CASE: See agent's letter dated 14 June 2005 attached at end of report.

RELEVANT HISTORY: In October 2004 outline planning permission was granted for the erection of 4 dwellings and alteration to access.

CONSULTATIONS: ECC Highways: To be reported (due 6 July 2005).

ECC Archaeology: Recommends a field evaluation.

Water Authority: No objection. Advice for applicant regarding surface water drainage.

Environment Agency: Object. Flood Risk Assessment not acceptable and lack of information on ecology. Note: The applicant is discussing this issue with the Environmental Agency. The outcome will be reported members.

Essex Wildlife Trust: To be reported (due 8 July 2005).

English Nature: The proposal is not likely to affect a Site of Special Scientific Interest. If protected species are present or suspected an ecological survey should be submitted.

UDC Environmental Services: No comments.

UDC Drainage Engineer: The Flood Risk Assessment received (FRA) on 17 June 2005 satisfies the requirements for a FRA for this proposal. The FRA proposes that a sustainable drainage system be implemented for the development. Any approval should be conditioned that these works are carried out and that the surface water disposal arrangements are approved in writing by the Local Planning Authority before development commences.

PARISH COUNCIL COMMENTS: Access to the proposed site is between Brookside (east) and a previously approved new dwelling that will back onto Pincey Brook. Such a development will result in an over intensified 'estate' with the associated problems and dangers of vehicle parking/manoeuvring and safety issues for owners and pedestrians. Increasing the number of dwellings from 4 to 7 with more communal car parking exacerbates the problems. A development of this density spoils the overall character of the area, which is very close to the Flitch Way, boundary of Hatfield Forest and open views across Pincey

Brook. Impact on neighbouring properties and the views from the B1256 when travelling in a westerly direction would be detrimental and incompatible with the rural location.

REPRESENTATIONS: None. Notification period expired 8 July 2005.

COMMENTS ON REPRESENTATIONS: Comments relating to access are noted, however, Members will be aware that they have already granted outline planning permission for development to the rear of Brookside and this is of material consideration in favour of development to the rear with access from the B1256. A similar condition to the existing permission stopping up windows to the side elevation of Brookside where the access is proposed can be attached. There are no bedroom or living room windows to the side elevation of the new dwelling approved adjacent Brookside.

PLANNING CONSIDERATIONS: The main issues are

1) **whether the development would make effective use of the land, be no detrimental effect to the amenity of adjacent properties, access would not cause disturbance and the design would accord with the character of the area (ERSP Policy BE1 & ULP Policies S3, H3, H4, GEN1 and GEN2).**

1) Members will recall that the site has outline planning permission for the erection of four dwellings (UTT/0699/03/OP) that was approved in October 2004. This full application would therefore seek to provide a further three dwellings on the site.

The four dwellings approved at outline only showed indicative details of dwellings and no application for such details has been submitted. The dwellings were, however, likely to be at three bedroom dwellings or larger. This scheme, however, provides smaller three and two bedroom homes that are considered to meet the need for smaller market properties in accordance with ULP Policy H10 and is therefore welcome.

The layout of the proposed development is considered to be satisfactory. Adequate parking is provided for the dwellings by way of garaging or hand standing. The rear gardens are also considered to be of satisfactory size for family sized dwellings. The layout also provides the opportunity of space for some landscaping to the front of the dwellings.

In terms of amenity, it is considered that there is sufficient set back from dwellings to prevent overlooking of gardens. The landing and bathroom windows to the first floor level of dwellings no. 3 can be obscure glazed to the west elevation to prevent overlooking of the garden. Revised plans have been received from the applicant in order to provide chimneys to all dwellings such that all are provided with visual interest.

Members will be aware that they refused planning permission in November 2004 for the erection of eleven dwellings on land to the west of the application site due to the cramped layout and design of the development that would not be in character with the area and be over development of the site. In the context of the above it is considered that these problems would not occur in the proposed development as there is considered to be adequate gardens, parking and spacing between dwellings.

CONCLUSIONS: The proposed development has a density of approximately 36 dwellings per hectare. This is considered to meet the Government requirement for the efficient use of land whilst providing for an adequate design and layout of houses.

RECOMMENDATION: APPROVAL WITH CONDITIONS AND S106 LEGAL AGREEMENT

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.5.2. Details of materials to be submitted and agreed.
6. C.6.4. Excluding extensions without further permission.
7. C.6.7. Excluding conversion of garages.
8. C.8.13. Restriction on hours of construction.
9. C.8.27. Drainage Details.
10. C.11.6. Standard vehicle parking facilities.
11. C.12.1. Boundary screening requirements.
12. C.15.1. Superseding previous permission.
13. C.16.2. Full archaeological excavation and evaluation.
14. C.19.1. Avoidance of overlooking – 1.
15. C.25.3. Airport related parking conditions.
16. The approved development shall be constructed in accordance with the sustainable drainage measures stated in the ATPEC Ltd Flood Risk Assessment dated February 2005 unless agreed in writing by the local planning authority.
REASON: In the interests of reducing flood risk.
17. The development shall not commence until Brookside it has had its windows to side elevations adjacent to the estate road permanently blocked up.
REASON: In order to protect the amenity of future occupiers.
18. No development shall commence until details of surface water disposal arrangements have been submitted to and approved in writing by the local planning authority. Thereafter, such measure shall be incorporated in the development.
REASON: In order to protect the surrounding countryside and prevent pollution of the water environment.

Background papers: see application file.

UTT/0848/05/FUL – FELSTED

Change of use of agricultural land to grazing and erection of stables to include tack room/hay store

Land on west side of Jollyboys Lane South. GR/TL 682-198. Mr N Parten & Mrs D A Parten.

Case Officer: Mr N Ford 01799 510468

13 weeks: 13 September 2005

NOTATION: Outside Development Limits ULP Policy S7.

DESCRIPTION OF SITE: The site relates to a substantial area of land located on the western side of Jollyboys Lane South to the north of Causeway End, Felsted. This is a predominantly grassed parcel of land bounded by Jollyboys Lane South and Bakers Lane to the north. The greater part of Causeway End is to the south. The land is enclosed by post and rail fencing but does not have any structures erected on it.

DESCRIPTION OF PROPOSAL: The scheme relates to the change of use of land to paddock and the erection of a stable block incorporating a hay store and tack room sited in the southern portion of the site adjacent Jollyboys Lane South. This would have a foot print of approximately 65 sqm, a ridge height of 3.6m and an eaves height of 2.4m. Materials proposed consist of shiplap boarding and mineral felt. Due to the site area being in excess of 1 hectare, the application is defined as a major development, it is for this reason that the application is reported to committee.

APPLICANT'S CASE: See applicant's letter dated 17 May 2005 attached at end of report.

CONSULTATIONS: Environment Agency: To be reported (due 13 July 2005).

Ramblers Association: To be reported (due 8 July 2005).

UDC Environmental Services: No adverse comments.

UDC Landscaping: To be reported (due 6 July 2005).

PARISH COUNCIL COMMENTS: To be reported (due 14 July 2005).

REPRESENTATIONS: Four. Notification period expired 6 July 2005.

1. Welcome the proposal. The use of the land for this purpose will maintain the rural character of the area, is compatible and is to be recommended.

2. I am against building on agricultural land.

3. I agree to the development on the basis that it is not directly behind my garden. I do not want the stables or muck heap backing onto my garden.

4. It would be advantageous to have additional equine presence. Their two horses are unaccustomed to being left out to graze for twenty four hours a day and so they need a structure purely for shelter and for the required storage of hay in winter months when the horses require additional feed.

COMMENTS ON REPRESENTATIONS: The location of a muck heap and a limit on burning may be controlled by condition. The grazing of horses is not considered to be inappropriate on agricultural land.

PLANNING CONSIDERATIONS: The main issues are

- 1) whether the use of this land for the grazing of domestic horses and the erection of a stable block would be acceptable development in the countryside that is appropriate to a rural area and protects or enhances the character of the countryside (PPS7, ESRP Policy C5 and ULP Policy S7) and
- 2) whether the loss of agricultural land is acceptable (PPS7, ESRP Policy NR8, ULP Policy ENV5).

1) In terms of the effects of the proposal upon the character and appearance of the countryside, it is considered that the grazing of the site by horses would not be an uncommon feature of a rural area and therefore not inappropriate.

The stable and hay block is considered to be of modest height and scale and therefore low key and would be sited adjacent Jollyboys Lane South and not in the open. As such this is considered a less conspicuous position and therefore appropriate.

2) PPS7, the structure plan and the local plan state that the irreversible loss of the best and most versatile agricultural land will not normally be permitted unless there is an overriding need for development, which cannot take place on appropriate land of a lesser quality. The best and most versatile agricultural land is defined as Grades 1, 2 and 3A within the Agricultural Land Classification System. This is determined by the type, consistency and yield of crop potential. The current classification for the site is Grade 2. However, it is considered that the use of land for the grazing of horses not involving building would not result in the irreversible loss of land for agriculture.

CONCLUSIONS: It is considered that the use of the land for grazing would not involve the irreversible loss of the best and most versatile agricultural land. Grazing would retain the openness of the area as the site remains in the countryside where there is a strict control on new buildings.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. The use of the land hereby permitted for the grazing of horses shall be carried on only by a person or persons who reside in the dwelling house known as Willowfield, Jollyboys Lane South, Felsted and shall not become a separate or commercial activity.
REASON: In order to protect the character and appearance of the countryside.
6. Much heaps shall be located west of the elevation of the stable and hay block hereby permitted and no animal bedding or other waste shall be burnt.
REASON: In order to protect the amenity of adjacent dwellings.
7. No lighting shall be erected on the stable building or within the application site bounded in red on the approved plan unless approved in writing by the local planning authority.
REASON: In order to protect the character and appearance of the countryside and the amenity of adjacent dwellings.

Background papers: see application file.
