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UTT/1301/05/OP - SAFFRON WALDEN
(Referred at Member's request: Cllr Bayley)

Outline application for erection of two dwellings and garages with all matters reserved except means of access

Location: Land rear of Pootings Seven Devils Lane. GR/TL 538-369
Applicant: Mr & Mrs M Hoare
Agent: Mr B Christian
Case Officer: Mrs K Hollitt 01799 510495
Expiry Date: 03/10/2005
ODPM Classification: MINOR

NOTATION: Within Development Limits (Settlement Boundary)/Groundwater Protection Zone DLP Policy ENV11.

DESCRIPTION OF SITE: The site is located at the western end of Seven Devils Lane, a single track lane running to the west of Landscape View. The access serves 4 dwellings to the north of the track and two to the south. Beyond the application site the access becomes a public footpath. The site is a backland site and forms the rear garden of a substantial detached property. The northern and western boundaries are planted with mature coniferous trees which provide effective screening to the site. Mature coniferous trees are also along the eastern boundary, although these have very little growth at the lower levels. This boundary is clearly visible from outside the application site, in particular from Seven Devils Lane. The access to the existing property is also screened by mature coniferous trees and the existing property is not clearly visible from outside the boundaries, except from Seven Dials. The site has a width of 53m, extending to 66m to the rear boundary, and has a depth of 22m adjacent to Waldeck Court and 49m to the boundary with Seven Dials. To the west of the site lies Waldeck Court, a Housing Association development, mainly terraced dwellings. To the north is the Water Authority pumping station and to the east is a large site occupied by a property known as Seven Dials and a small bungalow to the rear. Outline planning permission has been granted for the erection of two bungalows to the rear of Seven Dials, one being a replacement for the bungalow.

DESCRIPTION OF PROPOSALS: The application relates to an outline application for the erection of two dwellings, with two indicative layouts given. All matters are reserved, with the exception of the means of access. The drawings indicate that the existing access would be utilised to serve the existing dwelling and the proposed dwellings.

APPLICANT'S CASE: See supporting statement attached at end of report.

RELEVANT HISTORY: Outline application to demolish Pootings, Seven Dials and Seven Dials Bungalow and the erection of 51 dwellings refused April 2005.
Outline application to demolish Pootings, Seven Dials and Seven Dials Bungalow and the erection of 32 dwellings refused August 2005. Both applications have been appealed and will be considered at an Inquiry in July.
Outline applications for the erection of 2 dwellings refused April 2005 and allowed on appeal January 2006. See copy appeal decision letter attached at end of report.
Outline application for the erection of 6 dwellings with access from Waldeck Court refused January 2006. Appeal lodged.

CONSULTATIONS: Building Surveying: Access for fire brigade should be satisfactory subject to demonstrating how turning head will be achieved.

Environment Agency: No objection.

Highways & Transportation: No objections subject to conditions.

TOWN COUNCIL COMMENTS: Objects on grounds of extra vehicular use of and access onto a public footpath and loss of amenity to the pedestrians of the town.

REPRESENTATIONS: This application has been advertised and 7 representations have been received. Period expired 21 September 2005.

Happy to support. Would be in keeping with the locality and would not have a negative impact with regards to schooling facilities or other local amenities. Would request that as many of the existing and well-established trees and shrubs as possible are retained along the boundary fence. These trees are good for the environment, home to many birds and wildlife and they also provide us with a good degree of privacy and protection from noise and weather.

Object. Despite previous traffic survey, we still consider access from Landscape View into Seven Devils Lane dangerous because this lane already serves 6 houses. Understand the lane is classified as a footpath and understand that as such should not permit vehicular access to more than 5 houses. Increasing the access from 6 to 8 houses would further contravene this regulation regarding this footpath. Seven Devils Lane can in no way be considered wide enough for two lanes of traffic.

Object. Identical application to UTT/2084/04/OP refused on 28 April 2005 and now being appealed. Access via Seven Devils Lane has been restricted to 4 dwellings following the recommendations of Essex County Council Highways and Transportation Group.

Object. Only means of access via Seven Devils Lane. Proposed houses would cause traffic problems not only between vehicles but pedestrians also.

Object. Dangerous access. Prime concern and objective of planning department should be the safety of the public and this should be considered more important than building two bungalows. Agent states that because Planning Inspector has agreed two bungalows may use the lane as access that he really means four. Overall concern of Planning Inspector was to protect this semi-rural environment. Protected Species Impact Assessment concludes that there is no wildlife issue, yet on page 6 it confirms the existence of red squirrels. Far from assuming that the wildlife is not an issue, consultants seem to be suggesting otherwise and this again supports the Planning Inspectors concern to protect the wildlife in this area. Dormice have now been sighted.

Given that there has been no attempt on the part of the applicants to address the previous reasons for refusal then I hope that this particular application can be refused on the same grounds.

CPREEssex: Object. Contrary to policies ULP GEN1, GEN2 and ENV8, Structure Plan Policies LRT5, T6 and T9.

PLANNING CONSIDERATIONS: The main issues are

- 1) **whether the proposed development is suitable in this location (ULP Policies S1 and H4 and government guidance from PPG3),**
- 2) **whether the access to the site is acceptable for this development (ULP Policy GEN1),**
- 3) **whether any adverse amenity issues would be raised (ULP Policy GEN2) and**
- 4) **whether the proposed development would be detrimental to the habitat of protected species (ULP Policy GEN7 and government guidance in PPG9).**
- 5) **Other material planning considerations – appeal decision for a similar scheme previously refused under reference UTT/2084/04/OP.**

1) The application site is located within the development limits for Saffron Walden and therefore there is a presumption in favour of development within this area. Being located in an edge of town location within the immediate vicinity of the open countryside it would have been possible to omit this site from the development limits if it was considered imperative

that the site remained undeveloped. However, this plot, in excess of 0.3ha, is currently occupied by one substantial detached dwelling, having a footprint of 138m² and it could be considered that this plot is being significantly underused. PPG3 identifies the need to make more efficient use of land, particularly within urban areas. This property currently enjoys a secluded setting and the application site is not visible from most vantage points outside of the site, except through gaps in the boundary with Seven Dials. It is located at the periphery of an urban area and could be more efficiently utilised without severe detriment to the local area. The smaller plots to the rear of the site would result in better utilisation of land in this urban area, with minimal impact on the character of the area. Whilst the current application is for outline planning permission, it is possible that some form of residential development could take place on these backland sites which would conform to the requirements of ULP Policy H4. One of the criteria relating to backland development is that the development should have access which would not cause disturbance to nearby properties. This issue is discussed below. Notwithstanding this issue, it is considered that the proposed development complies with guidance contained in PPG3 and with ULP Policies S1 and H4.

2) The access to the application sites is via a single track lane which is also a public footpath which leads to development in the Rowntree Way/Fulfen Way area and open countryside beyond the urban development of Saffron Walden. The applicant claims that the roadway is 5m wide with passing places, but this is clearly not the case. The hardened surface of the road is about the width of a large vehicle and there are soft verges with railings and vegetation to either side. It is not considered that there would be sufficient room for two vehicles to pass on the roadway. This roadway currently serves 6 dwellings, and outline planning permission has recently been granted for two additional dwellings, one being a replacement. It is accepted that the proposed extra dwellings would introduce an increase in the number of vehicles using this road, particularly when taken into consideration with the extant planning consents for two additional dwellings in this area. The cumulative increase in vehicles using this private road, and public right of way, could give rise to highway safety implications due to the limited width of the access road, its alignment and lack of footways. However, the Highways Authority has not raised an objection to the proposals, subject to the right of way not being obstructed. In addition, a Planning Inspector recently concluded that the proposals *“would not be likely to generate a level of traffic movements that would result in significant conflict with the existing users of the lane”*. Therefore, on balance, it is considered that the proposals satisfy the requirements of the relevant policies.

3) The redevelopment of this site must satisfy various criteria in respect of amenity issues. As stated above, it is considered that the proposed development would be compatible with the local area and unobtrusive within the street scene. Each plot would provide sufficient amenity space to serve a new dwelling. However, there are concerns regarding the provision of amenity space for the existing dwelling, Pootings. The proposals show that the private amenity space would be provided in the existing front garden, which the agent states is well screened and secluded. Whilst this may be the case for a large proportion of this garden, there are direct views into the proposed amenity space from Seven Devils Lane and therefore, the proposed amenity area may not be totally adequate. Notwithstanding this, the area of garden which is open to the public vantage points may easily be screened by the planting of further hedging, which could include species which would enrich the habitat for local wildlife, as discussed below. The proposed layout and position of the new dwellings will need to be considered in conjunction with the extant consents for development on the adjacent property. These consents are subject to a condition requiring the new properties to be single storey only, but this condition is currently being challenged at appeal. It may be several months before a decision in respect of these appeals is known. However, until the appeals have been determined, it is considered that should consent be granted for this development, it should be subject to the same requirement of single storey development only as the adjacent plot. Whilst there are some

concerns regarding amenity issues, it is considered that these may be overcome by conditions. Therefore, on balance, it is considered that the proposals satisfy the relevant policy criteria.

4) The issue of red squirrels within the application sites and the general vicinity has been raised. Red squirrels are a protected species as designated by the Wildlife and Countryside Act 1981 (as amended). The applicant has submitted an Ecological Survey of the application site which has been forwarded to English Nature for consultation. Their considerations in respect of this report are that the survey is sufficient to comply with the statutory requirements in respect of protected species and that the compensation measures are considered acceptable. Therefore, following the advice of English Nature, it is considered that the proposals comply with PPG9 and DLP Policy GEN7.

5) This application is a duplicate proposal to a scheme which was refused under reference UTT/2084/04/OP. This application has been considered at appeal and was allowed on 13 January 2006. This is therefore a material planning consideration in respect of this application. In view of the recent appeal decision, it is considered that a refusal would be hard to substantiate. In addition, given the short period of time which has passed since the appeal was allowed, it is considered that the imposition of different conditions would be unreasonable as there has not been a material change in circumstances since the appeal decision.

COMMENTS ON REPRESENTATIONS: One letter of representation required the retention of the existing trees in order to maintain privacy and wildlife habitat. These issues are considered important and could be controlled by condition.

CONCLUSIONS: In view of the recent appeal decision in relation to a similar proposal on this site, it is considered that there has not been a material change in circumstances which would justify refusing this application. On balance, the proposals comply with the relevant development plan policy criteria and it is recommended that the application be approved.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. Approval of the details of siting, design and external appearance of the buildings, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.
REASON: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.
2. Plans and particulars of the reserved matters referred to in condition C.90A above, relating to the siting, design and external appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.
REASON: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.
3. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
REASON: In order to comply with Section 92 of the Town and Country Planning Act 1990.
4. The development hereby permitted shall be begun before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: In order to comply with Section 92 of the Town and Country Planning Act 1990.

5. The development shall only be undertaken in accordance with the details set out in the Protected Species Impact Assessment dated November 2004. If at any time during the course of construction a species of animal or plant (which includes bats and great crested newts) that is protected under the Conservation (Natural Habitats & c) Regulations 1994 is discovered, all construction or other work shall cease until a licence to disturb any protected species has been granted.
REASON: To comply with the requirements of the Habitats Regulations and to protect species of conservation concern.
6. No construction or excavation works or removal of hedgerows or trees shall be carried out on site between 1 March and 31 August in any year unless otherwise approved in writing by the Local Planning Authority.
REASON: To protect roosting, feeding, resting and/or breeding animals which use the site.

Background papers: see application file.

UTT/0459/06/FUL - FELSTED

Change of use from agricultural buildings to B8 (storage with distribution)

Location: Pyes Farm, Mole Hill Green. GR/TL 710-202.

Applicant: Riverside Books Ltd

Agent: Andrew Martin Associates

Case Officer: *Mr Y Falana - 01799 510464*

Expiry Date: 14/06/2006

ODPM Classification: MAJOR

NOTATION: Outside Development Limits (ULP Policy S7).

DESCRIPTION OF SITE: The site is located approximately 3km and 5km south-west of Rayne and Braintree respectively and 10km north of Chelmsford. The site area is approximately 2.4 hectares (5.4 acres). The application site comprises a range of former poultry buildings; mainly eight single-storey detached former chicken sheds on a footprint totaling 4,260sq.m.

Dwellings adjoin the site to the southerly and easterly facing boundaries; with open countryside lying to the northerly and westerly facing boundaries. Most of the surrounding residential properties including Greyfriars, Belmont, White Ways, Tylers and Widerwick form a linear pattern along the narrow rural Hollow Lane. Pye's Farm Cottages, Pye's Farmhouse and Pyres Bridge Farmhouse lie on the approach to the site entrance from the A131 road network at Mole Hill Green.

The existing primary access to the site from Hollow Lane comprises a substantial bellmouth and an area of hardstanding. The secondary means of access is from Pye's Green.

DESCRIPTION OF PROPOSAL: This application seeks planning permission for a change of use from agricultural (former poultry) buildings to B8 storage and distribution facility with an aggregate floor area of 4,260sq.m approximately. The proposal would not require significant alterations to the buildings. i.e. applicant proposes to use the buildings for the storage and distribution of books, consolidating their existing business operating from former agricultural buildings in Chelmsford and Braintree Districts.

The site would be accessed via the existing access from the south at Hollow Lane formerly used by feed trucks, egg trucks and various other agricultural vehicles operated in connection with the former poultry business. A secondary means of access would also be retained from the north via an access road that serves Pye's Farmhouse and Pye's Farm Cottages.

The proposal would result in the movement of the 15 employees of Riverside Books Limited who currently work at their other sites at Gardeners Farm, Springfield in Chelmsford and Great Slamseys Farm in Great Notley, onto the site at Pye's Farm.

APPLICANT'S CASE: See the Agent Andrew Martin Associates letters received 13 March 2006 (supporting statements); 27 April 2006 with an attachment showing a schedule of comparative number of vehicular movements into Pye's Farm annually for previous poultry business owned by Cobb and the proposed usage by Riverside Books Limited, and also, time restriction for use of site. A copy of the schedule is attached at the end of report.

RELEVANT HISTORY: In November 2004 under application reference UTT/1662/04/FUL, planning permission was refused for the change of use of the former poultry buildings to B1

(business use). The reasons for refusal were largely connected with lacking information on alterations, access, parking and traffic flows in order to determine the effect of the proposal in relation to amenity, character and appearance of the countryside and the rural road network. Also in December 2005 under application reference UTT/0457/05/FUL, permission was refused for change of use from poultry houses to B1 Business use for similar reasons.

There are outstanding appeal decisions in relation to these planning applications.

CONSULTATIONS: ECC Highways: To be reported (due 5 May 2006).

UDC Building Surveying Services: Notified 15 March 2006, notification requires a joint site visit to ascertain the structural suitability of the building for the proposed conversion.

PARISH COUNCIL COMMENTS: 'Councillors express grave doubts about change of use for a business of the nature with access from a narrow country lane i.e. Hollow Road also opening onto a dangerous road from the north exit. Turning right from the North exit will lead to a designated 'quiet lane' i.e. Mole Hill Green Road.

If this application is granted it must be on the basis of access and egress only from the North End with strictly no right turn. Inspection of the road junction would clarify our concerns.'

REPRESENTATIONS: Notification period expired 5 April 2006. Seven representations have been received from local residents, which can be summarised as follows:

- Using the Hollow road entrance does not make sense and will result in congestion and safety problems / damages to the verges. Would support the application if Pye's Green the second access point which adjoins a two lane road with immediate access to a more substantial main road which flows onto the A131, is chosen.
- No objection specifically to the principle of the change of use to B8 book storage.
- HGV access is restricted to the main entrance only and that Hollow road entrance is used only for private vehicle access.
- Hollow road is a single track road and unsuited to large commercial vehicles.
- The roads are very sharp and bendy. We are allowed on Hollow road and Mole Hill Green to ride our bikes but we won't be able to if it gets busy.
- No objection to low key storage but would remain extremely concerned about access arrangements. I am relaxed about entry and exit being through Pyes Farm but extremely concerned about the Hollow road access.
- Mole Hill Green road entrance offers at least a normal two-way road of reasonable width. There should be very clear signage stopping vehicles turning right into Hollow road going towards Willows Green which are far too narrow and dangerous for any form of lorry.

Petition from The Residents of Mole Hill Green and Pyes Bridge.

COMMENTS ON REPRESENTATIONS: See the planning considerations below.

PLANNING CONSIDERATIONS: The main issue is whether this proposal overcomes the reasons for refusal of previous applications under ref. UTT/1662/04/FUL & UTT/0457/05/FUL and thus

- 1) whether the proposed change of use from agricultural buildings to B8 storage and distribution facilities, would satisfy the criteria for re-use and adaptation of rural buildings (DCLG PPG4 and PPS7; ERSP Policies C5 and RE2; and ULP Policies S7 and E5) and

- 2) whether the proposal would create detrimental impacts on the surrounding rural road networks, traffic accessibility and vehicle parking (ERSP Policy T3 and ULP Policies GEN1 and GEN8).**

Planning Policies

The relevant National Planning Guidance in respect of the proposal is contained in: PPG4 – Planning Policy Guidance Note 4: Industrial, Commercial Development and Small Firms (1992) and PPS7 – Planning Policy Statement 7: Sustainable Development in Rural Areas (2004). Paragraph 13 of PPG4 states that the planning system should operate on the basis that applications for development should be allowed, having regard to the development plan and all material considerations, unless the proposed development would cause demonstrable harm to interests of acknowledged importance. PPS7 sets out the Government's objectives to realise the economic potential of rural locations and to improve the quality of life of the inhabitants of such areas. Paragraph 17 provides specific guidance on the re-use of rural buildings. The guidance portrays a need for a positive view to be taken when assessing such developments: 'The Government's policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives.

The development plan consists of the Essex and Southend-on-Sea Structure Plan and the Uttlesford Local Plan. Relevant policies contained within each document are presented below.

Policy CS3 of the Structure Plan deals with economic development and sets out objectives to develop a multi-faceted approach to help achieve its overall aim, looking for development not only within the core urban areas, but also within rural communities. The relevant criterion of this policy requires that provision will be made for a sustainable balance of economic, commercial and housing development and transport investment which encourages local economic diversity.

Policy RE2 of the Structure Plan governs the re-use of rural buildings. The emphasis of the policy is to provide the basis for economic development and the continued growth in diversity of the rural economy, but with controls to ensure that development does not produce unacceptable side-effects. Policy RE2 states that the re-use and adaptation of existing rural buildings in the countryside, within the Metropolitan Green Belt and beyond, will be permitted provided the following criteria are met: (a) the buildings are of a permanent and substantial construction, and if in the open countryside, they are capable of conversion without major or complete reconstruction; (b) they do not damage the amenity of the countryside, or introduce additional activity likely to materially and adversely change the character of the local area or place unacceptable pressures on the surrounding rural road network (in terms of traffic levels, road safety, and amenity); (c) conversion does not result in economic activity on such a scale as to prejudice town and village vitality.

Policy S7 of the Uttlesford Local Plan controls development in rural areas. Policy E5 of the Local Plan spells out the specific criteria to be met for the re-use and adaptation of rural buildings for business along the same pattern with Policy RE2 of the Structure Plan.

Policies GEN1 and GEN8 of the Local Plan set out the criteria in terms of traffic generation and parking standards and require cumulative impact of these on developments to be taken into account. Policy T3 of the Structure Plan seeks to promote accessibility for both people and goods by all forms of transport and requires development to ensure promotion of high standards of road safety within their design for all these forms of transport.

Planning Considerations

1) The previous applications for B1 business use were refused on two main grounds. First, on accessibility, road traffic and highways impact given the rural location where facilities for public transport are non-existent. The lack of public transport facilities or a travel plan to support the high level of movement of people and goods associated with B1 business use, would mean that virtually all journeys to and from the site will be car borne, and the existing surrounding road network would be incapable of catering for the likely increase in traffic which would be generated by the proposal. The applicant failed to provide supporting statistical data of vehicle movements which would result from the B1 business use and mitigating measures on subsequent traffic impact on the surrounding narrow rural roads, particularly Hollow Lane.

The current application seeks to address this shortcoming by opting for the B8 storage and distribution use, which could be a low key activity compared with B1 business purpose. With 15 employees working from the proposed storage and distribution facility mainly for books, the likely level of traffic to be generated would be considerably less. The applicant has produced a schedule showing comparative figures of vehicular movements for both the proposed and former poultry farming uses. The analysis reveals that the proposal would be likely to result in some 5,980 vehicular movements per year, representing a reduction of nearly 3,000 movements compared to the former poultry business.

However, compliance of the proposal with the full criteria for re-use and adaptation of rural buildings set out both in Policy RE2 of the Essex and Southend-on-Sea Replacement Structure Plan and Policy E5 of the Uttlesford Local Plan, requires substantive evidence on the suitability of the structural conditions of the existing buildings. Officers consider that this information is necessary to determine whether all or some of those groups of buildings are suitable for conversion without substantial reconstruction; as if they are not, conversion would be inappropriate.

In addition, plans have not been submitted showing proposed internal layout of buildings and the outside facilities including designated parking areas with provision for vehicle spaces made in accordance with Council's parking standards. The applicant proposes that vehicle numbers and sizes will be less than the former poultry use. It is also proposed to restrict use of the site to 8am to 5pm on Mondays to Fridays excluding weekends, public and bank holidays. Notwithstanding this information there is insufficient information to assess the application against the development plan policies.

2) The application site is located in a rural area and the roads linking the site are also of a rural character and of narrow construction. Some information has been submitted relating to previous traffic flows associated with the previous agricultural use of the site and predicted traffic flow but no information has been submitted in relation to parking requirements or access alterations. Whilst it is not uncommon for applications for change of use to be submitted without such information, it is not appropriate in this case due to the very large amount of floorspace included (4034 sqm/43,300 sq.ft). In such circumstances, there is insufficient information (lack of a traffic assessment) in order to determine the traffic impact upon the surrounding road network.

COMMENTS ON REPRESENTATIONS: Comments relating to traffic generation and noise are noted and are of concern. There is insufficient submitted information with regard to this matter.

CONCLUSIONS: It is considered that the applicant has provided insufficient information in order to determine the impacts of B8 use on the surrounding rural road network, amenity,

character and appearance of a significant area of countryside. Therefore, this planning application is recommended for refusal.

RECOMMENDATION: REFUSAL REASONS

1. There is insufficient information relating to external alterations, parking and access arrangements in order to determine if the buildings are sound and substantial construction being capable of conversion to B8 use and the effect of the proposal upon the amenity, character and appearance of the countryside in accordance with Policy C5 and RE2 of the Essex and Southend-on-Sea Replacement Structure Plan 2001, and Policies S7, E4 and GEN2 of the ULP.
2. There is insufficient information on the existing and proposed traffic flows generated as part of the application and the subsequent traffic impact on the surrounding roads in order to determine the application in accordance with Policy T3 of the Essex and Southend-on-Sea Replacement Structure Plan 2001, and Policies GEN1 and GEN9 of the ULP.

Background papers: see application file.

1) UTT/0706/06/FUL & 2) UTT/0707/06/CA - SAFFRON WALDEN

(Referred by Cllr Bayley)

1) & 2) Erection of one no. 1 bedroom flat and one no.2 bedroom flat, amenity space and 3 parking spaces. Construction of new vehicular and pedestrian access.

Location: 1-3 Fairycroft Road. GR/TL 539-384.

Applicant: Bennington Park Property

Agent: Gerard Design Associates

Case Officer: Mr T Morton 01799 510654

Expiry Date: 20/06/2006

ODPM Classification: MINOR

NOTATION: Inside Development Limit.

DESCRIPTION OF SITE: This site stands on the west side of Fairycroft Road and is currently a vacant site. It has previously been occupied by two poster hoardings, now removed. The site adjoins a two storey building at 5-7 Fairycroft Road which contains a hairdressing salon at ground floor level and a flat at first floor level.

DESCRIPTION OF PROPOSAL: A new two-storey building is proposed containing a one-bedroom flat and a two-bedroom flat with access through an arch to a rear parking yard providing three car parking spaces.

APPLICANT'S CASE: A statement has been submitted with the application, which is available on file. The units are seen as potentially suitable to meet the needs of the independent but actively retired. See agents additional comments attached at end of report.

CONSULTATIONS: ECC Archaeological Advice: The proposed development lies within the medieval town of Saffron Walden (HER 408) and lies either on or immediately adjacent to the eastern side of the medieval enclosed area.

Recommendation: No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority

A recognised professional team of archaeologists should undertake the archaeological work. The work will consist of the initial removal of the top-soil from the development area followed by excavation to record any archaeological deposits identified. The District Council should inform the applicant of the archaeological recommendation and its financial implications. An archaeological brief can be produced from this office.

No objection is being made to the demolition of the shed although no disturbance of the ground should occur.

[Comment: This latter point is an unlikely eventuality, since laying out the car park will involve groundworks, the archaeological condition will encompass this however.]

ECC Highways: No objection subject to the following conditions;

The access should be constructed to a minimum of 3.6m in width and constructed by way of dropped kerb crossing. Where the surface finish of a private access is intended to remain in unbound materials, the first 6m as measured from the highway boundary should be treated with an approved bound material to prevent any loose material from entering the highway.

Reason: In the interests of highway safety.

The access should be laid to a gradient not exceeding 4% for the first 6.0m and 8% thereafter and should be suitably paved to avoid the displacement of loose materials onto the highway and thereafter retained in that form..

Reason: In the interests of highway safety

A 1.5 metre x 1.5 metre pedestrian visibility sight splay, free of obstruction above a height of 600 mm, and relative to the back of the footway/overhang margin, shall be provided on both sides of all vehicular accesses prior to their operational use and thereafter retained.

Reason: In the interests of highway safety

Space should be provided within the site to accommodate the parking and turning of all vehicles regularly visiting the site, clear of the highway and properly laid out and paved as may be agreed with the Local Planning Authority and such space should be maintained thereafter free of any impediment to its designated use

Reason: In the interests of highway safety and efficiency.

Minimum headroom required is 2.5 metres

Reason: In the interests of highway safety

Any gates to be provided shall be set back a minimum of 5m from the edge of the highway and shall open inwards into the site.

Reason: In order that a vehicle may wait clear of the highway while the gates are opened or closed in the interests of highway safety.

Arrangements should be submitted to and be approved in writing by the Local Planning Authority before commencement of development whereby surface water runoff from the accessway is intercepted within the site thereby avoiding water entering the highway. The agreed details shall be constructed as approved before occupation of the development hereby approved and maintained in the same condition thereafter.

Reason: In the interests of highway safety.

TOWN COUNCIL COMMENTS: To be reported.

REPRESENTATIONS: These applications have been advertised and 3 representations have been received. Period expired 24 May 2006.

The adjoining occupier objects that the proposed development will cause loss of light and loss of amenity and the application does not mention any consideration of the effect upon the adjoining property. The proposal will be built of new materials in an area characterised by a variety of materials and would not be in keeping. The plans do not show the relationship to the adjacent property [NB amended plans to show this have been requested]. The pavement crossover for vehicles will introduce an added public safety hazard. The development will adversely affect the adjoining business. The drawn boundary with number 7 is not accurate [NB an amended drawing is in preparation to address this]. The effects of the new foundations are not shown on the drawings and could have a detrimental effect upon number 7. The view from the proposed balcony would be an invasion of privacy as it would overlook the principal bedroom and living room as well as the entire garden. The existing shed may be of historical interest and may be subject to a preservation order. The shed may include harmful material in its construction. The car park and amenity area will mean increased noise in the rear garden and would mean increased pollution levels and would open the rear up to access making this a security risk. The refuse bins would be a source of smells. There is no information on how the two buildings would be joined together. The shed is a large clapboard building over 100 years old and of historic interest, and is listed as falling within the boundary of 27 Hill Street a Listed Building. The rear flint wall is Listed and forms part of the boundary of a former graveyard. The development will have a

detrimental effect upon the ecology of an area of quiet gardens. The design standard should be higher and more contemporary.

COMMENTS ON REPRESENTATIONS: The list of issues raised is noted. Comments related to the details of construction in relation to the adjoining property are not really material to planning and are rather a matter of private property law or matters for the Buildings Regulations. Comments related to design and amenity are set out below.

PLANNING CONSIDERATIONS: The main issues are:

- 1) principle of development (ERSP Policy CS1, & ULP Policies S1, H3.);
- 2) design and amenity (ULP Policy GEN2);
- 3) parking provision and access (ULP Policy GEN1);
- 4) demolition of an existing building in the Conservation Area (ULP Policy ENV1) and
- 5) other material planning considerations.

1) The site lies within the defined development limit of Saffron Walden and in principle development is acceptable. Policy H3 supports infilling with new houses, which should be taken to include all forms of residential accommodation in a town centre location, providing that the development meets the following criteria;

- a) The site comprises previously developed land;
- b) The site has reasonable accessibility to jobs, shops and services by modes other than the car, or there is potential for improving such accessibility;
- c) Existing infrastructure has the capacity to absorb further development, or there is potential for its capacity to be increased as necessary;
- d) Development would support local services and facilities; and
- e) The site is not a key employment site.
- f) Avoid development which makes inefficient use of land.

The site complies with these criteria, being within close walking distance of the town centre and making reasonable use of a vacant site.

2) Policy GEN2 accepts development in principle provided that more detailed criteria are met. These are;

- a) It is compatible with the scale, form, layout, appearance and materials of surrounding buildings;
- b) It safeguards important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate;
- c) It provides an environment, which meets the reasonable needs of all potential users.
- d) It helps to reduce the potential for crime;
- e) It helps to minimise water and energy consumption;
- f) It has regard to guidance on layout and design adopted as supplementary planning guidance to the development plan.
- g) It helps to reduce waste production and encourages recycling and reuse.
- h) It minimises the environmental impact on neighbouring properties by appropriate mitigating measures.
- i) It would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.

The proposal is for a two-storey building comparable in scale to the others in this street which are predominantly two-storey in form and despite being set within a Conservation Area are really quite ordinary unremarkable buildings of their era built from standard materials available at that time. The proposed building would abut the adjacent two storey shop and upper storey flat, continuing the architectural form of the street and restoring continuity by infilling this obvious gap in the fabric of the street frontage. The details of materials are not provided at this time, which is quite normal, but can be made subject to later approval under condition, to ensure that materials of appropriate quality are used.

The building does no harm to the amenity of the adjacent building that it will abut, as it is set no further rearwards than the main section of 5-7 Fairycroft Road, and thus continues the row of buildings and does not obstruct daylight to the windows of that adjacent building. If anything, the removal of the large single storey timber shed building that already stands on the plot would improve the sense of space beside the rear of the neighbouring property. The proposed first floor balcony is set against the blank end wall of the adjoining building at number 7 from where it will not be possible to look into any windows of the flat at number 7. Although the rear garden would be overlooked, there is no right of privacy in law, and in an urban situation it is the normal state of affairs that gardens are overlooked from nearby property.

On the other side of the application site, the proposed building is separated by a gap from properties in Hill Street, and being set at right angles to those buildings, window to window overlooking can not arise.

The proposed flats are reasonable in size, but private outdoor amenity space is limited, with the ground floor flat having a small courtyard garden and the first floor flat having a rear balcony. This limitation has been accepted in other infill developments within the town centre however.

The proposed building will be opposite to the Queen Elizabeth public house, which might imply some levels of disturbance, however this would be no worse than experienced by other existing properties in the immediate vicinity.

Provision for refuse storage in standard bins is provided beneath the arch, where they should not cause a nuisance to the adjacent property.

3) The parking provision is for three spaces, which is a provision of 150% for two flats, and this meets the recommendation of the Essex Parking Standards. The Highway Authority have no objection to the proposed access, and have recommended a number of conditions, which are included in the recommendation for approval. From a pragmatic point of view, the access is of a type often found in towns and is an accepted part of normal streetscape. This should cause no special problems to the public, who are quite accustomed to such features.

4) An application for Conservation Area Consent to demolish the existing single storey timber board clad shed as part of these proposals has also been made. The building makes no contribution to the character or appearance of the Conservation Area, and its removal would have a neutral or positive impact. It is suggested by a neighbour that Listed Building consent is also required for demolition of this structure as it is within the curtilage of the Listed Building at 27 Hill Street. This is true if the building pre-dates 1948, and the neighbour asserts it is more than 100 years old. This is also borne out by map based evidence and an informative is recommended to advise of the need for this further application to be made.

5) Although not covered by the terms of policy H10, which seeks a significant proportion of small dwelling on schemes of three dwellings or more, the provision of small dwellings here is preferable to the provision of a single large dwelling.

The site has previously been concrete paved and with the timber building on part of it, which can have made little contribution to ecology or wildlife. The proposals represent a situation which is in reality little different from an ecological perspective.

No other issues are considered to arise.

CONCLUSIONS: The proposal is considered to be a reasonable way to make use of this town centre site, providing small dwellings close to the range of services in the town centre.

RECOMMENDATIONS:

1) UTT/0706/06/FUL – APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.2. To be implemented in accordance with revised plans.
3. C.5.2. Details of materials to be submitted agreed and implemented.
4. C.11.6. Standard vehicle parking facilities.
5. Prior to the commencement of the development hereby approved, details of the location and design of the refuse bin and recycling materials storage areas and collection points shall be submitted to and approved by the local planning authority. This should include provision for the storage of three standard sized wheeled bins for each new property with a collection point no further than 25 metres from the public highway. Where the refuse collection vehicle is required to go onto any road that road shall be constructed to take a load of 26 tonnes. The refuse storage and collection facilities and vehicular access where required shall be provided prior to the first occupation of the units to which they relate and shall be retained in the approved form thereafter.
REASON: To meet the District Council requirements for recycling and in the interests of amenity and sustainability.
6. No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.
REASON: To enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation.
7. The access should be constructed to a minimum of 3.6m in width and a minimum headroom beneath the vehicular arch of 2.5m and constructed by way of dropped kerb crossing. Where the surface finish of a private or a private access is intended to remain in unbound materials, the first 6m as measured from the highway boundary should be treated with an approved boundary should be treated with an approved bound material to prevent any loose material from entering the highway.
REASON: In the interests of highway safety.
8. The access should be laid to a gradient not exceeding 4% for the first 6.0m and 8% thereafter and should be suitably paved to avoid the displacement of loose materials onto the highway and thereafter retained in that form.
REASON: In the interests of highway safety.
9. C.10.7. Standard highway requirements.
10. Space should be provided within the site to accommodate the parking and turning of all vehicular regularly visiting the site, clear of the highway and properly laid out and paved in accordance with details to be submitted to and approved in writing by the Local Planning Authority before commencement of development and such space should be maintained thereafter free of any impediment to its designated use.
REASON: In the interests of highway safety and efficiency.

11. Arrangements should be submitted to and be approved in writing by the Local Planning Authority before commencement of development whereby surface water runoff from the accessway is intercepted within the site thereby avoiding water entering the highway. The agreed details shall be constructed as approved before occupation of the development hereby approved and maintained in the same condition thereafter.

REASON: In the interests of highway safety.

12. Any gates to be provided shall be set back a minimum of 5m from the edge of the highway and shall open inwards into the site.

REASON: In order that a vehicle may wait clear of the highway while the gates are opened or closed in the interests of highway safety.

13. Energy efficient construction and measures

14. Accessibility – submission of further details.

2) UTT/0707/06/CA – CONSERVATION AREA CONSENT TO DEMOLISH

1. C.2.2. Time limit for commencement of development - [conservation areas].

Background papers: see application file.

UTT/0404/06/FUL - HIGH EASTER
(Referred at Member's request: Cllr Flack)

Part change of use of land and buildings to a seasonal (Christmas) retail outlet
Location: Easter Hall. GR/TL 611-151
Applicant: Ambershire Limited
Agent: Mr J Chaplin
Case Officer: Mr M Ranner 01799 510556
Expiry Date: 01/05/2006
ODPM Classification Other

NOTATION: Outside of development limits.

DESCRIPTION OF SITE: The application site comprises two of a group of five agricultural buildings facing a concrete yard, which is accessed via a narrow lane on its eastern edge. Beyond this is a gravelled parking area, quoted as being able to accommodate upwards of 100 cars. To the west is the old farmhouse and beyond this lies open agricultural land which characterises the surrounding area. Members visited the site at the end of 2004.

DESCRIPTION OF PROPOSAL: The application seeks permanent permission to continue trading from the site as a seasonal retail outlet. The business operates under the name of 'Christmas Wrapped Up at the Easters' and retails Christmas trees, and other Christmas products such as tree decorations, tree lights, wreaths, Christmas cards, wrapping paper, fireworks etc. The business operates from two farm buildings, one of which is temporarily converted to a sales and area and grotto and the other to sell garlands, wreaths and tree decorations. Both buildings are physically linked with a temporary marquee, which is used to store and sell Christmas trees. The business is seasonal taking place at Easter Hall between 31 October and 24 December each year between the hours of 9am and 6pm seven days a week. As part of this application the applicant proposes to extend the opening of the business until 6 January in order to provide the opportunity to sell off excess goods. A graveled parking area located just to the east of the buildings provides parking for upwards of 100 cars.

APPLICANT'S CASE: A supporting statement accompanies the application and its summary is replicated below:

"Easter Hall is located in Aythorpe Roding, High Easter, Essex. The buildings which form the basis of this application are of permanent and substantial construction and considered suitable for the proposed sustainable re-use.

'Christmas Wrapped Up at the Easters' is a seasonal retail outlet which represents an enterprising rural project that is considered to deserve support as a means of agricultural diversification. The key business is the selling of Christmas Trees and 'Christmas Wrapped Up at the Easters' has provided an essential boost to the farming business, utilising redundant agriculture land for tree planting. The success of the business to date has ensured the continued viability of the holding and has helped the sustainability of surrounding local businesses who benefit from people visiting the site.

It is considered that the local road network can accommodate the vehicle numbers which are associated with the retail outlet. Visitors benefit from well signed routes from the main roads. The applicant is keen to spread out the business to avoid large peaks in visitors and has introduced measures to maintain existing levels of visitors and proposes further changes, including the use of the website. The proposal is not to increase visitor numbers. Over 90%

of the Christmas trees are grown on site and the business cannot be moved without transporting the trees elsewhere. It is considered that people would continue to use their cars to pick up Christmas Trees.

National and local planning policies and guidance support this application which is a form of diversification that is economically sustainable. It is hoped that the Council can look favourably upon this application for the rural enterprise known as 'Christmas Wrapped Up at the Easters'.

RELEVANT HISTORY: Planning permission was granted on 29 August 2002 (UTT/0774/02/FUL) for a part change of use of land and buildings from agricultural to seasonal (Christmas) retail sales. This permission was granted for a temporary period only expiring on 24 December 2005. This was for the purpose of enabling the local planning authority to reconsider the appropriateness of the use at the expiration of this limited period.

A more recent planning application was submitted at Easter Hall dated 4 August 2003 (UTT/1399/03/FUL) which sought permission for the partial change of use of land from agricultural to (Use Class) D2 – ice rink. This was refused on 25 November 2003 and a subsequent appeal was dismissed by the Planning Inspectorate on the basis that the proposal conflicted in principle with local and national policies designed to achieve more sustainable patterns of development and the proposals harmful impact on the protected lanes that serve the site.

CONSULTATIONS: ECC Highways: Object to the proposal on the following basis: "Having regard to the existing traffic use and the additional traffic this proposal is likely to generate or attract, the road which connects the proposed access to the nearest traffic distributor is considered to be inadequate to cater for the proposal while providing reasonable safety and efficiency for all road users owing to its unsatisfactory width, alignment and construction. The proposal is contrary to ECC Structure Plan Policy (Safety T.8 Efficiency/Capacity T.8)."

English Nature: Do not wish to make any comments.

Saffron Walden Museum 'Special Verges': Object to the proposal and state the following: "The application site of Easter Hall is at the east end of Special Roadside Verge UTT28 Aythorpe Roding/High Easter TL604158-TL612153. Policy ENV7 on Special Verges applies and the road is also a Protected Lane, Policy ENV8. The verges on the north and south sides of the road support notable plants Sulphur Clover, Cowslip, Meadow Vetchling, Birds-Foot Trefoil, Restharrow, Salad Burnet, Common Knapweed, Agrimony, Meadowsweet, Field Scabious and Hoary Plantain.

These verges have suffered from erosion due to the volume of traffic travelling along the narrow lane where there are no passing places. Rutting and loss of verge width was evident on my visits during 2004 and 2005, and noted by the Planning Inspector in 2004 (appeal APP/C1570/A/04/1142385). This is damaging the chalky boulder-clay flora found on the special verges. I therefore object to the application."

CPREssex: Object for the following reasons:

"Local Plan Policies GEN1 (a), E5(d) and ENV8 – We consider that the proposed use places undue pressure on the network of small lanes surrounding the site both from vehicles travelling to visit the site and from parking, contrary to the above policies.

Policy E5 (Reuse of rural buildings) is not permissive where there would be an adverse effect on countryside character.

Policy ENV8 secures protection for the landscape element of green lanes, special verges and protected lanes of which there are several in the vicinity."

PARISH COUNCIL COMMENTS: As follows:

1. The Parish Council are inclined to support the application provided Essex County Council, Highways Department, will allow a greater number of signs be used directing

vehicles to the site and to the correct parking area. We understand that in past years the applicant has been restricted to a total of 13 signs only thus causing congestion in certain areas.

2. That far greater attempts must be made by the applicant to prevent vehicles parking on verges close to the site.

3. That the existing car park be increased in size in a northerly direction to accommodate vehicles and the provision of a separate entrance and exit to said car park.

4. That during the hours of trading there will be adequate staff on duty to ensure vehicles are parked correctly in the car park and not on verges.

5. All verges within a reasonable area of the site to be repaired/maintained by the applicant at their cost. This to commence in January of each year and to be completed as soon as possible in the same year.

REPRESENTATIONS: Three letters of objection have been received from two local households. The main points of objection/concern are summarised as follows:

- The rapidly expanding business has resulted in a significant increase in traffic flow in the narrow lanes around the site, which has caused damage to the protected verges. Although there is no evidence that the traffic generated by Easter Hall has caused damage to the verges it is reasonable to suppose that it has contributed to at least some of the damage. The verges are also more vulnerable during the winter months at the time when the business operates from the site.
- There are inaccuracies in the planning application. P9 section 21, Traffic Flow, estimates that 100 cars visit the site per day. Traffic movements regularly exceed 100 movements per hour. On the weekend of 6/7 December 2003, 137 and 140 movements per hour were logged on two different hours. Up to 212 vehicle movements per hour have been logged. The car parking spaces are also stated at 100 spaces. It should read 200 spaces.
- Photographic evidence has been produced to show the damage to the verges.
- The roads are narrow and unsuitable for large volumes of traffic.
- Overspill parking occurs in the lanes to such an extent that emergency vehicles would be obstructed.
- Policy NR5 of the Essex Replacement Structure Plan states that any proposals which would give rise to a material increase in the amount of traffic using protected lanes will not be permitted.

COMMENTS ON REPRESENTATIONS: These matters will be addressed in the 'considerations' that follow.

PLANNING CONSIDERATIONS: The main issues are

- 1) **the impact of the use on the appearance and character of the Countryside (ERSP Policy & ULP Policies S7, GEN2, E5, ENV8 & ENV9);**
- 2) **matters of highway safety (ERSP Policy & ULP Policies GEN1, GEN8 & E5) &**
- 3) **whether the proposal satisfies sustainability criteria. (ERSP Policy & ULP Policy GEN1).**

This application is brought before Committee at the request of Councillor Hicks.

1) Policy S7 of the Local Plan stipulates that in the countryside, development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. The change of use of rural buildings for commercial uses can be appropriate within the countryside provided that the proposal complies with the

specific criteria as set out in policy E5. In this respect the proposal satisfies part a) in that the buildings appear to be of permanent and substantial construction. With regard to part b) a marquee is erected between the two buildings, however as this does not represent a permanent extension to the buildings and is not considered critical to the use operating from the site, officers consider that the proposal does not prejudice the policy in this respect. Part c) of the policy however requires that the development protects or enhances the character of the countryside, its amenity value and its biodiversity and not result in a significant increase in noise levels or other adverse impacts. Part d) also requires that development should not place unacceptable pressures on the surrounding rural road network (in terms of traffic levels, road safety, countryside character and amenity). Officers are of the view that the proposal fails in both these respects.

It is clear that the use generates a significant amount of traffic from the site increasing the flow of traffic in the surrounding rural lanes that serve the site during the period of operation in November and December. The lanes are particularly narrow which often necessitates vehicles having to mount the verges in order to pass each other. This is compounded by the fact that the lanes that serve the site have been designated as 'Protected Lanes' and 'Special verges' which are of importance due to the scarce plants they accommodate and the contribution they make to the local historic landscape. As a consequence there is a presumption to safeguard these features in the form of specific Local Plan Policies ENV8 and ENV9. It has become clear from officer site inspections and from information submitted by local residents that the lanes serving the site have become damaged by vehicles repeatedly mounting the verges. Officers acknowledge that there is no direct evidence that attributes this damage to the seasonal use of Easter Hall for retail purposes, although it is not unreasonable to suggest that the significant traffic movements likely to be associated with Easter Hall, greatly exacerbates this problem and the resultant harm to the lanes. The time of the year at which the business operates from the site, which is during the wettest winter months, also exacerbates the impacts that vehicles have on the lanes and verges.

Comments concerning the lanes that serve the site made by an Inspector whilst determining an appeal for the installation of an ice rink at Easter Hall in August 2004 (UTT/1399/03/FUL) are of material importance to the consideration of this proposal. The Inspector stated that ... "I am satisfied that the narrow, protected lanes leading to the farm are wholly inappropriate for anything other than local traffic. There are no footpaths and hardly any formal passing places, and I saw for myself evidence of vehicles having mounted the verges to avoid on coming traffic." Significant numbers of cars are also likely to park at the site and neighbours comment that vehicles park on the lanes when parking capacity at the site has been exceeded. Whether this is the case or not, the presence of large numbers of cars visiting and parked at the farm is not typical of such a rural area and as such neither enhances nor protects the appearance/character of the countryside or is compatible with the sites countryside setting.

2) Turning more specifically to highway safety, Essex County Council Highways and Transportation, objects to the application as the nearest traffic distributor is considered to be inadequate to cater for the proposal while providing reasonable safety and efficiency for all road users owing to its unsatisfactory width, alignment and construction. It is material to this case however that during the period in which the business has been operating, there appears to be no evidence of any road accidents on the roads serving the site. As a consequence, despite highways advice, officers consider there to be insufficient grounds to justify the refusal of planning permission based on highway safety. This was borne out in the above appeal decision when the inspector commented..... "While I have no specific evidence which would lead me to reject the scheme on grounds of highway safety, I have concluded that the development would have a harmful impact on the environmental quality and value of the protected lanes leading to the site."

3) Turning to issues of sustainability, greater emphasis has been placed on the sustainability of developments and uses following the emergence of Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7), which was introduced after the initial grant of temporary permission at Easter Hall in August 2002. Policy GEN1 of the Local Plan reflects this guidance when it stipulates that development will be permitted only if it encourages movement by means other than by car. In this case the site is located in a relatively isolated rural location away from any larger settlements and served only by narrow lanes. In this respect the site is considered to be unsustainable in terms of its location and thus inappropriate to accommodate a commercial use that generates a significant number of car journeys. Officers recognise that PPS7 encourages farm diversification; however it is clear that this should only be encouraged where diversification schemes contribute to sustainable objectives and are consistent in their scale with their rural location. For these reasons officers consider that the proposal fails in this respect. Again the Inspector commented on this particular issue whilst determining the appeal and commented that...."There can be no argument that the location of the appeal site is wholly unsustainable, from the point of view of its accessibility by means other than the car, or private coach."

CONCLUSIONS: In summary, in light of the impact that the use has had on the surrounding road network and on the biodiversity and rural character of the surrounding area and the increased emphasis placed on sustainable development since the emergence of PPS7, officers recommend that this application be refused in accordance with Development Plan Policies and Central Government Guidance.

RECOMMENDATION: REFUSAL REASONS

- 1) The significant number of traffic movements generated by the proposed use is likely to place unacceptable pressures on the surrounding rural road network necessitating in vehicles mounting the roadside verges due to the narrow carriage way widths to the detriment of the character of the Protected Lanes and the biodiversity of Special Verges in the vicinity of the site. In these respects the proposal neither preserves nor enhances the character or appearance of the countryside and the need for the development does not outweigh the need to retain the special verges and the historic significance of the lanes. If permitted the proposal would thereby be contrary to Essex & Southend-on-Sea Replacement Structure Plan Policies CS2, C5, NR6 & RE2 and Uttlesford Local Plan Policies S7, E5, ENV8 and ENV9.
- 2) The application site occupies a relatively isolated rural location, which is not readily accessible by means other than by car. This allied with the nature of the use, which is likely to attract significant numbers of visitors to the premises, will as a consequence, inevitably encourage significant numbers of movements by car. The proposed use is therefore unsustainable and so fails to accord with Central Government advice contained in Planning Policy Statement 7: Sustainable Development in Rural Areas and Essex & Southend-on-Sea Replacement Structure Plan Policies CS4 & T3 and Uttlesford Local Plan Policy GEN1.

Background papers: see application file.

UTT/0676/06/FUL - SAFFRON WALDEN

(Referred by Cllr Boland)

Erection of three no. detached dwellings including new vehicular access
Location: Land at Bowling Green, opposite The Gate Public House, Thaxted Road. GR/TL 544-381.
Applicant: Acorn Developments
Agent: Mr Jeremy Denn
Case Officer: Mr T Morton 01799 510654
Expiry Date: 13/06/2006
ODPM Classification: MINOR

NOTATION: Inside Development Limit.

DESCRIPTION OF SITE: This is a former Bowling Green, now disused and unmown, which had a single storey timber pavilion building cantilevered out over the steep narrow and deep valley of The Slade stream that runs to the rear of the bowling green, and the ownership extends across the valley of the stream and takes in the land on the steep opposite bank. The site is enclosed by a vertical board fence on the street frontages. There is no current vehicular access.

DESCRIPTION OF PROPOSAL: Development of three detached 2 storey houses with integral garages to two houses and access off Thaxted Road, the third house located in the corner position has open parking spaces behind the house with access from Victoria Avenue.

APPLICANT'S CASE: These proposals have been the subject of pre-application discussion, following the earlier refusal of a scheme for four houses.

RELEVANT HISTORY: UTT/1848/04/FUL: Erection of three detached dwellings. Refused 17 December 2004.

UTT/0655/05/FUL: Erection of two detached dwellings including new access. Approved 22 June 2005.

UTT/0155/06/FUL: Erection of four link detached dwellings etc. Refused 14 March 2006.

CONSULTATIONS: ECC Highways. Do not wish to raise an objection to the above application subject to the following:

A. No occupation shall take place until such time as the following have been completed to the satisfaction of the Highway Authority:

The junction from the B 184 Thaxted Road into Victoria Avenue be improved to provide a 7.5m southern radius kerb.

B Conditions

The linked vehicle access should be 5.0m wide and constructed by way of a dropped kerb crossing. Where the surface finish of a private access is intended to remain in unbound materials, the first 6m as measured from the highway boundary should be treated with an approved bound material to prevent any loose material from entering the highway.

REASON: In the interests of highway safety.

Where part of a drive is used as a hardstanding it must be at least 5.0m wide for a double hardstanding (or 5.4m wide where contained between walls)

REASON: In the interests of highway safety.

Note: The above measures are required to ensure that the development conforms to ECC Structure Plan policy T3 Promoting Accessibility, T4 Passenger Transport, T6 Walking and Cycling and T1 Traffic Management.

The requirements contained in A and B above should be imposed by way of negative planning conditions or a planning obligation to cover any necessary land dedication for the junction improvements.

Environment Agency: No objection. Guidance is given on connection to sewerage network, and on use of sustainable drainage techniques, and on sustainable construction methods to reduce energy and water consumption in the proposed buildings.

TOWN COUNCIL COMMENTS: No objection.

REPRESENTATIONS: Two representations received. Notification period expired 10 May 2006.

The respondent suggests that it would be better to develop the site as bungalows. The house next to 67 would have a 9m high brick side wall and would block existing views towards the old railway embankment.

COMMENTS ON REPRESENTATIONS: Noted. The Council has to consider this application, and whether an alternative form of development might be preferable is not a reason for the potential refusal of the proposal, provided that it is otherwise deemed to be satisfactory.

Planning law does not recognise the right to a particular view, and the obstruction of the existing view to the old railway embankment is not a material planning consideration.

PLANNING CONSIDERATIONS: The main issues are

- 1) **loss of recreational space and principle of housing development (ULP Policies LC1, H1);**
- 2) **design, access and parking provision (ERSP Policy T8, & DLP Policies GEN1, GEN2, GEN9);**
- 3) **effect upon the amenity of neighbours (ULP Policy GEN2) and**
- 4) **other material planning considerations.**

1) The site is within the settlement boundary of Saffron Walden and in principle residential development is acceptable, provided that it is consistent with other policies within the plan. Policy GEN2 sets out a list of issues to be assessed on the design, context and amenity of proposed development. Policy LC1 seeks to retain sports fields and other open spaces for recreation, unless replacement facilities will be provided that better meet local recreational needs, or the need for the facility no longer exists. This was a private bowling club, and its loss is not seen as detrimental to the aim of policy.

2) It has proven to be difficult to achieve a design for the site which addresses the limitations imposed by the valley of The Slade at the rear of the site. In terms of existing buildings in the area, there is some degree of variation in the design of the existing houses along Thaxted Road, but the predominant form are two-storey houses in short terraces or semi-detached pairs and mostly in red brick. These are mostly set on plots with long though narrow rear gardens. The three proposed new houses bear a design relationship to the scale and materials of the nearby houses in Thaxted Road in general terms. A former bungalow on the site of 73 Thaxted Road has already been replaced within the last few years with a semi-detached pair of two-storey houses of similar scale to those proposed here.

The pair of houses now proposed would have a satisfactory relationship to the character of the street, and the house on the corner plot incorporates a satisfactory elevational treatment on the flank frontage to Victoria Avenue to turn the corner and provide visual interest, which is important given its prominent siting in views along the roads approaching the junction.

The Highway Authority previously recommended a single point of access to serve a maximum of two dwellings, and the approved 2005 design incorporated that approach to access. The current proposal follows the same principle and shows a turning area within the plots to enable access and egress in forward gear. The corner house has its two parking places accessed from Victoria Avenue, though this reduces the garden area virtually to nothing, apart from the land across the river valley. The developer has offered, and the Highway Authority requires, the corner of the road junction to be radiused off, by taking a small piece from the corner of the application site. An appropriate planning condition is recommended.

The plots have limited rear garden amenity area, due to the valley of The Slade. Other houses further along the road, including a new semi-detached pair approved and built at number 73, have access to the riverside because the profile across the stream is much less deep there. However the section that runs across the rear of this site is a steep sided cutting with no prospect of direct access. The site here provides very limited outdoor amenity space to the rear of the houses, though they would also own the land across the valley of The Slade and could possibly make some use of that area.

3) The adjoining bungalow will stand beside the proposed new end house which would be set one metre from the boundary. This is not an unusual relationship between houses in a street, and no direct window to window overlooking is involved.

4) None.

CONCLUSIONS: This is a finely balanced proposal requiring Members' careful judgement. This is an intensive use of a difficult site, in accordance with Government Policy Guidance. On the other hand, Members may consider that the small garden areas coupled with the positioning of the proposed dwellings in the street scene are indicative of an over-intense development. Having regard to all these considerations it is Officers view, on balance, that permission should be granted.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.2. Details of materials to be submitted agreed and implemented.
4. The development hereby approved shall not commence until the developer has concluded an arrangement with the Highway Authority to dedicate land for junction improvements related to the junction from the B184 Thaxted Road into Victoria Avenue to provide a 7.5m southern radius kerb.
REASON: To secure improvements that will protect highway safety in the vicinity of the junction.
5. The linked vehicle access should be 5.0m wide and constructed by way of a dropped kerb crossing. Where the surface finish of a private access is intended to remain in unbound materials, the first 6m as measured from the highway boundary should be treated with an approved bound material to prevent any loose material from entering the highway.
REASON: In the interests of highway safety.
6. Where part of a drive is used as a hardstanding it must be at least 5.0m wide for a double hardstanding (or 5.4m wide where contained between walls).
REASON: In the interests of highway safety.
7. C.11.6. Standard vehicle parking facilities.
8. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission.

9. Prior to the commencement of the development hereby permitted, an accessibility statement/drawing shall be submitted to and approved in writing by the local planning authority. The details submitted shall set out measures to ensure that the building is accessible to all sectors of the community. The buildings shall be designed as 'Lifetime Homes' and shall be adaptable for wheelchair use. All the measures that are approved shall be incorporated into the development.
REASON: To ensure that the district's housing stock is accessible to all.

Background papers: see application file.

UTT/0590/06/FUL - FELSTED

Sports Hall with ancillary storage and office

Location: Land adj The Cricket Pavillion & Swimming Pool Felsted Preparatory School. GR/TL 678-202

Applicant: Felsted School

Agent: Cowper Griffith Associates

Case Officer: Mr M Ranner 01799 510556

Expiry Date: 22/06/2006

ODPM Classification: MINOR

NOTATION: Outside of Development Limits and on the outside edge of a conservation area.

DESCRIPTION OF SITE: The site is located near to the southern side of the Preparatory School playing fields off Braintree Road, to the south-east of the village centre in Felsted, about 140m east of Chelmsford Road. Existing school buildings are located directly to the north of the site, with a cricket pitch and pavilion to the east, a well screened public footpath to the south and existing tennis courts to the west. The land is largely flat and currently comprises a cricket practice area, with creases and nets.

DESCRIPTION OF PROPOSAL: The application seeks full planning permission for a sports hall with ancillary storage and office. The building will occupy a footprint of approximately 32m in length by approximately 16m in width and will have a ridge height of 9.6m. The building will be of a form reminiscent of a barn with low eaves below a tall ridgeline, with fenestration largely confined to ground floor level with the exception of glazing to each end gable. The external materials of construction are to comprise of stock bricks, with stained joinery to the windows below a plain tiled roof. The majority of the floor space will comprise the open plan sports hall although the southern end of the building will accommodate an entrance lobby at ground floor level along with an office and store room. Stairs within the lobby will access a viewing gallery above.

APPLICANT'S CASE: The applicant's agents state the following:

"The details of our proposals are exactly as previously approved, except for an extension of 3.0m to the overall length of the building. This extension is only in the length and not in the width and therefore does not affect the overall height of the ridge. This further extension to the building is necessary for the school to carry out the full range of sporting activities that they wish to conduct in this building. There is ample space within the confines of the site to allow for this extension which, we believe, will not change the overall scale and appearance."

RELEVANT HISTORY: The school has been subject to an extensive planning history. The most relevant to the consideration of this application is planning permission UTT/1335/01/FUL for a new sports hall, which was granted on 26 November 2001.

CONSULTATIONS: None received (Period expires 11 May 2006).

PARISH COUNCIL COMMENTS: To be reported (due 27 May 2006).

REPRESENTATIONS: None received. (Notification period expired 24 May 2006).

COMMENTS ON REPRESENTATIONS: N/A.

PLANNING CONSIDERATIONS: The main issues are

- 1) **the appropriateness of the development outside of development limits and in the context of its surroundings. (ULP Policies S7, GEN2, ENV1 & LC4);**
- 2) **nearby residential amenity (ULP Policies GEN2 & GEN4) and**
- 3) **other material planning considerations.**

1) The application site falls outside of development limits where new buildings of the size proposed are not normally permitted as they generally constitute inappropriate development. However, policy LC4 of the Uttlesford Local Plan dictates that outdoor sports facilities, including associated buildings will be permitted beyond development limits. It is also material to the consideration of this case that the building would be ancillary to the existing school development in the vicinity of the application site, which informs the context the surroundings. As a consequence the site is not set within open countryside in an area isolated from built development. An extant planning permission (UTT/1335/01/FUL) also exists on the same site for a sports hall of almost identical design, except for it being marginally shorter in terms of length. The Council gave weight in this case to the local educational need for the facility and the absence of any other more suitable sites within Development Limits. Officers are of the view that these considerations are still relevant today.

The design of the building is of a high quality and although it differs in this respect from the main school buildings officers are satisfied that it will compliment existing development and positively contribute to the context of its surroundings. In this respect the proposed development will enhance the character of the adjacent conservation area.

2) The building will occupy an area already utilised by the school for out door sporting activities and so officers are confident that the proposed development should not give rise to any nuisance to nearby residential properties. The nearest dwelling houses are also located a reasonable distance away at approximately 75 metres to the west of the proposed siting.

3) Ample parking is located directly to the north of the application site within the school grounds. The proposal should also not increase the demand for parking within the site as it is merely providing an improved facility as apposed to enlarging the school where new facilities would increase the number of pupils or staff.

CONCLUSIONS: For the above reasons, officers are satisfied that the proposed develop accords with the aims and objectives of Development Plan policies and so make the following recommendation.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.5.2. Details of materials to be submitted agreed and implemented.

Background papers: see application file.

UTT/0572/06/OP - QUENDON & RICKLING

(Referred by Cllr Wilcock)

Erection of dwelling

Location: Land adj Foxley House, Green Road. GR/TL 511-300.

Applicant: Mrs Judith Rich

Agent: Mr Jonathan Rich

Case Officer: Mr T Morton 01799 510654

Expiry Date: 05/06/2006

ODPM Classification: MINOR

NOTATION: Part Inside and part Outside Development Limit.

DESCRIPTION OF SITE: This is a fairly large modern house of two storeys, set in large grounds to the rear of frontage properties that face on to Rickling Green. The access to the house is along a short track off the Green. A public footpath runs along the north side of the site just outside the rather gappy hedge that forms the site boundary on this side. The land beyond the site to the east and south is open in character.

DESCRIPTION OF PROPOSAL: Approval is sought at Outline level for a new dwelling within the grounds of the house, with all matters reserved for later approval. The application concerns a strip of land along the northern edge of the site.

RELEVANT HISTORY: The application site is part of a larger area that was advanced for inclusion within the village Development Limit at the time of preparing the current Local Plan. In dealing with that objection the Inspector concluded that the land does not read as part of the village, but if there were a need for affordable housing it could be looked at as an exceptions site. If other forms of housing were to be proposed it would have to be balanced against the facilities available in the village. Villages often require a significant amount of housing to provide effective support for local facilities and such a scale of development may not be in character with the village. The Inspector did not consider that Quendon could be considered a key rural settlement.

There are a number of earlier applications on file, most of which relate to proposals for erection of a dwelling to the front of Foxley House, which was eventually approved and constructed. None of the applications are of direct relevance to this case.

CONSULTATIONS: Environment Agency: No objection, standard advice offered.

PARISH COUNCIL COMMENTS: No representations received. Consultation period expires 3 May 2006.

REPRESENTATIONS: This application has been advertised and one representation has been received. Period expired 4 May 2006.

The respondent considered that the access raises issues as it is shared by other houses and the footpath which is used by pupils from Rickling Green Primary School, allowing more vehicles to use it would pose a safety hazard. The surface of the access road is in very poor condition and is unsuitable as a construction access.

COMMENTS ON REPRESENTATIONS: Noted. Highway issues are discussed below.

PLANNING CONSIDERATIONS: The main issues are:

- 1) principle of development (ERSP Policy C5, & ULP Policy S7, H3.);

- 2) **design and amenity (ULP Policy GEN2);**
- 3) **highway issues (ERSP Policy T3. & ULP Policy GEN1) and**
- 4) **other material planning considerations.**

1) The application site is partially within and partially outside of the Development Limit, with the first 24m from the entrance within and the 42m remainder beyond the defined boundary.

Insofar as part of the site is within the Development Limit, Policy H3 supports development of further new houses provided that the development would be compatible with the character of the settlement, and that other criteria are met. The part of the site within the Development Limit is the narrowest section of the application site, but this is the position of the existing private drive, which would have to be shared by the donor house and proposed house, so that in all likelihood the proposed house would have to stand entirely or substantially outside of the Development Limit. If the house were to be built on the land within the development limit it would have an unsatisfactory relationship to the existing house on the plot and to the surroundings and would appear to be a cramped form of development out of character with the surrounding context.

Insofar as the proposal is outside of the Development Limit policies C5 of the Structure Plan and S7 of the Local Plan that control development in the countryside are applicable, and these do not support residential development. Even if the site is only just outside of the defined boundary of the settlement, this is where the pressure for a settlement to spread will always be the strongest, and therefore where it is important that the policy be applied.

2) Policy GEN 2 also sets criteria on the design of development so that it is compatible with its surroundings. At Outline stage no information is provided to enable this judgement to be fully made.

3) The comment received from a neighbour has drawn attention to safety conflicts with the public footpath. It is doubtful whether the traffic associated with one house would make any noticeable difference.

4) No other issues are considered to arise.

CONCLUSIONS: The proposal is considered contrary to the aims of policy to prevent the spread of development into the countryside.

RECOMMENDATION: REFUSAL REASON

The proposed development would be located partly within and partly beyond the defined Development Limit of Quendon and Rickling Green. If the proposed new dwelling were sited within the Development Limit on the narrowest part of the application site, it would have an unsatisfactory relationship to the existing house on the plot and to the surroundings and would appear to be a cramped form of development out of character with the surrounding context, and would impact upon the position of the existing private drive and be likely to be detrimental to the provision of satisfactory vehicular access and provision of off-road parking. If the proposed new dwelling were sited outside the Development Limit, the development of additional housing in this location would be contrary to the aims of Policy C5 of the Essex & Southend-on-Sea Replacement Structure Plan and Policies S7 and H3 of the Uttlesford Local Plan where planning policy seeks to protect the countryside for its own sake and to limit development to that which needs to take place there. Acceptance of development on this site would allow the incremental expansion of the village at its edge, thereby setting an undesirable precedent for further similar expansion.

Background papers: see application file.

UTT/0662/06/FUL - HENHAM

Installation of wind turbine to provide 5 to 6k W of electrical power

Location: Little Henham Hall Farm, Little Henham. GR/TL 533-303.

Applicant: Mr A & Mrs K Muskett

Agent: Sworders

Case Officer: Mrs A Howells - 01799 510471

Expiry Date: 07/06/2006

ODPM Classification: MINOR

NOTATION: Countryside; Outside Development limits; Protected Lane ENV 9; Historic Landscape ENV 9; Important Woodland ENV9; Country Wildlife Site ENV7; Ancient Woodland ENV 7 & 8; Public Right of Way.

DESCRIPTION OF SITE: Little Henham Hall Farm is sited on top of a hill in the centre of the district and comprises a farm which has a farmhouse and other farm buildings. There are properties at some distance away. To the north of the site are some special ancient woodlands and a protected lane to the south. A Public footpath cuts across the land owned by the applicant.

DESCRIPTION OF PROPOSAL: To install a 5kW wind turbine that has a three blade rotor of 5.4metres diameter mounted on a 12m mast and secured by 4 guyed ropes to generate electricity to Little Henham Hall Farm. The foundations for the turbine would involve minimal disturbance of the ground beneath the tower and each anchoring point. Colour – Pale grey. The scale of the proposal is significantly less than of turbines in commercial wind farms which can be 40 – 100m tall.

APPLICANT'S CASE: It is proposed to install a small wind turbine on land at North of Little Henham Hall Farm. The wind turbine is designed for electricity generation and will be mounted on a 12m tower. The turbine has been designed and developed by Iskra Wind Turbine Manufacturers Ltd of St Anns Nottingham with the assistance of DTI funding. The property (Jocks Farm) not owned by the applicant is 235m away with existing hedging and trees between the proposed site and the property which will reduce any visual impact that may exist.

RELEVANT HISTORY: Application for telecommunications mast adjacent to the Important Woodland – refused August 1995.

CONSULTATIONS: BAA Safeguarding Team: Requests further time to comment.

NATS: To be reported (due 7 June 2006).

Energy Efficiency Officer: From the information provided the proposal seems sensible that will have extremely minimal impact on the surroundings. One likely error to be noted the CO2 saving is more likely to be 4.165 Tonnes of CO2 per annum rather than the stated 4.165 Kg, The turbine is designed to minimise the noise they produce to within 5 decibels above background levels

English Nature: English Nature believes that the proposals are not likely to affect a SSSI.

Essex Wildlife Trust: To be reported (due 4 May 2006).

Stansted Airport Ltd: To be reported (due 29 April 2006).

PARISH COUNCIL COMMENTS:

Henham Parish Council: To be reported (due 13 May 2006).

Newport Parish Council: To be reported (due 21 May 2006).

Widdington Parish Council: To be reported (due 21 May 2006).

REPRESENTATIONS: One. Notification period expired 9 May 2006.

1. Position of wind turbine within 50metres of Priors Wood (ancient woodland). Seems sheltered for a wind turbine.
2. Structure Plan Policy 'Any proposal which would adversely affect the nature and physical appearance of ancient woodland will not normally be permitted'. The policy was upheld in the decision for a telecommunication mast. The decision stated 'it is not considered that the need for a mast can overrule the adverse effect on rural amenity that would result from the erection of the mast in close proximity to Priors Wood, located within an Area of Special Landscape Value'.
3. Proposed wind turbine is lower than the refused telecommunications mast although the moving blades will make it more noticeable.
4. Suggestion to move the turbine to the south of Little Henham Hall near the pylons where the mast would not adversely affect the appearance of the ancient woodland.

COMMENTS ON REPRESENTATIONS: 1)The proposed wind turbine is to be positioned on a site in a relatively exposed location with open farmland stretching to the west towards Jocks Farm and the M11 beyond.
2) The telecommunication mast was to be adjacent to Priors Wood and the mast itself would appear very prominent, towering above the woodland. The proposed wind turbine would be approximately half the height and not as bulky.

PLANNING CONSIDERATIONS: The main issues are whether the proposal

- 1) **needs to take place there or is likely to have a materially adverse impact on the ancient woodland close to the site (ERSP Policies C5, EG2, NR5 & NR9 & ULP Policy S7, ENV9 & ENV8);**
- 2) **complies with requirements of ULP Policies ENV15 – (Renewable Energy); ERSP Policy EG2 and PPS22 (Renewable Energy)**
- 3) **would cause material disturbance or nuisance to occupiers of surrounding properties (ULP Policy GEN4) and**
- 4) **other material planning considerations.**

1) The material question is whether the proposal would have a detrimental effect on the locality general and on amenities that ought to in the public interest be protected. PPS22 states care should be taken to identify the scale of renewable energy developments that may be acceptable in particular areas. Small scale developments should be permitted within areas such as National Parks, Areas of Outstanding Natural Beauty and Heritage Coasts provided that there is no significant environmental detriment to the area concerned. The ancient woodland is set to one side and the development is unlikely to physically affect the actual site of the historic woods. Consequently the siting of the proposes windmill is considered acceptable.

2) The UK has committed itself to working towards a 60% reduction in CO2 emissions by 2050, and the development of renewable energy technologies such as wind is a core part of achieving this aim. PPS22 and its Companion Guide – Planning for Renewable Energy are intended to encourage the appropriate development of further renewable energy schemes, throughout England. This will include schemes in urban as well as rural locations, ranging in size from the domestic to the commercial. PPS22 advises that small-scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally. Planning authorities should not therefore reject planning applications simply because the level is small. It goes on to say that development proposals should demonstrate any environmental, economic and social benefits as well as how any

environmental and social impacts have been minimised through careful consideration of location, scale, design and other measures.

Lastly, PPS22 advises that local landscapes and local nature conservation designations should not be used in themselves to refuse planning permission for renewable energy developments. Planning applications for renewable energy developments in such areas should be assessed against criteria based policies set out in local development documents, including any criteria that are specific to the type of area concerned.

ERSP Policy EG2 states that proposal for renewable energy will be permitted provided there is no materially adverse impact amongst other things upon: statutorily protected nature conservation sites, landscape character or historic importance. Policy ENV15 of the ULP Permits small scale renewable energy schemes, subject to environmental consideration. Although the area is close to Historic Landscape; 'Important Woodland'; Country Wildlife Site and Ancient Woodland it is unlikely to have a material adverse impact on the woodland. The site is between the woodland and some telegraph poles and due to the size of the proposed turbine it is doubtful that the beauty of the woodland will be affected. The proposed wind turbine will need to be set close to the group of buildings but far enough away to be able to fully benefit from the wind and in this case the applicant appears to have got the siting correct. The proposal complies with structure and local plan policy.

3) The proposed wind turbine is unlikely to create noise or vibration disturbance to the neighbouring properties or anything such as smell, dust and fumes etc. Realistically the wind turbine may impact on the view from the neighbouring property which is sited to the west of the proposed turbine but the impact is likely to be minimal given the position of the telegraph poles already present across the site and the buildings in the background. Guidelines state that careful consideration should be shown as to the siting and demonstrate any environmental, economic and social benefits. The applicants have submitted this information with the application, and officers consider that the guidelines have been met.

4) BAA has been consulted with regard to air traffic considerations and their comments will be reported. The site is distant from public highways and so no public safety concerns are raised.

CONCLUSIONS: The proposed wind turbine would reduce the applicant's reliance on a non-renewable energy source and would not have an adverse impact on either the landscape or the character of the area it is in accordance with policies and is therefore recommended for conditional approval.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. Precise details of the material and colour of the turbine and blades shall be submitted to and approved in writing by the local planning authority. The colours and materials approved shall be used in the construction of the wind turbine hereby approved and not changed without the prior written consent from the local planning authority.

REASON: In the interests of visual amenity.

4. On cessation of the use of the turbine, the structure shall be removed from the site and the land reinstated in accordance with a scheme which will be submitted to and agreed in writing with the local planning authority and implemented within one month of the removal of the structure.

REASON: In the interests of visual amenity.

Background papers: see application file.

UTT/0304/06/FUL - STANSTED

(Referred by Cllr Sell)

Demolition of existing property and erection of two houses with associated parking
Location: 42 Lower Street. GR/TL 514-250.
Applicant: St James Leisure
Agent: Hertford Planning Services
Case Officer: Mr H Laird 01799 510464
Expiry Date: 05/05/2006
ODPM Classification: MINOR

NOTATION: Within Development Limits. Adj. Grade II Listed Buildings. Conservation Area.

DESCRIPTION OF SITE: The site comprises a 1970's two-storey, one-bedroom detached house in the Conservation Area surrounded by several listed buildings. The house has a footprint of 6.1m x 4.8m, with a relatively small rear garden. There is parking to the south (in the applicant's ownership, but on the ground it appears to relate to the restaurant to the south).

The site sits in a 'peninsula' of land between Lower Street and Grove Hill. Grove Hill rises above and to the rear of the site and provides views of the dwelling below whilst viewed from the pavement when ascending Grove Hill. To the south is the abovementioned restaurant with associated residential accommodation which is separated from the dwelling on site by the parking area. There are dwellings to the north of the site fronting both Lower Street and Grove Hill. A large, two-storey garage/studio associated with 5 Grove Hill but accessed from Lower Street, lies immediately to the north of the site. The neighbouring Grove Hill dwellings all stand on higher ground.

DESCRIPTION OF PROPOSAL: The planning application originally sought the demolition of the existing dwelling and in its place the erection of a pair of three-storey, semi-detached dwellings with integral parking spaces. The design of the proposed dwellings was subsequently amended to a pair of two-storey, semi-detached dwellings with single storey side extensions set back to allow for an off-road vehicle standing space to the side of each dwelling.

APPLICANT'S CASE: No additional information submitted. Flood Risk assessment enclosed with application.

RELEVANT HISTORY: UTT/0174/02/FUL – Side and rear extensions to existing dwelling. Approved 30 May 2002 (not implemented, consent still extant).

CONSULTATIONS: Design Advice: Objects to the original proposals on grounds that the proposal would not positively contribute to the character of the Conservation Area. No objections are raised to the revised proposals.

Thames Water: No objection of sewage disposal grounds.

Environment Agency: No objections.

ECC Highways: Objects to the original design on the grounds that vehicles would not be able to turn within their own site. Vehicles reversing out onto the county road at this point, and the lack of pedestrian/vehicle visibility splays would be detrimental to pedestrian and general highway safety. The proposal is contrary to Structure Plan Policy T8 'Safety'. Comments regarding the revised design are awaited and will be reported.

H & B Services: No objections.

PARISH COUNCIL COMMENTS: Objects to the proposal on the grounds that it may represent an over-intensification in the Conservation Area, and queries how the plot density relates to other properties in the street scene.

REPRESENTATIONS: This application has been advertised and two letters of representation, both objecting to the original proposals have been received. Consultation period expired 13 April. Revised period expired 24 May. Two additional residents – period expires 13 June.

42 Lower Street - Objections to original plans relate to:

Height – the new dwellings will have a ridge height of 9.05 metres as opposed to the current buildings 6.3 metre ridge height. A difference of 2.75 metres. This would have an overbearing effect on the character of the Conservation Area situated between two listed buildings.

The height of the new dwellings would cause overshadowing of the four main front rooms in 42 Lower Street, the main front aspect of which faces the site. The lounge window will be robbed of sunlight for six months of the year.

Parking – not feasible to accommodate cars in the garages as these are not wide enough.

On-street parking is limited in this area, and these two properties will add to these problems.

8 Grove Hill – objections relate to:

Overdevelopment of the site.

Overlooking from windows particularly from the third storey.

Height of dwellings will obscure view and greatly affect daylight to and privacy of our property.

Proposal will spoil the look of this pretty village.

PLANNING CONSIDERATIONS: The main issues are:

- 1) **whether the demolition of the existing dwelling in the context of the Conservation Area is acceptable;**
- 2) **whether the new pair of dwellings in terms of their siting, design, height, and scale in the context of the street scene is acceptable;**
- 3) **whether the new pair of dwellings would be harmful to the character and appearance of the Conservation Area and Setting of adjoining Listed Buildings and**
- 4) **highway safety.**
(ERSP Policies HC2, BE1 & ULP Policies ENV1, ENV2, GEN1, GEN2, H3 and H7).

1-3) The original proposals for a pair of three-storey semi detached dwellings were considered unacceptable for the following reasons:

- Too high – ridge level = 9.05 metres compared to 6.3 metres for the existing dwelling.
- Poor relationship with surroundings arising from height, scale and design.
- Adverse impact on character of The Conservation Area due to height, scale and design
- Overdevelopment of the plot.
- Harmful to neighbour amenities – outlook from Chimneys Guest House to the north of the site.
- Parking arrangements would not work in practice – harmful to highway safety.

The revised proposals are considered to be acceptable in that the re-designed pair of semi-detached dwellings overcomes the above objections.

The ridge height has been brought down to 7.85 metres; with the eaves height measuring 4.4 metres. This compares favourably with the respective ridge and eaves heights of the present dwelling of 6.3m and 5.4m. The result is a steeper pitched roof more in keeping with the vernacular of the area. The depth of the two-storey elements is 6.0 metres which results in a compact form and scale to the pair of dwellings. Additional accommodation is provided in the two 1 ½ storey wings to the side/rear of each dwelling. This has further advantages in context of the overall design in that:

- The frontage area of the dwellings facing the street scene is kept to a minimum thus minimising the scale and impact of the development on the appearance of the street scene.
- The reduction in height from three stories to two stories reduces the impact on and overlooking of properties to the side/rear of the site in Grove Hill.
- The 'set back' elements to the side of each dwelling are in scale and proportion to the pair of dwellings. These allow for:
 - A parking space to the front/side of each dwelling;
 - A reduction in the impact on the outlook from and light to the front aspect of the neighbouring dwelling at 42 Lower Street;
 - The creation of a private space to the rear of each new dwelling.

4) In addition, the design details and proposed materials for the two dwellings are considered acceptable. A flint front elevation with brick quoins to each corner of the front elevation, and brick heads to the ground floor windows reflects the local vernacular. Materials such as facing brickwork, roof tiles and window details can be controlled by condition. Permitted development rights in relation to extensions, boundary treatments and outbuildings should be removed to maintain control over the character and appearance of the dwellings due to their position in the Conservation Area between listed buildings, and due to their relatively small plot sizes.

In respect of highway safety, the enclosed car parking spaces as per the original proposals have been deleted. The spaces provided to the front/side of each dwelling now have an open aspect to them that allows pedestrians and road users to see and be seen. Whilst vehicles would still be required to reverse onto a county road, it is considered that the implications for pedestrian/vehicle and vehicle/vehicle safety would not be unduly compromised.

Overall, it is considered that the proposed development as per the amended drawings would represent an improvement over the unsympathetic dwelling presently on site, and will make a positive contribution to the character and appearance of the Conservation Area.

CONCLUSIONS: The application for planning permission to demolish the existing dwelling and to replace it with a pair of two storey, semi-detached dwellings is acceptable in terms of the visual impact the new development would have on the character of the Street scene, Conservation Area and adjoining Listed Buildings.

Previous concerns regarding the height, size and scale of the proposed pair of semis and the overdevelopment of this small plot in the context of adjoining properties have been addressed by the submission of the amended plans. In respect of highway safety, whilst vehicles would still be required to reverse onto a county road, it is considered that the implications for pedestrian/vehicle and vehicle/vehicle safety would not be unduly compromised.

RECOMMENDATION: DELEGATE TO EXECUTIVE MANAGER DEVELOPMENT SERVICES TO APPROVE WITH CONDITIONS UPON EXPIRY OF CONSULTATION PERIOD (13 JUNE)

1. C.2.1. Time limit for commencement of development.
2. C.3.2. To be implemented in accordance with revised plans.
3. C.5.1. Samples of materials to be submitted agreed and implemented.
4. C.5.5. Clay plain tiles.
5. C.5.7. Window details.
6. C.5.8. Joinery details.
7. C.6.3. Excluding Permitted Development extensions and erection of freestanding buildings without further permission.
8. C.6.5. Excluding fences and walls without further permission.
9. Prior to first occupation of the dwellings hereby permitted, the parking spaces indicated on the approved drawing shall laid out and made available for the parking of vehicles, and shall thereafter be so maintained for parking purposes.
REASON: In order to ensure a high quality development in keeping with the character of the area in the interests of highway safety.
10. No rooflights shall be inserted in the front roof slopes facing Lower Street of the dwellings hereby permitted without the prior written consent of the local planning authority.
REASON: In order to ensure a high quality development in keeping with the character of the area.
11. Energy efficient construction and measures.
12. Accessibility condition.

Background papers: see application file.
