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PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 22 FEBRUARY 2006

APPL NO: **UTT/1889/05/FUL**
PARISH: **LINSELL**
DEVELOPMENT: Proposed renewal of temporary planning permission for change of use part of barn to agricultural workers dwelling to permanent use

APPLICANT: D R Stokes
LOCATION: Templars Farm
D.C. CTTE: 11 January 2006 (see revised report copy attached)
REMARKS: Deferred
RECOMMENDATION: APPROVAL WITH CONDITIONS
Case Officer: Mr Y Falana 01799 510464
Expiry Date: 12/01/2006

UTT/1889/05/FUL – LINDSELL

(Revised report)

Proposed renewal of temporary planning permission for change of use of part of barn to agricultural workers dwelling to permanent use

Location: Templars Farm. GR/TL 640-281

Applicant: D R Stokes

Agent: Ms K Wood

Case Officer: Mr Y Falana - 01799 510464

Expiry Date: 12/01/2006

ODPM classification: OTHER

NOTATION: Outside Development Limits / Settlement Boundaries (ULP Policy S3).

BACKGROUND: Members will recall that this planning application was deferred at the January meeting to give time to assess the information submitted to the Council by the applicant and the Parish Meeting. These covered: the size of application site and the Impeccable Eggs trading and profit and loss accounts for the last three years.

DESCRIPTION OF SITE: Based on the submitted site plan the application site known as 'Templars Farm' comprises an agricultural field of approximately 0.72 hectare (1.77 acres) with two hen houses accommodating some 1250 free range hens, an open fronted storage barn and the converted barn subject of this application. It is to be noted that the existing size of farm holding has remained the same since 14 February 2001.

The site is located towards the northern end of Lindsell. The village has a linear pattern with detached houses occupying large plots. There is a group of tightly knit properties some 200m to the south.

The barn is a two-storey wooden clad building. The first floor is entirely residential with accommodation arranged to include a bedroom, lounge and combined bathroom and WC. The ground floor has two rooms. One of the rooms is used for egg grading and storage, whilst the other is a kitchen used both in connection with the applicant's egg business and in connection with the residential use. The remainder of the ground floor has a hall and a toilet.

The site is screened by hedges and native scrub planting.

DESCRIPTION OF PROPOSAL: The applicant seeks planning permission for permanent renewal of the temporary planning permission granted on appeal under ref. APP/C1570/A/02/1104500 in July 2003. The allowed appeal was against a refusal to grant planning permission on application ref. UTT/1022/02/FUL for a change of use of part of the barn to agricultural worker's dwelling (retrospective). The appeal decision gave the applicant three years to demonstrate viability of the poultry business.

This proposal seeks modification to Condition 'D' stipulating three years' life span for the temporary permission from the date of decision 8 July 2003 as stated on the Inspector's Appeal Decision. In effect, the current application is for permanent residential occupation of part of the barn.

APPLICANT'S CASE: See the agent's letter received 17 November 2005 with supporting case detailed on the 8-page submission re-cycled from the supporting statement forwarded in respect of the 2003 appeal. Another letter from the agent received 9 January 2006 rebuts the statements made earlier by the Parishioners of Lindsell. A single-page letter dated

5 January 2006 and also the summary of three previous years trading and profit and loss accounts signed 2 February 2006, prepared by Graham Kilbey Chartered Accountant on behalf of the applicant. See the applicant's e-mail correspondence dated 11 January 2006 clarifying the status of Lindsell Parishioners and pointing out that the Parishioners' letter received 23 December 2005, arrived after the time allowed for notification.

The applicant has provided twenty-four photos of the chickens in Templars Farm.

RELEVANT HISTORY: The barn has a contested planning history involving its residential conversion allowed on appeal in 1986 when on its original site (where Tudor Lodge is now). In early 1989 it was moved from that site to a position about 80m to the north where it was too close to the highway to benefit from permitted development rights. It was dragged to its current position in 1991 where it was subsequently used as part of a hydroponics business. For that purpose it was considered to be agricultural permitted development and became lawful.

In 1997, the previous owner's application (ref. UTT/0819/96/FUL) was refused permission. The Council's decision was upheld on appeal for the main reason that the proposal would have introduced a domestic character into the countryside. All these matters pre-date the current owners involvement in the site.

Prior to July 2003, the barn was occupied without permission for some time by an agricultural worker in connection with the applicant's egg business and this breach of planning regulations gave rise to enforcement investigation for unauthorised residential use of the barn. The Council's reasons for refusal of the subsequent application was based on the proposal failing the functional test with concerns about the effect of domestication of the site on the character and appearance of the surrounding rural area.

In 2003 residential occupation of the barn by an agricultural worker was granted retrospective permission on appeal for a temporary period to enable the unit to become established over three years, in accordance with Annexe I of PPG7, now replaced by the Planning Policy Statement (PPS) 7.

CONSULTATIONS: UDC Executive Manager (Finance and Asset Strategy) notified 26 January 2006. The advice received on the applicant's previous three years business accounts was that the Impeccable Eggs showed steady business growth with evidence of increasing margin of profits over the last three years.

PARISH MEETING COMMENTS: *(Officer's note: Lindsell has no Parish Council as the representative members are not elected. It follows in this respect that any representation received from the Parishioners of Lindsell must be referred to as the Parish Meeting.)*

Meeting of Parishioners of Lindsell notified 17 October 2005. Notification period expired 17 December 2005 –.Response received 23 December 2005 with comments expressed as follows:

'At the Appeal the Parishioners disagreed with the size of the plot given on the planning application of 1.2 hectares. The site was only 0.67 ha and that when tracks and buildings were removed the actual area available for hens would be a maximum of 0.603 ha.

This is very important as it affects the number of hens allowed and therefore the viability of the business.

Kate Wood letter 1 November 2005 state, 'currently there are some 1,250 bovan goldline hens at Templar'. Fine but economically unviable.

The agents letter states, 'Highfield farm in Barkway also has 1,250 birds and a separate farm worker employed Full Time at this site'. The recent application Kate Wood states 'since early 2002 a full time worker has been employed wholly to carry out the duties associated with egg production'. This is clearly not true as there was no one resident July-December 2002.

Are these hens a viable business or merely used as a means of gaining planning permission. Jeremy Blackburn at British Poultry states 'It is acceptable to keep free range poultry at a distant site provided they are visited twice a day.' This view has also been given by lecturers at Writtle and Sparshot Agricultural Colleges and at various poultry breeders. They also are of the opinion that 1,500 hens is only a part time business.

REPRESENTATIONS: None received. Notification period expired 8 December 2005. Three neighbour letters sent 17 November 2005. No response received.

COMMENTS ON REPRESENTATIONS: See planning considerations below:

PLANNING CONSIDERATIONS: The main issues are:

- 1) **whether the applicants have demonstrated that there is a financial and functional need for an agricultural worker to be resident on this site in the light of the temporary permission granted on appeal almost 3 years ago with the conclusion reached by the Planning Inspectorate that while the case for a permanent permission had not been made, there was the potential for a need to be demonstrated after a trial period. (ODPM PPS 7, ERSP Policies C5 and RE2, ULP Policies H12 and GEN4).**
- 2) **whether suitable alternative residential accommodation is available within close proximity of the application site.**

1) Planning Policy Statement 7 (PPS7): *Sustainable Development in Rural Areas* sets out Government Policy for rural areas (replacing Annex A of the PPG7), advises on the five criteria, which should be satisfied if a worker's accommodation is to be provided to meet an essential need to support a new farming activity. These criteria include evidence of a firm intention and ability to develop the enterprise based on functional need; evidence of sound financial standing; and that no other dwelling is available.

The Uttlesford Local Plan Policy H12 deals with Agricultural Worker's Dwelling. It expresses that new dwellings or the conversion of existing buildings for such a purpose may be approved if it can be demonstrated that there is an essential need for someone to live permanently on site to provide essential care to animals at short notice; and in addition, the scale of the proposed dwelling relates to the needs of the agricultural enterprise.

There are three tests to guide the decision: functional, scale and financial.

The functional test is necessary to establish whether it is essential for the proper functioning of the poultry enterprise for a worker to be readily available at most times to provide essential care to animals or processes or property at short notice.

According to the applicants, the Impeccable Egg business has been established for some 20 years, although it has been at various locations including Clavering and Barkway but the enterprise currently retains the site in Barkway to complement the trading activities at the Lindsell site. The hen houses are operated as a free range enterprise, totally devoid of automation and thus, rely on more labour-intensive method than many other forms of egg production.

The site at Lindsell commenced egg production in early 2002 and has become a fully operational Free Range Egg unit. Since 2002, the applicant has applied for and been granted permission and constructed a second hen house for some 1,000 hens. Between 1200 and 1500 birds have been on the site roaming freely and occupying two hen houses. These houses are stocked with birds which remain resident for just over a year before being replaced.

Currently there are some 1,250 Bovan Goldline hens on the site. These are a hybrid bird noted for high yields and a longer laying cycle. Strict management is necessary to ensure high yields and require a worker readily available throughout day and night to look after the hens. The hens are let out at dawn, when the first of the four feeds of the day is given and water levels are checked. A small number of eggs are collected at this time. Further egg collections are made and feeds given during the day before the hens are put to bed at dusk.

The converted barn has been continually occupied by the worker and partner since that time. The worker has received remuneration at the current wage agreed with the National Farmers Union for farm workers. A condition tying occupancy of the dwelling to an agricultural worker would be imposed to reflect the current planning policy for this area of countryside where new dwelling units are not normally permitted unless there is an agricultural need.

2) In terms of the scale, a condition restricting permitted development rights would ensure restricting the size of dwelling to one which can be justified by the size of the enterprise and thus, limiting the impact on character and appearance of the area.

Closely allied with this requirement of control in the relative size of dwelling, is the necessity to avoid any severance of land from the existing Templars Farm unit, which might erode the need for the agricultural worker's dwelling. This is the major concern expressed by the Parishioners of Lindsell. This aspect can be addressed by a condition requiring that the area of land forming the Templars Farm unit shall remain as one planning unit and the dwelling being part of that same unit.

The financial test is required to prove that the farming enterprise is economically viable. The business financial case has been re-assessed based on comparative figures for the previous three years. Bearing in mind that the relevant date for consideration of the application commences July 2003, the financial accounts for the years ended 31 July 2004 and 31 July 2005 prove most relevant. The current financial year ending 31 July 2006 has not been prepared as the period still has some months left to run.

This trend in profits in the last three years showed a steady increase rising from £11,555 in July 2003 to £17,167 in July 2004 and rising further to £24,229 in July 2005. Officers take the view that in this circumstance, the test of viability of the applicants poultry business would be based on the level of profits rather than on quantity of hens on site as shown in findings of agricultural academic research centres where the general opinion is that 1,500 hens would support only a part-time business. According to the agent, the market forces for the egg production business in recent times, have been determined by the organic status of eggs production and it is anticipated that this will continually raise egg prices.

The UDC Executive Manager (Finance & Asset Strategy) has been notified and has responded with comments with regard to the accuracy and adequacy of the business account. The details cannot be disclosed to the public as the applicant claims to be financially sensitive. It is worth reminding Members that an important consideration for determining this application is a clear evidence showing viability of the applicant's egg business.

Templars Farm is well screened from public view by the hedges surrounding the site. The hedge separating the site from the plot containing Templars is now well established. The barn is sufficiently far from the boundary for it to have no unacceptable impact on occupiers of Templars. Apart from the limited view from Templars, the barn is only visible from outside along the access drive.

In terms of availability of a suitable alternative residential accommodation within sight and sound of the Templars Farm unit, the only other property within its close proximity is Templars. Templars was owned by the applicant's until sold. If Templars had not been sold, it would have provided residential accommodation from which the operation at Templars Farm could have been run. That property had been sold prior to the allowed appeal and therefore unknown to the Inspector and the situation remains unaltered since that time.

CONCLUSIONS: Since July 2003 when the appeal was allowed, the circumstances of the applicant demonstrate clear evidence of a firm intention to develop the poultry enterprise, functional need and soundness of the financial basis of the enterprise.

I recommend the grant of planning permission for permanent change of use of part of the barn to residential, with the exception of the ground floor room marked on the submitted plans as the egg storage and grading room, subject to the three conditions listed below:

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.18.1. Restriction On Occupation: Agricultural Occupancy.
2. C.6.2. Control Over Permitted Development Rights: Excluding all rights of permitted development within the curtilage of a dwelling house without further permission.
3. The area of land forming the Templars Farm unit at the date of appeal decision ref. APP/C1570/A/02/1104500 shall remain as one planning unit and the dwelling hereby permitted shall remain part of that same planning unit.
REASON: To prevent domestication of the site and harm effects on the character and appearance of the surrounding rural area.

Background papers: see application file.

UTT/2114/05/FUL - QUENDON & RICKLING

Erection of three No five bedroom houses one No three bedroom house and one No three bedroom bungalow

Location: Green Acres & Longridge, Green Road, Rickling Green.
GR/TL 510-300.

Applicant: East Anglian Developments Ltd

Agent: Mr I Abrams

Case Officer: Mr T Morton 01799 510654

Expiry Date: 28/02/2006

ODPM Classification: MINOR

NOTATION: Inside Development Limit.

DESCRIPTION OF SITE: The application concerns the sites of 2 adjacent bungalows set behind the frontage properties and accessed by a private drive, the first 32m of which is maintained by the County Highway Authority, but only to footpath standards, and this also serves as the rear access to another 6 houses in Rickling Green Road. A public footpath runs along the eastern boundary of the site, outside of a hedge which forms the boundary to the garden land, but the footpath runs on land in the ownership of the applicant. The rear gardens are mainly laid to lawns with trees and shrubs planted in the grass, and the site is bounded by mature hedges and trees which enclose it very well. The two gardens have some trees and shrubs as part of their planting, but none of this is of significant landscape value.

DESCRIPTION OF PROPOSAL: The application proposes 5 new dwellings, three No five-bedroom houses, a three-bedroom house, and a three-bedroom bungalow.

APPLICANT'S CASE: Policy H10 requires that all developments on sites of 0.1 hectares and above, or of 3 or more dwellings include a proportion of market housing comprising smaller units. Unlike the outline planning permission for the redevelopment of the 'Red Star Garage', a condition or informative was not imposed on the outline planning permission requiring that a mix be provided. The sketch layout accompanying the outline application clearly showed 5 detached houses, and the current scheme followed very closely the footprint and size of the units shown on that plan.

The need to achieve balanced housing in conjunction with making the best use of land is a relevant planning consideration, however, in this instance, despite the large size of the site, it is not suitable for any more than 5 dwellings off a private drive. An adopted roadway cannot be achieved and therefore the amount of development that can be achieved on the site is restricted by the access. Hence 5 were approved in outline, despite the agent at that time having explored the possibility of creating a denser scheme, which was ruled out by officers.

Therefore, the circumstances of this site are that the 0.6 hectare plot has a maximum capacity of 5 dwellings, rather than the 15 plus advocated in PPG3. As a result, each of the plots is generous in size and the erection of small units, or semi-detached units would not make the best use of the land or be economically viable.

Clearly policies must be applied flexibly and a compromise reached, bearing in mind the circumstances of the site. Working with officers, we were mindful of the need for a mix, and reduced 5 x 5-bedroom houses to 3 x 5-bedroom, 1 x 3-bedroom houses and 1 x 3-bedroom bungalow. This creates a suitable mix, including valuable single-storey accommodation, whilst not placing small houses on extensive plots that would thereafter be the subject of

incremental additions and changes, undermining the original aim to provide smaller units. It is considered that this mix is acceptable and reasonable on this site, as it would be unrealistic to erect undersized houses on large plots. Officers concurred with this view.

It is also pertinent to note that the village does comprise a significant proportion of smaller units, rather than large detached houses, with a predominance of semi-detached and terraced houses. Additionally, the 'Red Star Garage' development provided an influx of smaller units in recent times. Furthermore, the environs of the application site, on the edge of the settlement, renders more spacious, larger units in character with its surroundings.

Meetings and telephone discussions have been held with the neighbour at 'Maples', levels taken of his site, and plans e-mailed to him for comment. The reduction in the scale of plot 5 from a two-storey house to a bungalow was acceptable to him and following numerous changes to the footprint and position of the bungalow within the plot, agreement was reached regarding these elements. However, it is understood that objections are still raised to the impact of the dwelling on his property owing to the proximity to the boundary and the size of the building.

Officers and Members must consider whether the impact is such that it would result in demonstrable harm to the amenity of the residents at 'Maples'. It is not considered that there would be any adverse impact, a view concurred with by the Council's professional officers.

The rear boundary of the neighbour's garden abuts the side boundary of plot 5, and plot 5 is orientated due west. Despite there having been a change in levels between the two properties of approximately 2m, this orientation, and the fact that 'Maples' has a rear garden of between 16.2m and 22.2m in depth, will mean that there will be no loss of daylight or sunlight. Neither will there be an overbearing impact.

RELEVANT HISTORY: UTT/1568/04/OP Outline application for demolition of two dwellings and erection of 5 no dwellings. Approved 02 December 2004 subject to conditions including a condition that the house on Plot 5 shall be a single storey dwelling.

CONSULTATIONS: Environment Agency: Raise no objection but provide standard advice on drainage issues.

English Nature: The proposals are not likely to affect a Site of Special Scientific Interest. If Protected Species are present or suspected an ecological survey should be carried out.

Essex County Council Highways: No objection subject to 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. Reason To comply with the aims of Essex & Southend-on-Sea Replacement Structure Plan Policy T8 - Safety.

PARISH COUNCIL COMMENTS: To be reported (due 2 February 2006).

REPRESENTATIONS: Five received to original plans. The consultation period has been extended until 28 February 2006, following receipt of amendments to the submitted proposals. Prior to the submission of amendments objections received from 5 nearby residents who raise the following issues.

Occupiers of a house in Greys Hollow wish to be assured that no drainage will be directed towards their lower site. They are concerned at loss of amenity from being overlooked and wish more screening to be provided.

Objections came from two occupiers concerning the proposal from a two storey house on Plot 5, contained with the submitted proposals. This is contrary to the condition on the Outline consent that required the house on this plot to be a bungalow.

Objection is raised to additional traffic that will use Green Road both during and after construction. Use of the road by schoolchildren is mentioned. Concern is raised about construction work a weekends.

COMMENTS ON REPRESENTATIONS: The Greys Hollow properties will be adjacent to gardens as they are now. All water runoff from the roofs or drives of this development will need to be piped away. Since the gardens of the existing bungalows adjoin Greys Hollow gardens, and gardens of the proposed houses also adjoin Greys Hollow gardens in the same way, there is no material change in the degree of overlooking.

The dwelling on plot 5 has been substituted with a bungalow in revisions submitted during the life of the application.

The strong objections from the occupier of The Maples are noted, and officers and the applicants have spent a considerable amount of time in discussions with that occupier to discuss the concerns, resulting in considerable modification of the submitted scheme to address those concerns. This is discussed further below.

Concerns over traffic were raised at the time of the outline application, but five dwellings have been approved on the site. There are no Highway objections to the use of the access. A condition is recommended in respect of construction hours.

PLANNING CONSIDERATIONS: The main issues are the

- 1) **principle of development; the issue of 'backland' development. (ERSP Policy CS1, & ULP Policy H3);**
- 2) **proposed density of development / housing mix. (ERSP Policy CS1, H2 & ULP Policies GEN2, H10.);**
- 3) **effects upon the amenity of adjoining residential property (ULP Policy GEN2.);**
- 4) **adequacy of the proposed access (ERSP Policy T3, & ULP Policy GEN1) and**
- 5) **effects upon landscape and wildlife (ULP Policy GEN7).**

1) The site lies within the defined settlement boundaries of Quendon and Rickling and therefore in principle development is acceptable under policy H3 of the Local Plan, subject to meeting other policy requirements of the plan. The principle of development for five dwellings has been accepted with the grant of outline consent, though this application is submitted not as Reserved Matters to that Outline, but as a full planning application.

As initially submitted, the application proposed five houses, though this has been amended during the life of the application to three 5-bedroom houses, one 3-bedroom house and one 3-bedroom bungalow, to reflect the condition on the outline consent that the house on plot 5 (closest to the site entrance) should be a bungalow, and to reflect the requirement of Uttlesford Local Plan Policy H10 for a mix of dwelling sizes to be provided.

2) The policy context for housing development is set by PPG 3 Housing, which sets the general approach in its paragraph 58.

“Local planning authorities should therefore:

- avoid developments which make inefficient use of land (those of less than 30 dwellings per hectare net;

- encourage housing development which makes more efficient use of land (between 30 and 50 dwellings per hectare net);”

However, paragraph 54 advises that, “Local planning authorities and developers should think imaginatively about designs and layouts which make more efficient use of land without compromising the quality of the environment”, further clarified by paragraph 56, “The design and layout must be informed by the wider context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should all help to determine the character and identity of a development.”

Structure Plan Policy H2 sets out the sequential approach to the re use of previously developed land for residential development, and this site would fit into the provision for small scale housing within small towns and villages at a scale consistent with local community needs.

The site is some 4,200sq.m in size and the proposed 5 dwellings equates to a density of 12 dwellings per hectare (dph). Development at 30 dph would indicate 12 dwellings, but this has to be related to the restricted access to the site, which is an unadopted private drive. Planning standards set a maximum of five dwellings that can be served from such a private drive. The village is low density, with in the main detached houses set in sizeable plots, and that sets the pattern to follow. The existing 2 bungalows stand in plots that are clearly larger than the norm in the vicinity. A balance needs to be struck between avoiding profligate use of land and maintaining the character of the area. The proposed 5 houses could not be seen as an overdevelopment of the land, and indeed the principle has already been established in the outline permission.

Given the large plot sizes that arise from this, it is challenging to achieve a mix of dwelling sizes, as called for by Policy H10 of the Local Plan, which talks in terms of an element of small 2 and 3-bedroom homes. Providing 2-bedroom houses on such large plots is seen by the applicant as a clear underdevelopment, leading to pressure to expand such houses even if provided. The proposals offer a compromise mix of two three bedroom dwellings, (one of which is a bungalow to meet the terms of the Outline planning condition) and three five-bedroom dwellings, which the plots can easily accommodate. This is considered to meet the aims of the policy in an acceptable way on this site, given its size and constraints.

3) Protection of the amenity of adjoining residential premises is related to the impact upon overlooking, daylighting and to some extent noise and disturbance. The Essex Design Guide for Residential Areas sets standards for the distances between windows of opposing houses, and on the west side it is the rear windows of 2 Grey Hollow that need most consideration, the spacing to the rear of the closest new house would be 30m, which exceeds the minimum standard of 25m by a large margin. On the East side, Spinney Cottage is offset from the closest new bungalow on plot 5, and the windows would not face each other directly, so there is no significant overlooking issue here. With regard to daylighting, the substantial distances between the proposed new houses and those surrounding means that there will be no significant impact on the daylight received by those existing houses.

The occupier of The Maples has raised objection to the siting of the bungalow, and amended drawings show that the bungalow complies with the planning standard to protect daylight to the rear windows of ‘The Maples’. It is accepted that compliance with this guideline means that no material reduction in daylight will result to ‘The Maples’. The objection from the occupier of that house also refers to the bulk and extent of the bungalow that will be visible from the rear windows of his house. The separation is 20m for part of the length and 33m

for the remainder. There are no windows in the closest section of the new bungalow, and so overlooking would not result.

The occupier of 'The Maples' also feels that sufficient space has not been left between the bungalow and the boundary to allow for substantial landscape planting, and that this will result in the entire length of the new bungalow being visible from his rear windows. Planning case law has ruled that the fact that a new building might be visible in the view from an existing property is not in itself a reason to refuse permission, there must also be material harm to amenity; no-one has the right to a view. The applicant proposes to provide a 1.8m high fence inside the existing hedge that marks the boundary between the two sites, and that would prevent any overlooking into 'The Maples' from both the garden and rooms of the new bungalow. There is no planning requirement to provide such a level of landscape planting that the building is not visible from outside of the site.

4) There is only a single access to the site, which currently serves the application properties and a number of others as well. This will need to serve for construction access and for the completed houses as well. The addition of three houses implies some greater intensity of traffic movements. As a 'private drive' the County Highways standard asks for a width of 4.1m for the first 6m. Drawings from the County Highway Authority confirm that in terms of the width and size of the area which they maintain to footpath standard, these dimensions can be met. Beyond the 6m point the width can taper down to 2.4m, and this is also met. If any dwelling is more than 25m from the highway, a bin collection point is needed within that distance. Access for fire tenders requires 3.7m width, and this is met, though the surface will need to 'hardened' to take the 12.5 tonne weight specified. The access may well need reconstruction, but the required dimensions are there. If the standards are thus met, they are considered adequate for any number of vehicles to use. Sightlines are acceptable, and although they are sometimes limited by poor on-street parking, that is not a reason to reject the access arrangement.

5) Effects upon landscape and wildlife are a material consideration as the site lies close to an Ancient Woodland site, separated by the width of the footpath. The development would not encroach upon the wood itself, and English Nature has raised no specific objections. The effect of the new house upon the wood is likely to be little different from the existing houses. There is no evidence of use of the site by Protected Species. The current gardens are well managed and would appear to offer little scope for nesting sites, though they are probably visited by wildlife in common with other gardens. The same would be true of the gardens within the new development.

6) No other issues are considered to arise.

CONCLUSIONS: The proposal is considered to represent an acceptable balance between the aims of policies, the constraints upon the site, and the amenity of adjacent residents.

RECOMMENDATION: DELEGATE TO THE EXECUTIVE MANAGER DEVELOPMENT SERVICES TO APPROVE WITH CONDITIONS UPON THE EXPIRY OF THE CONSULTATION PERIOD, UNLESS ANY COMMENTS RECEIVED WHICH RAISE FUNDAMENTAL ISSUES NOT ALREADY ADDRESSED

1. C.2.1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. C.3.2. To be implemented in accordance with revised plans.
3. C.5.2. Details of materials to be submitted and agreed.
4. C.4.1. Scheme of landscaping to be submitted and agreed.
5. C.4.2. Implementation of landscaping.
6. C.4.6. Retention and protection of trees and shrubs for the duration of development.

7. The garaging hereby approved shall be constructed in accordance with the approved plans and shall remain as constructed. No part of the garage shall be altered or adapted or used to provide habitable accommodation of any kind.
REASON: To ensure that suitable parking facilities are available to serve the development in a manner which accords with the requirements of Policy T2 of the Uttlesford District Plan.
8. C.10.7. Standard Highway Requirements.
9. No development shall commence until after the access road between the adopted public highway in Rickling Green Road and the site itself shall have been reconstructed to provide a minimum width of 4.1 metres for the first 6 metres from the highway tapering thereafter to a width no less than 3.7 metres and capable of carrying a 12.5t vehicle.
REASON: To provide an access adequate for use by fire tenders, and to enable smaller vehicles to pass at the entrance, in the interest of safety.
10. 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.
REASON: To comply with the aims of Essex & Southend on Sea Replacement Structure Plan Policy T8 - Safety.
11. No construction work shall be carried out on, nor machinery operated on, nor materials be delivered to, the site at any time on Sundays or Public Holidays, or before 8.00 a.m. or after 6.00 p.m. on Monday to Friday or before 8.30 a.m. or after 2.00 p.m. on Saturdays.
REASON: To protect the amenity of adjoining residential occupiers.
12. No windows, rooflight or other openings shall be formed in the side elevation of the bungalow hereby permitted facing towards The Maples.
REASON: To protect the amenity of the occupiers of The Maples from overlooking.
13. A 1.8 metre high close boarded fence shall be provided to the eastern boundary of the bungalow with the adjoining property 'The Maples' on plot 5 hereby approved, prior to the occupation of the new dwelling, and that fence shall be permanently maintained in position thereafter.
REASON: To protect the amenity of the occupiers of The Maples from overlooking.
14. C.6.2. Remove rights of permitted development for dormers and rooflights.
REASON: In the interests of minimizing the impact on the amenity of the dwelling to the east.

Background papers: see application file.

1) UTT/2001/05/FUL & 2) UTT/2002/05/DFO - LITTLE CANFIELD

- 1) Proposed variation of condition C90I of planning permission UTT/1054/05/DFO (relating to exclusion of details of balancing pond 1B)
- 2) Revision to balancing pond 1b proposal as submitted under planning permission UTT/1054/05/DFO

Location: Phase 1 Priors Green Land North of Dunmow Road. GR/TL574-212
Applicant: Countryside Properties
Agent: Countryside Properties
Case Officer: Mr M Ranner 01799 510556
Expiry Date: 09/03/2006
ODPM Classification: MAJOR

NOTATION: Takeley/Little Canfield Local Policy 3 – Priors Green.

DESCRIPTION OF SITE: The site comprises a parcel of open land of approximately 90 metres in width by up to 48 metres in depth and occupies a position on the northern side of Dunmow Road (B1256) between the private rights of way of Warwick road to the west and Hamilton Road to the east. A drainage ditch and line of trees forms the southern boundary of the site fronting the public highway and a residential property fronting Hamilton road abuts part of the sites northern boundary. The land to the northwest has been cleared and is due to be developed for residential purposes in association with the approved new neighbourhood at Priors Green to which this application forms part.

DESCRIPTION OF PROPOSAL: UTT/2001/05/FUL seeks to remove condition C90I of reserved matters approval UTT/1054/05/DFO under Section 73 of The Town and Country Planning Act 1990. As members may recall the aforementioned application related to phase one of the Priors Green development which concerned infrastructure to include a Spine Road, two balancing ponds and public open space. On approving the application members imposed condition C90I which reads:

“The balancing pond on the eastern side of the access road coloured green on plan 1672LP/09C, shall be excluded from this permission and shall therefore not be implemented in accordance with the submitted drawings. Revised details, to include an alternative location for the balancing pond and proposed alternative treatment of the area vacated by the pond, shall be submitted to and agreed in writing by the Local Planning Authority, within 6 months from the commencement of works hereby approved.

Reason: In the interests of public safety and to accord with the approved Master Plan for the site.”

The removal of this condition will allow the applicants to implement balancing pond 1B as originally proposed as part of application UTT/1054/05/DFO.

UTT/2002/05/DFO seeks a revision to balancing pond 1B as submitted under approval of reserved matters UTT/1054/05/DFO. The revisions include extra safety features to be incorporated into the design of the balancing pond in order to address The Royal Society for the Prevention of Accidents (RoSPA) recommendations and attempt to further increase the safety of the pond for nearby existing residents and future occupants of the Priors Green development. These additional features include increases to the length of fencing along the northern and eastern edges of the pond to prevent access from the direction of the existing dwellings in Hamilton Road, changes to the design of the fencing and railings to further discourage members of the public from climbing over the fencing, a level platform incorporated along the northern bank of the pond as a further safety feature and a life

belt/ring facility adjacent to the body of water in addition to signage to warn the general public. Increased substantial tree and shrub planting is also proposed in order to prevent access along the boundary with Hamilton Road.

APPLICANT'S CASE: Detailed supporting statements and documents accompany both applications. In order to provide a summary of the main supporting statements only the conclusion one of the accompanying statements has been duplicated below:

UTT/2001/05/FUL

“The condition C90I is considered to be unreasonable and unenforceable. Countryside Properties have proposed some minor changes to improve the safety provisions of the balancing pond although it is felt that this can be dealt with through the planning condition C90C. We would therefore propose that the condition C90I is not needed on public safety grounds as the proposed amendments can be dealt with through the former condition.

The current location of the balancing pond is integral to the drainage system, which has specifically been designed for the site and which has been approved by the Council's engineering officer as a suitable drainage solution. To move the pond will not be possible, as there is no alternative location within the site which will allow a suitable means of surface water drainage acceptable to statutory governing bodies. The Environment Agency and the Councils drainage engineer believe that the location of the proposed pond is the optimum position within the site and that there would be no 'suitable alternative'.

The Council is effectively seeking to relocate the pond as they perceive its location to be a sufficient risk to public safety. The perceived risk is considered to be unfounded as the pond is to be secured by increased substantial fencing and significant and appropriate landscaping further to recommendations by RoSPA.

The pond is adjacent to an existing property, however the proposed revisions which will include fencing and substantial tree and shrub planting will separate it from the curtilage of the dwelling and a former access way to this property will be stopped up.

The principal objector to the balancing pond 1B, who lives at this nearest existing property to the pond, has now withdrawn all of his objections to the proposal.

The proposed revisions will mean that the balancing pond would not result in any loss of amenity or any impact on the living conditions of those living in neighbouring properties. As for public safety, the pond will be adequately secured to prevent the public from inadvertently finding themselves at risk

The second reason for the condition that of departure from the master plan is not appropriate since the master plan is for indicative purpose only.

For the reasons set out above, the applicant company believes that the development should be carried out without compliance with condition C90I.”

RELEVANT HISTORY: On 23 June 2005, outline planning permission (all matters reserved) was granted for the development of a new residential neighbourhood, including residential development, a primary school site, local centre facilities, open space, roads, footpath/cycle ways, balancing ponds, landscaped areas and other ancillary or related facilities and infrastructure (UTT/0816/00/OP). This permission is subject to conditions, a Section 278 (of Highway Act 1980) agreement and a Section 106 legal agreement to secure the provision of public open space, play areas, a community hall, community facilities, structural landscaping

and sports and community facilities. Committee has also approved a Master Plan dated 10 August 2000 for the Priors Green site.

Members will no doubt recall the subsequent submission of reserved matters applications that followed during the course of last year. Application UTT/1054/05/DFO (phase 1 infrastructure) relates directly to the application site and it is this application that the current applications make reference to.

CONSULTATIONS: Environmental Services: Raise no objections.

English Nature: Comments on both applications and advise that a full ecological survey of the application site be carried out. The proposed planting to form an impenetrable structure on the eastern edge of the pond is welcomed and advises that native species of local origin are used. They also welcome the proposals to plant marginal species in the pond, which will enhance biodiversity.

Thames Water: Advises that they have no objections with regard to sewerage infrastructure.

RoSPA: Made the following comments:

“Having been requested to carry out a safety audit of the proposed scheme RoSPA is pleased that broadly its recommendations regarding safety have been included in the final plan. There are always safety questions that need to be addressed with SUDS schemes especially when they look to provide more in the way of adding amenity or ecological value to sites, especially if this results in the permanent retention of water within the scheme.”

BAA Safeguarding plc: Object to both applications on the basis that they consider that the design of the pond offers an attractive habitat for a wide range of hazardous species, especially waterfowl, which could increase the dangers of bird strike for planes using nearby Stansted Airport.

The Environment Agency: Supports the applications and makes the following comments:

“Balancing Pond B has been accepted as part of the Surface Water Drainage Strategy for this site. This pond is an integral part of the system and must be constructed as proposed in the Flood Risk Assessment and in subsequent negotiations with Engineering Consultants Brand Leonard regarding the Surface Water Drainage Strategy.

It is acceptable to either formally discharge the condition or amend condition UTT/1054/05/DFO which requests the exclusion of Balancing Pond B (on the eastern side of the access road).

We have accepted the proposed drainage strategy, which included BOTH balancing pond 1A and 1B. These are acceptable to us, in terms of flood management, and this is the most appropriate environmental solution. The design does not need to be altered. We have sent a letter to Uttlesford DC, explaining the Agency’s stance with regard to balancing pond 1B, it is acceptable and it is required as part of the drainage strategy.”

PARISH COUNCIL COMMENTS: Takeley Parish Council: No objections to both applications subject to the implementation of all recommendations in the ROSPA report.

Little Canfield Parish Council: No objections to the applications.

REPRESENTATIONS: A single letter has been received in respect to both applications from the owner of ‘Gimbas’, which is the property that abuts the northern boundary of the application sites. The letters provide confirmation that the objections previously raised by the resident with regard to the siting and safety implications of pond 1B have now been withdrawn.

COMMENTS ON REPRESENTATIONS: These will be addressed during the considerations to this report.

PLANNING CONSIDERATIONS: The main issues are

- 1) whether the condition is still necessary and reasonable in its current form in light of recent consultation responses and the submission of further information and the appropriateness of the revised design of the pond in respect of public safety (ULP Policies S2, GEN2, GEN3, GEN6, GEN7 & Policy 3) and**
- 2) other material planning considerations.**

1) Condition C90I of the approval of reserved matters effectively excludes balancing pond 1b from the permission granted under reference UTT/1054/05/DFO and requires an alternative location be found. The reasons for its imposition were due to the Council's concerns regarding the proximity of the pond to nearby residential properties and the implications that this could have on public safety and the fact that the inclusion of a second pond did not accord with the approved master plan for the site.

It is clear from the Environment Agencies comments concerning the applications that they consider balancing pond 1B to be acceptable in terms of flood management and the most appropriate environmental solution. They are not prepared to support the relocation of pond 1B and so in this respect the condition jeopardises the drainage strategy for the development and the Flood Risk Assessment for the site. It has become apparent therefore that since the original grant of permission that the condition restricts the applicants ability to implement the planning permission granted, which in the view of officers conflicts with advice contained within Circular 11/95 which states at paragraph 35 that "a condition should not be imposed if the restriction effectively nullifies the benefit of the permission".

With regard to public safety, application UTT/2002/05/DFO incorporates various measures into the design of the pond in order to attempt to improve safety to allow the pond to be sited in the original location proposed by application UTT/1054/05/DFO. As previously stated, these measures include increases to the length of fencing along the northern and eastern edges of the pond to prevent access from the direction of the existing dwellings in Hamilton Road, changes to the design of the fencing and railings to further discourage members of the public from climbing over the fencing, a level platform incorporated along the northern bank of the pond as a further safety feature and a life ring facility adjacent to the body of water in addition to signage to warn the general public. Increased substantial tree and shrub planting is also proposed in order to prevent access along the boundary with Hamilton Road. In response to consultation, RoSPA indicate that they are satisfied with the pond in terms of public safety and confirm that its recommendations regarding safety have been included in the application. It is also of note that the resident of 'Gimbas' which is the closest existing property to the application site no longer raises objections to the proposed siting of the balancing pond and has confirmed this in writing. Despite neighbour notification, no other letters from local residents have been received. In light of RoSPA advice, officers are satisfied that the reason for imposing condition C90I, namely in that of public safety, has been satisfied, without the need to relocate the pond to another location. The submission of the details of safety features as part of the revised application UTT/2002/05/DFO also satisfies condition C.90C of planning permission UTT/1054/05/DFO, in respect of pond 1b, which requires the submission of details of the safety measures to be included in the design of the balancing ponds.

Condition C90I was not only imposed to safeguard public safety but also to ensure that the development accords with the approved Master Plan for Priors Green, which only indicated a single balancing pond on the eastern side of the entrance to the development in the approximate position of the now approved pond 1A. Officers acknowledge that the inclusion of a second pond does not strictly accord with the Master Plan, however master plans are open to a degree of interpretation, as they should only provide a framework for the planning

of a site or area and if they are to be effective they should not be too specific in their requirements and should retain a degree of flexibility. This is in order to ensure that a Master Plan can cope with changes in policy and circumstances that often occur, particularly when considerable time elapses between the approval of a master plan and the subsequent development of a site. This is evident in this case as the Master Plan was approved back in August of 2000 and since that time there has been the emergence and development of policy. Planning Policy Guidance Note 25 (development and flood risk) was introduced in 2001, which had implications for the planning of the development as the drainage criteria imposed on sites larger than one hectare were made more stringent. As a consequence in order to satisfy these requirements the applicant has had to incorporate a second balancing pond into the scheme, which for reasons already stated, needs to be located in the position as proposed by application UTT/1054/05/DFO. In light of these developments and further advice received from the Environment Agency, supporting this proposal officers are of the view that the inclusion of balancing pond 1B will not comprise the aims and objectives of the approved Master Plan and the overall planning of the site and so Condition C90I is not necessary or reasonable in this respect.

2) Turning to ecology, English Nature request that an ecological survey is submitted. This is not however considered necessary as this matter has already been considered under outline planning permission UTT/0816/00/OP which encompassed the land subject to the current application and required by condition the submission of an ecological survey. This has recently been submitted by the applicant and has largely been endorsed by English Nature. The reserved matters permission for phase one of the development (UTT/1054/05/DFO) is also conditioned to ensure that if during construction works a protected species of animal or plant were to be found then works should cease until an appropriate license has been obtained from the Rural Development Service.

With regard to the concerns raised by BAA Safeguarding the guidance provided by CAA in their Advice Note 3: Potential Bird Hazards for Amenity Landscaping and Building Design has relevance to the design of the balancing ponds as the site is situated within the safeguard zone. The principal concern expressed in the note is to prevent the provision of both open areas of water and swards which are likely to attract waterfowl and in particular larger birds such as geese and swans. There are however a number of design devices which can be incorporated into design, in order to reduce the attraction of waterfowl. Some of these have already been integrated into the proposals, such as the use of gabions (steel wire mesh boxes filled with rocks) providing steep banks to sections of the waters edge. Further devices can however be employed including for example further planting to reduce open areas and areas of shallow water, and the installation of free standing chamfered topped posts across the body of water so as to reduce the available 'take off' space for large birds. To ensure that the matter is addressed condition C.90E of planning permission UTT/1054/05/DFO pertaining to the application site (including the adjacent balancing pond) requires that prior to the commencement of works in respect of the infrastructure, including the balancing ponds, details of measures to be employed to deter birds from inhabiting the ponds shall be submitted to and approved by the Local Planning Authority. This will prevent numbers of birds from inhabiting the area that are likely to cause a nuisance and danger to over flying aircraft.

CONCLUSIONS: For the above reasons, officers consider that the consultation advice received and the revised details submitted by the applicants demonstrate that condition C90I is no longer necessary and reasonable and so can therefore be removed from planning permission UTT/1054/05/DFO. The revision of the permission in respect of balancing pond 1B can also be approved without consequence to public safety or the aims and objectives of the approved Master Plan for the site.

RECOMMENDATIONS:

1) **UTT/2001/05/FUL - UNCONDITIONAL APPROVAL**

2) **UTT/2002/05/DFO - APPROVAL WITH CONDITION**

1) The conditions pertaining to planning permission ref: UTT/1054/05/DFO, with the exception of condition C.90I, shall also apply in their entirety to the permission to which this condition relates.

REASON: For the avoidance of doubt as to the scope of this permission.

Background papers: see application file.

UTT/2080/05/OP - STANSTED

Outline Planning Application for demolition of existing building and erection of two storey block of nine flats

Location: The Limes Stables Silver Street. GR/TL 509-246.
Applicant: Feeney Bros Ltd.
Agent: Alan Cox Associates
Case Officer: Ms H Lock 01799 510486
Expiry Date: 03/03/2006
ODPM Classification: Minor

NOTATION: Within Development Limits & Settlement Boundary/Adjacent listed building/Access onto Class B road.

DESCRIPTION OF SITE: The site comprises a dwelling (converted red brick stables) on the eastern side of Silver Street, north of the junction with Old Bell Close. Gardens serving houses in Old Bell Close back onto the southern boundary. Access to the dwelling is in front of the house, with the remainder of the frontage enclosed by a wall and planting. The rear garden contains mature shrubs and trees, although part of the southern and eastern boundaries at the rear have sparse screening. Dwellings in Brook Road are in an elevated position above the rear garden, to the east. The dwelling to the north is a 2½ storey listed house.

DESCRIPTION OF PROPOSAL: This is a revised scheme following several refusals for flat schemes on this site, including an appeal dismissal last year. The proposal is in outline. Originally only siting and means of access were for consideration at this stage, but following officer request, design and external appearance are also now included. Landscaping is reserved for subsequent approval.

The proposal is to demolish the existing dwelling and replace it with an alternative building to provide nine flats: 4 x one-bedroom and 5 x two-bedroom. The layouts would have most windows facing front and rear, with side facing kitchen & lounge windows at first floor.

The existing access would be widened and walls demolished. Although a replacement wall is proposed, this would not be feasible due to the clearance needed for visibility and parking. Access would pass under a central archway in the building to nine car parking spaces at the rear, with four spaces in front of the building (1.44 spaces per unit). Amenity space in excess of the Council's standards would be beyond the car park. The building would be set back into the site compared to the existing building, by 3m (4m at the rear).

The new building would have a width of 23.2m and main depth of 15.5m. Distances to flank boundaries would be 2m to the north and 3.8m to the south. The existing building is built up to the northern boundary, and is 5.6m from the southern. The eaves height closest to boundaries would be 5.65m, rising to a maximum ridge height in the centre of the building of 9.2m. The existing building has a width of 23m, depth of 14.4m, and the height ranges from 6.5m to 7.5m (+ chimney) at the front (increasing to 8.8m at the rear). The eaves height is 3.5m – 4m.

APPLICANT'S CASE: The plans have been amended to take account of UDC's architect's comments. In addition, the block has been re-sited a further one metre in from the left hand boundary and a further 2m back into the site. The block has been lowered by 700mm with a 1:10 gradient from the pavement to the front building line. The roof has been amended to take out the crown roof detail. Additional supporting statement attached at end of report.

RELEVANT HISTORY: Change of use of existing building from stabling to dwelling approved 1978. Outline application for backland scheme of two dwellings, garages and alterations to access refused 2002. Conversion of existing dwelling to 5 flats and erection of block of 5 flats at rear refused September 2003. Demolition of existing building and erection of 2½-storey block of ten flats refused November 2003, and an alternative scheme refused April 2004 and dismissed following an appeal hearing August 2005.

CONSULTATIONS: TOPS: No objection subject to conditions (no obstruction above a height of 600mm within a 2.4m parallel visibility band across the entire site frontage; space for parking and manoeuvring to be provided within the site).
Environment Agency: Advice to applicant.

PARISH COUNCIL COMMENTS: To be reported (due 5 February).

REPRESENTATIONS: This application has been advertised and 8 representations have been received. Period expired 9 February.

1. Buildings which give Stansted some interest and insight into its past should not be demolished. Stansted should retain as many of its unusual older buildings as possible to stop it losing its character. There are too many apartments being built along with large houses, and people can't afford house price leap between the two.
2. Plans seem vague, with no mention of parking facilities, and drawings unclear about definite design. Object on previous grounds: lack of parking, overlooking, excessive height, noise and fumes.
3. Concerned that existing drainage system will not be sufficient, as existing problems affecting Old Bell Close and Brook Road. Would prefer all parking to front of property, as traffic noise would then affect less houses.
4. May be slightly more aesthetic than dismissed scheme, but reiterate previous objections: 9 flats not in keeping with local environment; inadequate parking as units could easily generate 20 vehicles, leading to overspill into Millside, Old Bell Close, Blythwood Gardens, etc.; increased traffic on already busy road; increased noise; loss of trees and effect on wildlife; eyesore for residents who will overlook car park rather than orchard; precedent of backland development on other gardens in vicinity.
5. Reiterate previous objections: this is an historic building that needs conserving in its own right and as part of the village street scene; Sympathetic conversion could be achievable; query if Council has any powers to stop further deterioration of the building.
6. Concerned at site access, increased traffic on narrow section of Silver Street and close proximity to the traffic island; no reason for different decision compared to previous.
7. Disappointed that application is in outline as Inspector made clear that relationship to Crown Cottage was of primary importance and any development proposal must be seen in that context. Drawings are inaccurate: discrepancy between floor plans and elevations in those layouts, position of windows and internal walls are not reflected in elevations. Section drawing is inaccurate. Quality of proposed design is below what the Inspector indicated as required. The character and setting of Crown Cottage is not preserved or enhanced if a poor pastiche of original is merely to be constructed 2m from boundary. Proposal will affect trees and should include tree report. Roof profile is most unfortunate and unattractive. Proportion of proposed building is still not correct and appears compressed and squashed into ground. Repetition of fenestration on central gable is inappropriate and not in keeping with form of

openings below. Ungainly rear elevation. Limited roof height to rooms is likely to result in pressure for more dormers in side elevations, leading to overlooking. Proposed dormers would look directly into intimate garden area of Crown Cottage. Design of dormers is inappropriate and would affect setting of Crown Cottage. If permitted 2.4m high boundary wall should be erected and rooms should be lit by rooflights. Extracts from PPG15 are provided to demonstrate the unacceptability of proposal. Relationship of Limes Stables to Crown House and Crown Cottage is extremely important. The stables were in existence pre-1948 and the flank wall forms part of the enclosure of site, and suggest they therefore have listed building protection. Must be detailed application in order to fully assess impact on listed building.

8. The new drawings show that the proposed new building appears larger than the original Limes Stables and the tall windows do not look in keeping with the building next door. The car park to the rear of the flats is near to us. Assuming this will have lighting we are concerned it may impose on our policy at the back of the house. At the end of our garden there is substantial hedging which provides good privacy and is supposed to be retained. We are anxious that this would be upheld.

COMMENTS ON REPRESENTATIONS: The issue of whether the building is of listable quality has been considered on previous applications. It is a much altered building, and does not warrant listing. The site is not in a Conservation Area, and although its retention may be desirable its demolition cannot be opposed as a matter of principle. The greatest housing need is currently for small units. Issues of access, traffic, impact on amenity and the setting of the listed building are addressed below. Additional accurate details relating to design and external appearance have been sought and submitted. There are no trees worthy of retention to be removed as a result of this development.

PLANNING CONSIDERATIONS: The main issues are whether the proposal would:

- 1) **have an acceptable impact in the street scene, in relation to residential amenity and the adjacent listed building (ERSP Policy HC3, ULP Policies GEN2, ENV2 & GEN4);**
- 2) **be acceptable in highway safety terms and provide adequate parking for the development (ERSP Policies T3 & T12, and ULP Policies GEN1 & GEN9); and**
- 3) **overcome the reasons for the appeal dismissal in August 2005.**

1) The existing building is attractive but not of listable quality. Although of unusual design, it is of a scale that relates well to the adjacent domestic properties. Although government guidance is that best use of land should be sought, any new development must also respect its context. Replacement of this building by a block of 9 flats was dismissed at appeal last year, and although the Inspector did not question the principle of the demolition of the existing building, he set some very clear parameters for its replacement. He considered the key factors to be the impact on the street scene and the setting of the adjacent listed building. A copy of the appeal decision is attached at the end of the report, and paragraph 9 is clear that although the existing building incorporates first floor accommodation "*the elevation to Silver Street has the appearance of a single storey building....together with the fact that it is set back a short distance from the highway ensure that the existing building is visually subservient to 191/193 Silver Street*". At paragraph 12 he concludes that the wide central archway and the introduction of first floor windows would result in a building of "*squat and somewhat unattractive proportions and appearance*". He concluded that the design combined with the "*clearly expressed two-storey form and function....would result in an unacceptably assertive and dominant building within the street scene*".

The revised proposal does not reduce the number of units. What it does seek to do is amend the design and impact by:

(a) Relocation of the building on site. The proposal would move the replacement building off the northern boundary with the listed building by 2m, but in so doing moving it closer to the houses in Old Bell Close by 2m (to within 3.8m). It would also be moved back into the site by 4m. However, the existing building is partly single storey at the rear whereas the replacement building would be two-storey height throughout. Although moving the building back seeks to address the Inspector's comments about subservience, it is not considered that the design addresses this (see below), and instead would result in a building with much greater potential to overshadow and dominate the listed building to the north.

The Inspector did not consider the dismissed scheme would adversely affect the amenity of the dwellings to the south, but the current proposal would have a poorer relationship with those properties than the scheme considered at appeal: it would be 1m closer to those properties, and would overall be taller due to the amended roof form.

(b) Design: The dismissed scheme had a crown roof (the central section would have been flat roofed). This would now be replaced with a double pitch and valley in between, but this has the effect of increasing the ridge height of the building. Although the plans indicate that the building would be no taller than the gables of the existing building, the existing does not contain the vast expanse of roof area now proposed. It is therefore considered that this would appear as a much more dominant building as a result of the increased roof height and area. Furthermore, the roof design would result in unattractive detailing to the side elevations, which would be particularly visible from the north, and would detract from the setting of the adjacent listed building.

(c) Two storey form and function: The dismissed scheme used a window pattern which very clearly articulated the presence of first floor accommodation. This is not the case with the existing building, and means it does not dominate or compete with the listed building. The revised scheme tries to address this by introducing large vertical glazed panels. However, given the proposed internal layouts, the windows of the front elevation cannot be achieved. For example, internal walls separating the bedroom-lounge and bedroom-bedroom for each unit are not expressed in the detailing of the glass panels. Inevitably once internal subdivisions are inserted this would give the appearance of two-storey accommodation, and would not address the Inspector's concerns about the two-storey form and function. This could not fail to have a dominant visual impact on the adjacent listed building, and the street scene.

(d) Visual reduction in access width: In order to address the Inspector's concerns about the squat appearance that would result from the wide access archway, this has been reduced on the front elevation, and two pedestrian points inserted. Although a visual improvement, the highway implications of this are addressed below.

2) The proposal now incorporates a reduced width access archway. This would prevent two vehicles passing, and there may be some concerns about the impact this could have on manoeuvring within the site. However, the highway authority raises no objection to the proposals subject to conditions, and it is not considered that a highway reason for refusal could be sustained. The issue of the proximity of the access point to the traffic island was considered previously, and was not an issue of concern to the Inspector.

However, the highway authority raises no objections subject to no obstruction above a height of 600mm for the entire site frontage. This will significantly expose the site given that the existing has a frontage wall and planting. This would increase the visual impact of the building in the street scene.

The Inspector did not consider there to be any adverse impact on the amenity of residents from the parking and manoeuvring of vehicles in the site. Although this would move slightly further into the site, the numbers and general location are unchanged, and so there are considered no reasons to oppose this arrangement.

3) In view of the issues outlined above, it is not considered that the proposals have overcome the reasons for dismissing the appeal.

CONCLUSIONS: Although this is an outline application, access, siting, external appearance and design are for consideration at this stage, and it has not been demonstrated that the site can accommodate a scheme of 9 units in the form shown without adverse impact on the setting of the adjacent listed building, residential amenity and the street scene.

RECOMMENDATION: REFUSAL REASONS

1. This outline application seeks approval for matters of siting, access, design and external appearance at this stage, but the submitted information has failed to demonstrate that the site can accommodate a building of the size and form proposed without adversely affecting the setting of the adjacent listed building, the street scene, and the residential amenity of adjacent properties. The footprint, height, extent of roof area, and position on the site would result in a bulky development out of scale with adjacent properties and visually intrusive in the street scene. The detailing of the flank elevations is considered untraditional and inappropriate for its setting, and in particular would be highly visible from the north. For these reasons, the building would be unacceptably dominant in the street scene, and would detract from the setting of the listed building. Its visual impact would be exacerbated by the need to demolish the frontage wall and remove planting in order to achieve adequate access and visibility. The proposed floor levels of the building are not considered sufficient to overcome the identified visual harm. The proposal is considered contrary to ERSP Policies CS2, HC3 & BE1 and ULP Policies GEN2 & ENV2.
2. The siting of the proposed building would adversely affect the amenity of the adjacent listed building to the north, by virtue of its projection rearward of that property and the potential for overshadowing given the orientation. Furthermore, this large building would be overbearing on the amenity of residents in Old Bell Close given the close proximity to the boundary. The proposed dormer windows would have potential for overlooking of properties to the north and south, and would be detrimental to amenity. The proposal is considered contrary to ULP Policy GEN2.
3. The submitted elevations seek to overcome issues identified by the Planning Inspector on application UTT/0227/04/OP. However, the internal layouts of the flats and positions of dividing walls would need to be reflected in the window pattern, and would make it impossible to achieve the fenestration that is proposed. As a result, the internal arrangements would be exposed, and the two-storey form and function of the building would be apparent, to the detriment of the setting of the listed building and the street scene.

Background papers: see application file.

UTT/1013/05/FUL - LINDSELL

Retention of residential mobile home for occupation by an agricultural stockman

Location: Priors Hall. GR/TL 642-272.
Applicant: Priors Hall Ltd
Agent: P J Rayner & Co Ltd
Case Officer: Mr M Ovenden 01799 510476
Expiry Date: 18/08/2005
ODPM Classification: MINOR

NOTATION: Outside development limit.

DESCRIPTION OF SITE: The mobile home is currently on site immediately next door to a group of agricultural buildings in active use as part of pig farm. The mobile is in a discrete location next to the building and partly screened from view by a thick deciduous hedge. A further pig building has permission and is due to be constructed shortly.

DESCRIPTION OF PROPOSAL: The applicant seeks to retain the mobile home which was put on the site in advance of the application. The applicant has provided a statement which has been considered by an independent agricultural consultant acting for the Council. The consultant has also visited the site and provided a written assessment.

APPLICANT'S CASE: A 5 page supporting statement has been submitted. A letter of support has been submitted by the applicant's Agricultural Banking Manager and one from an Agricultural Economist based at Cambridge University.

RELEVANT HISTORY: Permission for livestock and storage building 2004.

CONSULTATIONS: Agricultural consultant: The holding is viable and there is a functional need for the accommodation. A six page report is available for inspection.

PARISH COUNCIL COMMENTS: None received (due 27 July 2005).

REPRESENTATIONS: None. Notification period expired 17 July 2005.

COMMENTS ON REPRESENTATIONS: NA.

PLANNING CONSIDERATIONS: The main issues are

- 1) **Whether there is a demonstrable agricultural need for the accommodation (ULP Policy H12 and Government Policy as set out in Annex A of PPS7 (SUSTAINABLE DEVELOPMENT IN RURAL AREAS) and**
- 2) **Other material planning considerations.**

1) Planning Policy Statement 7 (PPS7): *Sustainable Development in Rural Areas* and its Annex A advises on the five criteria, which should be satisfied if temporary accommodation is to be provided to meet an essential need to support a new farming activity. These criteria are evidence of a firm intention and ability to develop the enterprise; functional need; evidence of a sound financial basis; no other dwelling available and other normal planning requirements.

Uttlesford Local Plan Policy H12 deals with Agricultural Worker's Dwelling. It expresses that new dwellings or the conversion of existing buildings for such a purpose may be approved if

it can be demonstrated that there is an essential need for someone to live permanently on site to provide essential care to animals at short notice; and in addition, the scale of the proposed dwelling relates to the needs of the agricultural enterprise.

There are three tests to guide the decision: functional, scale and financial.

The functional test is necessary to establish whether it is essential for the proper functioning of the pig enterprise for a worker to be readily available at most times to provide essential care to animals or processes or property at short notice. The holding has 260 breeding sows producing 6250 pigs per annum. These need care at short notice as detailed in the independent report provided for the Council. It details the numbers of staff and operations of the holding which is completely organised around the pig farm. The Council's advisor is clear that there is a functional need for the accommodation. The holding has employed a succession of pigmen who have not stayed for long because of unavailability of accommodation. It is this lack of accommodation that this mobile home addresses. Two herdsmen occupy the mobile home.

With regard to the financial tests, the holding is a long established pig unit which based on evidence from the bank, an advisor and the Council's specialist is financially viable. Fully detailed information has not been submitted at this stage because it is proposed to permit the retention of the mobile home to be retained for a three year period. It should be remembered that permission has been granted to erect further pig buildings on the site but these have yet to be built. The functional and financial information relating to the holding is likely to be different in three years time. Given the need to protect the countryside for its own sake a precautionary approach would be justified.

With regard to scale, the application relates to a modest mobile home, discretely located next to working farm buildings, accommodation that is capable of being removed.

2) The applicant has been unable to find alternative accommodation for the herdsmen and therefore has been unable to meet the needs of the holding without providing accommodation on the holding.

CONCLUSIONS: Based on the information submitted with the application a temporary permission for three years would be justified.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. The mobile home hereby permitted shall be removed from three years from the date of this permission.
REASON: The information submitted with the application is not sufficient to justify permanent retention of the mobile home.
2. C.18.1. Agricultural workers occupancy condition.
3. The mobile home shall be removed from the site when no longer required for occupation by agricultural workers.
REASON: The site lies in the open countryside where the occupation of mobile homes is not normally permitted.

Background papers: see application file.

UTT/1916/05/DFO - BROXTED

Detailed application for erection of bungalow as approved under (UTT/1456/02/REN)

Location: Land at Leswins Chapel End. GR/TL 565-250.

Applicant: Mr L Carr

Agent: Andrew Stevenson Associates

Case Officer: Miss K Benjafield 01799 510494

Expiry Date: 25/01/2006

ODPM Classification: MINOR

NOTATION: Within Stansted Airport Countryside Protection Zone.

DESCRIPTION OF SITE: This site is located within the Chapel End area of Broxted and covers an area of 930m². The site currently forms the side garden to "Leswins" and is used as garden, for growing vegetables and has chicken runs located to the front of the site. There is a hedge approximately 1m high that runs around the site boundaries. The existing dwelling, "Leswins" is a detached bungalow.

DESCRIPTION OF PROPOSAL: This application for approval of reserved matters relates to the erection of a detached bungalow on the site. The bungalow would cover an area of 118.5m² and would have a main ridge height of 5.2m and a lower ridge height over a front projection to the dwelling of 4.1m. The southwestern elevation facing "Leswins" would have one window sited in it and this would be to a bathroom.

APPLICANT'S CASE: See letter dated 15 November attached at end of report.

RELEVANT HISTORY: Outline applications for erection of a bungalow and construction of a new access conditionally approved and renewed 1984, 1987, 1990, 1993, 1996, 1999 and 2002. Renewal of planning permission UTT/1456/02/REN for outline permission for erection of bungalow refused July 2005.

CONSULTATIONS: Environmental Services: No comments.

Thames Water: No objection.

Building Control: No objection.

English Nature: Does not wish to comment.

Environment Agency: Provides guidance relating to small residential development.

BAA Safeguarding: The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We, therefore have no objection to this proposal. We would however make the following observation:

Future Airport Boundary: There is a possibility that the proposed development may fall within the future airport boundary required to facilitate the development of a future runway as outlined in the Government White Paper "The Future of Air Transport" and hence may be subject to a Compulsory Purchase Order prior to the runway becoming operational.

ECC TOPS: No objections.

PARISH COUNCIL COMMENTS: No objection.

REPRESENTATIONS: This application has been advertised and 1 representation has been received. Period expired 29 December.

"We have no objection to the plan submitted. Outline planning already exists. The site road access has good visibility in both directions, the proposed design is in keeping with surrounding properties and does not obscure any views. Similar infilling has been allowed

and outline permission granted at 'Rats Castle' last month. A sympathetic dwelling in the proposed position will enhance the village."

COMMENTS ON REPRESENTATIONS: None.

PLANNING CONSIDERATIONS: The main issues are whether the proposed dwelling would have a satisfactory design and adequate parking provision (ULP Policies GEN1, GEN2).

This application relates to the submission of reserved matters following the grant of outline planning permission and therefore the principle of development on this site has been established. The only issue to consider therefore relates to the siting, design and external materials of any buildings to be erected, means of access to the site and landscaping of the site.

The design of the bungalow would generally replicate the design of the adjacent property, "Leswins" and, although it would be wider than that property, it is considered that the external appearance and design would be acceptable. In terms of the amenity of the occupiers of adjacent properties, the bungalow would have one bathroom window facing "Leswins" and two windows in the northeast facing elevation. The window facing "Leswins" could be obscure glazed and would not result in any loss of amenity to the occupiers of "Leswins" as a result of a loss of privacy or overlooking. In addition, there would be a gap of approximately 16.5m and a driveway to "Dunwell" between the side wall of the proposed dwelling and the property to the northeast which would prevent any loss of privacy or overlooking to "Ilona". Between the rear of the bungalow and "Dunwell" there would be a distance of 28m which is considered to be sufficient to prevent any loss of privacy or overlooking to "Dunwell".

Due to the design and single storey nature of the proposed building, it is unlikely that the bungalow would result in overshadowing or have an overbearing impact to the occupiers of the neighbouring properties. The proposal is therefore considered to comply with the requirements of ULP Policy GEN2.

In relation to the access and parking and turning areas within the site, ECC TOPS have no objection to the proposal and parking and tuning areas are indicated to the front of the building on the block plan. The indicated areas are sufficient for providing an adequate number of parking spaces in addition to a turning area. It is therefore considered that the proposal would comply with ULP Policy GEN1.

CONCLUSIONS: The proposal is considered to comply with all relevant Development Plan Policies.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.3.1. To be implemented in accordance with approved plans.
2. C.5.2. Details of materials to be submitted agreed and implemented.
3. C.4.5. Retention of hedges.
4. C.19.1. Avoidance of overlooking – 1.

Background papers: see application file.
