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**PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 28 JUNE 2006**

APPL NO: **UTT/0304/06/FUL**  
PARISH: **STANSTED**  
DEVELOPMENT: Demolition of existing property and erection of two houses with associated parking  
APPLICANT: St James Leisure  
LOCATION: 42 Lower Street  
D.C. CTTE: 7 June 2006 (see report copy attached)  
REMARKS: Deferred for Site Visit  
**RECOMMENDATION: Approve**  
*Case Officer: Mr H Laird 01799 510464*  
Expiry Date: 05/05/2006

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**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.

**ON SUPPLEMENTARY LIST OF REPRESENTATIONS 7 JUNE 2006:** 1 further letter has been received:

Having seen the revised plans for this, I am very concerned that there is only one car parking space per house especially since there is already a shortage of space in Lower Street for parking. With residents parking scheme, those two properties would actually be unable to request a permit for a second car / and or visitors car, as they are not available to residents who have any form of parking.

If current policies 1.5 or 2 spaces per property, it would be a very worrying precedent to set if this application was passed with only one parking space per house.

**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.*

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## UTT/0788/06/FUL - STANSTED

Erection of 1 no detached house and 7 no terraced houses  
Location: Land West of 8 Water Lane. GR/TL 512-247  
Applicant: Newell Properties Developments  
Agent: Smart Planning Limited  
Case Officer: Mr T Morton 01799 510654  
Expiry Date: 05/07/2006  
ODPM Classification: MINOR

**NOTATION:** Inside Development Limit; within flood plain

**DESCRIPTION OF SITE:** This is the former site of the town gasholder, but is now not used for any active purpose, and has become colonised by self sown trees and scrub. It is located beside the Stansted Brook on land that rises up to Water Lane, and has access from Water Lane. This lane is narrow, but serves a number of existing residential properties and lock up garages, and a commercial building. The lane is surfaced up to the beginning of the site, but is then unsurfaced.

Across the river, the ground rises to a row of houses in Sunnyside that back onto the river.

**DESCRIPTION OF PROPOSAL:** The application proposes a terrace of 7 two-bedroom houses with integral garages and a single house with open parking spaces, with the widening of the lane to provide a footpath, and provision of a new turning head. The site area is 0.401 hectares, giving a density of 20dph.

The terraced houses would be in two blocks of 3 and 4 dwellings, in 2½ storey form (the second floor served by front and rear dormers in the roofspace). The ridge height would be 9.4m. Each unit would be served by 2 parking spaces, provided below open archways. These archways would be open to allow access through to the rear for refuse facilities, etc.

The detached two-storey dwelling would have 4-bedrooms. Its ridge height would be 8.4m. Two parking spaces to serve that unit would be located at the end of the turning head, but if required a third space could be provided.

Garden spaces would be a minimum 67sqm, but most would be larger. Minimum back-to-back distances between the terraces to houses beyond Stansted Brook would be 19m, and although below the 25m recommended in the Essex Design Guide, this level of separation is reflected elsewhere in the settlement. Separation from the detached house would be 16m, but 22m to the only upper floor window.

**APPLICANT'S CASE:** The application is accompanied by a flood risk assessment and soil site investigation. These are discussed further in the appraisal section of this report. A planning statement has also been submitted which addresses the previous reasons for refusal.

The scheme has been reduced in density from ten to eight dwellings giving a density of 20 dwellings per hectare, a low figure lower than the Governments suggested range.

The amended design gives each house a more generous layout and more space.

The eaves height has been reduced from 6.0m to 5.2m, with related lower ridge height. The dormers would sit within the roof plane typical of Essex vernacular.

The previous semi-detached pair is substituted with a single detached house.

The full text of the statements is available for inspection.

**RELEVANT HISTORY:** UTT/1971/05/FUL Eight terraced dwelling and a pair of semi-detached dwellings. Refused 06 February 2006, on the basis of the excessive height of the terrace combined with its close proximity to the narrow roadway and overbearing effect on the street scene; inadequate and unworkable parking arrangements, including tandem parking, resulting in parking on highway to detriment of highway safety; overdevelopment of the site; intensification of sub-standard access road and increased conflict with pedestrians.

**CONSULTATIONS:** Thames Water: No response at time of drafting report.  
Environment Agency: the site is located in Flood Zone 3, which is the high risk zone. Flood Risk Zone 3 refers to land where the indicative annual probability of flooding is 1 in 100 years or less from river sources (i.e. it has a 1% or greater chance of flooding in any given year) or 1 in 200 years or less from tidal/coastal sources (i.e. a 0.5% or greater chance in any given year).

The flood risk information submitted is not acceptable and therefore object for the following reasons until further information is received:

1. The submitted FRA states that a floodplain compensation scheme is required to mitigate flooding for the 100yr flood event with an allowance for climate change, but no details have been submitted to demonstrate how this is to be achieved.
2. The FRA should be updated to include floodplain compensation proposals
3. The proposal includes development in close proximity to Stansted Brook. This will prejudice flood defence interests and adversely affect the character of the watercourse, and restrict necessary access to the water course for the Environment Agency to carry out its functions.
4. A 5m buffer between the watercourse and the property boundaries is required for maintenance purposes.

Under the Water Resources Act 1991 and the Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for any works in, over, under or within 8m of a main river, or 16m landward of a main tidal flood river defence structure, irrespective of any planning permission granted. It is likely that such consent will be withheld in this case.

Recommend conditions regarding site investigation and remediation, details of surface and foul drainage system, no soak ways in contaminated ground, and foundation details.

TOPS: No objections.

Building Control: No adverse comments.

Environmental Services: Recommend that a condition be included which requires a new site assessment and remediation strategy for prior approval, and a final verification report once the strategy has been implemented and the site remediated. The Environment Agency would have an interest in the site as controlled waters are very likely to be affected by any remediation.

**PARISH COUNCIL COMMENTS:** Although scaled down, access impossible and overdevelopment – reiterate previous objections.

[Previous objections to UTT/1971/05/FUL – (i) overdevelopment and out of keeping in street scene; (ii) highway dangers – this is already a dangerous route and will not improve with greater vehicular use. It is also one of the pedestrian/cycle routes from the new Rochford



Nursery development [*officer note – it is not*]; (iii) concerns at the level of contamination and proposal not to clear the site. If members are minded to approve the application, request S.106 agreement for enhanced street lighting and levelling and re-surfacing of the whole length of Water Lane. [*Officer note – this issue was addressed during consideration of the last application, and such extensive requirements are not reasonable and cannot be justified*].

**REPRESENTATIONS:** This application has been advertised and 11 representations have been received at time of drafting report. Period expired 6 June 2006.

This raises issue on behalf of a number of local residents and occupiers [identities not stated]. The issues raised are;

The site is not a brownfield site, but is valuable as a green area for wildlife.

The contamination survey does not recommend the site for residential use.

The access by Water lane is single carriageway and congested at times.

Occupiers of the development may use adjacent private parking spaces by trespass, and they would have to be secured with lockable bollards.

The density will generate excessive traffic movements.

Space for vehicle turning is not adequate.

The form of development will turn the lane into a narrow forbidding tunnel of tall bulky and oppressive buildings changing the character of the area.

The plans are not accurate.

The site is not suitable for development due the problems it will cause.

If approved Braemar House will stop allowing residents to use our car park.

50% of the road is single track carriageway with no provision for pedestrians

Eight metre flood zone and flood plain issues

Parking - reacting to a threat from Braemar House to cease allowing residents to use their car park

Could open the door for Braemar House to be converted to flats

Shows no concern for people living round the area

Conflict with vehicles and pedestrian on this well used footpath route

Perspective drawings misleading [note these are withdrawn]

Construction access would be impossible.

Vision along the lane impaired by foliage and fences and bends

Impact is worse than refused scheme, as still 3-storeys high but with overlooking balconies.

Question of access is unresolved, as site includes land which is private property belonging to commercial building between Water Lane & the railway. Issues such as impact on house values, shielding from overview, security and protection during construction may not be planning issues but it is the responsibility of the Council to protect residents on these matters.

Objections – access via Water Lane is already congested, exacerbated by number of takeaways locally and the rail station; cost of maintenance of private roads will increase from extra traffic; increased risk to users of scout hut and other pedestrians as road is very narrow; inadequate width for vehicles to pass.

No space to widen lane; no width for construction or refuse vehicles; increased congestion and impact on pedestrians

Plans show land beyond ownership. Reduced number of units would occupy same space as refused scheme. Parking areas could be converted to further habitable rooms.

**COMMENTS ON REPRESENTATIONS:** The planning issues raised are discussed in the following sections. In relation to the accuracy of plans, the responsibility for providing accurate drawings rests with the applicant, and there is no requirement for the Local Planning Authority to check those dimensions. If any application is approved, and the site then turns out to have been incorrectly measured, a further planning application would be required for an amended design.

In this case the drawings submitted by the applicant are in exact accordance with the Ordnance Survey, which has a high reputation for accuracy. The Council possesses no information to indicate that the Ordnance Survey is inaccurate in this case, and therefore the applicants drawings are accepted as accurate.

**PLANNING CONSIDERATIONS: The main issues are**

- 1) principle of development (ERSP Policies BE1 & H3; & ULP Policy S1);
- 2) design detail (ERSP Policy EG4; ULP Policy GEN2);
- 3) highways and parking (ERSP Policies T3 & T12; ULP Policies GEN1 & GEN8);
- 4) effect upon wildlife. (ULP Policy GEN7)
- 5) flood risk (ULP Policy GEN3)
- 6) contamination
- 7) drainage provision (ULP Policy GEN6);
- 8) other material planning considerations.

1) The site is within the Development Limit of Stansted where Policy S1 accepts development if compatible with the character of the settlement. Stansted has a very tight urban character with narrow lanes and properties placed close to the carriageway, to give a very strong character and form to the town. The proposal is thus considered to be consistent with the character of Stansted. The proposed density, of 8 houses on a site of 0.401 hectares is 20 dwellings per hectare, not a particularly high figure, and below the government's recommended guidelines.

2) The terraces have a regular repeated rhythm which will give a strong unity of design, not significantly different to the existing terrace at 1 to 8 Water Lane. It would be difficult to substantiate a reason for refusal based upon the design of the proposal, with the existing terrace immediately adjacent and already setting a precedent for that form of development. The terrace form relates well to the existing terrace at 1-8 Water Lane, and to the overall character of Stansted. The detached house is of a different design, but would relate in scale and appearance to the terraces proposed. This will all help to create interesting streetscape.

3) The limitations of the lane are noted, but it already serves existing dwellings and offices, and the highway authority has raised no objection to its increased use. The development will improve the section of the lane that it fronts, by providing a widened and surfaced carriageway, with a turning head that will be a general benefit. Parking provision is on the basis of two spaces per dwelling, which meets the guideline standard for this size of house (there is space to accommodate a 3<sup>rd</sup> space for the detached dwelling if necessary). The objections raised on the issue of construction access are noted, but it is inevitable that there would be an element of disruption in any development proposal. A condition relating to timing of deliveries, etc, could be imposed.

4) The site is currently overgrown and free from human disturbance. It will have been colonised and used by wildlife, but no Protected Species are believed to be present. Government advice on biodiversity conservation still gives weight to sites that have special

value for wildlife, rather than accepting that vacant sites in towns should not be allowed to be developed, because of any acquired low key wildlife value. The surrounding area is characterised by gardens, and it is now gardens that form the principal habitat for much of our urban wildlife, with people actively providing food for birds and mammals. It is not possible to say that the development of this site should be refused on wildlife grounds.

5) The comments of the Environment Agency are noted, and are the same that were made on the last application. The Flood Risk Assessment models the river flows and site levels and concludes that the new buildings will be constructed with a minimum floor level of 300mm above the 1 in 100 year event flood level. The proposal may partially impinge upon the active fluvial plane and this compensation on an area-for area basis is shown. A safe route for escape to adjacent areas unaffected by flood events is available. The Environment Agency requirement could be conditioned for a more detailed survey prior to commencement. The buffer strip requirement could not be the subject of a planning condition. Loss of that area as an amenity space for residents would be an issue in planning terms. Existing gardens in the area come right to the waters edge and it not understood why the situation should be different for new ones.

The grant of planning permission would not override the need to obtain the necessary consents from the Environment Agency, and if this matter is irresolvable the planning permission could not be implemented.

6) The contaminated soils survey concludes that the site has contamination underground of metals and tars from the former gasworks use. The report recommends location of underground pipes and tanks and all pumpable liquids, with any pipes left sealed. The site may not be best suited to domestic housing and allotments and may be best suited for light industrial use. It would appear that considerable work would be required to remove or treat the contaminated ground. The applicant suggests a condition to require a second phase of investigation, and this would accord with the advice of the Council's Environmental Services officers.

7) The comments submitted by Thames Water on the previous application indicated that the current sewer provision is not considered to be adequate, and works would be required. It is not clear whether these would be on-site and therefore could be secured by condition, or off-site in which case a s106 Agreement is preferable. A Grampian style condition is recommended as an alternative mechanism.

8) On balance, it is considered that the revised scheme overcomes the previous reasons for refusal. The reduced numbers of units (8 rather than 10), their reduced heights (8.4m & 9.4m rather than 10m), the improved set-back from the road, the provision of a footpath in front of the site would result in a scheme with a much more acceptable impact on the street scene. The increased vehicle movements from the units would be compensated by the new footpath and turning arrangements. Car port widths have increased from 2.25m to 2.45m at the entrance, and 2.85m internally, to ensure workable parking provision. The contamination and flood risk issues are resolvable by the imposition of planning conditions.

**CONCLUSIONS:** In design and layout terms the proposal fits in with the grain of Stansted, and achieves a satisfactory size of amenity areas, and parking provision. The widening of the lane addresses concerns about access and turning, and improves the lane for all users. The flood risk appears to have been addressed. The ground contamination issue is less well studied, and there is evidently a problem to be solved, but the applicant requested consent with the contamination to be covered by a condition requiring more detailed study and a remediation plan to be agreed.

## **RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.3.2. To be implemented in accordance with revised plans – omitting some of the front dormer windows.
3. C.5.2. Details of materials to be submitted agreed and implemented.
4. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission.
5. No development shall take place until the ground conditions on the site have been subject to a detailed investigation to establish their suitability for the proposed end use. A historical investigation, sampling and analysis of current soils, site assessment and action plan to remedy any contamination must be agreed by the local planning authority in writing and carried out prior to the commencement of any other works in relation to any development on the site. The survey and remediation measures shall take account of the proximity to Stansted Brook, and shall include measures to prevent pollution of the watercourse. The local planning authority is to be consulted at all key stages in this investigation process. A final report by a competent professional confirming that the agreed works have been undertaken as approved shall be submitted upon the completion of the remediation measures.  
REASON: To ensure that the proposed site investigations and remediation will not cause pollution of Controlled Waters and that development complies with approved details in the interests of protecting Controlled Waters.
6. The houses to be constructed shall have a ground floor level a minimum of 300mm above the modelled floor levels contained in section 5 of the Flood Risk Assessment submitted with the application.  
REASON: To minimise the flood risk to the new dwellings hereby approved.
7. The carports and parking spaces approved in the development shall be retained for the purposes of the parking of vehicles only and shall not be used or converted for any other purpose.  
REASON: To ensure the retention of the off street parking provision included in the design to avoid obstruction of the highway.
8. The applicant shall submit an updated Flood Risk Assessment prior to commencement of development to include floodplain compensation proposals. The submission shall be approved in writing by the Local Planning Authority before commencement and shall be implemented as approved.  
REASON: To protect the site and surroundings from flood events.
9. No development shall commence until details of energy-efficient construction materials and processes, including measures for long-term energy and water efficient use of the buildings, have been submitted to and approved in writing by the local planning authority. These measures should promote the use of renewable resources and involve sustainable drainage, heating and power systems. The building shall be constructed in accordance with the agreed materials, processes and systems, and shall thereafter be maintained in the approved form.  
REASON: In the interests of sustainability.
10. No development shall take place until details of the foul and surface water drainage arrangements to serve the development hereby permitted have been submitted to and approved in writing by the local planning authority. Thereafter the approved drainage arrangements shall be undertaken in accordance with the approved details, and thereafter retained as approved.  
REASON: To protect the surrounding environment and prevent pollution of the water environment.
11. C.12.1. Boundary Treatment.
12. The provision and hardsurfacing of the footpath in front of the approved dwellings and the turning area, shown on drawing no. 05.780/02b, shall be undertaken in its entirety prior to the occupation of any of the units hereby permitted. The turning area shall not

be used for the parking of vehicles but shall thereafter be kept free of obstruction and retained solely for the turning and manoeuvring of vehicles.

REASON: In the interest of highway safety.

13. No construction work shall be carried out on, nor machinery operated on, nor materials be delivered to, the site at any time on Sundays or Bank and Public Holidays, or before 8.00 a.m. or after 6.00 p.m. on Monday to Friday or before 8.30 a.m. or after 2.00 p.m. on Saturdays.

REASON: To protect the amenity of adjoining residential occupiers.

14. 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.

15. C.8.30. Provision of bin storage.

*Background papers: see application file.*

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## **UTT/0555/06/DFO - LITTLE CANFIELD**

Details following outline application (UTT/0816/00/OP) for infrastructure to include spine road, landscaping and drainage details

Location: Prior's Green (Phase 5). GR/TL 567-211.  
Applicant: Countryside Properties  
Agent: Countryside Properties  
Case Officer: Mr M Ranner 01799 510556  
Expiry Date: 13/07/2006  
ODPM Classification: MAJOR

**NOTATION:** Takeley/Little Canfield Local Policy 3 – Priors Green and 'Countryside' outside of development limits (only the section of the site through Broadfield Wood subject to the latter policy designation).

**DESCRIPTION OF SITE:** The site occupies approximately 1.886 hectares of land in a linear form abutting Jacks Lane on its northern boundary and then following a curving route south and then west through a section of 'Broadfield Wood' before again extending south before eventually meeting Dunmow Road at a point approximately 700m to the west of the other intended access into the development at Warwick Road. Across its route the site currently comprises fallow agricultural land, an area formally occupied by a commercial nursery, and a parcel of woodland. A number of existing residential properties, most particularly those off Clarendon Road, Broadfield Wood, the southern side of Jacks Lane and the Eastern side of Smiths Green are located in reasonably close proximity to the site area.

**DESCRIPTION OF PROPOSAL:** This submission proposes a section of the development's main spine road positioned within the western half of the development area. The proposal also includes details of associated landscaping, drainage and services. The proposed road will link up with the already approved phase 1 spine road in the form of a three junction roundabout and also the phase 11 spine road (details yet to be submitted), which will provide access across nearby Jacks Lane to the northern section of the development. The road is characterised by carriage way widths of between 6 and 6.75m with associated foot paths of a minimum width of 2m and a shared footpath/cycleway of 3m in width on the southern side of the carriageway. The design accommodates a point of cross over between the private lane that accesses the existing properties of Broadfield Wood. This will be by means of a simple dropped kerb with bollards placed either side of the point of crossover in order to prevent vehicles from turning off of the estate road and into Broadfield Road. Visibility splays of 2.4 x 33m are proposed to be achieved at this point. Access onto Dunmow Road is to be by means of a roundabout as already approved at the other junction into the development at Warwick Road. A second roundabout is also depicted on the submitted drawings at the junction between Dunmow Road and the Great Canfield Road, and other associated highway works including road islands, anti skid surfacing and bus stops and foot and cycle ways. Street lighting is proposed along the full route of the spine road and landscaping details include 'Boulevard' tree planting along the road, consistent with the approved phase 1 spine road. Management work to Broadfield Wood is to include thinning and/or coppicing and planting of native tree species.

**APPLICANT'S CASE:** A supporting statement accompanies the application, the relevant parts of which are duplicated as follows: -

"The proposals for the Spine Road alignments and junction design are based on designs and locations agreed with Essex County Council Highways. The proposed road through Broadfield Wood, as explained is due to the regulatory requirement for the safety

(emergency services) to have at least two separate means of highway access into the development as a whole and to facilitate the operation of public transport through the development. ECC, as Highway Authority have accepted these locations as appropriate to best serve the development of this scale and follow the principles shown on the approved master plan and Outline Planning Permission.

Every effort has been made through design and negotiation with the Highways Department to minimise the impact of this link road on both Broadfield Woods and the residents of Broadfield Road to reduce the overall development footprint to limit the number of trees felled e.g. following the line of the overhead electricity cables and moving the carriageways as far south as landownership permits. With Broadfield Road being a private road, we have also designed in restrictions on turning into the proposed adoptive road, onto the private road, and vice versa.

The design and location of this proposed road also provides permeability and connectivity through the development for existing residents and the wider community to use the facilities located within the development. These designs for the spine road and in particular the road through Broadfield Wood have been accompanied by significant landscape and ecological proposals to provide a high quality, cost effective, setting for the development and detailing the proposed tree removal. Reinstating woodland management together with clearance for construction of the road will provide more diversity to the woodland structure, allowing trees and under storey shrubs to flower and fruit along the margins as well as diversify the age structure.”

**RELEVANT HISTORY:** On 23 June 2005, outline planning permission (all matters reserved) was granted for the development of a new residential neighbourhood, including residential development, a primary school site, local centre facilities, open space, roads, footpath/cycle ways, balancing ponds, landscaped areas and other ancillary or related facilities and infrastructure (UTT/0816/00/OP). This permission is subject to conditions, a Section 278 agreement and a Section 106 legal agreement to secure the provision of public open space, play areas, a community hall, community facilities, structural landscaping and sports and community facilities. Committee has also approved a Master Plan dated 10 August 2000 for the Priors Green site. There are no other applications of direct relevance relating specifically to the application site however members will be aware of the submission and subsequent approval of a number of reserved matters applications including phase one for the spine road to the eastern side of the development to which the proposed road will adjoin UTT/1054/05/DFO.

**CONSULTATIONS:** Essex County Council: No objections in respect of the archaeological implications of the proposed development although recommend the imposition of a condition requiring that no works shall take place until the applicant has secured the implementation of a programme of archaeological works and recording in accordance with a written scheme of investigation approved by the planning authority.

English Nature: indicates that the proposal is unlikely to adversely affect a Site of Special Scientific Interest (SSSI). Advice is given with regard to the possible presence of protected species. Of particular relevance to the consideration of this application are their comments concerning bats as follows:

“English Nature advises that trees marked for felling or lopping may act as seasonal or permanent roost sites for bats. We note from the Ecological Strategy (section 2.2) that a survey of trees to be lost to road construction was to be undertaken in the winter of 2005 prior to site clearance, however to date we have not received the findings and recommendations of this survey, and as a result cannot make an informed comment about the impact of the proposals on bats.

Although broadly satisfied with the precautionary mitigation measures proposed in the Ecology Strategy, English Nature does not at present have sufficient information to comment

on the impact of the proposals on bats, and it is our opinion that legislative issues surrounding bats may remain to be adequately addressed.”

Essex County Council: Have made comments concerning the internal layout of the proposal and indicate that the development should accord with the design guide and highway standards, particularly involving visibility and site lines from junctions. A number of conditions are recommended concerning criteria for the planting of trees, the timing of the construction of the road in relation to the occupation of any dwellings, detailing of bus stop design, visibility sight splays and types of surface finish and longitudinal gradient of the roads. The West Area Office also do not raise any objections with regard to the details of access onto Dunmow Road.

BAA Safeguarding: State that initial examination reveals that this proposal requires fuller investigation on the subject of bird strike hazard. No further comments have at the time of writing been received.

Essex County Council Schools Service: Indicate that the school site as allocated on the Priors Green Master Plan is unacceptable to them due to its irregular shape and its susceptibility to noise from Stansted Airport due to its position within the western side of the side.

**PARISH COUNCIL COMMENTS:** Little Canfield Parish Council: No objections with regard to the proposal, although do raise concerns with regard to drainage provision and consider that there should be no connection between the development and the sewer line in Dunmow Road. The question is also raised with regard to what plans are in place to accommodate the existing island site properties to the new sewerage system.

Takeley Parish Council (TPC): Has responded to consultation in respect of the application and has raised objections on the following grounds:

1. TPC object to the design, size, scale and form of the proposed Spine Road for the following reasons:

- The junction of this proposed major road with Broadfield Road is not at all acceptable and will be a major traffic danger and potential ‘black spot’. Furthermore the current proposed design will not stop/deter vehicles (including motor cycles) from turning off the Spine Road or visa versa in to the private Broadfield Road.
- The assumption that this road should be a main Spine Road is ill-conceived as it will generate a disproportionately high volume of traffic accessing the main estate through what is a relatively small and less densely populated part of the estate (less than 100 houses). Furthermore this traffic will have to cross what is potentially a very dangerous junction with Broadfield Road.
- The width of the ‘boulevard’ road (up to approx 20m) is totally out of character and scale with neighbouring areas of Smiths Green, Warren Close and Jacks Lane. The sheer size and expanse of this road, impact on the local landscape and the consequential street lighting will severely damage the rural aspect, character and tranquility of the existing areas. The scale is inappropriate and the absence of any traffic calming in a residential area of this type is a major omission.

2. TPC suggests that the Spine Road as proposed is located to the east of Broadfield Wood and:

- The access road to the western edge of the estate should be reclassified as a smaller Feeder Road with access to the B1256. As a result this would scale down the impact on this rural and tranquil area and would be more in keeping.
- The route through Broadfield Wood should be redesigned as a cycle way and footpath only. This would still provide means of access to the main facilities and other parts of the estate through what would be an attractive woodland setting. This would negate the need for a potentially dangerous traffic junction with Broadfield Road.



3. TPC object to the current plan as there is no commitment or plans for early structural landscaping to the northern and western boundaries within this phase of the development. The Masterplan clearly shows a requirement for structured landscaping and we strongly believe that this needs to be undertaken prior to any phase 5 development. Commitment to this work will:

- Demonstrate goodwill and intent by the developers to those residents whose properties are adjacent to this major development.
- Enable the structured landscaping and planting to establish at the earliest opportunity and as a result provide screening and protection from the impact of the development.
- Provide unhindered access to landscaping contractors before the building phases start.
- Provide early physical security for the boundaries and properties of existing residents in the areas of Smiths Green, Warren Close and Jacks Lane.

4. TPC wish to see clearer specification of the size and maturity of the tree and shrub planting proposed for the development.

5. TPC requires the following conditions to apply to all construction traffic using the access road on this part of the site:

- Construction traffic access is only to be permitted for the building of phases 7, 8 and 9.
- Access to the site via the B1256 is only to be permitted from or in the direction of the A120 junction at Great Dunmow.

**REPRESENTATIONS:** Seven letters of objection have been received from six local households in direct response to notification. A petition containing the signatures of 61 local residents have also been received. The main points of objection are summarised as follows:

- The road is unnecessary and the western and eastern sides of the development are already linked by the B1256.
- The development will totally destroy the natural habitat, local wildlife and ecology of the area, particularly as the road is routed through Broadfield Wood.
- The proposal will result in the loss of trees. This is contrary to the Nottingham Declaration on climate change.
- The new street lighting would give rise to light pollution.
- The road would give rise to both noise and general pollution due to vehicle emissions.
- The road will destroy the natural environment due to its size, which shouldn't be referred to as a link road. Alternative plans should be sought in order to eradicate the road or incorporate a smaller road.
- Residents were never informed of the Master Plan for the site and the provision of a link road through Broadfield Wood.
- Adequate bunding and planting should be implemented to screen existing properties from the development and prior to works commencing on the road.
- The road will increase the problem of fly parking in the area.
- The road will harm the residential amenity of existing residential properties.
- The development may compromise the existing sewerage facilities for properties in Little Canfield.

A number of letters were also received from residents largely during the course of last year which generally expressed concerns regarding the routing of the estate road through Broadfield Wood. These comments were not made specifically in respect of this application now for consideration and so officers have been advised that they cannot be reported as representations on this application.

**COMMENTS ON REPRESENTATIONS:** The issues raised in the third party representations which are of material consideration to the determination of this application will be addressed in the 'considerations' to this report.

**PLANNING CONSIDERATIONS:** The main issues identified by officers are:

- 1) **matters of principle taking into account the background and planning of the site area. (ULP Policies S2, S7 & Policy 3);**
- 2) **the need/purpose of the development in the position and form proposed. (ULP Policies S2, S7, GEN1 & Policy 3);**
- 3) **the affects of the development on the character and ecology of the area. (ULP Policies S2, S7, GEN2, GEN7, ENV3, ENV8 & policy 3);**
- 4) **Highway Safety (ULP Policy GEN 1) and**
- 5) **other matters of material consideration.**

1) The land subject to this application, benefits from outline planning permission for residential development pursuant to application UTT/0816/00/OP. This permission followed the Committees approval of the Priors Green Master Plan in November 2000, which provides a basis for considering subsequent planning applications and Section 106 agreements. The proposed layout and route of the proposed spine road is in accordance with the details and internal road layout of the approved Master Plan for the site (approved following public consultancy), which depicts the routes of the principal distributor routes within the site. The proposed spine road is therefore consistent with the anticipated planning of Priors Green.

2) Firstly the current submission has been shaped and guided by the aforementioned approved Master Plan. The design of the road accords with relevant design standards and the route satisfies regulatory highway requirements, which stipulate that a development of this size should be served by at least two separate means of highway access into the development from the main highway network. There are no other options available for a second access onto Dunmow Road, due to the presence of existing properties along much of the road frontage and the fact that other parcels of land between the development and Dunmow Road, do not fall within the control/ownership of the developer. The Highway Authority have also advised Officers that the two chosen points of access (the over being the approved Warwick Road access) are the best points to serve the development in accordance with highway guidelines. It is also of material importance that the proposed road will need to ensure that it is feasible to run a bus service through the development as bus operators are unlikely to route a service into a no through road or cul-de-sac, which the western side of the development will effectively become if a road link is not routed to the eastern side of the development area. Officers are therefore satisfied for the aforementioned reasons that the proposed spine road is necessary in the position and form proposed.

3) Officers acknowledge that the road will affect the character of the site as at present the area is undeveloped and characterised by fields and hedgerow and the area of woodland at Broadfield. Officers are satisfied however that the scheme has been designed in order to mitigate the effects of the development as much as possible. Extensive soft planting is proposed along the route of the road, which is consistent with the approved details of the section of spine road already approved within the eastern side of the development and this will aid in visually 'softening' the works. The proposed street lighting will have to be implemented in accordance with Essex County Standards and as the submitted drawings demonstrate, with the use of 'zero degree tilt' lanterns, light will effectively only be directed downwards and light pollution will thus be kept to a minimum. Broadfield Wood, comprises young woodland with no significant specimens and has become tangled and overgrown with young self seeding trees. In order to reduce the impact of the proposal on the wood as much

as possible, the road has been routed along the route currently occupied by the existing power lines. The footpath has also been omitted on the northern side of the carriageway in order to keep the area of the works to a minimum. Policy 3 of the Local Plan requires that the development provides for the management of the nature conservation interests of woodland at Broadfield. Consequently, the developers have committed to an undertaking to manage the wood to enhance its ecological value and despite the publication of a 2001 Environmental Statement for the Priors Green development and an ecology strategy in 2005 the developers have stated that an up-to-date survey of the whole of the wood will be undertaken in late spring/early summer of 2006 in order to identify tree and shrub species and areas of notable ground flora. Subsequent coppicing/thinning and planting of native species will be undertaken in the interests of bio diversity and in order to improve and enhance the ecology of the remaining areas of the wood in accordance with Policies S2 and Policy 3 of the Local Plan. The local concerns have been carefully considered, however these objections do not outweigh the policy presumptions in favour of the development.

4) Turning to matters of Highway Safety, subject to the imposition of appropriately worded conditions as suggested at the end of this report, it is not anticipated that the proposal will be unsatisfactory in highway safety terms. Traffic calming measures are not incorporated although officers have been advised by the County Council that such measures are not preferred under Section 38 Works as the road is designed to allow a bus service route to permeate the development. The design speed of the road is 30 mph, and conditions pertaining to the outline permission require details of street signage e.g. warning and speed signs to be incorporated into the design. Concerns have been specifically expressed by Takeley Parish Council concerning the 'crossover' at the point where Broadfield Road crosses the route of the proposed road. This is to be achieved by means of dropped kerbs and again road markings and warning signs will be installed at appropriate points. Site visibility lines of 2.4m by 33m will be provided on either side of the main carriageway and bollards are proposed to be sited either side of Broadfield Road in order to prevent vehicles from turning into Broadfield Road from the estate road or vice-a versa. These are not likely to be able to prevent access for two wheeled vehicles, however due to the route and poor surface of Broadfield Road, it is not anticipated that cyclists or motorcyclists will be inclined to regularly attempt to use Broadfield Road.

5) Officers acknowledge that the road will have an impact on existing residential properties as residents will undoubtedly experience a change to their local environment with the development of a large residential development in close proximity to their dwellings as many properties presently border and overlook open undeveloped land. Despite local opposition, officers are satisfied however that the scheme has been designed in order to mitigate the effects on residential amenity as much as possible. It will be during the initial works and early stages of completion that the road will be most noticeable to residents. Later as the respective residential phases are completed the road will be separated from the majority of existing properties by new housing and associated periphery landscaping, which will be detailed in the respective phases. This will reduce the impacts of any traffic noise and lighting

With regard to Foul water Drainage, the routes of the main fowl sewers follow the line of the of the proposed infrastructure roads within the site. The developers have been in close consultation with Thames Water, to ensure that adequate facilities are provided. Condition C.90G of the outline planning permission will ensure that no development shall take place until a programme of works for the provision of foul water drainage (as well as water supply and surface water drainage) has been submitted to and approved in writing by the local planning authority.

Turning to archaeology, an appropriately worded condition in accordance with Essex County Council advice is recommended at the end of this report. This requires the implementation

of a programme of archaeological work and recording in accordance with a written scheme of investigation to be submitted to and approved in writing by the local planning authority.

Comments have been made by some residents who indicate that they were unaware of the approved Master Plan prior to the submission of the current application. This was however subject to the normal public consultation exercises and it is also apparent from the case files that the developers also held a number of public exhibitions for local residents prior to its submission.

Essex County Council have commented that they are not satisfied with the location and site dimensions of the school site as shown on the phasing and Master Plan. The Local Planning Authority are however unwilling to request major revisions to the site layout as already approved by the Master Plan due to the implications that this would likely have on the agreed overall planning of the site. This matter can also be addressed in detail at the time of the submission of the relevant details and if necessary revisions could be sought to approved details at that stage in the event of changes to the site dimensions.

**CONCLUSIONS:** In light of the above considerations the proposed spine road is considered to accord with the requirements of the Master Plan, the approved phasing plan and the outline planning permission for the site (UTT/0816/00/OP), Policy 3 pertaining to Priors Green and all other matters of material importance. The application is therefore recommended for approval subject to the following conditions.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.10.15. Standard Highway Requirements.
2. Any trees proposed within the highway must be sited clear of all underground services and visibility sight splays.  
REASON: In the interests of highway and pedestrian safety.
3. C.10.25. Standard Highway Requirements.
4. C.10.26. Standard Highway Requirements.
5. The longitudinal gradient of the proposed road and the vehicle visibility sight splays shall accord with the supplementary Planning Document "The Essex Design Guide", unless otherwise agreed in writing by the local planning authority.  
REASON: In the interests of highway safety.
6. C.16.2. Full archaeological excavation and evaluation.
7. C.20.3. Protected Species discovered get Licence from DEFRA.
8. C.20.4. Condition for Restricting Construction Works to a Specified Season to Protect breeding Birds.
9. The development hereby approved shall not be commenced until a further wildlife survey of Broadfield Wood has been carried out to update the information on the species and the impact of development together with an amended mitigation strategy as appropriate, which shall be submitted to and approved in writing by the local planning authority, and shall thereafter be implemented as agreed.  
REASON: In the interests of the protection of the wildlife value of the site.
10. All aspects of the approved Flood Risk Assessment for the site shall be incorporated in the design, unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To prevent the increased risk in flooding.

*Background papers: see application file.*

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## **1) UTT/0664/06/DFO & 2) UTT/0665/06/DFO - TAKELEY**

1) & 2) Details following approved outline planning permission UTT/0816/00/OP for the erection of 25 affordable units plus associated infrastructure

Location: 1) Prior's Green (Phase 4A). GR/TL 573-214

Location: 2) Prior's Green (Phase 4B). GR/TL 576-214

Applicant: Countryside Properties

Agent: Countryside Properties

Case Officer: Mr M Ranner 01799 510556

Expiry Date: 12/07/2006

ODPM Classification: MAJOR

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

**DESCRIPTION OF SITE:** The areas subject to these two applications comprise two parcels of land both of which are located within the Priors Green development area. The first of these, known as phase 4A, occupies approximately 0.467 Hectares, and abuts the southern side of Jacks Lane and the western boundary to a residential property known as 'Gamecards Cottage'. Trees and soft landscaping border the sites northern and eastern boundaries and a public foot path crosses the centre of the site, linking Dunmow Road approximately 280m to the south. The second site, known as phase 4B, occupies approximately 0.512 hectares, and abuts the western side of Thornton Road and the northern boundaries to no's 6 and 8 Hamilton Road. The phases are located approximately 200m apart.

**DESCRIPTION OF PROPOSAL:** Both submissions encompass two separate reserved matters applications pursuant to outline planning permission for residential development granted on 23 June 2005 (UTT/0816/00/OP) following the completion of a section 106 legal agreement. Both represent revised schemes following the earlier refusals of planning applications UTT/1059/05/DFO and UTT/1062/05/DFO.

**1) UTT/0664/06/DFO (Phase 4A)** is a reserved matters application for 25 affordable units comprising three-storey and two storey elements accommodating 10 two bedroom and 9 one bedroom flats and 1 four bedroom, 3 three bedroom and 2 two bedroom dwellings. A local play area also forms part of the proposal as does associated parking areas, providing a total of 41 spaces. The development is characterised by simple design and traditional proportions with a varied use of materials including brick, render and boarding. Brick banding and other brick detailing are also evident on many of the elevations. Steeply pitched gables characterise the development, in particular the three storey elements of the buildings, which has resulted in varied ridge heights ranging between approximately 8 and 13m in height.

**2) UTT/0665/06/DFO (Phase 4B)** is a reserved matters application also for 25 affordable units comprising 3 two bedroom dwellings, 7 three bedroom dwellings, 11 one bedroom flats and 4 two bedroom flats. These are accommodated on predominantly two storeys with the exception of a single three storey element accommodating a single flat at second storey level. A local play area also forms part of the proposal as does associated parking areas, providing a total of 43 spaces. Again the development is characterised by simple design and traditional proportions with materials and detailing very similar to phase 4A as outlined above.

**APPLICANT'S CASE:** A supporting statement accompanies the development, the summary and conclusion of which is duplicated as follows: -

"This supporting statement relates to two separate reserved matter applications for the construction of affordable units within phases 4a and 4b. These proposals are totally in

accordance with the approved master plan, the phasing plan, Housing Corporation requirements and Outline Planning Condition requirements such as landscaping and Affordable Housing Strategy.

The proposals for these applications have a number of areas that will need sensitive treatment in terms of landscaping, design, tenure mix and tenure type, elevational treatment, parking, storey height, living space and standards, access and overall layout.

The main reasons for the previous refusals in terms of the poor design (massing, uniformity and lack of articulation), lack of disabled facilities, failure to conform to the lifetime homes standards and the need to accord with the master plan in terms of phases of affordable dwellings of between 20-25 units have now been addressed within these application proposals and amendments.

Further to the previous refusals for the affordable housing, lengthy discussions have been held with Uttlesford District Council Housing Enabling Officers and planning officers to ensure the correct and appropriate mix, layout and design was proposed. Significant and fundamental amendments have been made in response to these discussions including a change in unit type mix, layout, height, elevational treatment and density to propose a design that better integrates in to the surrounding development as a quality scheme.

The location of both the affordable housing phases will enable easy access to the proposed public transport links, also access to the public open space and play areas and the future neighbourhood centre facilities proposed within later stages in the development. The scale, height and massing of the built form are sympathetically designed to create an effective open space/landscaped buffer zone around the phases, thereby reducing impact on Jack's Lane, the surrounding new and existing properties and the open countryside.

The storey height of the proposed units is also kept to a minimum to reduce the impact.

In terms of design, the proposed units are a mixture of family sized, traditional style housing with a mix of brick, render and weather boarding to punctuate the street scene and in accordance with the Essex Design Guide. The scheme includes a majority of two dwellings, with a mixture of family housing and flats with a limited number of three storey units. Each dwelling also has easy access to either private open space or access to a shared open space amenity for the flatted part of the scheme. The quality of the design in terms of elevations, articulation, materials and overall standards have been significantly improved to increase integration with the surrounding development.

In general terms the amendments include a change in the mix of unit type, design, and height, reduction in overall development footprint and increase in levels of landscaping, the total number of units (50) remains the same with 25 dwellings proposed within each phase.

The flat block has been vastly improved in terms of design and elevational treatment. All proposed units are totally in accordance with UDC Lifetime Homes Standards with the mix of shared ownership, rented units, flats and housing in accordance with the submitted affordable Strategy required under Condition C90R. Also included in the scheme is a Local Area for Play within the heart of the development in accordance with outline planning condition C.4.1.

Swan have been consulted heavily throughout the design and early planning stages of the affordable housing proposals for Priors Green to ensure that the proposals are consistent with the needs of the district and indeed compliant with the relevant standards in terms of design and layout. As detailed within the letter from Swan Housing Group, the inclusion of lifts would only be required for units of over five storeys and the inclusion of a lift would be

resisted by all Housing Associations on the basis it would create unaffordable resident service and management charges. The redesigns of the proposals and the unit layouts have now created a development totally accessible to all members of society with the inclusion of Lifetime Homes Standards. All ground floor flats are accessible to disabled residents and those residents on higher floors who become disabled will be re-housed by the managing housing association in to an accessible unit.”

**RELEVANT HISTORY:** On 23 June 2005, outline planning permission (all matters reserved) was granted for the development of a new residential neighbourhood, including residential development, a primary school site, local centre facilities, open space, roads, footpath/cycle ways, balancing ponds, landscaped areas and other ancillary or related facilities and infrastructure (UTT/0816/00/OP). This permission is subject to conditions, a Section 278 Agreement and a Section 106 legal agreement to secure the provision of public open space, play areas, a community hall, community facilities, structural landscaping and sports and community facilities. Committee has also approved a Master Plan dated 10 August 2000 for the Priors Green site.

Members may be aware, that subsequent to this, reserved matters applications were submitted for phases 1 to 4B of the development. These were all approved except for the two affordable housing phases (phases 4A & 4B) that are subject to the two applications now for consideration. Application UTT/1059/05/DFO sought reserved matters approval for 30 no. affordable flats and houses with associated parking at phase 4A. This was refused by the Committee on 30 September 2005 for the following reasons replicated as follows:

1. The proposed buildings are considered to be of poor design, by virtue of their massing, uniformity and lack of articulation, which results in uninteresting buildings of bland appearance. The design also fails to create an environment accessible to all members of the community with lack of disabled facilities and failure to conform to the Lifetime Homes Standard. If permitted the proposed development will fail to make a positive contribution to its surroundings, contrary to policy GEN2 of the Local Plan and Government Guidance contained in PPS1 ‘Delivering Sustainable Development’.
2. The provision of 30 affordable units on the application site is contrary to the provisions of the approved Master Plan for the site, which advocates phases of affordable dwellings of between 20 and 25 units interspersed throughout the Priors Green development as a whole. As the proposed development exceeds 25 units, it would if permitted in this form be prejudicial to the aims and objectives of the Master Plan and the anticipated planning of the site.

The second application UTT1062/05/DFO sought reserved matters approval for 20 no. affordable flats and houses with associated parking areas at phase 4B. This was refused by the Committee on 26 September 2005 for reason one as quoted above.

**CONSULTATIONS:** ECC Highways and Transportation Department: Comments in respect of application UTT/0664/06/DFO (Phase 4A), which are replicated in part below:

“A concern is that the definitive line of Footpath 31 Little Canfield would be across gardens as shown on Drawing No: F00010/4a/01. We understand that the applicant will be applying to Uttlesford District Council for a diversion order to change the alignment of the path (even though in some places this may only be a very minor alteration), presumably onto the pavement as detailed on the drawing. As far as we are aware no formal application has yet been made – it should be borne in mind that public path orders can take a considerable amount of time to process and require public consultation.

Planning conditions should be put in place that safeguard all the rights of way that are affected by the Priors Green development as a whole. For instance if Footpath 31 is to be

diverted then a condition should be that provision is made for the processing of a public path order.

A contribution/agreement should also be sought to ensure that a culvert or suitable ditch crossing with handrail is provided so that Footpath 31 can safely link to Byway 25 Takeley (Jacks Lane). The gap linking the Footpath and Byway must be wide enough to allow easy access for pedestrians – but should not allow vehicular access. Signage should be installed making it clear that Footpath 31 is for pedestrians only. Warning signs should also be installed so that walkers leaving the housing estate by the Footpath are aware that vehicles could be using Jacks Lane; and so that users of Jack's Lane know that pedestrians may be emerging.”

ECC Highways & Transportation Department: Also make comments in respect of application UTT/0664/06/DFO (Phase 4A) concerning layout and highway and pedestrian safety. They comment that “it appears from drawing numbered F00010/4a/01 that the proposed Mews Court is to be 4.5m wide. This is not acceptable and the applicant will need to confirm that the Mews Court is to be a minimum of 4.8m minimum in width. They go on to state that if this is confirmed then they would raise no objections subject to the imposition of a number of conditions. In summary these include conditions concerning the widths of footpaths, the provision of adequate visibility splays, details of hard surfacing and the design of Mews Courts. No objections are also raised in respect of application UTT/0665/06/DFO (Phase 4B) subject to the imposition of conditions concerning the provision of pedestrian visibility splays and details of hard surfacing.

The Housing Department: Comment in respect of application UTT/0664/06/DFO (Phase 4A) and make the following comments:

“Detailed discussions have been had with Countryside and Swan to ensure that housing need is met on this scheme. Changes have been made and we are satisfied with the new application.”

Environmental Services make the following comments in respect of application UTT/0664/06/DFO (Phase 4A):

“Can you ensure standard conditions are placed on for refuse collection i.e. properties with private drives that exceed 25m have a communal collection point and abide with Building Control Regulations.”

Thames Water: No objections to both applications and comment that the development, in principle, is as agreed between the applicant and Thames Water.

Essex Police: Comment as follows in respect of application UTT/0664/06/DFO (Phase 4A): “I object to this application for the following reasons:

1. Lack of detail re perimeter fencing along Jacks Lane Bridleway. I would recommend 1.8 to 2m railing, weld mesh or close boarded. Close boarded, however, would be subject to damage/graffiti and offer a bland appearance to the lane. Railing or Weld mesh would allow natural light to the lane decreasing the fear of crime for users.
2. Lack of lighting schedules. I would recommend BS5489 is attained to all parking areas and a white light source used. Lighting is provided to reduce crime and the fear of same.
3. Cycle store adjacent to Block K. I strongly recommend that these be of a more open design, i.e. weld mesh or expanded material to allow for natural surveillance. The roof void should also be boarded up preventing access into roof. Throughout the County many such cycle stores are underused and are subject to anti-social behaviour. Cycles left there are damaged or stolen and youths use them as club houses. By allowing more surveillance into the store the attraction to gather within by youths is reduced. Very few of these facilities are ever locked, again making the purpose of them negated.

With access from this site onto a rear bridleway the opportunities for crime and anti-social behaviour are raised along with the fear of crime for local residence.”

With regard to application UTT/0665/06/DFO (Phase 4B) objections are again made and the following comments raised:



1. Cycle store adjacent to vehicular access Block 47-50. The access to this store is not overlooked and therefore entry could be gained by person's intent on crime or anti-social behaviour. I would recommend the entry be where the window is installed and the cycle rack be positioned on the rear wall replacing the door – the window could then be located on the elevation at present supporting the cycle rack. This would place the entry point within the grounds of flats and any passing pedestrian or vehicular traffic would facilitate natural surveillance over the store via the window. I would also recommend a non opening window to the ground floor hallway at the foot of the stairs would also aid surveillance over this area.
2. Access control to flats. With the problem of postmen entering the flats and requiring almost 7am to 3pm tradesmen access security within the flats has been compromised. I would, therefore, recommend either post boxes be constructed into the fabric of the building or the provision of external free standing post box pods be used. In this way the tradesman button on access control systems is negated.
3. Free standing cycle stores Plots 30-43. I strongly recommend that these be of a more open design, i.e. weld mesh or expanet material to allow for natural surveillance. The roof void should also be boarded up preventing access into roof.
4. & 5 are the same as recommended for points one and two for application UTT/0664/06/DFO.

The Environment Agency: have responded to consultation in respect of application UTT/0664/06/DFO (Phase 4A) and have offered the applicant standard advice and guidance concerning foul and surface water drainage.

**PARISH COUNCIL COMMENTS:** With regard to both applications the following comments are made:

Little Canfield Parish Council:

**1) UTT/0664/06/DFO (Phase 4A)**

1. The number of dwellings listed in the description of the building mix adds up to only twenty two. Presumably item A has been omitted.
2. We question the inclusion of only two shared ownership flats in the total of twenty five dwellings.
3. In view of the new recycling scheme about to be initiated throughout the district, we are wondering whether there is sufficient storage space in this layout for the three-wheelie-bin per household strategy. Is there adequate space for the collection vehicle to operate easily, and is the bin area close enough to the dwellings for the residents to use it?
4. The car parking provision appears totally inadequate.

**2) UTT/0665/06/DFO (Phase 4B)**

1. We question the inclusion of only three shared ownership flats in the total of twenty five dwellings.
2. In view of the new recycling scheme about to be initiated throughout the district, we are wondering whether there is sufficient storage space in this layout for the three-wheelie-bin per household strategy. Is there adequate space for the collection vehicle to operate easily, and is the bin area close enough to the dwellings for the residents to use it?
3. The car parking appears to be totally inadequate.

In addition, with special reference to our parishioners living close to the area, we can see no reference to a fence or planting on the eastern boundary of the development and Thornton Road. It is understood that a close board fence would be erected and planted carried out to stop vehicular and pedestrian access between the two areas for security reasons. The south and west boundaries of this phase also show no similar fences.

Takeley Parish Council:

**1) UTT/0664/06/DFO (Phase 4A)**

TPC have no objections to this proposed development subject to the following conditions being met:

1. When considering the prominence of these structures UDC must ensure that the colouring of external bricks and the roof pan tiles are in keeping with this very rural location and that the materials and finishes are in line with the ECC Planning Guidelines for Rural Areas.
2. Written assurances from the developer that the Jacks Lane hedgerows and trees in close proximity to this development are protected during the following construction at all times.

**2) UTT/0665/06/DFO (Phase 4B)**

TPC have no objections to this proposed development.

**REPRESENTATIONS:**

**1) UTT/0664/06/DFO (Phase 4A)**

Three letters have been received from two local households. Although not stating formal objections concerns are expressed which are summarised as follows:

- The heights of the buildings will impinge on neighbouring privacy.
- Existing trees should be retained.
- No allocated space for the storage of recycling wheelie bins.

**2) UTT/0665/06/DFO (Phase 4B)**

Seven letters have been received from local residents who again raise a number of concerns, which are summarised as follows:

- Pleased with the revised design
- Adequate planting and fencing should be implemented on the sites southern and eastern boundaries in the interests of security and to prevent access onto and off the development via Thornton Road.
- Not enough storage available for recycling wheelie bins.
- Height of the buildings will impinge on neighbouring occupant's privacy.
- Existing trees should be preserved

**COMMENTS ON REPRESENTATIONS:** The issues raised in the third party representations that are of material consideration to the applications will be addressed in the considerations to this report.

**PLANNING CONSIDERATIONS:** The main issue for consideration in these two cases is whether the revisions made to both schemes satisfactorily address the reasons for refusal pertaining to the previous two applications for affordable housing on Phases 4A & B, application references UTT/1059/05/DFO and UTT/1062/05/DFO.

As members will be aware the land subject to these applications, benefits from outline planning permission for residential development pursuant to application UTT/0816/00/OP. This permission followed the Committees approval of the Priors Green Master Plan in November 2000. The sites are also located within the Priors Green development area

wherein Local Plan Policies S2 and Policy 3 are applicable. The former states that within this area as defined on the proposals map development will be permitted if it is in accordance with the Plan and in particular Policy 3. The principle of residential development is therefore acceptable on these sites and previously the applications were refused more specifically concerning matters of design, accessibility and numbers of units when assessed against the agreed provisions of the Master Plan. It is these matters that will be addressed in the context of the current revised applications along with any other issues of material importance raised by consultees and neighbouring residents.

Turning to reason R.90A relating to both previous refusals pertaining to phases 4A and B (duplicated earlier in this report under the heading 'relevant history'), officers have been involved in negotiations with the developers. The subsequent revised proposals that are now before committee are considered by officers to represent a significant improvement in terms of both layout and design and accord with the general design principles advocated by 'The Essex Design Guide'. The dwellings and flats demonstrate a good degree of articulation in the form of varying building footprints, roof heights, choice of external materials and other design detailing. More thoughtful proportioning, massing and the use of steeper roof pitches have resulted in more traditional designs, typical of the Essex vernacular. This has in turn necessitated higher ridge heights of some of the three storey elements at around 13 metres in height, although due to the buildings traditional and pleasing designs, it is not anticipated that the buildings will appear incongruous or intrusive within the context of the development and the surroundings.

Significant improvements have also been made with regard to improving access to all and conforming to the 'Lifetime Homes Standard'. Level thresholds are proposed to the rear of all house types to enable disabled access and all ground floor flats are designed in order to be accessible to disabled residents. A condition is recommended to ensure that some minor amendments are made to the scheme to ensure that the development accords with the life time homes criteria in full. Members have previously raised the issue of lifts, which again are not proposed in the schemes. Officers have had discussions with Swan Housing Group concerning this matter, however 'Swan' have consistently stated that they are unwilling to include lifts within the scheme as their installation would place a long-term maintenance obligation on the association. They indicate that the implications of this are that the costs for this would be recovered via a service charge paid by the tenant and as the costs involved would be high this would likely make the service charge unaffordable for residents. The developers are not required to install lifts for the proposed development in order to satisfy Building Regulations and under the Housing Associations standards; their own standards only required lifts on developments of 5 storeys or more. Supplementary Planning Document 'Accessible Homes and Play Space', which was adopted in November 2005, does however state that lifts should be provided for developments that involve flats above 2 storeys. Officers however after consideration are prepared to accept the proposal in this respect in light of the issue of 'affordability' raised by the Housing Association and the significant improvements achieved concerning accessibility as a whole.

Accordingly, officers consider that both proposals satisfactorily address and overcome the Councils earlier objections and subsequent reason for refusal pertaining to the previously refused applications concerning affordable housing schemes for phases 4A and 4B.

Application UTT/1059/05/DFO relating to phase 4A was refused also on the basis that the number of units proposed (30) did not accord with the Master Plan which advocated that affordable housing be provided in small groups of 20 to 25 units dispersed throughout the development. Both the current proposals accord with the Master Plan in this respect as 25 units are proposed for each phase. As a consequence, this earlier objection from the Council reflected in the previous refusal, has also been satisfactorily addressed.

With regard to housing mix and tenure, the Housing Department are satisfied that the proposals meet the housing need in the area. In light of the Parish councils comments, for clarity, phase 4a proposes 6 houses for rent (2, 3, 4 bedroom houses), 17 flats for rent and 2 flats for shared ownership and phase 4b proposes 9 houses for rent, 3 flats for shared ownership and 13 flats for rent. Condition C.90R of the outline planning permission for the site requires that no development shall commence until an Affordable Housing Scheme has been submitted to and approved in writing by the local planning authority. This condition has yet to be discharged.

Comments have been made by the County Council, concerning the public footpath that traverses phase 4A, which is subject to application UTT/0664/06/DFO. The footpath does not actually clip any of properties contained within the phase now for consideration. It largely follows the route of the surfaced path incorporated in the layout shown except for a small corner of soft landscaping located adjacent to the southern boundary of the application site. A diversion order would be required to reconfigure the route of the path, even marginally, and the developer should approach the appropriate authority in this respect. The granting of planning permission in these cases gives no entitlement to affect the public right of way as any diversion needs its own legal authority. A condition is not therefore considered necessary, however an informative is recommended to be included in any permission outlining the need for the developer to formally seek a diversion. Details of the junction between the public footpath and Jacks Lane are required to be submitted by means of a condition recommended at the end of this report, in the interests of pedestrian safety. This is seen as justifiable in his case due to the more frequent use of the path which is likely due the numbers of people living in the vicinity as a result of the development.

Turning to highway and pedestrian safety, the points raised by the Highway Authority can be satisfactorily dealt with by the imposition of appropriately worded conditions as suggested at the end of this report. Parking provision accords with the Councils 'maximum' parking standards.

Essex Police raise a number of concerns, however these can again be overcome by the imposition of conditions requiring minor alterations be carried out to both phases in order to comply with secure by design. These conditions are again suggested at the end of this report. Conditions already exist on the outline planning permission requiring details of boundary enclosures and lighting.

Concerns have been expressed regarding the provision of adequate space for the storage of recycling bins. Again this can be addressed by the imposition of an appropriately worded condition which has been suggested at the end of this report.

Turning to the issues raised by residents and Little Canfield Parish Council concerning soft landscaping and fencing to the southern and eastern boundaries of phase 4B, it is apparent from the site layout that there is no intention to create an access onto the adjacent Thornton Road. Soft landscaping is shown on the southern boundary, although the specific details of this along with the boundary treatment separating the development from Thornton Road will be required to be submitted and assessed in detail prior to the commencement of the development. This is by virtue of condition C.4.1 of the outline planning permission pertaining to the site. A condition is also suggested at the end of this report restricting any future access from the development onto Thornton Road. Concerns have also been expressed by a resident who resides adjacent to the phase 4A site, concerning trees. The intention is that the trees along the eastern boundary of the phase and also along its northern boundary adjacent to Jacks Lane are to be retained.

Finally, with regard to the impact of the development on neighbouring residential amenity, it is acknowledged that the developments will impact on existing residential interests.

Residents will experience a change to their local environment with the development of housing in relatively close proximity to their dwellings as many properties presently border and overlook open undeveloped land. Officers are however satisfied that the scheme has been designed in order to mitigate the effects on residential amenity as much as possible. Overlooking of existing dwellings is likely to occur, however with the retention of existing trees and the use of soft landscaping; officers consider that the degree of overlooking will not be to a significant enough degree to warrant the refusal of the applications. Similarly officers are satisfied that the proposals are acceptable in terms of outlook, sunlight/daylight and similar.

**CONCLUSIONS:** In light of the above considerations, officers are satisfied that both applications satisfactorily address the earlier objections raised by the Council concerning the two previous planning applications pertaining to phases 4A and B and accords with the overall planning for the Priors Green development area. Officers therefore recommend that both applications are approved subject to the conditions listed below.

**RECOMMENDATIONS:**

**1) UTT/0664/06/DFO – APPROVAL WITH CONDITIONS**

1. The trees shown on drawing F00010/4a/01 along the eastern and northern boundaries of the application site shall be retained and shall not be cut down, uprooted or destroyed, nor shall any retained tree or shrub be topped or lopped without the written approval of the local planning authority.  
REASON: In the interests of visual and residential amenity.
2. C.5.1. Samples of materials to be submitted agreed and implemented.
3. The proposed Mews Court entrance shaded red on plan F00010/4a/01 shall be constructed to a width of 4.8 metres. Revised drawings depicting this revision shall be submitted to and agreed in writing prior to the commencement of the development.  
REASON: In order to comply with Supplementary Planning Guidance, The Essex Design Guide.
4. All independent foot paths shall be provided to a minimum width of 2 metres.  
REASON: In the interests of pedestrian safety.
5. C.10.16. Standard Highway Requirements.
6. A 1.5m x 1.5m vehicle/pedestrian sight splay shall be provided on both sides of the Mews Court access.  
REASON: In the interests of pedestrian and highway safety.
7. There should be no doors or other entrances onto the mews court within the first 8 metres of the entrance to the mews court. No windows or doors should open outwards or overflow or down pipes project over the mews court where the public have unrestricted access.  
REASON: In the interests of pedestrian and highway safety.
8. Prior to the first occupation of the development hereby permitted, spaces shall be provided within the application site for the parking of cars as shown on the plans accompanying the application and such spaces shall be retained at all times for use in connection with the development hereby permitted.  
REASON: To ensure adequate off street parking provision for the development, in the interests of highway safety.
9. Detailed drawings of the junction between the public footpath and Jacks Lane detailing methods of construction, surfacing and safety measures e.g. signs, hand rails etc shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development hereby permitted. The approved details shall thereafter be carried out to the satisfaction of the local planning authority.  
REASON: In the interest of pedestrian safety.

10. The cycle store as shown on drawing F0010/4a/08 shall be amended to include a more open design. Detailed drawings depicting an amended design shall be submitted to and approved in writing prior to the commencement of the development hereby permitted.  
REASON: In the interests of security.
11. C.20.3. If Protected Species discovered get License from DEFRA.
12. Prior to the construction of the dwellings hereby approved, details of the energy and water saving measures to be used in both the internal and external construction of the dwellings shall be submitted to and agreed in writing by the local planning authority.  
REASON: To ensure that the dwellings are energy efficient, in the interests of the environment.
13. The dwellings hereby permitted shall be occupied only as affordable housing, in accordance with the terms and conditions of an approved Affordable Housing Strategy.  
REASON: To ensure that the development provides sufficient genuinely affordable houses.
14. Details of storage facilities for refuse and recycling waste for all the units within the phase shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development and implemented accordingly.  
REASON: In the interests of amenity.
15. The development shall accord fully with the criteria listed for 'Lifetime Homes' in Supplementary Planning Document 'Accessible Homes and Playspace', unless otherwise agreed in writing by the local planning authority. Detailed drawings depicting the necessary revisions to the scheme shall be submitted to and approved in writing by the local planning authority prior to the commencement of development.  
REASON: To ensure that the development provides effective and practical lifetime homes.

**2) UTT/0665/06/DFO – APPROVAL WITH CONDITIONS**

1. C.5.1. Samples of materials to be submitted agreed and implemented.
2. C.10.16. Standard Highway Requirements.
3. A 1.5 metre x 1.5 metre pedestrian visibility sight splay, relative to the back of the footway/overhang margin, shall be provided on both sides of all vehicular accesses prior to their operational use. There shall be no obstruction above a height of 600mm (from the finished surface of the access) within the area of the pedestrian visibility sight splays and which shall be retained thereafter in this form.  
REASON: In the interests of pedestrian safety.
4. Prior to the occupation of the development hereby permitted, spaces shall be provided within the application site for the parking of cars as shown on the plans accompanying the application and such spaces shall be retained at all times for use in connection with the development hereby permitted.  
REASON: To ensure adequate off street parking provision for the development, in the interest of highway safety.
5. The cycle stores shall be redesigned to allow for better natural surveillance of the facilities. Details shall be submitted to the local planning authority in the form of detailed scaled drawings and shall be approved prior to the commencement of the development hereby permitted.  
REASON: In the interests of security.
6. Post boxes serving the flats shall either be constructed into the fabric of the building or provided in the form of external free standing post box pods. Detailed drawings depicting such details shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development hereby permitted.  
REASON: In the interests of security.
7. C.20.3. Protected Species discovered get License from DEFRA.

8. Prior to the construction of the dwellings hereby approved, details of the energy and water saving measures to be used in both the internal and external construction of the dwellings shall be submitted to and agreed in writing by the local planning authority.  
REASON: To ensure the dwellings are energy efficient, in the interests of the environment.
9. The dwellings hereby permitted shall be occupied only as affordable housing, in accordance with the terms and conditions of an approved Affordable Housing Strategy.  
REASON: To ensure the development provides sufficient genuinely affordable houses.
10. There shall be no vehicular or pedestrian access to the development hereby permitted from Thornton Road.  
REASON: In the interests of highway safety and to safeguard the amenities of existing residents.
11. Details of refuse and recycling storage facilities for all the units within the phase shall be submitted to and approved in writing by the local planning prior to the commencement of development and implemented accordingly.  
REASON: In the interests of amenity.
12. The development shall accord fully with the criteria listed for 'Lifetime Homes' in Supplementary Planning Document 'Accessible Homes and Playspace', unless otherwise agreed in writing by the local planning authority. Detailed drawings depicting the necessary revisions to the scheme shall be submitted to and approved in writing by the local planning authority prior to the commencement of development.  
REASON: To ensure that the development provides effective and practical lifetime homes.

*Background papers: see application file.*

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## **UTT/0556/06/FUL - LITTLE CANFIELD**

Construction of 2 no. balancing ponds and associated drainage  
Location: Prior's Green Dunmow Road Little Canfield GR/TL 577-218  
Applicant: Countryside Properties  
Agent: Countryside Properties  
Case Officer: *Mr M Ranner 01799 510556*  
Expiry Date: 13/07/2006  
ODPM Classification: MAJOR

**NOTATION:** Outside development Limits & within the Countryside Protection Zone.

**DESCRIPTION OF SITE:** The site comprises approximately 0.46 hectares of agricultural land located 150m north of Jacks Lane and approximately 35m to the east on boundary of the Priors Green development area. Associated drainage works will also affect a line running south west of the drainage ponds and across Jacks Lane itself. The area is rural in nature comprising fields subdivided by ditches and areas of hedgerow and trees.

**DESCRIPTION OF PROPOSAL:** The application seeks full planning permission to construct two balancing ponds with associated drainage infrastructure. The two ponds will be excavated directly adjacent to each other and subdivided by a bund. Both are designed as dry ponds where at low flows, water will be retained in the sewer system only, spilling out and subsequently draining out of the pond in times of higher flows. A 3m wide Geogrid (reinforced soil) track is to be positioned on the southern side of the ponds in order to allow access for maintenance purposes. Drainage pipes will be routed from the ponds to the south west, then turning south across Jacks Lane. This will necessitate raising the ground levels within the lane in order to accommodate the pipe works. The Council are currently in receipt of an application UTT/0827/06/DFO, which seeks to provide a temporary crossing at this point for construction vehicles. This will be reported to a future Committee Meeting.

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

"The Surface Water and Drainage Strategy submitted under the Outline Planning Condition C90 G included the balancing pond 2 as part of the drainage solution. The Environment Agency have stated that they will only accept open attenuation ponds for a number of environmental and ecological reasons. The proposed Balancing Pond 2 becomes necessary as soon as Phase 2 drainage is connected, because ponds 1A/1B has restricted capacity. Pond 2 will attenuate the Northern section of Phase 1 and all Phase 3.

The proposed 'pond 2' would need much deeper and/or higher banks which would mean it would become a wet pond, and with calculated depths, safety factors would become a major concern in its design.

The selected site is on an area of flatter land compatible with the general requirements for the pond. The location proposed for pond 2 is on a flatter area of land, allowing the use of a shallow 'dry' pond design, which is sympathetic to the topography and setting and is located in the most appropriate position for hydrological, environmental and ecological reasons.

A RoSPA Assessment has been prepared for the proposed pond attached detailing the safety proposals of this pond and the corresponding landscaping proposals both ensure the safety of the proposals."



**RELEVANT HISTORY:** There are no planning decisions pertaining to the land subject to this application that are of material importance to the consideration of this application.

**CONSULTATIONS:** Essex County Council: Indicate that the site is located in a sensitive area of potential archaeological deposits. As a consequence, in line with Planning Policy Guidance 16: Archaeology and Planning (PPG16), a condition is recommended to be imposed on any planning permission. This requires that no development takes place until preliminary groundwork's have been undertaken and a programme of archaeological work has been secured in accordance with a written scheme of investigation.

English Nature: Responds to consultation and advises that the proposals are unlikely to adversely affect a Site of Special Scientific Interest (SSSI). Advice is given with regard to protected species.

BAA Safeguarding: Have responded and state that initial examination reveals that the proposal requires fuller investigation on the subject of bird strike hazard. A full response has yet been given and at the time of writing is still awaited.

The Highway Authority: Does not wish to raise an objection to the proposal.

The Environment Agency: Recommends the imposition of the following condition:

“Development shall not commence until details of the proposed balancing pond No.2 and associated drainage have been submitted to and approved by the Local Planning Authority.”

More specific requirements in respect of the above condition are also detailed.

**PARISH COUNCIL COMMENTS:** Little Canfield Parish Council: Object to the application and make the following comments:

“We do not think that Countryside have demonstrated an absolute need for the balancing ponds in this application to be OUTSIDE their site boundaries. They seem to be making a habit of wishing to encroach upon areas beyond those contained in their original Master Plan. We feel they could easily construct a pond or ponds within their site through better design, which could address all safety factors, to make a feature and inspiration within the development itself. Would not this application also make inroads into the Countryside Protection Zone?”

Takeley Parish Council: Raises no objections to the application subject to the imposition of the following conditions:

1. Permission is granted for these works to be undertaken by the owner/custodian of Jacks Lane.
2. Prior to any works a full archaeological dig is undertaken where the proposed drainage pipe is to cut across Jacks Lane Bridleway. This bridleway is believed to date back to medieval times.
3. The extent of hedge and tree removal either side of Jacks Lane appears to be somewhat excessive (18m) in order to facilitate pipe laying. The minimum width necessary must be established and justified along with the need to construct a 1:20 ramp across the bridleway.
4. A date to be agreed for the reinstatement of the hedgerows and bridleway surface. It may be some time before the new road is required.
5. Countryside Properties must ensure that all users of the bridleway are not inconvenienced or exposed to any dangers as a result of these works.
6. All ROSPA report recommendations must be installed and ROSPA should visit the site at least once.

**REPRESENTATIONS:** A single letter has been received from a local resident who objects to the proposal. These objections are summarised as follows:

1. The site lies outside of the original Master Plan for the site and within the Countryside Protection Zone.
2. The developers have not demonstrated an absolute need for these ponds in this location.
3. The ponds could be located within the site boundary in the north eastern corner of the development and could be designed to create a real feature and eliminate all health and safety and bird/aircraft impact fears.
4. The proposal will result in the loss of hedgerow and unspoilt agricultural land.

**COMMENTS ON REPRESENTATIONS:** The points raised that are material to the consideration of this application will be addressed during the considerations to this report.

**PLANNING CONSIDERATIONS:** The main issues are

- 1) **the appropriateness of the development within the Countryside Protection Zone and its impact on the character of the area. (ULP Policies S2, S8, GEN2, GEN3, GEN6, ENV3, ENV8 & Policy 3);**
- 2) **public safety, both for pedestrians using Jack's Lane and in respect of the balancing ponds themselves. (ULP Policies GEN1, GEN2, GEN3, GEN6 & Policy 3) and**
- 3) **other material planning considerations.**

1) The site is located on agricultural land bordered by hedgerow with scattered trees. The proposed ponds fall within the Countryside Protection Zone (CPZ) wherein policy S8 of the Local Plan applies. This stipulates that that in the CPZ planning permission will only be granted for development that is required to be there, or is appropriate to a rural area. In particular development will not be permitted if either new buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside or it would adversely affect the open characteristics of the zone.

With regard to this policy, officers are satisfied that there is a need for the development in its proposed form and location. Officers acknowledge that the proposal does not accord with the Master Plan for Priors Green. In order to be effective Master Plans should however retain a degree of flexibility in order to ensure that it can cope with changes in policy and circumstances that often occur, particularly when considerable time elapses between the approval of a master plan and the subsequent development of a site. This is evident in this case as the Master Plan was approved back in August 2000 and since that time there has been the emergence and development of policy. Planning Policy Guidance Note 25 (development and flood risk) was introduced in 2001, which had implications for the planning of the development as the drainage criteria imposed on sites larger than one hectare were made more stringent. As a consequence in order to satisfy these requirements the developers have had to incorporate additional measures to cope with surface water. The Environment Agency has also consistently advocated the use of open attenuation ponds as part of a drainage strategy for the site, based on environmental and ecological principles. In order to satisfy Environment Agency requirements the developers have therefore submitted the drainage proposals in their current form. As a response to consultation the Environment Agency have raised no objections to the proposed ponds subject to the submission of further details which can be addressed by the imposition of an appropriately worded condition as suggested at the end of this report.

In terms of location, the ponds will accept run off from the northern half of the development to the north of Jacks Lane which will run broadly in an easterly direction. The entire northern section of the development comprising phases 11 to 19 will comprise of residential phases except for a spine road and central area of open space. Approximately 265 residential units will have to be accommodated within this area and as a consequence insufficient space will

remain to incorporate attenuation ponds of this size, which covers nearly half a hectare and will indeed cover a greater ground area than some of the residential phases themselves. Due to the relief of the land the ponds will have to be located to the north east of the development and as a result of the aforementioned constraints the developers have had little option but to locate the ponds outside of the master plan area close to its eastern boundary in the chosen location.

Turning to the requirements of policy S8 (CPZ), the development could not by virtue of its location be considered to promote the coalescence between the airport and existing development. It will also have a minimal affect on the openness of the zone as no buildings or vertical structures are proposed apart from some warning signs, required to comply with RoSPA recommendations. The area will therefore retain a natural appearance apart from the artificial changes to the ground levels, which will not affect 'openness'. The impact of the development on the CPZ is not considered significant enough therefore to outweigh the benefits afforded by the development. Regrettably to facilitate the drainage works associated with the development some hedges and trees will need to be removed at points to the west of the ponds and at Jacks Lane to the south. Their removal has been agreed with the Council's landscape Officer and compensatory planting could be undertaken in the vicinity of the works which can be enforced by condition as suggested at the end of this report. It should also be recognised that the tree and hedge removal in Jacks Lane is at the point where the spine road will cross the lane, which accords with the Master Plan and will be subject to a reserved matters application as part of phase 11.

2) With regard to public safety, it is of note that the ponds are designed to incorporate a gradual gradient and will be dry for much of the year except for periods of heavy or prolonged rainfall. RoSPA have made a number of suggestions in order to comply with the 'Occupiers Liability Act'. These are that a minimum underwater gradient of 1:3 is achieved, which removes the need for protective fencing, the pond should be located well away from the children's play areas and safety signage should be incorporated warning that the pond is liable to flooding after a period of rainfall. The issue concerning the children's play areas can be controlled as the reserved matter applications closest to the site have yet to be submitted for consideration. A condition is also recommended at the end of this report requiring that further details are submitted concerning the safety measures to be employed in order that the development accords with RoSPA's report.

Whilst the works are undertaken in Jack's Lane in order to accommodate the drainage works, the developers have indicated that traffic management procedures will be put into place to ensure public safety at the crossing. The developer's state that they have been in discussions with the County Council who have indicated that a traffic control at this crossing would not be required based upon the relatively infrequent use of the lane. A condition is recommended however requiring further details of the safety management procedures to be put into place.

3) Turning to nature conservation, English Nature advises that the proposal will not affect a SSSI. There is no evidence of protected species being present on or near to the site, however as a precautionary measure a condition is recommended to ensure that a license is obtained from DEFRA if protected species are discovered at any time.

The possible implications of the development on archaeological deposits can also be mitigated by the imposition of an appropriately worded condition, as recommended at the end of this report in accordance with Essex County Council advice.

BAA Safeguarding have yet to respond in full, although officers consider that it is of material consideration that the ponds are 'dry'. Large wading birds, such as wildfowl, which tend to be of most concern for aircraft, are more likely to be attracted to permanent water bodies or

water bodies that are present for sustained periods of time. Water that only occupies an area for brief periods is likely to be far less attractive and less likely to be occupied by such birds. Officers consider there to be insufficient grounds to refuse the application on bird strike grounds at this stage. Any comments by BAA will however be reported to the Committee if received.

The development is not anticipated to cause any significant harm to residential amenity. The crossing works in Jacks Lane will take place in close proximity to an existing residential property, although the timing of the works e.g. when they can take place during the day, is restricted by a condition on the outline permission in the interests of amenity.

**CONCLUSIONS:** For the above reasons, officers consider that the proposed development is essential for the development of the Priors Green development and does not prejudice the aims and objectives or the local plan policy or any other matters of material consideration.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.4.1. Scheme of landscaping to be submitted and agreed.
3. C.4.2. Implementation of landscaping.
4. C.16.2. Full archaeological excavation and evaluation.
5. C.20.3. If Protected Species discovered get licence from DEFRA.
6. C.20.4. Restricting Construction Works to a Specified Season to Protect Breeding Birds etc.
7. The development hereby permitted shall not commence until the following details have been submitted to and approved in writing by the local planning authority. A) A clearly labelled drainage layout plan showing pipe networks to and from the balancing ponds. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes. B) Calculations showing the volume of the balancing ponds are also required. This should include a freeboard to take account of climate change. C) Where an outfall discharge control device is to be used as a hydro brake or twin orifice; this should be shown on the plan with the rate of discharge stated. D) Calculations should demonstrate how the system operates during a 1 in 100 year critical duration storm event. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths.  
REASON: To prevent the increased risk of flooding, to improve water quality and to provide improved amenity and wildlife habitat.
8. Prior to the commencement of the development hereby permitted, details outlining the safety procedures to be put into place on Jacks Lane, whilst works are undertaken to facilitate the drainage infrastructure, shall be submitted to and approved in writing by the Local Planning Authority.  
REASON: In the interests of the safety of pedestrians and other users of Jack's Lane.
9. Prior to the commencement of the development hereby permitted details of the safety measures to be included in the design of the ponds, shall be submitted to and approved in writing by the local planning authority.  
REASON: In the interests of public safety.

*Background papers: see application file.*

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## **UTT/0586/06/FUL - WENDEN LOFTS**

Single storey rear extension

Location: Essex Hill House. GR/TL 467-382  
Applicant: Mrs Philipson  
Agent: Robert Springham MCIAT  
Case Officer: *Consultant North 2 telephone 01799 510469/510478*  
Expiry Date: 06/06/2006  
ODPM Classification: OTHER

**NOTATION:** Beyond settlement limits.

**DESCRIPTION OF SITE:** The application dwelling is an isolated two storey detached dwelling with the existing first floor of accommodation contained within the roof slope, with front and rear facing dormer windows.

**DESCRIPTION OF PROPOSAL:** Application seeks planning permission to erect a single storey side extension adjoining the west facing elevation. This extension would be 5.7 metres wide and 7.8 metres deep. It would be finished with a pitched and ridged roof.

**RELEVANT HISTORY:** UTT/425/90 - conservatory – approved.

UTT/942/00 - new dormer windows and two-storey extension – approved.

Both of these applications appear to have been implemented and are evident on the application drawings.

UTT/1923/05 - two storey and single storey side extensions and detached cart lodge/garage - refused

UTT/0078/06 - single storey side extension to east elevation and detached garage – approved.

**PARISH COUNCIL COMMENTS:** To be reported (due 11 May).

**REPRESENTATIONS:** None received. Period for representations expired 15 May 2006 (Site notice only posted).

**PLANNING CONSIDERATIONS: The main issues are**

- 1) **countryside protection (ERSP Policies CS2 and C5, ULP Policy S7);**
- 2) **design (ERSP Policy BE1, ULP Policies GEN2 & H8) and**
- 3) **neighbours' amenity (ULP Policies GEN2 and GEN4).**

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

Policy S7 of the adopted review plan contains a clear presumption against inappropriate development within the countryside, but allows for development that needs to take place there, or is appropriate to a rural area. It is generally accepted that appropriate development includes limited extensions to dwellings; however it is for each case to be considered on its individual merits with regard to protecting the particular character of the local countryside. Furthermore, policy H8 requires extensions to respect the original building by way of its scale, design and external materials.

The property has already been substantially extended, having originally been constructed as a modest bungalow. It is considered that the cumulative effect of the previous extensions, the proposed single storey extension, and the most recently approved single storey extension to the east elevation, would result in an excessive amount of built form at this site. However, the applicant has indicated a willingness to forfeit the most recent extension on the east elevation (Ref UTT/0078/06) which at the date of the site visit had not been commenced.

Part of the justification for the previous permission was the fact that it would replace an existing conservatory. Nonetheless, it is considered that as the present extension is of a similar scale and bulk as that previously approved (4.8 metres wide and 7.0 metres deep), and this is a substantial curtilage which can accommodate a relatively large amount of built form without causing harm to the countryside, this proposal would be acceptable.

In terms of design generally, with reference to policy H8, it is considered that this would also be a visually acceptable addition. It would be clearly articulated from the main dwelling and, by way of the lower ridge height and its position, it would not be an overly dominant element of built form.

As planning permission ref. UTT/0078/06/FUL also related to a detached garage, the advice of your legal officers is that a legal agreement would be required to allow the implementation of the permission for the garage and new access, but prevent the subsequent construction of the approved extension. This proposal would therefore be an alternative to that approved extension.

3) There are no neighbours who would be affected.

**CONCLUSION:** In summary this application should be approved as the scale and design of the additions to the main dwelling are acceptable, subject to the above comments.

**RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS AND A LEGAL AGREEMENT**

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.3. Matching materials.
4. C.8.28. Energy efficiency.

**TERMS OF LEGAL AGREEMENT:**

To enable the implementation of planning permission UTT/0078/06/FUL by way of the construction of the cart lodge and vehicular access, but prevent the construction of the single storey side extension also included in that planning permission; if that extension is constructed, the extension under UTT/0586/06/FUL (this proposal) would not be built.

*Background papers: see application file.*

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## UTT/0557/06/DFO - BIRCHANGER

Details Following Outline application (UTT/1123/01/OP) for 77 houses, associated works and landscaping

Location: Land at Rochford Nurseries, Forest Hall Road. GR/TL 509-238.  
Applicant: Croudace Homes Ltd  
Agent: Colin Viret  
Case Officer: Mr J Pine 01799 510460  
Expiry Date: 29/06/2006  
ODPM Classification: MAJOR

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

**DESCRIPTION OF SITE:** Rochford Nurseries lies on a plateau immediately south of Stansted Mountfitchet. It has been underused for many years, and comprises significant areas of mainly derelict glasshouses. This reserved matters application relates to the western part of the residentially allocated land, which is bordered to the north by houses in Brook View and Stoney Common, to the west by open private land between the Nurseries and the railway, to the south by Foresthall Road and to the east by the Taylor Woodrow (Pelham Homes) land. The application site consists of the western section of the Foresthall Road frontage.

**DESCRIPTION OF PROPOSALS:** These reserved matters represent the first of 3 phases of residential development on the western part of the Rochford Nurseries site, which comprise Croudace's allocation of 285 dwellings. 77 dwellings would be erected as Phase 1 on the SW part of the site. Phases 2 and 3 would comprise the land in the centre and north of the site and the land to the east of Phase 1. Phases 2 and 3 would consist of 208 dwellings. Reserved matters applications for Phases 2 and 3 will be submitted later.

Phase 1 would be built at an overall density of 30/hectare. 5 affordable 2-bedroom houses would be included in Phase 1, the balance of the 25% (66 dwellings) being provided in Phases 2 and 3. The private housing would be detached, semi-detached and terraced houses, ranging from 2-storey to 2+attic through to 3-storey. The mix would be 2 x 2-bedrooms, 24 x 3-bedrooms, 37 x 4-bedrooms and 8 x 5-bedrooms, reflecting the lower density of part of Phase 1. There would be one upper storey 2-bedroom flat. The density would be lower around Foresthall Road and down the western boundary of the site, as set out in the approved masterplan.

Ridge heights would vary from between 7.8m for 2-storey houses, to 11.6m for 3-storey. The number of 3-storey houses throughout the Phase 1 layout would be 38, located as feature buildings as per the approved masterplan and forming part of terraces, linked dwellings and semi-detached pairs elsewhere.

Pitched roofs would be covered in either tile or slate, with all chimneys capped with clay pots. Facades would be of red or yellow stock brick, with some render and boarding. Front gardens would be defined by 1m high railings, particularly along the main feeder road. Other boundaries would consist of 1.8m high brick or rendered walls where they are more prominent; 1.8m high fences where they are not. All houses would have a private garden, ranging in size from 40-50m<sup>2</sup> to 200m<sup>2</sup>.

The layout would reflect the changes in road alignment required to accommodate both the T-junction onto Foresthall Road and the Taylor Woodrow layout. The layout would also be

amended to allow for the relocation of part of the area of open space from a position adjacent to Foresthall Road to the northern boundary. This change forms part of Croudace's request for amendments to the masterplan, which is the subject of a separate agenda report to this meeting. Following concerns expressed by Members at the meeting on 17 May, it is anticipated that revised plans will be received increasing the amount of open space retained along Foresthall Road and making consequential changes to the Phase 1 layout to allow for the repositioning or removal of the Phase 2 minor access road.

The main feeder road was approved as a reserved matter (UTT/0554/06/OP) at the meeting on 17 May. This current application seeks approval for the Phase 1 road network. The design of the Phase 1 road network would be in accordance with the hierarchy of roads set out in the Essex Design Guide, with design speeds of not more than 20mph. The Phase 1 road network would consist mainly of carriageways with separate footways for the more significant link roads, but with provision of carriageways with overrunnable footways and shared surface areas (mews, parking courts and private drives) for the more minor roads. Surfacing would be tarmac, block paving or gravel. There would be linkage through to the Taylor Woodrow layout and with future Phases 2 and 3. There would be hardstanding parking to the sides of some houses in front of rear garages, but use of "drive through" housing and parking courts elsewhere would minimise visual impact by concealing parking behind principal frontages. Speed tables, differential surfacing and road alignment would be used to manage traffic speeds, as agreed with the Highways Authority.

Car parking would be provided at a level of approximately 2.87 spaces / dwelling. This higher level of provision than recommended in PPG3 reflects the Council's standards in the Uttlesford Local Plan, the developer allocating 2 garage and 2 hardstand spaces each for the vast majority of the larger (4-bed +) houses.

**APPLICANT'S CASE:** A design statement has been submitted as part of the application. The main features highlighted are:

- Natural surveillance of the new Foresthall Road footway / cycleway / bridleway, the existing footpath running down the W boundary of the site, the LAP and car parking courts.
- Lower density development along the W and S boundaries to reflect rural character.
- Use of vernacular materials, with a range of roof forms and ridge and building heights.
- Design to Lifetime Homes standards, with 5% being wheelchair accessible.
- Use of shared surface areas where appropriate to enhance rural character, slow traffic and avoiding kerbs.
- Increased parking provision above PPG3 standards.

**RELEVANT HISTORY:** Outline planning permission for 285 dwellings, public open space, associated access and infrastructure granted on the western part of the allocated land (Croudace) in February 2004. At the same time, outline planning permission for 315 dwellings, new vehicular access, public open space, play area and school was granted on the eastern part of the allocated land (Pelham Homes, now Taylor Woodrow). Both permissions included an approved master plan / design brief, and were granted subject to appropriate conditions and a Section 106 Agreement.

The conditions that were imposed related to:

- Time limits for submission of reserved matters and implementation
- Implementation in accordance with masterplan
- Details of materials
- Landscaping
- Density requirements (min 30/hectare) + phasing



- Ecological survey
- Archaeological work
- Drainage requirements
- Parking and circulation areas
- Provision of street furniture
- Limits on construction noise
- Limits on hours of delivery
- Approval of contractors' vehicles routes
- Dust / mud suppression measures
- Submission of an affordable housing scheme
- Details of play areas and bus shelters

#### Taylor Woodrow land

Reserved matters approval for the housing layout was granted in May 2005 (UTT/0204/05/DFO). Separate applications for approval of reserved matters relating to landscaping (UTT/1026/04/DFO) access and bridge materials details (UTT/1194/04/DFO), ecology (UTT/1320/04/DFO), archaeology (UTT/1546/04/DFO), phasing and density (UTT/1846/04/DFO), drainage (UTT/1976/04/DFO) and construction routes and mud / dust suppression measures (UTT/2192/04/DFO) have also been approved.

#### Croudace land

Reserved matters approval for the construction of a roundabout access to the site has been granted (UTT/1968/04/DFO). (The approved masterplan actually shows the site served by a T-junction, but the wording of the condition that relates to implementation in accordance with the masterplan does allow for agreed written variation e.g. a roundabout). A separate reserved matters application for a T-junction access has also been submitted and approved subject to a variation to the existing Section 106 / section 278 Agreement to accommodate the revised design (UTT/1971/04/DFO). The Agreement is nearing conclusion. Reserved matters approval for the main roads was granted on 25 May 2006 (UTT/0554/06/OP).

Croudace have also submitted a request for consequential amendments to the approved masterplan, which is the subject of a separate agenda report to this meeting.

At the DC Committee meeting on 17 May 2006, Members received an advanced issues report on this application and the requested revisions to the masterplan. The main issues that Members raised were in relation to the masterplan, and these are covered in the agenda report. In relation to the details of the Phase 1 layout, their concerns were over the amount of open space retained along Foresthall Road and design of traffic calming measures. Members also raised concerns about the proximity of the minor access road within Phase 2 to Foresthall Road. Revised plans are being prepared by Croudace, which will be received in time for the meeting.

**CONSULTATIONS:** ECC Highways & Transportation: No objections subject to conditions.

ECC Archaeology: Recommends trial trenching and excavation.

Essex Police Architectural Liaison Officer: Concerned about positioning of garage blocks 49-51, 52-54 and 57-58, as access is afforded all around the blocks which could lead to anti-social behaviour.

Environment Agency: No further comments in view of planning history.

Thames Water: No objections with regard to sewage infrastructure.

Building Surveying: No adverse comments.

**PARISH COUNCILS' COMMENTS:** Stansted: No comment.

Birchanger: Object. Suggestions are contrary to the original agreement that work must not start until Pesterford Bridge completed. Concerned that Pesterford Bridge will become a

secondary factor to developers' profit. Infrastructure is crucial – changing the rules for this developer will have an impact on Taylor Woodrow being given more leeway. Residents already upset that the closure of Foresthall Road blocks their access. Impact of traffic and health / safety concerns re Mountfitchet School.

**REPRESENTATIONS:** This application has been advertised and 2 representations have been received. Period expired.

1) Houses facing Forest Hall will have overlooking windows, drastically affecting privacy and having an impact on quality of life. Would remove the current hamlet feeling, and the charm of the listed farmhouse, cottages and barn. Houses seem closer to Forest Hall than initially indicated.

2) 6 houses facing my property to the west, 5 of which would be 3 storeys high overlooking my garden, invading privacy and causing loss of amenity. Would be less intrusive if not so high and if sufficient space were allocated for trees. Queries the future of the public footpath which runs from Foresthall Road to Stoney Common Road and, also the unmade road used by existing residents. Important to retain the old hedgerow between the unmade road and the footpath. There are TPOs covering trees in a wood to the west of the footpath, but none to the east. Not clear what the developer's intention is with regard to this. Council should issue either a TPO or hedgerow retention notice. Concerned also about parking on the road layout causing problems with refuse collection.

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

- 1) **the layout and design would be acceptable and would be in accordance with the approved masterplan (ERSP Policies H4, T3, T6 & T8 and ULP Policies S2, GEN1 & 2 and SM4/BIR1),**
- 2) **the new houses along the western and southern boundaries of the site would have an adverse impact on the amenity enjoyed by existing residents (ULP Policies GEN4 & 5),**
- 3) **the mix of housing would be acceptable, the location and amount of affordable housing would be acceptable and whether there would be sufficient private open space (ULP Policies GEN2, H9 & 10 and SM4/BIR1), and**
- 4) **adequate car parking would be provided (ERSP Policy T12, ULP Policy GEN9).**

1) The massing would be in accordance with the approved masterplan, which promotes lower density development fronting Foresthall Road and the site's western boundary in order to retain a semi-rural feel. There would be a variety of house styles and roof lines, including dual-frontage houses as feature buildings at prominent corner locations as envisaged in the approved masterplan. Traffic management measures would be integral to the design, and all shared spaces would benefit from natural surveillance. In view of the concerns initially expressed by the Police Architectural Liaison Officer over the permeability of the Taylor Woodrow layout before it was revised, there would be no unsupervised walks-through that could act as escape routes for criminals. There would also be gated rear access to all plots from parking courtyards.

2) Officers do not consider that there should be any overlooking of The Mount that would materially affect privacy. The Mount enjoys large grounds, the land adjoining the Phase 1 site being used for grazing and jumping of horses. That land is open to view from Foresthall Road in any case. All existing side boundary vegetation down Footpath 24 would be retained. In relation to Forest Hall, the nearest new dwellings fronting the road would be 35m away from its private garden, which should be sufficient to ensure privacy through remoteness. This distance may increase if more open space is able to be retained at the front of the site.

3) Only 5 affordable houses would be included within Phase 1. Croudace's explanation for this is that the outline planning condition requires that the 25% affordable housing element be provided to a registered social landlord and let at affordable rents. Due to funding criteria, sufficient time is required to secure adequate grant funding to ensure that units can be provided on this basis – hence that vast majority of the affordable houses will be in Phases 2 and 3. In terms of its location Croudace Phase 1 is, however, on one of the remotest parts of the Rochford Nurseries site judged in terms of access to the rest of the village, the primary school site and Mountfitchet Secondary School. Taking this into account, officers consider it preferable that most affordable housing should be in Phases 2 and 3 which are not so remote overall.

ULP Policy H10 requires that there is a significant proportion of market housing comprising small properties (2 and 3-bed homes), in addition to affordable housing. Within Phase 1, 27 dwellings would be either 2 or 3-bed (38% of open market housing). As per the Taylor Woodrow layout, the mix would be predominantly 3 or 4-bed houses. The mix is considered to be acceptable, given that the approved masterplan requires lower densities along the southern and western edges of this part of the site.

A range of garden sizes would be provided, meeting the 100 sqm average for 3 & 4-bed houses set out in the Design Guide.

4) The amount of car parking provided would meet the requirements in the Uttlesford Local Plan, and would be increased provision over guidelines in PPG3. This increase is welcome, and should help to reduce the amount of on-street parking that takes place.

**COMMENTS ON REPRESENTATIONS:** ECC Archaeology: A written scheme of investigation for the first evaluation phase prepared by the Museum Of London Archaeology Service has been approved by Essex County Council as per Condition C.16.2 of the outline planning permission.

Essex Police Architectural Liaison Officer: These concerns can be dealt with by an appropriate condition.

Birchanger Parish Council: This is not an application by Croudace to commence dwelling construction in advance of bridgeworks completion. At the meeting on 26 April, Members declined Taylor Woodrow's request for earlier commencement on their part of the site.

Residents of Forest Hall and The Mount: See Planning Considerations section for issues relating to overlooking and the road layout. Officers have walked the public footpath that runs from Foresthall Road to Stoney Common Road. It would not be affected by the Phase 1 layout, nor would any of the boundary vegetation referred to need to be removed. The retention of the boundary vegetation is in any case a longstanding requirement of the approved masterplan. Sections of the unmade track that would be required for access to Phase 1 would be resurfaced by the developer – other sections would remain undisturbed. Access rights over the track are private matters.

## **CONCLUSIONS:**

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

1. C.3.3. To be implemented in accordance with original and revised plans.
2. Notwithstanding Condition C.3.3, the garages serving plots 49-51, 52-54 and 57-58 as shown on drawing 087/010B shall be relocated so as not to permit access behind them.

REASON: To reduce the likelihood of anti-social behaviour that could be to the detriment of the amenity of adjoining residents.

3. No unbound material shall be used in the surface finish of the driveway within 6m of the highway boundary of the site.  
REASON: To avoid displacement of loose material onto the highway in the interests of highway safety.
4. The carriageways of the proposed estate roads shall be constructed up to and including at least road base level prior to the commencement of the erection of any dwelling intending to take access. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.  
REASON: In the interests of highway safety.
5. Each internal estate road junction shall be provided with a clear to ground sight splay with dimensions 2.4m x 33m on both sides. The sight splay shall be provided before the road is first used by vehicular traffic and thereafter retained free of obstruction at all times.  
REASON: In the interests of highway safety.
6. The internal layout shall conform in all respects to the conditions and recommendations set out in the "Essex Design Guide for Residential and Mixed Use Areas" published by Essex County Council.  
REASON: To ensure roads and footways are constructed to an acceptable standard.
7. For the first 8m as measured from the back of the footway, the mews court shall be restricted in width to 4.8m (except for the 1.5m x 1.5m sight splays) and contained by buildings or walls to a minimum height of 1.8m. The 1.5m x 1.5m vehicle / pedestrian sight splay shall be provided on both sides of the access and shall be adopted as part of the highway.  
REASON: To ensure roads and footways are constructed to an acceptable standard.
8. There shall be no doors or other entrances onto the mews / mews court within the first 8 metres. No windows or doors shall open outwards or overflow / down pipes project over the net adoptable area of the court or over other areas where the public have unrestrained access.  
REASON: To ensure roads and footways are constructed to an acceptable standard.

*Background papers: see application file.*

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**UTT/0600/06/FUL - NEWPORT**  
***(Applicant related to member of staff)***

Construction of horse arena

Location: Holmwood, Whiteditch Lane. GR/TL 516-347/  
Applicant: Mr Peter Stringer  
Agent: Mr Peter Stringer  
Case Officer: Mr H Laird 01799 510464  
Expiry Date: 02/06/2006  
ODPM Classification: OTHER

**NOTATION:** Uttlesford Local Plan – Outside development limits.

**DESCRIPTION OF SITE:** The site comprises part of a paddock, part of which had a number of orchard type trees that have been cut down to stump level. The rest of the area is grassed. It is set back from the roadway to the rear of the bungalow on site, and to the rear of a pair of stable buildings (3 boxes each) a tree lined hedge marks the site boundary with Oak Tree House to the south. This boundary is split by a public footpath. School playing fields lie to the rear (east) of the site, and are screened by a hedge and fence with the Cambridge – London (Liverpool Street) railway in the near distance.

**DESCRIPTION OF PROPOSAL:** The proposal is to provide a horse arena (manege) measuring 45 metres x 25 metres on a north/south axis to the rear (east) of the stables and dwelling. The surface is to be sand and rubber over hardcore

**APPLICANT'S CASE:** The arena is required for the purpose of schooling privately owned horses.

**CONSULTATIONS:** Landscaping: To be reported (due 2 May 2006).

**PARISH COUNCIL COMMENTS:** No comments received.

**REPRESENTATIONS:** 4 letters posted to neighbours. Expired 1 May 2006. Site Notice posted 21 April 2006. Expired 12 May 2006. No responses received.

**PLANNING CONSIDERATIONS:** The main considerations with this application are:

- 1) whether the siting, of the manege is acceptable in this open countryside area.
- 2) whether the proposal would cause harm to neighbour amenities.

(See Structure Plan Policies LRT3 & Uttlesford Local Plan Policies S7, and LC4)

The proposal involves the construction of a horse exercise arena (manege) to the rear of the dwelling and stables. The site is clearly involved with horsiculture, given the presence of stables to the rear of the dwelling and the proximity of horse paddocks close-by. A manege exists to the rear of the dwelling at Oak Tree House (2 doors way). The site is reasonably well screened by hedges and fencing, and the manege is unlikely to be visually intrusive.

There would be little impact on any neighbour amenities arising from the development. Conditions should be applied that stipulate that the manege shall not be used for commercial purposes and that there should be no outdoor lighting.

**CONCLUSIONS:** The proposal complies with local and national planning policy and planning permission for the installation of the horse exercise arena should be granted subject to conditions stipulating that it is for private use only, and that there should be no lighting in order to minimise light pollution in the countryside.

**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. The riding arena hereby permitted only be used by horses stabled at the application site or within the land edged blue on the submitted 1:2500 scale plan. The arena shall not be used for any commercial or non-domestic activity, including use by any horses not kept at the application site.  
REASON: The site is inappropriately located for the introduction of a commercial activity, in terms of impact on the local highway network and residential amenity.
4. No floodlights or other form of lighting shall be installed on the arena or within any part of the application site without the prior written consent of the local planning authority.  
REASON: In order to minimise the light pollution in the countryside, and to protect the amenity of adjacent residents.

*Background papers: see application file.*

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## **UTT/0767/06/FUL - NEWPORT**

*(Referred by Cllr Wilcock)*

Change of use from residential to B1 (Business Use)

Location: Pond Cross House High Street. GR/TL 521-336

Applicant: Mr B Jones

Agent: James H Quinton & Associates

Case Officer: Mr S Kuschel 01799 510629

Expiry Date: 03/07/2006

ODPM Classification: OTHER

**NOTATION:** Within Development Limits.

**DESCRIPTION OF SITE:** The site is located on the eastern side of the B1383 on High Street Newport and lies within the southern part of the Conservation Area. The building is a mid C19 red brick house with slate roof. The building was listed because of its group value. Pedestrian access is via the existing High Street entrance, up three steps into the building. Vehicular access to the site is gained via a rear gateway in the walled garden.

**DESCRIPTION OF PROPOSAL:** The application proposes the change of use from residential to B1 (Business Use).

**APPLICANT'S CASE:** Supporting letter. Considered to be an appropriate location in the centre of a large village on the busy High Street. Believe that the planning history of the premises indicates that a non-residential use is entirely appropriate in this location. There are no policies in the Adopted Local Plan which would be infringed if the application were approved.

**RELEVANT HISTORY:** Change of use from residential to rest home approved 1985, renewed 1990, 1995 and 2000. Erection of a fire escape approved 1985, renewed 1990, 1995 and 2000. Conversion of existing outbuilding and extension to form double garage approved 1986. Replacement conservatory approved 1988. An application to renew permission for change of use from residential to rest home was refused in 2005 on the grounds that the building could not be adapted to meet care standards. An application for renewal of consent for a fire escape was refused in June 2005.

**CONSULTATIONS:** ECC Highways: No objections.

**PARISH COUNCIL COMMENTS:** Although this third application for the change of use now appears to satisfy Policy GEN8 relating to the provision of parking, the Council are concerned about the proposal satisfying GEN1-Access in that the scheme would appear to potentially inhibit the free movement of emergency service vehicles to the Pond Cross Farm estate.

**REPRESENTATIONS:** Notification period expired 6 June 2006. Six letters of objection have been received. The points raised are as follows:-  
The property is on a very busy road where parking is already a concern.  
Turning Pond Cross house into offices will increase usage of this part of Pond Cross Farm and the tenants would only be responsible for 1/8<sup>th</sup> of its maintenance.  
Permanent parking must not be allowed on this road as it would cause congestion, blockages, and is not safe.  
Parking space is shown within the turning head.

Other spaces are shown within the walled garden of Pond Cross House. This should not be allowed as it would ruin the setting of the listed building.

The application states the floor space to be 210.96 sq m. Suggest that it is more than this. Application states that 10 people will be employed. Estimate that in excess of 30 could be squeezed in without too much trouble.

Increase in traffic movements will be harmful to local amenity.

**COMMENTS ON REPRESENTATIONS:** Noted. The issues raised are discussed in the following section.

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

- 1) **the proposed change of use will have an adverse impact on the amenities of adjoining residential properties. (ULP Policy GEN4);**
- 2) **adequate provision is made for parking provision. (ERSP Policy T12, ULP Policy GEN8) and**
- 3) **the proposals will have an adverse impact on the character and setting of the Listed Building. (ERSP Policy HC3, ULP Policy ENV2).**

1) A B1 business use by definition should be the type of use that is acceptable adjacent to residential property, and a commercial use in the form of a rest home has been previously agreed for this site. The building subject of the application fronts onto the High Street, but has a vehicular access from the side road, Pond Cross Farm. The issue is whether the use itself and the increase in traffic movements will have any adverse impact on the adjoining properties. The building is located within its own grounds at a distance of some 15 metres from the nearest house on the opposite side of Pond Cross Farm, and this is considered to be a sufficient distance to avoid any disturbance from the use itself. The proposed use will most likely involve a greater number of traffic movements than residential use, with parking to be provided at the rear of the property. This should not however cause any undue level of disturbance to adjoining properties. A planning condition can be imposed to restrict the hours of use.

2) The parking standards for business use require 1 space per 35 sq m. The building has a floorspace of 210 sq m, generating a requirement for 6 spaces. The applicant indicates that provision can be made within the grounds of the building, and has provided a plan to show how a total of six spaces can be laid out. It is advised that a condition be imposed requiring a detailed layout of the spaces.

3) The Council's Building Control Section are satisfied that the conversion will not involve any requirements under Part M of the building regulations, and no alterations are therefore required to the fabric of the listed building. The use would involve the creation of parking spaces nearer to the listed building, but this would not have a significant impact on its character or setting.

**CONCLUSIONS:** The proposed B1 use of the property will not have a harmful impact on the amenities of adjoining residents and will not have an adverse impact on the fabric of the Listed Building.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.13.7. Hours of use. 9am – 6pm Monday to Friday, 9am – 1pm Saturdays. No working Sundays, Bank and Public Holidays.
3. C.11.3. Standard vehicle parking facilities.

*Background papers: see application file.*

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## **1) UTT/0699/06/FUL & 2) UTT/0700/06/LB - HATFIELD HEATH**

1) Demolition of existing leisure wing and external brick buildings. Erection of new spa building, reinstatement of conservatory, erection of kitchen and staff room extension.

2) Demolition of existing leisure wing and external brick buildings. Erection of new spa building, reinstatement of conservatory, erection of kitchen and staff room extension.

Creation of 12 additional guest rooms

Location: Down Hall Country House Hotel. GR/TL 522-130.

Applicant: Veladail Hotels Limited

Agent: John Martin & Associates

Case Officer: Mr M Ovenden 01799 510476

Expiry Date: 28/07/2006

1) ODPM Classification: MAJOR

2) ODPM Classification: OTHER

**NOTATION:** Outside settlement limit / within metropolitan Green Belt / Grade II\* listed building / Grade II listed building (Larder) in grounds/ TPO (Downhall Wood)

**DESCRIPTION OF SITE:** The site is located over a mile south of Hatfield Heath village, close to the district's common boundary with Epping Forest District. The property is a nineteenth century listed former private dwelling and has been a hotel for twenty years. Members visited the site on 14 December 2005 (in connection with a subsequently withdrawn pair of applications) and will recall that it is accessed via a private drive, with eight passing bays, leading past the hotel building into a car park to the northeast. To the south and west are landscaped grounds.

**DESCRIPTION OF PROPOSAL:** The applications relate to internal and external alterations to the historic building, involving reinstatement of the main entrance, internal changes to the restaurant; removal of a 1970's pool extension and reinstatement of the former conservatory and removal of roof mounted external water tank; the erection of a new two storey spa extension to the west elevation; the creation of an additional twelve guest bedrooms within a 1980's extension; erection of kitchen and staff room facilities; and reconfiguration of the car park. Approximately 460sq.m of buildings including portable buildings are to be removed, new building with an approximate footprint of 1080sq.m is proposed representing a net gain of approximately 620sq.m. Following Members' comments on the last pair of applications at the advanced reporting stage, colour perspective drawings of the Spa have been submitted.

Given Members' questions about the impact on the Yew tree this scheme differs from the previous one in that the Spa has been drawn away from that tree and more glazing has been introduced. The application also includes information on traffic movements and energy conservation.

**APPLICANT'S CASE:** A 16-page planning statement has been provided the conclusions of which are given below. A financial statement; a transport assessment; Arboricultural constraints report; a design report; and a Carbon footprint reduction report has been provided to explain and seek to justify the extension. These may be viewed at the offices and online.

### 7. CONCLUSIONS

7.1 This supporting statement has considered the nature of the application site and surroundings, its planning history, the prevailing planning policies and the key planning considerations

7.2 The significance and Importance of the Grade II\* listed building and its setting have been of paramount importance.

7.3 The proposal is compliant with relevant PPS and PPG in that very special circumstances are put forward in respect of the proposal being compliant with PPG2 and policies of the Development Plan

7.4 The business case is clearly set out and confirms an extremely uncertain future for the hotel use given current trading levels and position within the hotel market.

7.5 The design report sets out information on how the individual elements of the development proposal have evolved to create a high quality design solution which respects the existing site and surroundings including the listed building and has reference to the planning policy constraints. It also confirms how the individual elements relate to a comprehensive master plan for the development of the Hotel.

7.6 The carbon footprint reductions report confirms that energy savings could be made in the existing hotel through the implementation of the development proposals and which would enhance and protect the listed building. In addition the new buildings would be constructed in conformity to the latest Building Regulations which will require particularly high standards in relation to energy efficiency.

7.7 For the reasons set out in this report it is hoped that the Uttlesford District Council can give the application their support

**RELEVANT HISTORY:** Various permission relating to hotel development including permission for conference facilities and extra bedrooms 1984; permission for leisure area 1987; permission for 60 bed extension 1987; permission for 58 bedroom extension with conference and banqueting facilities 1989. Permission for extension to swimming pool 1991; permission for single storey to staff facilities 1998, renewed 2001 and 2003. Application for demolition of existing leisure wing and external brick buildings; Erection of new spa building, reinstatement of conservatory, erection of kitchen and staff room extension & creation of 12 additional guest rooms withdrawn December 2005.

**CONSULTATIONS:** Design Advice: To be reported.

Landscaping (ECC): No significant objections to the proposals & recommend conditions for tree protection during demolition and construction.

County Highways: The transport assessment confirms the view previously expressed that the proposal is not contrary to the relevant transport policies in the Structure Plan.

Water Authority: No objections.

Environment Agency: Standard letter.

English Heritage: The proposed works to the historic house would benefit the character of the house; the proposed revised changes to the service wing are unobjectionable as are the works to the service wing; the C18th pool should be reinstated as part of the landscape works; Subject to officers making a judgement about whether very special circumstances apply to permit the Spa in the Green Belt, no objections are raised.

The Garden History Society: Disappointed that the scheme does not demonstrate an appreciation of the importance of the historic landscape; restoration and management of the historic landscape and a Conservation management plan should be required.

Building Control: As the extensions exceed 1000m<sup>2</sup>, 10% of the cost of the principal building is required to be spent on cost effective energy improvements under the Building Regulations so this should not be seen as a concession or planning gain. Consideration should be given to providing a biomass or combined heat and power system powered by biomass or oil which are particularly suitable for this type of development.

Epping Forest District Council (adjacent authority): To be reported.

**PARISH COUNCIL COMMENTS:** To be reported.

**REPRESENTATIONS:** None received.

**PLANNING CONSIDERATIONS:** The main issues Officers and Members identified at the time of the advanced reporting of the last pair of applications are:

- 1) **Whether the proposal represents appropriate development outside settlement limits and within the Green Belt, and is acceptable in the landscape taking into account ERSP Policy C2 and PPG2 Green Belts.**
- 2) **The impact of the proposal on the qualities of the grade II\* listed building and grade II larder, taking into account ERSP Policy HC3, ULP Policy ENV2 and PPG15 Planning and the historic environment.**
- 3) **General design including residential amenity, car parking and materials, taking into account ULP Policy GEN 2, 4 and 8.**
- 4) **The support for the provision of tourist facilities, taking into account ERSP Policy LRT10, ULP Policy LC5 and PPG21 Tourism.**
- 5) **The implication of the proposal on highway interests, increased traffic movements, public access to spa travel plan and traffic impact.**
- 6) **impact of Spa on adjacent area of Woodland and Yew tree, taking into account ULP Policy ENV 8.**
- 7) **Other material considerations: Financial considerations are not normally material to planning decisions although in rare cases depending on the circumstances they may be material. A business justification has been submitted to support the development. This has been examined.**
- 8) **Whether the proposal incorporates sustainable use of energy and water.**

1) The general policies controlling development in the countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them. Such development should not be approved, except in very special circumstances. PPG2 states that new building in Green Belts is inappropriate unless it relates to:

- agriculture and forestry,
- essential facilities for outdoor sport and outdoor recreation, for cemeteries, and other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it
- limited extension, alteration or replacement of existing dwellings
- limited infilling in existing and limited affordable housing for local community needs
- Limited infilling or redevelopment of major existing developed sites identified in adopted local plans.

Structure Plan Policy C2 is very similar to PPG2, stating that except in very special circumstances permission will not be granted unless for the types of development listed above. Whilst most of the elements of this proposal could be seen to be fairly minor, the erection of the large Spa building/extension is significant and does not relate to any of the types of development listed above and under the Government's definition must be considered to be inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt.

Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. These exceptional cases would thus be treated as departures from the development plan, to be referred to the Secretary of State. A proposal for inappropriate development in the Green Belt should be refused unless very special circumstances can be shown to apply, which is investigated below.

The removal of the existing swimming pool extension which encroaches out into the parkland and affects the principal elevation of the building is to be replaced by a much

smaller extension, similar to the original Orangery, would to some degree improve the openness of the Green Belt. This is a positive aspect to the proposal. In contrast the proposed new Spa would be sited in a very discrete location, masked by the existing building and established woodland and only visible from the east and west and then not from long views. Consequently the proposal whilst being a technical breach of Green Belt policy would not threaten the openness of the Green Belt. However it is still necessary to identify if very special circumstances exist to justify the presumption against this development in the Green Belt.

2) Comments have been sought from the Council's conservation officer and from English Heritage due to the building's grade II\* listed status. Both advisors have purposefully not commented on the wider planning issues, especially those relating to the Green Belt. On balance the alterations to the original building are considered to be benign; the alterations to the service wing facing the main courtyard are acceptable. With regard to the proposed Spa, from a design point of view the 1980's wing (onto which it is proposed to build the Spa) has already caused significant harm to the historic building, particularly due to its size, and on that basis the Spa would be screened from and cause little damage to the character of the original building. The alterations to the 'back of house' section of the building would improve the setting of the listed larder building in a part of the site highly visible to arriving guests. In summary some aspects of the proposal would have a positive impact on the character of the listed building and the Spa and alterations to the 1980's wing would have a neutral impact.

3) The existing car park is devoid of landscaping and provides approximately 114 car parking spaces. The proposal provides a total of 177 spaces over a slightly larger area and includes planting. Some unsightly buildings that form an island in the car park would be removed. The enlarged car park would remove some decrepit buildings but retain a three metre high boundary wall backed by tall Pine trees. This represents an enhancement to the car park and subject to a condition prohibiting airport related car parking this aspect of the scheme is acceptable. No material harm to the amenities of local residents have been identified.

4) Structure Plan Policy LRT10 and Local Plan Policy LC5 is broadly supportive of extensions to hotels, although being slightly more restrictive with regard to proposals outside development limits, requiring them to amongst other things be extensions to existing serviced accommodation which this is. The proposal complies with this policy.

5) At Members' request the applicant has submitted a traffic assessment. This concludes that the increase in traffic would be negligible. County Highways has confirmed that this information confirms its view that the scheme is acceptable. The report provides no information with regard to the traffic generated by the Spa. It is understood that it's primary function would be to serve those people who would stay at the hotel and provide a means of competing for hotel and conference custom. The use of the Spa by non residents or by those not already attending conferences is not specifically covered in the traffic report and may be unacceptable for reasons of traffic generation this may be precluded by this planning condition.

6) The views of the County arboriculturalist are that the proposal does not raise any significant concerns subject to submission of a scheme for protective fencing during demolition and construction. The relocation of the Spa building by 8.5 metres westwards should mean that it is far enough away to avoid affecting the Yew tree. The building would now be 12 metres from the trunk and outside the spread of its branches. The adjacent protected woodland would be within a few metres and will require protective fencing, as would the Cedar during demolition of the existing swimming pool.

7) With regard to the financial case submitted to support the application, it is claimed that the business may fail if the hotel cannot provide the facilities now proposed, because the hotel is competing with others that possess such facilities. The information submitted with the application is not conclusive merely suggesting that the hotel may be more competitive with the facilities. No strong conclusions or special circumstances are considered to have been demonstrated and little weight can be attached to this aspect of the applicant's case.

8) The applicant has submitted a carbon footprint reduction report which concludes that the scheme provides an opportunity to reduce the carbon dioxide emissions from the building which would otherwise not be viable. The report provides little detail and Building Control colleagues have advised that the new Building Regulations require significant reductions in any event and so the proposal does not represent much of an offer by the applicant. Colleagues have advised that biomass technology and combined heat and power systems would be appropriate for a hotel and would offer appreciable gains. This could be required by condition. No information has been provided concerning the sustainable use of water and this too would have to be covered by condition.

**CONCLUSIONS:** The proposal has many elements and requires consideration in the context of many Development Plan and Government policies. Whilst many aspects of the proposal are either minor or positive, the proposal proposes substantial development in the Green Belt in the form of the new Spa. Members may wish to note that at the time of the last application the applicant had been asked whether it wished to withdraw the Spa from the scheme to create the possibility of approval of most of the scheme. It indicated that the driver for the scheme was the Spa and without it the other alterations would not take place. Whilst the issues are finely balanced the very proscriptive nature of PPG2 classifies the proposal as being inappropriate development. Given the discrete location and comparatively small proportions of the Spa building in comparison to the 1980's block, Officers believe that there is a reasonable case for taking the view that in this case the proposal merits permission and therefore if Members wish to approve the application it will have to be sent to the regional office (Go-East) as an exception to policy as well as relating to works affecting a grade II\* listed building, prior to issuing a decision.

### **RECOMMENDATIONS:**

Notify Go-East that it is intended to grant planning permission and listed building consent for the proposal

#### **1) UTT/0699/06/FUL – APPROVAL WITH CONDITIONS**

1. C.2.1. Standard time limit.
2. C.3.1. To be carried out in accordance with approved drawings.
3. C.4.1. Submission of landscaping scheme.
4. C.4.2. Implementation of landscaping scheme.
5. Submission of scheme of protective fencing for use during demolition and construction.
6. The development hereby permitted shall not commence until details of a plan for the restoration and management of the historic landscape has been submitted and approved in writing by the local planning authority. This plan shall be implemented prior to the first use of the Spa building hereby permitted.  
REASON: This is part of a package of measures which together provide a justification for approving this development in the Green Belt.
7. The development hereby permitted shall not commence until details of a Conservation management plan has been submitted and approved in writing by the local planning authority. This plan shall be implemented prior to the first use of the Spa building hereby permitted.

REASON: This is part of a package of measures which together provide a justification for approving this development in the Green Belt.

8. The removal of the existing swimming pool extension and the removal of the exterior roof mounted water tank shall occur prior to the first use of the Spa hereby permitted.

REASON: This is part of a package of measures which together provide a justification for approving this development in the Green Belt.

9. C.25.1. No airport relating car parking.
10. The facilities within the spa extension shall not be used by people who are neither occupiers of the hotel or visitors to the restaurant or conference facilities.

REASON: To avoid the creation of a separate activity in an unsustainable Green Belt location which may generate significant extra traffic movements.

**2) UTT/0700/06/LB – APPROVAL WITH CONDITIONS**

1. C.2.2. Standard time limit.
2. C.3.1. To be carried out in accordance with approved drawings.

Background papers: see application file.

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## **UTT/0769/06/OP - DEBDEN**

*(Referred by Cllr Knight)*

Demolition of dwelling and erection of three detached dwellings with all matters reserved

Location: Dene Syde Thaxted Road. GR/TL 559 331.

Applicant: Mr G Willington

Agent: Mr B Christian

Case Officer: Mr H Laird 01799 510464

Expiry Date: 03/07/2006

ODPM Classification: MINOR

**NOTATION:** Inside Development Limits

**DESCRIPTION OF SITE:** Members will recall a previously refused outline application on this site for the demolition of the existing dwelling and the erection of four detached dwellings as the item beginning on page 21 of the Schedule for 26 April 2006 Development Control Committee.

The site comprises a detached, double fronted bungalow with flat-roofed, double garage to the rear served by a single vehicular access from Thaxted Road. The bungalow is sited adjacent to the eastern site boundary hedge that screens the neighbouring dwelling 'Kyalami' from the site. The rest of the site is garden, previously used for the growing of fruit and vegetables. A number of garden sheds stand adjacent to the eastern site boundary hedge. The northern site boundary is marked by a Leylandii hedge that screens the neighbouring dwelling 'Selkirk' from the site. Selkirk is a one-and-a-half storey, red brick, chalet dwelling that has a first floor bedroom window in the gable elevation facing the site. A mature, well-kept hedge marks the western site boundary with Thaxted Road.

The surroundings are mainly comprised of residential dwellings. To the east of the site on the opposite side of the boundary hedge, lies agricultural land.

The site slopes gently downward from north to south (side to side), and from east to west (rear to front).

**DESCRIPTION OF PROPOSAL:** The Outline application submitted on 5 May, 2006, seeks permission for the demolition of the existing dwelling and the erection of three detached dwellings with all matters reserved.

**APPLICANT'S CASE:** A covering letter accompanies the application. The applicant considers that the proposal overcomes the previous reasons of refusal and meets the Councils Adopted Planning Policies for the area as contained in the 2001 Essex and Southend-on-Sea Replacement Structure Plan; National Planning Policies contained in Planning Policy Guidance Notes and Statements, namely PPG3 'Housing'; and PPS7 'Sustainable Development in Rural Areas'; and, the 2005 Uttlesford Local Plan (Policies S3, GEN1, GEN2, & H3).

The applicant considers that the previous committee report contained unequivocal comments that three dwellings were capable of being accommodated on this site. The proposal is for a 'red-line' outline application to establish the principle of the development of the site with three dwellings. No approval of any further details is sought, as these can be covered at the 'reserved matters' stage.

The applicant also considers that Policy H10 of the Uttlesford Local Plan does not apply to this site for two reasons. The proposal really represents the replacement of the existing dwelling, and the erection of two 'infill' dwellings, with the two 'infill' dwellings standing on a circa. 750sq.m site, and is therefore, outside 'policy' guidelines. Second: the attached 'Enclosure No. 1' "demonstrates very clearly that if this village needs '*social engineering*' through policy, it's needs are not for smaller houses because this size of dwelling is more than well catered for in the immediate vicinity as demonstrated."

**RELEVANT HISTORY:** UTT/0201/06/OP - Demolition of dwelling and erection of four detached dwellings – Refused – 28 April 2006.

**CONSULTATIONS:** Essex Wildlife Trust: To be reported (due 29 May 2006).

English Nature: No objection.

Environment Agency: No objection.

Anglian Water: To be reported (due 29 May 2006).

National Air Traffic Services Ltd: No objection.

ECC (Highways): No objection in principle subject to the submission of detailed plans.

**PARISH COUNCIL COMMENTS:** Object to the proposal. Re-iterates objections made previously on the last application for four dwellings on this site.

**REPRESENTATIONS:** Three letters of representation have been received from neighbouring residents at Rowney House, Kyalami, and Selkirk. Objections to the proposed development are raised by the occupants of Selkirk and Rowney House.

The main concerns raised are:

Three dwellings would lead to an overdevelopment of the site.

Any development should not be higher than any existing properties.

The Selkirk/Deneside boundary is incorrectly drawn. The site incorporates 30-40cm that belongs to Selkirk.

The occupants of 'Kyalami', the single storey bungalow immediately to the south of the site write to advise that they accept the principle of residential development of the site as it lies within the village envelope and is perfectly suitable for one or more dwellings.

However, the concerns raised are that the amenity of Kyalami's occupants is maintained, and that the development is both sustainable and a beneficial addition to the village. Given the absence of any details with the application it is difficult to comment. They suggest that all matters reserved for future determination should also include the number of dwellings as 3 dwellings would be too vague a number to comment on without details of their size and aspect. This would also enable them and other residents to comment on the details of the proposal as and when it becomes pertinent.

**COMMENTS ON REPRESENTATIONS:** The fundamental concerns regarding the application are contained in the Parish Council's comments and the comments from neighbours reported by it. It was previously agreed that four dwellings would represent an overdevelopment of the site, and that two storey dwellings would be out of character with surrounding development. However, the current application is for three dwellings only which, with the application of conditions to control height, footprint, and any future additions to the dwellings should result in a form of development more in keeping with the present pattern of development on this side of Thaxted Road. This should result in a high quality development that respects the site, its surroundings and neighbours amenities.



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

- 1) the principle of development. (ERSP Policies CS1 & BE1 and ULP Policies S3, GEN1, GEN2, H3 and H10).**
- 2) proposed density of development/housing mix (ERSP Policies CS1 & H2 and ULP Policies GEN2, and H10).**
- 3) effects upon the amenity of adjoining residential property (ULP Policy GEN2);**
- 4) adequacy of the proposed access (ERSP Policy T3, & ULP Policy GEN1);**
- 5) effects upon landscape and wildlife (ULP Policy GEN7.);**

1) The site lies within the defined settlement boundaries of Debden and therefore, in principle, development is acceptable under policy H3 of the Local Plan, subject to meeting other policy requirements of the plan. The principle of development for three dwellings is sought, with all other matters reserved for future consideration.

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

“Local planning authorities should therefore:

- avoid developments which make inefficient use of land (those of less than 30 dwellings per hectare net;
- encourage housing development which makes more efficient use of land (between 30 and 50 dwellings per hectare net);”

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

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

The site is some 1,300sq.m in size and the proposed 3 dwellings equate to a density of 23 dwellings per hectare (dph). This part of the village is low density, with in the main, detached dwellings of one or 1½ stories in height set in sizeable plots, and that sets the pattern to follow. The existing bungalow stands in a plot that is clearly larger than the norm in the vicinity. A balance needs to be struck between avoiding profligate use of land and maintaining the character of the area.

From the submitted drawing, it is indicated that the site’s frontage is 44.0m. ‘Kyalami’ to the south has a frontage of 15.4m, whilst ‘Selkirk’ to the north has a frontage of 16.9m. On the application site, each dwelling would average a plot frontage of 14.6m. This is in keeping with these dwellings, and with the four dwellings from ‘Kyalami’ to ‘Oakapple’ which have a frontage of 55.0m (c.13.75m each); and, the four dwellings from ‘Nellidean’ to ‘Sharon’ have a frontage of 53.0m (c. 13.25m each).

The ultimate size, scale and design of the dwellings is important in the context of the street scene, which on this side of the road in the vicinity of the site is reflected by 1 and 1½ storey dwellings. The main aspect of dwellings is of that facing the road, and it is considered that this pattern should be reflected in the new development. It is also considered that all the dwellings on the site should be no more than 1½ storeys in height, and that the dwelling adjacent to ‘Kyalami’ should be single storey only to reflect the very low pitch of roof which is

a stand out feature of this adjoining dwelling. Full height, two-storey dwellings would be out of keeping with the surroundings.

It is considered that it is possible to adequately accommodate no more than three detached dwellings on the site given the design parameters outlined above of dwellings with their main aspect facing the road, of no more than 1½ stories in height. This would enable any dwellings erected on site to reflect the space and character of adjoining plots.

It was clear from the indicative layout attached to the previous application for four dwellings (UTT/0201/06/OP) that the development would appear out of keeping with its surroundings if a control as to the limit of the floor area for each dwelling was not applied. In this case, and in the absence of any details, it is considered that three dwellings should have a floor area of no more than 80sq.m for the dwelling adjacent to 'Selkirk'; 90sq.m for the central dwelling; and, 100sq.m for the single-storey dwelling adjacent to 'Kyalami'. This is to reflect the tapering nature of the site which is 25.5m deep along the north boundary adjacent 'Selkirk'; 27.5m deep in the centre; and, 31.5m deep along the southern site boundary adjacent 'Selkirk'.

Given the above parameters, there should be sufficient scope in such a layout to provide for garages; driveways; turning areas; adequate garden areas: and, for bin storage. From May 2006, the District Council has switched from a roadside black bag, weekly refuse collection to a new 3-bin, wheelie bin system collecting on alternate weeks. It is, therefore, reasonable to expect all new residential layouts to provide bin storage and avoid the unsightliness of wheelie bins stored in open view when it is not necessary.

3) Local Plan Policy H10 is applicable in this case. It requires that "All development on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties".

The proposal would not be exempt from the requirements of Policy H10, because:

- The site is more than 0.1 of a hectare in area; and,
- The proposal is for three dwellings.

The applicants' contention that Policy H10 does not apply because the application represents the erection of a replacement dwelling for that existing and the erection of two 'infill' dwellings on c.750sq.m site is irrelevant. The Council is being asked to consider a proposal for three new dwellings on a c.1300sq.m site. Therefore, the Policy clearly applies in this case.

The applicant also asserts that there are sufficient smaller dwelling units in Debden to enable this site to be exempt from the provisions of Policy H10. It is considered that there should not be an exception on these grounds because if an exemption is given in Debden, similar exemption would have to apply throughout the district. There should be no exceptions. The Local Plan Inspector in considering the 2005 Adopted Uttlesford Local Plan acknowledged that there is an under-provision of smaller dwellings in Uttlesford, and agreed the definition of these as 2 and 3 bedroom dwellings. If it was considered that Policy H10 was unreasonable, the Inspector would have recommended its deletion from the Local Plan.

Given the requirements of Policy H10 it is considered that the smallest of the three dwellings as measured by footprint should contain no more than three bedrooms. In addition, it is considered reasonable to remove all permitted development rights in relation to extensions to dwellings and outbuildings so that the control regarding additions to the dwellings is retained.

4) The comments of the Parish Council and neighbours in this regard are noted. No objections have been received from the local highway authority to the application on highway safety grounds. The adequacy of new access points to serve the new dwellings on the site is, therefore, considered acceptable.

5) In respect of the potential impact of the proposal upon the character of the landscape and wildlife, the former has been covered by 2) above. English Nature has raised no objection to the proposals with regard to the impact on Wildlife. The Essex Wildlife Trust has made no comments.

**CONCLUSIONS:** The Outline application for the demolition of the existing dwelling and the erection of three detached dwellings with all matters reserved is acceptable. The development can be controlled through the application of conditions to control the height, footprint, and any future additions to the dwellings. This should result in a form of development that is in keeping with the present pattern of development on this side of Thaxted Road and which results in a high quality development that respects the site, its surroundings and neighbours amenities.

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

1. C.1.1. Submission of reserved matters: 1.
2. C.1.3. Time limit for submission of reserved matters.
3. C.1.4. Time limit for commencement of development.
4. C.5.1. Samples of materials to be submitted agreed and implemented.
5. The boundary hedges around the site, except at the points of access approved under the 'reserved matters' shall be retained unless the local planning authority gives its written consent to its removal or variation. Should any part of these hedges die, be removed or become seriously damaged or diseased, it shall be replaced during the following planting season by a hedge planted in accordance with a specification previously approved in writing by the local planning authority.  
REASON: The retention of the hedges is required in order to protect and enhance the existing visual character of the site and to reduce the visual impact of the development hereby permitted.
6. The main aspect of all the dwellings hereby permitted shall face Thaxted Road.  
REASON: To reflect the existing pattern of development on this side of Thaxted Road.
7. The dwelling adjacent to 'Kyalami' shall be single storey only.  
REASON: To reflect the very low pitch of roof to 'Kyalami' which is a stand out feature of this adjoining dwelling.
8. The dwelling adjacent to 'Selkirk' and the 'central' dwelling on the site shall be limited to no more than 1 ½ stories in height.  
REASON: To reflect the existing pattern of development on this side of Thaxted Road as full height, two-storey dwellings would be out of keeping with the surroundings.
9. The three dwellings, hereby permitted, shall have a floor area of no more than:
  - i) 80 sq. metres for the dwelling adjacent to 'Selkirk';
  - ii) 90 sq. metres for the central dwelling; and,
  - iii) 100 sq. metres for the single storey dwelling adjacent to 'Kyalami'.REASON: This is to reflect the tapering nature of the site which is 25.5 metres deep along the north boundary adjacent 'Selkirk'; 27.5 metres deep in the centre; and, 31.5 metres deep along the southern site boundary adjacent 'Selkirk', and to ensure that the dwellings hereby permitted do not overdevelop the site.
10. The dwelling hereby permitted, referred to in the above condition as adjacent to 'Selkirk' shall have no more than three bedrooms and shall thereafter be so maintained.

REASON: This is to reflect the requirements of Policy H10 of the 2005 Uttlesford Local Plan which is applicable in this case. It requires that “All development on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties”. A small property in this instance is either a 1, 2 or 3-bedroom dwelling. Insufficient reasoning has been put forward by the applicant as to why there should be an exception to the provisions of this Policy.

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

*Background papers: see application file.*

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**UTT/0761/06/REN - SAFFRON WALDEN**

*(Referred by Cllr Freeman)*

Erection of triple garage

Location: 27 Fulfen Way. GR/TL 537-371.  
Applicant: Mr D Upton  
Agent: Mr D Upton  
Case Officer: *Consultant North 2 telephone 01799 510469/510478*  
Expiry Date: 29/06/2006  
ODPM Classification: OTHER

**NOTATION:** Within settlement limits.

**DESCRIPTION OF SITE:** the application site comprises land located to the front of this short cul-de-sac of three dwellings. The site of the garage is presently grassed and forms part of the landscape relief to the adjoining built form. The main physical characteristic of the site is that it slopes downward steeply to the south and west such that the gardens adjoining to the south are approximately 1.5m to 2.0m lower than the site of the proposed garages.

**DESCRIPTION OF PROPOSAL:** The application seeks to renew planning permission to erect a triple garage. This building would have a footprint 9.5m wide and 6.4m deep. The ridge height would be 5.0m above the level of the existing hard surfaced parking area to the front (east) of this proposed garage.

**RELEVANT HISTORY:** UTT/0321/01/FUL - Erection of a detached triple garage - Approved.

**CONSULTATIONS:** Environment Agency: No objection.

**TOWN COUNCIL COMMENTS:** No objections.

**REPRESENTATIONS:** Five received. Period for representations 25 May 2006.

1. Our windows now overlook a small pleasant green area, any building placed on this area would undoubtedly restrict our light and create a very enclosed unpleasant environment. 27-31 Fulfen Way each has an existing integral garage and vehicle standing area, and do not therefore believe an extra 3 garages are necessary for no. 27. Concerned at potential inappropriate use.
2. Site is approximately 1.5m higher than garden to 21 Fulfen Way, and building will therefore look very high. Request roof pitch is lowered and changed to a hip roof to reduce height. 8m x 6m building close to garden. Query long-term maintenance of land. Raise issues of loss of parking rights to 25, 29, 31 & 33. 27 does not own land intended to build upon
3. Object – building is too close to garden of No.23. Pitch of the roof is too high and will be detrimental to outlook. Land was registered as amenity land and should not be built upon.
4. Strongly object – the garage would be put to a different use from the one for which permission was originally granted in July 2001. Was to provide single garage for each 27 -31 Fulfen Way, but this would be solely for No.27. Will create parking problems for 29 & 31. Concerned at potential; change of use to either commercial or residential use.
5. Object – land was covenanted as recreational land for the use of the 5 houses in Fulfen Way. Applicant neither owns or controls land, and Council should not consider application on that basis.

**COMMENTS ON REPRESENTATIONS:** The comments made regarding the building are addressed in the report below. Issues of covenants, access rights and maintenance of land are private civil matters for objectors to raise with the applicant. The grant of planning permission would not override civil law.

**PLANNING CONSIDERATIONS: The main issues are**

- 1) design (ERSP Policies CS2, BE1, ULP policies H8 & GEN2) and
- 2) neighbours' amenity (ULP policies H8, GEN2 and GEN4).

Notwithstanding the above points, in accordance with government advice in Circular 11/95 on conditions, the main issues in this case are whether there have been any material changes to the planning situation since the last grant of planning permission; or whether continued delay in implementing this development would contribute to uncertainty on planning issues, or whether the application is premature because there is still a reasonable amount of time for it to run. In other words, the Government expects councils to make the same decision as previously unless there have been changes to the circumstances prevailing in connection with an application.

Although there is a new Local Plan since the date of the previous permission, the same general design and amenity considerations apply. The policies on these matters are similarly worded and, in particular, the new local plan does not introduce any specific standards which would be contravened by this proposal.

With regard to the circumstances at the site, it is the situation that this has not materially changed since the last grant of planning permission. There do not appear to be any other new buildings that have recently been erected and the physical boundary treatments also appear to be unchanged.

As a minor domestic addition, there are no broader land-use implications from postponing the commencement of this permission. The existing permission expires on 8 July 2006 and therefore it is not an unreasonably premature application.

**CONCLUSION:** In these circumstances therefore this permission should be renewed, subject to the same planning conditions as previously applied.

**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. No development shall take place until cross sections of the site and adjoining land, including details of existing levels around the building hereby permitted and any changes in the level proposed, together with the proposed floor levels within the building, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with such details as may be approved.  
REASON: To protect the amenities of adjoining occupiers.
4. Details of any changes to retaining walls shall be submitted to and approved in writing by the local planning authority before they are carried out. Thereafter the retaining walls or other structures shall be maintained in a condition which retains their structural integrity and shall not be altered or removed without the prior written consent of the local planning authority.  
REASON: To protect the amenities of adjoining occupiers.

*Background papers: see application file.*

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