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## **1) UTT/0878/06/FUL & 2) UTT/0880/06/FUL – TAKELEY**

### ***(Joint Report)***

1) Erection of 4 no. detached dwellings and 2 no. pairs of semi-detached dwellings with garages. Construction of new pedestrian and vehicular access

2) Construction of new access. Erection of 10 no. dwellings with garage/parking

Location: Land adj Westwood. GR/TL 548-211.

Applicant: C S Group

Agent: Fibbens Fox Associates Ltd

Case Officer: Miss K Benjafield 01799 510494

Expiry Date: 06/09/2006

ODPM Classification: (1) MINOR & (2) MAJOR

**NOTATION:** Within Development Limits / Adjacent to Flitch Way County Wildlife Site.

**DESCRIPTION OF SITE:** The site is located on the southern side of the B1256 at the eastern end of Takeley Street and forms part of a former builders yard. There is one new dwelling located on the western half of the frontage and the Flitch Way footpath forms the rear boundary. The site is now clear and consists of mostly scrub and earth. The site area is approximately 0.27ha.

### **DESCRIPTION OF PROPOSALS:**

#### **UTT/0878/06/FUL:**

This application relates to the erection of 8 dwellings on the site equating to a density of 30 dwellings per hectare (dph). A row of 6 properties would be located along the rear boundary of the site with the Flitch Way (plots 1 – 6) and 2 detached properties (Plots 7 & 8) would be located backing on to each other between “Westwood” and “1 Pincey Brook Cottages”. The details of each dwelling and plot are set out in the table below.

Plot no.	Maximum height	Bedroom no.	Private amenity area
1	8.4m	4	102m <sup>2</sup>
2	8.8m	3	56m <sup>2</sup>
3	8.8m	3	55m <sup>2</sup>
4	8.8m	3	72m <sup>2</sup>
5	8.8m	3	73m <sup>2</sup>
6	8.4m	4	147m <sup>2</sup>
7	8.3m	5	101m <sup>2</sup>
8	8.3m	5	98m <sup>2</sup>

#### **UTT/0880/06/FUL:**

This application is similar to UTT/0878/06/FUL and proposes the erection of 10 dwellings on the site with a density of 37dph. Plots 1 – 6 would be the same as those contained in the above application however two pairs of semi-detached properties would be located on what are indicated to be Plots 7 & 8 on UTT/0878/06/FUL and are Plots 7 – 10 for this scheme. The characteristics of the dwellings and plots comprising Plots 7 – 10 are detailed in the table below.

Plot	Maximum height	Bedroom no.	Private amenity area
7	8.8m	2	60m <sup>2</sup>
8	8.8m	2	60m <sup>2</sup>
9	8.8m	3	64m <sup>2</sup>
10	8.8m	3	67m <sup>2</sup>

Garage details have been submitted with UTT/0878/06/FUL indicating that the detached double garages would have maximum ridge heights of 5.1m while the single garages would have maximum ridge heights of 4m.

**APPLICANT'S CASE:** See letter dated 24 May 2006 attached at end of report.

**RELEVANT HISTORY:** UTT/1430/04/FUL - Erection of 5 detached two-storey dwellings with garages and associated works conditionally approved 2003. Erection of 11 dwellings and new access refused 2004 and appeal dismissed June 2005. Erection of 8 dwellings withdrawn by applicant September 2005.

**CONSULTATIONS:** ECC Archaeology: The proposed development lies in a potentially significant area of archaeological deposits. Recommends archaeological trial trenches followed by excavation.

Building Control: A bin collection point sited no more than 25m from the adopted highway may be necessary.

BAA Safeguarding: No objection however would make observations regarding the use of cranes and the need for landscaping to be carefully designed in order to minimise its attractiveness to birds and prevent an increase in birdstrike hazards.

Thames Water: No objection with regard to sewerage infrastructure. The applicant must not allow surface water to drain to the foul sewer and must look to other means to discharge surface water.

Environment Agency: Provides guidance for the applicant.

Fitch Way Ranger: None received (due 17 July).

Essex Wildlife Trust: None received (due 28 June).

**UTT/0878/06/FUL:**

English Nature: The development is not likely to affect the SSSI nearby.

ECC TOPS: No objections subject to the payment of a financial contribution relating to the implementation of post A120 bypass measures and conditions including altering the turning head, providing sight splays and the amendment of the accesses to Plots 7 & 8.

**UTT/0880/06/FUL:**

English Nature: Do not wish to comment on this consultation.

ECC TOPS: No objections subject to the payment of a financial contribution relating to the implementation of post A120 bypass measures and conditions including altering the turning head and providing sight splays.

**PARISH COUNCIL COMMENTS FOR BOTH APPLICATIONS:**

Object:

- overdevelopment and concentration of development in one small pocket of land adjacent to The Street.
- Government guidelines regarding density of new build do not and cannot ignore the resultant detrimental impact on rural and village locations. Agreement to either of these proposals, especially when considering the joint impact with the Brookside development would severely damage the rural nature of this part of the village and general amenities for those living close to the site.
- Inconsistent and incompatible design with the adjacent Brookside development.
- Agreement to either proposal would set an undesirable precedent and will by itself or cumulatively erode the character of the area and countryside and lead to further applications along The Street.
- The PC believe the Inspector's findings should stand especially now that Brookside is almost complete.

**UTT/0878/06/FUL REPRESENTATIONS:** None. Notification period expired 28 June.

**UTT/0880/06/FUL REPRESENTATIONS:** This application has been advertised and one representation has been received. Period expired 10 August.

One letter has been received from the occupiers of “1 Pincey Brook Cottages” which relates to both applications. Main points:

We have concerns over both applications involving development in depth from main road which would be out of character to which the Planning Inspector in June 2005 regarded essentially as a rural area. The Planning Inspector also referred to the conflict between pedestrians and cars which the development of the 10-house scheme fails to address. Highways access and proximities to the adjacent drives and road to Hatfield Forest raises serious safety concerns together with the potential, due to restricted parking on the site, could lead to overflow parking on the main road. We are concerned about overlooking from plots 7, 8, 9 and 10 and that permitted development rights to the windows to the side elevations and any future loft conversions are removed.

If the committee are minded to grant any development on this site, the lesser of two evils would be the 8-house development to which screening/planting should be applied to the side facing our garden.

If construction takes place, it should be restricted to Monday to Friday 9 – 5 to protect the amenity for the existing residents. No construction parking should be allowed on the main highway.

**COMMENTS ON REPRESENTATIONS:** See planning considerations.

**PLANNING CONSIDERATIONS:** The main issues are whether the proposals comply with policies relating to Backland Development, Design, Vehicle Parking Standards (ERSP Policies H3, H4, T3, T4, T6, T8, T11 & ULP Policies H4, GEN2, GEN8) or there are any other material considerations.

This site lies within the development limit and currently benefits from planning permission for 5 dwellings and therefore it is recognised that development of the site for residential purposes is acceptable in principle. However any proposed development will need to address the issues contained in the Inspector’s decision when dismissing the appeal for 11 dwellings in June 2005 in addition to complying with any relevant Development Plan policies.

This proposal, however, seeks to more than double the number of houses on the land. The net effect would be to change the nature of this part of the settlement to an unacceptable degree. It would create a high density suburban form of development in this essentially rural area, to the detriment of that area. Developing in depth from the main road in such a manner would produce a development that would be incompatible with the character of the settlement. There simply too many houses on the site such that there would be conflict between pedestrians and cars, and a poor standard of amenity and aspect for the residents of some of the dwellings, notably Plots 5 and 6, and Plots 10 and 11.

I conclude, therefore, that the development is unacceptable and runs counter to the recently – adopted Uttlesford Local Plan, in particular Policies H3, GEN2 and GEN9. In reaching this conclusion I have had regard to all other matters raised, but none is sufficient to outweigh the planning considerations I deem to be material.

The current applications propose schemes which are not dissimilar to the dismissed proposal. Both show a row of 6 dwellings along the rear boundary with the Flitch Way with additional dwellings located between “1 Pincey Brook Cottages” and “Westwood”. These are layouts which generally reflect the previously dismissed scheme for 11 dwellings.

### Plots 1 – 6

The reduction from 7 dwellings to 6 at the rear of the site has marginally increased the space on this part of the site however the garden areas are still substandard on Plots 2 – 5, particularly in relation to Plots 2 and 3 which would have private garden areas of only 55m<sup>2</sup> each for three bedroom houses. In contrast the four bedroom house on Plot 6 would have a private garden area of 147m<sup>2</sup>.

Notwithstanding the reduction in the number of houses by one on this section of the site, the development would still have a cramped appearance with only small gaps between the dwellings. This cramped appearance is highlighted by the need to locate the garaging for Plots 1 and 6 to the front of the dwellings which indicates that there is insufficient space to the side of these dwellings for the provision of parking.

The proposed layout is also likely to give rise to overlooking and a loss of privacy of neighbouring properties where the whole of the rear gardens to “Westwood” and “1 Pincey Brook Cottages” would be overlooked by the dwellings on Plots 1 and 6. This would result in these properties having no private amenity space.

With regard to the layout of the dwellings on Plots 7 and 8 on UTT/0878/06FUL and Plots 7, 8, 9 and 10 on UTT/0880/06/FUL it is proposed to consider these aspects separately below.

- UTT/0878/06/FUL  
The two dwellings on Plots 7 and 8 would have an acceptable amount of amenity space however the back-to-back distance between the two dwellings would amount to only 16m. This would result in the dwellings overlooking both their own garden areas and the adjacent property’s resulting in no private garden areas being available for either property. The dwelling on Plot 8 would also have an overbearing impact when viewed from “1 Pincey Brook Cottages”, in addition to overshadowing “1 Pincey Brook Cottages” as a result of being located only 3.6m from the existing dwelling.
- UTT/0880/06/FUL  
The four dwellings (2+2 bed and 2+3 bed) proposed on Plots 7 – 10 would have inadequate rear garden areas which would fall short of the 100m<sup>2</sup> standard advocated by the Essex Design Guide. In addition the back-to-back distances between the dwellings would amount to only 15m which would result in overlooking of the garden areas of the adjacent properties therefore resulting in the dwellings having no private garden areas.

The position of the double garage to Plots 9 and 10 would also appear overbearing to the occupiers of adjacent properties, particularly the occupiers of the dwelling on Plot 7. The dwelling on Plot 10 is also likely to result in overshadowing and have an overbearing impact to the occupiers of “1 Pincey Brook Cottages” as a result of its close proximity to this existing property.

The layout of Plots 7 – 10 is not significantly different from Plots 1 – 4 of the dismissed scheme and it is considered that this has a cramped form and layout.

PPG3 – Housing advocates the density of development being between 30 – 50dph however this should not be at the expense of the character of the surrounding area. The two schemes would result in densities of 30dph and 37dph respectively however this is much higher than the density of the existing dwellings surrounding the site which are generally set within spacious plots.

With regard to the proposed access to the site, proposal UTT/0880/06/FUL proposes only one less dwelling than the dismissed scheme but has a similar access arrangement with a

delineated shared surface. UTT/0878/06/FUL proposes 2 fewer dwellings beyond the point where the pavement would end and the delineated shared surface would begin. In this regard it is not considered that the reduction in the number of dwellings on either scheme would overcome the issues relating to potential conflict between pedestrians and cars on the site.

The number of parking spaces provided for each dwelling would comply with the adopted standards which are maximum specifications. A minimum of two parking spaces would be provided for each dwelling on both proposed schemes.

The applicant contends in their supporting information that the residential development at “Brookside” to the east of the site has altered the character of the surrounding area to the extent where these schemes are now acceptable. The development on this site has a density of 36dph which is not unlike the proposed schemes. However this approved scheme has a more satisfactory layout which provides adequate parking, garden areas and spacing between dwellings.

Overall, the “Brookside” scheme does not have the cramped appearance of the current applications and does not result in the issues relating to overbearing impact, a loss of privacy, inadequate garden areas, conflict between pedestrians and cars and an overall impression of overdevelopment of the site. Therefore, in addition to the fact that applications must be considered on their own merits, it is considered that there are sufficient differences between the current applications and the approved scheme that the “Brookside” approval is not a material consideration which outweighs the issues considered above.

**CONCLUSIONS:** The proposed developments under application ref. UTT/0878/06/FUL and UTT/0880/06/FUL do not comply with the policies in the Development Plan and have not satisfactorily addressed the issues contained within the Inspector’s decision when dismissing the appeal for a previous scheme on this site.

**RECOMMENDATIONS:**

**1) UTT/0878/06/FUL - REFUSAL REASONS**

The proposed development would have little regard for the character of the surrounding area, would constitute overdevelopment of the site and would have a cramped layout. This would result in substandard garden areas and conflict between pedestrians and cars on the site. Furthermore the proposed dwellings would have a poor relationship with each other and the existing dwellings adjacent to the site resulting in overlooking, loss of privacy, overshadowing and overbearing impact. The proposal is therefore unacceptable and contrary to the requirements of ULP Policies H4, GEN2 and ERSP Policies H3, H4.

**2) UTT/0880/06/FUL – REFUSAL REASONS**

The proposed development would have little regard for the character of the surrounding area, would constitute overdevelopment of the site and would have a cramped layout. This would result in substandard garden areas and conflict between pedestrians and cars on the site. Furthermore the proposed dwellings would have a poor relationship with each other and the existing dwellings adjacent to the site resulting in overlooking, loss of privacy, overshadowing and overbearing impact. The proposal is therefore unacceptable and contrary to the requirements of ULP Policies H4, GEN2 and ERSP Policies H3, H4.

*Background papers: see application file.*

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## **1) UTT/1075/06/FUL & 2) UTT/1076/06/FUL - NEWPORT**

1) Extension and alterations of existing workshops and the Maltings with provision of 8 no residential apartments and ground floor office also 2 no live work units. (Scheme 2)

2) Extension and alteration of existing workshops and the Maltings with provision of 5 no residential apartments and ground floor office also 2 no live work units (Scheme 1)

Location: The Maltings Station Road. GR/TL 521-335.

Applicant: City & Country Residential Ltd

Agent: Cowper Griffith Architects

Case Officer: Mr T Morton 01799 510654

Expiry Date: (1) 25/09/2006 & (2) 21/08/2006

ODPM Classification: (1) MAJOR & (2) MINOR

**NOTATION:** Within Development Limits/ within Conservation Area.

**DESCRIPTION OF SITE:** The site is a complex of buildings with 2 ranges, (here called the north range and the east range), the north range is of three-storey height, the east range is of two-storey height and a separate small single storey building stands in the north west corner of the site. The buildings are constructed of brick with slate roofing. Originally a Maltings, the buildings are now subdivided into a number of spaces as business units. These are partly occupied by a range of small local businesses. A communal car parking area stands in the centre of the site. The site is set to the rear of a house, 'Buriton House', which offers Bed & Breakfast accommodation and is flanked by the two vehicle accesses to The Maltings. The gardens of residential properties lie adjacent to the north and west, with the Station House to the east.

**DESCRIPTION OF PROPOSAL:** The two applications are almost identical in overall approach, proposing demolition of the existing single storey building in the north west corner of the site, extension of the existing buildings within the east range on its east side to provide 8 workshop units and the extension of the north range with a new south wing and with its western end reconstructed in brick to match the main body of the building. A new freestanding 3-storey building stands at the west side of the site, of 16.5m length in 1075/06 and 13m length in 1076/06.

The differences between the two applications within the enlarged north and new west buildings are;

1075/05 – provides 6 No 2-bedroom flats in the new west building of 16.5 metres length and 2 No 1-bedroom live/work units in the north range and 2 No 2-bedroom flats in the new south wing [a total of 10 flats including 2 No 1-bedroom live/work units]

1076/06 – provides 3 No 2-bedroom flats in the new west building of 13 metres length and 2 No 1-bedroom live/work units in the north range and 2 No 2 bedroom flats in the new south wing [a total of 7 flats including 2 No 1-bedroom live/work units].

Both schemes place a new commercial unit on the ground floor of the new south wing.

Both schemes separate the access for the commercial part of the development from the residential part of the development, though they are separated only by a locked removable bollard. This leaves the residential portion accessed by a single vehicle width access, and it also leaves the commercial portion accessed by a single vehicle width access.

**APPLICANT'S CASE:** The applicant has submitted a lengthy planning statement addressing the setting, the design, the changes made to address the reasons for the previous refusal, and the policy background. The full statement is available at the Council

Offices. A separate three page design statement is also submitted and a flood risk assessment is also submitted.

**RELEVANT HISTORY:** UTT/1305/05/FUL: Extension and alterations of existing workshops and The Maltings with provision of 14 residential apartments. Refused 16 December 2005. UTT/1307/05/FUL: Extension and alterations of existing workshops and The Maltings with provision of 14 residential apartments. Refused 16 December 2005.

**CONSULTATIONS:** Essex County Council Historic Buildings advice: The proposed development of the maltings is likely to impact on both structural and below grounds archaeological deposits. The East Anglian Archaeology: Research and Archaeology: A Framework for the Eastern Counties 2, Research and agenda strategy has identified industrial structures as facing a particular high rate of loss through demolition, redundancy or conversion. The main functional areas and spaces are still recognisable and structural details will survive. The maltings should be recorded prior to and during conversion works, which will allow all internal features to be recorded. Also groundworks will need to be monitored so that deposits associated with the malting industry and any possibly earlier occupation of the site can be recorded. Recommend building recording condition.

The type of record may to some extent depend upon the impact the existing conversion has already had on the building, however, the main functional areas and spaces are still recognisable and structural detail, an opinion of how the malting worked and its historic background can still be gained through survey. The monitoring will consist of an archaeological presence on site during groundworks.

Drainage Engineer: The flood risk assessment is acceptable. Development is proposed within the main river byelaw distance and the comments of the Environment Agency must be sought.

Environment Agency: No objection, standard advice on residential development has been offered.

English Nature: The proposals are not likely to affect a SSSI. If Protected Species are found on the site the applicant should provide an ecological survey.

**PARISH COUNCIL COMMENTS:** Object on the following grounds:

1076/05

1. West wing out of keeping with surrounding area
2. South wing out of keeping with surrounding area.
3. East workshop windows overlook the adjacent property at Station House
4. Station House boundary is encroached and inhibits the occupiers covenanted obligations
5. Parking space 13R obstructs an emergency exit from Buriton House
6. Turn radius from Buriton house ignores boundary of property
7. scheme overlooks adjacent properties in Pond Cross farm
8. Scheme inhibits emergency vehicle access to the Railway Line.

1075/06

1. West wing out of keeping with surrounding area
2. South wing out of keeping with surrounding area.
3. East workshop windows overlook the adjacent property at Station House
4. Station House boundary is encroached and inhibits the occupiers covenanted obligations
5. Parking space 13R obstructs an emergency exit from Buriton House
6. Turn radius from Buriton house ignores boundary of property
7. scheme overlooks adjacent properties in Pond Cross farm
8. Scheme inhibits emergency vehicle access to the Railway Line.

**REPRESENTATIONS:** These applications have been advertised and 2 representations have been received which are applicable to both applications. Period expired 25 July 2006.



The comments raised are;

The Maltings is the only commercial site in the village and when I wanted to start my business I wanted to keep it local and employ local people. Development into residential apartments would force local companies to relocate or take business and employment to another area, or worse still close down and cease to trade. I have been looking for alternative premises since the last application and am unable to find anywhere within the immediate location, this situation would leave me no option other than to stop trading as we currently are. We should be looking for ways to bring new businesses into our village and not making more difficult for the existing ones to trade.

An adjoining occupier objects that these proposals will overhang their boundary and rainwater will run over onto their property when gutters become blocked. The proposed changes are not in keeping with the current buildings and Conservation Area, the site is a commercial one not residential. The proposals would have large glazed areas abutting the boundary and causing overlooking. The development would bring noise and fumes right up to the boundary. They are concerned about increased traffic levels, insufficient parking spaces, insufficient refuse storage facilities and insufficient drainage capacity.

**COMMENTS ON REPRESENTATIONS:** Noted. These points are discussed further in the following section.

**PLANNING CONSIDERATIONS: The main issues are**

- 1) **Principle of the use / change of use from employment to residential use(PPS7, ERSP Policy BIW4, & ULP Policy E2.);**
- 2) **Design of the development / Conservation Area (ERSP Policy HC2 & ULP Policies GEN2 & ENV1);**
- 3) **Traffic and parking (ERSP Policies...T1, T3& ULP Policy GEN8);**
- 4) **Amenity impact upon surrounding properties (ERSP Policy BE1 & ULP Policy GEN2) and**
- 5) **Other material planning considerations.**

1) County Structure Plan Policy seeks to safeguard existing employment sites from change of use to other land-uses, and exceptions will only be permitted in exceptional circumstances where a site is poorly located. Where such cases arise there is a requirement to replace the employment space lost by a new allocation in adopted local plans. Local Plan Policy E2 defines key employment sites, but this site does not fall into that definition. The Policy accepts the development of employment land for other uses outside of the key employment areas if the employment use has been abandoned or the present use harms the character or amenities of the surrounding area. Neither of those two considerations are believed to apply to this site in the Councils view. PPS7 seeks sustainable patterns of development, and seeks to focus new development in local service centres and encourages strong diverse economic activity.

There is no other comparable site for small businesses to operate from within Newport, and the site enjoys reasonably direct access to the main road network, and are close to the rail station. The business uses are viable and offer local employment within walking distance of a large residential population. The site has not been abandoned, and the operation of the businesses gives rise to few negative impacts upon the character and amenity of the surrounding area. There is no justification for the loss of any existing employment space here or for the loss of any of the site to other land uses. The location close to the station makes this a very sustainable location for business use.

Conversely, the site layout as proposed would not offer an acceptable residential environment, nor an acceptable commercial layout and this is discussed further below.

Residential use is not considered appropriate for this site.

2) The design of the proposal for the east range adds lean to type extensions to their east (rear) side where they are not prominently visible, except from Station House. These additions are acceptable in design terms, though the adjoining occupier has objected that the extension roofs may overhang the boundary. If that is true it would constitute a legal trespass, and an alternative method of construction would need to be found. (This would be a civil matter between the two parties).

The proposed extensions and new building are designed in a style to match the predominant form of the main Maltings range, and in terms of appearance would have a neutral impact upon the character and appearance of the Conservation Area.

3) The submitted drawings show 12 parking spaces for the residential portion and 25 spaces for the commercial portion, for both schemes.

The parking standard for flats is 1.5 spaces per flat (where parking is communal and unallocated). The 7 flat scheme requires 11 spaces, and this is met, the 10 flat scheme requires 15 spaces and this is not met.

The parking standard for commercial Class B1 use is one space per 35 sqm. The calculation could be done in one of two ways. If the area of each individual unit is measured and its parking requirement calculated, with those figures then aggregated, the requirement would be for 46 spaces. Alternatively if all of the floorspace is aggregated and the calculation performed on the total then 35 spaces are required. Only 25 spaces are shown and the provision fails to meet the standard.

The applicant's supporting statement claims that 14 residential spaces are provided which meets the 7 flat scheme, but the shortfall of one on the 10 space scheme could be met by a resident parking in the station car park. This is considered unacceptable (and incorrect), each development must provide its own self contained parking provision, and in reality no resident will pay to use the station car park.

The statement claims the standard for B1 use is 1 space per 35 sqm and Class B2 Use is 50 sqm so an average of 42.5 sq. m should be used. The breakdown between Class B1 and Class B2 uses within the site is not known and not stated. There is no basis for making up an average standard, and since all of the units could in practice be let as Class B1 Use it is appropriate to use the 35 sqm standard.

The proposed commercial layout includes spaces that are triple banked, making them less convenient to use. The layout makes no provision for access by large commercial vehicles, there are no loading or unloading areas, and the congested nature of the car park would mean that large articulated vehicles could not negotiate the parking area. There is only one way in and out for each half of the development, meaning that incoming and outgoing vehicles would be in conflict on the single vehicle width road available, leading to reversing into the road to the danger of traffic and pedestrians.

The segregation between the residential and employment parking by a single locked bollard is curious; it is not explained how this would be managed or when the bollard might be removed. If it is removed then commercial traffic would be a danger to residents, and this would cause considerable nuisance to the residential units. There are no segregated footways.

The parking provision can only be regarded as inadequate, congested and hazardous.

The observations of the County Council Highways Authority are awaited at the time of drafting this report, but in the opinion of the officers of this Council, the increased volume of traffic associated with this intensive mixed use development is not acceptable here, in terms of the nature of Station Road, which is normally reduced in width by kerbside parking, and the ability of that road to safely accommodate the additional traffic.

4) The proposed flats are a mix of one-bedroom and two-bedroom flats. There must therefore be a potential that children would be living here. The flats are quite intimately associated with the commercial part of the site, and in particular the car parking layout is adjacent. There are no footways through the car park into the street. This poses a safety hazard for any residential occupiers and especially for children. The noise and disturbance from commercial parking and vehicle movements would be a source of direct and continual disturbance to residential occupiers.

The 7 flats scheme has a communal area of outdoor open space of 320 sqm (though 56 sqm of this is an ornamental square that could not be used for active recreation). The 10 flats scheme has a communal area of outdoor open space of 310 sqm (though 56 sqm of this is an ornamental square that could not be used for active recreation).

The Essex Design Guide suggests a minimum of 25 sqm per flat, equating to a requirement for 175 sqm for the 7 flats scheme and 250 sqm for the 10 flats scheme. Irrespective of numerical calculations, the provision that has been made for amenity space is viewed as inadequate, because use of this space would be in front of windows of the ground floor flats, and that would be a source of disturbance to the occupiers of those units.

The proposed alterations to the north range creates additional windows for the new residential units that would overlook the rear of the houses in Pond Cross.

Objections have been raised by nearby occupiers about the impact of the development upon their amenity. Whilst the distance to the rear of the houses in High Street is about 45 to 50 metres and therefore material impact upon the amenity of those properties is likely to be slight, gardens may become more overlooked, but there is no planning protection of the privacy of outdoor garden space. Overlooking of habitable room windows is a material factor, but at that distance the impact will not be material. The proximity of houses in Pond Cross is much closer, and new windows in the north wall of the north Maltings range would overlook them. It is considered that this would be a negative and harmful material impact upon those houses, and therefore not acceptable.

5) No other issues are thought to arise.

**CONCLUSIONS:** This amended set of two alternative schemes for the site is still a very intensive proposed use of the site. It is considered that the amendments have made little overall difference, to answer the Council's concerns raised in the refusal of the earlier submissions, and do not address the reasons for the previous refusal. The proposals still introduce conflicting uses at very close quarters, and the design makes inadequate provision for both the residential use and the business use. This approach to the development of the site is unacceptable in principle, where the Council considers it should be retained for business uses only.

**RECOMMENDATION: REFUSAL REASONS – UTT/1075/06/FUL & UTT/1076/06/FUL**

1. The proposal is contrary to the aims of Planning Policy Statement 7, Essex & South end-on-Sea Replacement Structure Plan Policy BIW4 and Uttlesford Local Plan Policy E2 to retain employment land to meet local employment needs. Loss of this site, even in part, to residential development could not be replaced within Newport, and local businesses and employees would therefore have to seek alternative employment locations at greater distance, contributing to unsustainable travel patterns.
2. The design of the proposed residential accommodation offers an unacceptably poor standard of residential amenity to the prospective occupiers in terms of the lack of adequate provision of private outdoor amenity space, conflict with the parking and traffic movements associated with the business element of the proposals, noise and disturbance from the operation of the business units within the site and unsafe pedestrian routes through and out of the site. New windows in the main Maltings building would overlook adjacent properties and would be detrimental to their amenity. The proposal is considered to conflict with the aims of Uttlesford Local Plan Policy GEN2.
3. The proposed parking and vehicle circulation layout is considered to be inadequate in terms of inadequate access routes into and out of the site for both the commercial and residential parts, the numbers of car parking spaces provided and their layout, the lack of provision for the movement, loading and unloading of commercial vehicles likely to call at the business units, and the conflict that would be likely to arise between residential occupiers and business occupiers within the site. The proposal is considered to conflict with the aims of Uttlesford Local Plan Policies GEN1 and GEN8.

*Background papers: see application file.*

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## UTT/0977/06/DFO - THAXTED

Reserved matter application for erection of 30 work at home units. 9 No 5 bedroom 15 No 4 bedroom 6 No 3 bedroom - siting, design external appearance, means of access, landscaping (outline planning approval under reference UTT/2134/03/OP).

Location: Bellrope Meadow Sampford Road. GR/TL 611-316.

Applicant: Healey Investment Ltd

Agent: Mr C Knight

Case Officer: Miss G Perkins 01799 510458

Expiry Date: 12/09/2006

ODPM Classification: MAJOR

**NOTATION:** Within settlement boundary & subject to Thaxted local policy 2 (Land adjacent to Sampford Road - relating to provision of home working units). Trees along western edge of the site are subject to a TPO.

**DESCRIPTION OF SITE:** This site lies at the northern edge of Thaxted, has a frontage of 85 metres to the Sampford road, approximately 70 metres east of its junction with the Walden Road (B184), adjacent to which stands the Thaxted Hall hotel (formerly the Fox & Hounds/ The Four Seasons). To the east are open fields and to the south lies the residential cul-de-sac of Guelphs Lane. In the early 1990's a turning head into the site was formed and the adjacent part of the Sampford Road widened but apart from some earth moving little appears to have happened to the site for years. The site has an area of approximately 1.5 hectares. Members visited the site in September 2005.

**DESCRIPTION OF PROPOSAL:** Members will be aware that this submission of reserved matters represents the provision of details relating to the development granted planning permission at outline and not a new or separate planning application in its own right. Consequently the principle has been established and many items have already been covered by conditions (see Relevant History below).

The proposal shows a pair of semis, plus two 3 dwelling terraces along the Sampford Road, a central entrance into the site as permitted at outline, involving a minor reshaping of the established access, and a mixture of detached house types of three, four or five bedrooms. The house types are unremarkable, mostly of two storeys with the terraces being 2 storey and house types C & D (13 units in total) having accommodation on three floors. The dwellings will be clad in plain and pantiles with some in textured slate. Most will have chimneys. The central spine estate road is largely as shown on the outline application.

The work element of the properties is now detached from the dwellings rather than link detached. Each plot has a double garage, some also have marked out open parking as well and all properties would have room on their driveways to park further vehicles. The work element would form part of the garages and would be clad with timber and roofed with artificial slate. The work spaces within most of the units is located at first floor above the garage, with the exception of Unit type 4. Each plot is to be provided with a kitchenette, toilet and a broadband internet connection. These will be independently metered rather than from the main house. This will make the allocation of business costs simpler. Details of the work units are shown in a table below.

The private parking area would be block paved and the main estate road constructed to adoptable standards and surfaced in tarmac. In accordance with Members' wishes in the south west corner of the site is a path which could link up with the recreation ground to the west, subject to the agreement of the landowner.

Landscaping along site boundaries is stated to be maintained and supplemented and common boundaries between plots will be fenced. A landscaping schedule has been submitted and it is noted that trees along the western boundary are protected by a Tree Protection Order.

The applicant has submitted a foul sewer drainage plan and a letter from Anglian Water confirming that they are satisfied with the proposed plan subject to the omission of Manhole F2.

House type	Number	Number of beds	Stories	Height
A	6	3	2	8.0 metres
B	2	4	2	8.2 metres
C	5	5	2.5	9.4 metres
D	8	4	2.5	8.9 metres
E	4	5	2	8.3 metres
F	5	4	2	9.1 metres
	30			

Garage/work unit	Number	Stories	Workspace (gross internal)	Height
1	10	1 ½	25 m <sup>2</sup>	6.9 metres
1a	6	1 ½	25 m <sup>2</sup>	6.9 metres
2	1	1 ½	25 m <sup>2</sup>	6.9 metres
2a	6	1 ½	25 m <sup>2</sup>	6.9 metres
3	2	2	28 m <sup>2</sup>	6.9 metres
4	5	1	25 m <sup>2</sup>	5.8 metres

**APPLICANT'S CASE:** See summary in section 6 in applicant's planning statement attached at end of report.

**RELEVANT HISTORY:** There is a relatively long history associated with the site and it is summarised below:

- Outline permission for roads & sewers to serve industrial development 1981.
- Outline application for 31 house refused and appeal dismissed 1986.
- Outline permission for industrial development 1988.
- Permission for construction of new access for industrial development granted 1989.
- Detailed permission for industrial development granted in 1990.
- Outline application for 18 dwellings with garaging and studio/workshops refused & appeal allowed 1999.
- Permission for variation of time limit condition attached to 1999 permission to allow further three years for submission of reserved matters February 2003.
- Variation to planning permission UTT/0372/98/OP (granted on appeal) to build 30 dwellings (12 additional units) with garages & studio/workshops.
- Reserved matters application for detail of the 30 dwellings lodged in 2006. This application was subsequently withdrawn following the identification of issues by

Council officers. It is noted that this current application for reserved matters is similar to this application and this report will outline whether the issues have been addressed. subject to conditions and a S106 agreement 2006:

Condition	Comment
Requirement for submission for approval of the details.	This application is the reserved matters application
Time limit for submission for approval of the details.	Instruction not requiring further submission.
Time limit for implementation of development.	Instruction not requiring further submission.
Submission and implementation of landscaping scheme (inc mature planting especially to southern boundary).	Required prior to commencement of development. Details not included as part of this submission. Timing of implementation specified on outline permission.
Retention and protection of trees.	Instruction not requiring further submission.
Landscape management plan	Required prior to commencement of development. Not included as part of this submission.
No dwelling occupied until associated office/studio accommodation is ready for occupation.	Instruction not requiring further submission.
The office/studio accommodation in each homeworking unit shall be retained for uses within class B1 of the Town and Country Planning (Use Classes) Order 1987	Instruction not requiring further submission.
Occupation of office only by persons occupying the associated dwelling or their employees.	Instruction not requiring further submission.
No outdoor working or storage in connection with the B1 business uses.	Instruction not requiring further submission.
Submission of details of the internal road layout & subsequent retention of visibility splays	Forms part of this submission.
Submission of details of the parking & subsequent retention.	Forms part of this submission.
Submission of details of the arrangements for the disposal of sewage.	Required prior to commencement of development. Not included as part of this submission although some details have been provided, however consent still required from the Environment Agency.
Full archaeological investigation.	Required prior to commencement of development. Not included as part of this submission.
No deliveries to the 'work element' after 1pm on Saturdays or anytime on Sundays.	Instruction not requiring further submission.
Use of energy and water efficiency measures.	Forms part of this submission

S106 Agreement covered payment of educational contribution and monies to fund local provision of affordable housing.

**CONSULTATIONS:** County Highways (Development Control): No objections subject to amended access to plot 28 (increase to 6m wide) and other conditions outlined in letter received 29 June 2006. Officers have measured the access width to plot 28 and it is 6m wide so there will be no requirement for an amendment.

County Highways (Estates): No objections subject to conditions relating to timing of provision of base and final highway surface; pedestrian visibility splay; surfaces on driveways; details of garage doors of plots 17 & 28; estate road to be lit.

Water authority: No specific response provided to Council. The applicant submitted a letter from Anglian Water outlining no objection to foul sewer drainage plan. Period for comments expired 4 July 2006.

Environment agency: Objected to the surface water plans provided as they may potential affect existing open water courses on the site. They have advised that which the applicant must satisfy the LPA and Water Authority they must ensure adjoining landowners must be fully agreeable. They object to culverting of natural water courses. There is a condition on the outline permission relating to foul water however this does not deal with stormwater, an appropriate condition can be included on this application.

Police architectural liaison: No response, period expired on 29 June 2006.

English Nature: Provided response stating that they believed the proposals were unlikely to affect a site of specific scientific interest. The applicant has submitted ecological survey however this does not specify if there are any protected species present on the site. The report submitted indicates that a reptile survey would need to be undertaken to confirm their presence before development could proceed without potentially conflicting with conservation legislation. A condition for a reptile survey will be included on any permission.

Essex Wildlife trust: No response, period expired on 29 June 2006.

ECC Learning services: No response, period expired on 29 June 2006.

Drainage engineer (internal): No response, period expired on 27 June 2006.

Landscaping (internal): No response, period expired on 27 June 2006. The applicant has included a planting schedule in this application and it appears to be acceptable.

Building Control (internal): No response, period expired on 27 June 2006.

ECC Archaeology: Request full investigation (Note: already conditioned at outline stage)

**PARISH COUNCIL COMMENTS:** In a letter dated 21 July 2006, Thaxted Parish Council advised that they had no objection to the proposal on the condition that the developers install biodisk systems for all the houses, and lower the Sampford Road drainage pipe to allow surface and foul water drainage to flow to the bottom of Fox Hill. Details of stormwater drainage will be a requirement of any permission, foul water details have already been approved by the relevant water authority.

**REPRESENTATIONS:** This application has been advertised and three (3) representations have been received. Period expired 4 July 2006. One of the letters did no raise issues, rather it was requested that Secured by Design be a condition of any permission.

The concerns raised can be summarised as follows:

- the ridge height of dwellings closest to the neighbouring property is 8m, which is higher than the normal ridge height that is usually between 7m and 7.5m.
- should ensure that screen planting along the common boundary is proper screen.
- height of fencing is not mentioned or the distance to the rear of the garden (officers note this included in the landscape schedule and specifies a 1800mm fence between plots and a temporary 1200mm cyclone fence along the boundaries until the hedge matures).
- object to construction being undertaken 24 hours per day.



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

**PLANNING CONSIDERATIONS:** The main issues are

- 1) **Whether the detailed design reflects the approved use of the land as home work units (ULP Policies H3, S3);**
- 2) **Whether the proposal is a satisfactory scheme in accordance with the outline permission (ERSP Policy BIW6 and ULP Policies GEN2, Local Policy 2, H10);**
- 3) **Whether the details of this submission are satisfactory in terms of sustainability (ULP Policy GEN2 and**
- 4) **Whether satisfactory provision has been made for foul and surface water drainage (ULP Policy GEN3).**

1) Outline permission has been granted and prior to that the site was allocated for home working units and prior to that a permission was granted on appeal for home working units and therefore the principle of using this site for work home units has already been accepted. The workspaces associated with the dwellings are mainly located above garages.

2) The street scene along the Sampford Road is acceptable following the revision of the height of the terraces along that frontage from the previously withdrawn application UTT/0368/06/DFO.

Plantings will screen views of the development from adjoining properties and the ridge heights are considered to be fairly typical of more modern residential forms of development. The dwellings will be clad with either red brick or render, with clay plain tiles or 'quality' tiles. If approved samples would be required to assess the acceptability of the tiles.

The layout includes the provision of garages in front of the dwellings, consistent with the indicative plan approved at the outline stage. Normally garages are discouraged within the front setbacks, however given the work component of the proposed use, the potential visitors to the work spaces and the existing outline approval it is considered reasonable.

Furthermore ULP Policy H10 requires a mix of housing to be provided in all developments with 3 or more dwellings. This is not strictly applicable in this instance as it is not a solely residential development, however there are dwellings ranging in size from 3 to 5 bedrooms.

3) The applicant expects the dwellings on this site to achieve a BREEAM (Building Research Establishment Environmental Assessment Method) ECO homes rating of very good or excellent (ratings: Pass; Good; Very good; Excellent). The layout seeks to take advantage of passive solar gain; each property is stated to have solar roof panels (hot water and heating) although these are not shown on the drawings. With regard to water conservation, the properties will be supplied with low consumption appliances and large rain water containers. A condition will require solar panels and rainwater tanks to be shown on the plans.

4) The details of the foul water drainage system have been submitted with this application and have been found to satisfy the requirements of Anglian Water (refer to letter submitted with the application dated 24 July 2006). Details of stormwater drainage have not been submitted to a satisfactory standard and the Environment Agency has commented that they object to the culverting of natural water courses. Detailed plans for the foul water sewerage are required by a condition on the outline permission and officers will include a condition on any detailed permission to ensure that stormwater drainage design is to the satisfaction of the relevant authorities.

**CONCLUSIONS:** This scheme is considered to be satisfactory. The design of the units is generally consistent with the outline permission granted.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.3.1. To be implemented in accordance with approved plans.
2. C.5.1. Samples of materials to be submitted agreed and implemented.
3. C.20.7. Survey required before commencement of development.
4. C.8.27. Insulation of plant and machinery.
5. C.17.2. Detailed amendments to be incorporated into design.
  - Details of fencing and gates at the entrances along the Sampford Road should be provided.
  - Deletion of Manhole F2 shown on the Foul Water Drainage plans as per the requirements of Anglian Water in letter dated 24 July 2006.
6. C.10.5. Carriageways of estate roads.
7. C.10.7. Visibility splay for crossover access.
8. C.10.18. Unbound material/surface dressing.
9. The estate road bellmouth junction with Sampford Road B1051 should be provided with a carriageway width of 6.0 metres together with radius kerbs of 10.5 metres and footway width of 1.8 metres.

REASON: In the interest of highway safety.
10. Clear to ground level visibility splays of 4.5 x 90 metres within the limits of the site should be provided at the estate road junction with the county road B1051.

REASON: In the interest of highway safety.
11. There should be no pedestrian access from Plots nos 1-8 direct on to Sampford B1051.

REASON: In the interest of highway safety.

*Background papers: see application file.*

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## **UTT/0263/06/FUL - GREAT DUNMOW**

Roads, foot paths, Type 3 turning bay, pumping station with associated control box, telemetry aerial, 1.8m high close boarded timber fence, vehicular access onto by-pass and turning area and foul and surface water drainage

Location: Sector 3 Woodlands Park Great Dunmow GR/TL 616-228

Applicant: Wickford Developments Co Ltd

Agent: Melville Dunbar Associates

Case Officer: Miss G Perkins 01799 510468

Expiry Date: 12/07/2006

ODPM Classification: MINOR

**NOTATION:** Partly Inside Development Limits/ Partly Outside Development Limits/ Ancient Woodland/ Important Woodland.

**DESCRIPTION OF SITE:** The site is at the northern extent of Woodlands Park residential development area. The site for the proposed pumping station is outside the development limits, in a woodland immediately abutting the Woodlands Park development.

There is agricultural land and woodland adjoining the land and further south are the developing sectors of Woodlands Park that comprise new residential development.

**DESCRIPTION OF PROPOSAL:** It is proposed to construct a road, which will service the northern section of residential development within Sector 3. The work will be of standard design as approved by Essex County Council Highways. The road will run in a north/south direction and will connect to the Type 2 access road.

A pumping station compound is proposed to be constructed to the north of the site. The pumping station will be outside development limits, and is proposed to be fenced and will have access directly off the North West by-pass road. The pumping station is located approximately 50m from the northern end of the proposed road.

The rising main and foul sewer associated with the pumping station are proposed to run through the road and will service the 400 dwellings already approved in Sector 3 in addition to the additional future houses which would be sited on the new road.

This application does not seek permission for the construction of any dwellings or garages.

**APPLICANT'S CASE:** The applicant has included a letter from their engineers that outlines the reasons for the amended layout and siting of the foul water pumping station. Primarily the road layout has been amended due to requirements of Anglian Water that stipulate that no windows to habitable rooms may be erected within 15 metres of the compound for a foul water pumping station.

The layout and location of the pumping station have been designed to enable the required buffer around the compound. The gardens associated with the dwellings are included in the buffer distance.

**RELEVANT HISTORY:** There are several applications that are relevant to this application and these are summarised as follows:

- UTT/0449/02/OP- Outline approval for 100 dwellings in Sector 3 granted 16 June 2003.
- UTT/0450/02/OP- Outlined approval for 300 dwellings in Sector 3 granted 16 June 2003.

- UTT/0386/05/DFO- Approval of reserved matters pursuant to previous outline for 100 dwellings granted 27 May 2005.
- UTT/0392/05/DFO- Approval of reserved matters pursuant to previous outline for 300 dwellings granted 27 May 2005.
- UTT/0394/05/FUL- Application for 17 dwellings refused on 6 June 2005.
- UTT/0266/06/FUL and UTT/0262/06/FUL- Application for 17 dwellings and 12 dwellings. Both applications were withdrawn due to issues relating to provision of affordable housing within the development.

**CONSULTATIONS:** Essex County Council (Highways) - No objection subject to conditions.  
Water Authority- No comments received and the period expired on 4 May 2006. A letter from Anglian Water was received with the application that outlined the 15 metre buffer requirement between habitable room windows and the pumping station compound.

Environment Agency- No objections or conditions.

English Nature- Provided comments on the Crested Newt Survey Report and suggested that bats may also be present on the site. They advised that insufficient information had been provided with the application in order to rule out the presence of crested newts. This is due to the fact that refuge site search was the only method of survey and the surveys were carried out at a suboptimal time of year.

Essex Wildlife Trust- No comments provided, period expired 29 April 2006.

Drainage Engineering (internal) - No comments provided, period expired 27 April 2006.

Policy (internal) - No comments provided, period expired 27 April 2006.

Landscaping (internal) - No comments provided, period expired 27 April 2006.

**TOWN COUNCIL COMMENTS:** Great Dunmow Town Council comments that due to the complexity of the application the members requested a site visit with officers to discuss the application with particular reference to the topography of the land in relation to the height of the dwellings.

**REPRESENTATIONS:** None. Notification period expired 4 May 2006.

**COMMENTS ON REPRESENTATIONS:** N/A

**PLANNING CONSIDERATIONS:** The main issues are

- 1) **whether the layout of the road is appropriate and will suitably service future residential development on this part of Sector 3 (ERSP Policy H4 & ULP Policies GEN1, S1, H1, GD5, H3);**
- 2) **whether the location of the pumping station is appropriate and whether it would detrimentally affect the woodland (ERSP Policies C5, BE5 & ULP Policies S7, ENV7, ENV8) and**
- 3) **Other material planning considerations.**

1) The road layout proposed is similar to the road layout proposed in application UTT/0394/05/FUL that was refused due to non provision of affordable housing. It is important to note that this application relates to the road layout and the pumping station only and does not include permission for housing on the land. Nonetheless it is inevitable that some consideration must be given to future residential development, as the layout will direct the general form of development in this part of Sector 3.

ERSP Policy H4 applies to new residential development and requires that phasing of development should allow for provision of roads and services. This proposal would allow for the phasing of development. ULP Policies H3, S1 and H1 all relate to the provision of housing within development limits. In principle development is supported in this location and

therefore the required ancillary services such as roads are permitted. The layout will not compromise future provision of affordable housing on the site.

ULP Policy GEN1 relates specifically to access and requires road design to cater for the needs of the development and encourages movement other than by car. The Highways Authority have reviewed the layout and found it to be acceptable. Given the road is for a relatively small number of dwellings in the context of the 400 dwellings approved for Sector 3 it is considered that it appropriately caters for the needs of residents. The length of the road is approximately 200m and will allow for future residents to access the Type 2 road relatively easily either via by foot or bicycle.

ULP Policy GD5 relates specifically to Woodlands Park and gives guidance to the comprehensive residential development. Policy GD5 requires development to be implemented in accordance with overall masterplan. The road layout is generally consistent with the masterplan however includes minor modification to allow for the required buffers around the foul water pumping station. Obviously the provision of a pumping station is integral in the new residential area and such a consideration warrants a minor variation from the masterplan. There a 50m distance between the road and the compound around the pumping station, which is sufficient to provide the required buffer for future dwellings.

2) The pumping station is sited outside development limits, therefore different policies are applicable. Normally such a facility would constitute permitted development, however given the works are undertaken by the developer rather than the relevant authority it requires planning permission. ERSP Policy C5 and ULP Policy S7 require that development within the countryside is strictly controlled. Furthermore the pumping station site is identified as an ancient and protected woodland, where ULP Policies ENV7 and ENV8 are applicable. Policy ENV7 and ENV8 stipulate that development that could adversely affect the landscape, i.e. the woodland, will only be permitted where the need for the development outweighs the need to retain these elements.

Officers consider that there is some potential for the proposed compound to adversely affect the woodland, however there is a need for such a service to enable the residential development in Sector 3 of Woodlands Park. While it may be possible to site the pumping station within development limits, it may be more difficult given the sensitive nature of the pumping station. ERSP Policy BE5 relates to polluting, hazardous or noisy developments and requires that they are not sited where they will cause material harm to residents. Anglian Water Authority has minimum buffer requirements for a 15m buffer and this coupled with the engineering constraints associated with installing pumping stations a location outside development limits is more practical. The pumping station will be screened by trees and it is considered to be a necessary infrastructure in order to facilitate development within development limits.

3) English Nature have provided comments on the Crested Newt Survey and found it inadequate to demonstrate that there were no Crested Newts on the site. They have made some suggestions about additional surveys to be undertaken and stated that based on the information provided we will be unable to determine the application.

**CONCLUSIONS:** It is considered that the road layout is generally in accordance with the adopted masterplan for Sector 3 in Woodlands Park and meets the Highways Authority's requirements. The minor modifications to the road layout are as a result the Water Authority's buffer requirements for the foul water pumping station and these are considered to be reasonable. The provision of sewer services are necessary to facilitate development within the whole of Sector 3. After balancing policy objectives relating to provision of housing, siting of sensitive land uses and protection of the woodland it is considered acceptable to site the pumping station just outside development limits.

**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.20.7. Survey required before commencement of development.
4. Prior to occupation of any property each vehicle access shall have a 1.5 metre x 1.5 metre pedestrian visibility sight splay as measured from the highway boundary, shall be provided on both sides of the vehicular access. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter.  
REASON: To provide adequate inter-visibility between the pedestrians and users of the access and the existing public highway for the safety and convenience of users of the highway and of the access having regard to policy T8 of Essex and Southend-on-Sea Replacement Structure Plan.
5. No unbound material shall be used in the surface finish of any driveway within 6 metres of the highway boundary of the site.  
REASON: To avoid displacement of loose material onto the highway in the interests of highway safety and in accordance with policy T8 of the Essex and Southend-on-Sea Replacement Structure Plan.
6. C.10.5. Carriageways of estate roads.
7. A 500mm wide overhang strip should be provided to the carriageway where there is no footway.  
REASON: To ensure roads/footways are constructed to an acceptable standard. In the interests of highway safety in accordance with policy T8 of the Essex and Southend-on-Sea Replacement Structure Plan.
8. This permission does not relate to the siting, location or other indicative details of the dwellings or garaging shown on the landscape drawing 498-PL02.  
REASON: The details of the new dwellings and their garages are required to form part of a further application.

*Background papers: see application file.*

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## UTT/1066/06/FUL - LANGLEY

Permanent retention of rally school use, subject to conditions attached to UTT/0761/05/REN

Location: Langley Park Rally School. GR/TL 425-348.

Applicant: Mr Simon Clark

Agent: John Grayson

Case Officer: Mr T Morton 01799 510654

Expiry Date: 21/09/2006

ODPM Classification: MAJOR

**NOTATION:** Outside Development Limit.

**DESCRIPTION OF SITE:** The site is located at the edge of the district to the west of Langley Lower Green on farmland associated with Langley Lawn. The length of track to be used for rally school tuition is part of a former airfield, situated approximately 250m north-west of Langley Lawn and is accessed along a rough track from the farm. The track, used as part of the existing rally school, is approximately 450m in length and is located between two agricultural fields. The site is quite open in character with a hedge to the north side of the portacabin buildings, and a large aircraft hanger building adjacent to the west side, not used in conjunction with the rally school. Two portacabins are stacked one on top of the other to provide briefing facilities for drivers and spectator, changing rooms and refreshment facilities. The toilets are nearby in another demountable.

**DESCRIPTION OF PROPOSAL:** The applicant is seeking permanent consent to retain the use of the site as a rally school, with no changes to the restrictions imposed by the current planning conditions.

**APPLICANT'S CASE:** The applicant has submitted a lengthy supporting statement in conjunction with the application plans. This is available for inspection on the case file.

**RELEVANT HISTORY:** The use began its life circa 2001, as an activity conducted under Permitted Development rights to use open land for the purpose of a motor racing or training related activity for up to 14 days in any calendar year.

UTT/0785/03/FUL: Change of use of agricultural land to rally school. Approved 4 December 2003 subject to conditions on use.

UTT/0761/05/REN: Renewal of temporary planning permission for change of use of agricultural land to rally school for eighty days per year until 31 December 2006. Approved 08 July 2005.

UTT/0762/05/FUL: Variation of conditions to planning permission UTT/0785/03/FUL for alteration of user, extension of use by one hour and retention of two portacabins. Limited period permission granted to 31 December 2006.

Conditions to control the operation of the use included;

C.90B The Rally School hereby permitted shall not be used before 9am on Mondays to Saturdays nor after 7pm Mondays to Saturday, between the period of 1st April to 30 September. During the period 1 October to 31 March, the Rally School shall not operate before 9am on Mondays to Saturdays and rally activity shall only take place during the hours of daylight. At no time throughout the year shall the Rally School operate on Sundays and Bank and Public holidays, subject to the exemption set out in condition C.90H.

REASON: The use of this site outside these hours would be likely to cause nuisance and disturbance to adjacent residents.

C.14.1 The use hereby permitted shall be carried on only by Mr Simon James Clark and his immediate dependants in connection with their Rally School business carried on at Langley Lawn and for no other person.

REASON: To ensure that the site is operated to the highest standard in the interests of local amenity.

C.90D The use of the site for rally driving and rally vehicle testing shall not be used for more than eighty days per year, excluding Sundays and Bank and Public holidays, except as may be varied by condition C.90H.

REASON: In the interests of the appearance and character of the countryside.

C.90E No more than twelve visiting members of the public, including spectators, shall attend the Rally School hereby permitted at any one time.

REASON: In the interests of the appearance and character of the countryside.

C.90G The application site shall be used for the servicing and general repair of rally vehicles only during the approved hours of operation, and not for the servicing and general repair of any other vehicles.

REASON: In the interest of the appearance and character of the countryside.

C.90H The Rally School hereby permitted shall not be used for the purpose of holding any events except that a single charity event may be held during one weekend, including the Sunday of that weekend, in each calendar year.

REASON: In the interest of the appearance and character of the countryside and the residential amenity.

NOTE: Two other conditions required additional details to be submitted;

C.90-F Within one month of the date of this permission, details of visitor, staff and rally car parking areas shall be submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details within three months of the date of the planning permission. Such areas shall not thereafter be used for any purpose other than the parking of vehicles.

REASON: To ensure adequate parking spaces are available and in the interests of the appearance and character of the countryside.

C.90L Within one month of the date of this permission, details of an alternative siting of the first floor portable building shall be submitted to and approved in writing by the local planning authority. The alternative siting shall be at ground level. In the event that the relocation is not physically possible, full structural details setting out the reasons that the building may not be relocated must be submitted within that timescale. In the event that the relocation of the building is agreed, within one month of the approval date of the alternative siting, the first floor portable building shall be removed from its current position and relocated to the approved alternative location. The building shall subsequently be removed in accordance with the timescales set out in condition C.90A of this permission.

REASON: The design and appearance of the building is not appropriate for permanent siting in this rural location, and the impact is exacerbated by the height of the building. The relocation of the upper building would minimise the visual impact of the development in the landscape during the period of the temporary permission.

Details to address these conditions were never submitted, although the applicant offered to paint the portcabins a dark colour to blend in with the adjacent building, and therefore arguably the use has been in breach of these conditions since 08 August 2005.

**CONSULTATIONS:** North Herts District Council: No comments on the proposal.  
East Herts District Council: Do not wish to comment on the application.

**PARISH COUNCIL COMMENTS:** Consultation period expires 23 July 2006. No representations received.

**REPRESENTATIONS:** None. Notification period expired 14 July 2006.



**COMMENTS ON REPRESENTATIONS:** None.

**PLANNING CONSIDERATIONS:** The main issues are

- 1) **Countryside Policy (PPS7; ERSP Policy C5, RE2, & ULP Policy S7.);**
- 2) **Sustainability(PPS1, PPS7; ERSP Policy CS2);**
- 3) **Recreational facilities beyond settlement boundaries (ULP Policy LC4) and**
- 4) **Other material planning considerations.**

1) The following policies are applicable:

Structure Plan: POLICY C5 - Rural Areas not in the Green Belt

Within the Rural Areas outside the Metropolitan Green Belt the countryside will be protected for its own sake, particularly for its landscapes, natural resources and areas of ecological, historic, archaeological, agricultural and recreational value. This will be achieved by the restriction of new uses to those appropriate to a rural area, and the strict control of new building in the countryside outside existing settlements to that required to support agriculture, forestry or other rural uses or development in accordance with Policies H5, RE2 and RE3.

Development should be well related to existing patterns of development and of a scale, siting and design sympathetic to the rural landscape character.

POLICY CS2 - Protecting the Natural and Built Environment

The quality of the natural and built environment will be maintained and conserved by:-

1. Safeguarding and enhancing the character and townscape of the urban environment;
2. Giving priority to protecting and enhancing areas designated as having intrinsic environmental quality at international, national and strategic level;
3. Sustaining and enhancing the rural environment, including conserving the countryside character and the protection of the countryside for its own sake;
4. Protecting and enhancing the landscape, wildlife and heritage qualities of the coastline;
5. Enhancing and managing by appropriate use, land in the Metropolitan Green Belt and urban fringe;
6. Retaining the best and most versatile land for agriculture;
7. Preserving and enhancing the biodiversity of the area;
8. Managing the demand for water resources by controlling the location, scale and phasing of development so as to protect environmental and nature conservation interests.

Uttlesford Local Plan: POLICY S7 – The Countryside

The countryside to which this policy applies is defined as all those parts of the Plan area beyond the Green Belt that are not within the settlement or other site boundaries. In the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. This will include infilling in accordance with paragraph 6.13 of the Housing Chapter of the Plan. There will be strict control on new building. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

POLICY E4 - Farm Diversification: Alternative use of Farmland

Alternative uses for agricultural land will be permitted if all the following criteria are met:

- a) The development includes proposals for landscape and nature conservation enhancement;
- b) The development would not result in a significant increase in noise levels or other adverse impacts beyond the holding;
- c) The continued viability and function of the agricultural holding would not be harmed;
- d) The development would not place unacceptable pressures on the surrounding rural road network (in terms of traffic levels, road safety countryside character and amenity).

The original application was approved by the Council in 2003 on a temporary basis so as, “to allow the impact of the proposed development to be assessed in terms of disturbance to local residents and allow any future request to use the site to be assessed on this basis at the time”. The 2005 renewal gave a similar reason for the limited period of consent and required the site to be returned to its original condition once the use ceases in the interests of preserving countryside character. The applicant is now seeking a permanent approval to continue the approved temporary use on the same terms indefinitely.

Part of the aim of countryside policy set out in Policies C5, CS2 and S7 is to protect the character of the countryside for its own sake, and the tranquillity of the agricultural landscape must surely be an important part of that character. The use here under consideration can only be regarded as harmful to the protection of the countryside, as it is visually and audibly intrusive in this otherwise open arable landscape. The site is clearly visible across the open fields from the public highway as it runs to the north of the site. Policy does not accept the construction of new buildings in the countryside for non-agricultural purposes, though this use has introduced a double height stacked portacabin onto the site, thereby breaching a condition of the renewal of consent in 2005.

Although Uttlesford Local Plan Policy E5 makes provision for some diversification of agricultural land, it is supposed to include proposals for landscape and nature conservation enhancement, which this proposal has not provided to date and for which it still makes no proposals. The use is supposed to be one that results in no adverse impact beyond the holding and does not place unacceptable pressures on the surrounding rural road network. At the time of the site visit, late on a midweek morning, the use was in operation, and casual observation of the lane for a period of about half an hour showed that about half of the vehicles that used the lane had this operation as their destination. It is a significant generator of traffic in the area. It has however been accepted that there is no record of noise nuisance off the land holding.

Although the use was accepted for a limited period on the basis that the use would be temporary and low key, it is clear that the intention is to continue indefinitely, and with the companion application UTT/1068/06/FUL, if possible to consolidate and expand the scale of the use. The permanent introduction of this highly non-agricultural use into the open countryside is a far more serious conflict with countryside policy than a temporary use would be, and it is considered that such permanent retention would not be appropriate to protect the countryside for its intrinsic qualities. The existing portacabins and surrounding clutter and the activity that goes on around them and on the track are clearly visible from the lane across open fields on the north side of the application site, and are a visually intrusive feature in the countryside which is clearly not an agricultural activity. Although sited beside the large barn like hanger, the levels of activity and visual impact are much greater than would normally be associated with an agricultural storage barn in the middle of fields, or even with the occasional movement of a light aircraft from the hanger. It is not considered that the size, scale and appearance of the proposed buildings would be appropriate in this rural setting, and they would be harmful to the aim of policy to protect the countryside for its intrinsic qualities of landscape and appearance.

2) Essex & Southend on Sea Replacement Structure Plan Policy CS1 Achieving Sustainable Urban Regeneration, states that;

Development and economic growth will be accommodated in a sustainable manner which counters trends to more dispersed patterns of residence, employment and travel by:-

1. Giving the emphasis to improving the quality of life in urban areas, and achieving a significant enhancement of the vitality and viability of the urban environment, making them more attractive places to live, work, shop, spend leisure time and invest;
2. Concentrating new economic and housing development and redevelopment within the existing urban areas, wherever possible, and maximising the use of spare capacity in terms of land, buildings and infrastructure within urban areas;
3. Applying a sequential approach when considering development requirements and proposals so as to give preference to development within urban areas;
4. Giving priority to infrastructure and transport proposals that will facilitate the development and regeneration of urban areas and increase choice of sustainable means of transport;
5. Reducing disparities between the economic prospects of different parts of the Structure Plan area;
6. Seeking to achieve a balance between housing and employment provision within local areas;
7. Promoting mixed use neighbourhood development.

The original approval in November 2003 pre-dates the Government's publication of PPS7, Sustainable Development in Rural Areas, and although this was current at the time of the renewals in 2005 the sustainability arguments were balanced with the fact that the use would be temporary and low-key in nature. Policy now lays increasingly more stress upon sustainability, and the Essex & Southend on Sea Replacement Structure Plan also contains policy that addresses this aspect. The use is located in a remote rural position where it can only be accessed by the private car, and the sole purpose of the activity is to drive cars repeatedly along a track at high speed. All of this activity generates carbon dioxide and contributes to global warming, and is contrary to the aims of Government Policy to reduce the dependence upon, and use of, the private car. The use can only be seen as an unsustainable one.

3) POLICY LC4 states:

- Provision of Outdoor Sport and Recreational Facilities Beyond Development limits  
The following developments will be permitted:

- a) Outdoor sports and recreational facilities, including associated buildings such as changing rooms and club-houses;
- b) Suitable recreational after use of mineral workings.

The Local Plan does not discuss this at any length, but the policy sits among other policies primarily directed at making provision for the recreational and leisure needs of existing settlements and communities in the District. The intent of the policy was to provide for sport and recreation facilities for existing communities, where such land might be just outside of the Development Limit. The Policy has to be read in conjunction with the more general policies on protection of the countryside and sustainability outlined above. It is not accepted that this Policy gives any support to the rally driving school use.

4) Farm diversification has been mentioned by the applicant in support of the proposal. Although Uttlesford Local Plan Policy E5 makes provision for some diversification of agricultural land, it is supposed to include proposals for landscape and nature conservation enhancement, which this proposal has not provided to date and for which it still makes no

proposals. The use is supposed to be one that results in no adverse impact beyond the holding and does not place unacceptable pressures on the surrounding rural road network. At the time of the site visit, late on a midweek morning, the use was in operation, and casual observation of the lane for a period of about half an hour showed that about half of the vehicles that used the lane had this operation as their destination. It is a significant generator of traffic in the area. It has however been accepted that there is no record of noise nuisance off of the land holding.

The guidance in PPS7 states;

Para 30 - Recognising that diversification into non-agricultural activities is vital to the continuing viability of many farm enterprises, local planning authorities should:

(ii) be supportive of well-conceived farm diversification schemes for business purposes that contribute to sustainable development objectives and help to sustain the agricultural enterprise, and are consistent in their scale with their rural location. This applies equally to farm diversification schemes around the fringes of urban areas.

And at para 31.- A supportive approach to farm diversification should not result in excessive expansion and encroachment of building development into the countryside.

The rally school is not operated by the agricultural holding itself, but by the brother of the farm owner. The revenue from the use therefore does not directly help to sustain the agricultural enterprise, though it is presumed that some form of rent is earned. Even so, the need to contribute to sustainable development objectives is stressed, and this use is not considered to meet those objectives. Even at its current scale the use has already resulted in the erection of buildings for a non-agricultural purpose, which are not of a type normally to be found in an arable landscape, and it is considered that they represent excessive encroachment and expansion into the countryside.

**CONCLUSION:** The operation of this site for rallying purposes has occurred on this site since some time in 2001. The background of planning policy has materially changed during this time, placing more importance upon sustainable forms of development, and upon the protection of the countryside from inappropriate development.

It is considered that this use cannot be accepted for any further period of time.

**RECOMMENDATION: REFUSAL REASONS**

1. The use of the site as a rally driving school is considered to be contrary to the aims of planning policies to protect the countryside for its own sake and for its landscapes and agricultural value. The use is not considered to be an appropriate one for a rural area, being intrusive in nature and harming the aim of policy to protect the countryside for its own sake and for its landscapes, as well as being detrimental to the tranquility of the countryside, and placing an additional traffic load upon the narrow rural lanes in the vicinity, and is thereby contrary to the aims of PPS7, Policies C5 and CS2 of the Essex & Southend-on-Sea Replacement Structure Plan and Policy S7 of the Uttlesford Local Plan.
2. The use of the site as a rally driving school is considered to be contrary to the aims of planning policies to promote sustainable patterns and forms of development, and in this location it can only be served by the private car, as well as by its very nature being dependent upon intensive use of cars. This results in additional car borne trip generation and additional use of cars that contribute to carbon dioxide generation and global warming, contrary to national targets to reduce carbon emissions. The proposal is considered to be contrary to the aims of PPS1 and PPS7, and Essex & Southend on Sea Replacement Structure Plan Policies CS1.

*Background papers: see application file.*

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## UTT/1068/06/FUL - LANGLEY

Permanent retention of rally school use. Variation of conditions attached to UTT/0761/05/REN (hours of use, number of activity days, and visitor numbers). Extension of track by 300m. Relocation of access track. Creation of landscaped bunds. Provision of 3rd portable building and cladding of proposed and existing portable buildings. Relocation of changing room. Provision of access link between car parks. Additional landscaping

Location: Langley Park Rally School. GR/TL 425-348.

Applicant: Mr Simon Clark

Agent: John Grayson

Case Officer: Mr T Morton 01799 510654

Expiry Date: 21/09/2006

ODPM Classification: MAJOR

**NOTATION:** Outside Development Limit.

**DESCRIPTION OF SITE:** The site is located at the edge of the District to the west of Langley Lower Green on farmland associated with Langley Lawn. The length of track to be used for rally school tuition is part of a former airfield, situated approximately 250 metres east of Langley Lawn and is accessed along a rough track from the farm. The track, used as part of the existing rally school, is approximately 450 metres in length and is located between two agricultural fields. The site is quite open in character with a hedge to the north side of the portacabin buildings, and a large aircraft hanger building adjacent to the west side, not used in conjunction with the rally school. Two portacabins are stacked one on top of the other to provide briefing facilities for drivers and spectator, changing rooms and refreshment facilities. The toilets are nearby in another demountable.

**DESCRIPTION OF PROPOSAL:** The applicant is seeking permanent consent to retain the use of the site as a rally school, with changes to expand the scale of the operation consisting of;

- Increase times of operation by one hour on one day per week to 8:00 p.m.
- Extend the track by 300 metres to 700 metres
- Increase the number of days use per year from 80 to 100
- Increase the limit on spectator numbers from 12 to 24 with a limit of 18 visitor's cars
- Provide a new access to the site
- Provide earth mounding to the side of the existing and extended track with planting
- Modify and extend the existing double stacked portacabin to clad them in profiled metal sheeting and provide a third portacabin to replace the existing portaloos facilities
- Relocate the existing third portacabin
- Provide an access track to link their two separate car parks
- Provide landscape planting

**APPLICANT'S CASE:** The applicant has submitted a lengthy supporting statement in conjunction with the application plans, which is available for inspection at the Council Offices.

**RELEVANT HISTORY:** The use began its life circa 2001, as an activity conducted under Permitted Development rights to use open land for the purpose of a motor racing or training related activity for up to 14 days in any calendar year.

UTT/0785/03/FUL. Change of use of agricultural land to rally school. Approved 4 December 2003 subject to conditions on use.

UTT/0761/05/REN Renewal of temporary planning permission for change of use a agricultural land to rally school for eighty days per year until 31.12.2006. Approved 08 July 2005.

UTT/0762/05/FUL Variation of conditions to planning permission UTT/0785/03/FUL for alteration of user, extension of use by one hour and retention of two portacabins. Limited period permission granted to 31.12.2006.

Conditions to control the operation of the use included;

C.90B The Rally School hereby permitted shall not be used before 9am on Mondays to Saturdays nor after 7pm Mondays to Saturday, between the period of 1st April to 30 September. During the period 1 October to 31 March, the Rally School shall not operate before 9am on Mondays to Saturdays and rally activity shall only take place during the hours of daylight. At no time throughout the year shall the Rally School operate on Sundays and Bank and Public holidays, subject to the exemption set out in condition C.90H.

REASON: The use of this site outside these hours would be likely to cause nuisance and disturbance to adjacent residents.

C.14.1. The use hereby permitted shall be carried on only by Mr Simon James Clark and his immediate dependants in connection with their Rally School business carried on at Langley Lawn and for no other person.

REASON: To ensure that the site is operated to the highest standard in the interests of local amenity.

C.90D The use of the site for rally driving and rally vehicle testing shall not be used for more than eighty days per year, excluding Sundays and Bank and Public holidays, except as may be varied by condition C.90H.

REASON: In the interests of the appearance and character of the countryside.

C.90E No more than twelve visiting members of the public, including spectators, shall attend the Rally School hereby permitted at any one time.

REASON: In the interests of the appearance and character of the countryside.

C.90G The application site shall be used for the servicing and general repair of rally vehicles only during the approved hours of operation, and not for the servicing and general repair of any other vehicles.

REASON: In the interest of the appearance and character of the countryside.

C.90H The Rally School hereby permitted shall not be used for the purpose of holding any events except that a single charity event may be held during one weekend, including the Sunday of that weekend, in each calendar year.

REASON: In the interest of the appearance and character of the countryside and the residential amenity.

NOTE: Two other conditions required additional details to be submitted;

C.90-F Within one month of the date of this permission, details of visitor, staff and rally car parking areas shall be submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details within three months of the date of the planning permission. Such areas shall not thereafter be used for any purpose other than the parking of vehicles.

REASON: To ensure adequate parking spaces are available and in the interests of the appearance and character of the countryside.

C.90L Within one month of the date of this permission, details of an alternative siting of the first floor portable building shall be submitted to and approved in writing by the local planning authority. The alternative siting shall be at ground level. In the event that the relocation is not physically possible, full structural details setting out the reasons that the building may not be relocated must be submitted within that timescale. In the event that the relocation of the building is agreed, within one month of the approval date of the alternative siting, the first floor portable building shall be removed from its current position and relocated to the approved alternative location. The building shall subsequently be removed in accordance with the timescales set out in condition C.90A of this permission.

REASON: The design and appearance of the building is not appropriate for permanent siting in this rural location, and the impact is exacerbated by the height of the building. The relocation of the upper building would minimise the visual impact of the development in the landscape during the period of the temporary permission.

Details to address these conditions were never submitted, although the applicant offered to paint the portcabins a dark colour to blend in with the adjacent building, and therefore arguably the use has been in breach of these conditions since 08 August 2005.

**CONSULTATIONS:** North Herts. District Council: No comments on the proposal.  
East Herts. Council Do not wish to comment on the application.

**PARISH COUNCIL COMMENTS:** Consultation period expires 23 July 2006.

**REPRESENTATIONS:** None. Notification period expired 14 July 2006.

**COMMENTS ON REPRESENTATIONS:** None.

**PLANNING CONSIDERATIONS:** The main issues are

- 1) **Countryside Policy (PPS7; ERSP Policy C5, RE2, & ULP Policy S7.);**
- 2) **Sustainability(PPS1, PPS7; ERSP Policy CS2);**
- 3) **Recreational facilities beyond settlement boundaries (ULP Policy LC4) and**
- 4) **Other material planning considerations.**

1) The following policies are applicable;

Structure Plan: POLICY C5 - Rural Areas not in the Green Belt

Within the Rural Areas outside the Metropolitan Green Belt the countryside will be protected for its own sake, particularly for its landscapes, natural resources and areas of ecological, historic, archaeological, agricultural and recreational value. This will be achieved by the restriction of new uses to those appropriate to a rural area, and the strict control of new building in the countryside outside existing settlements to that required to support agriculture, forestry or other rural uses or development in accordance with Policies H5, RE2 and RE3.

Development should be well related to existing patterns of development and of a scale, siting and design sympathetic to the rural landscape character.

POLICY CS2 Protecting the Natural and Built Environment

The quality of the natural and built environment will be maintained and conserved by:-

1. Safeguarding and enhancing the character and townscape of the urban environment;
2. Giving priority to protecting and enhancing areas designated as having intrinsic environmental quality at international, national and strategic level;
3. Sustaining and enhancing the rural environment, including conserving the countryside character and the protection of the countryside for its own sake;
4. Protecting and enhancing the landscape, wildlife and heritage qualities of the coastline;
5. Enhancing and managing by appropriate use, land in the Metropolitan Green Belt and urban fringe;
6. Retaining the best and most versatile land for agriculture;
7. Preserving and enhancing the biodiversity of the area;
8. Managing the demand for water resources by controlling the location, scale and phasing of development so as to protect environmental and nature conservation interests.

#### Uttlesford Local Plan: POLICY S7 – The Countryside

The countryside to which this policy applies is defined as all those parts of the Plan area beyond the Green Belt that are not within the settlement or other site boundaries. In the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. This will include infilling in accordance with paragraph 6.13 of the Housing Chapter of the Plan. There will be strict control on new building. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

#### POLICY E4 - Farm Diversification: Alternative use of Farmland

Alternative uses for agricultural land will be permitted if all the following criteria are met:

- a) The development includes proposals for landscape and nature conservation enhancement;
- b) The development would not result in a significant increase in noise levels or other adverse impacts beyond the holding;
- c) The continued viability and function of the agricultural holding would not be harmed;
- d) The development would not place unacceptable pressures on the surrounding rural road network (in terms of traffic levels, road safety countryside character and amenity).

The original application was approved by the Council in 2003 on a temporary basis so as, “to allow the impact of the proposed development to be assessed in terms of disturbance to local residents and allow any future request to use the site to be assessed on this basis at the time”. The 2005 renewal gave a similar reason for the limited period of consent and required the site to be returned to its original condition once the use ceases in the interests of preserving countryside character. The applicant is now seeking a permanent approval to continue the approved temporary use on a much expanded basis.

Part of the aim of countryside policy set out in Policies C5, CS2 and S7 is to protect the character of the countryside for its own sake, and the tranquillity of the agricultural landscape must surely be an important part of that character. The use here under consideration can only be regarded as harmful to the protection of the countryside, as it is visually and audibly intrusive in this otherwise open arable landscape. Policy does not accept the construction of new buildings in the countryside for non-agricultural purposes, though this use has introduced a double height stacked portacabin onto the site, thereby breaching a condition of the renewal of consent in 2005.

At present the track is only suited for single users, but increasing the length and width could enable use by multiple vehicles. Creating bunding and extending the hardsurfacing and car parking would also increase the visual impact of the development.

The proposed new access track would be a wholly new road where at present arable fields run either side of a hedgerow, making an attractive country scene. The new road would be visually intrusive, and its junction would be opposite the end of a designated Protected Roadside Verge, which might suffer damage as vehicles turn in and out of the proposed access.

Extensive debate about the visual impact of the buildings took place when the Members of the Development Control Committee considered the renewal application. The wish had been for these to be at ground level only. Cladding them and increasing the footprint only serves



to increase the visual impact of the development in the landscape. The existing portacabins and surrounding clutter and the activity that goes on around them and on the track are clearly visible from the lane across open fields on the north side of the application site, and are a visually intrusive feature in the countryside which is clearly not an agricultural activity. Although sited beside the large barn like hanger, the levels of activity and visual impact are much greater than would normally be associated with an agricultural storage barn in the middle of fields, or even with the occasional movement of a light aircraft from the hanger. It is not considered that the size, scale and appearance of the proposed buildings would be appropriate in this rural setting, and they would be harmful to the aim of policy to protect the countryside for its intrinsic qualities of landscape and appearance.

2) Essex & Southend on Sea Replacement Structure Plan Policy CS1 Achieving Sustainable Urban Regeneration, states that;

Development and economic growth will be accommodated in a sustainable manner which counters trends to more dispersed patterns of residence, employment and travel by:-

1. Giving the emphasis to improving the quality of life in urban areas, and achieving a significant enhancement of the vitality and viability of the urban environment, making them more attractive places to live, work, shop, spend leisure time and invest;
2. Concentrating new economic and housing development and redevelopment within the existing urban areas, wherever possible, and maximising the use of spare capacity in terms of land, buildings and infrastructure within urban areas;
3. Applying a sequential approach when considering development requirements and proposals so as to give preference to development within urban areas;
4. Giving priority to infrastructure and transport proposals that will facilitate the development and regeneration of urban areas and increase choice of sustainable means of transport;
5. Reducing disparities between the economic prospects of different parts of the Structure Plan area;
6. Seeking to achieve a balance between housing and employment provision within local areas;
7. Promoting mixed use neighbourhood development.

The original approval in November 2003 pre-dates the Government's publication of PPS7, Sustainable Development in Rural Areas, and although this was current at the time of the renewals in 2005 the sustainability arguments were balanced with the fact that the use would be temporary and low-key in nature. Policy now lays increasingly more stress upon sustainability, and the Essex & Southend on Sea Replacement Structure Plan also contains policy that addresses this aspect. The use is located in a remote rural position where it can only be accessed by the private car, and the sole purpose of the activity is to drive cars repeatedly along a track at high speed. All of this activity generates carbon dioxide and contributes to global warming, and is contrary to the aims of Government Policy to reduce the dependence upon, and use of, the private car. The use can only be seen as an unsustainable one.

The increase in days of operation does not help the sustainability issue, increasing the days significantly brings into question the low-key nature of the use.

3) Policy LC4 states;

- Provision of Outdoor Sport and Recreational Facilities Beyond Development limits

The following developments will be permitted:

- a) Outdoor sports and recreational facilities, including associated buildings such as changing rooms and club-houses;

- b) Suitable recreational after use of mineral workings.

The Local Plan does not discuss this at any length, but the policy sits among other policies primarily directed at making provision for the recreational and leisure needs of existing settlements and communities in the District. The intent of the policy was to provide for sport and recreation facilities for existing communities, where such land might be just outside of the Development Limit. The Policy has to be read in conjunction with the more general policies on protection of the countryside and sustainability outlined above. It is not accepted that this Policy gives any support to the rally driving school use.

4) Farm diversification has been mentioned by the applicant in support of the proposal. Although Uttlesford Local Plan Policy E5 makes provision for some diversification of agricultural land, it is supposed to include proposals for landscape and nature conservation enhancement, which this proposal has not provided to date and for which it still makes no proposals. The use is supposed to be one that results in no adverse impact beyond the holding and does not place unacceptable pressures on the surrounding rural road network. At the time of the site visit, late on a midweek morning, the use was in operation, and casual observation of the lane for a period of about half an hour showed that about half of the vehicles that used the lane had this operation as their destination. It is a significant generator of traffic in the area. It has however been accepted that there is no record of noise nuisance off of the land holding.

The guidance in PPS7 states;

Para 30 - Recognising that diversification into non-agricultural activities is vital to the continuing viability of many farm enterprises, local planning authorities should:

(ii) be supportive of well-conceived farm diversification schemes for business purposes that contribute to sustainable development objectives and help to sustain the agricultural enterprise, and are consistent in their scale with their rural location. This applies equally to farm diversification schemes around the fringes of urban areas.

And at para 31.- A supportive approach to farm diversification should not result in excessive expansion and encroachment of building development into the countryside.

The rally school is not operated by the agricultural holding itself, but by the brother of the farm owner. The revenue from the use therefore does not directly help to sustain the agricultural enterprise, though it is presumed that some form of rent is earned. Even so, the need to contribute to sustainable development objectives is stressed, and this use is not considered to meet those objectives. Even at its current scale the use has already resulted in the erection of buildings for a non-agricultural purpose, which are not of a type normally to be found in an arable landscape, and it is considered that they represent excessive encroachment and expansion into the countryside.

Although the use was accepted for a limited period on the basis that the use would be temporary and low key, it is clear that the intention is to continue indefinitely, and to consolidate and expand the scale of the use. The permanent introduction of this highly non-agricultural use into the open countryside is a far more serious conflict with countryside policy than a temporary use would be, and it is considered that such permanent retention and expansion of the operation would not be appropriate to protect the countryside for its intrinsic qualities.

**CONCLUSION:** The operation of this site for rallying purposes has occurred on this site since some time since 2001. The background of planning policy has materially changed during this time, placing more importance upon sustainable forms of development, and upon the protection of the countryside from inappropriate development. It is considered that expansion of this use cannot be accepted.

**RECOMMENDATION: REFUSAL REASONS**

1. The use of the site as a rally driving school is considered to be contrary to the aims of planning policies to protect the countryside for its own sake and for its landscapes and agricultural value. The use, and the proposed buildings and expanded length of vehicle track are not considered to be appropriate for a rural area, being intrusive in nature and harming the aim of policy to protect the countryside for its own sake and for its landscapes, as well as being harmful to the tranquillity of the countryside, and placing an additional traffic load upon the narrow rural lanes in the vicinity, and is considered to be contrary to the aims of PPS7, Policy C5 and CS2 of the Essex & Southend on Sea Replacement Structure Plan and Policy S7 of the Uttlesford Local Plan.
2. The use of the site as a rally driving school is considered to be contrary to the aims of planning policies to promote sustainable patterns and forms of development, and in this location it can only be served by the private car, as well as by its very nature being dependent upon intensive use of cars. This results in additional car borne trip generation and additional use of cars that contribute to carbon dioxide generation and global warming, and the expansion of the activity that is envisaged by the application proposals would exacerbate this situation, contrary to national targets to reduce carbon emissions. The proposal is considered to be contrary to the aims of PPS1 and PPS7, and Essex & Southend on Sea Replacement Structure Plan Policies CS1.
3. The proposed new access track would introduce a new built feature into the countryside that would detract from the visual appearance of the pleasant hedgerow between fields presently located here, and would create an access opposite the end of a Protected Roadside Verge, designated for its special flora, which would be likely to suffer damage from over-running vehicles when turning in or out of the new access, contrary to ULP Policy ENV8.

*Background papers: see application file.*

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## **UTT/1071/06/FUL - GREAT DUNMOW**

Installation of 2 no 600mm transmission dishes with associated feeder cabling and internal equipment

Location: Gussetts Water Tower Homelye Chase. GR/TL 648-223.

Applicant: Anglian Water Services

Agent: Paul Askew

Case Officer: Mrs A Howells 01799 510468

Expiry Date: 18/08/2006

ODPM Classification: OTHER

**NOTATION:** Outside Development Limits.

**DESCRIPTION OF SITE:** The site is located on the northern side of the B1256 one mile east of Great Dunmow. It comprises a water tower 18m high surrounded by evergreen trees set back from the road on an elevated plateau surrounded by farmland. There is a complex of farm buildings, five dwellings to the north. The tower is already adorned with various antennae and other telecommunication equipment of several mobile phone operators.

**DESCRIPTION OF PROPOSAL:** To install 2 no. 600mm transmission dishes with associated feeder cabling and internal equipment. The two new dish poles will be fixed to the inside of the parapet wall on the top of the tower, in accordance with the design of the other telecommunications equipment already present on the tower. An associated equipment panel measuring approx. 600mm by 600mm is to be sited in the existing telemetry cabin adjacent to the base of the water tower.

The water tower forms an important part of the new Anglia Water Service Telemetry System as it forms the links between Lakehorse Reservoir and Parkfield Water Tower new network and is a scanner site which collects data and relays the gathered information back to a data collection centre. It is an electronic communication network.

**APPLICANT'S CASE:** A supporting information was submitted with the application. The conclusion is reproduced below:

The telemetry installation proposed as set out in this application has been designed and sited, having regard to technical, engineering and land use planning considerations, in order to minimize its impact on the local environment whilst providing the necessary line of sight between adjoining linked sites. Accordingly, the proposed development is considered to conform with both National and Local Planning policies.

**RELEVANT HISTORY:** Eleven proposals for telecom equipment approved on water tower since 1986.

**CONSULTATIONS:** None

**PARISH COUNCIL COMMENTS:** Little Dunmow – None received.  
Great Dunmow – Support.

**REPRESENTATIONS:** None. Notification period expired 17<sup>th</sup> July 2006.

**PLANNING CONSIDERATIONS: The main issue is whether the proposal would meet the criteria set out in the relevant Government Advice Notes, Regional and Local Development Plan Policies**

The relevant advice and policy guidance indicates that telecommunications equipment will be permitted if the following criteria are all met:

1. Preference for site sharing – All guidance and policy indicates that existing telecom facilities, buildings and other structures should be considered prior to progressing any stand alone installations. The nature of this equipment to function correctly, there must be clear line of sight between connecting sites which means that the path between the dishes must be free of trees and other obstacles, particularly those in close proximity to the dishes. This site which is currently used satisfies this part of the criteria.
2. The technical requirement outweighs its visual impact – The Water Tower, the subject of this application, forms an important part of the new Anglia Water Services Telemetry System as it forms the links between Lakehouse Reservoir and Parkfield Water Tower. The site forms part of the new network and is a scanner site, which collects data and relays the gathered information back to a data collection centre.
3. The equipment is located so as to reduce its impact as far as possible – The proposed antennae would be a maximum of 20m above ground level and their impact on the surrounding countryside would be minimal. The service cabinet would be unobtrusively located at the base of the tower, well screened by existing screening.

**CONCLUSIONS:** The proposal meets the criteria set out in Government Guidance and contained with regional and local plan 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.

*Background papers: see application file.*

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## **UTT/0942/06/LB - GREAT DUNMOW**

***(Application by Staff Member)***

Insertion of flue (for gas boiler) through roof.

Location: The Garden Flat 5 Westbury House Stortford Road. GR/TL 624-220  
Applicant: Mr M Lodder  
Agent: Mr M Lodder  
Case Officer: Mr Y Falana - 01799 510464  
Expiry Date: 14/08/2006  
Classification: Other

**NOTATION:** Grade II Listed Building on residential street within the Conservation Area and Development Limits.

**DESCRIPTION OF SITE:** The application site comprises a garden flat in a two-storey terraced property converted into three self-contained flats arranged with two self-contained flats on the ground floor and one on the first floor. The building is Grade II listed and close to Great Dunmow Town Centre

The application premises itself lies to the rear of building with rear entrance. No.6 adjoining occupier owns part of the roof and their flue does protrude on the back elevation.

Access from Stortford Road is through an alley abutting the boundary of the adjoining building No.6 Westbury House, forming a short cul-de-sac to the south of Stortford Road.

**DESCRIPTION OF PROPOSAL:** This application seeks listed building consent for insertion of flue through roof, as a result of the need for installation of gas boiler on the premises.

The proposal with an overall height of 2.3m, would project 0.7m outwards through the roof of flat and externally, it would be metal materials with matt black finish.

The new gas boiler would provide hot water and gas central heating for the flat. This proposal is similar to the chimney going through roof to the rear of No.6 Westbury House.

**CONSULTATIONS:** Specialist Advice on Historic Buildings and Conservation: To be reported (due 10 July 2006).

**TOWN COUNCIL COMMENTS:** To be reported (due 19 July 2006).

**REPRESENTATIONS:** This application has been advertised in the local press and no representations have been received. Period expired 20 July 2006.

**COMMENTS ON REPRESENTATIONS:** None

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

- 1) the new flue through roof respects the scale, design, materials and character of the host Grade II listed building (ODPM PPS (15); ERSP Policies CS2, C5 and HC3; ULP Policies GEN2 and ENV2);
- 2) the installation work would preserve the character or appearance of the Conservation Area as a whole (ERSP Policy HC2; ULP Policy ENV1);
- 3) the work would impact negatively on neighbour's amenity (ULP Policy GEN4).

This is a low key improvement work to both internal and external parts of the Grade II listed building. The proposal is similar to the installed small flue through roof to rear of No. 6 Westbury House.

Although a response from the UDC Design and Conservation Officer is awaited, however this proposal does not appear to detract from the setting of the host listed building.

The proposed installation works would respect the scale, design, materials and character of the host Grade II listed building and would not significantly impair the character of the conservation area. The works would not impact negatively on neighbour's amenity.

**CONCLUSIONS:** The flue installation work respects the scale, design, materials and setting of the host Grade II listed building and would not significantly impair the appearance of the conservation area. The works to be undertaken would have a minimal impact on neighbour's amenity hence the recommendation of approval of listed building consent subject to conditions below.

**RECOMMENDATION: LISTED BUILDING CONSENT WITH CONDITIONS**

1. C.2.2. Time limit for commencement of development.
2. C.3.1: To be implemented in accordance with approved plans.
3. All external details to match existing.  
Reason: In the interests of preserving the historic character and appearance of the listed building and its setting.

*Background papers: see application file.*

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