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**PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 19 JULY 2006**

APPL NO: **UTT/0769/06/OP**  
PARISH: **DEBDEN**  
DEVELOPMENT: Demolition of dwelling and erection of three detached dwellings with all matters reserved  
APPLICANT: Mr G Willington  
LOCATION: Dene Syde Thaxted Road  
D.C. CTTE: 28 June 2006 (see report copy attached)  
REMARKS: Deferred for Site Visit  
**RECOMMENDATION:**  
*Case Officer: Mr H Laird 01799 510464*  
*Expiry Date: 03/07/2006*

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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/0711/06/FUL - STEBBING

Proposed conversion of vacant chapel into 6 no. residential units together with the erection of 3 no. cottages. Alterations of an existing access to highway for vehicular and pedestrian, (including demolition of front boundary wall). Change of use of land from light industrial to residential.

Location: The Old Chapel Mill Lane. GR/TL 660-242.  
Applicant: Mr D Emery & Mrs Ward  
Agent: Andrew Stevenson Associates  
Case Officer: Mr M Ranner 01799 510556  
Expiry Date: 03/08/2006  
ODPM Classification: MAJOR

**NOTATION:** Within Development Limits and Conservation Area/near listed buildings (United Reformed Church and buildings along High Street include White Hart Public House).

**DESCRIPTION OF SITE:** The site comprises a roughly square shaped plot of land of approximately 0.2 hectares in size, which faces Mill Lane just to the south of the High Street within the centre of the village of Stebbing. It comprises a disused former chapel building (subsequently but no longer used for light industrial purposes), which occupies a position within the southern corner of the site facing Mill Lane. A gravelled area lies immediately to the north of the building and the remainder of the site, which comprises its rear or north western segment accommodates a number of scattered graves with grave stones, associated with the old chapel. The historic buildings of the High Street back onto the northeast-facing boundary of the site, including The White Hart Public House and a cricket field with pavilion backs onto the rear west-facing boundary. The southern boundary abuts a grassed area, which forms the entrance to the cricket field and beyond this lies, a number of residential properties along Mill Lane. To the front of the site, lies a grade II listed United Reform Church, a pair of cottages and a bowling green with associated pavilion. Existing boundaries to the site include old red brick walls on three of the boundaries except for the boundary backing onto the high street properties and open post and rail timber fencing and black cast iron railings are positioned to the front of the old chapel building and along part of the road frontage. A number of trees are located within the site, most notably on the boundary immediately to the rear of the White Hart Public House, with others including a single tree located centrally within the site close to the chapel and some further scattered trees within the rear part of the site. Members visited the site prior to determining the previous application last autumn.

**DESCRIPTION OF PROPOSAL:** This application constitutes a revised scheme following the previous refusal of planning permission by the Development Control Committee for the residential development of the site on 7 September of last year; reference UTT/0923/05/FUL. The application seeks full permission to convert the redundant chapel building into 6 no residential units to comprise 4 two bed and 2 one bed flats. Minor alterations are proposed externally to the building to accommodate the flats and internally more significant changes are proposed, which include increasing the floor space at first floor by utilising an existing void. A terrace of 3 three-bedroom cottages is also proposed and is to be sited to the north of the chapel and set back from its frontage. These are of simple design with steeply pitched roofs accommodating small pitched roof dormers on the rear roof plane. Externally the terrace is to be finished with a mixture of weather boarding, render and plain tiles and a weather boarded ground floor mono-pitched extension is to occupy nearly the full width of the terraces rear elevation. Amenity areas are to include private gardens for the cottages and a shared amenity area to the rear and side of the chapel to serve the flats. Access is to be gained via Mill Lane, between the Chapel and the cottages and will extend

into the site via a gravelled driveway to 15 external parking spaces and a single three bay cart port, which is of a simple hipped roof design. This equates to a total of 18 spaces (2 per unit) for the scheme. In order to achieve adequate visibility from the access into Mill Lane the front boundary wall is proposed to be demolished. The areas of graves will remain as they are now and a pedestrian access adjacent to the northern flank elevation of the terrace of cottages will provide access to the graveyard located immediately adjacent to the north eastern corner of the site. The scheme represents a density of 45 dwellings per hectare.

**APPLICANT'S CASE:** A supporting statement accompanies the application and for information purposes this is appended at the end of this report.

**RELEVANT HISTORY:** UTT/0030/77/CA. Change of use to light industrial with incidental storage and warehousing. Conditional Approval 21 March 1977.

UTT/0905/92. Detailed application for the erection of new office/workshop building and construction of new access. Conditional Approval 25 September 1992.

The previous refusal pertaining to the site ref: UTT/0923/05/FUL, to which this application seeks to address sought full permission to convert the vacant chapel into 7 no residential units together with the erection of 4 no cottages (i.e. 11 units) and 2 open bay cart lodges. This was refused by Committee on 7 September 2005 and is currently subject to an appeal which is to be heard at a public inquiry forthcoming. The reasons for refusal were;

- 1) The proposal would neither preserve nor enhance the character of the conservation area, as it would involve a level of development that would result in a cramped and congested form of development out of character with the scale and form of existing development in the area. It would thereby be contrary to policies S3, GEN2 and ENV1 of the Uttlesford Local Plan.
- 2) The development and consequent loss of the open space to the right hand side of the chapel occupied by the graveyard and car park would be detrimental to the countryside setting of the village and the character and appearance of this particular part of the conservation area wherein the site is situated, contrary to policies S3 and ENV1 of the Uttlesford Local Plan.
- 3) The close proximity of the vehicular access to habitable rooms of the proposed dwellings will be detrimental to the residential amenity of future occupants, by reason of noise and disturbance, contrary to policy GEN2 of the Uttlesford Local Plan.

**CONSULTATIONS:** Environment Agency: Advises that the sewerage undertaker be consulted in order to demonstrate that the sewerage disposal systems serving the development have sufficient capacity to accommodate the additional flows generated as a result of the development. They also advise that the development incorporates principles of sustainable construction and design.

Essex County Council: Recommends that a full archaeological condition be attached to any permission to ensure that the structure (chapel) can be recorded prior to conversion.

Commonwealth War Graves Commission: No objections to the application although make the following comments:

"From the proposals it would appear that the one war grave located in the Chapel yard, namely that of Lance Corporal Bush who died on 28 November 1918, is within the area of the development it is intended to leave 'unaltered'. This appears to be in line with the Commission's preference for the war grave not to be disturbed in accordance with the Geneva Conventions and to be left within the setting of a decently maintained burial ground. On this basis it would be welcomed if the development can raise funds to help ensure the restoration and better maintenance of that part of the site which contains the war and other graves. Any such improvements to maintenance of the burial ground in this way could amount to sufficient public benefit to justify the development of the site providing of course the relevant planning considerations are met."

ECC Highways and Transportation: No objections to the proposed development subject to the imposition of appropriate conditions concerning visibility splays, finished surfaces and the provision of turning and parking facilities.

**PARISH COUNCIL COMMENTS:** Stebbing Parish Council objects strongly to the application and make detailed observations in respect of the proposal. A copy of the Parish Council's comments is attached at the end of this report.

**REPRESENTATIONS:** A single letter of objection has been received from a past resident of the village. Letters of objection have also been received from 'The Stebbing Society' and 'Stebbing Village Hall'. The main points of objection can be summarised as follows:

- The new cottages will detract from the setting of the old chapel building.
- The loss of the open space will be harmful to the conservation area.
- The proposal will exacerbate existing parking and congestion problems in Mill Lane.
- The burial grounds/graves should be left undisturbed. Legislation dictates that burial grounds can only be developed if certain criteria are satisfied.
- The development of a burial ground will be immoral.
- The objections raised by the parish council are supported.
- The conversion of the chapel is supported but not new buildings on the site.

**COMMENTS ON REPRESENTATIONS:** The main issues raised of material consideration will be addressed in the following section.

**PLANNING CONSIDERATIONS:** **The main issue for consideration in this case is whether the revisions made to the scheme satisfactorily addresses the reasons for refusal pertaining to the previous application for residential development on the site, reference UTT/0923/05/FUL.**

The site is located within the settlement limits of Stebbing, where policy S3 of the Local Plan dictates that development compatible with the settlement's character and countryside setting will be permitted within its boundaries. Policy H3 'New Houses within Development limits' also permits infilling with new houses subject again to the development being compatible with the character of the settlement, although in addition, this policy also dictates that development should be compliant with a number of sustainable criteria.

Turning to the first reason for refusal concerning a cramped and congested form of development out of character with the scale and form of existing development in the area, the current proposal now for consideration attempts to address the Council's concerns by incorporating a number of amendments. These include most notably, reducing the terrace of cottages from four to three units, which has resulted in a greater separation distance between the cottages and the chapel. The ridge height of the terrace has also been reduced by 600 mm and the design no longer incorporates dormers within the front roof plane. A single flat incorporated within a rear extension to the chapel building has also been omitted from the current proposal (reducing the proposed number of units in the Chapel from 7 to 6) and car ports have been reduced from two four bay buildings to a single triple bay building. In light of these revisions officers consider that the proposed development sits more comfortably within the site and consequently will not appear overly cramped or congested thus largely overcoming the Council's earlier concerns with the previous application.

The Council was also concerned however with the loss of the open space adjacent to the chapel and the affect that this would have on the countryside setting of the village and as a consequence this formed the second reason for refusal pertaining to the previous proposal on the site. Although the width of the terrace has now been reduced, it still occupies the open space adjacent to the chapel. As a consequence this space would again be largely

lost as a result of this proposal and so the earlier concerns of the Council and the reason for refusal has failed to be satisfactorily addressed and so officers advise that the current proposal still fails in this respect.

The third and final reason for refusal pertaining to the previous scheme on the site concerned the vehicular access into the site and its close proximity to the habitable rooms on the adjacent chapel and subsequent harm that this would cause to the residential amenity of future occupants, by reason of noise and disturbance. The current application has been revised so that the access no longer abuts the chapels flank elevation but has now been pulled away so that a separation distance of between 4 and 7m now exists. This is proposed to be landscaped and will in the view of officers be sufficient to mitigate any possible affects of traffic utilising the access on the residential amenity of the future occupants of the chapel and thus addresses the concerns expressed by the Council relating to the previous scheme in this particular respect.

With regard to highway issues Essex County Council has raised no objections to the proposal subject to the imposition of a number of suggested conditions. In terms of parking provision, 18 spaces are proposed in total, which equates to 2 spaces per dwelling, which accords with the parking standards contained within the Local Plan.

As with the previous proposal, concerns have again been expressed regarding the relocation of the graves, which are located on the site. Understandably, this is a particularly sensitive issue, which is acknowledged by officers. The two graveyards close to the chapel are now to remain unaffected by the proposal. However separate legislation exists in connection with the protection and relocation of graves and this matter is not one that a planning decision can be based.

In all other respects, officers consider the proposal acceptable, however these considerations do not outweigh the resultant harm caused by the development to the countryside setting of the village and the character of the conservation area due to the loss of the open space on the site and the contribution it makes to the character and open setting of the locality.

**CONCLUSIONS:** In light of the above considerations, officers recommend that the application be refused as it fails to comply with Local Plan Policies S3 and ENV1.

**RECOMMENDATION: REFUSAL REASON**

The development and consequent loss of the open space to the right hand side of the chapel occupied by the graveyard and car park would be detrimental to the countryside setting of the village and the character and appearance of this particular part of the conservation area wherein the site is situated, contrary to policies S3 and ENV1 of the Uttlesford Local Plan.

*Background papers: see application file.*

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## UTT/0809/06/FUL - NEWPORT

Construction of 19 dwellings with associated roads, vehicular access, drainage and landscaping for residential use (affordable housing). Additional field access with gates  
Location: Site adjacent to Telephone Exchange London Road. GR/TL 521-331  
Applicant: Newport Parish Council & RHT  
Agent: George F Johnson Associates  
Case Officer: Ms H Lock 01799 510486  
Expiry Date: 14/08/2006  
ODPM Classification: MAJOR

**NOTATION:** Outside Development Limits; edge of Floodplain; access onto Class B Road.

**DESCRIPTION OF SITE:** The site is an arable field located on the southern edge of the development limit of Newport. On the northern boundary is the telephone exchange building, with housing on the opposite side of the road. Fields adjoin the site to the south and east, and the railway line is further east. There is roadside native hedging.

**DESCRIPTION OF PROPOSAL:** This is a full application for an affordable housing scheme comprising nineteen dwellings (13 houses and 6 flats) with associated access, roads, drainage and landscaping. The tenure would be a mix of rented and shared ownership.

The breakdown of units would be:

Flats 1 – 6:

Ground floor: 1 x 2-bed; 1 x 1-bed; underpass to rear parking area; undercroft parking for plot 7.

First floor: 1 x 2-bed; 2 x 1-bed

Second floor over central section only: 1 x 1-bed.

Flats 3 & 4 (central section) would have small patio/balcony areas of 2.3m<sup>2</sup>. Communal space of 88m<sup>2</sup> would be located behind a screen wall, set back behind existing roadside hedging. Six allocated parking spaces plus 2 visitor spaces would be provided to the rear of the building. A communal refuse area and secure cycle store are also proposed.

The 13 houses are a mix of 1.5 and 2-storey semi-detached and terraced/linked form. There would be 6 2-bed & 7 3-bed. All would be served by 2 parking spaces each. Garden areas would be a minimum 94m<sup>2</sup>, plus parking areas.

Building heights would range from 7.3m to 8.9m. The central section of the flats would be 11.2m, but set back from the road frontage, and flanked by lower sections.

Materials would be a mix of red brick, weatherboard and render, with plain clay tiles, slate and concrete pan tiles.

Landscaping to the main site boundaries would be 1.2m high chain-link fencing with hedge/tree planting behind.

A new access point would be created, and a replacement 8m wide field access with 1.2m high gates is proposed 115m to the south.

The site area is 0.493 hectares, and the density would equate to 38.5 per hectare, well within the guidelines set out in PPG3.

**APPLICANT'S CASE:** Various supporting statements accompany the application, and are available for inspection at the Council offices or via its website: Supporting Planning Statement (including Housing Needs Survey), Design Statement, Ecology/Landscape Survey, Flood Risk Assessment & Access statement.

In April 2006, there were 360 people on the housing register asking to be housed in Newport.

**CONSULTATIONS:** Essex Wildlife Trust: No objection as there is no significant potentially adverse impacts on ecology, given the intrinsically low ecological value of the arable part of this site. The only potential issue that may arise is that ground nesting birds may use the open field, but the submitted report makes provision for pre-construction bird surveys and avoidance of bird-nesting season. Welcome intended retention of hedges and trees. The loss of part of the hawthorn hedgerow to construct the new access is acceptable given the recommendation for ecological enhancements within retained hedges, creation of buffer strips and new hedge planting. The recommendations within the AERC report should be binding conditions.

TOPS: No objection subject to conditions.

Environment Agency: The submitted Flood Risk Assessment is acceptable. No objection subject to conditions.

UDC Engineering: Request conditions regarding submission of surface water drainage details and the implementation of the measures set out in the Flood Risk management strategy.

English Nature: No objection. Support recommendations made in submitted ecology report. Recommend bat detector surveys are undertaken at an appropriate time of year.

UDC Building Control: Flats should contain lifts due to SPD guidance. No stairlift or hoist provision to the houses shown on the drawings. Although access drawing and statement shows compliance, this cannot be seen on the accompanying plans.

ECC Schools Service: Although initially requested contribution of £42,165, request withdrawn as this is an affordable housing scheme and the financial contribution would undermine the viability of the scheme. *[agent's response to request: educational levies are not appropriate for local needs housing development. Most families we are housing already live in the village and out proposals for affordable housing are not introducing new children into the local schools system. In many ways our schemes go some way to safeguard the local primary schools by keeping families in the village. Such levies if imposed would possibly render schemes unviable financially, since no additional grant is available for this purpose and in the case of Newport there are substantial infrastructure and engendering issues to contend with already. Many Council's use their discretionary powers to exempt our developments from any contribution].*

**PARISH COUNCIL COMMENTS:** Positively support application and consequently have no objections.

**REPRESENTATIONS:** This application has been advertised and 1 representation has been received. Period expired 15 June 2006.

Query extent of site area in relation to supporting statements. Insurance companies have considered this to be a high risk flood area and may undermine ease of letting the houses. Site is outside Development limits. Piled foundations would be needed, and may undermine the economics of the housing project. 19 extra units would generate considerable additional traffic movements particularly during the morning and evening rush hours, when London Road is at its busiest. Unless maintained hedges may undermine sightlines. Would generate as much traffic as refused application for children's nursery opposite. Schemes have been refused closer to the centre than this due to distance from facilities. Consideration should be

given to sites closer to the nucleus of the village before choosing this site e.g farmland at Debden Road (south side), Chalk Farm (east side), School Lane (west side) & Wicken Road (north side). These have similar characteristics but less risk of flooding, and access onto less heavily trafficked roads. Loss of open views towards railway.

**COMMENTS ON REPRESENTATIONS:** These issues are addressed in the report below. The issue of foundations is a matter for consideration under the Building Regulations. Rights to views are not protected under planning legislation. The availability of other sites is insufficient reason to discount this site, provided it is acceptable on its own merits.

**PLANNING CONSIDERATIONS:** The main issues are whether the proposal complies with

- 1) the criteria for affordable housing on exception sites beyond Development Limits (ERSP Policy H5 & ULP Policy H11);
- 2) design and layout standards (ERSP Policies BE1 & CS2, & ULP Policy GEN2);
- 3) the requirements for high safety (ERSP Policy T3 & ULP Policy GEN1);
- 4) Other material planning considerations (including flood risk – ERSP Policy NR12 & ULP Policy GEN3; Sustainable construction – ERSP Policy EG4 & ULP Policy GEN2; Nature Conservation – ERSP Policy NR1 & NR6, & ULP Policy GEN7).

- 1) Policy H11 (Affordable Housing on “Exception Site”) of the adopted Local Plan supports the provision of such schemes provided
  - a) *100% of the dwellings are affordable and provided through a registered social landlord* – the application is submitted by the Rural Housing Trust, and the scheme will be managed by Hundred Houses Society, a RSL.
  - b) *it will meet a particular local need that cannot be met in any other way* – the housing needs survey undertaken in support of this application clearly demonstrates need.
  - c) *it is of a scale appropriate to the size, facilities and character of the settlement* – Newport is a large village with a range of facilities, and a scheme of 19 extra units would not be disproportionate or place undue pressure on facilities.
  - d) *the site adjoins the settlement* – the northern boundary of the site forms the outer edge of the Development Limit.

The policy requirements are therefore met. A representation advises that alternative sites would be more suitable. Five other sites were considered in the selection process, but discounted for various reasons, such as distance from the core of the village, inadequate access, and unavailability of land.

- 2) The layout and design would be to a high standard in line with advice in the Essex Residential Guide. The range of designs and building forms and heights would make for an interesting streetscape, and the use of undercroft parking where possible would avoid a car-dominated development. Although outside development limits, the site is opposite housing, and would integrate well with this part of the village. Landscaping would soften the approach to the village. Given the good size of garden areas and proximity to local facilities, it is not considered that provision of a formal play area is necessary. The site is sufficiently distant from any other dwelling to prevent any adverse impact on amenity. Density would be in the region of 38.5 dwellings per hectare, which would accord with government policy and be compatible with the local area. Density above the recommended minimum would make most efficient use of land without damaging the character and appearance of the area.

- 3) No objections are raised to the highway works. Given the visibility available at the site, it is not considered that the increased traffic movements of nineteen dwellings would materially increase traffic congestion on the main road.

4) The site is within close proximity to a floodplain, but the Environment Agency and UDC engineer are satisfied with the mitigation measures set out in the submitted reports.

An access statement accompanies the application, and although lifts are not provided to the flats, further clarification of the details has established that the statement is acceptable in all other aspects. The Council's Supplementary Planning guidance advises that lifts should be provided in all flats of three stories and above. In this case, there is only one third floor flat, and it is not considered reasonable to insist on a lift to serve this unit, bearing in mind this is an affordable housing scheme where funds will be limited see agent's letter dated 4 July 2006 attached at end of report.

Conditions relating to energy efficient construction can be applied.

An ecology report has been submitted with the application that demonstrates that no protected species would be affected by the proposal. Positive enhancements are proposed and can be controlled by condition.

**CONCLUSIONS:** The proposal meets all the necessary criteria and would help to provide much needed local affordable housing in the village.

**RECOMMENDATION: APPROVAL WITH CONDITIONS & SECTION 106 LEGAL AGREEMENT**

1. C.2.1. Time limit for commencement of development.
2. C.3.3. To be implemented in accordance with original and revised plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.4.8. Landscape management and maintenance plan for communal areas.
6. The development shall be implemented in accordance with the schedule of materials that accompany this permission. Where indicated, the state to be used shall be natural slate, weatherboarding shall be featheredged timber and painted, and render shall be smooth, unless otherwise first agreed in writing by the local planning authority. Subsequently, the external surfaces shall not be changed without the prior written consent of the local planning authority.  
REASON: In the interests of the appearance of the development and its impact in the street scene.
7. C.5.8. Joinery details – painted timber.
8. C.6.2. Excluding all rights of permitted development within the cartilage of a dwelling house without further permission.
9. C.7.1. Details of external ground and internal floor levels to be submitted agreed and implemented.
10. C.11.6. Provision and retention of parking spaces prior to occupation.
11. C.20.1. Acceptable survey and mitigation and management plan – implementation of scheme.
12. C.20.3. If Protected Species discovered get licence from DEFRA.
13. C.8.29. Details of sustainable construction required.
14. C.8.30. Provision of bin & recycling storage.
15. C.8.32. Accessibility – implementation.
16. All flood risk management measures set out in the submitted Flood Risk Assessment (Fenland Hydrotech dated January 2006) shall be incorporated into the development prior to the first occupation of any of the units hereby permitted, and shall thereafter be retained in their approved form.  
REASON: In the interests of public safety.



17. No development shall be commenced until a scheme for the provision of surface water drainage works, including ownership and maintenance schedule, has been submitted to and approved in writing by the local planning authority. The drainage works shall be completed in accordance with the approved details and agreed timetable. The details to be submitted shall include arrangements whereby surface water run-off from the accessway is intercepted within the site thereby avoiding water entering the highway.  
REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal for the lifetime of the development; and in the interests of highway safety.
18. The minimum ground level of any building involved in the development must be at least 58.76m AOD unless otherwise agreed in writing by the local planning authority.  
REASON: To provide reasonable freeboard against flooding.
19. No spoil or materials shall be deposited or stored in the floodplain defined as land at or below contour of 58.34m AOD.  
REASON: To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity.
20. Where is the surface finish of a private access is intended to remain in unbound materials, the first 6m as measured from the highway boundary shall be treated with an approved bound material to prevent any loose material from entering the highway.  
REASON: In the interests of highway safety.
21. C.11.10. Secure Cycle Storage.

*Background papers: see application file.*

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## **UTT/0299/06/FUL - THAXTED**

Erection of 2 no. single storey detached dwellings and 1 no. detached double garage  
Location: The Old Waterworks Bardfield Road. GR/TL 622-308  
Applicant: Mr M Holt  
Agent: Savills  
Case Officer: Miss K Benjafield 01799 510494  
Expiry Date: 18/04/2006  
ODPM Classification: MINOR

**NOTATION:** Outside Development Limits.

**DESCRIPTION OF SITE:** The site is located on the northern side of Bardfield Road approximately 1km (0.5miles) east of the centre of Thaxted. The area is characterised by linear residential development in a rural setting. The site measures 0.38ha, with a road frontage of 40m and maximum depth of 70m. It is screened by a mature hedge along the southern and western boundaries beyond which are the main road and allotments. There are open fields to the rear, and the applicant's house and garden lies to the east. The site is occupied by workshop buildings, a converted reservoir and hardstandings used for a vehicle repair business.

**DESCRIPTION OF PROPOSAL:** It is proposed to remove all buildings and hardstandings on the site (with the exception of the reservoir tank) to cease the existing use and to erect two single storey dwellings and one garage. The dwelling on plot 1 would be L-shaped and have a gross external area of 136.41 sq m being 10.5m wide at its widest point, 14m deep at its deepest point and rising to a height of 5.8m. That on plot 2 would also be L-shaped and have a gross external floor area of 146.42 sq m, being 11m wide at its widest point, 14.2m deep at its deepest point and rising to a maximum height of 6.2m. The designs would vary in terms of roofing materials and rendering, with the front elevation of the dwelling on plot 2 having half-hips to the roof. Access would be from a single access point which already has planning permission. The reservoir would be reduced in height and incorporated into the dwelling on plot 2 as a basement.

**APPLICANT'S CASE:** See letter dated 15 June 2006 and attached at the end of this report.

**RELEVANT HISTORY:** Erection of new house on site of The Old Waterworks conditionally approved 1981. Change of use from water storage tank to vehicle repair and spray workshop conditionally approved 1982. Erection of new paint store, compressor and boiler sheds. Erection of new storage building to replace existing conditionally approved 1983. Proposed rear door porch extension conditionally approved 1983. Outline application for redevelopment of Old Waterworks site and vehicle repair garage for construction of 2 detached houses withdrawn by applicant 2000. Outline application for redevelopment of Old Waterworks site and vehicle repair garage including demolition of existing sheds and construction of 1 house refused 2001 and allowed on appeal 2002. Formation of new access to Bardfield Road to serve workshops conditionally approved 2001. Reserved matters application for erection of two-storey dwelling conditionally approved 2002. Outline application for erection of one detached dwelling withdrawn by applicant August 2004. Erection of two detached dwellings and amendments to access approved under UTT/0747/01/FUL refused October 2004 – currently awaiting appeal decision. Erection of one two-storey detached dwelling and one single-storey detached dwelling refused March 2005.

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

**PARISH COUNCIL COMMENTS:** No objections.

**REPRESENTATIONS:** None.

**COMMENTS ON REPRESENTATIONS:** None.

**PLANNING CONSIDERATIONS:** The main issues are

- 1) **whether the development would comply with development plan policies relating to The Countryside (ERSP Policy C5 & UDP Policy S7);**
- 2) **design and energy conservation (ULP Policy GEN 2) and**
- 3) **other material planning considerations.**

1) Outline permission was granted on appeal for one dwelling as a planning gain in order to find a suitable use for what the Inspector described as “a sensitive site” rather than allow the existing buildings to become redundant and derelict. Subsequently the Committee approved reserved matters for a house situated on the western part of the site. This is not yet constructed but would be a substantial building having a total useable floor area of 234 sq m, being 14.7m wide, 12m deep and 8.1m high. In making this decision a plot width was created between the approved dwelling and a row of houses to the east. This is effectively an infill plot and it is considered that there is, in principle, scope for two dwellings on the site.

Members will note from the planning history that two applications for two dwellings have been refused. In both cases this was because of the size of the proposed dwellings when compared with the approved scheme. It was also argued that because no development had taken place that there could be no infill plot: while technically correct it is impossible to argue that, were the approved house to be built, that an infill plot would be created. It is considered a reasonable approach to argue that two dwellings could be accommodated on the site.

To do so however would, it is considered, require the proposed dwellings to be no more, or even less, intrusive than the approved dwelling. The proposed dwellings would, in combination, have a floor area of 282 sq m compared to that of the approved dwelling of 234 sq m. While this is a slightly higher figure, they would be substantially lower in height, being between 2 and 2.3m lower. Subject to appropriate landscaping conditions it is considered that they would be no more visible than a single dwelling and would be neutral in terms of any effect on the countryside.

2) The proposed design is unfussy as is appropriate for small buildings and is considered acceptable on its merits and in the context of the surroundings. Considerable resource conservation measures are proposed including solar panels and grey water recycling and these too are considered to comply with the Council's policies.

3) The applicant has made reference to applications previously approved by the Council at Levetts Farm to the west and within Bardfield End Villas to the east. The two applications at Levetts Farm were for a replacement dwelling and an infill dwelling between the existing dwelling and the adjacent dwellings to the west. It is considered that there are some parallels between this and the development now proposed, although all applications should be considered on their merits.

In relation to the development within Bardfield End Villas, this relates to the erection of one dwelling which was granted planning permission in 1993. National and Local planning policies have changed significantly since that time and it is not considered that this 1993 permission is comparable to the proposal currently being considered.

**CONCLUSIONS:** It is considered that the current proposal overcomes the reasons for refusal of previous schemes and it is recommended that planning permission be granted.

**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.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.5.2. Details of materials to be submitted and agreed.
5. C.6.7. Excluding conversion of garages.
6. C.7.1. Details of external ground and internal flood levels to be submitted and agreed.
7. C.8.29. Details of sustainable construction required.
8. C.8.30. Provision of bin storage.
9. C.8.23. Ground contamination.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A to F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order (i.e. any extension, outbuilding, garage or enclosure) shall take place without the prior written permission of the local planning authority. This condition shall apply only on that part of the site to the north of the line marked on the approved plans reference 117/182/01 and date stamped 19th June 2006.  
REASON: To prevent the site becoming overdeveloped and in the interests of the amenity of the occupiers of adjoining dwellings/buildings.

*Background papers: see application file.*

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## **UTT/0187/06/FUL - LITTLE DUNMOW**

Change of use of land for car and lorry turning and maintenance facility to storage of empty skips and waste transfer in connection with existing waste transfer operation

Location: Land adj to the Railway Yard Station Road. GR/TL 664-212.

Applicant: Dunmow Skips Limited

Agent: AERC (Mr Stephen Heading)

Case Officer: Mr M Ranner 01799 510556

Expiry Date: 30/03/2006

ODPM Classification: OTHER

**NOTATION:** Outside of development limits.

**DESCRIPTION OF SITE:** The application site lies outside of development limits to the east of Little Dunmow on the road to Felsted. It comprises an L-shaped site of approximately 800 metres square immediately adjacent to an existing waste transfer station. The area in the immediate locality of the site is rural in nature although development does exist in the locality, most notably to the south. This includes the former station, now a dwelling, a gypsy site and beyond this the Oakwood Park housing development (distance of approximately 125 m). A pair of cottages lie approximately 70m to the north of the site although these fall within the ownership of the applicant. Vehicular access is gained via 'Station Road' on the eastern boundary of the site, which is bordered by close boarded fencing. Earth bunding of around 1.5m in height screens the application site on its western and southern sides.

**DESCRIPTION OF PROPOSAL:** The application seeks full permission for a change of use of land currently consented as a lorry/car turning, parking and maintenance area to an extended waste transfer area (385sq.m) and storage area for empty skips (456sq.m). No other alterations are proposed to the area surrounding the site.

**APPLICANT'S CASE:** A five-page supporting document accompanies the application, which is appended to the end of the report for information purposes.

**RELEVANT HISTORY:** The area immediately adjacent to the site has a long planning history. The applicants gained retrospective planning permission for a skip hire business in 1993 (UTT/0381/93/FUL). Planning permission was later granted in 1995 (UTT/0322/95/FUL) for the expansion of the skip hire business to incorporate a waste transfer station. More recently in 2003 planning permission was granted (UTT/1760/02/FUL) for a change of use of the agricultural land adjacent to the waste transfer station to provide a car and lorry turning facility to be used in connection with the waste transfer station. It is this area that the current application refers.

**CONSULTATIONS:** None received.

**PARISH COUNCIL COMMENTS:** Little Dunmow Parish Council: Object to the application and state the following:

"The Parish Council object to this application as it would mean further expansion into the countryside and exacerbate the existing problem with mud on the highway, causing a hazard to motorists. Drainage is also a problem in this area and if permission is granted then a proper drainage system would need to be installed."

**REPRESENTATIONS:** A single letter of objection has been received from a local resident. The main points of concern can be summarised as follows:

- Increase of noise disturbance
- Increase volume of lorries on road
- Visual impact from all views looks unsightly
- Increase of countryside land used.
- Detrimental environmental impact
- Overdevelopment of little Dunmow and surrounding area
- Is this eventually going to lead to a recycling facility?
- Poor access and visual image of skip yard
- Poor signage to entrance/exit of skip yard
- No signage warning vehicle drivers of Lorries turning out of skip yard.
- The site looks untidy and from our view is messy showing a lot of raised earth with rubble mixed in.
- The current boundary agreed from previous application in 2003 was supposed to have conifers planted around to landscape properly and to date this has never been done.
- Main entrance to skip yard looks visually untidy and unkept.
- The road and pathway around the entrance has been seen to be muddy at times.
- This is the second application to extend the site, how many more in the future?

**COMMENTS ON REPRESENTATIONS:** The main points raised that are material to the consideration of this application will be considered as part of the following section of this report.

**PLANNING CONSIDERATIONS:** The main issues are

- 1) **the appropriateness of the proposed development in the countryside and its impact on the rural character/appearance of the area (ERSP Policies C5, WM1 & WM3 and ULP Policies S7 & GEN2);**
- 2) **the affects of the development on nearby residential amenity (ERSP Policies BE6 & WM3 & ULP Policies GEN2 & GEN4) and**
- 3) **other material planning considerations.**

1) The application site is situated outside of development limits within the countryside where policies C5 of the ERSP and S7 of the ULP apply. Policy S7 states that planning permission will only be given for development that protects or enhances the particular character of the part of the countryside within which it is set. Furthermore the countryside will be protected for its own sake and new building will be strictly controlled to that required to support agriculture, forestry or other uses. The proposed change of use is not required for any purpose related to agriculture, forestry or other rural uses and in his respect the proposal is contrary to adopted rural restraint policy and so therefore would normally attract a recommendation for refusal.

In this case however, the existing commercial use of the land subject to the application is of material importance. The overall area associated with the waste transfer station is enclosed by bunding which forms the western and southern boundaries. The application site is located within this area and under planning permission UTT/1760/02/FUL was approved as a lorry turning/ parking area and lorry maintenance facility associated with the waste transfer station. The current application site has not however been used for these purposes continuously and for periods over the last year or so has been used to store skips and provide an extended waste transfer area to the existing approved facilities that abut the application sites northern boundary without permission. The current application seeks to formalise this and permanently use this area for these purposes. The commercial use of the premises associated with its use as a waste transfer station is not proposed to be extended outside of the developed area and the bunding enclosing the site will remain. There will

therefore be no encroachment into the undeveloped countryside beyond the premises distinct boundaries and the change of use itself will not in the view of officers, subject to the imposition of appropriate conditions, have any greater impact on the countryside than its existing authorised use for lorry turning/parking and lorry maintenance.

Members should be aware that the premises have been subject to enforcement investigations in recent years. The applicant has failed to comply with the conditional requirements of the previous permission UTT/1760/02/FUL; most notably the landscaping of the site, which to date has not been carried out in accordance with the agreed details. This is essential for the site and if carried out as agreed will provide effective screening and significantly mitigate the visual impact of the existing commercial use on the surrounding rural area. For avoidance of doubt, a landscaping condition is also recommended to be imposed in respect of the current application. Officers intend to pursue enforcement action if the applicant continues to fail to comply with the conditional landscaping requirements of the site (next available planting season starts in November) to ensure that the existing use on the site and that proposed is assimilated into the countryside successfully. Although a concern at present, it would be unreasonable of the Council to either withhold determining this application or refuse it in light of this outstanding breach of planning control pertaining to the previous permission on the site.

Also of material importance is that the supporting information accompanying the application outlines the need and purpose of the development which is to allow for increased rates of recycling as required by Government. This accords with policy WM1 of the ERSP and Policies W3A and W7E of the Essex and Southend-on-Sea Waste Local Plan, which seek to promote increased recycling rates.

2) With regard to residential amenity, the existing use of the site has the potential to cause disturbance to nearby properties. However officers are satisfied that the change of use proposed in this case will not have any greater impact on local residents than the current authorised use of the site for the parking, turning and maintenance of lorries and other vehicles. It will not encourage any activities or lorry movements to take place any closer to existing residential properties. Also it is not anticipated that the proposal will give rise to an increase in lorry movements generated by the site as the enlarged waste transfer area will allow for more of the imported materials brought onto site to be recycled rather than encourage the importation of larger volumes of materials. The aforementioned landscaping of the site will also help to mitigate the affects of the development in terms of noise, dust etc on surrounding properties.

3) The proposal will result in the loss of nine lorry parking spaces. The applicant has indicated that the four remaining lorry spaces and the other general parking spaces within the site will be sufficient to accommodate the Lorry movements associated with the site. As vehicle numbers are not expected to change and in light of recent site inspections officers have no reason to question this presumption.

In all other respects officers consider the application acceptable and in accordance with development plan policies.

**CONCLUSIONS:** Officers therefore recommend that the application is approved subject to the imposition of the suggested conditions.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.

4. C.4.2. Implementation of landscaping.
5. Prior to the commencement of the development hereby permitted details of surface water storage and run off shall be submitted to and approved in writing by the local planning authority.  
REASON: In order to protect the water environment and public health.
6. There shall be no vehicle movements within, to or from the site outside the hours 0700 to 1800 Monday to Friday and 0730 to 1300 Saturdays, with no movements on Sundays, Bank or Public Holidays.  
REASON: In order to protect the amenity of nearby residential properties.
7. The development hereby permitted shall not commence until a detailed Amenity Management Plan including dust suppression and noise abatement has been submitted to and agreed in writing by the local planning authority. Before the site is first used for the purposes hereby permitted this plan should be fully adhered to in perpetuity unless a variation has been agreed in writing by the local planning authority.  
REASON: In order to protect to the amenity of surrounding residential properties.
8. No heavy goods vehicles leaving the application site shall turn right (south) through Felsted except for local access.  
REASON: In order to protect and safeguard the amenities of local residents.
9. The storage of skips within the site shall when stacked on top of each other shall be restricted to a maximum height that shall be agreed in writing with the local planning authority prior to the commencement of the development hereby permitted.  
REASON: To safeguard the visual amenities of the area.

*Background papers: see application file.*

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## **UTT/0729/06/FUL - CLAVERING**

*(Applicant related to councillor)*

Two storey side extension and erection of double bay cart shed

Location: Hillside Bird Green. GR/TL 453-338.

Applicant: C W Abrahams

Agent: Sworders

Case Officer: Mr T Morton 01799 510654

Expiry Date: 30/06/2006

ODPM Classification: OTHER

**NOTATION:** Outside Development Limit.

**DESCRIPTION OF SITE:** The site lies within the Open Countryside, well outside of the defined settlement boundary of the nearest settlement at Clavering as defined in the adopted Uttlesford District Plan. The site consists of an existing two storey, three bedroom, house facing onto the road and set in a large garden, with a detached garage.

**DESCRIPTION OF PROPOSAL:** The proposal is a Full application to construct a new two-storey side extension to the existing house, and erect a double bay open-fronted cottage.

The house extension would be 3.5m x 6m, and the same height as the main dwelling. The cartlodge would have a footprint of 6.35m x 6.45m x 4m high.

**APPLICANT'S CASE:** A supporting statement can be viewed at the Council Offices and on its website.

**RELEVANT HISTORY:** UTT/1587/04/FUL Erection of a new cottage. Refused 14.Decmeber 2004. Appeal Dismissed 4 November 2005.

**PARISH COUNCIL COMMENTS:** No objections to this proposal.

**REPRESENTATIONS:** None received. Notification period expired 29 May 2006.

**PLANNING CONSIDERATIONS: The main issues are**

- 1) **extension to dwellings outside of development limits. (ERSP Policy C5, & ULP Policy S7, H8.);**
- 2) **design and amenity (ULP Policy GEN2) and**
- 3) **other material planning considerations.**

1) The property is located well outside of Development Limits and in a very rural part of the District with few nearby buildings, all well separated and dominated by their landscape setting. Countryside Policy is concerned to restrict development in such a location, primarily to that required to support agriculture or forestry, but it is accepted that existing buildings may need to be adapted to some degree to meet current needs. Policy H8 accepts the extension of houses, but in the countryside this has to be set against the judgement as to whether the extension will protect or enhance the particular character of the part of the countryside in which it is set. The extension is reasonably subservient and proportionate to the existing dwelling, and would not significantly increase the visual impact of the house in the countryside. A new double garage building is proposed to the east side of the house, utilising the existing access point. This is not untypical of the type of rural cartlodge style garages encountered in the countryside, and would not be intrusive in the countryside here.

2) The design of the house is based upon the principles set out in the Councils Supplementary Planning Document on Home Extensions. The extension is set back off the front of the house making it visually subordinate, and has an acceptable proportion to the existing building. The cartlodge garage is an acceptable design in the countryside. There are no detrimental effects upon other property.

3) No other issues are considered to arise.

**CONCLUSIONS:** The proposal is considered acceptable.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.2. Details of materials to be submitted agreed and implemented.
4. The garaging hereby approved shall be constructed in accordance with the approved plans and shall remain as constructed. No part of the garage shall be altered or adapted or used for any other purpose than the parking of vehicles, including the provision of habitable accommodation of any kind.  
REASON: To ensure that suitable parking facilities are available to serve the development in a manner which accords with the requirements of Policy T2 of the Uttlesford District Plan.
5. C.8.28. Energy Efficiency.

*Background papers: see application file.*

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**1) UTT/0798/06/FUL & 2) UTT/0802/06/LB - THAXTED**  
***(Councillor's Application)***

Dormer window to rear elevation

Location: 2 Brooklyns Cottages Copthall Lane. GR/TL 613-310.

Applicant: M Foley

Agent: County Builders

Case Officer: Miss K Benjafield 01799 510494

Expiry Date: 28/07/2006

ODPM Classification: OTHER

**NOTATION:** Within Development Limits / Half of site including dwelling within Conservation Area / Grade II Listed Building.

**DESCRIPTION OF SITE:** The site is located 185m to the northeast of the centre of Thaxted and covers an area of 860m<sup>2</sup>. The dwelling on the site is a two and a half storey semi-detached listed building with an existing mono-pitched dormer window in the rear roof plane. The window to the dormer has dimensions of approximately 0.66m x 0.55m. The property is set at a lower level than the neighbouring properties to the north and mature vegetation exists along the northern and eastern boundaries to the site.

**DESCRIPTION OF PROPOSAL:** These applications relate to the construction of a replacement dormer window to the rear. The proposed dormer would have a pitched roof and would be weatherboarded to match the walls to the dwelling. The drawings are not detailed however from Council records it is possible to establish that the window to the dormer would have dimensions of approximately 1.1m x 1m and the dormer would be 1.7m tall to its ridge.

**APPLICANT'S CASE:** To repair existing.

**RELEVANT HISTORY:** Single storey lean-to extension conditionally approved 1983. Erection of single storey extension to match existing conditionally approved 1989. Proposed installation of satellite dish to rear chimney stack refused 2005.

**CONSULTATIONS:** Design Advice: 2 Brooklyn Cottage is part of a late C16 timber framed and weather boarded house with red plain tile roof. The building, now two dwellings, has an original red brick chimney stack with top rebuilt in C19. The proposal subject of this application is to remodel the existing rear dormer. The proposed dormer would be slightly larger than existing but as it would be located mostly in the later outshot, I do not consider it unduly damaging to the fabric and the character of the listed building. However as the drawing of the new window does not accurately indicate the pattern of the window and the mode of opening, I suggest a condition requiring large scale drawings.

**PARISH COUNCIL COMMENTS:** No objections.

**REPRESENTATIONS:** These applications have been advertised and no representations have been received. Period expired 19 July.

**COMMENTS ON REPRESENTATIONS:** N/A

**PLANNING CONSIDERATIONS:** The main issues are whether the proposed dormer would constitute an acceptable extension to the property or would have a detrimental

**impact on the listed buildings or the Conservation Area (ERSP Policies HC2, HC3 & ULP Policies H7, ENV1, ENV2)**

Proposals for home extensions are required to comply with three criteria contained in ULP Policy H8, these are that

1. the proposal would respect the scale, design and external materials of the original dwelling;
2. there would be no material overlooking or overshadowing of nearby properties; and
3. there would not be an overbearing impact on neighbouring properties.

With regard to this proposal, the dormer would have a similar appearance as the existing dormers on the adjoining property and it is proposed that the external materials would match the existing. Due to the small scale of the proposed development, it would not result in any overshadowing of nearby properties or have an overbearing impact on neighbouring properties. The window to the dormer would be larger than the existing however it is not considered that this would result in material overlooking of adjacent properties due to the presence of an existing dormer window, the distances between the site and the neighbouring properties and the existence of mature vegetation along the northern and eastern boundaries of the site.

The Council's Conservation Officer has been consulted with regard to this proposal and does not consider that the proposal would be damaging to the fabric or character of the listed building. It is also considered that the proposal would not have a detrimental impact on the character of the Conservation Area as the dormer would respect the form and appearance of the dwelling on the site and the adjoining property.

**CONCLUSIONS:** The proposal would comply with all relevant Development Plan policies and approval is recommended.

**RECOMMENDATIONS:**

**1) UTT/0798/06/FUL – APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.8.28. Energy Efficiency.
4. Prior to the commencement of development, fully detailed and scaled plans (to a recognised and stated scale) of the dwelling and the proposed dormer shall be submitted to and approved in writing by the local planning authority. Subsequently, the development shall be implemented in accordance with the approved plans.  
REASON: The submitted plans have not been drawn to a recognised or stated scale.

**2) UTT/0802/06/LB – LISTED BUILDING CONSENT WITH CONDITIONS**

1. C.2.2. Time limit for commencement of development – listed buildings.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.1. Sample of materials.
4. C.5.5. Clay plain tiles.
5. C.5.7. Window details.
6. C.5.16. No historic timbers to be cut.

7. Prior to the commencement of the works hereby approved a large scale drawing showing typical cross sections of the new window shall be submitted to and approved in writing by the local planning authority. Subsequently the works shall be implemented in accordance with the approved plans.  
REASON: In order to protect and enhance the character, appearance and setting of the listed buildings and the Conservation Area.

*Background papers: see application file.*

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## **UTT/0886/06/FUL - SAFFRON WALDEN**

***(Application by Council Employee)***

Erection of pitched roof over garage with two roof lights. New window to first floor elevation  
Location: 8 Beeches Close. GR/TL 533-375.  
Applicant: Mr G Smith  
Agent: Mr G Smith  
Case Officer: *Madeleine Jones 01799 510606*  
Expiry Date: 21/07/2006  
ODPM Classification: OTHER

**NOTATION:** ULP: Within Development Limits.

**DESCRIPTION OF SITE:** The site is located in the residential development of Beeches close, which is to the west of Newport Road, Saffron Walden. The property is a large detached chalet bungalow which is part brick and part rendered. It has a single, flat roofed, detached garage to the side of the property.

**DESCRIPTION OF PROPOSAL:** The proposal is to replace the existing flat roof of the garage with a raised pitched tiled roof. This would create a storage area above the garage. The roof would also have two velux type windows in the east elevation. The eaves height would be increased from 2.7m to 3.3m and the overall height from 2.9m to 4.5m. There would be no additional windows inserted into the western elevation. The proposal is also for the insertion of a first floor window to the front elevation of the gabled end wings of the dwelling.

**RELEVANT HISTORY:** Permitted Development Rights exceeded. Two storey extension approved 1975, rear and side extension approved 1988, erection of new garage approved 1982.

**TOWN COUNCIL COMMENTS:** No objection subject to condition to tie any occupation of the garage to No. 8 Beeches Close.

**REPRESENTATIONS:** None. Notification period expired 16<sup>th</sup> June 2006.

**PLANNING CONSIDERATIONS: The main issue is design, scale and impact on neighbours. (ULP Policies H8, GEN2, S1);**

The design and the scale of the development are satisfactory and are considered to be proportionate to the original dwelling. Visually the proposals are not considered to harm the amenities of the area. Due to the small scale of development it is unlikely to be unduly prominent within the street scene. The window to the front elevation of the dwelling would not cause any overlooking issues. The property to the west has windows in its side elevation overlooking the front portion of the garage and therefore, there would be minimal overshadowing caused by the proposal. However, the room served by this window also has windows to the front and rear elevations and the harm caused is not considered detrimental enough to warrant refusal of the application.

The Town Council comments are noted, but as this is solely works to an existing building there is no justification for the requested condition.

**CONCLUSIONS:** The proposal accords with the Council's policies.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.3. Matching materials.
4. C.6.7. Excluding conversion of garages.

*Background papers: see application file.*

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**UTT/0980/06/FUL - HIGH RODING**  
***(Officer's application)***

Single storey front extension

Location: 2 Broadfields. GR/TL 603-170.  
Applicant: Mr & Mrs B Byford  
Agent: Mr D Tuttlebury  
Case Officer: Miss K Benjafield 01799 510494  
Expiry Date: 07/08/2006  
ODPM Classification: OTHER

**NOTATION:** Within Development Limits.

**DESCRIPTION OF SITE:** The site is located 76m to the east of the main road through High Roding and covers an area of approximately 800m<sup>2</sup>. The property on the site is a two-storey semi-detached dwelling clad with boarding. There is a detached garage located to the rear of the dwelling.

**DESCRIPTION OF PROPOSAL:** This application relates to the removal of an existing flat roofed, open sided porch and the erection of a single storey front extension. The extension would cover an area of 10m<sup>2</sup> and would have a maximum height of 3.7m. An identical proposal has been submitted for the adjoining property which is subject to a separate application.

**APPLICANT'S CASE:** See letter dated 10 June attached at end of report.

**RELEVANT HISTORY:** Erection of conservatory to rear conditionally approved 2001.

**CONSULTATIONS:** None.

**PARISH COUNCIL COMMENTS:** To be reported (due 13 July).

**REPRESENTATIONS:** None. Notification period expired 4 July.

**COMMENTS ON REPRESENTATIONS:** N/A

**PLANNING CONSIDERATIONS:** The main issues are whether the proposed extension would comply with the requirements of policies relating to Design and Home Extensions (ULP Policies GEN2 & H8)

Proposals for home extensions are required to comply with three criteria contained in ULP Policy H8, these are that

4. the proposal would respect the scale, design and external materials of the original dwelling;
5. there would be no material overlooking or overshadowing of nearby properties; and
6. there would not be an overbearing impact on neighbouring properties.

ULP Policy GEN2 also requires development to comply with specified criteria. In this instance the particularly relevant criteria are that the development must:

1. be compatible with the scale, form, layout, appearance and materials of surrounding buildings; and



2. not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.

In relation to this proposal, the extension would be of a modest size and would respect the scale and design of the original and surrounding dwellings. Matching materials are proposed to the roof of the extension and although it is proposed to render the external walls instead of match the existing cladding to the dwelling, this is not an unusual external material in the vicinity and would be acceptable in this instance.

Due to the modest size of the extension and because the properties face northeast, it is not considered that the extension would result in any material overshadowing. In addition no overlooking would occur from the proposal and due to the extension having the same depth of the existing porch, no overbearing impact would result.

**CONCLUSIONS:** The proposal complies with the relevant Development Plan policies and is recommended for approval.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance approved plans.
3. C.8.28. Energy Efficiency.

*Background papers: see application file.*

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