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

APPL NO: **UTT/1328/05/FUL**
PARISH: **DEBDEN**
DEVELOPMENT: Conversion of redundant agricultural building into a farm shop
APPLICANT: Bradley & Tetlow Partnership
LOCATION: Land opposite Newport Lodge Newport Road
D.C. CTTE: 2 November 2005 (see report copy attached)
REMARKS: Deferred for Site Visit
RECOMMENDATION: **Refuse**
Case Officer: *Mr T Morton 01799 510654*
Expiry Date: 06/10/2005

APPL NO: **UTT/1542/05/FUL**
PARISH: **SAFFRON WALDEN**
DEVELOPMENT: Erection of side and rear extensions. Extension of roof over front door
APPLICANT: Mr & Mrs S Lett
LOCATION: 14 Longhedges
D.C. CTTE: 2 November 2005 (see report copy attached)
REMARKS: Deferred for Site Visit
RECOMMENDATION: **Approve with conditions**
Case Officer: *Mrs K Hollitt 01799 510495*
Expiry Date: 18/11/2005

UTT/1328/05/FUL – DEBDEN

(Referred by Cllr Wilcock)

Conversion of redundant agricultural building into a farm shop
Location: Land opposite Newport Lodge Newport Road. GR/TL 549-340
Applicant: Bradley & Tetlow Partnership
Agent: Jonathan M H Chaplin
Case Officer: Mr T Morton 01799 510654
Expiry Date: 06/10/2005
ODPM classification: OTHER

NOTATION: Outside Development Limit.

DESCRIPTION OF SITE: The application concerns an existing disused agricultural building, sited to the north side of Newport Road, nearly opposite Newport Lodge. The single-storey building is timber clad over a part concrete and part timber frame. It has a concrete walled yard enclosure on its west side. It is approached from the road along a farm track, single vehicle width and part metalled in gravel.

DESCRIPTION OF PROPOSAL: The application proposes the conversion and extension of the building with change of use to a farm shop. The produce would initially be from sources outside the farm, but eventually would sell produce grown on the surrounding farm land, though craft products would also be sold.

APPLICANT'S CASE: A supporting statement has been provided. This describes the site and proposal, and reviews planning policies affecting the site. The applicants have entered into a partnership with the landowner of the adjacent fields, where the produce will be grown, and will run the shop themselves, and provide employment. A delivery service will be provided making one trip per day. Fruit and vegetables will be grown on an area of 5 acres including poly tunnels, (though it is not stated where exactly this will be). They will sow 16 acres to grass for the raising of livestock. Initially the shop will sell predominantly local produce until the livestock are reared and the fruit and vegetables are grown. Over a 3 year period this will become a farm shop where over 70% of produce sold will be produced on the farm. By years 3 / 4 home produced chicken, lamb, pork and beef will be sold through the shop, with eggs and a wide selection of fruit and vegetables. The statement reviews Local Plan policy, and the conclusion drawn is that policy supports the application proposals. The applicant has also made three further submissions in support of the proposal, to demonstrate the point that supply of produce through a local shop such as this is far more sustainable than buying food from supermarkets, which will have high embodied 'food miles'. Customers will, they believe, be primarily drawn from those who regularly drive past the site on this well used road, on their way to the rail station in Newport perhaps.

RELEVANT HISTORY: UTT/0413/92: Conversion and change of use of redundant agricultural buildings to light industrial B1 use. Approved 09 June 1992. It should be noted that there is no evidence that any of the building work was carried out, nor that the industrial use was ever commenced. For those reasons the Council does not accept Class B1 use as the authorised use of this building, and regards it as a long disused agricultural building. In addition condition C.91A of the consent required the submission for approval of detailed drawings for the car parking layout before commencement of the use. Such details were not submitted and the development therefore could not have been lawfully commenced.
UTT/2070/04/FUL: Conversion and change of use of redundant barn with B1 use to farm shop. Withdrawn.

CONSULTATIONS: ECC Highways: Recommends that permission be approved, subject to conditions requiring the existing access to be closed, the new access to be established as shown on submitted drawings, arrangements for surface finish and runoff to be controlled by condition.

Environmental Services: No comments.

PARISH COUNCIL COMMENTS: They note that their concerns to the earlier application, about traffic safety, have been addressed, but would point out that Newport Road is a very busy road with no speed limit and there have been several minor accidents in the past, usually caused by excessive speed. They question whether five parking spaces are adequate.

REPRESENTATIONS: Two representations received. Period expired 5 September 2005.

Debden Village Shop: Concerned about impact upon their non -profit community shop, they had noticed a decline in sales when Tesco opened in Saffron Walden. They do not consider that re-siting the access would substantially reduce the possibility of accidents. An objection from a nearby resident raises concern about the scale of the proposed intensity of use of the 35 acres of land to include rearing pigs and chickens, and the potential impact in terms of access, visual and environmental impact and effect upon the landscape. Presumably more new buildings would be needed for the rearing and maintenance of livestock.

COMMENTS ON REPRESENTATIONS: Noted. These issues are discussed in the following sections.

PLANNING CONSIDERATIONS: The main issues are

- 1) **impact of the development on the countryside, and re-use of an existing building for business purposes. (Planning Policy Statement 7, ERSP Policies CS2, C5, RE2, and ULP Policy S7, E5);**
- 2) **sustainable location for development (PPS7, ERSP POLICY CS1, and ULP Policy S1, S2, S3),**
- 3) **retail Policy (PPG6, ERSP TCR2, TCR4, ULP RS2, RS3) and**
- 4) **highway access and safety (ERSP T3, T7, T8, LRT5: ULP GEN1).**

1) The proposed development is located in the countryside beyond development limits where strict control is placed upon development. PPS7 sets out the Government's support for the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations, and for some types of building.

The issues then are whether this building is appropriately located – This is a remote location, well outside any designated settlement, with no public transport. This is not a location where a wholly new development would be considered acceptable, and must be seen as contrary to the provisions of Policy RE2 of the ERSP, and well down the hierarchy of the sequential test for development and aims of Policies CS1 and CS4 of the ERSP.

suitably constructed – The application does not contain a structural engineers report, but the applicant contends that the conversion works are minimal. The term 'suitably constructed' may not be the same as 'structurally sound' however. The building is suitably constructed to be a farm store or shed, but this is not suitably constructed to be a shop, since considerable alteration and extension is envisaged on the submitted drawings.

would meet sustainable development objectives – There is guidance on this in both PPS1 and PPS7. The emphasis is on sustainable communities, which appears to mitigate against

isolated development, preferring the development of land within urban areas before considering the development of Greenfield sites. Development which can only be serviced by use of the private car is not regarded as sustainably located. Structure Plan Policies CS1 and CS4 set the policy framework for sustainable patterns of new development, favouring development within urban areas and development accessible by a choice of sustainable means of transport

Policy E5 of the Local Plan allows for the conversion of rural buildings to business use, including small scale retail outlets, providing certain criteria are met, i.e. buildings are of permanent and substantial construction, and capable of conversion without major reconstruction or significant extension. Development should also protect or enhance the character of the countryside and not place unacceptable pressures on the surrounding rural road network.

Key considerations are whether;

- Farm shops are acceptable in principle in the countryside
- There is any impact upon vitality or viability of existing shopping centres; there will be no impact upon Saffron Walden but there is a community shop at Debden which is accessible to people in the village, and this proposal may have an adverse effect upon the viability of this
- The building is capable of being used as a farm shop without significant extension; however, it is not clear whether the extent of the work required would constitute major reconstruction.
- The location is remote from any settlement; all trips are entirely to be car borne and this does not make the location sustainable.

The additional activity, physical changes to the building and the new access track will result in a change of character which is considered detrimental to the character of the countryside and therefore contrary to policy. It should be noted that Policy E5 was drafted under the guidance contained in PPG7, now replaced by PPS7, and there are changes in Government policy that place a greater emphasis on sustainability than at the time Policy E5 was drafted.

2) The location is outside of any settlement boundary and for most people can only be reached by car, making this an unsustainable form of development. A trip to the site by bicycle has been made from Saffron Walden (Council Offices), which took 22 minutes for the distance of 3.4 miles. While this is possible for some, most people would not be prepared to use such alternative means of travel, particularly if loaded with produce on the return journey. The proposal may have a possible negative impact on an existing village store in nearby Debden, and while the Planning Authority has no role in regulating competition, the retention of village services is a planning issue. If such an impact were to occur, it would mean the development would be contrary to guidance in PPS7, which sets out the Government's support for the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. The proposal is not considered to be appropriately located, or suitably constructed, and the location would not meet sustainable development objectives.

3) PPG6 Planning for Town Centres, is effectively the Government's guidance on retailing, and is concerned with improving accessibility, ensuring that existing or new development is, or will be, accessible and well-served by a choice of means of transport. It requires a sequential approach to be followed, beginning with town centre locations and leaving until last out-of-centre locations that are not accessible by a range of means of transport. The Structure Plan Policy TCR2 sets a strategic hierarchy of urban centres and a sequential approach within which retail development will take place, while Policy TCR4 requires retail development proposals to be accessible by a choice of means of transport. Local Plan Policies RS2 and RS3 follow the approach of providing and maintaining retail

facilities in a hierarchy of settlements, and do not envisage the creation of retail units outside of that network.

It is noted that planning law allows a farming enterprise to sell its own produce from the land where it is grown without the need for planning permission. Whilst this may be the long-term objective of the application here, in the short term produce will be bought in from elsewhere, hence the need for this planning application. The operation of a farm shop normally implies the pre-existence of a farm, together with the necessary buildings and house that would be associated with such an enterprise. In the case of this proposal there is no existing farmstead here, and no produce to sell, so that the proposal can only be viewed as a pure retail use with all produce imported. Anecdotally, it is understood that the local Farmers Markets have exhausted all existing sources of supply of local produce within a range of 30 miles, so that anything sold from this location would have to be drawn from further afield, underlining the unsustainable basis of such a business.

This site could only be readily accessed by use of the car, and in terms of sustainability it must be the case that it is more sustainable to take produce to a centre of population, rather than bring the people individually to a relatively remote shop.

A further concern is the effect upon the village shop within the Defined Settlement at Debden. Local Plan Policy RS3 is concerned with maintaining the facility of a village shop, and any development which might have a negative effect upon the viability of such a service would be contrary to the aim of this policy. It is considered that any new retail unit should be located within a Defined Settlement.

4) The recommendation of the Highway Authority is set out above, and their recommendation is noted. Whilst the technical objection to the intensified use of the existing track, (a reason raised by the Highway Authority in objection to the previous application), can be overcome by the construction of a new section of unadopted track to a new access junction sited further to the east, that track itself becomes an intrusive feature in the countryside, contrary to the aims of policies set out in section (1) above.

CONCLUSIONS: The proposed development is considered to be detrimental to highway safety, to the character and appearance of the countryside, to the viability of the nearby Debden village retail facilities, and to aims to promote sustainable forms of development.

RECOMMENDATION: REFUSAL REASONS

1. The site is located within countryside beyond development limits as defined in the adopted Uttlesford Local Plan. The proposal is considered to be contrary to the aims of Planning Policy Statement 7, and Essex & Southend on Sea Replacement Structure Plan Policy C5 and Policy RE2 that aim to protect the countryside by the restriction of new uses to those appropriate to a rural area, and the strict control of new building in the countryside outside existing settlements to that required to support agriculture, forestry or other rural uses. It is considered that the criteria set out in Policy RE2 are not met, and the proposal is not considered to meet the aims of paragraph 17 of PPS7 for conversion of existing buildings. The proposed development is considered unacceptable because of the extent of the works, involving the conversion and enlargement of a building, together with expansion into the countryside by the construction of a car park, an additional length of roadway and a new access junction in a visually prominent location contrary to the aims of policy to protect the countryside, the proposal is not covered by any of the specified exceptions within the policy, and would detract from the open character of the countryside by virtue of increasing the footprint of the developed area and increasing the presence of development and activity on the site.
2. The proposed development is considered to be contrary to the principles set out in Planning Policy Statements 1 and 7 to promote more sustainable patterns of

development. Similarly it is considered to be contrary to the principles of the Essex & Southend on Sea Replacement Structure Plan Policies CS1, CS2 and T3, and the objectives in paragraph 8.1 of the Uttlesford Local Plan, to further sustainable patterns and forms of development.

3. The proposal is contrary to the aims of PPG6, to Essex & Southend on Sea Replacement Structure Plan Policies TCR2 and TCR4, and to Local Plan Policies RS2 and RS3, to establish a hierarchy of locations where retail services will be available, favouring locations within existing settlements. The creation of a retail unit in a location outside of this hierarchy is contrary to the sequential approach required by policy, and a shop in this location would be prejudicial to the vitality and continuing existence of the existing retail facilities in the nearby Defined Settlements.
4. The proposal would introduce vehicle movements likely to have a negative impact upon the users of the public right of way / bridleway which runs adjacent to the site and through the proposed car park, to the detriment of highway safety, contrary to the aims of Policy T3 of the Essex & Southend on Sea Replacement Structure Plan.

Background papers: see application file.

UTT/1542/05/FUL - SAFFRON WALDEN

(Referred by Cllr Freeman)

Erection of side and rear extensions. Extension of roof over front door

Location: 14 Longhedges. GR/TL 540-381

Applicant: Mr & Mrs S Lett

Agent: Mr Jeremy Denn

Case Officer: Mrs K Hollitt 01799 510495

Expiry Date: 18/11/2005

ODPM classification: OTHER

NOTATION: Within Development Limits/Adjacent to Conservation Area/Adjacent Listed Building.

DESCRIPTION OF SITE: The application site is located to the north of Station Road on the eastern side of Longhedges. The property is a detached chalet bungalow with a detached garage of substandard construction located to the rear of the site. The front boundary is a low wall. The side boundary is a fence. Part of the rear boundary is a red brick and flint wall which runs along the boundary of the properties in Alpha Place, to the east of the site. To the north is a detached chalet bungalow which has its detached garage adjoining the garage to the garage within the application site.

DESCRIPTION OF PROPOSAL: The proposal relates to the erection of a 1 ½ storey side extension and a single storey rear extension. The rear extension would partially sit within the footprint of the existing garage. The proposed side extension would provide a study/bedroom and utility room on the ground floor and a further bedroom to the first floor. The rear extension would provide a living room. The side extension would have a frontage of 3.4m and a depth of 5.75m. The rear extension would have a width of 6.1m and a depth of 4.4m. The side extension would have a subservient appearance with a ridge height approximately 200mm lower than the ridge of the main dwelling. The rear extension would have a ridge height of 2.5m.

APPLICANT'S CASE: The rear extension is now set back 2400mm from the boundary and the pitch roof is lowered to 40 deg to further reduce the impact on Alpha Place. To compensate the extension extends to the north adjacent to the garage of no. 16.

RELEVANT HISTORY: Two previous applications for side and rear extensions withdrawn following negotiations due to the potential adverse impact on residential amenity the proposals would have had.

CONSULTATIONS: Archaeology: No archaeological recommendations.

TOWN COUNCIL COMMENTS: To be reported. Expired 23 October 2005.

ON SUPPLEMENTARY LIST OF REPRESENTATIONS (2 NOVEMBER 2005):

No objections.

REPRESENTATIONS: This application has been advertised and 2 representations have been received. Period expired 27 October 2005.

Still object to this application. Extension will block my light and is too close to my fence and listed flint wall and will invade my privacy. Any building work carried out near the flint wall is bound to affect it.

Development is more suited to a high-density housing estate. Our concerns remain the detrimental environmental, health, safety and amenity aspects it will impact on us. Proposed two storey side extension is only 900mm from our southern boundary. Our garden, between the southern boundary and house, is of a paved and sloping nature; is the vehicular access to our garage and car port and pedestrian access to our garage, rear garden and kitchen door. A building so close to our boundary would tower above this area, overshadowing this very important amenity causing loss of light to our kitchen and south facing windows. The garage block was designed and built as two semi-detached units. Removal of adjoining tied garage could cause instability and structural damage to our garage. The void between our garage and new extension has potential to become a health and environmental hazard. Soakaways could become overwhelmed on occasions during heavy downpours leading to water seepage to our lower lying ground.

COMMENTS ON REPRESENTATIONS: Some concerns raised in the representations relate to issues within the Party Wall Act, which are outside the scope of the consideration of the planning application. Should planning permission be granted, this does not overcome the requirements of the applicant to comply with other legislation where relevant, including the Party Wall Act.

PLANNING CONSIDERATIONS: The main issues are whether the proposed extension is of suitable design for this location (ERSP Policy HC2, HC3, ULP Policies S2, H8, GEN2, ENV1, ENV2) and whether any amenity issues are raised (ULP Policy GEN2).

The proposed side extension has been designed with a subservient roof line in comparison with the main dwelling. The proposed dormer reflects the character of the dormer on the main dwelling. It is proposed to construct the extension of matching materials to the main dwelling. Whilst these materials are not the high quality materials normally required for development within the conservation area, it is not considered that the use of matching materials would have an adverse impact on the character and setting of the adjacent conservation area. The proposed rear extension has been designed to minimise the impact of the development. It is not considered that the proposed extensions would have a detrimental impact on the character and setting of the adjacent conservation area or listed buildings. As such, it is considered that the proposals would satisfy the criteria of ERSP Policies HC2 and HC3 and ULP Policies ENV1 and ENV2.

The proposed extensions would be in keeping with the general character of the area and the existing dwelling. They should not appear dominant or out of keeping and as such comply with ULP Policies S2 and H8.

The main concerns from neighbours is the potential impact of the proposed extensions on their respective properties and their amenity. It is considered that the proposed extensions have been designed so as to minimise the potential impact on the residential amenity of adjoining properties. The occupier of the property to the west of the application site has expressed concerns regarding potential loss of light to their property. The proposals would not result in any loss of light to the habitable rooms of this property. The proposed two storey element of the proposals would be some 6.5m from the side boundary of 8 Alpha Place and may result in some loss of afternoon light to the amenity area of this property. However, it is not considered that this would be sufficient to warrant a refusal of the application. It is proposed to insert a window to the rear elevation of the rear extension which, due to the existing height of the boundary with 8 Alpha Place, would result in adverse overlooking of some of the private amenity space to that property. Therefore, it is considered that this window should be removed from the scheme, which could be achieved by condition. The proposed side extension should not have an adverse impact on the residential amenity of the property to the north due to the orientation of the properties. In addition, this extension would be adjacent to the driveway and garaging area to the property

to the north, and it is not considered that this should adversely affect the residential amenity of the occupiers of this property. With the exception of the proposed window to the rear elevation discussed above, no adverse overlooking issues are raised by the proposals and they should not result in any detrimental overshadowing or overbearing issues. Therefore, it is considered that the proposals comply with the criteria of ULP Policies H8 and GEN2.

CONCLUSIONS: The proposals satisfy the policy criteria and are considered acceptable.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development (3 years).
2. C.3.1. To be implemented in accordance with a approved plans.
3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building, unless otherwise agreed in writing with the local planning authority. Subsequently, the external surfaces shall not be changed without the prior written consent of the local planning authority.
REASON: To ensure the development does not detract from the character and setting of the adjacent conservation area and listed buildings.
4. C.17.1. Revised plan required – the window to the rear elevation to the lounge shall be omitted.
REASON: In the interests of protecting the residential amenity of the adjoining property.
5. C.11.7. Provision and retention of parking spaces shown on plan.
REASON: To ensure adequate on-site parking is retained to serve the dwelling in the interests of highway safety and residential amenity.

Background papers: see application file.

UTT/1441/05/DFO - GREAT DUNMOW

Reserved matters application for erection of 63 bedroom Travelodge and associated parking. Alteration to existing vehicular and pedestrian access (approved 04 May 2004 under ref. UTT/1591/01/OP)

Location: Land at Hoblongs Industrial Estate Chelmsford Road.
GR/TL 635-206.

Applicant: Travelodge Hotels Ltd

Agent: Hepher Dixon Ltd

Case Officer: Mr M Ranner 01799 510556

Expiry Date: 01/12/2005

ODPM classification: MAJOR

NOTATION: Within Development Limits and within part of an Industrial Estate covered by ULP policy GD7 – Safeguarding of Existing Employment Areas.

DESCRIPTION OF SITE: The application site is located on the southeastern edge of the town of Great Dunmow, to the west of the old Chelmsford Road, now a cul-de-sac. The eastern part of the site is vacant and was formerly used as a distribution depot until 1999. The remainder of the site, fronting Hoblongs Industrial estate, comprises a substantial commercial building occupied by a company/companies carrying out welding and various metal works on the premises. To the northeast is a garage/car showroom and petrol filling station, to the west (rear) other general industrial units, to the south the proposed Civic Amenity and Depot site, and to the southeast the Ambulance Station and three dwellings. The site extends to about 0.6 ha (1.5 acres).

DESCRIPTION OF PROPOSAL: The application seeks approval of matters reserved under outline planning permission ref: UTT/1591/01/OP, pertaining to the erection of a 90-bedroom hotel. These matters relate to details of siting, design and external appearance of the building, the means of access thereto and the landscaping of the site. A condition of the outline permission does however require that vehicular access onto the site accords with drawing ABT/J379/1, which depicts the main access with radius and visibility splays on the eastern boundary of the site. Access has therefore been considered at the outline stage but only in part. The submitted details now for consideration also include a second access for service vehicles sited on the sites northern boundary.

The reserved matters application seeks approval for 63 bedrooms as apposed to 90 as approved at the outline stage although a condition on the outline permission limits the hotel to a maximum of 90 bedrooms. As the reserved matters application does not exceed this total it can therefore be considered under the reserved matters procedure.

In terms of detail the application proposes a rectangular shaped building sited adjacent to the northern boundary of the site in the approximate position of the existing buildings. At 54 metres in length by up to 19 metres in width the building will provide approximately 2364m² of accommodation arranged over three floors. This is to comprise a bar, lounge and dining area at ground floor, in addition to a kitchen, staff room, office, reception/foyer, toilets, plant room and linen room. Two stairwells and a lift will provide access to the upper two floors and the 63 bedrooms, all with en-suite facilities, will be arranged over all three floors.

The building is of a traditional design with a rectangular building form set below a pitched red tile roof. Articulation is provided by the introduction of gable projections, brick arch detailing and the use of contrasting materials such as black stained Shiplap cladding and Essex Stock brick. The submitted plans indicate a main ridge height of a fraction over 13 meters above finished ground levels.

Pedestrian access to the building will be gained from the buildings south-facing (front) elevation, which faces the parking area located immediately to the south of the building, and extends to the east towards Chelmsford road. A total of 102 spaces are provided, nine of which will be for the disabled.

The northeastern part of the site has been excluded from this application and depicted on the plan as a 'site for possible future restaurant 465m²'. Similarly the opposite western part of the site has also been excluded from the application and annotated as an 'area for future extension or industrial development.'

The application represents a revised scheme following the refusal of reserved matters application UTT/0399/05/DFO earlier this year.

APPLICANT'S CASE: A comprehensive supporting letter accompanies the application. The contents of this letter are replicated in part as follows:

"In determining the previously refused reserved matters application, Members made it clear that they were looking for a traditional building in this location incorporating Essex stock bricks and red clay tiled roof. The current proposals satisfy these wishes.

The elevations of the building now incorporate a greater level of detail to add interest to the elevations. The internal layout and ultimately the footprint of the development has also been altered so that sections of the elevations are pulled out from the building to break up and add articulation to both the elevations and roof lines. In particular the end elevations are broken up in terms of the roofline.

The elevations themselves comprise a mixture of clay facing bricks, which will be Essex Stock, and a mixture of colour and textures, and black stained shiplap cladding. Both the materials and the form of treatment proposed are traditional to the area. Wooden vertically hung windows are proposed, many of which (depending on location) will have stone sills and contrasting brick arches above. A number of windows will be oversize and will have Juliet balconies.

The roof will be clay tiled and is at a traditional pitch. The roof will also incorporate two fake dovecots to try to break up the length of roof as well as adding to the traditional design of the building. A number of solutions have been looked at in order to help break up the roofline given its overall length. Given the constraints imposed by the shape of the site, the need for a traditional design, and the need to accommodate a set number of rooms at a reasonable cost per room to make the development viable, the current proposals represent the most practical and sensible design approach.

The proposed development represents a high quality design, which is entirely consistent with the provisions of the Local Plan and all other relevant material considerations. Accordingly the reserved matters should be approved."

RELEVANT HISTORY: The outline permission to which this reserved matters application relates was approved in 2004 subject to conditions:

- Standard time limits for submission of reserved matters and commencement of development
- Submission and implementation of landscaping scheme
- Submission of details of materials
- Standard parking requirements

- No airport relating car parking
- Maximum of 90 bedrooms
- Submission of foul & surface water drainage required
- Details of off site drainage required & subsequent implementation
- Prevention of pollution from water runoff from car park
- Prevention of development until access works carried out
- Provision of cycle parking facilities
- Provision of pedestrian and cycle access

A S106 agreement relating to funding of part of required road improvements to adjacent junction was signed.

Members will recall that a reserved matters application, also for a 63 bedroom hotel, ref UTT/0399/05/DFO, was refused at the committee meeting on 18th May of this year. The reason for refusal was as follows:

“The proposed building is considered to be of poor design, by virtue of its uniformity and lack of distinctiveness, which results in an uninteresting building of bland appearance. If permitted the proposed development will fail to improve or make a positive contribution to its surroundings, contrary to policy GEN2 of the Local Plan and Government Guidance contained in PPS1 ‘Delivering Sustainable Development’ and PPG21 ‘Tourism’.”

There have been a number of industrial permissions granted over a long period. Of more relevance however, apart from the outline planning permission that this application follows, was a proposal for a 120 bed hotel on five floors with parking for 120 cars and 260m² fast food drive thru outlet (UTT/1952/03/OP). This application was appealed against non – determination although this was subsequently dismissed. This was followed by a second outline application (UTT/1781/04/OP), which sought outline permission for a 120-bed hotel, although this was refused on 20th December 2004. The site is also subject to a current outline application (UTT/1496/04/OP) for a single storey family restaurant, comprising 465m² with 23 car parking spaces with all matters reserved. It has been resolved to grant outline planning permission however this is subject to the applicants entering into a Section 106 legal agreement, which has yet to be signed.

CONSULTATIONS: Environmental Services: Advises that a standard condition be imposed on any planning permission concerning site investigation and remediation in respect of contaminated land.

Essex County Council: Advises that the site is identified as having archaeological potential and states that on a previous application for this site a recommendation was made for a full archaeological condition to be attached to any planning consent. They go onto state however that since that date archaeological evaluation immediately adjacent to the site has failed to find any significant archaeological deposits as has the work undertaken on the compound from the A120. Consequently, ECC advise that the development is unlikely to have any significant impact and therefore make no archaeological recommendations.

Environment Agency: No objection to the proposed development although they state that they await consultation on the drainage details required to discharge conditions imposed on the outline permission.

Essex Police: No objections to the development but requests that security in and around the hotel is sufficient to reduce opportunities for vehicle crime. It is also asked that “SBD” Secured by Design and Safer Parking Award” be considered as a condition of planning approval.

Essex County Council Highways: No objection to the application subject to the following:

1. The provision of the access onto Chelmsford Road as shown in principle on drawing PD01 to include footway links into the site from the existing footway network.

2. There should be no obstruction above 600mm in height within the area shown hatched on the attached plan.
3. The provision of secure parking for powered two wheeler vehicles in accordance with the Essex Planning Officers Association Vehicle Parking Standards dated August 2001.
4. The provision of secure and covered cycle parking on site in accordance with Essex Planning Officers Association Vehicle Parking Standards dated August 2001.

Further advice is offered, the most relevant of which is as follows:

- Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- Recently there have been various applications made for a hotel and restaurant facility on the above site. Individually the developments are unlikely to exceed 50 employees but it is likely that the combined workforce of a hotel and restaurant will exceed 50 people and require the submission and implementation of a multi site Travel Plan. The content of the Travel Plan should be agreed with the Local Planning Authority in consultation with the Highway Authority. The County Council will require a fee of £2500 for checking and monitoring of the Travel Plan.
- Steps should be taken to ensure that the developer provides sufficient turning and off loading facilities for the construction delivery vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

TOWN COUNCIL COMMENTS: Noted that this is a reserved matters application. Members are anxious that access to the site from the private road into Hoblongs Estate and from Chelmsford Road are resolved prior to any development starting. Members also request that the traffic scheme be submitted to them for approval as soon as possible.

REPRESENTATIONS: None received. Expired 26 September 2005.

PLANNING CONSIDERATIONS: The main issues are

- 1) **the appropriateness of the design and layout of the proposed development (ULP Policy GEN2.),**
- 2) **matters of highway safety (ERSP Policies T3, T6 and T11 & ULP Policies GEN1, and GEN8) and**
- 3) **any other matters of material importance.**

It should firstly be recognised that the principle of developing a hotel up to a size of 90 bedrooms has been accepted on this site by the granting of outline planning permission (UTT/1591/01/OP). Matters of principle should not therefore be questioned and only those details reserved from the outline permission need to be considered in this case.

- 1) The proposed layout of development is largely unchanged from the previously submitted scheme (UTT/0399/05/DFO), which at the time was considered acceptable by officers. Parking predominates, although sufficient space has been retained to introduce small areas of soft landscaping, which should aid in softening the development. A condition imposed on the outline planning permission requires the submission of further landscaping details for consideration such as species, sizes, planting centres, number and percentage mix.

With regard to the design of the building itself, discussions have taken place between officers and the applicants following the previous refusal and officers consider that the subsequent revisions represent a significantly improved building design. The building is better articulated by the use of gable projections, applied gables, false dovescots and contrasting external materials and now represents an acceptable building of traditional design, which should positively improve the character and quality of the surroundings.

The area is predominantly commercial in nature, and common with many such areas, the visual amenities of the area are generally poor.

2) Turning to matters of highway safety, Highways raise no objections to the proposal, subject to a number conditions. The previous application (UTT/0399/05/DFO), which proposed the same access arrangements, was considered acceptable in highway safety terms and thus did not form part of the specific reason for refusal pertaining to this application. Also of relevance to the consideration of this proposal is that a Section 106 Legal Agreement has been completed in respect of the outline permission for the development, which provides for a financial contribution of £27,500, towards capacity and safety improvements to the A130/Chelmsford Road junction. The current outline application pertaining to the family restaurant on the site (UTT/1496/04/OP) is also subject to a Section 106 Legal Agreement. It has been resolved to grant permission, but to date the agreement has not been signed.

With regard to parking, 102 spaces are provided which exceeds the maximum requirement of 63 spaces for the development. This provision does however take into account the future provision of the restaurant, which although not part of this proposal, justifies the proposed parking provision in this case. The Highways Authority also raises no objections to parking provision. However as parking standards are a maximum, a condition should prevent provision of more than 63 spaces until the restaurant is developed.

3) Turning to other matters of material importance, the development will be located in close proximity to a number of industrial users and so there is potential that occupants of the building could be subject to noise disturbance. This can be overcome however by the use of effective noise insulation within the building and the use of double or triple glazed windows.

In terms of neighbouring residential amenity, the nearest residential properties are located approximately 60 metres to the south and 40 metres to the north east of the proposed building, which is sufficient in the view of officers to ensure that the development does not give rise to any significant overlooking, overshadowing etc.

With regard to archaeology, the County Council advise that the development is unlikely to have any significant impact on archaeological deposits. Environmental services have advised that a condition be imposed on any planning permission to address the issue of contaminated land, taking into account the historical commercial uses of the site and this has been recommended at the end of this report.

CONCLUSIONS: For the above reasons officers are satisfied that the improvements made to the design of the hotel building following the previous refusal, result in an acceptable form of development that would enhance the character and quality of the area. All other reserved matters are considered acceptable and in accordance with the Local Plan.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.5.1. Samples of materials to be submitted agreed and implemented.

2. The hotel hereby permitted shall not be occupied until the vehicular access onto Chelmsford Road, as shown on drawing PD38 has been completed, to include footway links into the site from the existing footway network.
REASON: In the interests of highway safety.
3. Prior to any site works being commenced sight lines to be agreed by the Local Planning Authority in conjunction with the Highway Authority shall be provided each side of the means of access onto Chelmsford Road within which there shall be no obstruction to visibility above 600mm in height.
REASON: In the interests of highway safety.
4. The hotel hereby permitted shall not be occupied until details of secure parking for powered two wheeler vehicles have been submitted to, approved in writing and made available for use.
REASON: To ensure satisfactory facilities are available in accordance with the Council's standards.
5. C.11.7. Standard vehicle parking facilities.
6. C.25.1. Airport related parking conditions.
7. Adequate space for the parking of construction workers vehicles, and for the delivery and storage of materials, shall be provided within the site, prior to the commencement of construction works, and the use of such areas shall not interfere with the public highway.
REASON: To ensure adequate off-street parking facilities in the interests of highway safety and traffic flows.
8. The vehicular access on the northern boundary of the site, shall be restricted at all times for use by service vehicles only, which shall be controlled by means of gates in the position as shown on approved plan PD38.
REASON: In the interests of highway safety.
9. C.8.23. Environmental Standards.
10. The development hereby permitted shall not commence until a programme of phasing of the number and location of parking spaces to be provided for the hotel has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved programme.
REASON: To provide all spaces shown on the plan with only the hotel in use represents significant over provision of parking contrary to the aims of sustainability.

Background papers: see application file.

UTT/1785/04/FUL - SAFFRON WALDEN

Erection of 10 No. two bed units with associated vehicle and cycle parking, landscaping, private and communal open space provision and access via Radwinter Road

Location: Land forming part of the former British Gas Site Radwinter Road.
GR/TL 543-384.

Applicant: Rydon Remediation Ltd

Agent: RPS

Case Officer: Mr T Morton 01799 510654

Expiry Date: 02/12/2005

ODPM classification: MAJOR

NOTATION: Within Development Limits; bordered to east & south by Policy Allocation SW2 (Residential Development – Land east of Thaxted Road), and to east and north by Conservation Area; access onto Class B road

DESCRIPTION OF SITE: This is a prominent corner site, elevated above the road, at the traffic-controlled junction of Radwinter and Thaxted Roads. There is an existing vehicular access onto Radwinter Road, but this is currently gated and padlocked as most of the site is no longer in operational use as a gas works. Much of the site is tarmacked and there are several unused buildings within. There is some tree planting to the roadside boundaries.

DESCRIPTION OF PROPOSAL: This is a full application for the demolition of existing buildings on the former British Gas site and their replacement with ten 2-bedroom flats in two 2-storey blocks. Block A (6 flats), to be sited parallel with Radwinter Road, would be 23.65m wide x 12m deep, and with a height to ridge in the region of 8m. Block B (4 flats) would be 23m wide x 8.5m deep and 7m to ridge. Materials would be red brickwork with buff detailing, and slate roofs. Vehicular access would involve alterations to the existing access point off Radwinter Road. Pedestrian access to Thaxted Road would be provided at the southern end of the site.

Within the site, a 4.8m wide access road would be provided to serve twenty car parking spaces (2 spaces per unit). Communal amenity space of approximately 420sqm would be provided, plus each of the units would have a private garden and balcony. Private bin storage is shown at the end of each garden, and a cycle store for 24 cycles is to be provided. Throughout the site there would be landscaping, particularly on the Thaxted Road/Radwinter Road frontages to provide a visual and acoustic barrier.

Within the site, access would continue to be provided to the operational Transco site (retained as a gas pressure reduction station), which is enclosed on three boundaries by the application site. New 2.4m high boundary walls would be provided to separate it from the proposed development site.

The site is 0.29 hectares equating to a density of 34 dph.

APPLICANT'S CASE: The principle of providing residential development on the site is considered in the Council's 1999 Design Brief for Land East of Thaxted Road. The brief states that the gas works should also be included with any redevelopment of land east of Thaxted Road for housing. ECC Highways has reviewed the draft application proposals and confirmed their agreement of the proposed means of access to serve the site. A 5-page design statement is attached to this report.

RELEVANT HISTORY: Various applications in connection with the gas works.

CONSULTATIONS: Environment Agency: Flood Risk Assessment is acceptable. In order to protect development from future extreme flooding, recommend finished floor levels are at least 300mm above ground level. Site overlies a major aquifer (highly permeable) with soils of high leaching potential, and highly vulnerable to pollution. Recommend further contamination study and measures for remediation.

ECC Transportation: No objection subject to conditions and legal agreement, including a financial contribution of £20,000 towards highway improvements in the vicinity.

Essex Police: No response received.

Environmental Services: Remediation strategy for site is satisfactory, subject to conditions.

ECC Archaeology: No recommendations.

TOWN COUNCIL COMMENTS: Very concerned. Flood Risk Assessment shows that site is at risk in a 100-year return scenario. Object very strongly to proposed access. Supporting statement states County Council has confirmed access is acceptable and achieves the level of visibility the authority would require. However, the letter attached to application does not state this and it is obvious that a new junction within 10m of traffic lights and opposite the entrance to Hatherley is both dangerous and unacceptable.

REPRESENTATIONS: This application has been advertised and two representations have been received. Period expired 6 October 2005.

1. CPREssex: Pleased to see residential scheme for smaller dwellings using redundant brownfield site well located for town facilities. However, it is unfortunate that there has been no Masterplan for development in this part of town. As result, have been series of unconnected individual applications and no overall scheme for design and layout. Concerned at proliferation of vehicular access points onto Thaxted and Radwinter Roads which already take great volume of traffic such that there is significant queuing at the traffic lights.
2. Proposed access is too close to junction of Radwinter & Thaxted Road. As adjacent Jossaume site is likely to come up for development would be better to wait until the two sites could be planned and developed together utilising an entrance through the old Lodge Farm gate further along Radwinter Road away from junction. Proposal would make impossible any future improvements on what is already a traffic bottleneck, but that will get worse with extra traffic from Harris Yard, Bell College, etc. Would be possible to take over small part of northwest corner of site so that a roundabout could be constructed at junction to ameliorate traffic flow.

COMMENTS ON REPRESENTATIONS: A Development Brief for the SW2 allocation was prepared in 1999, but it was not envisaged that the site would come forward for redevelopment due to operational reasons. The brief made clear that if it did, the same criteria would apply. The highway issues are addressed below.

PLANNING CONSIDERATIONS: The main issues are

- 1) **whether the principle of redevelopment of this site is acceptable (ERSP Policies CS2, & BE1, & ULP Policies S1, GEN2, & H3);**
- 2) **The impact on highway safety (ERSP Policy T3 & ULP Policy GEN1);**
- 3) **the impact on the Conservation Area (ERSP Policy HC2 & ULP Policy ENV1) and**
- 4) **other material planning considerations.**

1) This site is within Development Limits, and in principle residential development would normally be acceptable. However, a Development Brief was adopted by the Council in 1999 to guide development of the area covered by Policy SW2 of the current Local Plan (UDC allotments, Jossaumes Yard, Harris Yard (currently under construction), and Paxton Depot

(aka Goddards Yard – resolution to grant planning permission granted earlier this year). The brief states that the old gas works “should also be included with any redevelopment if possible”.

The brief identifies 3 potential access points: the preferred was either or both of the Harris & Paxtons Yards, where visibility is best. The only alternative was stated as being on the Jossaume frontage. It states explicitly that

“The frontage to Radwinter Road would not be suitable, despite the existing access, because it would be dangerous to create a crossroads with Hollyhock Road opposite and it is located within the Conservation Area where a continuous frontage of development may be preferred on visual grounds.”

It is considered that this principle remains relevant, and the proposed access point is closer to the busy and constrained crossroads and traffic signal junction, and opposite the entrance to Hatherley Court (this is addressed in section 2 below).

The appropriateness of this site for residential was identified in the Development Brief, but it was clear that its redevelopment was intended to be considered comprehensively with the other areas of allocation SW2. To date, for operational reasons, this has not been possible, but in order to avoid piecemeal development along this stretch of Thaxted Road it is considered that development of this site would be premature. It should not be considered in isolation of the remainder of the SW2 allocation, i.e. Jossaumes Yard, but should be comprehensively considered to achieve an acceptable form of layout and access into the site.

The requirement to retain part of the site for gas use severely restricts the layout of the development. The land to the north of the retained Transco depot cannot be developed due to easements. This inevitably limits development to the eastern half of the site, but also results in a less visually acceptable form of development: the views into the site from the access would be dominated by extensive hardsurfacing of parking and turning areas, whilst the limited developable area would result in large and unacceptably dominant blocks. The elevation viewed from the west would be solid brickwork relieved only by brick detailing, with a span of 12m. Views of Block B from Radwinter Road, and the end flat of Block A, would equally be of blank brickwork of some 8.5m depth.

The excessive width and depth of the buildings, in an elevated position above the road, would be visually intrusive and out of keeping in the street scene. Given the size of the buildings close to the site boundaries, it is considered likely that they would compromise development on the adjacent allocated site.

2) The application proposes some modification to the existing access point, with some tree thinning to improve visibility onto Radwinter Road. However, although there is an existing access point, it is considered that the nature of traffic movements related to residential properties would be more intensive than the less frequent movements associated with the gas works. This proposal would retain access to the reduced Transco site, with the addition of traffic movements for ten 2-bed flats. The access would be approximately 30m from the busy road junction, and traffic regularly queues to the east of this site due to the traffic lights. The access is also directly opposite the access into Hatherley Court, an elderly persons scheme.

At the time the Brief was considered in 1999, access via Radwinter Road was discounted for safety reasons. Although the views of the highway authority are noted, it is considered that there are obvious safety implications of allowing use of this access in the manner proposed. For example, access and egress to the site could be delayed by vehicles waiting at the traffic

lights. Any vehicles approaching from the west could cause obstruction of the free flow of traffic if waiting on Radwinter Road before turning into the site. Stacking up of vehicles at this point could prevent the steady flow of traffic through the controlled junction, with implications for highway safety.

These views have been raised with the highway authority, with a request that its response be reconsidered. No reply has been received at the time of report preparation, but will be reported to the Committee meeting if received before the meeting. The Committee should be mindful of the need to defend any refusal contrary to the advice of the highway authority, but in this instance it is considered that there are clear safety issues which would arise as a result of this development.

Given the likelihood of the Jossaumes Yard coming forward for redevelopment, with a likely 25 units based on similar densities, it is considered essential for the area that development is comprehensive with combined access.

3) The site is on the edge of the Conservation Area, and PPG15 advises that the desirability of preserving or enhancing Conservation Areas should be a material consideration in an authority's handling of development proposals which are outside the conservation area but would affect its setting, or views into or out of the area. In this instance, given the prominence of this site, buildings of the size proposed could not fail to have an impact on the adjacent Conservation Area, and in view of the matters listed in section 1 above, that impact would be detrimental.

4) This site is not of sufficient size to warrant a requirement to provide affordable housing. Although the redevelopment of a brownfield site is encouraged, and this would be in the form of smaller unit accommodation, it is considered that these factors do not overcome the identified design, access and prematurity arguments.

CONCLUSIONS: Although a Brownfield site within the Development Limits, the design, access arrangements and piecemeal form of development unrelated to the development of the adjacent site result in an unacceptable form of development, contrary to the Council's policies.

RECOMMENDATION: REFUSAL REASONS

1. The proposed development would be an unduly dominant and visually intrusive form of development in the street scene by virtue of the design, size, mass and positioning on site of the buildings. This impact would be exacerbated by the elevated and prominent corner position of the site, and its relation to the adjacent Conservation Area. The physical impact of the buildings combined with the retention of an excessive level of visible hardsurfacing would neither enhance nor preserve the Conservation Area, and views into it. The form and positioning of the buildings would make it more difficult to develop the adjacent allocated site in an appropriate form and layout. The proposal is considered to ERSP Policies CS2, HC2 & BE1, and ULP Policies S1, GEN2, ENV1, & H3.
2. A development Brief for the redevelopment of the adjacent residential allocation site was adopted 1999, and included reference to the same principles applying to this site in the event of it becoming available. The provision of an access/egress onto Radwinter Road would be in conflict with the Brief, and the redevelopment of this site in isolation of the land to the south is considered premature. The lack of comprehensive development along this stretch of Thaxted Road would result in piecemeal development with potential to adversely affect highway safety in the vicinity, and prevent an integrated form of urban development appropriate to its setting.

3. The proposal involves amendments to an existing access point onto Radwinter Road, which already conflicts with existing traffic movements along this stretch of road. It is considered that the proposed traffic movements would be significantly different in nature to the existing, and residential use would involve more frequent movements in close proximity to a traffic light controlled busy road junction. Access and egress to the site would be restricted by queuing traffic at the junction, and obstruction to the free flow of traffic could be caused by cars waiting on the public highway to enter the site. Any traffic queues resulting from such obstruction would conflict with the safe and steady flow of traffic through the controlled junction, to the detriment of highway safety. The proposal is considered contrary to ERSP Policy T3 & ULP Policy GEN1.

Background papers: see application file.

UTT/1636/05/FUL – THAXTED

Variation of condition C.19.1 on consent UTT/1726/01/FUL (relating to obscure glazing of windows in the north-west facing elevation of the new dwelling).

Location: The Stores Cutlers Green. GR/TL 594-308.

Applicant/Agent: Snell David Architects

Case Officer: Mrs A Howells - 01799 510471

Expiry Date: 30/11/2005

ODPM classification: OTHER

NOTATION: Outside Development Limits.

DESCRIPTION OF SITE: The site is located in open countryside on the northwestern edge of Cutlers Green, to the northeast of the road from Thaxted to Debden. Its frontage is approximately 85m wide and its depth varies from approximately 55m to 70m. A two-storey replacement dwelling of modern design is nearing completion.

DESCRIPTION OF PROPOSAL: The permission for the replacement dwelling contains a condition (C.19.1) which requires that windows in the north-west facing elevation of the dwelling should be fitted with obscure glass. This application seeks to remove the condition so permitting those windows to be clear glazed.

APPLICANT'S CASE: The boundary between this dwelling and the neighbour at the northwest corner is dense thicket. The neighbour has erected a 2m high fence. This dwelling is positioned 21m away from the northern boundary between these two properties and the neighbour's house is some 45metres beyond that. This dwelling has been re-oriented to face the fields to the north of the site and away from the property of the neighbour to the northwest. By keeping obscure glazing at the bedroom windows it would detract from the full use of what the rooms are used for. Full details of the supporting statement are attached.

RELEVANT HISTORY:

1. Permission for demolition of existing bungalow and erection of two storey detached dwelling – conditional approval 4 July 2001.
2. Permission for erection of alternative design of two-storey dwelling with annex and demolition of existing property conditionally approved 24 May 2002 – (UTT/1726/01/FUL)
3. Minor amendment considered by Committee on the 14 October 2002 relating to re-siting and reorientation of the house, the alterations to the south facing elevation and whether the condition for obscure glazing could be relaxed. The reorientation of the house (clockwise) by 10 degrees and setting it back a further 5m from the northern boundary (common boundary with Lorne Cottage), internal alterations to make a fourth bedroom and alterations to the form of two south facing dormer windows. Officers considered the amendments to be minor and would have no adverse effects on the amenity or the appearance of the surrounding area. However, Members felt that obscure glazing should be retained to prevent overlooking of the neighbouring property.

PARISH COUNCIL COMMENTS: Object: Loss of amenity to neighbours.

REPRESENTATIONS: Two. Notification period expired 27 October 2005.

1. Object. The owner of Lorne Cottage (northwest property) has written in to object to a change in this condition because of overlooking and loss of privacy.

2. Object. Dr Dale from Ashdon has written in support of the objections by the owner of Lorne Cottage (neighbour) and mentions overlooking and loss of privacy and suggests that a decision is not made until all the leaves have fallen.

PLANNING CONSIDERATIONS: The main issue is whether permitting the windows to be fitted with clear glazing would have a material adverse effect on the reasonable occupation and enjoyment of the adjacent residential property, as a result of loss of privacy. (ULP Policy GEN 2).

The new dwelling is L-shaped with a gable to the highway. There are two elements to the dwelling; 1) the annexe which is not affected by this application and 2) the main two storey element (wherein the first floor windows affected by this application are located) which is 21.5m away from the common boundary with Lorne Cottage's garden. The nearest window of the new dwelling is 22m from the common boundary whilst the window furthest from this common boundary and currently affected by the requirement for obscure glazing, is 34.5m away. The width of each window and the rooms they serve (codes as per drawing no. 267/A3/443) are as follows:

WF03 – Furthest window from the common boundary (i.e. 34.5m) is a two light bedroom window, 1m wide;

WF02 – Two light bedroom window, 1m wide;

WF01 – Single light bathroom window with bath under, 0.5m wide;

WF16 – Single light bathroom window with toilet under, 0.5m wide;

WF15 – The nearest window to the common boundary is a two light bedroom window, 1m wide, 22m from the common boundary.

Due to the relative locations of the application property and the neighbouring one, the neighbour's dwelling is not located straight ahead of the windows but at an angle of approximately 25 degrees to the left and the neighbours garden is up to 60 degrees to the left. Notwithstanding the boundary screening which provides a varying degree of screening depending on the season, the combination of distance from the windows to the boundary and the angle required to look towards the adjacent property means that material overlooking to the neighbours private garden or its dwelling is not considered to occur even with clear glazing in the windows. It should be borne in mind that one of the aims of the planning system is to protect reasonable privacy within the curtilage of dwelling rather than provide total privacy. Such reasonable privacy would be retained.

The neighbour acquired a piece of agricultural land to the rear of the original curtilage sometime ago which is currently being used for growing plants/keeping chickens and does not form part of the curtilage. This land is less secluded albeit still at some distance and consideration of privacy would not carry the same weight as when assessing the effect of new development on a private garden.

CONCLUSIONS: Considerations of privacy usually apply to overlooking either directly into a dwelling or onto part of a garden intimately associated with a dwelling, usually the patio or similar immediately adjoining as advised by the Essex Design Guide which states 'all houses should have a private sitting out area not overlooked by adjacent or opposite living rooms or sitting out areas. This area should extend at least 3m. ' The intimate part of the garden of the neighbouring property is 71m away from the nearest window which is subject to this application and it is considered that this proposal would not cause any material overlooking or privacy issues.

RECOMMENDATION: UNCONDITIONAL APPROVAL (Removal of condition)

Background papers: see application file.

1) UTT/1710/05/FUL & 2) UTT/1711/05/LB - UGLEY

(Referred by Cllr Sell)

1) One half storey rear extension and car port, new vehicular access and internal refurbishment.

2) Internal refurbishment

Location: Chestnut Cottage, Dellows Lane, Ugley Green. GR/TL 524-270.

Applicant: M Mills.

Agent: Morris & Partners

Case Officer: Consultant North 2 Tel: 01799 510469/510478

Expiry Date 14/12/2005

ODPM classification: OTHER

NOTATION: Beyond settlement limits; listed building;

DESCRIPTION OF SITE: Application site comprises a detached thatched roof dwelling and its curtilage. It is located beyond settlement limits but it does however form part of a small hamlet of dwellings where landscaping and a sense of space largely dominate the street scene. The site is on broadly level ground with adjoining properties.

DESCRIPTION OF PROPOSAL: Application seeks planning permission and listed building consent for the erection of a part single and part two-storey rear extension and a detached 3-bay car port. The rear extension would have a footprint a maximum of 7.8m in depth and 6.5m in width. It would comprise a part two storey and part single storey element that would link to the two-storey element to the existing dwelling. It would be 6.5m high, approximately 0.7m below the ridge of the existing dwelling. The detached carport would have a footprint 7.8m in width and 5m in depth. This would be 5.2m high.

RELEVANT HISTORY: None, however there are presently investigations into a possible breach of planning control with regard to other work taking place on buildings close to this dwelling

CONSULTATIONS: Design Officer: No objection subject to a number of planning conditions.

SERCO: No objection.

English Nature: No comment.

Landscape Officer: To be reported.

PARISH COUNCIL COMMENTS: To be reported.

REPRESENTATIONS: These applications have been advertised and no representations have been received. Period expired 9 November 2005.

PLANNING CONSIDERATIONS: The main issues are

- 1) countryside protection (ERSP Policies CS2 C5, ULP Policy S7);
- 2) design/impact on listed building (ERSP Policies HC3, BE1, ULP Policies H8, GEN 2, ENV2);
- 3) neighbours' amenity (ADP Policies H8 and GEN2);
- 4) other material considerations.

1) With regard to countryside protection, in determining this application the main consideration is the bulk of the proposed extension and resultant dwelling, with particular regard to whether or not that would protect or enhance the particular character of the part of the countryside in which the dwelling is sited.

Policy S7 of the adopted review plan contains a clear presumption against development within the countryside, except for development that needs to take place there, or is appropriate to a rural area. It is generally accepted that appropriate development includes limited extensions to dwellings; however it is for each case to be considered on its individual merits with regard to protecting the particular character of the local countryside.

In this case the extension to the dwelling would be of a moderate overall scale and would not result in any sense of excessive visual intrusion of built form within the countryside. The bulk of the proposed extension to the main dwelling, in combination with the proposed carport, would be such that there would be no harm to the wider character and appearance of the countryside. Although both the extension and the garage would be substantial features, this is a large curtilage and therefore they would not result in a sense of excessive built form at this site; this conclusion is reached having had particular regard to the fact that although this site is beyond settlement limits it nonetheless forms part of an established hamlet of dwellings.

2. In terms of design and impact on the listed building, the dwelling is a timber framed 1 1/2 storey house with a thatched roof. The building appears to have been little altered or extended in the recent past. It is considered that the overall size and scale, and detailed design, of the proposed extension to the dwelling would result in a wholly acceptable feature that would not harm the appearance or setting of this building. The design of the extensions, and the clear articulation by way of the design and the single storey link, means that this proposed two-storey extension to the dwelling would be clearly visually subordinate to the original dwelling and therefore it would respect the character and appearance of that existing dwelling, as required by policy H8.

The garage would be located separate to the main dwelling and not therefore significantly affect its setting. In all other regards it is well designed and would have materials appropriate to the curtilage of this attractive building. The only detail that is considered to be unacceptable is the use of the large pantiles and roman tiles for the roof to the extension and carport respectively. This matter can be dealt with by way of planning condition to require the use of plain tiles only.

3. This extension and the garage would be set well away from the boundaries with adjoining properties and not cause any significant loss of amenity to the adjoining occupiers. On these spacious plots the windows in the east elevation of the extension would not cause significant overlooking of the neighbour to that side.

4. The proposed extension to the dwelling would lead to the loss of a coniferous type tree that is approximately 10m high. However as this is a non-indigenous species, it is considered that the loss of this tree would have little impact on visual amenity, particularly given other landscaping in this locality.

CONCLUSION: The proposed extension to the dwelling, and the garage, would not cause serious harm to the character and appearance of the countryside, this revised proposal ensures there would be no serious impact on the appearance and setting of the main listed dwelling nor would it harm neighbours amenities.

RECOMMENDATIONS:

UTT/1710/05/FUL - APPROVAL SUBJECT TO CONDITIONS

1. C.2.1. Time Limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.1. Samples of materials to be submitted and agreed.
4. Notwithstanding the details on the plans hereby approved, the new roofs to the extension and outbuilding shall be surfaced with handmade plain clay tiles and thereafter shall be permanently retained as such.
REASON To preserve the historic integrity and character of this listed building.

UTT/1711/05/LB – LISTED BUILDING CONSENT SUBJECT TO CONDITIONS

1. C.2.2. Time limit for commencement of development - listed buildings
2. C.5.1. Samples of materials to be submitted and agreed.
3. No elements of the historical timber frame shall be cut or removed without inspection and prior written approval from the local planning authority.
4. Notwithstanding the details on the plans hereby approved, the new roofs to the extension and outbuilding shall be surfaced with handmade plain clay tiles and thereafter shall be permanently retained as such.
5. All external joinery in the garage and extension hereby approved shall be constructed from painted timber only and thereafter permanently retained as such.
6. All external rendered surfaces to the extension hereby approved shall be smooth finished only and thereafter permanently retained as such.
7. All weatherboarding shall be featheredge and painted.
REASON 3-7: To preserve the historic integrity and character of this listed building.

Background papers: see application file.

1) UTT/1389/05/FUL & 2) UTT/1390/05/FUL - HENHAM

1) & 2) A joint application for 6 & 8 Mill Road.: Erection of two-storey side and rear extensions together with dormer windows to front and rear and rooflights to front elevation.

1) Location: 6 Mill Road. GR/TL 545-281. Applicant: Mr D Boulden

2) Location 8 Mill Road. GR/TL 545-280. Applicant: Miss P Griffiths

Agent: Mr E Noad

Case Officer: Mr Y Falana 01799 510464

Expiry Date: 21/10/2005

ODPM classification: OTHER

NOTATION: Within Other Development Limits (Policy S3).

DESCRIPTION OF SITE: The application sites known as 6 & 8 Mill Road, Henham comprise a pair of semi-detached dwellings located within the main built up part of the village. The pair of 2-storey dwellings is situated within a group of similar semi-detached dwellings on the north side of the road. Both dwellings are on broadly level ground and back directly onto the open countryside.

Dwellings adjoin to both sides and opposite across the road, adjacent to Vernon's Close. Adjoining the properties at both sides, are fairly identical dwellings at no.4 and no. 10 Mill Road. Lying to the right of application site no. 6 Mill Road is no.4; and lying to the left of application site at no. 8 Mill Road is no.10, a relatively big dwelling slightly set back from the ridge line parallel to the road directly fronting the application site.

The area of the existing rear garden at no. 6 and no. 8 Mill Road is approximately 324sq. m and 300sq. m, respectively.

DESCRIPTION OF PROPOSAL: These applications seek planning permission to erect two-storey side and rear extensions. The two-storey rear extension to no. 6 would have a ground footprint approximately 2.5m wide and 3m deep, with the first floor having the same profile. A portion of the rear extension to no.8 would be approximately 10.5m wide and 2.8m deep; the other portion would project rearward, increasing in depth by 4m and, reducing in width to 5m with the first floor having identical profile.

The side extension to the right side elevation of no.6 would have a ground footprint approximately 3m wide and 7.5m deep, and a similar profile on the first floor. The side extension to no. 8 would be positioned approximately 2.5m set back from the front wall of the main dwelling, and would have a ground footprint 3m wide and 2.5m deep and, the first floor having the same profile.

In the front elevation of both no 6 and no 8, there would be three (3) dormer windows, and a triangular shaped gable end feature at both sides. The overall roof height would be 7m.

APPLICANT'S CASE: See the agent's supporting letter dated 19 August 2005 attached at end of the report. The letter conveys willingness of both applicants and occupiers of no.6 and no.8 Mill Road to submit to a unilateral agreement under Section 106, tying the development of the proposed extensions for both applications to be undertaken simultaneously.

RELEVANT HISTORY: In 1993, the erection of 2-storey extension at no.6 Mill Road was granted conditional planning permission. In June 2005, the individual planning applications

for erection of 2-storey side and rear extensions and front gables at the application sites no. 6 and no. 8 Mill Lane, were refused planning permission.

CONSULTATIONS: English Nature: No comment.

Essex Wildlife Trust: To be reported (due 16 September 2005).

PARISH COUNCIL COMMENTS: To be reported (due 25 September 2005).

REPRESENTATIONS: One letter of objection and another letter of observation have been received. The concerns raised are the impact of size and bulk of the proposed extension on surrounding properties and street scene; and also, the impact of the proposed dormer windows to front elevation, in terms of overlooking no 1 Vernons Close, the adjacent property across the road.

A neighbour observation has been received regarding fenestration, and seeks to ensure that the proposed extension to no. 6 does not have windows to the side elevation that would overlook the adjoining property at no.4 Mill Road.

COMMENTS ON REPRESENTATIONS: The issues raised are understood, and these are discussed further in the sections that follow.

PLANNING CONSIDERATIONS: The main issues are:

- 1) **whether development of this nature meets all the tests stipulated for seeking planning obligations or Section 106 Agreements (ODPM Circular 05/2005).**
- 2) **whether this revised proposal for a joint planning application submitted in respect of the application sites at no. 6 and no. 8, overcomes the reasons for refusal of the previous schemes submitted, considered and determined individually. The previous applications were refused for the main reason of the proposed two-storey rear extension, by way of its position, depth and height, would be an unduly visually intrusive and overbearing element of built form, causing a serious loss of outlook and spaciousness, harmful to the amenities of adjoining occupiers at 6 or 8 Mill Road.**
 - a) **Design, Size, Form, Setting and Street scene (ERSP Policy CS2; ULP Policies S3, H8 and GEN2);**
 - b) **Neighbour's amenity (ULP Policies H8, GEN2 and GEN4).**

1) The previous planning application for no. 6 Mill Road sought planning permission to erect a two-storey side extension, a two-storey rear extension and a roof extension on the front elevation; whilst the application on no. 8 Mill Road sought permission to erect a two-storey side and rear extension and a single storey side extension. Both applications were refused on 17 June 2005, and were received on 24 March 2005.

The principal reason for refusal was that *'The proposed two-storey rear extension, by way of its position, depth and height, would be an unduly visually intrusive and overbearing element of built form, causing a serious loss of light, outlook and spaciousness, harmful to the amenities of adjoining occupiers at no. 6 Mill Road'* The other application was refused for exactly the same reason, except it referred to no. 8 Mill Road.

Given that the concerns on those previous individual applications in respect of no. 6 and no. 8 Mill Road, would only come into play if one but not both of the extensions were built, the feasible instrument to make the development acceptable in planning terms is the use of planning obligations to ensure neither or both developments occur. Section 106 of the Town and Country Planning Act 1990 (As Amended) introduced the concept of planning obligations, which comprises both planning agreements and unilateral undertakings. It

enables a planning obligation to be entered into by means of a unilateral undertaking by the applicants as well as by agreement between the applicants and Uttlesford District Council.

Officers are confident that the planning obligation, meets all the following tests set out in the ODPM Circular 05/2005.

- relevant to planning principle;
- necessary to make the proposed development acceptable in planning terms;
- directly related to the proposed development;
- fairly and reasonably related in scale and kind to the proposed development; and
- reasonable in all respects.

Impact of Design, Size, Form, Materials and Setting on Adjoining Properties and Street scene.

2) The character of the immediate locality surrounding the sites is primarily one of detached and semi-detached two-storey dwellings. The pair of existing semi-detached dwellings, subject application sites, has a symmetrical front elevation, which fits with the established pattern of dwellings with attractive elevations to road frontages.

This proposal keeps the extensions for both application sites at the side of the buildings and would look like a fairly natural extension that should not be obstructive to the protection of the village townscape. The footprint of the extensions at both sides would be 3m wide compared to the 8m width of the existing main dwelling.

The front gable feature with dormer windows and roof lights on each wing of the dwelling would combine well to reinforce a symmetrical balanced appearance. The design of the extension treats the front elevation as a rendered wall to match existing in colour and texture.

The extension to rear of no 6 would be within the existing footprint of the main dwelling. Whereas, the rear projection of the dwelling no. 8 would be 6.5m, bringing the footprint to the same building line with the adjoining dwelling no.10.

In terms of floor area, the increase is approximately 40 sq. m and 115 sq. m, in respect of no 6 and no. 8 respectively. Whilst this represents significant expansion, on the balance this is considered acceptable in terms of the limited effect on the appearance of the village settlement street scene.

Policies ERSP CS2 and ULP Policy GEN2 require that for development to be acceptable it should be compatible with the surrounding area and the settlement in which it is proposed. The previous applications, which were submitted at the same time as an application for the attached dwelling, failed to satisfy these policies largely because there was nothing in place to link these two developments happening simultaneously and therefore the applications were considered wholly in isolation.

In this respect the current proposal attempts to overcome the previous reason for refusal by putting in place unilateral agreements that would ensure development on both sites occur simultaneously.

3) The Uttlesford District Council draft Supplementary Planning Documents and Supplementary Design Guidance on home extensions, alterations sets the standards, which guides policies in the ULP Policy H8, Policy GEN2 and Policy GEN4.

The side and rear extensions at no. 8 Mill Road would maintain the existing distance of 3m between its flank wall and the boundary with the adjoining property at no.10; whilst no 6 Mill Lane would be 2m away from the boundary with the adjoining occupier at no.4 This separation at both ends, allows spacing between buildings and prevents a terracing effect being created.

No window would be installed in the side elevation of no. 6 and as such, the proposal avoids overlooking the neighbour dwelling at no.4. The side windows in the WC / utility room on the ground floor of no.8 would be obscure glazed with glass of obscuration level 4 of the range of glass manufactured by Pilkington plc. The proposed 2-storey side extension at no. 8 would be set back by 2.5m from the front elevation of the main building to allow adequate daylight and sunlight enjoyment by the neighbour occupier at no. 10.

The projection to rear of no. 8 Mill Road would be 4m deep from the main building line stretching across the rear wall of existing dwelling at no 6, and would level at the rear with the built form of existing neighbour property at no. 10. There would be no loss of light or outlook for that neighbour.

The installation of a rooflight at both end gables of no. 6 and no.8, would avoid overlooking the rear gardens of no. 1 Vernon's Close, adjacent property across the road. Both extensions make it unlikely to result in any loss of residential amenity for the adjoining properties.

CONCLUSIONS: The use of planning obligation 'Section 106 Agreement' is relevant, necessary, reasonably fair and directly related in scale and kind to the proposed development.

The proposed two-storey side and rear extensions at no.6 and no. 8 Mill Road, is considered to comply with all Development Plan Policies and so it is recommended that the joint planning application be approved.

RECOMMENDATIONS:

- 1) UTT/1389/05/FUL - APPROVAL WITH CONDITIONS and SECTION 106 AGREEMENT**
- 2) UTT/1390/05/FUL - APPROVAL WITH CONDITIONS and SECTION 106 AGREEMENT**

- 1. C.2.1: Time limit for commencement of development (5 years).
- 2. C.3.2: To be implemented in accordance with revised plans.
- 3. C.5.3: Matching materials.
- 4. C.19.1. Avoidance of overlooking.
- 5. No additional windows in side elevations of both no.6 and no.8 Mill Road.
REASON: To prevent overlooking, overshadowing of, and loss of privacy to, neighbouring properties.

Background papers: see application file.
